

THE STATE OF SOUTH CAROLINA
In the Supreme Court

APPEAL FROM SPARTANBURG COUNTY
COURT OF COMMON PLEAS

RECEIVED

R. Lawton McIntosh, Circuit Court Judge

MAY 21 2020

S.C. SUPREME COURT

2017-CP-42-4438

*2020-000656

Kevin W. McDaniels _____ Appellant

The State _____ vs _____ Respondent.

PRO SE NOTICE OF APPEAL

YOU WILL TAKE NOTICE Appellant Kevin McDaniels PRO SE
FILES THIS APPEAL PROVIDING FACTS AND EXHIBITS
MOVING THIS COURT TO GRANT THIS APPEAL AND
ORDERING THE OFFICE OF APPELLATE DEFENSE
TO PERFECT THIS APPEAL THIS IS BASED
UPON CONSTITUTIONAL VIOLATIONS.

PETITIONER HAS BEEN UNLAWFULLY
IMPRISONED SINCE MARCH 11 2006 (14YRS)
PETITIONER WAS IN THE STATE OF
FLORIDA (1-3-06) WHEN CRIME COMMITTED.

(1)

GROUND ONE

POLICE COERCION. LAW ENFORCEMENT ON 3-11-06
USED COERCIVE MEANS TO GET APPELLANT TO CONFESS
TO THIS CRIME. APPELLANT WAS HALLUCINATING FROM
DRUGS. CONFESSING TO ANY CRIME POLICE ASK HIM.

(1) APPELLANT CONTENDOUSLY ASK FOR AN ATTORNEY
AND WAS DENIED COUNSEL VIOLATING HIS
MIRANDA RIGHTS, FIFTH AMEND. RIGHTS!

GROUND TWO

INEFFECTIVE ASSISTANCE OF COUNSEL

(1) Counsel Robert Hall Failed to:

(a) SUBPOENA FBI, U.S. MARSHALS TO TESTIFY
APPELLANT WAS IN FLORIDA JAN 13, 2006.

(b) SUBPOENA RECORDS FROM FBI, U.S. MARSHALS
PROVIDING APPELLANT WAS IN FLORIDA JAN 13, 2006.

(c) Failed to request ONE HOUR CONTINUANCE AT
OR TRIAL. APPELLANT WAS IN TRIAL AWAITING
FOR ALIBI WITNESSES TO APPEAR FROM FLORIDA.
THEY DRIVE 10 HOURS FROM FLORIDA AND HEARD
WOODRUFF TOWELL BROKE DOWN THEN CALLED
BANTHOUSE ETC. ROBERT HALL FAILED TO MOVE
FOR A ONE-HOUR CONTINUANCE WHICH
ALIBI WITNESSES WOULD HAVE PROVEN INNOCENCE.

(2)

GROUND THREE

"GUILTY PLEA INVALID - NOT KNOWING & INTELLIGENT"

- Appellants Guilty Plea was NOT VOLUNTARILY because:
- (a) State and Counsel Promised Credit For Time Served from March 11, 2006, then Broke Promise.
 - (b) Because of Counsel Failing to Subpoena FBI etc to TESTIFY day of Trial, Appellant was forced to enter an INVOLUNTARY PLEA.
 - (c) Because of Counsel Failing to Subpoena FBI Records proving Appellant was in Florida, Appellant was forced to enter INVOLUNTARY PLEA.

GROUND FOUR

PROSECUTORIAL MISCONDUCT

FBI notified Solicitor BARRY BARNETT that Appellant was in Florida on JAN 13, 2006, under the Alias Shawn C. Hall, Working for Florida, FRANK & TREM, could NOT HAVE Burglarized the Home of AMY KEMBLE in South Carolina on JAN 13, 2006 and still Solicitor BARRY BARNETT chose to MALICIOUSLY PROSECUTE an innocent man, COVERING UP EVIDENCE, CONSPIRING to COMMIT FRAUD UPON THE COURT etc.

GROUNDS FOR

NEWLY DISCOVERED AFTER DISCOVERED EVIDENCE

THE "INTEREST OF JUSTICE" OUTWEIGHS
THE INDUSTRY GUILTY PLEA.

* (A) THE AFTER DISCOVERED EVIDENCE WAS FOUND
AFTER THE INDUSTRY PLEA?

(B) THE FBI THEMSELVES PROVIDED EVIDENCE
THAT APPELLANT WAS IN FLORIDA JAN 13 2006

(C) THE OWNER OF FLORIDA FRAME LTD. PROVIDED
DOCUMENTS, ALSO DATED DEC 23, 2019, SHOWING
APPELLANT WAS WORKING FROM JAN 13 2006 IN
FLORIDA!

(D) THESE EXHIBITS WERE DISCOVERED AFTER
APPELLANT'S INDUSTRY PLEA?

YOUR HONOR: THE FBI, U.S. MARSHALS, ATF, SECRET-
SERVICE HAS PROVED APPELLANT WAS IN FLORIDA
JAN 13, 2006 UNDER THE ALIAS NAME SHAWN HALL
WORKING FOR FLORIDA FRAME & TRAM NOT SECRET

YOUR HONOR: THIS IS AFTER DISCOVERED
EVIDENCE BY U.S. DEPT OF JUSTICE!

APPELLANT HAS BEEN UNLAWFULLY DETAINED
SINCE 3-11-06 14 YEARS INNOCENT OF
THE BURGARY IN SOUTH CAROLINA. THIS
IS AFTER DISCOVERED EVIDENCE.

(4)

CONCLUSION

Appellant. Moves this Court to
GRANT THIS APPEAL "IN THE INTEREST
OF JUSTICE" ORDER THIS CASE TO
BE FORWARDED TO DIVISION OF
APPELLATE DEFENSE SO THEY CAN
PERFECT AN APPEAL. THIS IS BASED
UPON THE CONSTITUTIONAL VIOLATIONS
AND AFTER DISCOVERED EVIDENCE
GRANT SUCH OTHER RELIEF AS THIS COURT
MAY DEEM JUST AND PROPER

I DECLARE UNDER PENALTY
OF PERJURY THE ABOVE IS

TRUE AND CORRECT

DATED: May 18, 2020

SEE ATTACHED EXHIBITS
FROM FBI & ALIBI WITNESS
AFTER DISCOVERED EVIDENCE

[Signature]
Keshav N. [Name]
(PROSEC)