

LIST OF ENCLOSURES:

2015-cp 26-1741

wrong

- RESPONSE TO STATE'S MOTION TO DISMISS (MOTION TO PREVAIL) 7pgs.
- EXHIBIT A-warrant k003478-HERION
- EXHIBIT B-warrant k003480-COCAINE
- EXHIBIT C-true bill for herion with warrant no.k003480
- EXHIBIT D october indictment same cdr code as warrant no.k003480
- EXHIBIT E letter to clerk's office (proof of amended pcr)
- EXHIBIT F lab results * see items 1&5 * 3pgs.
- EXHIBIT G letters requesting advocacy 5pgs.
- EXHIBIT H sentencing sheet (compare to B)

2016 OCT 20 PM 1:15

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE COURT OF COMMON PLEAS
FIFTEENTH JUDICIAL CIRCUIT

2015 MAY 20 PM 1:14

KEVIUNTAE HYTOWER
v.
STATE OF SOUTH CAROLINA

2015-CP-~~7646~~ 1741 ← P
RESPONSE TO STATE'S MOTION
FOR DISMISSAL

Now Comes, the petitioner/applicant Keviuntae Hytower in this instant action proceeding in a pro-se manner, asserting his right to obtain Post Conviction Relief

FACTUAL BACKGROUND

On October 21, 2008 Keviuntae Hytower under the advice of counsel plead guilty to possession of herion in an Horry County Courtroom. The plea stipulations were that the two other offenses would be dropped warrant k003480 (cocaine) and warrant k003479 (marijauna) for the lesser included offense herion 1st offense. He would recieve ten years imprisonment suspended to five years probation. The Honorable Larry B. Hyman presumabaly sentenced Hytower according to the terms of the plea agreement.

On January 16, 2014 the Honorable Steven H. John sentenced Hytower to ten years imprisonment by way of revocation. Due to Hytower's 2013 conviction in federal court for unrelated charges. This ten year sentence was to be ran concurrent with Hytower's federal sentence.

Mr. Hytower subsequently filed an application for Post Conviction Relief contest the ten year sentence on March 4, 2015. Hytower also filed an amended version of PCR relevant to claims made in the successive. The State of South Carolina responded with a motion for dismissal this motion was granted. Mr. Hytower's failure to respond to the final order was due to his lack of legal aid. He expressed

this concern to what he thought were the appropriate parties he has never recieved anytype valid response *see exhibit G 1-5*.Hytower was under the impression that his requests for advocacy would cause a stay of actions.The Honorable Benjamin J. Culbertson granted the state's motion dismissing Hytower's application for Post Conviction Relief.

I.

In this instance the petitioner would like for this court to be aware of the fact that he is a novice on issues pertaining to letters of law.Also the fact that he is currently in federal prison have very limited axcess to South Carolina law.This issue has been expressed to the Attorney General,Clerk of court,Court of Appeals, Bar Association,and other legal entities.Therefor the petitioner's response to the state's motion to dismiss will be on a factual basis for the most part.He prays that this court excepts his pleadings liberaly.

A.

The petitioner will now support the claims made in his application Post Conviction Releief in addition he will address the state's reasons reasons for dismissal of his application for Post Conviction Relief.

The petitioner urges the court to his application for relief on the following grounds;

- 1.He is actually innocent of the 2008 conviction
- 2.Charging instrument and indictment are inconsistant-making conviction illegal
- 3.His substantial right was violated-5th amendment

(1)

In support of the actual innocence claim Mr,Hytower gives way to the facts of his case.On October 21, 2008 Hytower signed a plea that stated he would plead to pessionion of herion first offense *see exhibit A*.The courts record state that he plead to p.w.i.d

RESPECT

herion. However, a closer look at the document relevant to his case he was convicted under the warrant for cocaine *see exhibit B* also * see exhibit H*. Therefore Mr. Hytower is actually innocent of the 2008 conviction. Since Hytower was in essence convicted for cocaine under the pretense of herion he is actually innocent of the conviction. On behalf on the actual innocence claim the petition asserts the following:

To prove actual innocence, a petitioner for writ of habeas corpus must show actual and factual innocence. Specifically the petitioner must show that it is more likely than not that no reasonable juror would find him guilty beyond a reasonable doubt. If the petitioner can satisfy this stringent standard, a court should issue a writ of habeas corpus even if issue was procedurally defaulted.

No reasonable juror would find Hytower guilty of p.w.i.d. herion if the charging instrument (warrant) offense description states the substance found was cocaine. There is also another underlying factor relevant to this issue *see exhibit F*

(2)

Pertaining to claim 2 the petitioner will rely on the facts presented in the previous passage.

(3)

On subject of the petitioner's substantial right(s) were violated. By the state neglected to abide by the terms of the plea agreement. The agreement stated that the warrant for cocaine would be dismissed instead the warrant for herion was and Hytower was convicted under warrant k003480 which held conviction code 44-53-0370 (b)(1). Mr. Hytower did not receive fundamental fairness under the 5th amendment neither equal protection of the 14th amendment. He also believes that his 6th amendment right was violated as well.

B.

STATE'S REASONS FOR REQUESTING DISMISSAL

The petitioner will now address the state's reasons for requesting dismissal of his application for Postconviction Relief. Moreso on a factual basis rather than a legal opinionated authority. He Respectfully requests that this honorable court construe his pleading in light of the doctrine set forth in Haines v. Keiner, 404 u.s. 519, 92 s.ct , 594 (1974) stating " if a court can reasonably read pleadings to state a valid claim on which litigant could prevail, it should do so despite failures to site proper authorities, confusion of legal theories, poor santax and sentence structure, or litigants unfamiliarity with pleading requirements".

*STATUTE OF LIMITATIONS

The petitioner will now address the stated reasons for requesting dismissal by claim that the statute of limitations apply to Mr. Hytower's case. The petitioner firmly believes that the statute of limitations does not apply because the state of South Carolina did not abide the terms of the plea agreement. therefor the petitions believes his actions should prevail.

*SUCCESSIVE

In the state's motion for dismissal a claim was made that the petitioner's request for habeas relief should be rejected. Being that he he didnt raise the grounds in his initial PCR application. However, the petitioner did in fact file an amended PCR relevant to the grounds raised in the succesive.*see exhibit E*

*FAILURE TO STATE CLAIM-innocence

The petitioner blames this factor on his lack of legal aid .

Pertaining to the state's motions providing valid reasons/claims for relief. The petitioner will adress them to the best of his ability all that apply to his case. He hopes this court excepts his pleading on issue. In this instance he is totally at the mercy of this court.

