

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

RECEIVED
Mar 19 2026
S.C. SUPREME COURT

Certiorari to Beaufort County

Honorable Frank R. Addy, Circuit Court Judge

TYRONE LORENZA ROBINSON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2025-001540

APPENDIX

JOANNA K. DELANY
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

DANIELLE E. DIXON
Assistant Attorney General
P.O. Box 11549
Columbia, SC 29211-1549
(803) 734-3737

ATTORNEY FOR PETITIONER

I. MCDUFFIE STONE, III
Solicitor, Fourteenth Judicial Circuit
102 Ribaut Road
Beaufort, SC 29902
(843) 779-8477

ATTORNEYS FOR RESPONDENT

VOLUME IV OF V
PAGES 1501-2000

INDEX

INDEX	i
PRE-TRIAL TRANSCRIPT DATED FEBRUARY 27, 2014.....	1
TRANSCRIPT OF MISTRIAL DATED APRIL 21-23, 2014.....	53
TRIAL TRANSCRIPT DATED SEPTEMBER 15, 2014.....	354
TRIAL TRANSCRIPT DATED SEPTEMBER 15, 2014 – AFTERNOON	488
TRIAL TRANSCRIPT DATED SEPTEMBER 16, 2014.....	623
TRIAL TRANSCRIPT DATED SEPTEMBER 17, 2014.....	843
TRIAL TRANSCRIPT DATED SEPTEMBER 18, 2014.....	1073
TRIAL TRANSCRIPT DATED SEPTEMBER 19, 2014.....	1274
APPLICATION FOR POST-CONVICTION RELIEF FILED APRIL 22, 2021	1390
AMENDED APPLICATION FOR POST-CONVICTION RELIEF FILED JUNE 4, 2021	1815
SECOND AMENDED APPLICATION FOR POST-CONVICTION RELIEF FILED AUGUST 27, 2021	1818
FOURTH AMENDED APPLICATION FOR POST-CONVICTION RELIEF FILED JUNE 20, 2022.....	1937
RETURN.....	2185
AMENDED APPLICATION FOR POST-CONVICTION RELIEF FILED APRIL 8, 2025 ..	2194
POST-CONVICTION RELIEF HEARING TRANSCRIPT DATED APRIL 16, 2025	2238
ORDER OF DISMISSAL.....	2320
INDICTMENT.....	2329
SENTENCE SHEET.....	2331

INCARCERATED ON INDICTMENT # 2012-65-07-01935
FOR THE DEATH OF VICTIM K. S. [REDACTED]. IN
VIOLATION OF MY FEDERAL 5TH AND 14TH AMEND-
MENT RIGHT OF DUE PROCESS OF LAW WHICH STATES
"QUOTE" NO PERSON SHALL BE DEPRIVED OF LIBERTY
WITHOUT DUE PROCESS OF LAW

CASE LAW MERTZ

SUPREME COURT OF APPEALS OF THE UNITED STATE OF
AMERICA CASE LAW OF.
UNITED STATES VS. MICHAEL E. GAUDIN 115 S.Ct 2780

"QUOTE" THE JURY CONVICTED RESPONDENT, BUT THE NINTH
CIRCUIT REVERSED, HOLDING THAT TAKING THE
QUESTION OF MATERIALITY FROM THE JURY VIOLATED
THE FIFTH AND SIXTH AMENDMENTS.
HOLD, THE TRIAL JUDGE'S REFUSAL TO SUBMIT THE
QUESTION OF MATERIALITY TO THE JURY WAS VIOLAT-
ION OF FURTHER "QUOTE" THE FIFTH AND SIXTH AMENDMENTS REQUIRED CRIMINAL
CONVICTIONS TO REST UPON A JURY DETERMINATION
THAT THE DEFENDANT IS GUILTY OF EVERY ELEMENT
OF THE CRIME WITH WHICH HE IS CHARGED. FURTHER

"QUOTE" THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION
GUARANTEES THAT NO ONE WILL BE DEPRIVED
OF LIBERTY WITHOUT DUE PROCESS OF LAW, AND THE
SIXTH THAT IN ALL CRIMINAL PROSECUTION, THE
ACCUSED SHALL ENJOY THE RIGHT TO SPEEDY AND PUBLIC
TRIAL BY AN IMPARTIAL JURY. WE HAVE HELD
THAT THESE PROVISIONS REQUIRE CRIMINAL CONVICTION
TO REST UPON A JURY DETERMINATION THAT THE
DEFENDANT IS GUILTY OF EVERY ELEMENT OF THE
CRIME WITH WHICH HE IS CHARGED BEYOND A REASON-
ABLE DOUBT. FURTHER "QUOTE"

THE CONSTITUTION GIVES A CRIMINAL DEFENDANT
THE RIGHT TO HAVE A JURY DETERMINE BEYOND A
REASONABLE DOUBT, HIS GUILT OF EVERY ELEMENT
OF CRIME WITH WHICH HE IS CHARGED. THE TRIAL
JUDGE REFUSAL TO ALLOW THE JURY TO PASS ON
THE MATERIALITY OF GAUDIN FALSE STATEMENTS
INFRINGED THAT RIGHT

CASE LAW MERTZ

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF.
LU CASE BATLEY VS. STATE 209 S.E. 2d 671 "QUOTE" WHEN THE INDICTMENT FACTUALLY CHARGES A COMPLETE
OFFENSE AND THE STATE PRESENTS EVIDENCE WHICH
CONVICTS UNDER A DIFFERENT THEORY THAN THAT
ALLEGED. A CONVICTION UNDER LATTER CIRCUMSTANCES
VIOLATES PRINCIPLES OF DUE PROCESS BECAUSE THE STATE
HAS FAILED TO PROVE BEYOND A REASONABLE DOUBT EVERY
FACT NECESSARY TO CONSTITUTE THE CRIME WITH WHICH
A DEFENDANT WAS CHARGED. A MATERIAL VARIANCE THAT
VIOLATES A DEFENDANT'S SUBSTANTIAL RIGHT TO BE TRIED

ONLY ON CHARGES PRESENTED IN AN INDICTMENT
CONSTITUTE FATAL ERROR AND WARRANT A
REVERSAL ON APPEAL OF A JUDGEMENT OF CONVICTION
OF THE OFFENSE NOT CHARGED IN THE INDICTMENT

ATTORNEY ARTE DAVID BOX FAILURE TO ASSERT
 CLAIMS OF VIOLATION OF MY FEDERAL 5TH AND 14TH
 AMENDMENT RIGHT OF DUE PROCESS OF LAW, TO PROTECT
 ME FROM BEING UNCONSTITUTIONALLY CONVICTED,
 SENTENCED TO PRISON TIME OF LIFE IMPRISON-
 MENT, DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY
 INCARCERATED ON INDICTMENT # 2012-GJ-07-01935,
 FOR THE DEATH OF VICTIM ~~K.S.~~
 IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMEND-
 MENT RIGHT OF DUE PROCESS OF LAW. ~~did not~~
 CONSTITUTE A VALID TRIAL STRATEGY AND WAS
 DEFICIENT PERFORMANCE, SATISFYING THE
 FIRST PRONG, THAT IS REQUIRED TO PROVE A CLAIM
 OF INEFFECTIVE ASSISTANCE OF COUNSEL. IN
 VIOLATION OF MY FEDERAL SIXTH AMENDMENT RIGHT
 OF EFFECTIVE ASSISTANCE OF COUNSEL. FOR PROOF
 REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
 CAROLINA CASE LAW OF.
 LUCAS BAILEY V. STATE 709 S.E. 2d 671 "QUOTING"
 THE SIXTH AMENDMENT TO THE UNITED STATES
 CONSTITUTION GUARANTEES A DEFENDANT THE
 RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL.
 U.S. CONST. AMEND VI; STRICKLAND V. WASHINGTON,
 466 U.S. 668 (1984), LOMAX V. STATE 665 S.E.
 2d 164 (2,008)
 THE UNITED STATES SUPREME COURT ESTABLISHED
 A TWO PRONGED TEST TO ESTABLISH INEFFECTIVE
 ASSISTANCE OF COUNSEL BY WHICH A P.C.R. APPLICANT
 MUST SHOW (1st) COUNSEL'S PERFORMANCE WAS DEF-
 -ICIENT

2ND PRONG

2ND PRONG PROVEING A CLAIM OF INEFFECTIVE
 ASSISTANCE OF COUNSEL IS:
THE DEFICIENT PERFORMANCE PREJUDICED
THE DEFENDANT

AFTER THE JURY RENDERED A VERDICT OF GUILTY
 AGAINST ME, ATTORNEY ARTE DAVID BOX MOTIO-
 -NED THE COURT FOR A JUDGEMENT NOT WITHSTANDING
THE VERDICT FOR PROOF REVIEW PAGE 1021 PARAGR-
-APHS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
21, 22, 23, 24, AND 25 AND PAGE 887 PARAGRAPHS 1,

2, and 3 of TRIAL TRANSCRIPT. HOWEVER INSIDE OF THE STATE OF SOUTH CAROLINA, A MOTION FOR JUDGEMENT NOT WITHSTANDING THE VERDICT IN A CRIMINAL CASE IS NOT RECOGNIZED IN THE STATE OF SOUTH CAROLINA. FOR PROOF REVIEW CASE LAW MERIT

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF
STATE VS. TAYLOR 558 S.E.2d 912 "QUOTEZING"

JUDGEMENT NOT WITHSTANDING THE VERDICT (JNOV) AS AN INITIAL MATTER, WE NOTE THAT A MOTION FOR JNOV IN A CRIMINAL CASE IS NOT RECOGNIZED IN THIS STATE. MILLER, 332 S.E.2d AT 886 (WEST, J. CONCURRING IN PART AND DISSENTING) NOTED IT WAS IMPROPER FOR TRIAL COUNSEL TO MOVE FOR A JNOV, A CIVIL MOTION, IN A CRIMINAL TRIAL AND POINTING OUT THE IMPROPERITY OF A CRIMINAL JNOV. OUR SUPREME COURT HAS HELD THAT THE TRIAL JUDGE IN A CRIMINAL CASE COMMITTED AN ERROR OF LAW IN DIRECTING A VERDICT OF NOT GUILTY AFTER THE JURY HAD RETURNED A GUILTY VERDICT, THERE IS NO PRECEDENT IN THIS STATE FOR SUCH ACTION "FURTHER QUOTEZING"

THERE IS NO PRECEDENT THAT GIVES THE TRIAL COURT AUTHORITY TO CHANGE ITS MIND AFTER A GUILTY VERDICT HAS BEEN RETURNED AND THERE AFTER ON ITS OWN MOTION GRANT A DIRECTED VERDICT OF INNOCENCE AS TO THE SAME CHARGE

ATTORNEY ARIZ DAVID BRX SHOULD OF ASSERTED A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW TO PROTECT ME FROM BEING CONVICTED, SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED ON INDICTMENT # 2012-65-07-01935 FOR THE DEATH OF VICTIM K. S. [REDACTED] IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW FOR THE FOLLOWING REASONS

25th REASON ACQUITTAL

ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL, WHEN JUDGE THOMAS COOPER VOLUNTARILY DISMISSED AND TERMINATED MY JEOPARDY ON THE 25th ELEMENT "ALLEGING" I THOMAS ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935. BECAUSE TRIAL JUDGE THOMAS COOPER BELIEVED THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT ON THE 25th ELEMENT

"ALLEGEDLY"

TYRONE ROBINSON WAS ENGAGED IN AN ONGOING GUN
BATTLE AN INHERENTLY DANGEROUS FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT # 2012-GJ-07-01935.

