

Kevin E. Herriott, # 313862  
Kershaw Correctional Institution  
4848 Goldmind Hwy  
Kershaw, SC 29067

RECEIVED

JAN 4 2019

2019

S.C. SUPREME COURT

December 21, 2018

SC Appellate Court  
Post Office Box 11330  
Columbia, SC 29211

Re: Kevin E. Herriott vs. The State

Appellate Case No.: 2018-01966  
Response In Accordance to Rule 221(b)  
SCACR First Notice 11-20-2018 2<sup>nd</sup> Notice  
12-04-2018 Pursuant to Rule 243(c)  
SCACR.

Dear Shearouse:

The Appellant is in receipt of Letter/Order dated December 11, 2018 on the 20<sup>th</sup> day of December, 2018 that was first sent by Chief Deputy Brenda Shealy to Broad River Correctional Institution (BRCI) stamp-dated December 14, 2018 in which was then forwarded to Kershaw Correctional Institution stamp-dated December 19<sup>th</sup>, 2018. (see attached documents)

The Appellant finds that the Order of The Supreme Court has determined that the Petitioner has failed to provide an explanation as required by Rule 243(c) of the South Carolina Appellate Court Rules and this Court Letter dated November 07, 2018. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b) SCACR. However, the Appellant asserts that he was in receipt of Letter dated November 07<sup>th</sup>, 2018 on the 20<sup>th</sup> day of November 2018 that was first sent to BRCI by respondent stamp dated received on the

Page 1 of 10

LEGAL  
K.H.  
HERRIOTT-313862

09<sup>th</sup> day of November, 2018 which was then forwarded to Kershaw Correctional Institution stamp-dated received on the 16<sup>th</sup> day of November, 2018 where the Appellant signed for its contents on Tuesday, November 20<sup>th</sup>, 2018. see Appendix

The Appellant had find that the Order of the Ninth (9) Judicial Circuit, Charleston County had determined that this action is barred as being successive and/or as being untimely under Statute of Limitations, S.C. Code Ann. §17-27-45(a) Accord S.C. Code Ann. § 17-27-90. In response to SCACR Rule 243(c) The Appellant wrote two (2) letters which was not Processed by mail room Personnel. The Appellant asserts he filed grievance(s) denying Appellant Access to The Courts alleging that on the the 21<sup>st</sup> and 23<sup>rd</sup> of November 2018 and December 04, 2018 Sending correspondence by Mail via U.S. Postage when Mailroom Personnel Mrs/Ms. Amerson did not Process & Service Appellant's Legal Letters due to coming to Appellant's cell doing a(n) Notary and after signing court documents was then asked to turn into the mail room for Process and Service. (see Attach documents)

Pursuant to Corbett v. Ozmint, 2010 WL 4116614, Plaintiff would have need to Present evidence sufficient to show that a named Defendant displayed a deliberate or callous indifference to a specific known risk of harm to him. see Also, Pruitt v. Moore, No. 02-395, 2003 WL 23851094, L\*9 (D. SC. July 7, 2003) Inmate alleging denial of access to the Courts must be able to demonstrate: 1) a serious or "actual injury" 2) deliberate indifference on the Part of Defendants either caused by the Policy or Procedure at issue.

Never-the-less, Honorable [REDACTED] Roger M. Young, SR Chief Administrative Judge, Ninth Judicial Circuit dismiss PCR Action 2018-CP-10-600 Pursuant to Rule 77 SCRPC in Conflict to A conditional order that was to be held in accordance to SC Code Ann. §17-27-70(b). The Appellant asserts The final order was dismiss Pursuant to Rule 77, although, the final order derived from