- 1)The conviction or sentence was in violation of the constitution of United States or the constitution of this state;
Mr.Hytwer's 2008 conviction is in violation of the constitution he has addressed in a previous passage of this instant petition which is section A-3
- 2)The court was with out jurisdiction to impose sentence;
N/A
- 3)That th sentence exceeds the maximum authorized by law;
Mr.Hytower recieved a sentence of ten years under cdr code of warrant for cocaine (44-53-0370 (b)(1)).If he wouldv been sentenced under the correct statute of warrant k003478 which held cdr code 44-53-0370 (d)(1) a first offense conviction only carries maximum 2 years.*see exhibits A & B* also see exhibit.H
- 4)That there exists material facts, not previously presented and heard that requires vacation of conviction or sentence in the interest of justice;
Mr. Hytower addresses this issue with the fact that his 2008 conviction for reasons mentioned previously throughout this brief. He furthers this claim with the fact that the 2008 conviction can never be justifiably upheld.The warrant of conviction is for cocaine of which labs results came back negative.*see exhibits A & F* Therefore material facts exist that require vacation in the interest of justice
- 5)That the sentence has expired ,his probation ,parole , or conditional release [was] unlawfully revoked , or he is otherwise unlawfully held in custody or other restraint;
The petitioner feels he has addressed this issue in previous passges he feels that this should also motivate judgement in his favor.
- 6)That the conviction or sentence is otherwise under collateral attack upon any ground of alleged error heretofor available under any common law , statute or other writ, motion or petition, proceeding or remedy [...].Provided however, that this section shall not be construed to permit collateral attack on the grounds that the evidence was insufficient to support conviction;
N/A

* FAILURE TO STATE A CLAIM- indictment

***FAILURE TO STATE CLAIM-indictment**

The petitioner has only his lack of legal aid to blame for this issue. He has in fact wrote numerous entities in reference to receiving advocacy so he could properly file on issue . *see exhibit G 1-5 some of which are pre-dated before amended PCR application* However, he beleives the issue concerning the indictment should be viewed as ineffective assistance and or prosecutorial misconduct. What grand jury would pass an indictment for herion when the offense description of the warrant is for cocaine ? The October indictment is the biggest clue laso the true bill *see exhibits B & D*(conviction code) also see exhibit C

***FAILURE TO REQUEST PROPER RELIEF**

Once again the petitioner has a minute understanding of the law and it's. He asks the court to interpret them as they see fit .

C.

MISCARRAIGE OF JUSTICE

By definition a miscarriage of justice is a grossly unfair outcome in a judicial proceeding, as when the defendant is convicted despite lack of evidence on a essential element of the crime.

To prove that a miscarriage of justice will occur if the fails to a collateral attack " a movant must show actual innocence by clear and convincing evidence" Mikalajunas 186 f.3d at 493

In this case the petitioner's application for Post Conviction Relief should be granted due the fact that this standard applies to his 2008 conviction to support this claim the petitioner gives the following facts:

- +the charge of p.w.i.d. is relevant to warrant k003480
- +warrant of conviction is for cocaine not herion as it should be
- +if convcted under the corect warant he couldv recieved nomore then two years he recieved ten
- +he actually innocent of the warrant of conviction he never possessed

cocaine *see exhibit F

+ he was denied due process due to the fact that the terms of the plea were violated

on subject with the claims being made the petitioner asserts the following case law relevant to this situation:

specifically a petitioner must show that "it is more likely than not that no reasonable juror would find him guilty beyond a reasonable doubt" *Schulp v. Delo*, 513 U.S. 298, 327, 115 S.Ct. 851, 130 L.Ed.2d 808 (1995)

CONCLUSION

The petitioner has shown clear and convincing evidence that he is actually and factually innocent October 21, 2008 conviction. He asks that this honorable court grant leave to the pleadings of the instant petitions which would be his Application for Post Conviction Relief also this motion to prevail in response to the state's motion for dismissal.

RESPECTFULLY SUBMITTED;



MAY 16, 2016

EXHIBIT A

EXHIBIT A

ARREST WARRANT

K-003478

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

THE STATE 01-07-034441 against

Kevintae Lamar Hytower

Address: Futrell Dr

Myrtle Beach, SC 29577-

Sex M Race B Height 5 5 Weight 165

DL State SC DL #

DOB Agency ORI # SC0260600

Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: K Poirier - 6811

Offense: Drugs / Poss. of narc. in Schedule I(b),(c),LSD & Schedule II - 1st offense

Offense Code 0176

Code/Ordinance Sec 44-53-0370(D)(1)

This warrant is CERTIFIED FOR SERVICE in the County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date

RETURN

A copy of this arrest warrant was delivered to defendant Kevintae Hytower on 5/15/07

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions PO Box 677 1301 2nd Avenue Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

MAY 20 2007

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Personally appeared before me the affiant K Poirier who

being duly sworn deposes and says that defendant Kevintae Lamar Hytower did within this county and state on or about 05/07/2007

State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach) violate the criminal laws of the

DESCRIPTION OF OFFENSE Drugs / Poss. of narc. in Schedule I(b),(c),LSD & Schedule II - 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts

On 5/7/07, affiant placed defendant in custody for unrelated charges near the intersection of Graham Ave./Dunbar St, which is within the city limits of Myrtle Beach. While defendant was being transported to MBPD jail, affiant noticed defendant's behavior as fidgety and nervous. During strip search, defendant took a baggy of 16 green bindles containing a dark tan powder and 16 blue bindles containing a light tan powder from his pants. The weight of the powder combined was 3.9 grams, and substance did field test positive for heroin. Due to the fact defendant had a total of 32 bindles of powder that tested positive for heroin, the powder was packaged in a way conducive to distribution, and the substance was hidden in defendant's clothing, there is probable cause to believe that defendant did commit said offense.

Signature of Affiant

Signature of Affiant

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Affiant's Address 1101 Oak Street Myrtle Beach, SC 29577- Affiant's Telephone (843)918-1382

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/7/2007 defendant Kevintae Lamar Hytower did violate the criminal laws of the State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach) as set forth below

DESCRIPTION OF OFFENSE: Drugs / Poss. of narc. in Schedule I(b),(c),LSD & Schedule II - 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution or as soon thereafter as is practicable

Sworn to and subscribed before me on 05/07/2007

Signature of Issuing Judge Sharon Ann Goode (L.S.)

Sharon Ann Goode Judge Code. 6620

Judge's Address 1101 Oak Street Myrtle Beach, SC 29577-3599 Judge's Telephone (843)918-1356

Issuing Court: Magistrate Municipal Circuit

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

ORIGINAL

AFFIDAVIT

MAY 20 2007

Exhibit B

EXHIBIT B

ARREST WARRANT

K-003480

STATE OF SOUTH CAROLINA

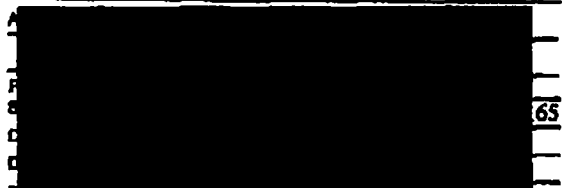
County/ Municipality of

Myrtle Beach

THE STATE 01-07-034441

against

Kevintae Lamar Hytower



Prosecuting Agency: Myrtle Beach Police Department

Prosecuting Officer: K Poirier - 6811

Offense: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II (Cocaine)- 1st offense

Offense Code: 0183

Code/Ordinance Sec: 44-53-0370(B)(1)

This warrant is CERTIFIED FOR SERVICE in the

County/ Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

on

Kevintae Hytower 5/8/07

Signature of Kevintae Hytower

RETURN WARRANT TO:

General Sessions PO Box 677 1301 2nd Avenue Conway, SC 29528

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Personally appeared before me the affiant K Poirier

being duly sworn deposes and says that defendant Kevintae Lamar Hytower

did within this county and state on or about 05/07/2007

State of South Carolina (or ordinance of County/ Municipality of Myrtle Beach)

in the following particulars:

DESCRIPTION OF OFFENSE Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II (Cocaine)- 1st offense

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

On 5/7/07 affiant placed defendant in custody for unrelated charges near the intersection of Graham Ave./Dunbar St, which is within the city limits of Myrtle Beach. While defendant was being transported to MBPD jail, affiant noticed defendant's behavior as fidgety and nervous. During strip search, defendant did remove a plastic bag which contained 20 yellow in color bindles (containing a white powder substance). The substance had a total weight of 2.4 grams, and did field test positive for cocaine. Based on the above facts, there is probable cause to believe that defendant did commit said offense.

