

IN The Court
of

APPEALS
of
South CAROLINA

RECEIVED

OCT 17 2019

SC Court of Appeals

CASE# 2018-002209

Kenneth MURRAY

V S*

State of South Carolina

IN the Court of Appeals

Kenneth Murray
Plaintiff,



1. Sgt. Justin Hembree
2. Supervisor Amy McCarthy
3. Inspector Chris Helms
4. Det. Michelle Bacon
5. Cody Groeber
6. Alecia Penn
7. Megan Ehrlich
8. Leah B. Moody
9. Christopher L. Murphy
10. Jennifer Kneace Shealy
11. Alexander Zeigler
12. Scarlett Ann Wilson
13. Clerk Julie Armstrong
14. Joyce C. Rueger
15. Pamela E Green

Defendants.

Part 1. Commencement of Action
Chapter 3. Complaint AND claims

§ 3:49 Affidavit

For

§ 3:52 Defamation
AND

§ 3:27 Fraud

Case #

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#1. Mentioned Defendants Above All Conspires As one
in UNLAWFUL illegal Acts of A CRIMINAL CONSPIRACY.
SLANDERING AND DEFAMATION of petitioner's character
By misleading facts knowingly AND intelligently to the
Courts under false pretenses of fraud to aid AND
assist the ILLEGALTIES of 1, Justin Hembree trying
to cover up His illegal Actions AND UNLAWFUL performance.

#2. THE Mt. PLEASANT police DEPARTMENT INVADDED petitioners' grandmother whose passed AWAY, AUNT, UNCLE, SISTER, AND Disabled cousin privacy AND property BY executing A SEARCH WARRANT DRAWING guns for JARRET GRADDICK one of petitioner's cousin THAT WAS ESTABLISH HAVING NO PROBABLE CAUSE THATS FRUITS OF THE POISONOUS TREE THAT LEAD TO THE CONVICTION OF petitioner.

#3. Sgt. Justin Hembree VIOLATED petitioner's 4th AMENDMENT RIGHTS WHEN HE AUTOMATICALLY ARRESTED HIM, AND CONDUCTED AN ILLEGAL SEARCH AND SEIZURE OF petitioner persons WITHOUT CONSENT WHERE COCAINE WAS DISCOVERED.

#4. Sgt. Justin Hembree VIOLATED petitioner's 5th AMENDMENT rights ALONG WITH MIRANDA WARNINGS WHEN petitioner continuously stated HE DOESN'T KNOW ANYTHING OF NO ARM ROBBERIES WHERE A STATEMENT WAS PRODUCED BY Hembree 11 HOURS LATER UNDER UNLAWFUL ACTS AND FORCE WHICH THE STATEMENTS, LINEUPS, AND FALSE DOCUMENTS OF CONTRADICTION AND SLANDERING IS THE RESULTS OF petitioner's CONVICTION.

#5. Sgt. Justin Hembree WROTE A STATEMENT AND RE-CONSTRUCT THE STATEMENT, USES UNLAWFUL FORCE FOR DURESS, TAMPERS EVIDENCE, WRITE FALSE POLICE REPORTS

Mislead fellow officers Impeding AN investigation, Committed Numerous Accounts of perjury under oath At petitioner's trial that CAN be proven AND Forgery of petitioner's NAME ON DOCUMENTS.

#6. AS A Direct AND proximate result of this publication, the petitioner reputation HAS BEEN DAMAGED entitling the petitioner to recover from COMPENSATORY DAMAGES from the defendants to be proven At the trial of the MATTER.

#7. Also The petitioner is entitled to recover punitive DAMAGES from the defendants willful defAMATION of the petitioner based ON their INTENTIONAL AND fraudulent conduct.

Submitted by
Kenneth Murray

IN THE Court of Appeals

Kenneth Murray
Petitioner.

VS.

State of South Carolina
Respondent.

MOTION:

From Judgement
or Order under

Rule 12,
of South Carolina Codes of Law

CASE # 2018-002209

At this time petitioner moves the Honorable Court of Appeals pursuant to **Rule 12** (A) Clerical Errors of Mistakes AND Errors Arising From Oversight or Omissions in Judgement, orders, or other parts of the record MAY be corrected by the Courts at ANYtime of its OWN initiative or ON the Motion of ANY party **AND AFTER ANY NOTICE THAT THE COURT ORDERS**. During The pendency of AN APPEAL, leave to correct the mistake must be obtained From the Appellate Court. (B) ON Motion AND upon

TERMS that are just, the Court MAY relieve A Party or the party's legal representative FROM A FINAL Judgement, order, or proceeding FOR THE following reasons: (1) mistakes, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could NOT HAVE been discovered in time to move for A New trial under Rule 19; (3) fraud, misrepresentation, or other misconduct of AN Adverse party; (4) The Judgement is Void.

Issues of the Case

Are:

1. 4th Amendment Violations
2. 5th Amendment Violations
3. 6th Amendment Violations
4. 8th Amendment Violations
5. 14 Amendment / Due process Violations
6. Prosecutorial Misconduct
7. Failure to disclose a complete copy of motion discovery.
8. Pending newly discovered evidence.
9. Fruits of the poisonous tree doctrine violation
10. Violation of Miranda Rules & warnings
11. Weight of Evidence Violations
12. Violations of original documents
13. Interrogation and Department Violations.
14. Involuntary use of force by arresting officer.
15. False judgement.
16. Miscarriage of Justice
17. Obstruction of Justice
18. Violations of legal duties.
19. Abuse of Discretions
20. Rule 3 Violation
21. Duress claim
22. Tort claim on state officials.
23. Equal protection of rights violations
24. Abuse of process
25. Affirmation violation
26. Material alteration of discovery materials.

