

No. _____

IN THE
SUPREME COURT OF SOUTH CAROLINA

Kevin E. Herriott - PETITIONER

VS.

SCDC - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI
TO
S.C. Court of Appeals

PETITION FOR WRIT OF CERTIORARI

Kevin E. Herriott, # T97826
Souza-Baranowski Correctional Center
Post Office Box 8000
Shirley, MA 01464

RECEIVED

JAN 24 2022

S.C. SUPREME COURT

LIST OF PARTIES

Mr. Kevin E. Herrriott, Petitioner

vs.

South Carolina Department of Corrections

Attorney for Defendants / Respondents Esq. Imani D. Byars

Related Cases

21-ALJ-04-0094-IJ

2021-000979

QUESTION(S) PRESENTED

- 1) WHETHER THE COURT ABUSED ITS DISCRETION
WHEN ERRONEOUSLY RULING AGAINST A(N) PAUPER?

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STATEMENT OF THE CASE

On May 10, 2018, the Petitioner Kevin E. Herrrott property that consist of legal correspondences, case files, evidence, the Petitioner's work product, and personal property was left in the Petitioner's cell while the Petitioner was in a restrictive housing unit. On several dates after May 10, 2018, the Petitioner requested for his property and was denied. The Petitioner then used the grievance system of that Correctional Facility. The Petitioner did exhaust all available remedies in the grievance procedure, however, SCDC still has not returned all of the Petitioner's property.

On September 01, 2021, the Petitioner moved before the S.C. Court of Appeals asking for leave to proceed in a manner of a(n) pauper. However, on October 18, 2021, the Court denied the motion to proceed in forma pauperis, Pursuant to *Ex Parte Martin*, 321 S.C. 533, 471 S.E. 2d 134 (1995). Nevertheless, the Petitioner appeal to this Court by way of a(n) Writ to address the merits raised in order to prevent a miscarriage of justice.

REASONS FOR GRANTING THE WRIT

The Petitioner Kevin E. Herriott presents to the South Carolina Supreme Court that he is entitled to a) full review based on the following merits. See below:

1) The Petitioner asserts that this case has been decided wrongly upon entry of judgment by the ALJ on August 19, 2021. The Petitioner have brought his claims under the draft to hold the South Carolina Department of Corrections officials liable according to SCDC's policy and state law. However, the ALJ Court held that it does not have jurisdiction to grant relief the Petitioner sought.

2) The Petitioner, then, sought to appeal to the S.C. Court of Appeals because of the erroneously ruling entered by the ALJ. However, when the appeal was taken the S.C. Court of Appeals Judge panel revoked the paper and dismiss the case.

The Petitioner has standing that as of date since

December 26, 2021, he is unemployed due to COVID-19 and is currently in quarantine for the next several days. The Petitioner does not have the funds to pay for the Court filing fee and demonstrates even further by affidavit and letter of indigency that the S.C. Court of Appeals ruling was improper. See attach.

3) On the merits, this case action, the Petitioner demonstrates to the Supreme Court that SCDC has had possession of the Petitioner's property since May 10, 2018, and upon request to receive the belongings back, SCDC failed to produce the property back to its owner. The property that was unreasonable seized were legal correspondences, case files, evidence, and the Petitioner's work product.

The Respondent has argued that the Petitioner's claims were not a(n) state-created interest nor did the Petitioner exhaust his available state remedies. The Petitioner asserts that the Respondent allegations are absurd. Here, to put in the proper perspective, the Petitioner reveals to the Court that in order for a(n) final review of a(n) prison grievance, SCDC grievance system is exhausted once presenting the

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issue to the S.C. Administrative Law Court. Let the record reflect that this case been on appeal twice back to the S.C. Administrative Law Court twice (2) without an remedy available, to grant relief upon the Complaint the Petitioner have drafted.

The Petitioner asked the Court to intervene to either have SCDC prison officials compensate for his property that was illegally seized and thrown away in the trash or produce the contents that's now in controversy.

WHEREFORE UPON, the above legal premises, the Petitioner ask this Court to grant Writ of Certiorari in the Petitioner's favor.

Done This Day , 2021.
Respectfully Submitted,

K. E. Herritt
Kevin E. Herritt, # T97826
Pro Se.