Signature of Affiant

Signature of K Poirier

STATE OF SOUTH CAROLINA

County/ Municipality of

Myrtle Beach

Affiant's Address 1101 Oak Street

Myrtle Beach, SC 29577-

Affiant's Telephone (843)918-1382

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/7/2007

defendant Kevintae Lamar Hytower

did violate the criminal laws of the State of South Carolina (or ordinance of

County/ Municipality of Myrtle Beach

) as set forth below:

DESCRIPTION OF OFFENSE: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II (Cocaine)- 1st offense

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable Sworn to and subscribed before me

on 05/07/2007

Signature of Sharon A. Goode (L.S.)

Sharon Ann Goode Judge Code: 6620

Judge's Address 1101 Oak Street

Myrtle Beach, SC 29577-3599

Judge's Telephone (843)918-1356

Issuing Court

Magistrate

Municipal

Circuit

ORIGINAL

ORIGINAL TO MY

MAY 22 2007

ORIGINAL

ORIGINAL

Form Approved by S.C. Attorney General April 21, 2003 SCCA 818

FILED

EXHIBIT D

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT FOR:

**POSSESSION WITH INTENT TO
DISTRIBUTE HEROIN 2ND**

At a Court of General Sessions, convened on October 25, 2007, the Grand Jurors of Horry County present upon their oath:

**POSSESSION WITH INTENT TO
DISTRIBUTE HEROIN 2ND**

CDR: 0184 44-53-0370(b)(1)

That **Kevintae Lamar Hytower**, did in Horry County on or about May 7, 2007, possess with intent to distribute, dispense or deliver, or did aid, abet, attempt or conspire to distribute, dispense, or deliver a quantity of Heroin, a Schedule I controlled substance under the provisions of Section 44-53-110, et. seq., S. C. Code of Laws, 1976, as amended, such possession not having been authorized by law, in violation of Section 44-53-0370(b)(1), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



SOLICITOR

April 19 2015

Melanie,

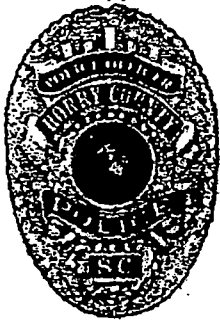
This Kevin Lee Hytower here is the amended version of PCR. The address for the court reporter you gave me to request the transcripts from ended up being a return to sender. Maybe the address has changed also the solicitor of is trying to charge me for the lab results. If I could get the transcript I won't need the lab results. Could you please check on the court reporter for me. I also wanna thank you for being so helpful.

Peace and Blessings to you and yours

Sincerely

K. Hytower

HORRY COUNTY
 2015 APR 23 PM 12:49
 MELANIE HIGHTOWER-WARD
 CLERK OF COURT



Horry County Police Department Regional Drug Analysis Laboratory

Johnny E. Morgan, Chief

DRUG ANALYSIS DEPARTMENT

Date: 7/19/2007

Lab Number: [REDACTED]

Incident Date: 05/07/2007

Your Case #: 01-07-034344

(S): Hytower, Keviunte

K. Poirier
Myrtle Beach PD

[REDACTED]
[REDACTED]
[REDACTED]

The items submitted for analysis were examined with your assurance that the submitted specimens have not nor will be submitted to any other laboratory or agency for examination.

ITEMS OF EVIDENCE:

[REDACTED]

★

Item 1 : Flaky, off-white substance in each of fifteen plain yellow waxed bags rubberbanded together with Item 2

Results: Enilconazole (antifungal) found

Item 2 : Tan powder substance in each of four yellow waxed bags stamped "HOSTAGE" in black

Results: Heroin found 0.27 grams (4.16 grains) C-1

Item 3 : Tan powder substance in each of sixteen blue waxed bags stamped "CONFIDENTIAL" in red, with fifteen rubberbanded together

Results: Heroin found 1.06 grams (16.35 grains) C-1

Item 4 : Tan powder substance in each of eight green waxed bags stamped "SWEET DREAMS" in black, seven rubberbanded together with Item 5

Results: Heroin found 0.52 grams (8.02 grains) C-1

★

Item 5 : White powder substance in each of seven plain green waxed bags

Results: Enilconazole (antifungal) found



FORM A

REPORT OF ANALYSIS FOR
CONTROLLED DANGEROUS SUBSTANCES

I, [REDACTED] Floyd, am a Chemical Analyst employed by the Horry County Police Department and trained by the Spartanburg County Sheriff's Office Forensics Laboratory as a chemist or analyst qualified to perform testing and analysis for controlled dangerous substances prohibited by law in this State by Title 44, Chapter 53 of the Code of Laws and Rule 61-4 of the Department of Health and Environmental Control.

I have *9 years and 8 month(s)* experience as a Chemical Analyst. During that period I have been qualified as an expert witness and testified in court no less than *16 times*. I have received the following training as a chemical analyst:

- BS in Biochemistry, Clemson University, May 1995
- Graduate Studies in Biochemistry (24 credit hours), Clemson University, May 1996
- Extensive Training in Various Forms and Disciplines of Instrumentation
- Method Development on Various Forms of Instrumentation
- Certification in Forensic Drug Analysis at Spartanburg County Sheriff's Office Forensics Laboratory, April 2003
- DEA Forensic Chemist Seminar, September 2003
- American Academy of Forensic Sciences Annual Meetings and Workshops, February 2004 and 2005

On June 28, 2007, [REDACTED] Van Houten submitted the following item(s) to me for testing or analysis:
(Date) (Name)

[REDACTED]

I tested this/these item(s) using the following legally reliable forensic laboratory procedures:

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Chemical Test | <input checked="" type="checkbox"/> Gas Chromatography | <input type="checkbox"/> Published Literature |
| <input type="checkbox"/> Microscopic | <input checked="" type="checkbox"/> Mass Spectrometry | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Infrared Spectroscopy | <input type="checkbox"/> Ultraviolet Spectroscopy | |

and am of the opinion the item(s) contain(s) the controlled substance:

See Report

(Substance Found and Amount or Proportion)

[REDACTED]
[REDACTED] Floyd
Chemical Analyst

July 19, 2007
Date

EXHIBIT F-3

ITEMS OF EVIDENCE:

L070482

I am a Chemical Analyst employed by the Horry County Police Department, certified through the Spartanburg County Sheriff's Office Forensic Lab as a chemist or analyst qualified to perform testing and analysis for controlled dangerous substances prohibited by law in this state by Title 44, Chapter 53 of the Code of Laws and Rule 61-4 of the Department of Health and Environment Control.

