

ORIGINAL

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

CERTIORARI FROM SPARTANBURG COUNTY

The Honorable R. Scott Sprouse., Circuit Court Judge

RECEIVED

AUG 25 2017

S.C. SUPREME COURT

Appellate Case No: 2016-001686

KEVIN C. CASEY,

RESPONDENT,

v.

STATE OF SOUTH CAROLINA,

PETITIONER.

SUPPLEMENTAL APPENDIX

LARA R. BAER
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR RESPONDENT

ALAN WILSON
Attorney General

VALERIE GARCIA GIOVANOLI
Assistant Attorney General

Office of the Attorney General
P.O. Box 11549
Columbia, SC 29211
(803)734-3727

ATTORNEYS FOR PETITIONER

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SOUTH CAROLINA LAW ENFORCEMENT DIVISION FORENSIC SERVICES LABORATORY REPORT

NIKKI R. HALEY
Governor

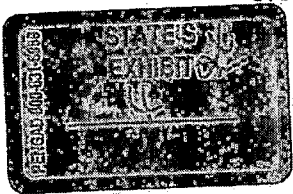


MARK A. KEEL
Chief

R.B. Thornton
S.C. Highway Patrol Troop #3
211 Century Dr. / Suite 210 C Century Plaza
Greenville, SC 29607

TOXICOLOGY DEPARTMENT
December 08, 2011
SLED No: L11-11796
Your Case No: 1123HP32536
Incident Date: 10/15/2011

[S] Kevin Charles Casey
[V] Jason Matth Simmons
[V-Deceased] Steven Ray Mills
[V-Deceased] Megan Celes Warren



This is an official report of the South Carolina Law Enforcement Division Forensic Services Laboratory and is to be used in connection with an official criminal investigation. These examinations were conducted under your assurance that no previous examinations of person(s) or evidence submitted in this case have been or will be conducted by any other laboratory or agency.

Mark A. Keel, Chief
South Carolina Law Enforcement Division

PARTIAL REPORT

ITEMS OF EVIDENCE

Item: 1 **Sample Type: Blood (Toxicology) - labeled "Kevin Casey"**

Analysis by Headspace Gas Chromatography (GC) and/or Headspace Gas Chromatography/Mass Spectrometry (GC/MS)

Analyte	Result	Units	Threshold
Ethanol	0.211	% w/v	0.01

Screen by Enzyme Linked Immunosorbant Assay (ELISA)

Analyte	Result	Units	Threshold
Amphetamine	Negative	mg/L	0.10
Benzodiazepines	Negative	mg/L	0.05
Methamphetamine	Negative	mg/L	0.10
Oxycodone	Negative	mg/L	0.10
Cannabinoids	Negative	mg/L	0.03



SLED No :L11-11796

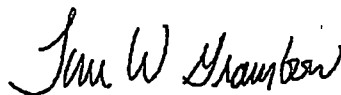
12/8/11

Screen by Fluorescence Polarization Immunoassay (FPIA)

Analyte	Result	Units	Threshold
Cocaine Metabolite	Negative	mg/L	0.20
Opiates	Negative	mg/L	0.10

Comprehensive Analysis

A comprehensive analysis was performed on this sample. With the exception of the compound(s) listed, no other drugs or poisons of concern were found.



Tim W. Grambow
Forensic Toxicologist

CC: Inv. Randall E. Bogan - Spartanburg County Coroner's Office





QH 0035FEF63A from III

SPTSL400

.QH.0035FEF63A.III.20111017 10:21:44

TO: SPTSL400-15313 20111017 10:21:44 0035FEF63A

FROM: III-16709178 20111017 10:21:44

7L010BF90024282QH

SC042015A

THIS NCIC INTERSTATE IDENTIFICATION INDEX RESPONSE IS THE RESULT OF YOUR INQUIRY ON NAM/CASEY, KEVIN SEX/M RAC/B DOB/ [REDACTED] PUR/C

NAME	FBI NO.	INQUIRY DATE
CASEY, KEVIN CHARLES	682992NA0	2011/10/17

SEX	RACE	BIRTH DATE	HEIGHT	WEIGHT	EYES	HAIR	PHOTO
M	B	[REDACTED]	508	185	BRO	BLK	N

BIRTH PLACE
SOUTH CAROLINA

FINGERPRINT CLASS	PATTERN CLASS
DO PM PM PO 20	UC UC UC UC UC UC UC UC UC UC
PI PO PO DM DI	UC UC UC UC UC UC UC UC UC UC
	UC UC UC UC UC UC UC UC UC UC

ALIAS NAMES	
CASEY, KEVIN	CASEY, KEVIN C
CASEY, KEVIN CASEY	

OTHER
BIRTH DATES SOCIAL SECURITY

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

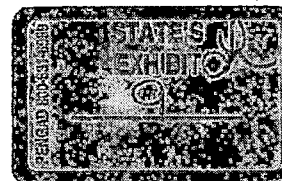
IDENTIFICATION DATA UPDATED 2011/10/16

THE CRIMINAL HISTORY RECORD IS MAINTAINED AND AVAILABLE FROM THE FOLLOWING:

SOUTH CAROLINA - STATE ID/SC00816763

THE RECORD(S) CAN BE OBTAINED THROUGH THE INTERSTATE IDENTIFICATION INDEX BY USING THE APPROPRIATE NCIC TRANSACTION.

END





ICHS 003FB2EF1E from SCCH

SPTSL400

. ICHS.003FB2EF1E.SCCH.20111017 10:21:43

TO: SPTSL400-15312 20111017 10:21:43 003FB2EF1E

FROM: SCCH-11726622 20111017 10:21:43

ICHS/QH INQUIRY OF SCLED CCH FILES USING:

ATN-ELLIS

ORI-SC042015A PUR-C

NAM-CASEY, KEVIN

SEX-M RAC-B DOB- [REDACTED]

DATE-10/17/2011 TIME-10:27 PAGE-01 OF 01

ORI-SC042015A

SCLED IDENT RESPONSE TO ICHS/QH INQUIRY

THIS RESPONSE CONTAINS POSSIBLE HITS ONLY AND DOES NOT IMPLY A POSITIVE MATCH WITH THE INDIVIDUAL IN QUESTION

NAME-CASEY, KEVIN CASEY SEX-M RACE-B

HEIGHT-508 WEIGHT-185 EYES-BRO HAIR-BLK SKIN- BORN-SC

FPC: HENRY- O 32 W MMO 20 NCIC-DOPMPMP020PIPOPODMI

I 28 W OOM

SID-SC00816763 FBI-682992NA0

PHOTOGRAPH AVAILABLE

1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--10/10/1991 DATE OF LAST UPDATE--10/16/2011

ALIAS NAMES-CASEY, KEVIN C

CASEY, KEVIN CHARLES

BIRTH DATES- [REDACTED]

SOC SEC NUMBERS- [REDACTED]

SCLED CJIS CCH FILE INDICATES SUBJECT HAS NO OUT-OF-STATE ARRESTS

INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS. THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS DEFINED BY THE GUN CONTROL ACT OF 1968 (18.USC 922(G)).

