

Dear: Sir / Madam

10-9-18

The Forms for APPLICATION For Forensic DNA Testing Forms SCCA DNA 101 (04/2009), it didn't state i have to pay the Fees and Costs, of the Proceedings Page 4 and Page 5, without payment of the costs and AFFIDAVIT, yall are denying me of my DNA rape kit results, statements, etc. For warrants No (s), M-124324, M-124326, M-124327, and M-124328,

This is wrong for, yall trying to make a inmate pay for Fees and costs, and i don't get no money at all, This is why the S.C. Supreme Court send me the DNA application, to fill out too,

Here is all the proof i have to show yall!

Please send me Free copies of MY DNA rape kit results, and statements, etc. write Back ASAP?

Keith A. Smyth

Keith A. Smyth # 363756

B.R.C.I.; MLT 1065B

4460 Broad River RD,

Columbia, SC 29210

RECEIVED

OCT 18 2018

S.C. SUPREME COURT



County of Spartanburg

Post Office Box 5666
TELEPHONE (864)596-2526
Fax (864)596-2232
Spartanburg, South Carolina 29304

August 27, 2018

Keith A. Smyth #363756
B.R.C.I.: MLT 1065B
4460 Broad River Rd.
Columbia, SC 29210

Re: Your request for information under the S.C. Freedom of Information Act (FOIA) requesting a copy of the DNA rape kit results, statements, etc. for Warrant No(s). M-124324, M-124326, M-124327, and M-124328

Dear Mr. Smyth:

The County has received your request for access to information under the SC Freedom of Information Act regarding the above-referenced matter. Assuming the existence and identification of the records described in your letter, the County has determined that the information will be furnished or made available for your copying, except any part discovered to be exempt under the FOIA in the process of gathering the information. That will be separated as provided for in the statute.

A uniform charge for copying and a uniform hourly rate for locating these records has been adopted at the actual lowest cost. To that end, please send Ms. Lacey R. Bradey, Deputy Director of Finance, P.O. Box 5666, Spartanburg, SC, 29304 your check in the amount of \$22.65 payable to Spartanburg County, for deposit into the County's general fund. This deposit represents twenty-five percent (25%) of the total cost for this request and is based upon the uniform actual lowest cost established by the County for employee time, copying, handling and postage. Upon payment of this deposit, you will be notified of the additional costs due before production of the documents responsive to this request. In the event we do not receive your deposit within fifteen (15) days from the date of this letter, we will consider your request closed.

Sincerely,

A handwritten signature in black ink, appearing to read "James H. Hipp".

James H. Hipp
Deputy County Administrator

cc: Ginny Dupont, County Attorney (via e-mail only)
Mark Barry, Sheriff's Office (via e-mail only)



County of Spartanburg

Post Office Box 5666
TELEPHONE (864)596-2526
Fax (864)596-2232

Spartanburg, South Carolina 29304

September 28, 2018

Keith A. Smyth #363756
B.R.C.I.: MLT 1065B
4460 Broad River Rd.
Columbia, SC 29210

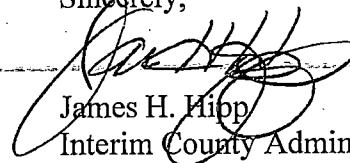
Re: Your request for information under the S.C. Freedom of Information Act (FOIA) requesting a copy of the DNA rape kit results, statements, etc. for Warrant No(s). M-124324, M-124326, M-124327, and M-124328

Dear Mr. Smyth:

According to your request, you are looking for documents under the Freedom of Information Act for your lawsuit/case. According to the Freedom of Information Act, SC Code Ann. 30-4-30(A)(1), the right to inspect, copy or receive an electronic transmission of any public record does not extend to individuals serving a sentence of imprisonment in a state or county correctional facility in this State, in another state, or in a federal correctional facility. The statute goes on to state that this may not be construed to prevent those individuals from exercising their constitutionally protected right, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

If you are requesting this information in connection with a criminal prosecution, please advise so that we might coordinate with the proper Solicitor, Attorney General or Federal Prosecutor; if you are requesting this information in connection with a civil matter, the County's understanding of the law would be that your request is not proper under SC FOIA.

Sincerely,



James H. Hipp
Interim County Administrator

cc: Ginny Dupont, County Attorney (via e-mail only)
Mark Barry, Sheriff's Office (via e-mail only)

STATE OF SOUTH CAROLINA

COUNTY OF Spartanburg

Keith Adger Smyth #363756

Name of applicant and Inmate number (if applicable)

OR

IN THE INTEREST OF

Juvenile

v.

State of South Carolina

) IN THE COURT OF (Select one)

) GENERAL SESSIONS

) FAMILY COURT

) JUDICIAL CIRCUIT

) APPLICATION FOR
) FORENSIC DNA TESTING

) ORIGINAL INDICTMENT NO.

) 2011-GS-42-965-968, 1251

) OR

) ORIGINAL PETITION NO.

) -JU-

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 continue an 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 end 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 or adjudicated.

I understand that DNA testing is only available if I have been convicted or adjudicated of an offense listed in S.C. Code Ann. § 17-28-30, that I am currently incarcerated for that offense, and that I am asserting that I am innocent of the offense. Further, if the conviction or adjudication was the result of a plea of guilty or nolo contendere, the application must be filed within seven years of the date of sentencing.