I used the following legally reliable forensic laboratory procedures in this analysis:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Chemical Test | <input type="checkbox"/> Ultraviolet Spectroscopy | <input type="checkbox"/> Liquid Chromatography |
| <input type="checkbox"/> Microscopic Test | <input checked="" type="checkbox"/> Gas Chromatography | <input type="checkbox"/> Published Literature |
| <input type="checkbox"/> Infrared Spectroscopy | <input checked="" type="checkbox"/> Mass Spectrometry | <input type="checkbox"/> Other: |

Signature:



I.  Floyd

7-19-2007

Date



CLERK OF COURT



MELANIE HUGGINS-WARD

CLERK OF COURT
1301 2ND AVENUE
CONWAY, SC 29526
(843) 915-5080 • Fax: (843) 915-6081

September 14, 2015

Kevintae Hytower #23394171
USP Terre Haute
PO Box 33
Terre Haute, IN 47808

Re: Response to questions

Dear Mr. Hytower,

This is in response to your letter regarding the above reference.

The Clerk's office is the record keeper. We can give out copies for a fee. We cannot give out any legal advice. See attached printout.

As to who handles your case, that would be you or your attorney. The codes you are requesting can be looked up in the law library at your facility.

The Attorney General's office handles requests for attorneys and we do not know their procedures. It is not clear what case you are seeking help for because you have no pending cases in General Sessions.

If the letter is address to the Judge the Clerk does not have a copy of it.

The motion for intent to appeal is filed in Common Pleas department. I have enclosed a clocked copy. Enclosed is a PCR application.



MELANIE HUGGINS- WARD

CLERK OF COURT
1301 2ND AVENUE
CONWAY, SC 29526

(843) 915-5080 • Fax: (843) 915-6081

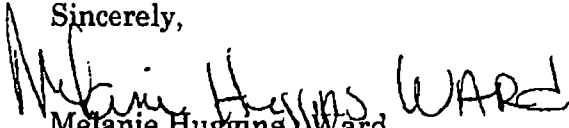
March 19th 2015

Mr. Hytower

We received your letter requesting us to send you information . You may file a amended pcr I am sending you another application. Your case number is 2015-CP-26-1741 please put that on all your documents that you send to us, I am sending a copy of this to the Attorney General's office and returning you a clocked copy.

If we can be of any further assistance, please do not hesitate to let us know.

Sincerely,


Melanie Huggins Ward

MHW/ac



Horry County
SOUTH CAROLINA

Committed to Excellence

MELANIE HUGGINS- WARD

CLERK OF COURT

1301 2ND AVENUE

CONWAY, SC 29526

(843) 915-5080 • Fax: (843) 915-6081

June 24th, 2015

Re: 2015-CP-26-1741

Mr. Hytower:

We received your letter requesting information on your case 2015-CP-26-1741 let me reassure you that the letter was yours and that no one else gets your mail. I just forgot to change the name. And when you file a document we always send you a copy .We cannot detach the letters because they were filed together. I will forward this letter to the attorney general's office showing that you are requesting a attorney.

If we can be of any further assistance, please do not hesitate to let us know.

Sincerely,

Melanie Huggins - Ward
Horry County Clerk Of Court

MHW/ac

CLERK OF COURT



MELANIE HUGGINS-WARD
CLERK OF COURT
1301 2ND AVENUE
CONWAY, SC 29526
(843) 915-5080 • Fax: (843) 915-6081

June 29, 2015

Kevintae Hytower #23394171
USP Terre Haute
PO Box 33
Terra Haute, IN 47808

Re: Transcript

Dear Mr. Hytower,

We are in receipt of your letter regarding the above reference.

You will need to write the court reporter and ask for a complete transcript. Pamela Ozment-Cartee, PO Box 3244, Lancaster, SC 29721.

This office does not receive transcripts.

When you receive your copy of the PCR, you will need to contact the Attorney General's office to request an attorney. Office of the Attorney General, PO Box 11549, Columbia, SC 29211.

Sincerely,

Melanie Huggins-Ward
Melanie Huggins-Ward
Horry County Clerk of Court



MELANIE HUGGINS- WARD

CLERK OF COURT

1301 2ND AVENUE

CONWAY, SC 29526

(843) 915-5080 • Fax: (843) 915-6081

June 30th, 2015

Re: 2015-CP-26-1741

Mr. Hytower:

We received your letter requesting us to file in your case 2015-CP-26-1741 a request for a attorney we do not appoint attorney's until the attorney general's tells us to .I have forwarded a copy of this letter and the last letter dated 6/8/15 to the attorney general's office .

If we can be of any further assistance, please do not hesitate to let us know.

Sincerely,

Melanie Huggins-Ward
Horry County Clerk Of Court

MHW/ac

EXHIBIT H

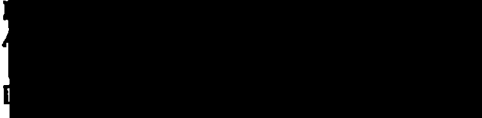
STATE OF SOUTH CAROLINA

COUNTY OF Horry STATE VS.

Kevintac Hytower

AKA:

Race: B Sex: M Age: 24



IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2007GS2604119

A/W#: K003480

Date of Offense: 5/7/2007

S.C. Code § : 44-53-0370(b)(1)

CDR Code #: 0184

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Drugs / MDP, Narcotic drugs in Sch. I(b) & (c), LSD, and Sched. II - Heroin- I

in violation of 44-53-0370(b)(1) of the S.C. Code of Laws, bearing CDR Code # 0183
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (Defendant initial)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

Beverly J. Landrum Landrum, Beverly K. Hytower Defendant [Signature] Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 10 days/months/years of 7 under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*: the balance is suspended with probation for 5 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

- CONCURRENT or CONSECUTIVE to sentence on:
- The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
- The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment
Payment Terms: Obtain GED
 set by SCIDPPPS Attend Voc. Rehab. or Job Corp.
 May serve W/E beginning
 Substance Abuse Counseling

Recipient:
*Fine: \$
§ 14-1-206 (Assessments 107.5 %) \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 35.13 (Public Def/Prob) \$500 \$
§ 73.3, 1B TP (Law Enforce. Funding) \$25 \$ 25.00
§ 33.7, 1B TP (Drug Court Surcharge) \$100 \$ 100.00
§ 50-21-114(B) (Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
3% to County (if paid in installments) \$ 6.90
§ 90.11 TP (SCCA Surcharge) \$5 \$ 5.00
TOTAL \$ 236.90

 Random Drug/Alcohol testing
 Fine may be paid equal, consecutive weekly/monthly pmts. of \$ 25.00 beginning 11/21/08
 \$ paid to Public Defender Fund

Other: Zero tolerance for drug violations

Appointed PD or appointed other counsel, §35.13 TP Requires \$500 be paid to Clerk during probation.