And conditional Order of dismissal that was to be held in accordance to S.C. Code Ann. § 17-27-70(b). Accord S.C. Code Ann. § section 1-23-310, et, seq. establishes the "substantial evidence" rule as the standard for judicial review of a decision of an administrative agency. Pursuant to Corbin v. Kohler Co., 351 S.C. 613; 574 S.E. 2d 92. It is well settled that a judge is not bound by a prior oral ruling and may issue a written order which is in conflict with the oral ruling. Bordeaux v. Davis, 337 S.C. 193, 204, 522 S.E. 2d 835, 839 (Ct. App. 1999). Accord Owens v. McGill, 308 S.C. 556, 449 S.E. 2d 786 (1992). LC ruling "judge was not bound by prior oral ruling and could issue written order which conflicted with prior oral ruling." To the extent the written order may conflict with prior oral ruling, the written order controls. "Parag v. Baby Boy Lavin, 333 S.C. 221, 226, 508 S.E. 2d 590, 592 (Ct. App. 1998). Also, a court may reverse or modify an agency's decision "if substantial rights of the Appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are... affected by other error of law." Lybs v. DuPont Chemical Co. (emery) 315 S.C. 440, 434 S.E. 2d 292.

The Appellant asserts that on basis of 2018 CP-10-600 Action is not successive, but are within scope of SC Code Ann. Statute § 17-27-90 which states:

All grounds for relief available to an applicant under this chapter must be raised in his original, supplemental, or amended application. Any ground finally adjudicated or not so raised or knowingly, voluntarily, and intelligently waived in the proceeding the applicant has taken to secure relief may not be the basis for a subsequent application unless the court finds a ground for relief asserted which for sufficient reason was not asserted or was inadequately raised in the original supplemental, or amended application.

On or before February 25, 2013, the Appellant filed application

for Post-Conviction Relief 2013-CP-10-1084 Action From Trial  
Plea Proceeding(s) that was held on September 04 & 05, 2012  
by conviction of an plea of guilty Pursuant to Alford v. North  
Carolina, 400 U.S. 25, 913 Ct. 160, 27 L. Ed. 2d 162, 560.0,  
2d 85.

The Appellant asserted in the 2013-CP-10-1084 PCR Action  
alleging Counsel of Record 2012 Trial/Plea Counsel Mary, A.  
Ford, failed to advise Petitioner of the right to a appeal and  
had claimed ineffective assistance of counsel amending  
numerous of other grounds under the broad range of the  
claim ineffective assistance of counsel. The Appellant  
recalls that the discovery materials Pursuant to Rule 5 SCR Crim  
of its non-disclosure was a major issue between Lawyer  
Mary Ford and defendant not having the opportunity to  
review its material nor did attorney Mary Ford shared  
information of the development of the Prosecutions case,  
that had allowed counsel Mary Ford to misrepresented  
factual evidence. In light of the initial Rule 5 SCR Crim  
during the Pre-trial stages there were a lot of questions  
concerning the affirmative defense self-defense claim as  
it relates to satisfying the four (4) Prongs test of  
claiming self-defense raising the questions of "what ifs"  
and not working the evidence of "challenges the 'adversarial  
testing process'. Amongst the non-disclosure of discovery at the  
Chief of trial there was disputes about how many shots  
were fired, missing sled documents of the GSR (Gun  
shot residue) reports that indicated more than the  
Appellant had fired a weapon; the actual crime scene  
was in question; different perspectives due to the  
inconsistencies of the eye-witnesses and alleged  
victim Brian Williams statements for had counsel  
Mary Ford called forth or had list at the Chief  
of trial an expert witness that could have  
reconstructed the crime scene to show that Joke  
Ann Duffee was shot before the firearm. The

Appellant Possessed went off, the Petitioner would have went forward with trial. However, Counsel Mary Ford was down- sizing in the event of down playing the alleged victims wounds while the Prosecutor Benjamin Simpson enhanced the severity of their wounds. The Appellant filed motion to Directed Verdict of dismissal Accord Rule 12 (b) (1) (3) S.C.R.P during the Pre-trial stages before state and/or grand jurors were sworn before trial. According to FRCP Rule 12 (c) Hearing Before Trial. If a Party so moves, any defense listed in Rule 12 (b) (1) - (7) -- whether made in a Pleading or by motion -- and a motion under rule (c) must be heard and decided before trial unless the Court orders a deferral until trial. Pursuant to State v. Curtis 356 S.C. 622, 591 S.E. 2d 600 (2004) A directed Verdict, a defendant is entitled to when the state fails to produce evidence of the offense charged.