27. Material Alteration of Transcript
28. Impeding AN criminal INVESTIGATIONS
29. Violations of lineup process
30. Tampering of Evidence
31. Destroyed + Missing Evidence
32. Investigation upon case violation.
33. Violations of Records.
34. Breach of Contracts.
35. Rules + Regulations Premulgated By the Supreme Court of South CAROLINA. violations
36. A Criminal Corporation
37. Criminal Conspiracy
38. Slandering AND DeFamation OF character.
39. Contempt of Court
 1. Criminal Contempt
 2. Constructive Contempt
 3. AND Direct Contempt,
40. Misleading Facts of the case.
41. Fraud on the Face
42. False Oath/Perjury
43. False pretenses AND Police reports.
44. False Imprisonment
45. False Arrest without A WARRANT.
46. Kidnapping of A Vulnerable Adult.
47. Unperformance of lawyers Conduct trial, Appeal, AND P.C.R process.
48. 16-5-40 violations Duty of officers to execute warrants.
49. 8-29-10 (F) Violation.
Intentional use of A False Document or Aiding in the use of A False Document to obtain A public Benefit

50. 16-5-10 Violation
Conspiracy Against
Civil rights

51. 16-3-910 Kidnapping
Violation

52. 40-5-350 violation
Soliciting legal Business
unlawfully, Intrinsic +
extrinsic Fraud.

53. penalty for failing
to execute process
of Magistrate Court
Violation 22-9-140

54. 11-1-110 violation of
Administrative Regulations

55. 15-19-50 Violations of
Affidavit Attachments and
garnishment.

56. 32-1-10, violation of
Agreements

57. 19-9-10 Violations
of Attendance of
WITNESS

58. 62-2-502 violation
Attestation and Attesting
Witnesses.

59. 39-3-310 violations of
Attorney General Investigation
Securities, Powers, & Duties

60. violations 35-1-601

61. 58-31-601 Violations,
Breach of Duty or trust.

62. 19-5-610 Violations of
Business Records AND evidence
Act.

63. 33-53-10 Violations,
Business trust.

64. 17-23-20 Clerks of Court,
Criminal prosecutions and
Procedures, felonies, and
immediate disposition
Violations.

65. 14-5-910 Violations
of Common plea Courts
and special sessions.

66. 14-5-620 Violations,
Terms of Court.

67. 33-16-102 Violations
of Corporations - Inspections
and inspectors, Records and
reports

68. 16-3-1050 (G) False Swearing Before persons Authorized to Administer Oaths Violation.
69. 12-24-70 Submitting False information on AN AFFIDAVIT Accompanied By A Deed.
70. 14-70-580 violation, clerks is responsible For Books, Papers, And the Property
71. 16-13-15 violation Falsifying or Altering Transcript or Diploma, Fraudulent use of Falsified or Altered transcript is A penalty.
72. 16-19-10 violation, Perjury of sub or nation OF perjury
73. 16-13-310 violation, TAKING OFFICIAL record without Authority
74. 1-7-990 violation Promulgations of Regulation violations
75. 39-15-460 Violation Unauthorized Alteration
76. 17-17-170 violation, Penalty For officers neglecting their duties
77. 16-13-240 violation, Obtaining property by False pretenses.
78. 17-28-350 violation, Wilful Destruction.
79. 16-3-1050 (B) Violations, Abuse of A vulnerable Adult
80. 16-3-1050 (c) violation, Neglect of A vulnerable Adult
81. 16-3-1050 (D) Exploitation of A vulnerable Adult
82. 4-17-70 violation, Wilful injury to courthouse And Jail.
83. 45-9-90 violation, of Equal enjoyment And Privileges To public Accommodations.

84. 16-3-1050 (A) Failure to report, perpetrating or interfering with an investigation of abuse, neglect or exploitation of a vulnerable adult is a violation.
85. 14-9-210 Violation, Indictments For County Court Cases by grand Jury of the Court of general sessions
86. 14-25-35 Violation, Appointment And Duties of clerk of Court.
87. 16-1-40 Violation, Accessory
88. 16-17-722 Violation, Filing of false reports
89. 8-1-80 violation Misconduct in Office Habitual Negligence
90. 16-3-1280 violation, False claim.
91. 16-13-451 violation, UNLAWFUL Submission of Documentations
92. 16-17-722 violation Knowingly file a False police report regarding a felony.
93. 8-14-60 Violation, Intentional use of a false document in connection with public employment.
94. 22-3-560 Violation, Breach of peace.
95. 16-13-10 Violations, Forgery.
96. Illegal search & seizure violations
97. Administrative Procedures violation.
98. false state witnesses
99. unlawful entries violations.
100. violation of Intendmen of LAW
101. A Criminal / Federal Conspiracy is Being Conducted.

* 103. State & Federal laws
Violations
5 OF 5

102. Harassment By the state of VA. life sentence

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Exhibit #1

SC Court of Appeals

The Supplemental Report of Sgt. Hembree on the 1st Day of Arrest, Along with re-written statement Proof on *Detective Hembree.

#1. you'll see on July 28th 2011, At 13:00 Hours MPPD SWAT team executed A Search WARRANT At 2627 LINNEN IN, in reference to CASE # 2011-P-06415, WHICH The B.B. GUN Belongs to that CASE that WAS recovered, AND NO sled report or chain of custody of the B.B. GUN is Not in this CASE Discovery petitioner is convicted For.

#2. The Search WARRANT turned out to be INVALID HAVING NO probable CAUSE.

* TRANSCRIPT pg 148-150, starting At line 17-ENDING At 12. You'll See Alecia PENN petitioner's trial Attorney Spoke to the Judge How it don't Establish probable Cause. Also Brought up AS Fruits of the poisonous tree.

* TRANSCRIPT pg 169, Line 9-11

IS Where Judge KNOX McMAHON SAYS I think there is sufficient probable cause in the AFFIDAVIT itself #1, * Number 2 However A Reviewing Court if this is EVER Reviewed would SAY No there's Not. *stating A Contradiction.

#3. Sgt. Hembree Also lied in the report About explaining He Was Detaining petitioner pursuant to A lawful search, *Which is False when petitioner was Automatically Arrested Falsely to A search Warrant Not Consisting of Him, THEN WAS Read MIRANDA WARNINGS, During illegal search + seizure without Consent of persons resulting to A 4th Amendment Violation Discovering A bag of Cocaine.