** END OF IDENT **

REQUESTED FOR CRIMINAL JUSTICE PURPOSES MAY OCCUR DAILY, A NEW INQUIRY SHOULD BE MADE AND NO SUBSEQUENT USE OF THIS RECORD IS ALLOWED.

FOR COMPLETE CRIMINAL HISTORY, PERFORM ICHR INQUIRY USING SID NUMBER OR FBI NUMBER.

REQUEST FORWARDED TO NCIC

ANY OUT-OF-STATE IDENT INFORMATION TO FOLLOW FROM NCIC VIA YOUR TERMINAL

** END OF MESSAGE **



ICHR 003FB2EF24 from SCCH

SPTSL400

.ICHR.003FB2EF24.SCCH.20111017 10:22:33
TO: SPTSL400-15314 20111017 10:22:33 003FB2EF24
FROM: SCCH-11726628 20111017 10:22:33

ICHR REQUEST FOR RAP SHEET
ORI-SC042015A FBI-682992NAO PUR-C
ATN-ELLIS

AUTHORIZED CRIMINAL JUSTICE AGENCY USE ONLY. CONTACT CONTRIBUTING
AGENCY FOR SPECIFIC/MORE DATA ABOUT CHARGES AND/OR DISPOSITIONS.
BECAUSE ADDITIONS OR DELETIONS MAY BE MADE AT ANY TIME, A NEW COPY
SHOULD BE REQUESTED WHEN NEEDED FOR SUBSEQUENT USE.

PAGE-01 DATE-10/17/2011 TIME-10:28:22
REQ ORI-SC042015A 7TH JUDICIAL CIRCUIT
SID-SC00816763 FBI-682992NAO
NAME-CASEY, KEVIN CASEY SEX-M RACE-B
HEIGHT-508 WEIGHT-185 EYES-BRO HAIR-BLK SKIN- BORN-SC
FPC-DOPMPMO20PIPOPODMI HENRY- O 32 W MMO 20
I 28 W OOM

PHOTOGRAPH AVAILABLE
1-FINGERPRINT IMAGES ON THIS SUBJECT ARE STORED ON SCAFIS

DATE RECORD ENTERED--10/10/1991 DATE OF LAST UPDATE--10/16/2011

ADDITIONAL IDENTIFIERS NAME	BIRTH DATES	MARKS	SOC SEC	MISC NUM
CASEY, KEVIN C	[REDACTED]		[REDACTED]	
CASEY, KEVIN CHARLES	[REDACTED]		[REDACTED]	

CONTRIBUTOR/SUBJECT	DOA/RCVD CHARGE/DISPOSITION/ETC
CASEY, KEVIN CASEY SC0420100 SPARTANBURG PD CASE-20111 WARR-00529QV	09/11/1991 ARREST CHARGE 01-POSS MARIJUANA NA OFFENSE DATE-09/11/1991 PHOTOGRAPH AVAILABLE COURT CHARGE 01-POSSESSION OF MARIJUANA COURT DISP-CONVICTED; FINE OR \$248
CASEY, KEVIN CHARLES SC0440000 UNION CNTY SO CASE-9200004682 WARR-D305006 @	05/25/1992 ARREST CHARGE 01-RESISTING ARREST

WARR-D305005 @

OFFENSE DATE-05/25/1992
PHOTOGRAPH AVAILABLE

WARR-D305006

ARREST CHARGE 02-DISORDERLY
CONDUCT

COURT CHARGE 01-RESISTING
ARREST

COURT DISP-CONVICTED;60D SS
1 WEEK CRED TIME SERVED

SS 4M PROB 8D PSE

COURT DATE-05/28/1992

WARR-D305005

COURT CHARGE 02-DISORDERLY
CONDUCT

COURT DISP-CONVICTED;\$248
FORFEIT

COURT DATE-08/17/1992

CASEY, KEVIN CHARLES
SC0420100 SPARTANBURG PD
CASE-20111
ATN-
WARR-F693831

05/19/1999

ARREST CHARGE 01-VIOLATION
PISTOL ACT
PHOTOGRAPH AVAILABLE

CIT-16-23-20 MISDEMEANOR
DOC-99GS4204076 WARR-F693831

COURT CHARGE 01-UNLAWFUL
CARRYING OF WEAPON
COURT DISP-CONVICTED;12 MO
AND \$1000.00 SUS \$250.00
DUE 09-29-99
COURT DATE-06/29/1999

ATN-

CASEY, KEVIN CHARLES
SC0420000 SPARTANBURG CNTY SO
CASE-079099
ATN-
WARR-G251984

08/20/1999

ARREST CHARGE 01-GRAND LARCEN
Y
OFFENSE DATE-08/20/1999
PHOTOGRAPH AVAILABLE

WARR-G251985

ARREST CHARGE 02-UNLAWFUL
POSS OF PISTOL
OFFENSE DATE-08/20/1999

CIT-16-13-30(B)(1) FELONY
DOC-99GS4205332 WARR-G251984

COURT CHARGE 01-GRAND LARCENY
, VALUE >\$1,000 BUT <\$5,000
COURT DISP-NON-CONVICTION;
NOLLE PROSSED
COURT DATE-11/13/2000

