

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lee County
Court of General Sessions
Honorable Ferrell R. Colthran, Jr. Judge

Case Number : 18-GS-31-0120

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NOV 07 2019

SC Court of Appeals

The State of South Carolina Respondent

VS.

Kevin E. Herriott Appellant

DESIGNATION OF MATTER
TO BE INCLUDED IN THE RECORD ON APPEAL

Appellant Herriott proposes the following to be included in the Record on Appeal:

1. Letter dated 10/15/2019
2. Letter dated 10/01/2019
3. Motion For Leave To Retire Counsel
4. Motion For Leave To Proceed Pro Se
5. Letter dated 09/13/2019
6. Letter dated 7/5/2019
7. Transcript of Record pp. 13-18; p. 27 Line 3-9; p. 49 Line 17-24; p. 62 Line 4-25
p. 63 Line 1-19; p. 64 Line 4-7 [p. 55 Line 9-13, p. 94 Line 6-12]

8. Brief of Appellant
9. Exhibit D

I certify that this designation contains no matter which is irrelevant to this appeal.

October 31, 2019

191 *K. Herrick*
Kevin E. Herrick, # 313862
RHU-cell 135B
Lieber Corr. Inst.
Post Office Box 205
Ridgewood, South Carolina 29472
Pro Se.



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

POST OFFICE BOX 11629
COLUMBIA, SOUTH CAROLINA 29211
1220 SENATE STREET
COLUMBIA, SOUTH CAROLINA 29201
TELEPHONE: (803) 734-1890
FAX: (803) 734-1839
www.sccourts.org

October 15, 2019

Kevin Herriott, 313862
Lieber Correctional Institution
P. O. Box 205
Ridgeville SC 29472

Re: The State v. Kevin Herriott
Appellate Case No. 2019-000969

Dear Mr. Herriott:

The Court has received your letter requesting that the Court forward copies of your motion to relieve counsel upon all parties. The Court will not serve documents on your behalf. A proof of service showing that you have served your motion to relieve counsel upon the respondent, and your counsel, must be filed within ten (10) days of the date of this letter, or your motion will not be considered. A copy of your motion is enclosed.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Alan McCrory Wilson, Esquire
William M. Blitch, Jr., Esquire
Robert Michael Dudek, Esquire



The South Carolina Court of Appeals

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October 01, 2019

Kevin Herriott; 313862
Lieber Correctional Institution
P. O. Box 205
Ridgeville SC 29472

Re: The State v. Kevin Herriott
Appellate Case No. 2019-000969

Dear Mr. Herriott:

Upon reviewing your motion for leave to relieve counsel and proceed pro se, the following deficiency or deficiencies have been noted under the South Carolina Appellate Court Rules (SCACR), and any deficiency must be corrected within fifteen (15) days of the date of this letter:

- The accompanying proof of service is not in compliance with the SCACR. Specifically, your proof of service is not dated, and does not show service upon opposing counsel. You must provide a proof of service that shows your counsel and opposing counsel have been served a copy of the motion.

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire
Robert Michael Dudek, Esquire

IN THE SOUTH CAROLINA COURT OF APPEALS
FROM THE THIRD JUDICIAL CIRCUIT

Kevin E. Herriott, #313862
Appellate,

vs.

The State of South Carolina
Respondent.

C/A No.: 31MC-002131

Appellate No.: 2019-000168

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SC Court of Appeals

MOTION FOR LEAVE TO

~~RELIEVE COUNSEL~~

MOTION TO PROCEED PRO SE

TO: Robert M. Dudek, Esquire

NOW COMES Appellate Kevin E. Herriott, movant, that moves this Honorable Court asking for leave to Relieve Counsel Robert M. Dudek, granting Order to Proceed Pro Se Pursuant to SCACR Rules 1.3 & 1.4(a), (b).

The basis for this Motion to inform the Court that on July 11, 2019 Mr. William M. Blicht, Jr., Senior Asst. Deputy Att. Gen., communicated that the A G's Office, records show your counsel is either Timothy Lee Griffith, Esquire, or Robert M. Dudek, Esquire. As a result, I ask that you communicate with your Counsel regarding any questions or issues about your appeal." However, the Appellate show that as of the 16th day of September, 2019 neither Esquires wrote him nor communicated a brief filing or even acting with reasonable diligence and/or promptness especially when the Petitioner have to meet AEDPA Statute of Limitation from the judgment to a (6) one (1) year period.

The Petitioner / Appellant relay to the Court nothing was explained nor informed of the matter prior to Mr. Griffith, Esquire filings. The Appellant ask that this Court takes Judicial Notice that he is indigent in status, do not have an transcript of trial, June 4, 2019, lacking preliminary hearing transcript, and Blair Hearing Transcript, to perfect the Appeal.

The Appellant has decided to relieve counsel and proceed pro se. The Appellant is tired of these dump truck lawyers and express with urgency to have this Motion sought for, reviewed and ruled upon granting relief by removal of counsel, the Appellant proceed pro se, the above-named Transcripts (3) three total be disclosed to the Appellant, and to have this case proceed without delay.

Respectfully Submitted,

Kevin E. Herriott, #313862

Kevin E. Herriott
Pro Se Litigant.

Date 09/16/2019

Certificate of Service

I, Kevin E. Herriott, do hereby that on this ____ day of September, 2019 certifies having served the foregoing Motion for Leave to Relieve Counsel, Motion to Proceed Pro Se, upon Clerk's Office, at SC Court of Appeals, Post Office Box 11629, Columbia, South Carolina 29211, by depositing Original in the same U.S. Mail pre-paid postage.

