

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM THE SPARTANBURG COUNTY
Court of General Sessions

SC Court of Appeals

Honorable J. Mark Hayes, Circuit Court Judge

Case No: 2008GS4201743-1746

The State

Appellate # 2018-000070

Respondent

VS.

Kevin McDaniels

Appellant

MOTION FOR AMENDED ORDER
CORRECTING SENTENCE START DATE

YOU WILL PLEASE TAKE NOTICE THAT KEVIN MCDANIELS PRO-SE. WILL MOVE
THIS COURT FOR AN AMENDED ORDER, AMENDING THE SENTENCE THAT WAS
ENTERED ON AUG 26, 2006 BY THE HONORABLE R. MARKLEY DENNIS JR. ON INDICTMENT
NO. 2008-GS-421743. SPECIFICALLY HAVING APPELLANT'S SENTENCE START DATE
BEGIN MARCH 11, 2006, THE DATE HE WAS ARRESTED AND CONFESSED TO THE CRIME.

THE WARRANT WAS ISSUED BY JUDGE THOMAS WALL ON MARCH 31, 2006 BUT
THE SHERIFF FAILED TO SERVE WARRANT ON APPELLANT UNTIL 6-21-2007, EXCEEDING
THE STATUTE OF LIMITATION ON SERVICE OF WARRANT PURSUANT TO THE RULES
OF COURT. APPELLANT HAS REMAINED IN CUSTODY SINCE MARCH 11, 2006 AND
ON AUG 26, 2008, APPELLANT ENTERED A NEGOTIATED ALFORD PLEA THAT HE
WOULD RECEIVE JAIL CREDITS FROM MARCH 11, 2006. THIS IS PRESERVED
ON TRANSCRIPT. BUT SCAC REFUSES TO GRANT JAIL CREDITS. WHEREBY
APPELLANT MOVES THIS COURT TO GRANT THE BELOW RELIEF.

RELIEF REQUESTED

MR MCDANIELS MOVES THIS COURT TO ISSUE AN "AMENDED ORDER" CORRECTING
SENTENCE START DATE TO MARCH 11, 2006 FORWARD ORIGINAL TO SCAC
AND SEND COPY TO APPELLANT. THIS IS BASED UPON THE TRANSCRIPTS OF THE
NEGOTIATED AUG 26, 2008 PLEA.

I declare Under Penalty of Perjury the above
IS true and correct. MARCH 23, 2018

SENTENCE JUDGE: R. Markley Dennis JR. 843-719-4435
SOLICITOR: Barry Borellette (864) 596-2575
ATTY: ROBERT HALL (864) 596-2561

K. McD
Kevin McDaniels # 254398
Perry Corr. Inst. 04-A-115
430 OAKHURST ROAD
Pelzer, S.C. 29669
(PRO-SE)

Legal

STATE OF SOUTH CAROLINA
COUNTY OF SPARTANBURG
State of South Carolina
VS.

KEVIN McDaniels

IN THE COURT OF GENERAL SESSIONS
SEVENTH JUDICIAL CIRCUIT
MOTION FOR AMENDED ORDER
CORRECTING SENTENCE START DATE

Case No: 2008GS4201743

Date of Arrest: March 11, 2006

YOU WILL PLEASE TAKE NOTICE, THAT KEVIN McDANIELS PRO-SE WILL
MOVE THE COURT AND SOLICITOR BARRY BARNETTE FOR AN AMENDED ORDER
CORRECTING SENTENCE START DATE TO MARCH 11, 2006.

MR McDANIELS WAS ARRESTED MARCH 11, 2006. HE CONFESSED TO THE
CRIME THE SAME DAY AND WAS TRANSPORTED TO THE CRIME SCENE
WITH THE PROSECUTING OFFICERS TIM TUCKER & PHIL EASLER. ON 3-31-2006
JUDGE THOMAS WALL ISSUED THE WARRANT BUT APPELLANT WAS NOT SERVED
WITH THE WARRANT UNTIL 6-21-2007. EXCEEDING THE STATUTE OF
LIMITATIONS ON EXECUTING A WARRANT WHILE DEFENDANT IN
CUSTODY. APPELLANT REMAINED IN CUSTODY SINCE 3-11-2006.