ATN-

CIT-16-23-20 MISDEMEANOR
DOC-99GS4205331 WARR-G251985

COURT CHARGE 02-UNLAWFUL
CARRYING OF WEAPON
COURT DISP-CONVICTED;1 YR
SUS DURING PROB
COURT DATE-03/12/2001

SC040015G CENTRAL PPP
CIT-16-13-230 (B) (2)-FELONY
WARR-DI

COURT CHARGE 03-BREACH OF
TRUST W/FRAUD INTENT, VALUE
>\$1,000

COURT DISP-CONVICTED;1Y SUSPE
NDED TO C&A & 3Y PROBATION
COURT DATE-03/12/2001

CASEY, KEVIN CHARLES
SC0420100 SPARTANBURG PD
CASE-20111
ATN-
WARR-31144BD

12/25/1999

ARREST CHARGE 01-PUBLIC DRUNK
OFFENSE DATE-12/25/1999

PHOTOGRAPH AVAILABLE

COURT CHARGE 01-DRINK ALCOHOL
IC LIQUORS IN PUBLIC

COURT DISP-CONVICTED;\$199 OR
14 DAYS

COURT DATE-12/30/1999

ATN-

DOC-R84 WARR-31144BD

CASEY, KEVIN CHARLES
SC0420000 SPARTANBURG CNTY SO
CASE-79099
ATN-
WARR-G151881

12/29/1999

ARREST CHARGE 01-CRIMINAL
DOMESTIC VIOLENCE

OFFENSE DATE-12/29/1999

PHOTOGRAPH AVAILABLE

CASEY, KEVIN CHARLES
SC0230000 GREENVILLE CNTY SO
CASE-173796
ATN-
WARR-90737BL

02/03/2000

ARREST CHARGE 01-SIMPLE POSSE
SSION OF MARIJUANA

PHOTOGRAPH AVAILABLE

WARR-90738BL

ARREST CHARGE 02-POSSESSION
OF DRUG PARAPHERNALIA

COURT CHARGE 01-POSS 28G OR
LESS MARIJ OR 10G OR LESS

HASH 1ST

COURT DISP-CONVICTED;STP
4-30-99

COURT DATE-03/16/2000

ATN-

DOC-R84 WARR-90737BL

CASEY, KEVIN CHARLES
SC0420000 SPARTANBURG CNTY SO
CASE-079099
ATN-
WARR-25096BK

03/09/2000

ARREST CHARGE 01-SIMPLE POSSE
SSION OF MARIJUANA

WARR-25097BK

OFFENSE DATE-03/09/2000
PHOTOGRAPH AVAILABLE

DOC-R84 WARR-25096BK

ARREST CHARGE 02-VIOLATION
LIQUOR LAW
OFFENSE DATE-03/09/2000
COURT CHARGE 01-POSS 28G OR
LESS MARIJ OR 10G OR LESS
HASH 1ST
COURT DISP-CONVICTED;\$425 STP
ATN-
COURT CHARGE 02-VIOLATION
ABC LAW
COURT DISP-CONVICTED;1 DAY
SERVED

DOC-R84 WARR-25097BK

CASEY, KEVIN C
SCSHP0300 SC HIWAY DEPT DIST 3
ATN-
WARR-Y856120

09/02/2001

DOC-42 WARR-Y856120

ARREST CHARGE 01-DRIVING
UNDER INFLUENCE
OFFENSE DATE-09/02/2001
PHOTOGRAPH AVAILABLE
COURT CHARGE 01-DRIVING UNDER
THE INFLUENCE 1ST OFFENSE
COURT DISP-CONVICTED
COURT DATE-01/22/2002
ATN-

CASEY, KEVIN CHARLES
SCSHP0300 SC HIWAY DEPT DIST 3
ATN-
WARR-A369203
CIT-56-5-2940 (2)-MISDEMEANOR

06/09/2002

WARR-A369204
CIT-56-1-460-MISDEMEANOR

ARREST CHARGE 01-DRIVING
UNDER THE INFLUENCE - 2ND
OFFENSE
OFFENSE DATE-06/09/2002
PHOTOGRAPH AVAILABLE

WARR-A369205
CIT-61-9-87-MISDEMEANOR

ARREST CHARGE 02-DRIVING
UNDER SUSPENSION
OFFENSE DATE-06/09/2002

CIT--MISDEMEANOR
DOC-42 WARR-A369205

ARREST CHARGE 03-OPEN CONTAIN
ER OF BEER/WINE
OFFENSE DATE-06/09/2002

CIT-56-5-2940 (2)-MISDEMEANOR
DOC-02GS4204523 WARR-A369203

COURT CHARGE 01-OPEN CONTAIN
ER OF BEER/WINE
COURT DISP-CONVICTED
COURT DATE-07/11/2002
ATN-

COURT CHARGE 02-DRIVING UNDER
THE INFLUENCE - 2ND OFFEN
SE

COURT DISP-CONVICTED;1 YR
SUS 48 HRS & 18 MOS PROB,
RANDOM DRUG/ALCOHOL COUNSE
L, ATTEND MADD VICTIM
COURT DATE-08/12/2003

END OF PAGE

01 - PAGE 02 TO FOLLOW



ICHR 003FB2EF25 from SCCH

SPTSL400

.ICHR.003FB2EF25.SCCH.20111017 10:22:34
TO: SPTSL400-15315 20111017 10:22:34 003FB2EF25
FROM: SCCH-11726629 20111017 10:22:34

PAGE-02 DATE-10/17/2011 TIME-10:28:22
REQ ORI-SC042015A 7TH JUDICIAL CIRCUIT
SID-SC00816763 FBI-682992NA0

CONTRIBUTOR/SUBJECT DOA/RCVD CHARGE/DISPOSITION/ETC

CASEY, KEVIN CHARLES 03/08/2003
SC0401500 SC EMPLOYMENT SEC CO
ATN-422000062647
WARR-H397519
CIT-41-41-10-MISDEMEANOR

ARREST CHARGE 01-FALSE STATEM
ENT TO OBT BENEFITS (EMPLO
Y SEC)
OFFENSE DATE-03/08/2003
PHOTOGRAPH AVAILABLE

CASEY, KEVIN CHARLES 11/07/2009
SC0420000 SPARTANBURG CNTY SO
CASE-20091107
ATN-422100158703
WARR-32423EY
CIT-16-17-530-MISDEMEANOR

ARREST CHARGE 01-PUBLIC DISOR
DERLY CONDUCT
OFFENSE DATE-11/07/2009
PALM PRINTS AVAILABLE

WARR-M420297
CIT-16-9-320 (A) -MISDEMEANOR

ARREST CHARGE 02-RESISTING
ARREST
OFFENSE DATE-11/07/2009

CIT-16-9-320 (A) -MISDEMEANOR
DOC-09GS4206718 WARR-M420297

COURT CHARGE 01-RESISTING
ARREST
COURT DISP-CONVICTED; 60 DYS
SUSP TO 100 &C &A 337 50
STP 4-5-10
COURT DATE-01/05/2010
ATN-422100158703