Review

* EXHIBIT #2. - Where the AFFIDAVIT shows that petitioner WAS Falsely Arrested AND Taken into custody Before He WAS searched of His persons for Cocaine.

* EXHIBIT #2-A. - Also shows on ANOTHER report He Arrested Petitioner Before the claim of Arresting Him for Cocaine.

* EXHIBIT #19-C(*1). Shows Where petitioner trial Lawyer Alecia penn Files Appeal stating, *petitioner WAS Automatically Arrested following CONVICTION.

* TRANSCRIPT pg 69-70, Lines 22-2.

Is Where sgt. Hembree Admits TAKING petitioner into custody AS SOON AS He SAW Him.

EXHIBIT 1-A

THE CONTINUING OF Sgt. Hembree Supplemental Report ON 1st DAY OF Arrest & proof of statement THAT WAS re-written BY Hembree.

#1. ON the third line where you'll see petitioner WAS questioned About ARMED Robberies AND told Sgt. Hembree in the presence of PFC. PARKS that He Don't Know Nothing of No ARM robberies. Which the interview lasted AN Hour AND WAS Discontinued.

*MIRANDA WAS INVOKED When petitioner stated He Don't Know Nothing of No ARM robberies INVOKING His 5th AMENDMENT Rights of SELF INCRIMINATION that's BEEN VIOLATED AND Being overlooked.

* AS you will read ON, This is proof Hembree Writes the statements Himself. Which you'll see Everything that's been SAID ON the 1st DAY statement. With Jarret Graddick's NAME, DANTE SMALLS, Preston SWINTON, AND. petitioner is used AS ~~the~~ witness.

* Review *

EXHIBIT 6-G is the Waiver of Rights Form Done By Cpl. BUNCUM At the station WHEN petitioner WAS Taken to the station, WHICH interview WAS recontinued Without A witness present AND signature ON the Form.

*EXHIBIT #6-H-#6-I

you'll see pg 1 of something is missing then goes 2 of 2. Hembree did the statement form as if petitioner was the only person placing himself on that statement that day, but what happened to the names provided on the 7/28/11 supplemental report speaking of the statement?

*EXHIBIT #6-J-#6-K

Shows the same pattern. From 6-H, 6-I, 6-J-6-K, in order by Rule 5 pg# 31, 32, 33, 34, showing the statement was placed back to back, aided & assisted by the clerks and solicitors office.

*Now where is the other part of the statement?

EXHIBIT #6-#6-A

*Now if you pay close attention the date on the statement is written over showing 8/2/11.

*The case number is written over, if you look close you'll see 9173 is the 1st day case statement written over from 7/28/11 not belonging to second interview on 8/2/11.

*Which you'll see the names and pattern of affidavit report found now that's erroneous.

*BACK to EXHIBIT #1-A Hembree says in his report that petitioner was extremely reluctant

To Write DOWN the NAMES of His CO-CONSPIRATORS, citing that He WAS extremely Worried About the SAFETY of His FAMILY, ON 7/28/11 BUT WARRANT WAS MADE AFTER reWritten STATEMENT, + Force to do lineups UNDER Duress, ON 8/2/11.

* Also A Big Factor CAPTAIN MCCARTHY SAID SHE WAS A WITNESS TO THE STATEMENT THAT WAS TAMPERED WHICH SHE WITNESSED NOTHING. IT ALL FALLS OVER TO WHAT SHE WITNESSED AS WELL WHICH SHE COULDN'T EVEN SAY AT PETITIONER'S TRIAL.

* Review TRANSCRIPT pg 119 Lines 6-17

IS WHERE SUPERVISOR AMY MCCARTHY COULDN'T STATE WHAT PETITIONER TOLD POLICE, BUT COMMITTS PERJURY STATING THE WORDS CAME FROM PETITIONER.

EXHIBIT #2

THE WARRANT AFFIDAVIT FOR POSSESSION
OF COCAINE CHARGE ON 1ST DAY OF ARREST

#1. PETITIONER WAS TAKEN INTO CUSTODY UNDER FALSE
ARREST WHILE OFFICERS OF THE MPPD EXECUTED
A UNLAWFUL SEARCH WARRANT,

#2. THEN ILLEGAL SEARCH AND SEIZURE WAS
CONDUCTED WITHOUT PETITIONER'S CONSENT,
WARRANT OR PROBABLE CAUSE IN VIOLATION OF
HIS 4TH AMENDMENT RIGHTS

EXHIBIT #2-A

THE ARREST AFFIDAVIT FOR PIGGLY WIGGLY
ARMED ROBBERY.

#1. YOU'LL SEE PETITIONER WAS ARRESTED BEFORE
SEARCH OF HIS PERSON'S WAS CONDUCTED AS WELL.

Exhibit #3

THE Mt*pleasant police Department
Booking Report.

- #1. The DATE AND TIME of Arrest WAS 9/28/11
AT 13:00, showing WHY I WAS Arrested The
TIME HANDCUFFS were placed ON. Which
The WARRANT pending AN ARM robbery WAS
MADE WAY before Statement.
- #2. Sgt. Hembree is Arresting officer.

Exhibit #4

The Mt*pleasant police Department Evidence
Receipt For A C.D. from pizza Hut.

#1. Volume II of II 539 Lines 6-15.

IS where the judge states petitioner would HAVE to prove the state destroys Evidence with the intent to hurt HIM, which He said He HAS Evidence plenty Evidence p.c.R. lawyer fails to present ineffectively.

#2. Volume II of II 566 Lines (20-21)

IS where petitioner Attorney testify There WAS A pizza Hut video.

#3. Volume II of II 567 Lines 12-20

Petitioner Attorney WAS ASKED what WAS her understanding of WHAT Happened with the pizza Hut video, where she stated watching the pizza Hut video but gave A Spoilation request ON A Dry cleaners video that never existed.

* Transcript pg 234 Line 1-2

ANN SON from the Dry cleaners WAS ASKED is there no copy that exist AND she says NO theres Not.

* Transcript pg 252 Lines 16-18

Robert Magie AN Technician for MPPD WAS

Asked Was They Able to Retrieve the cleaners
Video, Testifying We were Not.

