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STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

JUL 02 2024

John Robinson
S.C. SUPREME COURT

CASE NO. 2022 CP 18 00890

vs

STATE of SC

Rule 243(c), SCACR

The Determination of the PCR Court was improper, because as a MATTER OF LAW THE SOUTH CAROLINA SUPREME COURT HAS HELD THAT ALL Codified versions of LAW MUST yield TO the statutes at large.

SEE: 263 F.3d 371 AND 1 U.S.C.A. §§ 112, 204(A),

STATUTES AT LARGE control when ① Meaning of original enactment was clear and quite different from meaning ascribed to Codified Law and ② Revisers expressly stated that changes in language resulting from Codification were to have no substantive effect. The state's attempt at Codification alters the scope of the statute at large. The statute at large (original enactment) specifically states "NO less than 25 yes NO MORE THAN 30 yes."

I was sentenced to 40 years losing life and liberty. 10 years outside of the scope of statute at large. This substantially effects my right of procedural due process.

Statutes at large are legal evidence of the law. If there is any discrepancy between U.S. Code and statute at large the codified version of law must yield to statutes at large. The codified version of this law alters the scope of the original enactment, has substantial effect of denying my 5th Amendment RIGHTS and my RIGHT TO procedural due process and due process of law.

This is a genuine issue of material fact and a matter of law.

I have remained diligent in pursuit of my defense. My access to the courts are severely restricted. By policy I am allowed 1 2 hour period in the law library, if there is security and movement. Per week.

There rarely is Movement or Security.
As an example of fact, from Feb., 2024 through
June^{18th} I have not been allowed to visit the
law library NOT ONCE. SEE RTSM 24-03504349.

The Tablets have a platform with
restricted material and the service is often
interrupted. I am left with NO Access to
the Courts.

The prosecutor Bought a tire iron from
a retail store and told the Jury it was a
murder weapon and Sent The tire iron
to the Jury room during deliberations.
During closing the prosecutor took the tire
iron and hit the picture of the victim's body
with the injuries showing and told the Jury
to line and match the tire iron with the
injuries and they'll see its a match. Even
Though The prosecutor knew that the pathologist
testified that it was not possible to match
up any object to the injuries because they
were not patterned. see B. 256 w 3-5.

SEE people vs Johnson 403 NY 5.2d.11

This was used (like Iron) To mislead, inflame the passion of and prejudice the Jury to gain a wrongful conviction. This violates my right to Due process.

I ask this court to not place any prohibitions on me in Challenging this Sentence and conviction because they are clearly illegal. All codified Versions of law must yield to Statutes at large. Statutes at large is specific in its language under 16-3-10 No less than 25 No more than 30. This is the scope of the statute at large and it cannot be altered.

The Judge even tells the Jury that They could find me guilty of malice murder Even if there was no actual or specific intent to kill. If you remove malice murder as indictment charges you must have lesser included offense of Acquittal (see trial 579 on 12-20)

I ask this court to rule in my favor to prevent a miscarriage of justice and as a matter of law.

All codified versions of LAW MUST yield to STATE at
I. U.S.C. 263 & 371, 1 U.S.C.A. §§112, 2041
It's Newly Discovered Evidence; Every Act and
Law must have The Great Seal. Unconstitutional Acts
and statutes that are not sealed in accordance
to S.C. Const. ART. 3, §18. States: under the
State law, The term "affixed" is clearly
defined as "securely attached to": fixed or
fastened in anyway or impressed upon Perman-
ently. By Notification given by S.C. Dept.
of Archives and History The applicant was informed
by Mr. Steven D. Tuttle, Deputy Director of
Archives and Records Management that the Acts
1993 Act No. 184; 1995 Act No. 7 and 1996 Act
No. 317 DO NOT HAVE THE GREAT SEAL affixed
To them in any way, shape, form or fashion.
making them ILLEGAL. In this case the
State prosecution, Judge nor Court Had no legal
Authority or Jurisdiction To Try, Convict nor
Sentence the applicant where the statute
S.C. Code Ann. § 16-3-10 had no legal
CONSTITUTIONAL foundation or force of Law
from The General assembly of this state
where They were not under the GREAT SEAL in
year 2001 conviction.

Applicant was Arrested, charged, Tried

Convicted and sentenced under S.C. code ANN. §16-3-10, that was unlawful and unconstitutional where the General assembly of the state of S.C. had not given proper legislative approval under THE GREAT SEAL.

LACK OF PERSONAL AND SUBJECT MATTER JURISDICTION.