CIT--MISDEMEANOR
DOC-42 WARR-32423EY

COURT CHARGE 02-PUBLIC DISORD
ERLY CONDUCT
COURT DISP-CONVICTED
COURT DATE-12/01/2009

CASEY, KEVIN CHARLES 09/26/2010
SCSHP0400 SC HIWAY DEPT DIST 4

Print LEMS.Web Message ICHR 003FB2EF25 from SCCH

CASE-SCHP
 ATN-990000533527
 WARR-E579294 @
 CIT-56-05-2940 (3)-MISDEMEANOR

ARREST CHARGE 01-DUI/DRIVING
 UNDER THE INFLUENCE 08
 3RD OFF
 OFFENSE DATE-09/26/2010
 PHOTOGRAPH AVAILABLE

 CASEY, KEVIN CHARLES 10/16/2011
 SCSHP0300 SC HIWAY DEPT DIST 3
 CASE-20111016
 ATN-422100186491
 WARR-F281026
 CIT-56-5-2945 (A) (2)-FELONY

ARREST CHARGE 01-FELONY DRIVI
 NG UNDER INFLUENCE, DEATH
 RESULTS
 OFFENSE DATE-10/16/2011
 PALM PRINTS AVAILABLE

WARR-F281027
 CIT-56-5-2945 (A) (2)-FELONY

ARREST CHARGE 02-FELONY DRIVI
 NG UNDER INFLUENCE, DEATH
 RESULTS
 OFFENSE DATE-10/16/2011

WARR-F281028
 CIT-56-5-2945 (A) (1)-FELONY

ARREST CHARGE 03-FELONY DRIVI
 NG UNDER INFLUENCE (BODILY
 INJURY)
 OFFENSE DATE-10/16/2011

@ - WARRANT OCCURS WITH MORE THAN ONE SID NUMBER

BASED ON SEARCH OF SCLED CJIS CCH FILE USING FBI/682992NAO
 REQUESTED FOR CRIMINAL JUSTICE PURPOSES

SCLED CJIS RECORD INDICATES SUBJECT HAS NO OUT-OF-STATE ARREST INFORMATION
 INQUIRY WILL BE FORWARDED TO: N C I C W A N T E D P E R S O N S

 INDIVIDUAL PROHIBITED FROM POSSESSING OR ACQUIRING FIREARM OR AMMUNITION
 PURSUANT TO FEDERAL GUN CONTROL ACT OF 1968

INFORMATION SUBMITTED TO SLED CCH INDICATES THIS INDIVIDUAL HAS BEEN
 CONVICTED OF A FELONY ACCORDING TO THE SOUTH CAROLINA CODE OF LAWS.
 THEREFORE, THIS PERSON IS INELIGIBLE TO SHIP, TRANSPORT, OR RECEIVE ANY
 FIREARM OR AMMUNITION AFFECTED BY INTERSTATE OR FOREIGN COMMERCE, AS
 DEFINED BY THE GUN CONTROL ACT OF 1968 (18.U.S.C 922(G)).

** S C CJIS END OF RECORD **□



QWA 0006B27CEA from NC2K

SPTSL400

.QWA.0006B27CEA.NC2K.20111017 10:22:35

TO: SPTSL400-15316 20111017 10:22:35 0006B27CEA

FROM: NC2K-11697386 20111017 10:22:35

1L010BF900242B2QWA

SC042015A

NO NCIC WANT FBI/682992NA0

NO NCIC WANT SOC/247298477

***MESSAGE KEY QWA SEARCHES ALL NCIC PERSONS FILES WITHOUT LIMITATIONS.

Kevin Casey, #349715
PCI Q1-B214
430 Oaklawn Rd.
Pelzer, SC 26996

December 22, 2014

The Honorable Deadra L. Jefferson
Judge Of The Ninth Judicial Circuit
Seat 1, 100 Broad St. Suite 336
Charleston, SC 29401

RE: Kevin Casey C/A: 2012-42-4389

Dear Honorable Deadra L. Jefferson,

I am writing to you in regards of my case, which is scheduled to be before you on January 16, 2015, at Spartanburg County Courthouse, for the Post-Conviction relief hearing. I'm sending you a copy of the motion that I filed to have my counsel Leah B. Moody relieved and to have another counsel appointed to help present my claims and obtain documentation. The Honorable Roger L. Couch (PCR Judge) relieve her as my counsel, but failed to appoint me a new counsel. I am also sending you a copy of the motion objecting to the judge's decision. Can you please review this information I'm sending to you. I'm saying that I never wanted to file pro'se. Being a layman, I had no success with obtaining any of my documents that I needed to establish my claims. The Judge also stated, for my counsel whom was relieved to help get everything I needed to present my claims. I have tried and she (Leah B. Moody) has been no help at all. I really need someone who will do the proper investigation and get my subpoenas for witnesses and documentation to substantiate my claims. With "eyes wide open" can you please help me with this matter.

Sincerely, *Kevin C. Casey*

Kevin Casey, #349715

RECEIVED
12/29/14

Clerk of Court
Spartanburg County
P.O. Box 3483
Spartanburg, S.C. 29304-3483

RE: Motion to Relieve/Appoint New Counsel
Case No. 2012-CP-42-4389

To Clerk,

My name is Kevin Casey and I am an inmate housed at Perry Correctional Institution located in Pelzer, South Carolina. I am the named plaintiff in the above referenced legal matter. My reason for contacting your office is in regards to the enclosed petition I am submitting to be heard by the presiding Judge of the court of common pleas expeditiously.

The attorney in which I have been appointed to assist in my current Post Conviction Relief hearings has been "below an acceptable level" of representation; hindering my ability to Due Process. Henceforth, my petitioning to relieve my current counsel and appointed new representation. If possible, can your office forward this motion to the courts so this issue can be addressed and resolved by his/her honor.

Thank you for your time and assistance in this pertinent matter.

Sincerely, Kevin C. Casey

RECEIVED

JUL 07 2014

Enclosed (1)

P.C.I. MAILROOM

Kevin C. Casey)	7 th Judicial Circuit
Plaintiff)	Court of Common Pleas
)	
v.)	Motion to Relieve/Appoint
)	New Counsel
State of South Carolina)	
Defendant)	Case No: 2012-CP-42-4389
_____)	

To the presiding Judge of Common Pleas:

I, Kevin Casey, Plaintiff, file this pro-se motion in regards to the above referenced case number and matter at hand. Mr. Casey, respectfully requests that his current court appointed counsel be relieved of this legal matter and be appointed new counsel. His current legal representative is:

Mrs. Leah B. Moody
 Law Office of Leah B. Moody. LLC
 235 East Main Street
 Suite 115
 Rock Hill, S.C. 29730

RECEIVED
 JUL 07 2014
 P.C.I. MAILROOM

Mr. Casey requests that attorney Moody be relieved as counsel due to the following grounds.