Melanie Higgins Clerk of Court/Deputy Clerk
Court Reporter: Pamela Orment-Coffe

PRESIDING JUDGE [Signature]
Judge Code: 2 P 11 512
Sentence Date: 10-21-08

Just
*

FORM 5

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)
)
Reviuntae)
Hytower #223187)
Full name and prison number (if any) of Applicant.)
)
v.)
)
State of South Carolina)
)

IN THE COURT OF COMMON PLEAS

15

7674

APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS - READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Federal Prison
2. Name and location of Court which imposed sentence Horry county Court House
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2007-CR-26-4119
 - (b) _____
 - (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) 10/21/2008 10 yrs suspended to 5 yrs probation
 - (b) 1/16/2014 10 yrs upon revocation

- (c) _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?

8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) I believed it was the best deal possible through advice of counsel
- (b) _____
- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) I am actually innocent of conviction
- (b) Charging instrument and indictment inconsistent
- (c) Constitution right 5th violated among others

11. State concisely and in the same order the facts which support each of the grounds set out in (10):

- (a) the conviction under warrant # K003480 is for cocaine
- (b) See true bill indictment of case see warrant # K003480
- (c) Plea agreement stated I was pleading to heroin 1st not cocaine

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? _____
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 - i. Post Conviction Relief
 - ii. _____
 - iii. _____
 - iv. _____
- (b) the name and location of the Court in which each was filed:
 - i. Horry County Court House
 - ii. _____
 - iii. _____
 - iv. _____
- (c) the disposition thereof:
 - i. Dismissed with prejudice
 - ii. _____
 - iii. _____

iv. _____

(d) the date of each such disposition:

i. July 23 2015

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. _____

ii. _____

iii. _____

iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

Amended version of previous PCR

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

i. Charging instrument inconsistent with indictment

ii. _____

iii. _____

(b) the proceedings in which each ground was raised:

i. _____

ii. _____

iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) _____

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? Just the Pleadings of 10/21/2008
- (b) your trial, if any? _____
- (c) your sentencing? _____
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? _____
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
 - i. Scott Bellamy 1206 3rd Ave Conway SC 29526
 - ii. _____
 - iii. _____
- (b) the proceedings at which each such attorney represented you:
 - i. _____
 - ii. _____
 - iii. _____

19. State clearly the relief you seek in filing this application:

Case be dismissed with prejudice

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of Horry)

VERIFICATION

15

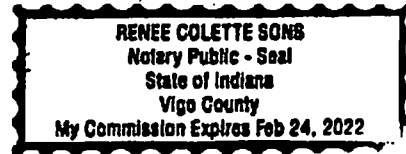
7674

I, Kevin Lee Hayes, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Kevin Lee Hayes

SWORN to and subscribed before me this 9th
day of October, 2005.

Renee Colette Sons (L.S.)
Notary Public



My Commission Expires: 2/24/2022

RENEE COLETTE SONS
NOTARY PUBLIC
VIGO COUNTY INDIANA

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

15

7674

I, Kevin H. Hower, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

(1) I am the applicant in this action and I believe I am entitled to redress.

Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

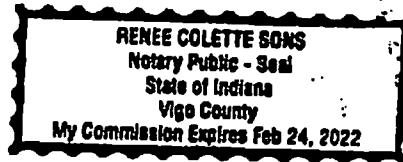
K. Hower

Applicant

SWORN or affirmed to and subscribed before me this

9 day of October, 2015.

Renee C. Sons
Notary Public



My Commission Expires: 2/24/2022

CLERK OF COURT



MELANIE HUGGINS-WARD

CLERK OF COURT

1301 2ND AVENUE

CONWAY, SC 29526

(843) 915-5080 • Fax: (843) 915-6081

June 29, 2015

Kevintae Hytower #23394171
USP Terre Haute
PO Box 33
Terre Haute, IN 47808

Re: Transcript

Dear Mr. Hytower,

We are in receipt of your letter regarding the above reference.

You will need to write the court reporter and ask for a complete transcript. Pamela Ozment-Cartee, PO Box 3244, Lancaster, SC 29721.

This office does not receive transcripts.

When you receive your copy of the PCR, you will need to contact the Attorney General's office to request an attorney. Office of the Attorney General, PO Box 11549, Columbia, SC 29211.

Sincerely,

Melanie Huggins-Ward

Melanie Huggins-Ward
Horry County Clerk of Court

CLERK OF COURT



MELANIE HUGGINS-WARD
CLERK OF COURT
1301 2ND AVENUE
CONWAY, SC 29526
(843) 915-5080 • Fax: (843) 915-6081

*Call for me find out more about the
Court Clerk's office*

April 25, 2014

Kevintae Hytower Reg #23394171
F.C.I. Williamsburg
P. O. Box 340
Salters, SC 29590

Re: Copies 2007-GS-26-4119/2002-GS-26-4010/4011

Dear Mr. Hytower:

We are in receipt of your letter regarding the above reference.

There is a fee of \$.50 per copy with \$1.00 extra for certification if required. Please submit a deposit in advance.

For your transcript of your 2008 case you need to contact the court reporter Pamela Ozment-Cartee, 531 E. Carolina Avenue, Hartsville, SC 29550. The lab results we would not have and you may have to contact the Solicitor's office, P. O. Box 1276, Conway, SC 29528.

Sincerely,

Melanie Huggins-Ward

Melanie Huggins-Ward
Horry County Clerk of Court

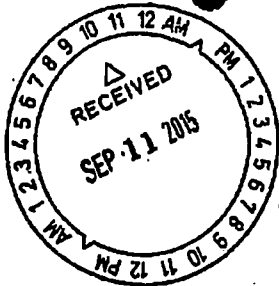
Send this paper to...

- Hytower
2. 23394171
2 Haute
3

EXHIBIT#4

INDIANAPOLIS IN 460

28 AUG 2015 PM 1 L



ite IN
47800
201-2154

NIXIE 282 62 1 7209/05/15

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

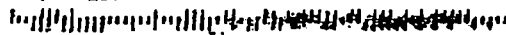
BC: 47808003333 *1712-00232-28-36

23394-171

Pamela Ozment-Cartee
PO BOX 3244
Lancaster, SC 29721
United States

INMATE
IDENTIFICATION
CONFIRMED

4780800333
29721-32444



Hytower # 23344171

KNOXVILLE TN 377

16 MAR 2015 PM 4 L



NIXIE 296 4E 1009 8603/20/15

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 24263030505 *2359-00030-16-38

Z-131
WTF

Pamela Ozment-Cartee
531-E Carolina Avenue
Hartsville South Carolina, 29550

UTF

242630305
29550-51131



RESPONSE TO LETTER OF SEPTEMBER 14, 2015

To: The Horry County Clerk of Court

From: Keviuntae Hytower case#2015-CP-26-0174

Date: October 15, 2015

1 of 3

2015 OCT 25 PM 11:32

Greetings,

First of all let me express genuine gratitude for always receiving timely responses from this office. The Horry County Clerk is in fact a humble establishment, also a willing advocate in many instances past. I am very thankful for all the assistance I have received from this office. However, the most recent responses I received in regards to the questions and concerns of my last letter did not satisfy me. It is my belief that the questions and concerns of the letter were understandable (clear). Some of which were totally neglected, those responses that were given were of no help & off subject. In them the presence of sarcasm is detectable as if they were meant to mock or belittle in some way. Which indicates the respondent is not taking the situation at hand seriously. FREEDOM! The responses I received pertaining to the questions and concerns of my letter are questionable by way of the responding party's professionalism. I will admit that it is very well possible that I may have miscommunicated in some way causing the responses to be inadequate. Since a copy of the letter that brought forth these was not returned with your responses. As you claim you always do there is no way for me to investigate who is at fault. I strongly believe that I expressed clear and concise questions and concerns deserving proper responses. Judging from the past history this has made a few mistakes as well. The letter I received addressed to "Mr. Chestnut" (see exhibit no.1) or the contact info I

recieved from this office for the court reporter of the case in filing the PCR about.Both letters were "returned to sender" "unable to forward as addressed".We are all human and very capable of mistakes and if it is found that i am to blame i sincerely apologize.