* Showing proof of A false Spoilation charge to
Something Never existing By Attorney Also proving
The state Destroyed Evidence.

EXHIBIT[#] 4-A

The prosecutive Summary For petitioner
And Co-Defendant CLEAVLAND MAJOR
For the pizza Hut.

EXHIBIT #4-B

The Reverse side of prosecutive
SUMMARY ON petitioner AND Co Defendant.

- #1. The case number is 9173 for the piggly wiggly, going back to 4-A shows the right case # for PIZZA HUT.
- #2. A written confession was in evidence, along with another proof that a surveillance was in evidence.
- #3. No photo lineups in evidence is shown.
- #4. Hembree signs his name as case agent and forges his name in the reviewed by supervisor spot, when Amy McCarthy is his supervisor.

Exhibit #4-C

Det. Byrd Supplemental Report of the pizza Hut case.

#1. IN Det. Byrd report you'll see He says A Second suspect WAS WEARING A White long sleeve shirt under what appears to be A DARK shirt.
* IN EXHIBIT #6-H AND #6-I, you'll see Hembree wrote Down the clothes Description of the pizza Hut Robber on the Piggly Wiggly statement.

Exhibit #4-D

PROOF OF THE CLEANERS VIDEO NEVER BEING RETRIEVED OR EXISTING, Report By Det. Byrd.

#1. TRANSCRIPT pg #28A Lines 1-2, ANN SON WAS ASKED is there NO COPY that exist, * AND she says No there's Not.

#2. TRANSCRIPT pg #252 Lines 16-18

Robert Magie AN TECHNICIAN For the MPPD WAS ASKED WAS they Able to Retrieve the CLEANERS Video, * Testifying We Were Not.

* Showing That it Never existed, AND shouldn't been "labeled" By lawyer For A Spoilation charge.

Exhibit #5-#5-E

The real version of Chris Helms Supplemental Report.

#1. When you look At the Bottom of the pg, You'll see Chris Helms NAME, DATE, AND UNIT # WAS computer printed From Rule 5, pg 81-86.

EXHIBIT #5-F - #5-K

The Handwritten version of Helms Supplemental Report.

#1. Now when you look At Helms report it HAS His NAME, DATE, AND UNIT # Written in His Handwriting. Also showing the Rule 5 #5 go From 71-76 Differently From other case.

#2. Sgt. Helms AND Hembree Violated the Department Rules #6 AND #8.

* Rule #6 states you Are Not Compelled to MAKE AN identification, * Which WAS Violated AND Being overlooked.

* Rule #8 states the investigation will continue whether or not an identification is made, *which was violated and being overlooked.

EXHIBIT # 5-F - # 5-G

You'll see petitioner made no identification pick for no one and the lineup process was suppose to be over.

* Instead EXHIBIT # 5-G

Is proof where Hembree places a pizza hut case on petitioner misleading him.

EXHIBIT # 5-H - # 5-J

proof of force + duress done by Hembree to recognize people petitioner knows.

* EXHIBIT # 5-K

Is where Helms gives a false identification process about petitioner pointing to Cleveland Major, when he knows Hembree came in the room 3rd time that petitioner did not identify Cleveland Major and made petitioner circle and initial his name on Cleveland Major picture is the true facts given under oath.

Exhibit #6

The Statement Form of Kenneth Murray
re-written by Detective Hembree AND proof.

#1. The statement For 8/2/11 Date is written over
7/28/11.

#2. The last 4 numbers of the case numbers are
9029, But if you look closely behind it you'll see that
9029, is covering up 9173 From 1st Day of Arrest.

Exhibit #6-A

Continuing of Detective Hembree re-
written statement for Kenneth Murray.

#1. you'll see the case # 9173 was re-written
over as well.

#2. Also showing proof that petitioner did
not provide names of Jarret Graddick, Preston Swinton,
and Dante Smalls on 8/2/11 as related by Hembree
in the statement and affidavit report slandering
petitioner, *Review Exhibit #6-L - #6-M

Exhibit 6-B

The UNSIGNED WARRANT FOR petitioner THAT WAS NEVER DELIVERED THAT HE'S CONVICTED OF INVALIDLY.

- #1. Review VOLUME II OF II pg 539 Lines 21-25 IS WHERE petitioner explained to the Judge HE WAS NEVER SERVED A WARRANT.

Exhibit 6-C

The WAIVER OF RIGHTS FORM ON 8/2/11 BY Detective Hembree

- #1. THIS FORM WAS DONE WITHOUT A WITNESS PRESENT.

Exhibit #6-D

The WARRANT AFFIDAVIT For the pizza Hut Arrest, OF petitioner.

#1. Hembree mentioned petitioner WAS Develop AS A suspect, AND the DEFENDANT MADE A CONFession, * But He Never spoke About the lineups obtained UNLAWfully under force that DAY Covering up the suspects.

#2. Also The Develop AS A suspect circled in Blue, stating How next to it WAS Done By petitioner's Attorney Alecia penn. Which How WAS I developed AS A suspect Never MENTIONED to the OFFICER AS Well.

Exhibit #6-E

The Waiver of Rights Form For petitioner's
Co-Defendant CLEVELAND MAJOR.

#1. It shows it's in proper form with
Detective Hembree Having A Witness

Exhibit #6-F

Co-Defendant CLEVELAND MAJORS WARRANT
Showing He was served by His signature.

#1. petitioner WAS NEVER served His
WARRANT under equal protection of rights
establishing AN INVALID Custody For
False imprisonment.

EXHIBIT # 6-G

Waiver of Rights Form on 1st Day of Arrest
By Cpl. BUNCUM.

#1. He Had No witness, AND discontinued
Interview For the 2nd time, AND Detective
Hembree Re-Continued Interview For the
3rd time when He Arrived to the station.
Which is Being overlooked MIRANDA WARNINGS
WAS VIOLATED.

EXHIBIT # 6-H-6-I

The TAMPERED re-written statement by
Detective Hembree.

#1. 1 of WHAT is missing?

#2. Going into 6-I The TIME WAS TAMPERED
AND suppose to be the events written 7/28/11.