- 1) Attorney Moody was contacted by U.S. Mail on April 24, 2014 in regards to contact information for his witness Donald Moore. Attorney Moody has failed to contact said witness and;
- 2) Mr. Casey has had no contact with attorney Moody since his April 10, 2014 PCR hearing. This hearing was subsequently placed in a "continuance" status due to attorney Moody failing to contact Mr. Casey's witnesses: Since said hearing, she has still made no contact with said witness and;

3) Attorney Moody was contacted by U.S. Mail on January 14, 2014 in reference to amending his PCR issues. To this date, she has failed to address this matter and;

4) Attorney Moody's professional conduct has dropped well below a standard of being effective and is currently hindering Mr. Casey's due diligence in this entitled matter.

With the above reasons cited, I do hopefully pray that this motion is granted and appointed new legal representation.

July 7, 2014

KCC

RECEIVED

JUL 07 2014

P.C.I. MAILROOM

17 Copy
~~clock stamped~~
clock stamped

THE STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

Kevin C. Casey,
Applicant,

C/A NO.. 2012-CP-42-4389

v.

APPLICANT'S OBJECT TO THE
HONORABLE ROGER L. COUCH (PCR
JUDGE) RULING/ORDER TO DISMISS
PCR COUNSEL AND FAILURE TO
APPOINT NEW PCR COUNSEL

The State of South Carolina,
Respondent.

Now comes Applicant objecting to the Honorable Roger L. Couch presiding PCR Judge's Ruling/Order To Dismiss PCR Counsel and Failure to appoint new PCR counsel pursuant to the South Carolina Post-Conviction Relief Act; The South Carolina Constitution, Article I §3 (Due Process of Law), The United States Constitution Fourteenth Amendment (Due Process Clause), and Case v. Nebraska, 331 U.S. 346 (1965) and it's progeny.

FACTS

Applicant was involved in a DUI homicide (10/15/11) where in two (2) individuals were killed while riding on the back of a motor cycle on Highway 417 in Spartanburg County. Said motor cycle was being driven by another individual (Jason M. Simmons) who was operating the bike without proper lights on the back or front of the bike.

Mr. Simmons had also been drinking and was injured himself during this unfortunate accident. Applicant did plead guilty on (2/14/12) under the pretense of receiving a ten year sentence as his lawyer told him he would get. Applicant even was asked to sign some sentencing sheets two weeks before he plead guilty that represented he would get ten years. The same sentencing sheets were then written over and the time he received was different from what he was told.

2014 NOV 4 PM 2:24
CLERK OF COURT
SOUTH CAROLINA
SEVENTH JUDICIAL CIRCUIT

Unknown to Applicant at his guilty plea, the Solicitor committed knowing acts of misconduct. As Applicant was in court to plead guilty, the Solicitor was explaining the facts of their case to the court and stated "Jason Matthew Simmons" was the driver of the motor cycle where the two people were struck and killed. The Judge stopped the Solicitor and asked for clarification on who actually was driving the bike. The Solicitor stopped the plea and went and talked with Mr. Simmons, who was sitting in the courtroom. After this Mr. Simmons said he was a passenger, the Solicitor presented to the court Mr. Simmons was the passenger. See guilty plea transcript page 22, lines 12-16. In spite of various reports in the solicitor's possession that clearly stated and proved Mr. Simmons was the driver of the motor cycle, the Solicitor not only allowed Mr. Simmons to commit perjury, but assisted him with it by telling the court as a officer of the court, Mr. Simmons was not the driver and then went on with the guilty plea. See Riddle v. Oamint, Op. No. 26153, heard February 1, 2006, filed May 22, 2006 (363 S.C. 39, 631 S.E.2d 70 (S.C. 2006)); Miller v. Pate, 386 U.S. 1, 37 S.Ct. 785 (1967); and Mooney v. Holohan, 29 U.S. 103, 112 (1935) (Per Curiam). See exhibits ____' ____' ____' ____'.

So after guilty plea counsel tricks Applicant into believing he will get ten years if he pleads guilty and even has him sign some sentencing sheets to this affect weeks before the plea and then the sentencing sheets are altered to fit the time the Judge actually gave Applicant. The Solicitor then knowingly commits acts of prosecutorial misconduct. Applicant then files a PCR application trying to assert his guilty plea was not entered voluntarily, knowingly and intelligently and he was denied due process of law. See sentencing sheet, exhibit ____.

The Court then appoints attorney Leah B. Moody (12/20/12) who just utterly refuses to help Applicant by ways of the following.

- 1). Ascertain Mr. Simmons "Toxiology Report."
- 2). Refuses to subpoena any witnesses Applicant requested her to,

such as interviewing Donald Moore, who was the second witness on the accident scene and actually spoke with Mr. Simmons shortly after this accident while Mr. Simmons was lying in the field hurt and was asked what happened, and Mr. Jason M. Simmons stated spontaneously to Mr. Moore that he (Jason M. Simmons) was driving the bike and the car hit us. Mr. Donald Moore has even given a affidavit to this affect and is willing to testify about it. See affidavit, exhibit ___.

Then there is Applicant's two other witnesses. Teresa Pickens and Casandra Casey, who heard Applicant's plea counsel, Mr. Richard Warder tell Applicant if he plead guilty he would receive ten years. PCR counsel, Ms. Moody refused to subpoena these witnesses also. Ms. Moody even refused to amend Applicant's PCR applicant with any kind of claims (S.C.R.CIV. 71.1 (a)). Ms. Moody refused to communicate with Applicant about his PCR claims and she became upset once Applicant filed a motion (7/7/14) to have her removed as his PCR counsel. Applicant went to a PCR hearing on September 17, 2014, his motion to relieve counsel was addressed by the Honorable Roger L. Couch, who granted the motion, but told Applicant he would have to represent himself now. Said Judge never made any findings as to why Applicant would be forced to represent himself in such a serious situation as this. Honorable Couch also instructed Ms. Moody to help Applicant subpoena the witnesses he wanted. Ms. Moody wrote Applicant and told him she would tell him how to subpoena witnesses but not assist him with it and then ended her with "you now represent yourself."

Attorney Leah B. Moody has not met her obligation in this PCR matter and no doubt she has turned in a voucher for work she has not done and her unethical attitude in this matter should not go unchecked, as she is a member of the South Carolina Bar and also took a oath of office to uphold the constitution, which she has not done in this matter. And why the PCR Judge would force Applicant to attempt to represent himself in this matter is beyond Applicant.