ON AUG 26 2008, MR McDANIELS ENTERED A NEGOTIATED ALGOA PLEA
WITH THE STIPULATIONS THAT HE RECEIVE JAIL CREDITS FROM
MARCH 11, 2006 - THIS IS ON TRANSCRIPT, BUT SCOL REFUSES TO
HONOR THIS. THEREFORE MR McDANIELS MOVES THE COURT
TO GRANT THE BELOW LISTED RELIEF.

RELIEF REQUESTED

MR McDANIELS MOVES THE COURT TO ISSUE AN AMENDED ORDER -
CORRECTING SENTENCE START DATE TO MARCH 11, 2006 THIS IS
BASED UPON THE TRANSCRIPTS AND NEGOTIATED ALGOA PLEA.

I declare Under Penalties of Perjury the
Above is true and Correct March 23, 2018

SENTENCING JUDGE: R. Markley Davis JR.
Solicitor: BARRY BARNETTE 864/596-2525
ATTY: ROBERT HAY (864) 596-2561

Kevin McDaniels
Kevin McDaniels 254398
Perry Corr. Inst. 04A-115
430 OAKLAND ROAD
Pelzer S.C. 29669
(PRO-SE)

STATE OF SOUTH CAROLINA
 COUNTY OF SPARTANBURG
 THE STATE OF SOUTH CAROLINA
 VS.
 KEVIN WAYNE McDaniel

IN THE COURT OF GENERAL SESSIONS
 FOR THE SEVENTH JUDICIAL CIRCUIT
 CASE NO: 2008-BS-42-1743-1746
NOTICE OF BEING TORTURED BY
SIXICTOR BARRY BARWITTE/Judge R.
MARKLEY DENNIS JR/ROBERT HALL
KATHERINE HUGHES/AIAN WILSON

YOU WILL PLEASE TAKE NOTICE, Kevin McDaniel, PRO-SE-HEREBY
 FEELS THIS NOTICE OF BEING TORTURED BY ABOVE PARTIES.
 Kevin McDaniel has been unlawfully incarcerated since 3-11-06.
 Kevin McDaniel was in NEWPORT REEHEY FLORIDA UNDER ALIAS
 SHAWN C. HALL COMMITTED FRAGO JAN 13 2006. NOT IN S.C.
 THE FBI SLED. HAVE NOTIFIED ABOVE CAPTIONED PARTIES
 THAT KEVIN MCDANIEL WAS IN FLORIDA NOT S.C. JAN 13. 2006,
 AND STILL ABOVE PARTIES JOINTLY CONSPIRE TO TORTURE
 MR. MCDANIEL SINCE MARCH 11, 2006 (2 YEARS) MR. MCDANIEL
 HAS PROVIDED ALL ABOVE PARTIES WITH EVIDENCE BY FBI SLED THAT
 PROVES MR. MCDANIEL WAS IN FLORIDA UNDER ALIAS SHAWN HALL
 JAN 13. 2006 AND STILL ABOVE PARTIES CONSPIRE TO KEEP
 MR. MCDANIEL IN PRISON UNLAWFULLY MR. MCDANIEL WAS IN FLORIDA
 COMMERCIAL CRIME NOT S.C. PRISON. THE FBI SLED HAS
 CONFIRMED THIS & ABOVE PARTIES HAVE BEEN PLACED ON NOTICE

RELIEF REQUESTED

MR MCDANIELS MOVES THE COURT TO ISSUE AN ORDER THAT
 MR MCDANIELS BE IMMEDIATELY RELEASED FROM SEC BASED
 UPON ACTUAL INNOCENCE. THE FBI HAS CONFIRMED MR MCDANIELS
 WAS IN FLORIDA UNDER ALIAS SHAWN C. HALL JAN 13. 2006 NOT SC.

*I declare Under Penalty of Perjury the
 Above is true and correct.
 Signed on March 28, 2018
 AKA: Shawn C. Hall
 (DOB: JAN 16, 1978)
 (SSN 589-30-4722)

Kevin W. McDaniel
 Kevin W. McDaniel - PRO SE
 Perry Court, Inst Q4A115
 430 Oaklawn Road
 Pelzer S.C 29669
 (DOB: 8-19-69)
 (SSN 589-03-2274)