The Appellant asserts Honorable Dedric Jefferson, confirmed by ruling that the said indictment 2011GS 10-0044, Attempted Murder was insufficient for the state had failed to produce evidence (Brian was said to be shot even after the continuance of this trial by Counsel Mary Ford who was <sup>carrying</sup> a useless charade about Brian was grazed with a bullet. To be shot and the bullet grazed you is the same conclusion of being shot?) of the offense charged. Without ordering a deferral until trial to hear the movant (c) motion Directed Verdict of Dismissal that was opened to the State did violate S.C. CONST Art. 1 § 3. "One who demands and is refused the right to be tried for a crime charged against him only upon an indictment presented by a legal grand jury, in instances where such indictment is required may thereafter justly take the position that has been deprived of life, liberty, or property without due process of law." Evans v. The State, 316 S.C. 495, 611 S.E. 2d 510.

(c) (1) However, the motion went unopposed Accord § 18.33 (c) (1) (i). ALL Federal. The Appellant attempted to Pursue discovery, but in all actuality Counsel Mary Ford

<sup>Carrying</sup> For Brian Williams medical records indicated that he was not shot see Exhibit C 2018-CP-10-1084

withheld Petitioner's discovery<sup>2</sup> even after motioning the court Pursuant to Brady v. Maryland, 373 U.S. 83 83 S.Ct. 1194, 23 L.Ed. 2d 215 and its progeny Gislov. The United States, 405 U.S. 150, 92 S.Ct. 763, 31 L.Ed. 2d 104

The second Trial was then brought to the suppression stages after jury voir dire - the select of the jury before Honorable Stephanie P. McDonald where Attorney Mary A. Ford, Esquire waived the affirmative defense, self-defense claim believing there was a factual basis for the plea. Meanwhile, awaiting to appear before PCR Judge Honorable Markely Gravely the Appellant moved before the court by way of a motion asking to grant leave to conduct a thorough investigation and procure discovery after the order of Honorable Roger Henderson upon becoming a Prose Litigant requesting case file Pursuant to In The Matter of Haddock, 283 S.C. 116, 321 S.E. 2d 601, Case file belongs to the defendant. The appellant chose this course of action because several missing documented items of discovery materials including the Private Investigators File (P.I.) that was not given in the initial Rule 5 SCR CrimP. Amongst the missing documented items of discovery materials namely:

- 1) Doctor Erin Resnell an expert witness interviews, having an documented conversation describing the wounds of the alleged victims giving expert opinions as to what caused the wounds, giving a calculated precise distinction as it relates to position where the PERP would have been positioned to determine whether the witness or Appellant shot Ms. Joyce Ann Durree; Also Dr. Helms of MUSE
- 2) Camera Video of Gadsden Green Project(s);
- 3) Briefs that listed the defense for Appellant;
- 4) An copy of the stamp-dated Motion of Directed Verdict to show the Appellant rights were preserved for Appeal; and
- 5) Reports and analysis GSR kit and sked Reports.

<sup>2</sup> Certain discovery - non disclosure of Brian Williams  
1st initial statement - see 2013-CP-10-1094-

The non disclosure of the certain discovery were not disclose in a timely fashion according to the judges order to turn over the Appellant's case file to the Appellant. The PCR Hearing was scheduled and conducted without further delay on the 16<sup>th</sup> day of January, 2016 appearing in PCR Court without knowledge of certain discoveries mentioned on the Previous (P.6) Page. The Appellant later filed a Motion to Reconsider Pursuant to Rule 59(c) and/or 60(b). This action was denied followed by an untimely appeal. The Appellant has been separated from his case file in the months of April through August, 2017 and again on May 10<sup>th</sup> through August 01<sup>st</sup>, 2018 and from October 25<sup>th</sup> 2018 to current date, that's documented as well. The Appellant is unsure if a remittitur was sent by Respondent. The only remittitur the Appellant asserts of being in receipt of is on the 19<sup>th</sup> day of July, 2018.