#3. EXHIBIT #6 shows the CASE # AND The
rest of the statement.

Exhibit #6-J-#6-K

The TAMPERED re-written statement
Repeated in Discovery materials.

#1. Exhibit - #6-H

#6-I

#6-J

#6-K repeats in Rule 5 material

From Rule 5, pg 31, 32, 33, 34 showing the Solicitors
And clerk office Aid. And assist in TAMPERING
Depriving petitioner rights MAKING their
OWN CASE.

EXHIBIT #6-L-#6-M

The Supplemental Report of Detective Hembree ON the 2nd Interview, AND proof of SLANDERING of petitioner NOT giving suspects NAMES IN A Statement Hembree, wrote.

#1. The statement WAS Argued INVOLUNTARY AND HAS the B.B GUN in the Supplemental report Along With BAKER'S Motor COMPANY, Which Are events FROM A police investigation By Hembree.

2. EXHIBIT #6-M Shows Hembree listed Jarret Graddick, Preston Swinton, DANTE SMALLS ON the 2nd of Aug When They Were listed ON 1st DAY of Arrest in the SAME statement AND AFFIDAVIT report OF 7/28/11.

#3. TRANSCRIPT pg 63 Lines 11-17.
IS Where Hembree commits perjury saying The statement WAS voluntarily given, Also Admitting He wrote it.

EXHIBIT #7 - #7-F

IS THE STATEMENT OF CO-DEFENDANT
CLEAVLAND MAJOR.

#1. EXHIBIT #7, THE CASE # IS MISSING PLUS PG
10f WHAT ELSE IS MISSING?

#2. AFTER HEMBREE MICHELLE BACON TOOK THE
STATEMENT FROM CO-DEFENDANT.

#3. CO-DEFENDANT NEVER ONCE MENTIONED
PETITIONER'S NAME, BUT REVIEW EXHIBIT

#8 - #8-A WHERE HEMBREE ADDS PETITIONER'S
NAME IN REPORT MAKING CO-DEFENDANT A
STATE WITNESS.

Exhibit #8-8-A

The Supplemental Report of Hembree from Co-defendants Interview, Also proof of Hembree MAKING Co-Defendant A State Witness.

- #1. He Wrote the report IN the same pattern How Michelle BACON took the statement from Co-Defendant CLEVELAND MAJOR, which He WAS A Witness.
- #2. Detective Hembree Adds petitioner NAME in His report when Co-Defendant NEVER ONCE MENTIONED Petitioner's NAME. *Review EXHIBITS #7-#7-F.
- #3. Being that Hembree stated petitioner's NAME in His Supplemental report, THAT WAS The ONLY information to MAKING Co-Defendant A State Witness to petitioner, Showing it WAS

Coerced.

*Transcript pg 38, line-3. The Judge stated He's going to call some potential witnesses.

*Transcript pg 39, line 17-18 is where Cleveland MAJOR WAS CALLED AS A STATE WITNESS TO THE JURY.

*Transcript pg 402, lines 7-21. IS WHERE THE JUDGE ASKED THE SOLICITOR HOW MANY WITNESSES DO SHE HAVE WHICH SHE TESTIFIED TO HAVING ONE MORE WITNESS, THAT CONTRADICTS ON THE DEFENSE BEHALF THAT CLEVELAND WILL NOT BE CALLED ON HER PART, BUT SHE WILL ANTICIPATE WITH THE CROSS DEFRAUDING TESTIMONY.

#4. IT ALSO GOES TO THE CREDENTIAL IF THE PETITIONER MADE THE STATEMENT AS WELL, WHICH IS THE STATE ONLY RELIABLE EVIDENCE THAT IS FALSE AND MISLEADING.

Exhibit #9-

IS The lineup pictures, Proof of tampering,
*AND State failure to disclose Discovery
Materials to petitioner.

#1. Exhibits #9-9-F, you'll see the state paints
it as CLEVELAND MAJOR being picked out 1st
Attempt when he has a process before
that picture was picked out. *Rule 5 going
from pg 130-136.

#2. INTO pg 137-140 of Rule 5 Materials
you'll see that petitioner never identify
anyone on each, but the state still is
in violation failing to disclose lineup
pictures of process with petitioner's only
proof to show he was not compelled to
pick someone he didn't before, and showing
the investigation went on after no

Identification WAS MADE, AND the investigation
Did Not end until it WAS MADE.

EXHIBIT # 10

The Supplemental report of Detective
Hembree that is FALSE, OF Aug 2nd 2011.
lineup process, Along With Slandering proof
of the petitioner.

#1. You'll see Hembree wrote A false police
report stating petitioner positively identify
CLEVELAND MAJOR, when He made it clear in
Helms presence Both lineups were Always
for pizza Hut.

EXHIBIT #10-A

The supplemental report of Hembree of another false slandering report of lineup process of petitioner's identification issue.

#1. you'll see the first paragraph of the supplemental report Hembree stated Petitioner positively identify preston SWINTON AS A piggly Wiggly suspect.

* WHEN the rewritten statement and affidavit report made on 7/28/11 positively identify preston SWINTON, BUT A. WARRANT never went out on 7/28/11 AS WELL.

#2. 2nd paragraph is where Hembree lies about petitioner positively identifying Dante Smalls as a piggly wiggly suspect,
* When Hembree stated in Helms presence Both lineups was for the pizza hut case clarifying each time.

* Transcript pg 305 Lines 5-10

Is where the solicitor ask Chris Helms was petitioner confused about the lineups,
* AND Chris Helms committed perjury stating petitioner asked if it was for a pizza hut and then says Hembree in fact had to explain this was in fact for a pizza hut. * Review Exhibits # 5-5F where you'll clearly see petitioner thought it was for piggly wiggly but shows officers places a case suddenly at

that time using UNLAWFUL force as well
violating Department Rules, to slander
petitioner's character. Eventhough Helms
aided and assisted Hembree in a criminal
act to slander petitioner committing
perjury for the benefit of states
behalf falsely, He was misled
by his fellow officer Detective
Hembree in lineup process not
knowing his lineups were jampered
and another case that was going
on which a lineup of DANTE SMALLS
was jampered to the piggly wiggly
case. * Review transcript pg. 350

Lines 3-5

Helm WAS ASKED by Defense Attorney
There Are two different lineups!

