

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

JUDGMENT IN A CIVIL CASE

CASE NO. 2017 CP-42-04438

KEVIN WAYNE MCDANIELS  
 APPLICANT(S)

STATE OF SOUTH CAROLINA  
 RESPONDENT(S)

Submitted by:	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant or <input type="checkbox"/> Self-Represented Litigant
---------------	--

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

APPLICANT'S PETITION IS DENIED WITH PREJUDICE. AN ALIBI THAT WAS AVAILABLE AT THE TIME OF TRIAL IS NOT NEWLY DISCOVERED EVIDENCE SO THE PETITION IS BARRED BY THE STATUTE OF LIMITATION. CHELSEY MARTO TO PREPARE A FORMAL ORDER INCORPORATING THESE FINDINGS, THE TESTIMONY AND ARGUMENTS FROM THE HEARING, AND MEMORANDA (ALL APPLICABLE).

This order  ends  does not end the case.

FILED  
 2020 MAR 10 13  
 CLERK OF COURT  
 SPARTANBURG COUNTY  
 AND INDEX

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

*[Handwritten Signature]*  
Circuit Court Judge

2155  
Judge Code

3-3-20  
Date

**For Clerk of Court Office Use Only**

This judgment was entered on the 9 day of March, 2020 and a copy mailed first class or placed in the appropriate attorney's box on this 9 day of March, 2020 to attorneys of record or to parties (when appearing pro se) as follows:

\_\_\_\_\_  
\_\_\_\_\_  
ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)  
*[Handwritten Signature]*  
CLERK OF COURT

**Court Reporter:**

**E-Filing Note:** In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Fileers or who are appearing pro se. See Rule 77(d), SCRPC.

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2020 MAR -9 AM 10:13  
CLERK OF COURT  
SPARTANBURG COUNTY  
AMY W. COX

**FILED**



State of South Carolina  
The Circuit Court of the Tenth Judicial Circuit

R. Lawton McIntosh  
Judge

March 3, 2020

Post Office Box 8002  
100 South Main Street  
Anderson, SC 29622-8002  
Phone: (864) 260-4059  
Fax: (864) 224-6320  
mcintosh@sccourts.org

The Honorable M. Hope Blackley  
Post Office Box 3483  
Spartanburg, South Carolina 29304-3483

Dear Madame Clerk:


Please find enclosed an original Order which has been signed by Judge McIntosh in the following case:

Kevin McDaniels v. State of SC  
CA No. 2017-CP-42-04438

Please file this in your office and provide certified copies as appropriate to the attorneys of record pursuant to your customary procedure.

Thank you for your assistance in this matter.

Sincerely,

  
Tammy Jennings, Admin Assistant to  
R. Lawton McIntosh, Judge  
Tenth (10<sup>th</sup>) Judicial Circuit

tij

Enclosure

2020 MAR -9 AM 10:13  
CLERK OF COURT  
SPARTANBURG COUNTY  
AMY W. COX

FILED