With Applicant having proof of the things his motion mentions, it would seem he will be denied due process of law if he is not appointed PCR counsel to investigate such claims and assist Applicant with the presentation of those claims. It would be in the interest of justice to appoint new PCR counsel and investigate the herein allegations.

CONCLUSION

For the foregoing reasons this motion should be granted.

Dated. 11-12-14

s/ Kevin C Casey
Kevin C. Casey

2014 NOV 14 PM 2:24
M. HOPE BLACKEY

THE STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS
SEVENTH JUDICIAL CIRCUIT

Kevin C. Casey,
Applicant,

C/A NO. 2012-CP-42-4389

v.

The State of South Carolina,
Respondent.

CERTIFICATE OF SERVICE

I, Kevin C. Casey, hereby certify that on this day I have served a "Applicant's Objection To The Honorable Roger L. Couch (PCR Judge) Ruling/Order To Dismiss PCR Counsel and Failure To Appoint New PCR Counsel" upon the following Parties. One (1) original and one (1) copy to The Spartanburg County Clerk of Court, M. Hope Blackley/ P.O. Box 3483/ Spartanburg, S.C. 29304, one (1) copy to The South Carolina Attorney General's Office/ P.O. Box 11549/ Columbia, S.C. 29211, and one (1) copy to The South Carolina Supreme Court, Daniel Shearouse, Clerk/ P.O. Box 11330/ Columbia, S.C. 29211; by and through Perry Correctional Institution's Legal Mail System.

SUBSCRIBED AND SWORN TO before me
this 12 day of November, 2014

Kevin C Casey
Kevin C. Casey,

Notary, Thomas Conwell

My Commission Expires
Expires. September 25, 2023

2014 NOV 14 PM 2:24
M. HOPE BLACKLEY

Kevin Casey, #349715
PCI Q1-B214
430 Oaklawn Rd.
Pelzer, SC 29669

December 22, 2014

S.C. Attorney General's Office
P.O. Box 11549
Columbia, SC 29211

RE: Kevin Casey C/A No: 2012-CP-4389

Dear Mrs. Suzanne H. White,

I have not been able to retrieve the toxicology report that I have been inquiring about. Ms. Leah B. Moody has not help me in the things I was needing. I am scheduled on the PCR court docket for January 16, 2015. "With eyes wide open" I'm requesting to be appointed counsel. I have no legal background to be doing this pro'se and this case is very complicated. So far I haven't no means to subpoena my witnesses or the documents that I need. Any help on my behalf would greatly be appreciated.

Sincerely, *Kevin C. Casey*

Kevin Casey, 3349715

RECEIVED

DEC 22 2014

P.C.I. MAILROOM

STATE OF SOUTH CAROLINA)
)
 COUNTY OF SPARTANBURG)
)
 Kevin C. Casey, SCDC# 349715)
)
 Applicant / Petitioner)
 vs.)
)
 State of South Carolina,)
)
 Respondent.)

COURT OF COMMON PLEAS
 Case # 2012-CP-42-04389

EXF

ORDER

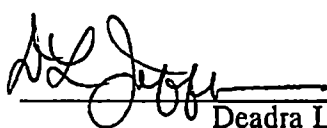
This post-conviction relief case came before the court for a hearing. Having now heard this matter, the court orders as indicated herein.

- 1. The application for post-conviction relief is hereby: denied granted under advisement; a formal order will be filed (see below - No.6)
- 2. Motion(s) was/were heard in this case and the court orders:
 The motion to dismiss and/or for summary judgment is hereby granted denied under advisement based upon the statute of limitations and/or the successive nature of the application or other reason as follows:

- 3. A conditional order of dismissal was previously filed in this case. Upon review of the matter, the court finds:
 Good cause as to why the case should not be dismissed has been shown in response to the order of dismissal; therefore, a hearing on the merits of the application shall be scheduled.
 The court has considered the response to the conditional order of dismissal and finds that good cause has not been shown or no response has been filed to the conditional order of dismissal; therefore, the application is hereby dismissed.
- 4. The application was freely, voluntarily, and intelligently withdrawn as indicated on the record; therefore, this case is dismissed with prejudice without prejudice.
- 5. Other: Continued by Chief Administrative Judge
- 6. The court further orders:
 The Attorney General Applicant's counsel is directed to submit to the court a proposed order and to serve the order on opposing counsel within days.
 Both sides are directed to submit proposed orders to the court and to serve the orders on each other within days.
 The court does not request proposed orders.

2015 JAN 16 10:00 AM
 CLERK OF COURT

IT IS SO ORDERED.


 Deadra L. Jefferson
 Presiding Judge

Date: January 16, 2015

Kevin Casey, #349715
PCI Q1-B214
430 Oaklawn Rd.
Pelzer, SC 26996

December 22, 2014

The Honorable Deadra L. Jefferson
Judge Of The Ninth Judicial Circuit
Seat 1, 100 Broad St. Suite 336
Charleston, SC 29401

RE: Kevin Casey C/A: 2012-42-4389

Dear Honorable Deadra L. Jefferson,

I am writing to you in regards of my case, which is scheduled to be before you on January 16, 2015, at Spartanburg County Courthouse, for the Post-Conviction relief hearing. I'm sending you a copy of the motion that I filed to have my counsel Leah B. Moody relieved and to have another counsel appointed to help present my claims and obtain documentation. The Honorable Roger L. Couch (PCR Judge) relieve her as my counsel, but failed to appoint me a new counsel. I am also sending you a copy of the motion objecting to the judge's decision. Can you please review this information I'm sending to you. I'm saying that I never wanted to file pro'se. Being a layman, I had no success with obtaining any of my documents that I needed to establish my claims. The Judge also stated, for my counsel whom was relieved to help get everything I needed to present my claims. I have tried and she (Leah B. Moody) has been no help at all. I really need someone who will do the proper investigation and get my subpoenas for witnesses and documentation to substantiate my claims. With "eyes wide open" can you please help me with this matter.

Sincerely,

Kevin C. Casey

Kevin Casey, #349715

RECEIVED
DEC 22 2014
P.C.I. MAILROOM

Kevin C. Casey #349715
PCI Q1 B 214
430 OakLawn Rd.
Pelzer, SC 29669

25

3-30-15

To: Spartanburg County Court House
Honorable Judge R. Couch
180 Magnolia Street
P.O. Box 3483
Spartanburg, S.C. 29304

Dear Honorable Judge R. Couch, I was writing you concerning my (PCR) hearing that was scheduled on March 26, 2015. You had granted me a continuance and stated that you would help me to subpoena my witnesses and a toxicology report. These are the names of the witnesses and addresses below.