For two different CASE, Right? AND
Helm testified He's ONLY AWARE of

the PIZZA HUT CASE. Questioning

the fact How Did His lineups
gets into ANOTHER CASE?

* Review Volume II of II pg 38, Lines 19-23.

Petitioner explained to the Judge About
Misconduct of defense Attorney stating
A officer CAN tamper with another
officer evidence, Also stating its
Not true which Judge CAN'T do
Anything, With the officer, WHICH

Petitioner told Judge Knox McMAHON
the same thing At pretrial Hearing
trying to have MS. PENN Relieved
For Ineffective Assistance of AN
Counsel Which was stated for the
record But Altered AWAY.

*Review TRANscript pg 6-22, where
petitioner explains His Issues to
Relieve Counsel AND I WAS NOT
ANSWERED or Acknowledged of ~~the~~
Rights of petitioner to HAVE
effective Assistance of A
Counsel.

Exhibit #11

The official Handwriting of Kenneth Murray
Under Oath Due to Forgery of His Name

Exhibit #12

The possession of Cocaine Warrant.

#1. petitioner WAS Never served AND WARRANTS.

#2. ON the WARRANT HAS A Forged Signature

By AN officer who falsely executed the WARRANT.

* Review Exhibit 6-9 Where petitioner puts His Very
first signature on ANYTHING At the Department
ON A Waiver of Rights Form With Cpl. BUNCUM.

Also MANY other exhibits HAS signature proof
To govern Exhibit #11.

Exhibit #12-A

The Arrest Warrant For the Armed Robbery for the piggly Wiggly.

#1. petitioner WAS Arrested ON July 28th 2011, WHERE The Arrest DATE is ON July 29th 2011, After Bond Hearing.

#2. * Review exhibit #3 Where petitioner HAD A WARRANT pending ARM robbery When He WAS 1st Arrested showing DATE 7/28/11 AND Arresting officer is Hembree

#3. Review Exhibit #6-G AND Exhibit #11 Where Petitioner 1st signs ANY document With Exhibit #11 Verifying HANDwriting.

#A. officer Who executed WARRANT signature is scribble scrabble.

Exhibit #12-B

The original Copy of Arrest Warrant for piggly Wiggly.

EXHIBIT'S # 12-C-# 12-D

The WARRANT AND AFFIDAVIT report for JARRET GRADDICK.

#1. Jarret Graddick was served AN WARRANT AFTER Hembree obtained His NAME the second time ON A STATEMENT He wrote AND TAMPERED.

* REVIEW EXHIBIT 1-A ON 7/28/11 1st day of Arrest Detective Hembrees report shows How Detective Hembree state DANTE SMALLS, JARRET GRADDICK, AND PRESTON SWINTON'S NAME ON THE AFFIDAVIT report given by A STATEMENT Hembree pleaded under OATH under FALSE ALLEGATIONS to A Judge to obtain illegal custody under perjury AND SLANDERING OF PETITIONERS CHARACTER.

* REVIEW EXHIBIT # 6-L-# 6-M WHERE Hembree SLANDERS PETITIONER NAME FOR PROVIDING THE NAMES OF JARRET GRADDICK, PRESTON

SWINTON, AND DANTE SMALLS, WHEN THE AFFIDAVIT
REALLY MISLEADING THE FACT THAT THEY NAME
ARE TAMPERED TO ANOTHER STATEMENT FORM,
WITH FACTS PROVIDED FROM 1ST DAY OF
ARREST THAT HEMBREE COMMITS PERJURY, AND
FRAUD UPON PETITIONER STATING HE PROVIDED
THOSE NAME ON 2ND INTERVIEW ON 8/2/11
WHICH HE KNOWS TO BE FALSE AND MISLEADING.
THAT STATEMENT THAT HEMBREE GIVES AND
RECONSTRUCTS IS THE REASON WHY PETITIONER
IS ILLEGALLY INCARCERATED.

EXHIBIT #13 - #13-Q

SEARCH WARRANTS FOR BUCCAL SWAB
FOR JARRET BRADDICK, PRESTON SWINTON,
AND PETITIONER

#1. Notice threw the packets of search
warrants are incomplete, without some
judges signature.

#2. Also a false misleading affidavit report
under petitioner's search warrant states there
were 4 suspects caught by video. But
if you review Jarret Braddicks and
Preston Swinton's affidavit report it
shows you that 3 suspects were
caught by video.

#3. petitioner feels there were another 4th Amendment violation of his right when the Department obtained a swab and an evidence sheet reports it being JooX but states not for lab. * Review Exhibit #1A.

Exhibit #1A

Mt* Pleasant Police Department Evidence Property Receipt for buccal swab of Jarret Graddick, Preston Smalls, and petitioner.

#1. petitioner states the form says its not for lab even if it was, why was the form produce of such nature?

EXHIBIT #15. #15-C

A letter from petitioner's lawyer on Aug 15, 2011 2 weeks before petitioner's trial.

#1. petitioner WAS given AN SMALL AMOUNT of Discovery which lawyer Brought Just police reports, phone records, AND HALF of lineup process, Also under request Numerous times to bring Complete Copy. Miss Alecia PENN still failed to do so. Due to Her Conduct petitioner Barely WAS given A fair trial, AND less Knowledge of preparing A Defense.

* Review transcript pg 16-19 Lines 20-2A AND pg 18-19 Lines 16-19.

IS where petitioner places motion in to HAVE Alecia PENN Removed AS Counsel then Stated the grounds AND REASON Why.

EXHIBIT #16

The Verdict Form of petitioner.

#1. Attested A true copy But not Filed for records with a time stamp.