Nonetheless, The Appellant filed a second PCR Application asserting that the Ninth Judicial Circuit Court lacked subject-matter jurisdiction. The Appellant had been held to answer for a(n) alleged crime in the Ninth Judicial Circuit Court without due Process of law whereas The Lower Court accepted the Appellant entering a Plea of guilty when the courts actions were void not having authority to convict. Pursuant to SC Code Ann. §17-19-10, see Also, John Crenley v. State, 363 S.C. 93, 610 S.E. 2d 494 (2005). when a defendant timely moves to quash an indictment on grounds such as whether the trial court has the power to hear a case and whether the indictment is sufficient questioning the propriety of the accusation, the manner in which it has been presented, and the source from which it proceeds; the circuit court must determine whether the defendant's constitutional right to have the criminal allegations against him weighed by a properly constituted grand jury, has been violated. Accord S.C. Code Ann. §14-7-1140.

A circuit court has subject-matter jurisdiction that is established by Article V §11 of SC CONST. The Circuit Court shall be a general trial court with original jurisdiction in civil and criminal cases, except those cases in which exclusive

Jurisdiction shall be given to inferior courts; and shall have such appellate jurisdiction as provided by law. However in order to gain subject-matter jurisdiction to convict a defendant of an offense if there is an indictment that sufficiently states the offense, the defendant waives presentment, or the offense(s) is a lesser-included offense of the crime charged in the indictment. State v. Wilkes, 353 S.C. 462, 464-465, 578 S.E.2d 717, 719 (2003)

In PCR Action 2018-CP-10-600 The Appellant asserted that the convened dates on the said indictment(s) of the convening of the grand jury were outside the Term of Court, Pursuant to S.C. Code Ann. § 14-5-740, (2) Charleston County "The Court of General Sessions shall be held on the first (1<sup>st</sup>) Monday of January for One Week in Charleston County and the second Monday shall be court for Common Pleas." And outside of the scope of the Legislature's intent.<sup>3</sup> The established test for vagueness is whether the statute provides "fair notice to those to whom the applies." Main v. Thomason, 342 S.C. 79, 92, 535 S.E.2d 918, 925 (2000) As Justice Toal, C.J., former, noted in Curtis v. State, 345 S.C. 557, 549 S.E.2d 591 (2001) [c] Law is unconstitutionally vague if it forbids or requires the doing of an act in terms so vague that a person of common intelligence must necessarily guess as to its meaning and differ as to its application ... One to whose conduct that clearly applies does not have standing to challenge it for vagueness. A statute is not unconstitutionally vague if a person of ordinary intelligence seeking to obey the law will know, and is sufficiently warned of the conduct the statute makes criminal. Johnson v. Collins Entertainment Co., Inc., 349 S.C. 613, 564 S.E.2d 653 (2002)

The Appellant did not waive the right of presentment indictment nor verbally as in verbatim, although, Pleading guilty to the lesser included offense(s) of murder from which it had stemmed was thus illegal and invalid. The indictment charging violation of S.C. Code Ann. § 16-3-29, attempted-murder was done away with at Appellant's first trial appearance appearing before Presiding Judge Honorable D. Jefferson, that had confirmed the state failed to produce evidence supporting both the affidavit(s) and indictment(s). The offense of use of deadly weapon indictment 2018GS