AS A MATTER OF LAW IT CONSTITUTES A ACQUITTAL
ON THE 2ND ELEMENT "ALLEGEDLY"
TYRONE ROBINSON WAS ENGAGED IN AN ONGOING GUN
BATTLE AN INHERENTLY DANGEROUS FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT # 2012-GJ-07-01935 FOR PROOF REVIEW
CASE LAW MERITS

UNITED STATES OF AMERICA COURT OF APPEALS FOR THE
TENTH CIRCUIT CASE LAW OF

U.S. VS. HUNT 212 F.3d 539 QUOTING

WHAT CONSTITUTES A "ACQUITTAL" IS NOT TO BE CONTROLLED
BY THE FORM OF THE JUDGE'S ACTION INSTEAD WE MUST
DETERMINE WHETHER THE RULING OF THE JUDGE WHAT
EVER ITS LABEL, ACTUALLY REPRESENTS A RESOLUTION
CORRECT OR NOT OF SOME OR ALL OF THE FACTUAL ELEMENTS
OF THE OFFENSE CHARGED "FURTHER QUOTING"
FOR ITS PART THE GOVERNMENT READILY ADMITS
THAT CERTAIN PARTS OF THE INDICTMENT WERE
SPECIFICALLY DISMISSED FOR LACK OF EVIDENCE THERE
BY AMOUNTING TO AN ACQUITTAL AS TO THESE PARTS.
THE GOVERNMENT DOES NOT APPEAL THESE SPECIFIC
FINDINGS

ALSO BECAUSE ON MOTION FOR DIRECTED VERDICT
OF ACQUITTAL, WHEN TRIAL JUDGE THOMAS COOPER
DISMISSED THE 2ND ELEMENT "ALLEGEDLY"
VICTIM K.S. [REDACTED] DID DIE AS A PROXIMATE
RESULT OF TYRONE ROBINSON COMMITTING A
ONGOING GUN BATTLE AN INHERENTLY DANGEROUS
FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL,
ON INDICTMENT # 2012-GJ-07-01935. BECAUSE TRIAL
JUDGE THOMAS COOPER BELIEVED THE EVIDENCE THE
STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS
INSUFFICIENT TO CONVICT ON THE 2ND ELEMENT
"ALLEGEDLY"

VICTIM K.S. [REDACTED] DID DIE AS A PROXIMATE
RESULT OF TYRONE ROBINSON COMMITTING A ONGOING
GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT # 2012-GJ-07-01935
AS A MATTER OF LAW IT CONSTITUTES A
"ACQUITTAL" ON THE 2ND ELEMENT "ALLEGEDLY"
VICTIM K.S. [REDACTED] DID DIE AS A PROXIMATE
RESULT OF TYRONE ROBINSON COMMITTING A

ONGOING GUN BATTLE ON INHERENTLY DANGEROUS
FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL
ON INDICTMENT # 2012-65-07-01935

CASE LAW MERITS

UNITED STATES OF AMERICA COURT OF APPEALS FOR
THE TENTH CIRCUIT CASE LAW OF:

U.S. VS. HUNT 212 F.3d 539 "QUOTE"

WHAT CONSTITUTES A "ACQUITTAL" IS NOT TO BE
CONTROLLED BY THE FORM OF THE JUDGE'S ACTION INSTEAD
WE MUST DETERMINE WHETHER THE RULING OF THE
JUDGE WHATEVER ITS LABEL, ACTUALLY REPRESENTS
A RESOLUTION CORRECT OR NOT OF SOME OR ALL OF THE
FACTUAL ELEMENTS OF THE OFFENSE CHARGED "FURTHER
QUOTE"

FOR ITS PART THE GOVERNMENT READILY ADMITS THAT
CERTAIN PARTS OF THE INDICTMENT WERE SPECIFICALLY
DISMISSED FOR LACK OF EVIDENCE THERE BY AMOUNTING
TO AN ACQUITTAL AS TO THOSE PARTS THE GOVERNMENT
DOES NOT APPEAL THEIR SPECIFIC FINDINGS

AS A MATTER OF LAW CONSTITUTING A
"ACQUITTAL" ON THE WHOLE CRIME OF FELONY
MURDER BY THE FELONY MURDER RULE THEORY "ALLEGED"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
21ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON
DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORE-
THOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE
SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE
ALLEN ROAD ON HILTON HEAD ISLAND AND THAT K.S. [REDACTED]
DID DIE IN BEAUFORT COUNTY AS A PROXIMATE
RESULT THERE OF

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT # 2012-65-07-01935. FOR PROOF REVIEW
CASE LAW MERITS

UNITED STATES OF AMERICA COURT OF APPEALS FOR THE
TENTH CIRCUIT CASE LAW OF:

U.S. VS. HUNT 212 F.3d 539 "QUOTE"

WHAT CONSTITUTES A "ACQUITTAL" IS NOT TO
BE CONTROLLED BY THE FORM OF THE JUDGE'S
ACTION INSTEAD WE MUST DETERMINE WHETHER
THE RULING OF THE JUDGE WHATEVER ITS LABEL,
ACTUALLY REPRESENTS A RESOLUTION CORRECT OR NOT
OF SOME OR ALL OF THE FACTUAL ELEMENTS OF THE OFFENSE
CHARGED "FURTHER QUOTE"

FOR ITS PART THE GOVERNMENT READILY ADMITS
THAT CERTAIN PARTS OF THE INDICTMENT WERE SPECIF-
ICALLY DISMISSED FOR LACK OF EVIDENCE THERE BY

amounting to an ACQUITTAL as to those parts. The government does not appeal those specific findings. The crux of the government's argument, however is, that despite the label of ACQUITTAL by the courts, the judgement on counts one through twelve was in fact partly a "dismissal" based on the ruling of law that there was an impermissible variance. The government argues therefore, that it is not barred from appealing or seeking a retrial on the indicted parts of the scheme which the district court did not specifically reject for lack of sufficient evidence. The Ninth Circuit rejected the government's argument in Schwartz, in as much as we find the judgement below to be a true ACQUITTAL, the double jeopardy clause bars appeal even if the district court based the ACQUITTAL on an erroneous interpretation of governing legal principles or upon legal principles which are themselves subsequently overturned.

2ND REASON 2ND ACQUITTAL

As a matter of law when trial judge Thomas Cooper discharged the jury away from trial and did not allow the jury to decide if it was guilty or not guilty of committing each and every element required to constitute the crime of FELONY MURDER by the FELONY MURDER RULE THEORY ALLEGEDLY THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 4TH 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND A LION ROAD ON HILTON HEAD ISLAND AND THAT K. S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

That I was tried on before the jury at trial on indictment #2012-51-07-01935 AS A MATTER OF LAW IT CONSTITUTES A "ACQUITTAL" ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ALLEGEDLY THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 4TH 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY UNLAWFULLY AND WITH MALICE

A FORETHOUGHT CAUSE THE VICTIM K. S. TO
BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE
AND ALLEN ROAD ON HILTON HEAD ISLAND AND THAT
K. S. DID DIE IN BEAUFORT COUNTY AS
A PROXIMATE RESULT THERE OF

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT #2012-GJ-07-01935, FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF.

STATE VS. RICHARDSON 25 S.E.220 "QUOTE" "UNQUOTE"
SO HERE WE MIGHT SAY THAT AFTER THE JURY WERE
CHARGED WITH THE TRIAL OF THIS CASE THEY
HAVING BEEN DISCHARGED WITHOUT ANY LAWFUL
CAUSE, THE PRISONER IS ACQUITTED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF.

STATE VS. RICHARDSON 25 S.E.220 "QUOTE" "UNQUOTE"
THE DISCHARGE OF THE JURY IN A CRIMINAL CASE
UPON A VALID INDICTMENT, WITHOUT THE CONSENT
OF THE DEFENDANT, NOT CALLED FOR BY IMPERIOUS
NECESSITY, OPERATES AS AN ACQUITTAL

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF ALABAMA
- AN ALA. CASE LAW OF.

BELL AND MURRAY VS. THE STATE 48 ALA. 684, 1872
WL 993, 17 AM. REP. 40 "QUOTE" "UNQUOTE"
IT IS NOT THE VERDICT FINDING DEFENDANTS GUILTY
OF GRAND LARCENY ON THE LAST TRIAL, WHICH ACQUITS
THEM OF BURGLARY. AT THAT TIME OF THAT TRIAL,
THERE REMAINED IN LAW NO SUCH CHARGE AS GRAND
LARCENY IN THE INDICTMENT. THAT WHICH ACQUITS
DEFENDANTS ON THE LAST TRIAL IS NOT THE VOID VERDICT,
BUT THE DISCHARGE OF THE JURY, CHARGED
WITH THE TRIAL OF DEFENDANTS FOR BURGLARY, WITH-
OUT NECESSITY AND WITHOUT THEIR CONSENT. THE VOID
VERDICT HAD NO EFFECT. THE JURY SHOULD HAVE BEEN
INSTRUCTED TO HAVE RETURNED TO THEIR DELIBERATIONS.
AS THE JURY WAS NOT SO INSTRUCTED, BUT WAS
DISCHARGED WITHOUT A VERDICT ON THE ONLY CHARGE
BY LAW IT WAS AUTHORIZED TO CONSIDER, AND WITHOUT
THE CONSENT OF DEFENDANTS. THAT DISPERSSION OF THE
JURY OPERATES AN ACQUITTAL "FURTHER QUOTE" "UNQUOTE"
THE PRISONER HAS BEEN IN JEOPARDY, AND THE JURY
WAS DISCHARGED FOR AN INSUFFICIENT CAUSE
AN ORDER FOR HIS RELEASE FROM CUSTODY WILL
BE ISSUED FROM THIS COURT. THE JUDGMENT REVERSED

3rd REASON 119.

1st UNINDICTED CRIME AND THEORY

Because the evidence the state submitted in this case was insufficient. ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL. TRIAL JUDGE THOMAS COOPER CONSTRUCTIVELY AMENDED THE INDICTMENT. AND SUBMITTED THE CASE TO THE JURY ON, DEPRIVED ME OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED ME. ON THE SECOND UNINDICTED NONEXISTENT FALSE MURDER CHARGE ALLEGEDLY "ON OR ABOUT SEPTEMBER THE 25th, 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT IS A NONEXISTENT FALSE MURDER CHARGE THAT IS NOT DEFINED AS A CRIME OF MURDER BY THE LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA. THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH. WHICH DEPRIVED ME OUT OF MY DUE PROCESS RIGHT TO NOTICE OF THE CHARGE BROUGHT AGAINST ME AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5th AND 14th AMENDMENT RIGHT OF DUE PROCESS OF LAW. WHICH STATES "QUOTE" "NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW CASE LAW MERIT"

COLORADO COURT OF APPEALS, DEVISION IF CASE LAW OF PEOPLES VS. DEUTSH 471 P.3d 1266 "QUOTE" "CONSTRUCTIVELY AMENDING A CHARGE VIOLATES A DEFENDANTS CONSTITUTIONAL DUE PROCESS RIGHT"

4th REASON

2nd UNINDICTED CRIME AND THEORY

Because the evidence the state submitted in this case was insufficient. AT THE END OF TRIAL THREE HRS. JURY INSTRUCTIONS TO THE JURY. TRIAL JUDGE THOMAS COOPER ALSO CONSTRUCTIVELY AMENDED THE INDICTMENT. AND ALLOWED THE JURY TO CONVICT ME ON. THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEDLY" "KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON

NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH, WHICH DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT TO NOTICE OF THE CHARGES BROUGHT AGAINST ME, AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5th AND 14th Amendment RIGHT OF DUE PROCESS OF LAW WHICH ~~STATE~~ "QUOTE"ING"
 NOR SHALL ANY PERSON BE DEPRIVED OUT OF THEIR LIBERTY WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW

CASE LAW MERITS

COLORADO COURT OF APPEALS, DIVISION III CASE LAW OF PEOPLE VS. DEUTSH 471 P.3d 1266 "QUOTE"ING"
 CONSTRUCTIVELY AMENDING A CHARGE VIOLATES A DEFENDANT'S CONSTITUTIONAL DUE PROCESS RIGHT

AS A RESULT MY CRIMINAL CONVICTION FOR THE DEATH OF VICTIM ~~K.S.~~ WAS BASED ON TWO SEPERATE, INDIVIDUAL UNINDICTED THEORIES OF CRIME OF MURDER. THAT THERE IS NOT ANY INDICTMENT CHARGING ME WITH AND THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST WHICH DEPRIVED ME OUT OF MY SUBSTANTIAL RIGHT TO BE TRIED ONLY. ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGING" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM ~~K.S.~~ TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ELLEN ROAD ON HILTON HEAD ISLAND AND THAT ~~K.S.~~ DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-65-07-01935

BASED ON THE "FOUR REASONS" PREVIOUSLY EXPLAINED. PROVES THAT AS A MATTER OF LAW THE STATE OF SOUTH CAROLINA, SGT. LUAREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, AND BEAUFORT COUNTY SHERIFF OFFICE, ALL FAILED TO PROVE THAT I AM GUILTY BEYOND A REASONABLE DOUBT, OF COMMITTING EACH AND EVERY ELEMENT REQUIRED, TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGING" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER

4/5/2012 WHILE ENGAGED IN A ONGOING GUN BATTLE
 AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON
 DID WILLFULLY, UNLAWFULLY, AND WITH MALICE A FOR-
 -ETHOUGHT CAUSE THE VICTIM K.S. [REDACTED]
 TO BE SHOT AND KILLED IN THE AREA OF MARSH-
 LAND DRIVE AND ALLEN ROAD ON HILTON HEAD
 ISLAND AND THAT K.S. [REDACTED] DID DIE
 IN BEAUFORT COUNTY AS A PROXIMATE RESULT
 THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL
 ON INDICTMENT #2012-61-07-01935.
 AS A MATTER OF LAW PROVEING THAT I WAS
 CONVICTED AND SENTENCED TO PRISON TIME
 OF LIFE IMPRISONMENT, DEPRIVED OUT OF MY
 LIBERTY AND WRONGFULLY INCARCERATED ON
 INDICTMENT #2012-61-07-01935 FOR THE
 DEATH OF VICTIM K.S. [REDACTED] IN VIOLAT-
 -ION OF MY FEDERAL 5TH AND 14TH AMENDMENT
 RIGHT OF DUE PROCESS OF LAW WHICH STATES
 "QUOTEING"
 NOR SHALL ANY PERSON BE DEPRIVED OUT
 OF LIBERTY WITHOUT DUE PROCESS OF LAW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF
 SOUTH CAROLINA CASE LAW OF.
 LUCAS BRILEY VS. STATE 709 S.E. 2d 671 "QUOTEING"
 WHEN THE INDICTMENT FACIALLY CHARGES A
 COMPLETE OFFENSE AND THE STATE PRESENTS
 EVIDENCE WHICH CONVICTS UNDER A DIFFERENT
 THEORY THAN THAT ALLEGED. A CONVICTION UNDER
 LATTER CIRCUMSTANCES VIOLATES PRINCIPLES
 OF DUE PROCESS BECAUSE THE STATE HAS FAILED
 TO PROVE BEYOND A REASONABLE DOUBT EVERY FACT
 NECESSARY TO CONSTITUTE THE CRIME WITH WHICH
 A DEFENDANT WAS CHARGED. A MATERIAL
 VARIANCE THAT VIOLATES A DEFENDANT'S SUBSTAN-
 -TIAL RIGHT TO BE TRIED ONLY ON CHARGES
 PRESENTED IN AN INDICTMENT CONSTITUTES
 FATAL ERROR AND WARRANTS A REVERSAL
 ON APPEAL OF A JUDGMENT OF CONVICTION
 OF THE OFFENSE NOT CHARGED IN THE INDICTMENT

IF ATTORNEY ARIE DAVID BAX WOULD OF ASSERTED
 A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH
 AMENDMENT RIGHT OF DUE PROCESS OF LAW. BECAUSE
 AS A MATTER OF LAW THE STATE OF SOUTH
 CAROLINA, SGT. LAUREL ALBERTIN, BEAUFORT
 COUNTY SHERIFF DEPARTMENT, AND BEAUFORT

COUNTY SHERIFF OFFICE. ALL FAILED TO PROVE THAT I WAS GUILTY BEYOND A REASONABLE DOUBT, OR COMMITTING THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ~~ALLEGEDLY~~

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSH-
LAND DRIVE AND ALLEN ROAD ON HILTON HEAD ISLAND AND THAT K. S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-55-07-01935 THEN THESE ISSUES WOULD OF BEEN RESERVED ON COURT RECORD FOR THE COURT OF APPEALS TO REVIEW. AND THE SOUTH CAROLINA COURT OF APPEALS AND OR THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA. WOULD OF HAD

TO "REVERSE"

MY CONVICTION AND PRISON SENTENCE OF LIFE IMPRISONMENT THAT I RECEIVED FOR THE DEATH OF VICTIM K. S. [REDACTED] AS A RESULT THE OUTCOME OF MY PROCEEDINGS IN THIS CASE, WOULD OF BEEN TOTALLY DIFFERENT IN MY FAVOR. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

LUCAS BAZLEY VS. STATE 709 S.E.2D 671 QUOTING "WHEN THE INDICTMENT FACTUALLY CHARGES A COMPLETE OFFENSE AND THE STATE PRESENTS EVIDENCE WHICH CONVICTS UNDER A DIFFERENT THEORY THAN THAT ALLEGED. A CONVICTION UNDER LATTER CIRCUMSTANCES VIOLATES PRINCIPLES OF DUE PROCESS BECAUSE THE STATE HAS FAILED TO PROVE BEYOND A REASONABLE DOUBT EVERY FACT NECESSARY TO CONSTITUTE THE CRIME WITH WHICH A DEFENDANT WAS CHARGED. A MATERIAL VARIANCE THAT VIOLATES A DEFENDANT'S SUBSTANTIAL RIGHT TO BE TRIED ONLY ON CHARGES PRESENTED IN AN INDICTMENT CONSTITUTES FATAL ERROR AND WARRANTS A REVERSAL ON APPEAL OF A JUDGMENT OF CONVICTION OF THE OFFENSE NOT CHARGED IN THE INDICTMENT"

THEREFORE ATTORNEY ARZE DAVID BAX DEFECT-
 -ENT PERFORMANCE PREJUDICED ME. BECAUSE
 IT UNDERMINED CONFIDENCE IN THE OUTCOME
 OF MY TRIAL, DEPRIVED ME OUT OF A FAIR
 TRIAL, AND CAUSED ME TO BE CONVICTED, SENTENCED
 TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED
 OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED
 ON INDICTMENT# 2012-65-07-01935 FOR THE DEATH
 OF VICTIM ^{K.S.} [REDACTED] IN VIOLATION OF
 MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF
 DUE PROCESS OF LAW WHICH STATES "QUOTE" "EING"
 NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY
 WITHOUT DUE PROCESS OF LAW

SATISFYING THE SECOND AND FINAL PRONG THAT
 REQUIRED TO PROVE A CLAIM OF INEFFECTIVE
 ASSISTANCE OF COUNSEL WHICH SECOND PRONG IS
 THE DEFICIENT PERFORMANCE PREJUDICED THE
 DEFENDANT

AS A MATTER OF LAW CONSTITUTING A VIOLATION
 OF MY FEDERAL SIXTH AMENDMENT RIGHT OF
 EFFECTIVE ASSISTANCE OF COUNSEL FOR PROOF
 REVIEW -

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF
 SOUTH CAROLINA CASE LAW OF.
 LUCAS BATLEY VS. STATE 709 S.E.2d 671 "QUOTE" "ING"
 THE SIXTH AMENDMENT TO THE UNITED STATES CONST-
 -ITUTION GUARANTEES A DEFENDANT THE RIGHT
 TO EFFECTIVE ASSISTANCE OF COUNSEL. U.S. CONST.
 6TH AMEND. VI. STRICKLAND VS. WASHINGTON, 466
 U.S. 668 (1984); LOMAX 665 S.E.2d 164 (2008)
 THE UNITED STATES SUPREME COURT HAS ESTABLISHED
 A TWO-PRONGED TEST TO ESTABLISH INEFFECTIVE
 ASSISTANCE OF COUNSEL BY WHICH A P.C.R. APPLICANT
 MUST SHOW (2ND) THE DEFICIENT PERFORMANCE
 PREJUDICED THE DEFENDANT.
 UNDER THE SECOND PRONG, THE PCR APPLICANT
 "MUST SHOW THAT THERE IS A REASONABLE PROBABILITY
 THAT, BUT FOR COUNSEL'S UNPROFESSIONAL ERRORS,
 THE RESULT OF THE PROCEEDING WOULD HAVE BEEN
 DIFFERENT. "FURTHER QUOTE" "ING"
 WHEN THE INDICTMENT FACTUALLY CHARGES A
 COMPLETE OFFENSE AND THE STATE PRESENTS
 EVIDENCE WHICH CONVICTS UNDER A DIFFERENT
 THEORY THAN THAT ALLEGED, A CONVICTION UNDER
 LATTER CIRCUMSTANCES VIOLATES PRINCIPLES OF
 DUE PROCESS BECAUSE THE STATE HAS FAILED TO

PROVE BEYOND A REASONABLE DOUBT EVERY FACT NECESSARY TO CONSTITUTE THE CRIME WITH WHICH A DEFENDANT WAS CHARGED. A MATERIAL VARIANCE THAT VIOLATES A DEFENDANT'S SUBSTANTIAL RIGHT TO BE TRIED ONLY ON CHARGES PRESENTED IN AN INDICTMENT CONSTITUTES FATAL ERROR AND WARRANTS A REVERSAL ON APPEAL OF A JUDGMENT OF CONVICTION OF THE OFFENDER NOT CHARGED IN THE INDICTMENT. "FURTHER QUOTING" WE FIND THAT A CONFLUENCE OF THE LONG SPECIFIC ALLEGATION OF PHYSICAL ABUSE IN THE INDICTMENT AND THE JURY'S EXPRESSED CONFUSION ABOUT THE NECESSITY OF EVIDENCE OF PHYSICAL ABUSE BY BAILEY WITH THE INSUFFICIENT JURY INSTRUCTIONS CREATED A STRUCTURAL DUE PROCESS DEFECT THAT DEPRIVED BAILEY OF A FAIR TRIAL. WE CONCLUDE THAT BAILEY WAS PREJUDICED BY COUNSEL'S DEFICIENT PERFORMANCE, ACCORDINGLY WE REVERSE THE ORDER OF THE P.C.R. JUDGE.

3rd ISSUE ARGUED
ON P.C.R.

LACK OF JURISDICTION

AS A MATTER OF LAW THE COURT LACKS JURISDICTION TO DECIDE ON ARGUMENTS FROM THE STATE OF SOUTH CAROLINA. AGAINST THE "ACQUITTAL" THAT I OBTAINED ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ELLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-GJ-07-01935

2ND ARGUMENT

AS A MATTER OF LAW THERE ARE THREE ELEMENTS THAT MUST BE ESTABLISHED. IN ORDER TO PROVE THAT THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY. BARRS THE STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A RETRIAL FOR THE DEATH OF VICTIM K.S. [REDACTED] FOR PROOF REVIEW OF VICTIM K.S. [REDACTED] CASE LAW MERTZ

SUPREME COURT OF APPEALS THE STATE OF WASHINGTON CASE LAW OF: STATE VS. DANIELS 160 WASH. 2D 256, 156 P.3D 905

"QUOTEING"

THREE ELEMENT MUST BE MET FOR A DEFENDANT DOUBLE JEOPARDY RIGHTS TO BE VIOLATED

(1ST) JEOPARDY MUST HAVE PREVIOUSLY ATTACHED

(2ND) JEOPARDY MUST HAVE PREVIOUSLY TERMINATED, AND

(3RD) THE DEFENDANT IS AGAIN BEING PUT IN JEOPARDY FOR THE SAME OFFENSE

1ST ELEMENT SATISFIED

1ST ELEMENT PROVEING THAT THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY. BARRS THE STATE

OF SOUTH CAROLINA FROM RETRIEING ME IN A
 RETRIAL FOR THE DEATH OF VICTIM K. S.

IS:
 JEOPARDY MUST HAVE PREVIOUSLY ATTACHED

AS A MATTER OF LAW THE ONLY CRIME AND OFFENSE.
 THAT THE JURY AT MY TRIAL WAS SWORN IN TO DECIDE
 ON, AND I WAS PUT IN "JEOPARDY" OF BEING CONVICTED
 AND SENTENCED TO A PRISON SENTENCE OF LIFE
 IMPRISONMENT ON, IS THE CRIME OF FELONY MURDER
 BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"
 THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25,
 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN
 INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON
 DID WILLFULLY, UNLAWFULLY AND WITH MALICE
 AFORETHOUGHT CAUSE THE VICTIM K. S.
 TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND
 DRIVE AND ALLEN ROAD ON HILTON HEAD ISLAND
 AND THAT K. S. DID DIE IN BEAUFORT
 COUNTY AS A PROXIMATE RESULT THERE OF

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL
 ON INDICTMENT #2012-GJ-07-01935, FOR PROOF REVIEW
 CASE LAW MERIT

SUPREME COURT OF APPEALS OF THE UNITED STATES
 OF AMERICA CASE LAW OF.

GREEN VS. UNITED STATES 78 S. CT 22 "QUOTING"
 THIS COURT AS WELL AS OTHERS, HAS TAKEN THE
 POSITION THAT A DEFENDANT IS PLACED IN JEOPARDY
 ONCE HE IS PUT TO TRIAL BEFORE A JURY SO THAT
 IF THE JURY IS DISCHARGED WITHOUT HIS CONSENT,
 HE CANNOT BE TRIED AGAIN

AS A MATTER OF LAW SATISFYING THE 25TH ELEMENT
 THATS REQUIRED TO PROVE THAT THE FEDERAL 5TH
 AMENDMENT RIGHT OF DOUBLE JEOPARDY, BARRS THE
 STATE OF SOUTH CAROLINA, FROM RETRIEING ME
 IN A RETRIAL FOR THE DEATH OF VICTIM K. S.