EXHIBIT #16-A

The Arrest Warrant Attested but Not signed For legal Custody of petitioner

#1. Rule 3 (c) Disposition of Arrest Warrant was violated

#2. under §16-15-40 Duty of officers to EXECUTE WARRANTS is under violation with proof of fraud on indictment process

Exhibit #16-B

Is the original form of the Indictment

#1. You'll see the verdict is Guilty on 11-1-13

#2. There's no file stamp present.

Exhibit #16-C

The original form of Indictment Attested a true copy.

#1. It's the same document by the signature of foreperson being the same way on Exhibit #16-B

#2. As you see it's attested a true copy without

A file stamp is still Not there which the Documents
Were Attested for Direct Appeal, * EVEN Review
Volume II of II 1959, To see THAT it's the SAME
indictment without A file stamp BUT is Attested
A true copy As Well

Exhibit #16-D

The Indictment with Appellate Defense stamp.

- #1. This Document was stamped when petitioner warned
the Appellate office of the time stamp not being
present and other warnings of the Warrant/Indictment
- #2. The Document still shows no time stamp.

Exhibit #16-E

The Defrauded Document by Julie Armstrong
when requested for Indictments.

- #1. The Foreperson of the Grand Jury signature is the
same as Exhibits #16-B - #16-D, to show it's the same
Document

#2. The Document NOW HAS A file Stamp present
Dated 4/30/2012 At 8:45:46.

#3. It HAS the SAME case Numbers.

#4. Also proof showing there's A file stamp
Without A verdict that's Dated Before
Verdict. Which were going in proof of fraud.

Exhibit #16-F

The Filed Indictment with A Rule*

#1. Document is the same with A Rule Number
At the bottom, showing if it WAS IN Discovery
Material WHICH WASN'T WHY WASN'T it Correctly
Submitted During trial with A file stamp
ON Document.

#2. Also if there WAS A time stamp ON
the Document AT 4/30/2012, WHAT HAPPENED
do the time stamp WHEN the Verdict WAS
Guilty ON 11/1/13? 41 of 59

EXHIBIT #16-G

The Indictment Read out for the Armed Robbery which HAS A Rule #.

- #1. It HAS A Rule Number Before it WAS Attested A true copy

EXHIBIT #16-H

Is the SAME indictment Readout for Armed Robbery.

- #1. WHAT HAPPENED to the Rule # WHEN it WAS Attested A true Copy, WHICH is APART of Documents sent By Julie Armstrong AND MADE EXHIBIT #16-G AND EXHIBIT #16-H

EXHIBIT #16-I

Proof of Indictment being placed in Discovery Records Before trial. 2 weeks before petitioner's trial showing it never went in front 42 of 59 of A grand Jury.

Exhibit #16-J

The indictment For piggly Wiggly case.

#1. Now if you go back to #16-E in exhibits you'll see the signatures of grand jury are different

#2. The case # is different.

#3. But the time stamps are the same with the same date, hour, mins, and seconds which is impossible for two different documents to be filed at the same time.

Exhibit #16-K

The Sentencing Sheet invalid

#1. petitioner was never served a sentencing sheet after conviction where you'll see attorney and petitioner never signed the document.

Exhibit #17

A Letter From Court of Appeals stating A Notice of Appeal HAS NOT BEEN filed.

- #1. After sentencing petitioner AND Attorney spoke only of AN Appeal Being filed WHICH SHOWS petitioner WAS misled *Review Exhibit's #18-[#]18-D, where reconsideration of A sentence WAS filed INstead.

Exhibit #18-[#]18-D

Petitioner lawyer filed A reconsideration of A sentence WITHOUT His consent.

- #1. petitioner WAS never given ANY notice THAT A reconsideration of A sentence WAS being filed WHICH He thought AN Notice of AN Appeal WAS filed. Exhibit #17. Petitioner didn't HAVE No knowledge or given ANY consent of such action.

Exhibit #19-#19-C

Notice of Appeal filed

#1. petitioner Appeal WAS finally filed Months later.

#2. Miss PENN stated facts that were false when she filed the Appeal stating I WAS informed of anything, which petitioner WAS in the blind to it all.

Exhibit #20

Letter from Appeal Courts trying to have Miss PENN removed as counsel

EXHIBIT # 21

A Letter From BAR ASSOCIATION of A
Attorney Complaint Correspondence trying
to HAVE AN INVESTIGATION Sought ON CASE
#1. Volume II of II pg 528-529 Lines 17-9 Where petitioner
stated He HAVE things to present AND trying to HAVE
AN INVESTIGATION IN HIS CASE AND Grounds WHY.
#2. Volume II of II pg 544 Lines 8-11 Where petitioner
ASKED the Judge WHAT CAN He DO to HAVE AN INVESTIGATION
AND SHE stated SHE HAVE NO IDEA.

EXHIBIT # 21-A

A Letter From BAR ASSOCIATION
STATING their Not Authorized to
ASSIST of A LAWSUIT.

EXHIBIT # 21-B

A Letter From MEGAN EHRLICH ABOUT the Letter
Written to the Attorney General's office
#1. Volume II of II pg 529 Line 1-3 Where
46 of 59

Petitioner explains to the Judge He wrote Solicitor's office, sled, AND Everybody AND Never got AN INVESTIGATION ON CASE.

#2. As you read the letter that was written to the Attorney General it explains petitioner WANTING AN INVESTIGATION THAT WAS FORWARDED TO PUBLIC DEFENDER'S AND SOLICITORS OFFICE FOR MRS. SCARLETT ANN WILSON TO PURSUE A DUTY THAT WAS NEGLECTED
*REVIEW EXHIBIT #21-E - #21-I.

EXHIBIT #21-C

ASSISTANT SOLICITOR ALEXANDER WRITING ATTORNEY WITH DISCOVERY NUMBERS OF THE LETTER WRITTEN FROM PETITIONER TO ATTORNEY GENERAL.

#1. The solicitor Alexander Zeigler also neglected the case investigation AND failed to report a case he pursued AND convicted petitioner of.

EXHIBIT #21-D

Letter from JOHN W. MCINTOSH chief Deputy Attorney General letter to SCARLETT WILSON upon complaint 47 of 59 To Deem what is appropriate.

for the case. Which strong issues were brought up
the Attorney General failed to investigate along with
Solicitors office Scarlett Wilson neglected the
Investigation as well.