10-0045 stated The Appellant shot at (2) two people causing fatal injuries as a result one died the other received a(n) head injury. On the sentencing sheet states, "As indicted," see 2018-CP-10-600, Exhibit C. The Appellant asserts that Petitioner never received a(n) notice to extension review by the General Assembly nor was there any filing for a(n) resubmittance of the indictments going before a grand jury when the language inside the indictments were changed that Appellant pled to. Accord State v. Follin, 352 S.C. 235, 543 S.E.2d 812; Upon Petition by the Attorney General, the Chief administrative judge of the circuit in which the State Grand Jury was impaneled may order the term of the Grand Jury \*245 extended for a six month period. S.C. Code Ann. §14-7-1630 (c) (Supp. 2001). However, the total term of a Particular State Grand Jury, including extensions, shall not exceed two years. Id. see United States v. Perrod, 609 F.2d 1092 (4th Circuit 1999). The matter was referred to a second grand jury where the first grand jury failed to indict. Ephamka v. Alaska, 878 P.2d 647 (Alaska Ct. App. 1994) "stating Prosecutor must seek court Permission to resubmit a charge to a grand jury where the first grand jury failed to issue an indictment." This cause of action were available for the state to take instead violated Section 1 of the Fourteenth (14) Amendment to the Constitution of the United States is as follows: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." This grand subject-matter jurisdiction was never asserted in the previous action 2013-CP-10-1084 and ask that this Court find ground for relief.

Moreover, The Supreme Court has held that Lack of Subject Matter Jurisdiction has no statute of Limitations when asserting this ground. Pursuant to 5 S.C. Sur. Abatement, Revival, etc. § 5, South Carolina Jurisprudence, March 2018 (Update), Abatement, Revival and Survival of Actions. The Subject-matter jurisdiction of a court derives from either the Constitution or the Laws of the State and it cannot be conferred by consent. see 2012 Trial/Plea Transcript of Record - Page(s) 10 Lines 18-25; P.11-12 Lines 1-7. Lack of Subject-Matter Jurisdiction cannot be waived. Therefore A Party can and may object to the courts Lack of subject matter jurisdiction at any time. Under Rules of Civil Procedure, a defense of Lack of jurisdiction over the subject matter of a case is asserted in a Rule 12(b)(1) motion. See current 2018-CP-10600, Exhibit A. The motion of Directed Preserved right safe-guarding right to an appeal. As true under earlier Law, this defense may not be waived and can be asserted at any time. See SCRPC Rule 12(b)(3). Subject-Matter<sup>3</sup> (is the Power of a court to hear and determine cases of the general class to which the proceeding in question belongs) Pierce v. State, 338 S.C. 139, 526 S.E. 2d 222 (2000); and that issues related to subject matter jurisdiction may be raised at any time.

In this case 2018-001966, The Appellant asserts that documentation of the said indictments were not legal binding documents and it is held faulty on its face. The indictments did not contain all the necessary elements of the offense nor sufficiently stated the proper language for each indictment three (3) in total Appellant Pled to. Thompson v. Warden Perry Correctional Institution, 2007 WL 2579570 (S.C.D.C. September 04, 2007). The Appellant remains innocent and questions the factual evidence for basis of the 2012 Plea under Alford. The Appellant ask that this Court uphold the integrity of justice where the Appellant has provided specific reasons factual and legal authority of citations showing that there is a(n) arguable basis for asserting that the determination by the Lower Court was improper.

Very Truly Yours,

cc: Benjamin Hunter Limbaugh

J. Kervatt LEGAL  
HERRIOTT-313862

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  
IN THE COURT OF COMMON PLEAS

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Kevin Herrriott, # 313862

Appellant.

V.

STATE OF SOUTH CAROLINA

Respondent.