WHICH IS:
 JEOPARDY MUST HAVE PREVIOUSLY ATTACHED
 FOR PROOF REVIEW

CASE LAW MERIT
 SUPREME COURT OF APPEALS OF THE STATE OF
 WASHINGTON CASE LAW OF.
 STATE VS. DANIELS 160 WASH. 2D 256, 156 P.3D 905
 "QUOTING"

THREE ELEMENTS MUST BE MET FOR A DEFENDANTS
 DOUBLE JEOPARDY RIGHT TO BE VIOLATED.
 (25) JEOPARDY MUST HAVE PREVIOUSLY ATTACH-
 -CHED

2ND ELEMENT SATISFIED

2ND ELEMENT PROVEING THAT THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY. BARRY THE STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A RETRIAL FOR THE DEATH OF VICTIM K. S. [REDACTED] IS:
JEOPARDY MUST HAVE PREVIOUSLY TERMINATED

1ST REASON

FIRST REASON PROVEING JEOPARDY TERMINATED IS AS FOLLOWS:

A DEFENDANT IS ACQUITTED ON THE CRIME THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT, WHEN THE RULING OF THE JUDGEMENT OF THE TRIAL JUDGE WHATEVER ITS LABEL ACTUALLY REPRESENTS A RESOLUTION IN DEFENDANTS FAVOR, CORRECT OR NOT, OF SOME OR ALL OF FACTUAL ELEMENTS OF OFFENSE CHARGED.
FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

SANABRIA V. U.S. 985 CT 2170 "QUOTEING"

WE HAVE RECENTLY DEFINED ACQUITTAL AS A RESOLUTION CORRECT OR NOT OF SOME OR ALL OF THE FACTUAL ELEMENTS OF THE OFFENSE CHARGED

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT CASE LAW OF.

UNITED STATES OF AMERICA V. BONNIE JOYCE EMER 726 F.2d 522 "QUOTEING"

A DEFENDANT IS ACQUITTED ONLY WHEN RULING OF THE JUDGEMENT, WHATEVER ITS LABEL ACTUALLY REPRESENTS RESOLUTION IN DEFENDANTS FAVOR, CORRECT OR NOT, OF SOME OR ALL OF FACTUAL ELEMENTS OF OFFENSE CHARGED

WHEN RULING ON A MOTION FOR DIRECTED VERDICT OF ACQUITTAL, THE TRIAL JUDGE IS CONCERNED WITH THE EXISTENCE OR NON EXISTENCE OF EVIDENCE. FOR PROOF REVIEW

CASE LAW MERIT

COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
CASE LAW OF.

THE STATE VS. MAYBERRY HORNE 478 S.E.2d 289

"QUOTE EN" IN RULING ON MOTION FOR DIRECTED VERDICT
TRIAL JUDGE IS CONCERNED WITH EXISTENCE
OR NONEXISTENCE OF EVIDENCE.

THEREFORE BECAUSE ON MOTION FOR DIRECTED VERDICT
OF ACQUITTAL, WHILE TRIAL JUDGE THOMAS COOPER
WAS DECIDING IF THE EVIDENCE THE STATE OF
SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT
TO CONVICT ON THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY "ALLEGEDLY"
THAT IN BEaufORT COUNTY ON OR ABOUT SEPTEMBER 21ST,
2012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON
DID WILLFULLY, UNLAWFULLY AND WITH MALICE
AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED]
TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND
DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND
THAT KHALIL SINGLETON DID DIE IN BEaufORT
COUNTY AS A PROXIMATE RESULT THERE OF

THAT I CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF INDICTMENT # 2012-65-07-01935
THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL.
AS A MATTER OF LAW WITHOUT MY CONSENT, TRIAL
JUDGE THOMAS COOPER VOLUNTARILY DISMISSED
THE 1ST ELEMENT "ALLEGEDLY"
I TYRONE ROBINSON WAS ENGAGED IN A ONGOING
GUN BATTLE AN INHERENTLY DANGEROUS FELONY

BECAUSE TRIAL JUDGE THOMAS COOPER OBVIOUSLY
BELIEVED THAT THE EVIDENCE THE STATE OF SOUTH
CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT
TO CONVICT ON THE 1ST ELEMENT "ALLEGEDLY"
I TYRONE ROBINSON WAS ENGAGED IN A ONGOING
GUN BATTLE AN INHERENTLY DANGEROUS FELONY

BECAUSE ON MOTION FOR DIRECTED VERDICT OF
ACQUITTAL, THE TRIAL JUDGE'S RULINGS ARE A
DIRECT RESULT, OF THE NONEXISTENCE OF THE
EVIDENCE OR THE EXISTENCE OF THE EVIDENCE --

FOR PROOF REVIEW CASE LAW MERIT

COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
CASE LAW OF.

THE STATE VS. MAYBERRY HORNE 478 S.E.2d 289

"QUOTE EN" IN RULING ON MOTION FOR DIRECTED VERDICT TRIAL
JUDGE IS CONCERNED WITH EXISTENCE OR NONEXISTENCE

AS A MATTER OF LAW PROVEING THAT TRIAL JUDGE THOMAS COOPER, VOLUNTARY DISMISSAL OF THE 1ST ELEMENT WITHOUT MY CONSENT. TERMINATED MY JEOPARDY IN MY FAVOR ON THE 1ST ELEMENT "ALLEGEDLY" I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

BECAUSE I WAS NO LONGER IN JEOPARDY OF BEING CONVICTED BY THE JURY AT TRIAL, ON THE 1ST ELEMENT "ALLEGEDLY" I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GS-07-01935. AS A MATTER OF LAW PROVEING THAT BECAUSE WITHOUT MY CONSENT, TRIAL JUDGE THOMAS COOPER VOLUNTARILY DISMISSED AND TERMINATED MY JEOPARDY ON THE 1ST ELEMENT "ALLEGEDLY" I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

BECAUSE TRIAL JUDGE THOMAS COOPER OBVIOUSLY BELIEVED THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT TO CONVICT ON THE 1ST ELEMENT "ALLEGEDLY" I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER VOLUNTARY DISMISSAL OF THE 1ST ELEMENT WITHOUT MY CONSENT, THAT TERMINATED MY JEOPARDY ON THE 1ST ELEMENT "ALLEGEDLY" I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

BECAUSE TRIAL JUDGE THOMAS COOPER OBVIOUSLY BELIEVED THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT ON THE 1ST ELEMENT "ALLEGEDLY" I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

CONSTITUTES A "ACQUITTAL" ON THE 1ST ELEMENT "ALLEGEDLY" I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY.

CASE LAW MERIT

UNITED STATES OF AMERICA COURT OF APPEALS FOR THE NINTH CIRCUIT CASE LAW OF. U.S. VS. HUNT 212 F.3d 539 "QUOTEING" WHAT CONSTITUTES A "ACQUITTAL" IS NOT TO BE

CONTROLLED BY THE FORM OF THE JUDGE'S ACTION. INSTEAD WE MUST DETERMINE WHETHER THE RULING OF THE JUDGE WHAT EVER ITS LABEL, ACTUALLY REPRESENTS A RESOLUTION CORRECT OR NOT OF SOME OR ALL OF THE FACTUAL ELEMENTS OF THE OFFENSE CHARGED. "FURTHER QUOTEING"

FOR ITS PART THE GOVERNMENT READILY ADMITS THAT CERTAIN PARTS OF THE INDICTMENT WERE SPECIFICALLY DISMISSED FOR LACK OF EVIDENCE THERE BY AMOUNTING TO AN ACQUITTAL AS TO THOSE PARTS. THE GOVERNMENT DOES NOT APPEAL THOSE SPECIFIC FINDINGS

ALSO BECAUSE ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL. WHILE TRIAL JUDGE THOMAS COOPER WAS DECIDING IF THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT TO CONVICT ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGING" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2012, WHILE ENGAGED IN AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GJ-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. AS A MATTER OF LAW WITHOUT MY CONSENT, TRIAL JUDGE THOMAS COOPER VOLUNTARILY DISMISSED THE 2ND ELEMENT "ALLEGING" VICTIM K.S. [REDACTED] DID DIE AS A PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

BECAUSE TRIAL JUDGE THOMAS COOPER OBVIOUSLY BELIEVED THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT TO CONVICT ON THE 2ND ELEMENT "ALLEGING" VICTIM K.S. [REDACTED] DID DIE AS A PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. BECAUSE ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL. THE TRIAL JUDGE'S RULINGS ARE A DIRECT RESULT OF THE NONEXISTENCE OF THE EVIDENCE OR THE EXISTENCE OF THE EVIDENCE, FOR PROOF

REVIEW

CASE LAW MERITS

COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
 CASE LAW OF,
 THE STATE VS. MAY BERRY HORNE 429 S.E.2d 289
 "QUOTE" IN RULING ON MOTION FOR DIRECTED VERDICT
 TRIAL JUDGE IS CONCERNED WITH EXISTENCE
 OR NON-EXISTENCE OF EVIDENCE

AS A MATTER OF LAW PROVEING THAT TRIAL JUDGE
 THOMAS COOPER, VOLUNTARY DISMISSAL OF THE
 2ND ELEMENT WITHOUT MY CONSENT, TERMINATED
 MY JEOPARDY IN MY FAVOR ON THE 2ND ELEMENT
 "ALLEGEDLY" [REDACTED] DID DIE AS A PROXIMATE
 VICTIM K.S. [REDACTED] COMMITTING A
 RESULT OF TYRONE ROBINSON COMMITTING A
 ONGOING GUN BATTLE AN INHERENTLY DANGEROUS
 FELONY

BECAUSE I WAS NO LONGER IN JEOPARDY OF BEING
 CONVICTED BY THE JURY AT TRIAL, ON THE 2ND
 ELEMENT "ALLEGEDLY" [REDACTED] DID DIE AS A PROXIMATE
 VICTIM K.S. [REDACTED] COMMITTING A
 RESULT OF TYRONE ROBINSON COMMITTING A
 ONGOING GUN BATTLE AN INHERENTLY DANGEROUS
 FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL
 ON INDICTMENT #2012-ES-07-01935.
 AS A MATTER OF LAW PROVEING THAT BECAUSE
 WITHOUT MY CONSENT, TRIAL JUDGE THOMAS COOPER
 VOLUNTARILY DISMISSED AND TERMINATED MY
 JEOPARDY ON THE 2ND ELEMENT "ALLEGEDLY"
 VICTIM K.S. [REDACTED] DID DIE AS A PROXIMATE
 RESULT OF TYRONE ROBINSON COMMITTING A ONGOING
 GUN BATTLE AN INHERENTLY DANGEROUS FELONY

BECAUSE TRIAL JUDGE THOMAS COOPER OBVIOUSLY BELIEVED
 THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED
 AT TRIAL, WAS INSUFFICIENT TO CONVICT ON THE
 2ND ELEMENT "ALLEGEDLY" [REDACTED] DID DIE AS A PROXIMATE
 VICTIM K.S. [REDACTED] COMMITTING A ONGOING
 GUN BATTLE AN INHERENTLY DANGEROUS FELONY

AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER
 VOLUNTARILY DISMISSED OF THE 2ND ELEMENT WITH-
 OUT MY CONSENT, THAT TERMINATED MY JEOPARDY
 ON THE 2ND ELEMENT "ALLEGEDLY"
 VICTIM K.S. [REDACTED] DID DIE AS A PROXIMATE
 RESULT OF TYRONE ROBINSON COMMITTING A
 ONGOING GUN BATTLE AN INHERENTLY DANGEROUS
 FELONY

BECAUSE TRIAL JUDGE THOMAS COOPER OBVIOUSLY BELIEVED
 THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA,

SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT
ON THE 2ND ELEMENT "ALLEGEDLY"
VICTIM K.S. [REDACTED] DID DIE AS A PROXIMATE
RESULT OF TYRONE ROBINSON COMMITTING AN ONGOING
GUN BATTLE AN INHERENTLY DANGEROUS FELONY

CONSTITUTES A "ACQUITTAL"

ON THE 2ND ELEMENT "ALLEGEDLY"
VICTIM K.S. [REDACTED] DID DIE AS A PROXIMATE
RESULT OF TYRONE ROBINSON COMMITTING AN
ONGOING GUN BATTLE AN INHERENTLY DANGEROUS
FELONY FOR PROOF REVIEW
CASE LAW MERITS

UNITED STATES OF AMERICA COURT OF APPEALS FOR
THE NINTH CIRCUIT CASE LAW OF.
U.S. VS. HUNT 212 F.3D 539 "QUOTING"

WHAT CONSTITUTES A "ACQUITTAL" IS NOT TO BE
CONTROLLED BY THE FORM OF THE JUDGE'S ACTION.
INSTEAD WE MUST DETERMINE WHETHER THE
RULING OF THE JUDGE, WHAT EVER THE LABEL, ACTUALLY
REPRESENTS A RESOLUTION CORRECT OR NOT OF
SOME OR ALL OF THE FACTUAL ELEMENTS OF THE
OFFENSE CHARGED "FURTHER QUOTING"
FOR ITS PART THE GOVERNMENT READILY ADMITS
THAT CERTAIN PARTS OF THE INDICTMENT WERE
SPECIFICALLY DISMISSED FOR LACK OF EVIDENCE
THERE BY AMOUNTING TO AN ACQUITTAL AS TO
THOSE PARTS. THE GOVERNMENT DOES NOT APPEAL THOSE
SPECIFIC FINDINGS

