

The State of South Carolina  
In The Supreme Court

Appeal From Greenville Courthouse of  
Common Pleas  
Hon. Letitia H. Verdin, Circuit Judge

Case No. 1, 2012-CP-23-02944  
or 2, 2012-213437

**RECEIVED**

MAY 20 2013

S.C. Supreme Court

Mr. William C. Kennedy III #256024, Petitioner  
vs.  
Mr. Robert E. Ward ("ROD") et al., Respondents

Rehearing For A Petition For  
A Writ of Certiorari

Mr. William C. Kennedy III  
#256024  
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UNRECORDED

## Questions Presented

- I. Did The Greenville County Courthouse Of Common Pleas Wrongfully Dismiss The Above Case ?
- II. Was The Petitioner's Due Process And Equal Protections Violated When He (I) Was Denied By The Court To Accept Venue At Her Court ?

1.

## Statement of the Case

The Petitioner was wrongfully convicted for a 601 loss of Goodtime, charge by South Carolina Department of Corrections Disciplinary Policy, 22.14, that was ordered by the Administrative Law Court ("ALC") for filing (3) grievances at (1) time and I was sanctioned by SCDC for (15) days lost of goodtime as was recommended by the "ALC".

Which was appealed and denied by SCDC and dismissed with prejudice by the "ALC". And was appealed to the South Carolina Court of Appeals by the Petitioner and the case was heard and "~~Affirmed~~", that (1) (15) days had been improperly been taken away from the Petitioner Mr. McKinney III; (2) Mr. McKinney did not get a fair and impartial hearing; (3) He (Mr. McKinney III) was placed in double jeopardy, because there was a second hearing after the first conviction, "~~Affirmed~~" on or by May 20<sup>th</sup>, 2009 (S.C. Ct. App.), so, I did all I could do to file a South Carolina Tort Claim Action (SCTCA), but was delayed in bad faith after transferred to SCDC's Allendale Corr. Inst., that kept all of my legal documents from 9/17/10 until 9/23/11.

Then the Petitioner had to file the "Action" without doing any research on or by 5/20/11, and was filed with the Charleston, S.C. Courthouse of Common Pleas on or by 5/17/11. And, the Order to dismiss for this Supreme Court Notice of Appeal is dated: 5/1/13. Which this petition for Rehearing now follows for the reasons discussed below, and the Petitioner Mr. McKinney III respectfully requests the instant petition to be granted.

## Argument

I. The Greenville County Courthouse of Common Pleas Did Wrongfully Dismiss The Above Case.

The Petitioner was scheduled to go before the Hon. Letitia H. Verdin to hear the above mentioned case that she dismissed. Because of the 'statute of limitation', which the Petitioner presented his case pro se and showed that respondents was in "Default", and that the claim for the statute of limitations was raised by respondents and she made a ruling from the bench to dismiss the instant case, which any claims for the 'statute of limitations' is an "Objective" issue(s), that only a jury can decide and not just a "Subjective" issue for the judge (Hon. Letitia H. Verdin) to rule on as was done by the Courts (lower).

II. The Petitioner's Due Process And Equal Protections Was Violated When Venue Was Denied In Her Court.

The Petitioner was denied to have my case accepted in the Charleston, S.C. Courthouse of Common Pleas by the Hon. Christi Harrington, because I could not file the filing fee that should had been exempted pursuant to S.C. Code of Laws § 24-27-100, § 24-27-150, or § 24-27-400 (Indigent Persons) "et. seq". And I was denied by the Court after it had filed the instant case on or by 5/17/11, that was well within the (2) year 'statute of limitations', and "Venue" was denied by the Court as well (See S.C. Code Ann. § 15-7-10 "et. seq"); also see, Bounds v. Smith, 97 S.Ct. 1492, 1493 (focus on the same entitlements of Access to the Courts). Even doe the Petitioner is not a residence of Charleston, S.C. The Court should have still accepted the case for in forma pauperis and then it could have ordered the change of "Venue" pursuant to S.C. Code

II, continues - 4 of 4

Ann. § 15-7-100 (See. Whaley vs, ESX Transp. Inc. (S.C. 2005) (609 S.E. 2d 286). If the "Venue" was not proper it should had been tried in the County where defendants / respondents resides or the Plaintiff / Petitioner. (See. S.C. Code Ann. § 15-7-30 "et seq") which was filed later in the Greenville, S.C. County Courthouse of Common Pleas, and was wrongfully dismissed shows and proves the biasness and prejudice(ness) of both Courts (Charleston & Greenville, S.C.) alone with the "Abuse of Discretions" by either Court is why I the Petitioner did not get my day in Court and its all for the Ends of Justice.

Therefore, Petitioner submits this instant petition for a re-hearing for a writ of Certiorari is to be granted as to the above mentioned issues).

Conclusion

Wherefore, for all the reasons stated above, the Petitioner requests for a rehearing for the writ of this Certiorari to be granted.

Respectfully Submitted,  
Pro Se

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May 13<sup>th</sup>, 2013  
Fairfax, S.C.

WMCME III / EC/FILE

FILED

Certificate of Compliance

The undersigned hereby certifies that this Final Brief of Petitioner complies with Rule 211(b), SCACR and the Supreme Court's order of August 13<sup>th</sup>, 2007.

May 13<sup>th</sup> 2013  
Fairfax, S.C.

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WCMCIII/EC/HLE

The State of South Carolina  
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Appeal From Greenville Courthouse Common  
Pleas  
Hon. Letitia H. Verdin, Circuit Judge

Case No.: 2012-CP-23-02944  
or 3; 2012-213437

Mr. William C. McKinney, III #250024, Petitioner  
Mr. Robert E. Ward ("BDC") et al., Respondents

Certificate of Service

I certify, that Mr. William C. McKinney, III #250024 have placed a petition for Rehearing To Waive Filing Fees, pp. 1-2 of 2, and a petition for Rehearing for a Writ of Certiorari, pp. 1-5 of 5 in the Attendale Court, mailroom system, with first-class postage prepaid for the U.S. Postal Service and addressed to the following: The Supreme Court of South Carolina

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