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CERTIFICATE OF SERVICE


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The undersigned hereby certifies that a true copy of the Letter by Response Accord to Rule 221(b) and attached Appendix A-J has been served upon all Parties by mailing one copy in the United States mail, Postage PrePaid, addressed to:

Honorable Daniel E. Shearouse  
Clerk of Court, In The Supreme Court  
Post Office Box 11330  
Columbia, SC 29211

&

Honorable Brenda F. Shealy  
Chief Deputy Clerk, In The Court of Appeals (4<sup>th</sup> Circuit)  
1231 Gervais Street  
Columbia, SC 29201


  
Kevin E. Herrriott  
Pro Se Litigant

cc: Jennifer Jennison  
Legal Assistant for the Respondent

## APPENDIX

- A) Copy of Letter by Daniel E. Shearouse - Pursuant to Rule 243(c) SCACR
- B) Copy of Letter by Brenda F. Shady - Pursuant to Rule 221(b) SCACR
- C) Grievance Step 1
- D) Copy of Request to Staff Member (RSTM)
- E) Copy of Request to Staff Member (RSTM)
- F) Copy of Process Request to Staff Member (RSTM by OMS)
- G) Copy of Process Request to Staff Member (RSTM by OMS)
- H) Copy of Agreement to Debit E.H. Cooper Account (10-14 S.C.D.C. Form)
- I) Copy of Agreement to Debit E.H. Cooper Account (10-14 S.C.D.C. Form)
- J) Copy of Agreement to Debit E.H. Cooper Account (10-14 S.C.D.C. Form)

These attachments are for the sole purposes to explain that the Appellant attempted to respond by via mail correspondence and by S.C.D.C. Policy did submit RSTM which was documented in the (OMS) Operation Management Systems and grieved the complaint that the Appellant sought an explanation to explain to the courts that why was the Appellant untimely. These documents alleged that Mail Room Personnel Mrs. Mrs. A. Merison did not service nor process the Appellant's mail. There are proof in reference that the Appellant sought to have legal mail notarize and clocked stamp dated for service seeking to show relief if the mail was not processed. The Appellant also made a Police Report to Police Investigative Services by doing star 22 on the 20<sup>th</sup> day of December, 2018 several hours before receiving the Order by Supreme Court dismissing my claims Pursuant to Rule 221 (b) SCACR. This is an on-going issue that started from Lee Correctional Institution. It was happening at Broad River Correctional Institution and it is happening at Kershaw Correctional Institution. I have testimony available for the Court about the April 2018 Deadly Riot that had transpired on the grounds of Lee Corr. Inst. I have made Police reports on the 17<sup>th</sup> and 22<sup>nd</sup> of November 2018 willing to come forward as a witness and talked to my lawyer E. Thompson Kinney, Public Defender of Lee County about speaking with an investigator and to no avail. By my boldness I am suffering because of it. I have several grievances in relation to these accounts, but unfortunately, have fallen on deaf or dull ears. Also, take notice of the debit forms for I was writing Lee Courthouse about information on the Deadly Riot and S.C. Appellate Court. I do not write like that in words nor numbers and the blue ink is done by personnel only.

  
Kevin E. Herriott  
Pro Se Litigant

H - J is not included due to paper length,

SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

INMATE GRIEVANCE FORM

STEP 1 Nov 23 2018

INMATE NAME: <u>Kevin Harriott</u> <span style="border: 1px solid black; border-radius: 50%; padding: 2px;">KH</span>	OFFICE USE ONLY
SCDC NUMBER: <u>313862</u>	Grievance No. <u>KCI 1221-18</u>
INSTITUTION: <u>Hershaw Correctional Institution</u>	Code: General <u>ma/ml</u>
HOUSING UNIT: <u>Cypress cell 87 Rtu</u>	Policy _____
WORK ASSIGNMENT: <u>None</u>	Disc. Hear. _____
	Class. _____
	PREA _____
	Date Received <u>11/30/18</u>
	IGC Initials <u>JH</u>