AS A MATTER OF LAW THE ACQUITTAL THAT THE
TRIAL JUDGE AND TRIAL COURT ACTIONS CONST-
TUTED. ON THE 2ND ELEMENT "ALLEGEDLY"
TYRONE ROBINSON WAS ENGAGED IN AN ONGOING
GUN BATTLE AN INHERENTLY DANGEROUS FELONY
THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL
ON INDICTMENT #2012-GJ-07-01935

ALSO AS A MATTER OF LAW THE ACQUITTAL THAT THE
TRIAL JUDGE AND TRIAL COURT ACTIONS CONSTITUTED.
ON THE 2ND ELEMENT "ALLEGEDLY"
VICTIM K.S. [REDACTED] DEATH IS THE PROXIMATE
RESULT OF TYRONE ROBINSON COMMITTING AN
ONGOING GUN BATTLE AN INHERENTLY DANGEROUS
FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT #2012-GJ-07-01935
CONSTITUTES A ACQUITTAL ON THE

WHOLE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY "ALLEGING"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
21ST, 2012, WHILE ENGAGED IN AN ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY, TYRONE ROBIN-
SON DID WILLFULLY, UNLAWFULLY AND WITH MALICE
AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED]
TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND
DRIVE ALLEN ROAD ON HILTON HEAD ISLAND AND
THAT K. S. [REDACTED] DID DIE IN BEAUFORT COUNTY
AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT # 2012-65-07-01935
AS A RESULT THE FEDERAL 5TH AMENDMENT RIGHT
OF DOUBLE JEOPARDY BARS THE STATE OF SOUTH
CAROLINA FROM RETRIALING TYRONE ROBINSON IN
A RETRIAL FOR THE DEATH OF VICTIM K. S. [REDACTED]
ALSO THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE
JEOPARDY BARS THE STATE OF SOUTH CAROLINA FROM
APPEALING AGAINST TYRONE ROBINSON AND OR
ARGUING AGAINST THE ACQUITTAL THAT I OBTAINED
IN THIS CASE, EVEN IF THE ACQUITTAL THAT I OBTAINED
ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY ON INDICTMENT # 2012-65-07-01935, WAS
BASED ON AN ERRONEOUS INTERPRETATION OF GOVERNING
LEGAL PRINCIPLES OR UPON LEGAL PRINCIPLES WHICH
ARE THEMSELVES SUBSEQUENTLY OVERTURNED FOR PROOF
REVIEW

CASE LAW MERITS

UNITED STATES OF AMERICA COURT OF APPEALS FOR
THE TENTH CIRCUIT CASE LAW OF,
U.S. VS. HUNT 212 F.3d 539 "QUOTING"
THE NINTH CIRCUIT REACHED THE SAME CONCLUSION
IN UNITED STATES VS. SCHWARTZ 785 F.2d 673
[9TH CIR 1986] "QUOTING"
THERE THE GOVERNMENT MADE THE SAME ARGUMENT
THAT IT MAKES HERE.
FOR ITS PART THE GOVERNMENT READILY ADMITS THAT
CERTAIN PARTS OF THE INDICTMENT WERE SPECIFIC-
ALLY DISMISSED FOR LACK OF EVIDENCE THERE BY
AMOUNTING TO AN ACQUITTAL AS TO THOSE PARTS, THE
GOVERNMENT DOES NOT APPEAL THOSE SPECIFIC FINDINGS.
THE CRUX OF THE GOVERNMENT'S ARGUMENT, HOWEVER
IS, THAT DESPITE THE LABEL OF ACQUITTAL USE BY THE
COURTS, THE JUDGEMENT ON COUNT ONE THROUGH
TWELVE WAS IN FACT PARTLY "A DISMISSAL" BASED
ON THE RULEING OF LAW THAT THERE WAS AN IMPER-
MISSIBLE VARIANCE. THE GOVERNMENT OPINES THERE-
FORE, THAT IT IS NOT BARRED FROM APPEALING OR
SEEKING A RETRIAL ON THE INDIVIDUAL PARTS OF THE
SCHEME WHICH THE DISTRICT COURT DID NOT SPECIFIC-
ALLY REJECT FOR LACK OF SUFFICIENT EVIDENCE.
THE NINTH CIRCUIT REJECTED THE GOVERNMENT'S

ARGUMENT IN SCHWARTZ, IN AS MUCH AS WE FIND
THE JUDGEMENT BELOW TO BE A TRUE ACQUITTAL.
THE DOUBLE JEOPARDY CLAUSE BARRS APPEAL EVEN
IF THE DISTRICT COURT BASED THE ACQUITTAL
ON AN ERRONEOUS INTERPRETATION OF GOVERN-
ING LEGAL PRINCIPLES OR UPON LEGAL PRINCIPLES
WHICH ARE THEMSELVES SUBSEQUENTLY OVERTURNED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES
OF AMERICA CASE LAW OF.

SANABRIA VS. U.S. 985 CT 2170 "QUOTE" "UNQUOTE"
WE HAVE RECENTLY DEFINED ACQUITTAL AS A
RESOLUTION CORRECT OR NOT OF SOME OR ALL
OF THE FACTUAL ELEMENTS OF THE OFFENSE CHARGED

2ND REASON

SECOND REASON PROVEING JEOPARDY TERMINATED
IT AS FOLLOWS

1ST ELEMENT

AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER
DISCHARGED THE JURY AWAY FROM TRIAL AND DID
NOT ALLOW THE JURY TO DECIDE ON RATHER I WAS
GUILTY OR NOT GUILTY OF COMMITTING THE

1ST ELEMENT "ALLEGING"

I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN
BATTLE AN INHERENTLY DANGEROUS FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT #2012-G-07-01935

2ND ELEMENT

AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER
DISCHARGED THE JURY AWAY FROM TRIAL AND DID
NOT ALLOW THE JURY TO CONSIDER RATHER I WAS
GUILTY OR NOT GUILTY OF COMMITTING THE

2ND ELEMENT "ALLEGING"

VICTIM K.S. [REDACTED] DID DIE AS A PROXIMATE
RESULT OF I TYRONE ROBINSON BEING ENGAGED IN A
ONGOING GUN BATTLE AN INHERENTLY DANGEROUS
FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT #2012-G-07-01935

3RD ELEMENT

AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER
DISCHARGED THE JURY AWAY FROM TRIAL. AND

did NOT allow THE JURY to CONSIDER RATHER I
WAS GUILTY OR NOT GUILTY OF COMMITTING
THE 3rd ELEMENT "ALLEGED"
I ACTED WITH THE INTENT TO COMMIT A ONGOING
GUN BATTLE AN INHERANTLY DANGEROUS FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT #2012-65-07-01935

AS A MATTER OF LAW PROVEING THAT WITHOUT MY
CONSENT, THE TRIAL JUDGE AND TRIAL COURT
DISCHARGED THE JURY AWAY FROM TRIAL AND
"did NOT ALLOW THE JURY TO RENDER A VERDICT"

ON THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY "ALLEGED"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST,
2012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN
INHERANTLY DANGEROUS FELONY, TYRONE ROBINSON
did WILLFULLY, UNLAWFULLY AND WITH MALICE AFORE-
THOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE

SHOT AND KILLED IN THE AREA OF MARSHLAND, DRIVE
ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT
K.S. [REDACTED] did DIE IN BEAUFORT COUNTY

AS A PROXIMATE RESULT THERE OF.

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF INDICTMENT #2012-65-07-01935 THAT
I WAS TRIED ON BEFORE THE JURY AT TRIAL.

AS A MATTER OF LAW CONSTITUTING A
"ACQUIT TAL" ON THE CRIME OF

FELONY MURDER BY THE FELONY MURDER RULE THEORY
"ALLEGED"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST,
2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN

INHERANTLY DANGEROUS FELONY, TYRONE ROBINSON
did WILLFULLY, UNLAWFULLY AND WITH MALICE

AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED]
TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND

DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C.
AND THAT K.S. [REDACTED] did DIE IN BEAUFORT
COUNTY AS A PROXIMATE RESULT THERE OF.

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF INDICTMENT #2012-65-07-01935. THAT
I WAS TRIED ON BEFORE THE JURY AT TRIAL. FOR PROOF
REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF.

STATE VS. RICHARDSON 25 S.E. 220 "QUOTE"ING"

SO HERE WE MIGHT SAY THAT AFTER THE JURY WERE
CHARGED WITH THE TRIAL OF THE CASE THEY HAVEING
BEEN DISCHARGED WITHOUT ANY LAWFUL CAUSE, THE

PRISONER IS ACQUITTEDCASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

STATE V. RICHARDSON 25 S.E. 2d 201 QUOTE

THE DISCHARGE OF THE JURY IN A CRIMINAL CASE UPON A VALID INDICTMENT, WITHOUT THE CONSENT OF THE DEFENDANT, NOT CALLED FOR BY IMPERIOUS NECESSITY, OPERATES AS AN ACQUITTAL.

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF ALABAMA CASE LAW OF.

BELL AND MURRY VS. THE STATE 48 ALA. 684, 1872

WL 993, 17 AM. REP. 40 QUOTE

IT IS NOT THE VERDICT FINDING DEFENDANTS GUILTY OF GRAND LARCENY ON THE LAST TRIAL, WHICH ACQUITS THEM OF BURGLARY. AT THAT TIME OF THAT TRIAL,

THERE REMAINED IN LAW NO SUCH CHARGE OF GRAND LARCENY IN THE INDICTMENT. THAT WHICH ACQUITS

DEFENDANTS ON THE LAST TRIAL IS NOT THE VOID VERDICT, BUT THE DISCHARGE OF THE JURY, CHARGED

WITH THE TRIAL OF DEFENDANTS FOR BURGLARY, WITHOUT NECESSITY AND WITHOUT THEIR CONSENT.

THE VOID VERDICT HAD NO EFFECT THE JURY SHOULD HAVE BEEN INSTRUCTED TO HAVE RETURNED TO THEIR

DELIBERATIONS. AS THE JURY WAS NOT SO INSTRUCTED, BUT WAS DISCHARGED WITHOUT A VERDICT ON THE

ONLY CHARGE BY LAW IT WAS AUTHORIZED TO CONSIDER, AND WITHOUT CONSENT OF DEFENDANTS, THAT DISPERSSION

OF THE JURY OPERATED AN ACQUITTAL. "FURTHER QUOTE

THE PRISONER HAS BEEN IN JEOPARDY, AND THE JURY WAS DISCHARGED FOR AN INSUFFICIENT

CAUSE AN ORDER FOR HIS RELEASE FROM CUSTODY WILL BE ISSUED FROM THE COURT, THE JUDGMENT

REVERSED

AS A RESULT AS A MATTER OF LAW THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY, BARRS THE

STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A RETRIAL ON A SUBSEQUENT INDICTMENT

FOR THE DEATH OF VICTIM K. S.

FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

THE STATE VS. GERALD B. KIRBY AND CHARLES KING STOGNER 236 S.E. 2d 33 QUOTE

BUT IF THE JURY ARE DISCHARGED WITHOUT DEFENDANT'S CONSENT FOR A REASON LEGALLY INSUFFICIENT

and without an absolute necessity for it,
the discharge is equivalent to an acquittal
and may be pleaded as a bar to a subsequent
indictment

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
 CAROLINA CASE LAW OF
 STATE V. BILTON 153 S.E.2d 69 "QUOTEING"
DISCHARGE OF THE JURY WITHOUT DEFENDANT'S
CONSENT FOR REASONS LEGALLY INEFFECTIVE
AND WITHOUT ABSOLUTE NECESSITY, IS EQUIVALENT
TO A ACQUITTAL AND BARS SUBSEQUENT INDICTMENT
FOR SAME OFFENSE

3rd REASON

THIRD REASON PROVING JEOPARDY TERMINATED
IS AS FOLLOWS:

THE BLACKS LAW DICTIONARY FOR THE WORD "NOT GUILTY"
 MEANS "QUOTEING"
A JURY VERDICT ACQUITTING THE DEFENDANT
BECAUSE THE PROSECUTION FAILED TO PROVE THE DEFEND-
-ANT GUILTY BEYOND A REASONABLE DOUBT.

THE BLACKS LAW DICTIONARY DEFINITION FOR THE WORD
"EQUIVALENT" MEANS "QUOTEING"

HAVING THE SAME VALUE, USE, MEANING ETC

BASED ON THESE FACTS PROVES THAT THE WORD
"EQUIVALENT TO A FINDING OF NOT GUILTY"

HAS THE SAME MEANING AND EFFECT AS A JURY VERDICT
OF NOT GUILTY ACQUITTING TYRONE ROBINSON
BECAUSE THE STATE OF SOUTH CAROLINA FAILED TO
PROVE THEIR CASE.

