

No. _____

24-6951

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED
MAR 13 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Keith E. Herrick

— PETITIONER

(Your Name)

vs.

The State of South Carolina

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

South Carolina Supreme Court

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Keith E. Herrick #313862

(Your Name)

1516 Old Gilliard Road

(Address)

Ridgeville, SC 29472

(City, State, Zip Code)

None

(Phone Number)

RECEIVED
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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. WHETHER THE LOWER COURT'S JURISDICTION OR THE LEGALITY OF ITS ACTS ILLEGALITY TO EXIST?
2. WHETHER THE LOWER COURT ERROR(S) CAUSING SUBSTANTIAL INJUSTICE AND IRREPARABLE HARM?

LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

Barhee v. Warden, Maryland Penitentiary, 381 F.2d 842
Joseph Massaro v. United States, 538 U.S. 500/23 S.Ct.
1690, 155 L.Ed. 2d 714

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The South Carolina Court of Appeals Remittitur dated January 15, 2025
The South Carolina Court of Appeals Per Curiam dated May 29, 2024*

APPENDIX B *APPENDIX LETTER CORRESPONDENCES dated September 18, 2024
February 02, 2025*

APPENDIX C *COPY OF 2019 JURY TRIAL TRANSCRIPT dated June 4, 2019*

APPENDIX D *ORDER TO RELIEVE APPELLATE COUNSEL*

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TABLE OF AUTHORITIES CITED

CASES

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Brady v. Maryland, 323 U.S. 83, 83 S.Ct. 1194, 10 L.Ed. 2d 215,

Joseph Massaro v. United States, 578 U.S. 500, 123 S.Ct. 1690, 155 L.Ed. 2d 714,

STATUTES AND RULES

OTHER

16 B Am. Jur. 2d Constitutional Law §669, *Guarantee of Remedy in Court for All Injuries*

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the South Carolina Court of Appeals court appears at Appendix A to the petition and is

- reported at 2024 WL 2748582; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

☑ For cases from State Courts:

The date on which the highest state court decided my case was January 14, 2025. A copy of that decision appears at Appendix A.

The Jurisdiction of this Court is invoked under 28 U.S.C. § 1257(6).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution Article VII
Articles in addition to, and Amendment of, the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States pursuant to the Fifth Article of the Original Constitution.

Amendment XIV [1868]

Section 1. All persons born or naturalized in the United States subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

28 U.S.C. § 1257(a) State Courts; Certiorari

In relevant part:

(a) Final judgment or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of Certiorari where the validity of a treaty or statute of the United States is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specifically set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under the United States.

28 U.S.C. § 1651 (a) Writs

In relevant part:

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

South Carolina Code of Laws Annotated § 14-13-330 (2)(a)

In relevant part:

(2) An order affecting a substantial right made in an action when such order (a) in effect determines the action and prevents a judgment from which an appeal might be taken or discontinues the action is appealable.

STATEMENT OF THE CASE

The Petitioner Keith E. Herrington pro se, in necessity, hereby seeks a common-law writ of certiorari challenging the lower courts ruling that lacks substantial evidentiary support or the Court had not applied the proper rule of law to which cause the entire record of the inferior court to be brought up by certified copy for inspection in order that this Superior Court may determine from the face of the record whether the inferior court has exceeded its jurisdiction, or had not proceeded according to the essential requirements of the law.

On June 04, 2019, the Petitioner was sentenced to serve an consecutive sentence of six (6) years to charges of attempted-armed robbery and inmate possession of a homemade bomb by guilty verdict of twelve (12) petit jurors. On June 07, 2019, the Petitioner appealed to the South Carolina Court of Appeals for an appellate review of an direct appeal. During the pre-trial, trial, post-trial, direct appeal, and appellate stages, the lower court effectively prevent Petitioner from presenting his case. On August 12, 2024, the Petitioner petition for rehearing was denied. On January 14, 2025, the South Carolina Supreme Court denied Petitioner's Writ of Certiorari by vote that discontinued the action affecting Petitioner's substantial rights causing a miscarriage of justice, substantial injustice, and irreparable harm.

REASONS FOR GRANTING THE PETITION

The Petitioner, Keylin E. Herriottt avers that special cause exist to which this application is made asking this high Court for an order for the writ to issue.

1. The Petitioner does not have a plain and adequate remedy by way of an appeal from the order or decree of the South Carolina Supreme Court due to the lower courts refusing the remedy and for procedure to which Petitioner is entitled to a particular remedy or procedure as a matter of right.

Although the Courts provided a procedure of an direct appeal to the petitioner to appeal the unconstitutional conviction and sentence, the means to carry its end violated the Petitioner of substantial rights creating substantial harm and injury. As a matter of right, the Petitioner invoked to represent himself twice, once at trial during the pre-trial stages and another at the appellate review stages; *Faretta v. California*, 422 U.S. 806, 95 Oct. 2525, 45 L.Ed. 2d 562. The trial court refused to rule on Petitioner's motion to proceed pro se, but the Court of Appeals granted Petitioner to proceed pro se in a manner of an appeal. The Petitioner invoked his right to a jury trial and to direct appeal challenging the trial court's judgment raising several grounds to relief where the lower courts had committed several error of law.

The lower courts failed to quash the indictments against Petitioner, nor providing a remedy of prohibition. The lower courts failed to rule on Petitioner's ineffective assistance of counsel claims nor providing a remedy of or for Petitioner to proceed in an effort to effectively prepare his defense, to be heard, and have a full review. The lower courts failed to hold trial counsel Timothy L. Griffith in contempt of Court for not turning over Petitioner's case files and evidence nor providing a remedy for Petitioner to obtain legal possession of his property to perfect his appeal.

The lower courts abused its discretion in reaching its decision and determination to deny Petitioner's claims of grand jury abuse. The lower courts abused its discretion when denying Petitioner of his rights and duties to obtain newly discovered evidence, after discovered evidence, and case files or legal papers or property belonging to Petitioner during the course of appeal and certiorari.

Nevertheless, the entire record as a whole shows that Petitioner was denied due process of law violating his Fourteenth Amendment whereas Constitutional requirements of substantial equality and fair process have been overlooked that ultimately deprived Petitioner of rights safeguarded by the United States Constitution of America.

2. The lower courts errors are causing substantial injustice, injury or harm of an irreparable nature when the Petitioner is not guilty of crimes by seeking the remedy. The Petitioner asserts that discretionary review by Certiorari should be afforded to him because there exist in the record a departure from the essential requirements of law causing a miscarriage of justice.

The Petitioner aver even further that none of his claims are moot during the pendency of certiorari because a viable controversy continues to remain at all stages of review, both on appeal and certiorari. The issues before this Court are not hypothetical, abstract, academic, moot, the harm speculative or the controversy has been settled. The issues are ripe for review. For such wrongs as are recognized by the law, this Court according to common-law principles shall be open to give or provide a remedy of United States Constitutional Law.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted,

W. E. Herrick

Kevin E. Herrick
Pro Se.

Date February 28, 2025