STATEMENT OF GRIEVANCE (Indicate the date of incident, and if the grievance is a challenge to SCDC Policy, specify which policy. Include supporting documentation and attach answered RTSM or Kiosk reference number.) According to SCDC Policy-making and sending legal confidential material. On or before Wednesday, the 21<sup>st</sup> day of November, 2018 and on or before Friday, the 23<sup>rd</sup> day of November, 2018 I turned in legal mail in the proper boxes for service. I also attached two 10-14 SCDC forms along the contents asking for postage on each day(s) mentioned above and asking for paper, envelopes to be given unto me as well. Those materials were to be charged deducting ~~the~~ monies from my E.H. Cooper Trust Fund Account. The receipts never showed back up indicating that my request were filled. My mail is not being process and this mailroom <sup>of</sup> <sub>border</sub> person(s) is interfering with Court due dates that are placing me to have to explain why I am not making a timely request.

K. Harriott Friday 11-30-2018  
 Grievant Signature Date

See number 4 on steps of instructions (back page) <sup>of</sup>

ACTION REQUESTED: This course of action I am asking for is to provide grievant a timely response as to why you are interfering with my court due dates because it places me to have to explain why I am not making my response in a timely manner where I am penalized.

ACTION TAKEN BY IGC:  PROCESSED  UNPROCESSED  OTHER You  
grievance is being returned for  
failure to provide a kiosk/RTSM  
J. Helf 11/30/18  
 IGC Signature Date

(CONTINUE ON REVERSE SIDE)

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER**

Copy

TO: NAME: Mail Room Personnel TITLE: Mail Room	DATE: Wednesday, November 28, 2011
INMATE'S NAME: Kevin Hamblitt	SCDC #: 313862
INSTITUTION: Kershaw C.I.	LIVING QUARTERS: Cypress cell 87 RHU

Please take notice that I did turned in three (3) standard size envelopes to be service - process and sent out VZA U.S. Postage addressed to two (2) pastors and one (1) legal confidential correspondent attached with an 10-14 SCDC Form so that any additional cost will be deducted from my E. H. Cooper Trust Fund Account. I call into question why haven't my mail is not being processed? This occurrence took place on or before Wednesday, the 21<sup>st</sup> day of November, 2011. The second occurrence I turned in myself placing 1 standard legal size envelope in the proper mailing box to be service addressed to SC Appellate Court, Clerk Daniel E. Sheerouse attaching debit form 10-14 SCDC on or before Friday, the 23<sup>rd</sup> day of November, 2011 giving the Mail Room 5 additional business days to send receipt to the sender thru regular security mail issued by correctional officers. I have not receive my receipts which only take(s) 24 hours to be processed and sent back the same day.

DISPOSITION BY STAFF MEMBER:

DATE:

SIGNATURE:

**SOUTH CAROLINA DEPARTMENT OF CORRECTIONS  
REQUEST TO STAFF MEMBER**

TO: NAME: Sgt. Blackwell	TITLE: RHM Sgt.	DATE: 12-21-2018
INMATE'S NAME: Herriott, Kevin	SCDC #: 313862	
INSTITUTION: Kershaw C.I.	LIVING QUARTERS: H110	Cypress Unit 87

On the 19<sup>th</sup> day of December, 2018 I wrote an grievance concerning my mail not being processed and service denying me access to the Courts addressing that it was an deliberate act treating me indifferently due to the Supreme Court wrote in response Failing to provide an explanation as required by Rule 243(c) SCACR dismissing the matter when I wrote several letters in response to the above-mentioned rule 243(c). The dates are recorded:

- 21<sup>st</sup> day of November, 2018 on or before Wednesday -- letter dated - 20<sup>th</sup> of November, 2018 (sent out)
- 25<sup>th</sup> day of November, 2018 on or before Friday -- 2<sup>nd</sup> attempt - 20<sup>th</sup> of November, 2018 (sent out)
- December 03, 2018 on or before Tuesday - December 04, 2018 -- sent out (letter dated) (2<sup>nd</sup> response to Rule 243(c) SCACR)
- December 11, 2018 -- letter dated 12-10-2018 (sent out)

These receipts were process and not either returned or not deducting my account for its stamp to service and process. Recalling I have two receipts and missing two. Monies have been deducted out my account and being that I am in a Restricted Housing Unit (RHU) I can give my mail to staff personnel only other than being escorted to turn it myself.