SEE: CRIMINAL LAW KEY 91, 92 S.C. Code Ann §16-3-10 By The Acts failing to have the "GREAT SEAL" of this state embossed upon them Indicates that there is NOT legislative intentive approval in accordance to S.C. Constitution ART. 3, §18. THE TRIAL JUDGE, Prosecutor, and the Defense Attorney know Beyond a SHADOW of a Doubt that the trial court failed to obtain SUBJECT MATTER AND PERSONAL JURISDICTION OVER THE APPLICANT'S case. AND If They try to Claim Ignorance of SUCH, IGNORANCE OF THE LAW IS NO EXCUSE. All Codified versions of LAW must yield to STATUTES AT LARGE. SEE: 263 f.3d 371 AND 1 U.S.C.A. §§112, 204(A)

FRAUD upon THE COURT by OFFICERS of THE COURT

THE applicant contends that the trial court
The Judge, Prosecutor and Trial counsel. (LUKE BROWN
MATTIE MURPHY and GENE DUKES) as well as
The officers and all official persons in their capacity
Are supposed to know THE LAW AND IGNORANCE
of THE LAW IS NO EXCUSE. ART. 3, § 18, TO THE
S.C. CONSTITUTION. THIS MATTER ALSO FALLS ON
THE SECRETARY OF STATE, ATTORNEY GENERAL AND
GOVERNOR. THE SECRETARY OF STATE IS RESPONSIBLE
FOR ENSURING THAT EVERY LAW THAT IS APPROVED
BY THE GENERAL ASSEMBLY OF THIS STATE IS APPROVED
BY BOTH; THE HOUSE OF REPRESENTATIVES AND THE HOUSE
OF SENATE AND IS PROPERLY SEALED WITH THE
GREAT SEAL TO HOLD THE FORCE OF LAW.

UNCONSTITUTIONAL LAWS DUE TO MISSING GREAT SEAL

(1993 ACTS NO. 184; 1995 ACT NO. 7; 1996
ACT NO. 317) WHEN THE ACTS, WHICH GIVES
ABSOLUTE CONSTITUTIONAL FOUNDATION TO ANY LAWS

are not in anyway properly established within the legislative guidelines; The Statute in which that ACT support is

"Null AND VOID" of legal force. Due process and Equal protection of Law is completely compromised. As this Court is fully aware of the fundamental requisite of Due process is the opportunity to be heard; to be aware that a matter is pending to make an informed choice whether to acquiescence or contest, and assert before the appropriate decision-making body the reasons for such choice. Aside from all else, "Due process" means fundamental importance as to require compliance with Due process standards of fairness and Justice.

Procedural and substantive rights of citizens against government actions that threaten the denial of life, liberty or property.

Here the state violated the CRUEL AND UNUSUAL PUNISHMENT clause under the 8th Amend. to us Const. AND

ART. 1, § 15 to S.C. Const, as well as the EQUAL PROTECTION OF LAW CLAUSE to the U.S. Const. AND ART. 1, § 3 to S.C. Const. WHEN THE State Robe Touches over the Applicants Constitutional Rights.

THE 14th Amend. Forbids the Making or enforcing by any State or any Law abridging the privileges and immunities of citizens of the U.S., and Secures All Persons against Any state action which results in either deprivation of life, liberty and property without Due process of Law or in denial of Equal protection of the Law. See: 8th Amend. To US Const. See; ART. 1, § 15 to SC Const. See: S.C. Code ANN § 2-7-230 ; AND S.C. Code ANN § 2-7-240 By the 1993 ACT NO. 184 ; 1995 ACT NO. 7 ; 1996 ACT NO. 317 NOT being sealed in accordance to ART. 3, § 18 of the U.S. Const it is an error that cannot be Amended or corrected in any way, because they are invalid unconstitutional and Do NOT carry THE force of LAW.

See: Compendium of United Nations Standards and Norms, in Crime Prevention and Criminal Justice title § 50 (pg 356); § 52 (pg 364-370), and § 53 (pages 370-376)

EX POST FACTO LAW

An ex post facto law is criminal law that makes an act a crime after the act was committed, or changes the penalty for a crime after it was committed, or changes rules of evidence to allow easier convictions. Art. I of U.S. Const. also forbids ex post facto laws -

FRAUD

under the laws of the U.S. and the State of S.C. fraud is defined as any type of deception or trickery used by (1) or more people to cheat another or a group of people when a court official knowingly, voluntarily and intelligently applies or assist another in the application of a law or statute on a criminal case or in any other matter with the knowledge that such law is constitutionally invalid, then such person(s) being

directly involved shall have committed the criminal act of fraud. A conviction by actual trial cannot be upheld as valid or legal, when there is clear evidence that a legislative Act or statute is NOT within the standards set forth in accordance to the Constitution. In this case the Prosecutor, The Judge and Court appointed attorney should have been fully aware that the section Code S.C. Code Ann § 16-3-10 had not been Sealed under the GREAT SEAL of The State of S.C.

IGNORANCE OF THE LAW IS NO EXCUSE!

yet they still chose to deprive by defrauding. embodiment shall be passed and NO conviction shall work (4) Corruption of Blood or Forfeiture of estate (1970 (56) 2684, 1971 (57) (315). SEE: STATE OF S.C. VS. FZSHBURN 427 S.C. 505

June 18th 2024
PRO SE

JCR
PRO SE