AGAIN I RESPECTFULLY REQUEST THAT THIS OFFICE RESPOND TO THE FOLLOWING QUESTIONS AND CONCERNS:

(1) Please send me a copy of the letter that brought forth the responses i recieved from this office dated september 14, 2015

(2)AGAIN ,Do i have a case manager at the Horry Clerk's office (this office)?if so give me that persons name

(3)FYI I am unable to look up the following cdr codes 44-53-370 (b)(1)&44-53-370(d)(1)in the law library at this facility.I am in federal prison and have limited axcess to South Carolina state law.Which the reason i am requesting an attorney to properly file my PCR.I am well aware of the fact that i dont have a pending case in general sessions .I am also well aware of the fact that i recieved an illegal sentence.A sentence that is being upheld by the Horry County Clerks office

(4)AGAIN,I respectfully request to be sent a copy of the case of case #'s k003480 & k003478

(5) The printout you sent was very enlightening i only recieved 5 pages of 6.I am returning it in hopes that i will recieve a complete copy at a later date.

(6) Are you saying you never recieved a copy of my letter addressed to Judge Culbertson?I sent it to your office 1st so that it could be filed and forwraded .This letter was explaining why i needed an attorney

(7) Both addresses you have given me for that court reporter

are no good (see exhibit no.2,3,&4)

(8)AGAIN, I repectfully request the contact info of the Honorable Larry B. Hyman jr.The judge that sentenced me on 10/21/2008

(9)Is the Attorney General obligated to respond to my request advocacy in form of an attorney? it has been months and i havent heard anything from that establishment on :the issue

(10)Who supercedes Melanie Huggins authority?if i had a problem who would i complin to about this office ?

(11) Contrary to the statement that was made "the Grand Jury does not have minutes".The Grand Jury in fact does have minutes Grand Jury minutes are the proceedings of the Grand Jury that brought forth an indictment .Basically,the transcript of the proceedings.Being that you are the clerk of court you should be familiar with this term .I respectfully request for a copy of the Grand Jury minutes of March 20, 2008 indictment number 2007-GS-26_4119.If this office is not in possession of the item requested please inform me who is if possible forward this reuest them .

*I ask that you repsond to all of the questionsand concerns to the best of your ability

RESPECTFULLY SUBMITTED,



CLERK OF COURT



MELANIE HUGGINS-WARD

CLERK OF COURT
1301 2ND AVENUE
CONWAY, SC 29526
(843) 915-5080 • Fax: (843) 915-6081

September 14, 2015

Kevintae Hytower #23394171
USP Terre Haute
PO Box 33
Terre Haute, IN 47808

Re: Response to questions

Dear Mr. Hytower,

This is in response to your letter regarding the above reference.

The Clerk's office is the record keeper. We can give out copies for a fee. We cannot give out any legal advice. See attached printout.

As to who handles your case, that would be you or your attorney. The codes you are requesting can be looked up in the law library at your facility.

The Attorney General's office handles requests for attorneys and we do not know their procedures. It is not clear what case you are seeking help for because you have no pending cases in General Sessions.

If the letter is address to the Judge the Clerk does not have a copy of it.

The motion for intent to appeal is filed in Common Pleas department. I have enclosed a clocked copy. Enclosed is a PCR application.

CLERK OF COURT

The Solicitor's address is PO Box 1276, Conway, SC 29528. You need to request a copy of the plea agreement from the Solicitor's office, this office does not have that on file. You also can ask them about obtaining a copy of another person's discovery.

The Grand Jury does not have minutes.

Sincerely,

Melanie Huggins-Ward

Melanie Huggins-Ward
Horry County Clerk of Court

September 14 2015

Page 2



MELANIE HUGGINS- WARD

CLERK OF COURT
1301 2ND AVENUE
CONWAY, SC 29526
(843) 915-5080 • Fax: (843) 915-6081


May 13th 2015

Mr. Chestnut

We received your letter requesting us to to send you information .Yes state can do that. You have to write to request a attorney. Filed your motion sent a copy to attorney general's office . And returning you a clocked copy.

If we can be of any further assistance, please do not hesitate to let us know.

Sincerely,


Melanie Huggins - Ward

MHW/ac

**MELANIE HUGGINS- WARD**

CLERK OF COURT
1301 2ND AVENUE
CONWAY, SC 29526
(843) 915-5080 • Fax: (843) 915-6081

June 9th 2015

Re : 2015-CP-26-1741

Mr.Hytower :

We received your letter requesting us to send your information dated May 8th 2015. However, my letter dated May 13th was addressed to the wrong person. The state can file a motion to dismiss and you have to write to the attorney general's office to request an attorney. I have filed your motion for you and sent a copy to the attorney general's office.

If we can be of any further assistance, please do not hesitate to let us know.

Sincerely,

Melanie Huggins - Ward
Horry County Clerk Of Court

MHW/ac

**Horry County**

Committed to Excellence

MELANIE HUGGINS- WARD

CLERK OF COURT

1301 2ND AVENUE

CONWAY, SC 29526

(843) 915-5080 • Fax: (843) 915-6081

June 24th, 2015

Re: 2015-CP-26-1741

Mr. Hytower:

We received your letter requesting information on your case 2015-CP-26-1741 let me reassure you that the letter was yours and that no one else gets your mail. I just forgot to change the name. And when you file a document we always send you a copy. We cannot detach the letters because they were filed together. I will forward this letter to the attorney general's office showing that you are requesting a attorney.

If we can be of any further assistance, please do not hesitate to let us know.

Sincerely,

Melanie Huggins - Ward
Horry County Clerk Of Court

MHW/ac

(<http://www.horrycounty.org/Home.aspx>)



Clerk of Court

The Clerk of Court's (Circuit and Family Court) purpose is to provide all the services of the judicial system to the general public. Our goal is to ensure that our services are rendered in a timely and efficient manner.

A Message from the Clerk of Court

I would like to thank you for visiting the clerk of court's website. As your clerk of court, I am committed to providing you with the highest quality of customer service possible. Please know that my office door is always open to you. If I can assist you in anyway, I encourage you to call or visit the clerk's office. Once again, thank you for allowing me to serve you as your clerk of court.

-- Melanie Huggins-Ward

A Message from Judge Steven H. John

Judge John has requested that all Horry County Bar Lawyers please review Rule 40 SCRP which will be adhered to during his term of Chief Administrative Judge for Common Pleas Court, starting January 1, 2012. Should you have any questions, please do not hesitate to let us know.

Attorneys -- Please take notice of the SC Supreme Court Administrative Order for Fast Track Jury Trials. The Court would hope that you would take advantage of that particular procedure.