**DISPOSITION BY STAFF MEMBER:**

I Sgt. Blackwell Turned in the Request And grievance

DATE:

12-21-18

SIGNATURE:



**Inmate Request - General**

Today's Date: 12/13/18 12:53

Name: HERRIOTT, KEVIN  
Booking #: 313862  
Permanent #: 313862

CUP 87 A

Reference #: 18-01089199  
Date Requested: 11/20/18 14:32  
Request Type: Mail  
Requested By: Paper Form

Request Details: Would you please notarize these documents and copy stamp dated service.

Disposition: Complete  
Officer: Cheri Frost  
Disposition Date: 12/12/18 09:39

**Request Responses**

Date	Author	Note
12/12/18 09:39	c041295	Complete

Received 12-18-2018

### Inmate Request - General

Today's Date: 12/17/18 11:09

CYP 87

Name: HERRIOTT, KEVIN  
Booking #: 313862  
Permanent #: 313862

Reference #: 18-01099511  
Date Requested: 12/04/18 16:24  
Request Type: Notary Services  
Requested By: Paper Form

Request Details: I have a deadline due date December 10th and I need to have six pages notarized then copied.

Disposition: Complete  
Officer: Cheri Frost  
Disposition Date: 12/12/18 09:38

#### Request Responses

Date	Author	Note
12/12/18 09:38	c041295	Complete

eme Court of South Carolina

CLERK OF COURT

POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

Hasler

FIRST-CLASS MAIL

11/07/2018

US POSTAGE

\$00.47



ZIP 29201  
011D12602823

**RECEIVED**

NOV 09 2018

BRCI  
MAILROOM

*Kershaw*

*ajp87*

KEVIN HERRIOTT, 313862  
BROAD RIVER CORRECTIONAL INSTITUTION  
4460 BROAD RIVER ROAD  
COLUMBIA SC 29210

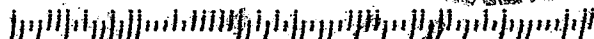
**RECEIVED**

NOV 16 2018

KerCI  
MAILROOM

*S/DA*

2921034047 C077



eme Court of South Carolina  
SHEAROUSE, CLERK OF COURT  
POST OFFICE BOX 11330  
COLUMBIA, SOUTH CAROLINA 29211

RECEIVED

DEC 19 2018

Hasler  
12/12/2018  
US POSTAGE

FIRST-CLASS MAIL  
\$00.47<sup>0</sup>



ZIP 29201  
011D12602823

KerCI  
MAILROOM

Cejp 87

Kershaw

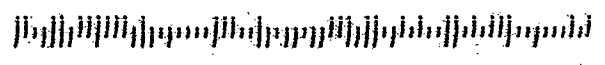
KEVIN HERRIOTT, 313862  
BROAD RIVER CORRECTIONAL INSTITUTION  
4460 BROAD RIVER ROAD  
COLUMBIA SC 29210

RECEIVED

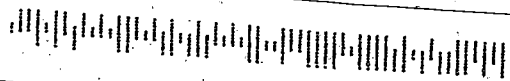
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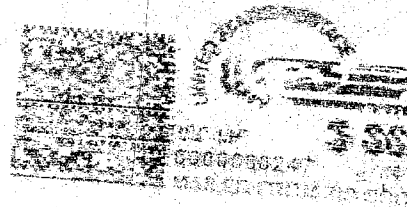


Cypress Unit - KHU Cell 67

Kershaw Correctional Institution

4848 Gold Mine Highway

Kershaw, South Carolina 29067



Honorable Brenda F. Shealy  
Chief Deputy Clerk  
In The Court of Appeals (4th Cir.)  
1231 Gervais Street  
Columbia, South Carolina 29201