THEREFORE BASED ON THE FACTS EXPLAINED, BECAUSE
 THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE
 THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND
 AGAINST THE THIRD UNINDICTED ALLEGED CRIME OF
 MURDER "ALLEGING"
 I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

ALSO BECAUSE THERE IS NOT ANY INDICTMENT CHARG-
 -ING ME WITH THE THIRD UNINDICTED CRIME OF
 MURDER "ALLEGING"
 I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

AS A MATTER OF LAW THE JURY VERDICT OF GUILTY
 THAT THE JURY AT TRIAL RENDERED ON THE THIRD
 UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEDLY"
 & KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

IS THE "EQUIVALENT TO
 A JURY VERDICT OF NOT GUILTY"

ON THE CRIME OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25TH
 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN
 INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DIED
 WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETH-
 -OUGHT CAUSE THE VICTIM K. S. [REDACTED] TO BE
 SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE
 AND ELLEN ROAD HILTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED]
 [REDACTED] DIED IN BEAUFORT COUNTY AS A PROXIMATE
 RESULT THERE OF

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
 INDICTMENT #2012-GS-07-01935. FOR PROOF REVIEW
 CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
 CAROLINA CASE LAW OF.
 THE STATE VS. LOUIS ENGLISH FULLER 552 S.E.2d 282

"QUOTEING"
 IF ACCESSORY AFTER THE FACT IS NOT CHARGED
 IN THE INDICTMENT, BUT IS INSTRUCTED TO CLARIFY
 MORE PRESENCE, A FINDING OF ACCESSORY AFTER
 THE FACT IS EQUIVALENT TO A FINDING OF "NOT
 GUILTY"

AS A RESULT AS A MATTER OF LAW THE FEDERAL
 FIFTH AMENDMENT RIGHT OF DOUBLE JEOPARDY. BARS
 THE STATE OF SOUTH CAROLINA FROM RETRIEING ME IN
 A RETRIAL FOR THE DEATH OF VICTIM K. S. [REDACTED]
 FOR PROOF REVIEW CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF
 AMERICA CASE LAW OF.

BALL VS. U.S. 16 S.Ct 1192 "QUOTEING"
 A GENERAL VERDICT OF ACQUITTAL UPON THE ISSUE
 OF NOT GUILTY TO AN INDICTMENT UNDERTAK-
 -ING TO CHARGE MURDER, AND NOT OBJECTED TO
 BEFORE THE VERDICT IS INSUFFICIENT IN THAT
 RESPECT, IS A BAR TO A SECOND INDICTMENT FOR THE
 SAME KILLING.

4TH REASON

FOURTH REASON PROVEING JEOPARDY TERMINATED
AS FOLLOWS:

AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER
"DID NOT" INSTRUCT THE JURY TO DECIDE ON
ANY CRIMES THAT ARE CONSIDERED LESSER INCLUDED
CRIMES OF THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY "ALLEGEDLY"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
25, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON
DID WILLFULLY, UNLAWFULLY AND WITH MALICE
AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO
BE SHOT AND KILLED IN THE AREA OF MARSHLAND
DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND
THAT K.S. [REDACTED] DID DIE IN BEAUFORT COUNTY
AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT #2012-GJ-07-01935
BECAUSE AS A MATTER OF LAW TRIAL JUDGE THOMAS
COOPER DID NOT INSTRUCT THE JURY TO DECIDE ON
ANY CRIMES THAT ARE CONSIDERED LESSER INCLUDED
CRIMES OF THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY "ALLEGEDLY"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25,
2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID
WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT
CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED
IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD,
HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED]
DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT
THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT #2012-GJ-07-01935.
AS A MATTER OF LAW THE "ACQUITTAL" THAT I OBTAINED
ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY "ALLEGEDLY"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25, 2012
WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY
DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY,
UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE
VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE
AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD
ISLAND, S.C. AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT
COUNTY AS A PROXIMATE RESULT THERE OF.
THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICT-

- ment # 2012-65-07-01935

ALSO IMPLIES A "ACQUITTAL" ON ALL CRIMES

THAT ARE CONSIDERED "LESSER INCLUDED" CRIMES OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEaufORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORE-

THOUGHT CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED]

DID DIE IN BEaufORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935, FOR PROOF REVIEW CASE LAW MERITS

UNITED STATES COURT OF APPEALS NINTH CIRCUIT
CASE LAW OF.

U.S. V. GOODAY 714 F.2d 80 "QUOTE"

IF NO INSTRUCTIONS ARE GIVEN ON LESSER INCLUDED OFFENSE, THE JURY VERDICT IS LIMITED TO WHETHER THE DEFENDANT COMMITTED THE CRIME EXPLICITLY CHARGED IN THE INDICTMENT. IN SUCH CASES AN ACQUITTAL ON THE CRIME EXPLICITLY CHARGED, NECESSARILY IMPLIES AN ACQUITTAL ON ALL LESSER OFFENSES INCLUDED WITHIN THAT CHARGE

BECAUSE SO AT A MATTER OF LAW THE ACQUITTAL THAT I OBTAINED, ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEaufORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED] DID DIE IN BEaufORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935.

ALSO BARS THE STATE OF SOUTH CAROLINA FROM RETRIAL ME IN A RETRIAL, ON A SUBSEQUENT INDICTMENT, FOR ANY CRIMES THAT ARE CONSIDERED LESSER INCLUDED CRIMES OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEaufORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID

WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT
CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND
KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN
ROAD, HILTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED]
DIED IN BEaufORT COUNTY AS A PROXIMATE RESULT
THERE OF

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT # 2012-65-07-01935, FOR PROOF REVIEW
CASE LAW MERITS

UNITED STATES COURT OF APPEALS NINTH CIRCUIT
CASE LAW OF.

U.S. VS. Gooday 714 F.2d 80 "QUOTEING"

IF NO INSTRUCTIONS ARE GIVEN ON LEVER INCLUDED
OFFENSE, THE JURY VERDICT IS LIMITED TO WHETHER
THE DEFENDANT COMMITTED THE CRIME EXPLICITLY
CHARGED IN THE INDICTMENT. IN SUCH CASE AN
ACQUITTAL ON THE CRIME EXPLICITLY CHARGED
NECESSARILY IMPLIES AN ACQUITTAL ON ALL
LEVER OFFENSES INCLUDED WITHIN THAT CHARGE.
AN ACQUITTAL ON THE EXPLICIT CHARGE THERE-
FORE BARS SUBSEQUENT INDICTMENT ON THE
IMPLICIT LEVER INCLUDED OFFENSE

AS A RESULT AS A MATTER OF LAW MY "JEOPARDY
TERMINATED" ON THE CRIME AND OFFENSE OF FELONY
MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"
THAT IN BEaufORT COUNTY ON OR ABOUT SEPTEMBER 21ST,
2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DIED
WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT
CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND
KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN
ROAD ON HILTON HEAD ISLAND AND THAT K. S. [REDACTED]
DIED IN BEaufORT COUNTY AS A PROXIMATE RESULT THERE-
OF

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT # 2012-65-07-01935.

WHEN I WAS "ACQUITTED" ON THE CRIME
OF FELONY MURDER BY THE FELONY MURDER RULE THEORY
"ALLEGEDLY"

THAT IN BEaufORT COUNTY ON OR ABOUT SEPTEMBER 21ST,
2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DIED
WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT
CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED
IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD ON
HILTON HEAD ISLAND AND THAT K. S. [REDACTED] DIED
IN BEaufORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT # 2012-65-07-01935, FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF

AMERICA CASE LAW OF.
 GREEN VS. UNITED STATES 78 S. CT 221 "QUOTE INQ"
 IN ACCORDANCE WITH THE PHILOSOPHY IT HAS
 LONG BEEN SETTLED UNDER THE FIFTH AMENDMENT
 THAT A VERDICT OF ACQUITTAL IS FINAL, ENDING
 A DEFENDANT'S JEOPARDY, AND EVEN WHEN NOT
 FOLLOWED BY ANY JUDGEMENT, IS A BAR TO A
 SUBSEQUENT PROSECUTION FOR THE SAME OFFENSE

AS A MATTER OF LAW SATISFYING THE 2ND ELEMENT
 THAT REQUIRED TO PROVE THAT THE FEDERAL 5TH
 AMENDMENT RIGHT OF DOUBLE JEOPARDY, BARS THE
 STATE OF SOUTH CAROLINA, FROM RETRIEING ME IN
 A RETRIAL FOR THE DEATH OF VICTIM K. S.
 - WHICH IS:
 JEOPARDY MUST HAVE PREVIOUSLY TERMINATED
 FOR PROOF REVIEW

CASE LAW MERIT
 SUPREME COURT OF APPEALS OF THE STATE OF
 WASHINGTON CASE LAW OF.
 STATE VS. DANIEL 160 WASH. 2D 256, 156 P.3D 905
 "QUOTE INQ"
 THREE ELEMENTS MUST BE MET FOR A DEFENDANT'S
 DOUBLE JEOPARDY RIGHTS TO BE VIOLATED
 (2ND) JEOPARDY MUST HAVE PREVIOUSLY TERMINATED

3rd ELEMENT SATISFIED

3rd ELEMENT PROVEING THAT THE FEDERAL 5TH
 AMENDMENT RIGHT OF DOUBLE JEOPARDY, BARS
 THE STATE OF SOUTH CAROLINA FROM RETRIEING
 ME IN A RETRIAL FOR THE DEATH OF VICTIM
 K. S. [REDACTED] IS.
 THE DEFENDANT IS AGAIN BEING PUT IN JEOPARDY
 FOR THE SAME OFFENSE

1ST REASON

1ST REASON PROVEING THE FEDERAL 5TH AMENDMENT
 RIGHT, BARS THE STATE OF SOUTH CAROLINA FROM
 RETRIEING ME IN A RETRIAL AS FOLLOWS
 BECAUSE ON MOTION FOR DIRECTED VERDICT OF
 ACQUITTAL. WHEN JUDGE THOMAS COOPER VOLUNTARILY

Dismissed and terminated my jeopardy
on the 1st Element "allegedly"
TYRONE ROBINSON was engaged in a ongoing
gun battle an inherently dangerous felony

That I was tried on before the jury at trial
on indictment #2012-65-07-01935. Because trial
Judge Thomas Cooper believed the evidence the
State of South Carolina submitted at trial was
insufficient to convict on the 1st Element "allegedly"

TYRONE ROBINSON was engaged in a ongoing
gun battle an inherently dangerous felony

That I was tried on before the jury at trial on
indictment #2012-65-07-01935.
As a matter of law it constituted a acquittal
on the 1st Element "allegedly"
TYRONE ROBINSON was engaged in a ongoing gun
battle an inherently dangerous felony

That I was tried on before the jury at trial
on indictment #2012-65-07-01935
Also because on motion for directed verdict
of acquittal. When Judge Thomas Cooper
dismissed the 2nd Element "allegedly"
VICTIM K. S. [REDACTED] did die as a proximate
result of TYRONE ROBINSON committing a
ongoing gun battle an inherently dangerous
felony

That I was tried on before the jury at trial
on indictment #2012-65-07-01935. Because trial
Judge Thomas Cooper believed the evidence the
State of South Carolina submitted at trial was
insufficient to convict on the 2nd Element
"allegedly"

VICTIM K. S. [REDACTED] did die as a proximate
result of TYRONE ROBINSON committing
a ongoing gun battle an inherently dangerous
felony

That I was tried on before the jury at trial
on indictment #2012-65-07-01935
As a matter of law it constituted a acquittal
on the 2nd Element "allegedly"
VICTIM KHALIL SINGLETON did die as a proximate
result of TYRONE ROBINSON committing
a ongoing gun battle an inherently dangerous
felony

That I was tried on before the jury at trial
on indictment #2012-65-07-01935
which as a result constitutes a "ACQUITTAL"

ON THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY "ALLEGEDLY"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25,
2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID
WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT
CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED
IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON
HEAD ISLAND, S.C. AND THAT K. S. [REDACTED] DID DIE
IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TAFEL ON
INDICTMENT #2012-65-07-01935
BECAUSE SO AS A MATTER OF LAW THE FEDERAL 5TH
AMENDMENT RIGHT OF DOUBLE JEOPARDY. BARS THE
STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A
RETRIAL FOR THE DEATH OF VICTIM K. S. [REDACTED]
ALSO THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE
JEOPARDY. BARS THE STATE OF SOUTH CAROLINA FROM
APPEARING AGAINST ME OR ARGUING AGAINST THE
ACQUITTAL I OBTAINED IN THIS CASE. EVEN IF THE
ACQUITTAL I OBTAINED ON THE CRIME OF FELONY
MURDER BY THE FELONY MURDER RULE THEORY, ON INDICTM-
ENT #2012-65-07-01935, WAS BASED ON AN ERRONEOUS
INTERPRETATION OF GOVERNING LEGAL PRINCIPLES
OR UPON LEGAL PRINCIPLES WHICH ARE THEMSELVES
SUBSEQUENTLY OVERTURNED, FOR PROOF REVIEW
CASE LAW MERITS.