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SEP 23 2019

SC Court of Appeals

F7 cell #77-RHU / Lee Corr. Inst. / 990 Wilsack Hwy / Bishopville, South Carolina 29010

Heath E. Herrod 44 313862
Ashley A wing 32
Lieber Correctional Institution
Post Office Box 205
Ridgerville, South Carolina, 29472

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SEP 20 2019

MAIL ROOM
LIEBER CL.

Herrod
LEGAL
313862

Clerk's Office
Jenny Abbott Kitchings, Clerk
Post Office Box 11629
Columbia, South Carolina 29211

CHARLESTON SC 294

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FIRST CLASS

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SC Court of Appeals



The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS
CLERK

V. CLAIRE ALLEN
DEPUTY CLERK

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September 13, 2019

Kevin Herriott, 313862
Lee Correctional Inst.
990 Wisacky Highway
Bishopville SC 29010

Re: The State v. Kevin Herriott
Appellate Case No. 2019-000969

Dear Mr. Herriott:

The Court has received your documents titled "Supplemental Brief". Because you are represented by counsel, we are returning your filings to you. See *Miller v. State*, 388 S.C. 347, 347, 697 S.E.2d 527, 527 (2010) ("Since there is no right to 'hybrid representation' that is partially pro se and partially by counsel, substantive documents, with the exception of motions to relieve counsel, filed pro se by a person represented by counsel are not to be accepted unless submitted by counsel.").

Very truly yours,

V. Claire Allen, Deputy

CLERK

cc: Alan McCrory Wilson, Esquire
William M. Blich, Jr., Esquire
Robert Michael Dudek, Esquire

Attorney General's Office
Post Office Box 11549
Columbia, SC 29211-1549

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JUL 10 2019

Referred to
Billie M. RB

Answered

Re: The State vs. Kevin E. Herriott

2018-GS-31-120

Update Status

July 05, 2019

Dear Attorney General:

I am writing in regards to above reference due to filing an intention to Appeal from Trial that was held on June 04, 2019 followed by an timely notice to appeal on the 07th day of June 2019. I am asking for an update on the filing of Appeal dated -above from the Judgment of the Third Circuit and ask the accused shall enjoy the right to a speedy and public trial - clause - also for a speedy Appeal Accord Sixth Amend. U.S. CONST. In all criminal prosecutions comport with the interpretation determined by clearly established Federal Law abnorms a speedy process in the Appeal itself, without inordinate delay.

Yours Truly,

K. Herriott

Kevin E. Herriott, #313862
Pro Se Litigant.

1 of 2.

LEGAL

HERRIOTT-313862

9. - 10

Certificate of Service

I, Kevin E. Herrriott, pro se, do hereby certify that on this day of July, 2019, has served the foregoing letter 'Update Status' upon Attorney General's Office, Post Office Box 11549 at Columbia, SC 29211; by depositing true copy of the same in the U.S. Mail, U.S. Prepaid Postage.

July 05, 2019
Date

(s) Kevin E. Herrriott
Kevin E. Herrriott, #513862
Pro Se Litigant.

2 out of 2.

THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lee County
Court of General Sessions
Honorable Ferrell L. Cothran, Jr., Judge

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SC Court of Appeals

Case No. 18-GS-31-0120

The State of South Carolina, ... Respondent,

vs.

Kevin E. Herrick, ... Appellant.

PROOF OF SERVICE

I certify that I have served the Brief of Appellant and Designation of Matter To be Included in the Record on Appeal on Respondent by depositing a copy of it in the U.S. Mail, postage prepaid on — day of November, 2019, addressed to ALL Parties of record.

November 03, 2019

151 *K. Herrick*
Kevin E. Herrick, #313862
Post Office Box 205
Ridgely, South Carolina 29172

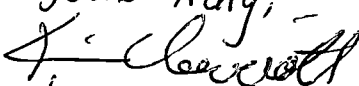
November 05, 2019
S.C. Court of Appeals
Jenny A. Kitchings, Clerk
Clerk's Office
P.O. Box 11629
Columbia, S.C. 29211

RECEIVED
NOV 07 2019
SC Court of Appeals

Re: Kevin E. Herriott vs. The State
Case No. : 2019-00969

Dear Clerk:

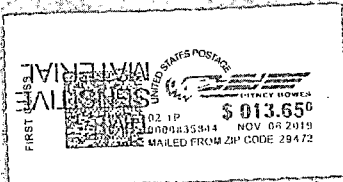
The Appellant in above-captioned reference asked that this Honorable Court make a copy and provide both parties of the Original Brief of Appellant, Exhibit D, and Designation of Matter To Be Included In The Record On Appeal due to the copying process is unavailable to Appellant Herriott when have submitted several request to make an timely filing Pursuant to Rules 208 and 209 SCACR. (see attach)

Yours Truly,

Kevin E. Herriott #313862
Pro Se Litigant.

Addressed To:
Kevin E. Herriott, #313862
RHU-cell 135B
Lieber Corr. Inst.
P.O. Box 205
Ridgewille, SC 29472

William Blitch
P.O. Box 1159
Columbia, SC 29211-1549

Kevin E. Herrriott, #313862
PHU-cell 135B
Lieber Correctional Institution
Post Office Box 205
Ridgeville, South Carolina 29472



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Clerk Jenny A. Hitchens
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