By order of the South Carolina Supreme Court, dated May 1, 2013, and effective on that date, two changes were made to the SC rules of civil procedure and one change was made to the SC rules of criminal procedure that will affect the circuit courts.

Rule 4 (d)(9) was added to the SC rules of civil procedure, and it authorizes service of process to be made by a qualifying commercial delivery service and is similar to service by registered or certified mail. Rule 4(g), SCRPC, was amended to detail the proof required when a party serves process utilizing a commercial delivery service.

^

Rule 35 was added to the South Carolina Rules of Criminal Procedure regarding computation of time. It is the same language as contained in Rule 6(a) of the South Carolina Rules of Civil Procedure, prior to the addition of this rule, the Rules of Criminal Procedure did not address the computation of time.

PDF Administrative Order - Condemnations

(/Portals/0/Docs/ClerkOfCourt/pdf/JudgeJohn/Admin%20Order%20Hyman%20Condemnations.pdf)

PDF Administrative Order - RE: Order of Defaults & Order of References

(/Portals/0/Docs/clerkofcourt/pdf/JudgeJohn/AdminOrder-OrderDefaultsReferences.pdf)

PDF Administrative Order from Judge Hyman - Common Pleas Jury

(/Portals/0/Docs/clerkofcourt/pdf/JudgeJohn/AdminOrder-HymanCP.pdf)

PDF Administrative Order from Judge Hyman - Common Pleas Non-Jury

(/Portals/0/Docs/clerkofcourt/pdf/JudgeJohn/AdminOrder-HymanCPNJ.pdf)

PDF Administrative Order - Notice of Representation in all Criminal Cases

(/Portals/0/Docs/clerkofcourt/pdf/JudgeJohn/AdminOrder-GSNotice.pdf)

PDF Administrative Order - General Sessions - Differentiated Case Management & Trial Scheduling Order (/Portals/0/Docs/clerkofcourt/pdf/JudgeJohn/AdminOrder-TrialGS.pdf)

PDF Administrative Order - General Sessions (effective 1/1/2014)

(/Portals/0/Docs/clerkofcourt/pdf/JudgeJohn/AdminOrder-GS.pdf)

PDF Administrative Order - Self-Represented Litigant Child Support Modification Packets - dated August 24, 2012 (/Portals/0/Docs/clerkofcourt/pdf/JudgeJohn/AdminOrder-ChildSupport.pdf)

PDF Administrative Order from the Honorable Steven H. John - dated June 5, 2012

(/Portals/0/Docs/clerkofcourt/pdf/JudgeJohn/AdminOrder-John-2012-0605.pdf)

PDF Administrative Order Extended from the Honorable Steven H. John - dated June 5, 2012

(/Portals/0/Docs/clerkofcourt/pdf/JudgeJohn/AdminOrder-John-2012-0213.pdf)

PDF Administrative Order from the Honorable Steven H. John - effective January 1, 2012

(/Portals/0/Docs/clerkofcourt/pdf/JudgeJohn/AdminOrder-JudgeJohn.pdf)

PDF Administrative Order - Revised Form 4 (updated 12/2011)

(/Portals/0/Docs/clerkofcourt/pdf/JudgeJohn/AdminOrder-Form4.pdf)

PDF Administrative Order regarding revisions to the Self-Represented Litigant Divorce Packet

(/Portals/0/Docs/clerkofcourt/pdf/JudgeJohn/AdminOrder-DivorceRev.pdf)



Amendment to the Code of Law

Regarding Public Records

'A person preparing or filing a document for recordation or filing in the official records may not include a social security, driver's license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code, or passwords in the document, unless expressly required by law. An individual has a right to request a register of deeds or clerk of court to remove, from an image or copy of an official record placed on a publicly available Internet web site or on a publicly available Internet web site used by a register of deeds or clerk of court to display public records, any social security, driver's license, state identification, passport, checking account, savings account, credit card, or debit card number, or personal identification (PIN) code, or passwords contained in an official record. The request must be made in writing and delivered by mail, facsimile, or electronic transmission or in person, to the register of deeds or clerk of court. The request must specify the identification page number that contains the social security, driver's license, state identification, passport, checking account, savings account, credit card, debit card number, or personal identification (PIN) code, or passwords to be redacted. There is no fee for the redaction pursuant to request.'

South Carolina General Assembly Bill Number 453

Signed by the Governor April 2, 2008 with an effective date of December 31, 2008.

Functions

The Clerk of Court's (Circuit and Family Court) purpose is to provide all the services of the judicial system to the general public. Our goal is to ensure that our services are rendered in a timely and efficient manner. These are but not limited to the duties our office offers to you:

- summoning of jurors for civil and criminal court
- filing of civil and family court documents
- processing arrest warrants
- passport applications
- public defender applications
- hawker's & peddler's applications
- notary public registration
- filing of bondsman license
- collection and disbursement of child support and alimony
- collection of general sessions fines and court costs
- custodian of civil, criminal, and family court documents
- preparation and maintenance of civil and family court dockets

Frequently Asked Questions

What documents are necessary to complete a passport application?

Do I have to serve on jury duty?

How can I get copies of court records?

How can I verify if my child support or alimony has been paid?

What payment methods are acceptable for paying child support or alimony?

How do I change my mailing address on my child support check?

Can I pay my fine or restitution by check?

How can I receive monies being held in trust for me?

How can I receive monies that I posted for someone's bond?

How can I get a Hawker's and Peddler's License?

Juror Information

- The State Election Commission provides our county with a list of potential jurors each year. The names are collected from voter's registration; driver's license and state issued identification cards. Jurors for each term are then selected through random computer selection. Notices are mailed approximately 20 days in advance of the term.
- Jurors are to park in any available space around the judicial complex. Jurors are to report to the jury pool room located on the first floor.
- Jurors are paid \$15.00 per day for each day they appear at the courthouse. You are also paid 20.5 cents per mile to and from your home to the courthouse. Juror checks are usually mailed the first of the following week after service. An excuse is available for any juror at the Clerk of Court's office after your service has concluded. Unless it is a special term of court, jury duty usually lasts only one week.
- It is up to each employer whether they pay you while you are on jury duty. You will need to check with your employer to what their policy is.

- Please dress appropriately, no shorts, tank tops or flip-flops. Cellular phones and pagers are not allowed in the courtrooms. Please leave them in your vehicle. Also, please be advised that weapons of any type or any pointed objects are not allowed on the courthouse premises.
- If you have any questions, please call 843-915-6743.

Passport Information

Passport fees

- **Books**
 - Adults: \$110.00 to the US State Dept plus \$25.00 Clerk of Court's acceptance fee = \$135.00
 - Minors: \$80.00 to the US State Dept plus \$25.00 Clerk of Court's acceptance fee = \$105.00
- **Cards**
 - Adults: \$30.00 to the US State Dept plus the Clerk of Court's acceptance fee of \$25.00 = \$55.00
 - Minors: \$15.00 to the US State Dept plus the Clerk of Court's acceptance fee of \$25.00 = \$40.00
 - Cards are valid only for sea and land travel.
- If an applicant applies for the card and book at the same time there is only one \$25.00 acceptance fee.
- There is a \$60 fee to the US State Dept to expedite the passport application process.