1. Identify the proceedings in which the applicant was convicted or adjudicated:

4 criminal sexual conduct with a minors 1st degree.

1 criminal sexual conduct with a minor 2nd degree.

2. Give the date of the entry of the judgment and sentence: 25 yrs to Life,
on April 21, 2015
and current place of incarceration: Broad River C.I.; MLT Hab,

3. Identify all previous or ongoing proceedings, together with the grounds therein asserted, taken by the applicant to secure relief from his conviction or adjudication:

(a) PCR.

(b) Appeals,

(c) Habeas corpus, Federal,

4. Make a reasonable attempt to identify the physical evidence or biological material that should be tested: Rape test, and Hospital Rape Lab test, SLED Lab test reports, Rape Kit.

Identify the specific type of DNA testing being sought:

All Rape DNA tests to be done, of
Rape,

5. Explain why the identity of the applicant was or should have been a significant issue during the original court proceedings, notwithstanding the fact that the applicant may have pled guilty or nolo contendere or made or is alleged to have made an incriminating statement or admission as to identity: Should Be Looking for Rape Kit, Lab
Hospital Rape test, etc.

~~6. Explain why the physical evidence or biological material sought to be tested was not previously subjected to DNA testing, or if the physical evidence or biological material sought to be tested was previously subjected to DNA testing, provide the results of the testing and explain how the requested DNA test would provide a substantially more probative result: It can~~

Show me, or the State Proof.

cause i was even in DJJ at 16 yrs old
of this charges, don't see no Juvenile
case number at all.

7. ~~Explain why if the DNA testing produces exculpatory results, the testing will constitute~~
new evidence that will probably change the result of the applicant's conviction or adjudication
if a new trial is granted and is not merely cumulative or impeaching:

The State should sentence me under the
Juvenile, or the youth offender S.C. code
1976:24-19-50, and should go by S.C. code:

17-24-20 (A) (B) (C) (D).

8. I assert that I am actually innocent of the listed offense, that this offense is listed in S.C. Code Ann. § 17-28-30 and that I am currently incarcerated for the listed offense. I attest that this application is made to demonstrate innocence and not solely to delay the execution of a sentence or the administration of justice.

9. If DNA testing is conducted and results are determined to be inculpatory by the Court, I understand that:

- (a) The Court may hold me in contempt of court if it determines that my assertion of actual innocence was intentionally false;
- (b) The Court may assess the cost of any DNA testing against me;
- (c) The South Carolina Department of Corrections may use this determination to deny good conduct credit; and,
- (d) The Department of Probation, Parole, and Pardon Services can use this determination to deny parole.

Keith A. Smyth
Print Applicant Name


Signature of Applicant

7-30-2018

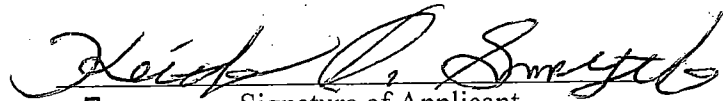
STATE OF SOUTH CAROLINA

County of Spartanburg

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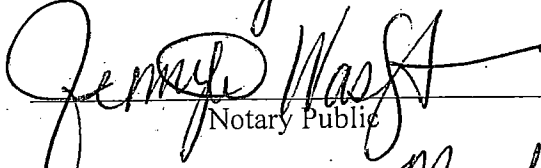
VERIFICATION

I Keith Adger Smyth, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; and that the matters and ~~allegations set forth are true.~~



7-30-18 Signature of Applicant

SWORN to and subscribed before me this 30th
day of July, 2018.



(L.S.)

Notary Public

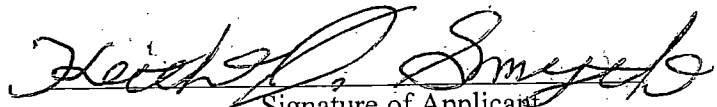
My Commission Expires:

March 8, 2028

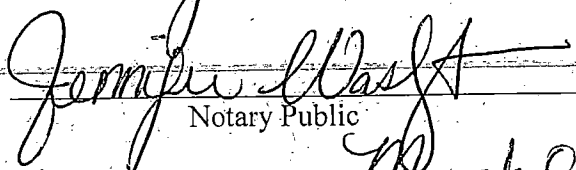
APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, Keith Adger Smyth, 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.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

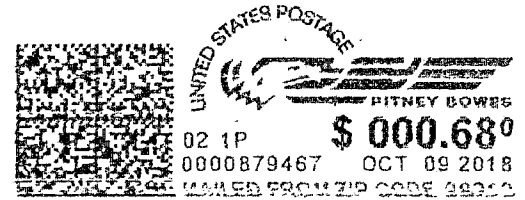

7-30-18 Signature of Applicant

SWORN to and subscribed before me this 30th
day of July, 2018.

 (L.S.)
Notary Public

My Commission Expires: March 8, 2020

A. Smyth #363756
; MLT 1065B
Broad River RD,
Columbia, SC 29210



S.C. Supreme Court
1231 Gervais Street,
Columbia, SC 29211

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