Thanking you in advance,
Kevin C. Casey

Teresa Pickens

[REDACTED]

Moore, SC 29369

Donald Moore

[REDACTED]

Greer, SC

Cassandra Casey

[REDACTED]

Moore SC. 29369

Health Information Management Dept.
Toxicology report for
Jason Matthew Simmons GMH
Greenville Hospital System ~~864-455-7896~~
University Medical Center 864-455-8864
701 Grove Rd. MCC
Greenville, SC 29605

Admis: [REDACTED]

Disch: [REDACTED]

B-Day: [REDACTED]

(Contact) Karen ~~or~~
~~Stephanie~~ ~~or~~

State of South Carolina

IN The Court of Common Pleas
The Seventh Judicial Circuit
2012-CP-42-4389

Kevin C. Casey,
Applicant,

vs.

ORDER

State of South Carolina,
Respondent.

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed ~~on~~ Oct 19 2012 and a Amended PCR Application filed on Feb 13 2015. An evidentiary hearing into the matter was convened on June 12, 2015 at the Spartanburg County Courthouse. The Applicant was present at the hearing, and proceeded pro se. The Respondent was represented by Suzanne H. White of the South Carolina Attorney General's office.

At the hearing, the Applicant testified on his own behalf. The State presented testimony from Applicant's former counsel, Richard H. Warder. This court also had before it a copy of the transcript from the Applicant's guilty plea proceedings on February 14, 2012, the records of the Spartanburg County Clerk of Court, the Applicant's records from the South Carolina Department of Corrections, the Amended Application for Post-Conviction Relief, two (2) Affidavits submitted by Applicant from his witnesses (uncontested by the state), and exhibits from (A) to (K) entered into the record as evidence.

Applicant is presently confined with the South Carolina Department of Corrections pursuant to orders of commitment of the Spartanburg County Clerk of Court. Applicant was indicted at the Nov 28, 2011 term of the Spartanburg County Grand Jury for DuI, Causing death by operating vehicle while under the influence of Drugs or Alcohol, Felony DuI, Death of reckless homicide.

Richard Warder, Esquire, represented the Applicant. On February 14, 2012 Applicant pled guilty as indicted. The Honorable J. Mark Hayes II sentenced Applicant to 25 years

The Applicant did not appeal his conviction or sentence. The Applicant filed a application for Post-Conviction Relief (PCR) on Oct 18, 2014 and then filed an Amended application on Feb 13, 2015, for the following reasons:

- A. Guilty plea not entered voluntarily, knowingly, and Intelligently Because of Acts of Prosecutorial Miscandue
- B). Ineffective assistance of counsel

(A) Guilty plea not entered voluntarily, knowingly, and Intelligently Because of acts of Prosecutorial Miscandue

Findings of Fact

Applicant was involved in a DuI homicide on October 15, 2011, with a dirt Bike that was being driven by Mr. Jason M. Simmons on highway 417 in Spartanburg County, with two(2) other passengers on the bike. It was very late at night when this accident happen.

Both men (Applicant and Jason M. Simmons) were treated by the Spartanburg County Regional Medical Center and alcohol was discovered in both of their systems. The department of SCLP MA.I.T. report revealed the head lights and tail lights of MR. Simmons dirt bike were not working.

Unknown to the Applicant at his guilty plea hearing, the solicitor committed known acts of misconduct. By making material misleading statements to the court and applicant. On February 14, 2012, the applicant was in court to plead guilty. During the solicitor's explaining the facts of their case to the court, the solicitor stated, "Mr. Jason Matthew Simmons was the driver of the dirt bike."

The Judge stopped the solicitor, and asked for clarification on who was actually driving the dirt bike. Before the plea had begun, the Judge had heard a tape recording, where in MR. Simmons stated he was the passenger. The solicitor stopped the plea, went off record and spoke with MR. Simmons, who was seated in the court room. The solicitor comes back on the record and states that, "MR. Jason M. Simmons was a passenger and not the driver of the dirt bike." See applicant's guilty plea transcript at page 22, lines 12-16.

After careful consideration of all the testimony and evidence:

I find Applicant has proven prosecutorial misconduct and that his guilty plea was not entered knowingly and intelligently. I find that the solicitor knowingly misrepresented material facts at the guilty plea hearing. I find that the Applicant would not have plead guilty and would have requested a jury trial had he been aware that MR. Jason M. Simmons was driving the dirt bike and under the influence of alcohol when this accident happened. I further find plea counsel was ineffective for failing to object the solicitor's material misstatement of facts and for advising applicant to plead guilty.

(B)

Ineffective Assistance of CounselFindings of fact

Applicant testified his plea counsel, Mr. Richard Wardee came to the Spartanburg County detention Center several weeks before the guilty plea and told him the solicitor was willing to allow him to plead guilty to DUI felony #2 and 1 count DUI 6B¹ and receive a ten(10) year sentence. On February 1, 2012 Mr. Richard Wardee returned to the County detention Center and had Applicant agree to accept the ten(10) year sentence. Mr. Wardee ~~attested~~ allegedly even had a sentencing sheet with him that reflected Applicant would get ten(10) years for all charges. So Applicant signed the sentencing sheet. Applicant further contended that once he got to the actual Plea hearing on February 14, 2012 he received a 25 year sentence instead of the ten(10) year sentence his counsel told him he would get.

After careful consideration of all the testimony and evidence:

I find that Applicant received ineffective assistance of counsel and his guilty plea was not entered ~~voluntarily~~ and knowingly and intelligently. I find that the Applicant would not have pled guilty if his lawyer had not told him he would receive ten(10) years for all charges and ~~the~~ Applicant would have requested a jury trial. I find the Affidavit of Ms. Teresa Pickens to be the truth of the matter, as the state agreed it should be considered as ~~the~~ the truth of the matter.

Summary of Finding of Facts

31 (5)

To find that a guilty plea is voluntarily, intelligently, and knowingly entered into, the record must establish that the Applicant had a full understanding of the consequences of his plea and the charges against him.

Boykin v. Alabama, 395 U.S. 238, 89 S.Ct. 1709 (1969).

Here, Applicant was not only misadvised by his counsel, that he could receive ten (10) years for all charges if he plead guilty. But the solicitor misled the court and Applicant on material facts in the case (i.e. Jason M. Simmons, was a passenger and not the driver of the dirt bike) that caused Applicant to plead guilty. Applicant also was not made aware that R. Simmons had also been under the influence of Alcohol while driving the dirt bike on this night.