UNITED STATES OF AMERICA COURT OF APPEALS FOR THE
TENTH CIRCUIT CASE LAW OF.
U.S. VS. HUNT 212 F.3d 539 "QUOTING"
THE NINTH CIRCUIT REACHED THE CONCLUSION IN UNITED
STATES VS. SCHWARTZ 785 F.2d 673 (9th CIR 1986
"QUOTING"

THERE THE GOVERNMENT MADE THE SAME ARGUMENT THAT
IT MAKES HERE.
FOR ITS PART THE GOVERNMENT READILY ADMITS THAT
CERTAIN PARTS OF THE INDICTMENT WERE SPECIFICALLY
DISMISSED FOR LACK OF EVIDENCE THERE BY A MOUNTING
TO AN ACQUITTAL AS TO THOSE PARTS. THE GOVERNMENT
DOES NOT APPEAL THOSE SPECIFIC FINDINGS. THE CRUX OF
THE GOVERNMENT'S ARGUMENT, HOWEVER IS, THAT DESPITE
THE LABEL OF ACQUITTAL USE BY THE COURT, THE JUDGMENT
ON COUNTS ONE THROUGH TWELVE WAS IN FACT PARTLY
"A DISMISAL" BASED ON THE RULES OF LAW THAT
THERE WAS AN IMPERMISSIBLE VARIANCE. THE GOVERN-
MENT OPENS THEREFORE, THAT IT IS NOT BARRED FROM
APPEARING OR SEEKING A RETRIAL ON THE INDIVIDUAL
PARTS OF THE SCHEME WHICH THE DISTRICT COURT DID NOT
SPECIFICALLY REJECT FOR LACK OF SUFFICIENT EVID-
ENCE THE NINTH CIRCUIT REJECT THE GOVERNMENT'S

AGREEMENT IN SCHWARTZ, IN AS MUCH AS WE FIND THE JUDGEMENT BELOW TO BE A TRUE ACQUITTAL, THE DOUBLE JEOPARDY CLAUSE BARRS APPEAL EVEN IF THE DISTRICT COURT BASED THE ACQUITTAL ON AN ERRONEOUS INTERPRETATION OF GOVERNING LEGAL PRINCIPLES OR UPON LEGAL PRINCIPLES WHICH ARE THEMSELVES SUBSEQUENTLY OVERTURNED

CASE LAW MERTZ

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

SANABRIA VS. U.S. 985 CT 2170 QUOTE "IN"

WE HAVE RECENTLY DEFENDED ACQUITTAL AS A RESOLUTION CORRECT OR NOT OF SOME OR ALL OF THE FACTUAL ELEMENTS OF THE OFFENSE CHARGED

2ND REASON

2ND REASON PROVEING THE FEDERAL 5TH AMENDMENT RIGHT, BARRS THE STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A RETRIAL IS AS FOLLOWS

BECAUSE WHEN TRIAL JUDGE THOMAS COOPER VOLUNTARILY DISMISSED THE JURY AWAY FROM TRIAL WITHOUT MY CONSENT, AND DID NOT ALLOW THE JURY TO DECIDE IF I WAS GUILTY OR NOT GUILTY OF COMM-
-MITTING THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21, 2012, WHILE ENGAGED IN A ONGOING GUN BATTLE ON INHERANTLY DANGEROUS FELONY, TYRONE ROBINSON DIED WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DIED IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935 "ACQUITTAL" AS A MATTER OF LAW IT CONSTITUTED A "ACQUITTAL" ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21, 2012, WHILE ENGAGED IN A ONGOING GUN BATTLE ON INHERANTLY DANGEROUS FELONY, TYRONE ROBINSON DIED WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DIED IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICT-

MENT#2012-65-07-01935.

AS A MATTER OF LAW THE FEDERAL 5TH AMENDMENT
RIGHT OF DOUBLE JEOPARDY, BARRS THE STATE OF SOUTH
CAROLINA FROM RETRACING ME IN A RETRIAL ON
A SUBSEQUENT INDICTMENT FOR THE DEATH OF
VICTIM ^{K. S.} ~~_____~~ FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF.

THE STATE VS. GERALD B. KIRBY AND CHARLES KING
STOGER 236 S.E. 2d 33 "QUOTE FNP"

BUT IF THE JURY ARE DISCHARGED WITHOUT DEFEND-
ANT'S CONSENT FOR A REASON LEGALLY INSUFFICIENT
AND WITHOUT ANY ABSOLUTE NECESSITY FOR IT,
THE DISCHARGE IS EQUIVALENT TO AN ACQUITTAL
AND MAY BE PLEADED AS A BAR TO A SUBSEQUENT
INDICTMENT

3rd REASON

3rd REASON PROVEING THE FEDERAL 5th AMENDMENT
RIGHT BARRS THE STATE OF SOUTH CAROLINA FROM
RETRACING ME IN A RETRIAL AS FOLLOWS

BECAUSE THE JURY VERDICT OF GUILTY ON THE THIRD
UNINDICTED ALLEGED CRIME OF MURDER "ALLEGING"
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT
THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON
NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND
AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING
ME WITH.

IS THE EQUIVALENT TO A JURY
VERDICT OF NOT GUILTY ON THE CRIME

OF FELONY MURDER BY THE FELONY MURDER RULE THEORY
"ALLEGING"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21st,
2,012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DIED
WELLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT
CAUSE THE VICTIM ^{K. S.} ~~_____~~ TO BE SHOT AND KILLED
IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON
HEAD ISLAND, S.C. AND THAT ^{K. S.} ~~_____~~ DIED OF
IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICT-
MENT#2012-65-07-01935

PURSUANT TO THE SUPREME COURT OF APPEALS OF THE STATE SOUTH CAROLINA, CASE LAW OF THE STATE VS. LOUIS ENGLISH FULLER 552 S.E. 2d 282 "QUOTE" IN "IF ACCESSORY AFTER THE FACT IS NOT CHARGED IN THE INDICTMENT, BUT IS INSTRUCTED TO CLARIFY MERE PRESENCE, A FINDING OF ACCESSORY AFTER THE FACT IS EQUIVALENT TO A FINDING OF NOT GUILTY."

AS A MATTER OF LAW THE FEDERAL FIFTH AMENDMENT RIGHT OF DOUBLE JEOPARDY BARS THE STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A RETRIAL FOR THE DEATH OF VICTIM K. S. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF,

BALL VS. U.S. 16 S. CT 1192 "QUOTE" IN

A GENERAL VERDICT OF ACQUITTAL UPON THE FIVE OF NOT GUILTY TO AN INDICTMENT UNDER-TAKING TO CHARGE MURDER, AND NOT OBJECTED TO BEFORE THE VERDICT IS INSUFFICIENT IN THAT RESPECT, IS A BAR TO A SECOND INDICTMENT FOR THE SAME KILLING

4th REASON

4th REASON PROVEING THE FEDERAL 5th AMENDMENT RIGHT BARS THE STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A RETRIAL AS FOLLOWS

"BECAUSE SINCE TRIAL JUDGE THOMAS COOPER DID NOT" INSTRUCT THE JURY TO DECIDE ON ANY CRIMES THAT ARE CONSIDERED LESSER INCLUDED CRIMES OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 4th, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETH-UGHT CAUSE THE VICTIM K. S. TO BE SHOT AND KILLED, IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K. S. DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THEREOF THAT I WAS TRIED ON BEFORE THE JURY & TRIED ON

INDICTMENT #2012-65-07-01935.

AS A MATTER OF LAW THE "ACQUITTAL" THAT I OBTAINED ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K.S. DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-65-07-01935 IMPLIES A ACQUITTAL ON ALL CRIMES THAT ARE CONSIDERED LESSER INCLUDED CRIMES OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD HILTON HEAD ISLAND, S.C. AND THAT K.S. DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-65-07-01935. AS A RESULT AS A MATTER OF LAW THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY-BARS THE STATE OF SOUTH CAROLINA FROM RETRIALING ME IN A RETRIAL. ON ANY CRIMES THAT ARE CONSIDERED LESSER INCLUDED CRIMES OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD HILTON HEAD ISLAND, S.C. AND THAT K.S. DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-65-07-01935. FOR PROOF REVIEW

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE NINTH
CIRCUIT CASE LAW OF.

U.S. V. GOODY 714 F.2d 80 "QUOTE END"

IF NO INSTRUCTIONS ARE GIVEN ON LETTER INCLUDED
OFFENSE, THE JURY VERDICT IS LIMITED TO WHETHER
THE DEFENDANT COMMITTED THE CRIME EXPLICITLY
CHARGED IN THE INDICTMENT. IN SUCH CASES AN
ACQUITTAL ON THE CRIME EXPLICITLY CHARGED
NECESSARILY IMPLIES AN ACQUITTAL ON ALL
LETTER OFFENSES INCLUDED WITHIN THAT CHARGE.
AN ACQUITTAL ON THE EXPLICIT CHARGE THEREFORE
BARS SUBSEQUENT INDICTMENT ON THE IMPLICIT
LETTER INCLUDED OFFENSE

CASE LAW MERITS

UNITED STATES COURT OF APPEALS NINTH CIRCUIT
CASE LAW OF.

UNITED STATES OF AMERICA V. BROWN JOSE ROBERTO
A. MIZUEL 425 F.3d 1237 "QUOTE END"

SUPPOSED APPELLANTS HAD BEEN CHARGED SOLELY WITH
FELONY MURDER AND JEOPARDY TERMINATED ON
THAT CHARGE BY VERTUE OF AN ACQUITTAL OR FINAL
CONVICTION. IF THE GOVERNMENT SUBSEQUENTLY
SOUGHT TO TRY APPELLANTS FOR THE LETTER INCLUDED
PREDICATE FELONY, IT WOULD BE CONSTITUTIONALLY
BARRED FROM DOING SO UNDER NELSON AND ITS PROGENY

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF.

STATE V. BROWN 602 S.E.2d 392 "QUOTE END"

WE AFFIRM THE COURT OF APPEALS REJECTION OF
THE STATES REQUEST FOR A SENTENCING REMAND ON
THE THREE FIRST DEGREE CSC CONVICTIONS BECAUSE
THE LETTER INCLUDED OFFENSE OF SECOND DEGREE
CSC WAS NOT SUBMITTED TO THE JURY.

AS A MATTER OF LAW SATISFYING THE 3RD ELEMENT -
THAT REQUIRED TO PROVE THAT THE FEDERAL 5TH
AMENDMENT RIGHT OF DOUBLE JEOPARDY, BARS THE STATE
OF SOUTH CAROLINA FROM RETRIZING ME IN A RETRIAL
FOR THE DEATH OF VICTIM K. S. WHICH

IS:
THE DEFENDANT IS AGAIN BEING PUT IN JEOPARDY
FOR THE SAME OFFENSE. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF WASHIN-
GTON CASE LAW OF.