EXHIBIT #21-E - #21-I

The letter written to Attorney General ALAN
Wilson to investigate case and explaining
Illegal issues and grounds in the complaint.

1. As you'll see the letter was written to ALAN
Wilson. Mr. McIntosh wrote the solicitor instead.
Which a second letter to Attorney General ALAN Wilson
MANY years later was submitted again for an investigation
which was ignored.

EXHIBIT #21-J - #21-N

A picture of the envelope from Attorney
General to Scarlett Wilson upon complaint
along with letters
#1. Neglected

EXHIBIT #22-#22-E

IS the Complaint AND letter to the United States District Courts,

#1. you'll see All the Issues of the Circuit AND police Department Were brought up in the Complaint.

EXHIBIT #23-#23-A

The Complaint that was wrote to the Disciplinary Counsel.

EXHIBIT #23-B

The File Number to Complaint

Exhibit #23-C

The Complaint Form written for Judge
Knox McMahon

Exhibit #23-D

The Complaint Form written for
Cody Groeber

Exhibit #23-E

The Complaint form written for
Alecia Penn

EXHIBIT #23-F

The Complaint form continued for
Alecia PENN

EXHIBIT #23-G-H

The Complaint Form for Solicitor
Jennifer Kneese Shealy

EXHIBIT #24- #24-E

Proof of preliminary Hearing waived
By Cody Groeber without petitioner's
consent

#1. Volume II of II pg 572 Lines 11-16,

51 of 59

Where Alecia Penn trial counsel testify to
A Note that Cody Groeber told AN ASSISTANT
He waived preliminary hearing because
probable cause was found, which cannot
be done under ANY circumstances
of ANY case or the case.

Exhibit #25

Inmate trust fund account report
to obtain warrants, affidavits, true
bill indictments, and Brady vs Maryland,
dated 12/16/13

Exhibit #25-A

Motion For Rule 5 motion Discovery Notarized
the 12th DAY of Dec, 2013.

Volume II of II Pg 566 LINES 1-4

#1. Miss Penn was asked she heard petitioner testified that she did not give him his Rule 5 Discovery and she states she can't find anything in her file whether she did or not.

EXHIBIT # 25-B

The letter and request to the Correspondence Committee for motion discovery materials due to harassment of the state.

EXHIBIT # 25-C

Request for motion discovery again that was unfilled.

Exhibit # 25-D

Request For P.C.R. Application.

Exhibit # 25-E

Letter to Clerk Armstrong to obtain 2 Warrants, Motion Discoveries, Request for P.C.R. Application, Also Request for grand Jury Impanelment Documents and transcript of Record.

#1. The grand Jury Impanelment and transcript of Record was never furnished to petitioner.

EXHIBIT # 25-F-#25G

The Request For Grand Jury
Documents AND Records,

#1. The state fails to disclose materials
to petitioner,

EXHIBIT # 25-H

The letter From MEGAN Sending
PIZZA HUT Materials / Motion discovery
April 25th 2014.

#1. This WAS sent After petitioner
WAS sentence NOV 1st 2013.

EXHIBIT # 25-I

The letter from MEGAN ELDRICH
Sending Piggly Wiggly Motion
Discovery, April 25th 2014.

EXHIBIT # 26-26-0

Where the State is Harrassing
Petitioner to Do A life Sentence
under false Documents.

EXHIBIT # 27-27-A

Letter to Clerk ARMSTRONG For A
CHANGE of Venue Stating the Issues
56 of 59

EXHIBIT #28

Letter showing LEAH Moody As
The representing lawyer on Appeal.

#1. LEAH B. Moody Mislead the
Court's As Well ON Appeal.

EXHIBIT #28-A

LEAH Moody's Letter in response to my
Allegations ON transcript being Altered.

#1. As of today petitioner Rights
Is still being violated Due to
Alteration of His transcript of
Record Being tampered AND incomplete

EXHIBIT # 28-B

LEAH MOODY'S LETTER TO PETITIONER
FAILING TO REVIEW DECISION OF THE
SOUTH CAROLINA COURT OF APPEALS.

EXHIBIT # 29-29-D

ARE LETTERS FROM CHRISTOPHER MURPHY
P.C.R. LAWYER STATING IF I HAVE
ANY EVIDENCE TO PRESENT OR ISSUES
IT HAS TO SHOW WHICH HE CONTRADICTED
AND VIOLATED PETITIONER'S RIGHT TO
A P.C.R. HEARING UPON ISSUES.

#1. IF you review p.c.R. Hearing Mr. Murphy
Did not present ANY of petitioner's materials.

EXHIBIT # 30-[#]30-E

The voidable order that clerk
Julie Armstrong fails to file AND
Christopher ~~Murphy~~ fails to submit

EXHIBIT # 31

A letter From Department of
Justice trying to have AN investigation
Brought on case

* Certificate

* RECEIVED

OCT 17 2019

SC Court of Appeals

I Kenneth MURRAY HAVE READ
This Foregoing Application AND
EXHIBITS For the South CAROLINA
Court of Appeals Review, AND THAT
the MATTERS Therein Are true AND
ACCURATE.

Therefore, Petitioner Certify under
the PENALTY of perJURY that the
Foregoing Application is true AND
Correct to the best of My Knowledge.

1 of 1

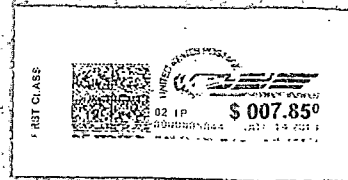
Properly Submitted by
Kenneth Murray 2019.

Kenneth Murray #294286

L.C. I.

P.O. Box 205

Ridgeville S.C. 29472



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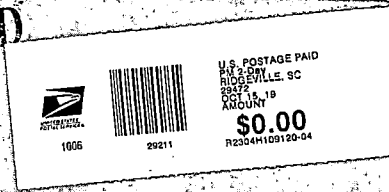
OCT 14 2019

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OCT 17 2019

SC Court of Appeals



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