I find ~~the~~ Applicant was denied effective assistance of counsel and due process of law.

Therefore, I find that:

- (1) The Applicant, Kevin C. Casey has established that Richard [Name] was ineffective as counsel.
- (2) The Applicant's, (Kevin C. Casey) guilty plea was not entered, knowingly and intelligently.

Applicable Law

In a post-conviction relief action, the Applicant has the burden of proving the allegations in the application. Rule 71.1(e), SCRPC; Butler v. State, 30 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as ground for relief, the Applicant must prove that "Counsel's conduct so undermined the

32 (6)
Proper functioning of the adversarial process that the trial cannot be
relied upon as having produced a just result." Strickland v. Washington, 446
U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 286 S.C. 441, 334
S.E.2d 813 (1985).

To find a guilty plea is voluntarily and knowingly entered into, the
Record must establish the Applicant had a full understanding of the consequences
of his plea and the charges against him. Boykin v. Alabama, 395 U.S. 238, 89 S.Ct.
1709 (1969); Dover v. State, 304 S.C. 433, 405 S.E.2d 391 (1991). In determining
guilty plea issues, it is proper to consider the guilty plea transcript, Applicant's
testimony from the Pce hearing, exhibits submitted by applicant, as evidence
to establish his claims; and Affidavits submitted by Applicant & witnesses
substantiating his claims and being uncontested by the state. As well as other
evidence presented during the hearing.

A solicitor's deliberate deception of a Court and Applicant by the know-
ing use of misleading & false information is incompatible with the demands of Justice. Widdie v. Ozmint, Op. No. 26153, heard February 1, 2006, filed May 22, 2006;
39 S.C. 39, 631 S.E.2d 70 (S.C. 2006). The Solicitor in Applicant's case knowingly
represented a material fact (i.e., that MR. Jason M. Simmons was ^{not} the driver of the
bike the two passengers got killed on when in truth MR. Simmons was the driver
he also was discovered to have been under the influence of alcohol while operating
the bike).

Our United States Supreme Court has held that due process of law is
violated not only where the prosecution uses perjured testimony to support its case,
but also where it uses evidence which it knows creates a false impression of a
material fact. Mooney v. Holohan, 294 U.S. 103, 112 (1935) (Per Curiam).

To find that a guilty plea is voluntarily, & intelligently entered into, the record must establish that the Applicant had a full understanding of the consequences of his plea and the charges against him. Boykin v. Alabama 395 U.S. 238, 89 S.Ct. 1709 (1969). Further, a Applicant who pleads guilty on the advice of Counsel may only attack the voluntary & Intelligently character of the plea by showing: (1) that Counsel's representation fell below an objective standard of reasonableness and (2) that there is a reasonable probability that but for Counsel's errors, the Applicant would not have pleaded guilty but would have insisted on going to trial. Strickland v. Washington, 466 U.S. 668 (1984) & Hill v. Lockhart, 106 S.Ct. 366 (1989).

Applicant stated at the hearing that if he would have known that he was going to get years instead of few (10) as his lawyer told him he would. He would not have pleaded guilty and would have insisted on going to trial. Applicant also stated, if he had known that MR. Jason M. Simmons was the driver of the dirtbike and not a passenger as the solicitor stated; and that MR. Simmons ~~was~~ was also under the influence of alcohol at the time of this incident; Applicant would not have pleaded guilty and insisted on going to trial.

Conclusion

Based on careful consideration of the foregoing, the Court finds and concludes that the Applicant has established constitutional violations or deprivations that would require this court to grant his application. Therefore this application for post-conviction relief is granted.

IT IS THEREFORE ORDERED:

1. That the Application for Post-Correction Relief must be granted.
2. That Applicant's guilty plea ~~is vacated~~ is vacated in full.
3. That the ten(10) year plea offered to Applicant must be given to the Applicant.

AND IT IS SO ORDERED this ____ day of _____, 2015.

_____, South Carolina

R. Scott Sprouse
Presiding Judge
Seventh Judicial Circuit

IN THE COURT OF THE COMMON PLEAS
FOR THE SEVENTH JUDICIAL CIRCUIT

C/A No: 2012-CP-42-4389

AFFIDAVIT

Personally appeared before me the undersigned, Teresa Pickens, who first being duly sworn, says the following is true and correct to the best of her knowledge and belief: On February 14, 2012, the day of the guilty plea pertaining to my nephew (Kevin C. Casey), I was at the court house in Spartanburg County in the hallway with my niece Cassandra Casey, before the actual guilty plea had taken place when I asked his counsel (Richard Warder) how much time my nephew (Kevin C. Casey) was going to receive and he stated to me, "a ten year sentence".

I Teresa Pickens, swear under penalty of perjury that this affidavit is true and correct to the best of my ability.

SI Teresa Pickens

Teresa Pickens

Sworn to and Subscribed before me

This 3rd day of March 2015

Notary: Patricia R. Fowl

Exp: 2-23-2019

State of South Carolina
County of Spartanburg

IN the Court of Common Pleas for **36**
The Seventh Judicial Circuit

Kevin C. Casey, Applicant

2012-CP-42-4389

v.
State of South Carolina,
Respondent

Proof of Service

I Kevin C. Casey (Applicant) Certify that I have this day served Applicant's Order (proposed order) for Post Conviction Relief & A Affidavit of Teresa Pickens; upon the Honorable R. Scott Sprouse; by depositing one original of said order and one copy in the United States mail (by airtel through the Perry Correctional Institutions Legal mail system).

The below parties have been served at the following addresses:

1) Honorable R. Scott Sprouse
Presiding Judge - Seventh Judicial Circuit
P.O. Box 3483
Spartanburg, S.C. 29304-3483

3) Assistant Deputy Attorney General,
Suzanne H. White.
South Carolina Attorney General's Office
P.O. Box 11549
Columbia, S.C. 29211-11549

2) The Honorable M. Hope Blackley
Clerk of Court Spartanburg County
P.O. Box 3483
Spartanburg, SC 29304-3483

4) The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk
P.O. Box 11330
Columbia, SC. 29211

Sworn to and Subscribed before me

This 22nd Day of June 2015

Notary: Nancy C. Muddat

EXP: 1-23-2023

S/ Kevin C. Casey
Kevin C. Casey #349715
Perry Correctional Institution
Q-1.B-214
430 Oaklawn Rd.
Pelzer, SC. 29669

RECEIVED

JUN 22 2015

P.C.I. MAILROOM