Department Head

Melanie Huggins-Ward

Contact

Phone: (843) 915-5080

Fax: (843) 915-6081

Mailing Address

P.O. Box 677

Conway, SC 29528

Physical Address

1301 Second Ave

Conway, SC 29526

Office Hours

8:00 AM - 5:00 PM

Monday through Friday

Other Locations

South Strand

★

Relief Sought

That this Honorable Court will order the release of the items requested and any other items relevant to Mr.Hytower's 10-21-08 conviction.

Conclusion

Mr.Hytower, Respectfully prays that this Honorable Court will grant the instant petition. Compelling reasons have arisen to warrant this action, that Mr.Hytower has respectfully requested.

In this month of November, the 25th day, 2016.

Respectfully submitted,

Signature

K. Hytower
K. Hytower
Reg. No. 23394-171
Federal Correctional Institution
P.O. Box 1000
Butner, NC 27509

pro se, action,

motion A

STATE OF SOUTH CAROLINA)
 COUNTY OF Horry)
)
 Keviuntae Hytower)
)
 v.)
)
 State of South Carolina)

IN THE COURT OF COMMON PLEAS
 FIFTEENTH JUDICIAL CIRCUIT

2015-CP-26-7674

MOTION TO EXPEDITE

Horry County
 2017 JAN -6 PM 3: 28
 REBECCA L. HISS
 CLERK OF COURT
 Horry County SC

NOW COMES, Petitioner Keviuntae Hytower in the instant petition proceeding in a pro se manner. Moves this Honorable Court to consider the pleading of the instant action **MOTION TO EXPEDITE**

The Petitioner will now give reason for the instant action,

CAUSE OF ACTION

The Petitioner in this case Kevintae Hytower files this motion to expedite respectfully in the most humble manner requesting this Honorable Court to make a ruling on case no. 2015-CP-26-7674 in the near future. The Petitioner asserts the fact that the claims of PCR concerning his 2008 conviction are of merit also substantial. The sentence Hytower received on 10/21/08 is illegal also unconstitutional offensive to the canons of justice, due to the way his 5th amendment due process rights were violated. Despite the fact that Hytower is currently in Federal Prison and the state sentence is in fact to be ran concurrent it aggravates his federal sentence in a number of ways. One which is that the 2008 conviction was used to enhance his sentence under the career offender act.

RELIEF SOUGHT

The Petitioner respectfully requests for this Honorable Court to rule on case no. 2015-Cp-26-7674 within 90 days . Depending on ruling of court it will give him free will to pursue other forms of habeas relief in reference to the illegal sentence given in 2008 in a Federal Court. These actions will be concerning his state and federal convictions.

CONCLUSION

The Petitioner gives his most humble prayers that this court will grant this petition by making a ruling pertaining to case no. 2015-CP-26-7674

In this month of November, the 27th day, 2016.

signature Respectfully submitted,
K. Hytower
K. Hytower
Reg. no. 23394-171
Federal Correctional Institution
P.O. Box 1000
Butner, NC 27509

pro se, action,

motion B

TO: The Honorable Williams H. Seals Jr

From: Keviuntae Hytower Case no. 2015-CP-26-7674

Date: 10/5/2017

RECEIVED

MAY 01 2018

SC Court of Appeals

Your Honor,

The purpose of this letter is to bring to the courts attention questions and concerns regarding case no. 2015-CP-26-7674.

Primarily these concerns are relevant to situation with the Horry County Clerk of Court filing motion under wrong case number (2015-CP-26-1741) of case previously dismissed in the Court of Common Pleas. It took awhile before the Clerk's office acknowledged the issue by making correction.

Several requests have been made for verification of the status of case no. 2015-CP-26-7674. The response from the clerk is always the same that the case is still pending. Inquiries have also been as to if the Attorney General is aware of issue. No response from the Attorney General's office in reference to the matter.

Due to the fact that the response to the States motion was initially filed under wrong case number and not corrected until several months later. This should affect the one year start date. Enclosed, are two letters from the Horry County Clerk of Court. Both recieved on same day dated November 16 2014 & October 3 2016.

The October 3 letter states issue with case number has been corrected/resolved. Therefore the one year start date should begin when notice was received. Giving individual adequate time to amend coinciding with Federal Statute 28 USC § 2255 which governs petitions for habeas relief. Therefore this is a request to file amend PCR also requesting stay until decision is made granting or denying permission.

In the State's motion for dismissal a claim was made that case no. 2015-CP-26-7674 should be dismissed because requirement to file successive was not met. In case the court is not aware there is an amended PCR filed under case no. 2015-CP-26-1741 dated April 19 2015. The amended version of ~~case~~ case no. 2015-CP-26-1741's PCR is of the same grounds of case no. 2015-CP-26-7674.

On subject of amended version of PCR of case no. 2015-CP-26-1741 there was never a decision made the case was dismissed on the claims of initial PCR. Therefore the case is still open and the actions of case no. 2015-CP-26-7674 should not be viewed as successive.

Part of the enclosures are two motions filed with the Harry County Clerk's office motion to expedite, and motion to compel. It seems that these motions have never been before the court moreless, forwarded to the Attorney General's office. Both motions are basically table

issues that should be easy for the court to make decision.

According to the Horry County Clerk of Court forwarding documents is not a part of their responsibilities, that they are only records holders. However, in the Federal System is the heart of judicial process. Several requests have been made for much needed information such as, contact info of holder of transcripts of 2008 pleading, and other documents relevant to conviction of Oct 2008.

The clerk's office has been unwilling or unable to point where to go on this issue.

Petitioning for habeas relief in reference to state conviction while in Federal Prison is almost impossible, an uphill battle. Access to S.C. state law is very limited. How can a pro se litigant in that type of situation be expected to raise issues effectively? This issue has been brought to the attention of the Honorable Benjamin H. Culbertson. His response was to quote rule 71.1(d) of South Carolina Rules of Civil Procedure. With no access to these rules how can an individual ascertain if this information is correct, or if there is an applicable exception to this rule? Any individual subject to these type of circumstance is automatically denied substantial rights. Chances of prevailing are slim to none. Especially if the court doesn't construe pleadings liberally not holding individual

to the strict standard as those of an attorney.

For instance, take into consideration the arguments/ grounds for dismissal in the motion filed by the State of South Carolina in case no. 2015-CP-26-7674.

All arguments are issues of procedure and legalese basically asking for the case to be dismissed by default. Despite the fact that there is overwhelming evidence that the Oct 21 2008 conviction is illegal. Clearly violation of rights. The State of South Carolina chose to contest instead of concede.

• In reference to the questions and concerns of this letter I Keviuntae Hytower respectfully request the following:

1) that the contents of this letter be construed into and considered motion, moving the court to respond to all issues herein

2) that the actions of case no. 2015-CP-26-7674 not be treated as successive due to the fact that case no. 2015-CP-26-1741 did not receive full adjudication

3) Notification of Status of case no. 2015-CP-26-7674
Verification that case has been filed under proper number in Attorney General's office, motion in response to state and all other actions

5) request for advocacy be considered under totality of circumstances

6) request permission to file amended PER

7) Motions filed Jan 6 2017 be heard on decision made

In closing, I give thanks to the court for its time and consideration and patiently wait on its response

Respectfully,

R. Hufow