STATE V. DANIEL 160 WASH.2d 256, 156 P.3d 905
"QUOTE END"

THREE ELEMENTS MUST BE MET FOR A DEFENDANTS
DOUBLE JEOPARDY RIGHTS TO BE VIOLATED

3rd The defendant is again being put in jeopardy for the same offense

Inside of the case of SANE BRIA V. U.S. 985.CT 2170. The Supreme Court of Appeals of the United States of America. decided that, because the Federal 5th Amendment Right of Double Jeopardy barred the government from retriering the defendant in a retrial. The court of appeals LACKED JURISDICTION to decide on the GOVERNMENT appeal against the "ACQUITTAL" that the defendant obtained against the government. FOR PROOF REVIEW

CASE LAW MERITS
SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

SANE BRIA V. U.S. 985.CT 2170 "QUOTE" "UNQUOTE"
THE DOUBLE JEOPARDY CLAUSE ABSOLUTELY BARS A SECOND TRIAL IN SUCH CIRCUMSTANCES THE COURT OF APPEALS THUS LACKED JURISDICTION OF THE GOVERNMENT'S APPEAL

Therefore because as a matter of law the Federal 5th Amendment Right of Double Jeopardy. bars the state of South Carolina from retriering me in a retrial for the death of VICTIM K.S. [REDACTED] AS A MATTER OF LAW THIS COURT

LACKS JURISDICTION

to decide on arguments from the state of South Carolina against the "ACQUITTAL"

that I obtained. ON THE CRIME OF FELONY MURDER by the FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEaufORT COUNTY ON OR ABOUT SEPTEMBER 21, 2012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DID DIE IN BEaufORT COUNTY AS A PROXIMATE RESULT THERE OF

that I was TRIED ON before the JURY AT TRIAL ON INDICTMENT #2012-61-07-01935. FOR PROOF REVIEW CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

SANE BRIA V. U.S. 985.CT 2170 "QUOTE" "UNQUOTE"
THE DOUBLE JEOPARDY CLAUSE ABSOLUTELY BARS

A SECOND TRIAL IN SUCH CIRCUMSTANCES THE COURT OF APPEALS THUS LACKED JURISDICTION OF THE GOVERNMENT'S APPEAL

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF

GREEN VS. UNITED STATES 78 S.Ct 221 QUOTE TRYING THE VERDICT OF ACQUITTAL WAS FINAL, AND COULD NOT BE REVIEWED, ON ERROR OR OTHERWISE, WITHOUT PUTTING THE DEFENDANT TWICE IN JEOPARDY, AND THERE BY VIOLATING THE CONSTITUTION

BECAUSE BY THE LAWS THAT GOVERN ACQUITTALS I WAS LEGALLY "ACQUITTED" ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25TH, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORE-THOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-GJ-07-01935. "ALSO BECAUSE MY "JEOPARDY" FOR THE DEATH OF VICTIM K.S. [REDACTED] "TERMINATED" WHEN I WAS "ACQUITTED" ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25TH, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORE-THOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-GJ-07-01935. "AS A MATTER OF LAW THIS COURT MUST "DISCHARGE" ME FROM IMPRISONMENT ON INDICTMENT #2012-GJ-07-01935. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF ALABAMA CASE LAW OF BELL AND MURRAY VS. THE STATE 48 ALA. 684, 1872 WL. 993, 17 AM. REP. 40 "QUOTE" IT IS NOT THE VERDICT FINDING DEFENDANT GUILTY OF GRAND LARCENY ON THE LAST TRIAL WHICH ACQUITS THEM OF BURGLARY. AT THAT TIME OF THAT TRIAL, THERE REMAINED IN LAW NO SUCH CHARGES AS GRAND LARCENY IN THE INDICTMENT. THAT WHICH ACQUITS DEFENDANT ON THE LAST TRIAL IS NOT THE VOID VERDICT, BUT THE DISCHARGE OF THE JURY, CHARGED WITH THE TRIAL OF DEFENDANT FOR BURGLARY, WITHOUT NECESSITY AND WITHOUT THEIR CONSENT. THE VOID VERDICT HAD NO EFFECT. THE JURY SHOULD HAVE BEEN INSTRUCTED TO HAVE RETURNED TO THEIR DELIBERATIONS. AS THE JURY WAS NOT SO INSTRUCTED, BUT WAS DISCHARGED WITHOUT A VERDICT ON THE ONLY CHARGE BY LAW IT WAS AUTHORIZED TO CONSIDER, AND WITHOUT CONSENT OF DEFENDANTS, THAT DESPERATION OF THE JURY OPERATED AN ACQUITTAL "FURTHER QUOTE" THE PRISONER HAS BEEN IN JEOPARDY, AND THE JURY WAS DISCHARGED FOR AN INSUFFICIENT CAUSE AN ORDER FOR HIS RELEASE FROM CUSTODY WILL BE ISSUED FROM THIS COURT, THE JUDGMENT REVERSED

STATUTORY MERITS

SOUTH CAROLINA CODE OF LAWS

17-23-90

WHICH STATES "QUOTE"

AND IF ANY PERSON COMMITTED AS AFORESAID UPON HIS TRIAL SHALL BE ACQUITTED HE SHALL BE DISCHARGED FROM IMPRISONMENT

4th Issue ARGUED ON P.C.R

MY FEDERAL SIXTH AMENDMENT RIGHT OF EFFECTIVE ASSISTANCE OF COUNSEL WAS VIOLATED CONSTITUTEING INEFFECTIVE ASSISTANCE OF COUNSEL. AS A RESULT OF TRIAL ATTORNEY ARLE DAVID BOX FAILURE TO ASSERT A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW AND OBJECT TO A CONSTRUCTIVE AMENDMENT OF THE INDICTMENT, TO PROTECT ME FROM BEING DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED. ON THE SECOND UNINDICTED NONEXISTENT FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 31ST, 2012 TYRONE ROBINSON DIED WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED and he died

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGEING ME WITH, WHICH DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT OF NOTICE OF THE CHARGES BROUGHT AGAINST ME AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW

5th Issue ARGUED ON P.C.R

VIOLATION OF FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW. BY DEPRIVING ME OUT OF MY LIBERTY AND WRONGFULLY INCARCERATING ME, ON THE SECOND UNINDICTED NONEXISTENT FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 31ST, 2012 TYRONE ROBINSON DIED WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED and he died

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGEING ME WITH, WHICH DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT OF NOTICE OF THE CHARGES BROUGHT AGAINST ME AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "QUOTEING" NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITH-OUT DUE PROCESS OF LAW

PURSUANT TO THE SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF, JACKSON VS. VIRGINIA 99 S. CT 2781 "QUOTEING" A CONVICTION UPON A CHARGE NOT MADE IS A DENIAL OF DUE PROCESS

A PERSON CAN NOT INCUR THE LOSS OF LIBERTY FOR AN OFFENSE WITHOUT NOTICE AND MEANINGFUL OPPORTUNITY TO DEFEND

3rd ARGUMENT

154

1543

THE FIRST ALLEGED CRIME OF FIRST DEGREE
FELONY MURDER BY THE FELONY MURDER RULE THEORY.
THAT'S CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF INDICTMENT # 2012-GJ-07-01935. THAT
THE JURY AT MY TRIAL WAS SWORN IN ON AT TRIAL,
THE DEFENSE OF DOUBLE JEOPARDY ATTACHED TO AND
I WAS PUT IN JEOPARDY OF BEING PUNISHED
WITH PRISON TIME OF LIFE IMPRISONMENT ON UNDER
S.C. CODE OF LAW 16-3-10 FOR ALLEGED CRIME OF FIRST
DEGREE FELONY MURDER BY THE FELONY MURDER RULE
THEORY. OF VICTIM K.S. ON SEPTEMBER
25TH 2012, ON HILTON HEAD ISLAND BEAUFORT S.C.
IN THE AREA OF MARSHLAND DRIVE AS FOLLOWS

I QUOTE THE TRIAL JUDGE AND TRIAL COURT CONFES-
SION FROM THE TRIAL TRANSCRIPT ATTACHED

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

QUOTING FROM PAGE 3 AND 4 OF TRIAL TRANSCRIPT
THE COURT (AKA) TRIAL JUDGE THOMAS COOPER STATED
"QUOTING"

LADDER AND GENTLEMAN YOU HAVE HEARD THE SOLICITOR
HAS CALLED THE CASE OF THE STATE VERSUS TYRONE
ROBINSON. MR. ROBINSON HAS BEEN INDICTED BY THE GRAND
JURY OF BEAUFORT COUNTY AND CHARGED WITH THE
CRIME OF MURDER. THE INDICTMENT ALLEGES THAT
HERE IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
THE 25TH OF 2012 WHILE ENGAGED IN AN ONGOING GUN
BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE
ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH
MALICE, A FORETHOUGHT CAUSE THE VICTIM K.S.
TO BE SHOT AND KILLED IN THE AREA
OF MARSHLAND DRIVE AND ALLEN ROAD ON
HILTON HEAD ISLAND BEAUFORT COUNTY AS AN
APPROXIMATE RESULT THERE OF ON SEPTEMBER THE
25TH 2012 IN VIOLATION OF THE LAW

WHICH AFTER THE JURY WAS SWORN IN IS THE
FIRST ALLEGED CRIME OF FIRST DEGREE FELONY
MURDER BY THE FELONY MURDER RULE THEORY. THAT
I WAS PUT IN JEOPARDY AT TRIAL OF BEING PUNISHED
AND RECEIVING PRISON TIME OF LIFE IMPRISON-
MENT FOR, INSIDE OF THE COURT OF GENERAL
SESSION THE 14TH JUDICIAL CIRCUIT OF
BEAUFORT COUNTY SOUTH CAROLINA, TRIAL IN
THIS CASE AGAINST I TYRONE ROBINSON BEGAN
ON SEPTEMBER 15TH 2014 AND LASTED UNTIL
SEPTEMBER 19TH 2014

ELEMENTS

ELEMENTS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

1ST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS:
THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING AN INHERENTLY DANGEROUS FELONY

INDICTMENT # 2012-65-07-01935 CHARGE AND ALLEGES THAT TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THEREFORE AS A MATTER OF LAW INDICTMENT # 2012-65-07-01935 CHARGE TYRONE L. ROBINSON WITH COMMITTING THE 1ST ELEMENT FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY.

CONFESSION

ON PAGE 1052 PARAGRAPHS 2, 3, AND 4 OF TRIAL TRANSCRIPT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT, THAT THEY HAD INDICTED ME ON AND WERE TAKEN ME BEFORE THE JURY AT TRIAL ON THE 1ST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. WHEN THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT AT PRE TRIAL HEARING ON FEBRUARY 27TH 2014 ON PAGE 1052 PARAGRAPHS 2, 3 AND 4 OF TRIAL TRANSCRIPT "QUOTE" "OUR THEORY IS THE FELONY MURDER RULE THEORY, THAT YOU HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS FELONIES"

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF:
GORE VS. LEEKE 199 S.E.2d 755 "QUOTE"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA CASE LAW OF:
STATE OF MONTANA VS. MICHAEL VERNON BILLEDEAUX

76 304 MONT 89, 18 P.3D 980
TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE UNDER THE FELONY MURDER RULE 45-5-102 (b) MCA, THE STATE MUST SHOW THAT THE PERSON ATTEMPTS TO COMMIT, COMPLETES OR IS LEGALLY ACCOUNTABLE FOR THE ATTEMPT OR COMMISSION OF FELONY ASSAULT, A GRAVATED

ASSAULT, OR ANY OTHER FORCIBLE FELONY.

2ND ELEMENT REQUIRED TO
CONSTITUTE THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY IS:
DEATH TO THE VICTIM AS A CONSEQUENCE
OF THE DEFENDANT'S CONDUCT IN COMMITTING
THAT CRIME

INDICTMENT # 2012-65-07-01935 CHARGE AND
ALLEGES THAT THE DEATH OF VICTIM K. S. [REDACTED]
[REDACTED] IS THE PROXIMATE RESULT OF TYRONE
ROBINSON COMMITTING AN ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY.

THEREFORE AS A MATTER OF LAW INDICTMENT #
2012-65-07-01935 CHARGE TYRONE ROBINSON
WITH COMMITTING THE 2ND ELEMENT FROM
THE CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY.

CONFESION

ON PAGE 1052 PARAGRAPHS 2, 3, AND 4 OF TRIAL
TRANSCRIPT THE STATE OF SOUTH CAROLINA AND ITS
SOLICITOR JIMAC MC. DUFFIE STONE, CONFESSED TO THE
TRIAL JUDGE AND TRIAL COURT, THAT THEY HAD INDICTED
ME ON AND WERE TRYING ME BEFORE THE JURY AT
TRIAL. ON THE 2ND ELEMENT REQUIRED TO
CONSTITUTE THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY. WHEN THE STATE OF
SOUTH CAROLINA AND ITS SOLICITOR JIMAC MC. DUFFIE
STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL
COURT AT PRE TRIAL HEARING ON FEBRUARY 27TH 2014
ON PAGE 1052 PARAGRAPHS 4 AND 5 OF TRIAL TRANSC-
-RIPT "QUOTE" "AND AS A RESULT OF THOSE INHERENTLY DANGEROUS
FELONIES, A CHILD DIES"

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA
CASE LAW OF
GORE VS. LEEKE 1995, E. 2d 755 "QUOTE" "AND
THE COMMON PURPOSE LADIES AND GENTLEMAN MAY
HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLV-
-ED IN THE KILLING AND THE MURDER OF ANYONE
BUT IF IN EXECUTING THIS COMMON DESIGN AND PURPOSE
AND IF IT WAS UNLAWFUL AS FOR INSTANCE, BREAKING
IN AND STEALING AND IN THE EXECUTION OF THE COMMON
PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE
CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU, THE
JURY DETERMINE FROM THE PROOF BEYOND A REASONA-
-BLE DOUBT THE HOMICIDE WAS A PROBABLE OR
NATURAL CONSEQUENCE OF THE ACTS WHICH
WERE DONE IN PURSUANCE OF THIS COMMON
DESIGN THEN LADIES AND GENTLEMAN ALL WHO
ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY

AND PARTICIPATING IN THE UNLAWFUL, COMMON
DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA
CASE LAW OF
STATE OF MONTANA VS. MICHAEL VERNON BILLEDGE
JF 804 MONT. 89, 18 P.3D 980, 2001 MT 9
TO CONVICT ON A CHARGE OF DELIBERATE
HOMICIDE UNDER THE FELONY MURDER RULE 45-
5-102(b) MCA THE STATE MUST SHOW THAT IN
THE COURSE OF THE FORCIBLE FELONY THE PERSON
OR ANY OTHER PERSON LEGALLY ACCOUNTABLE FOR
THE CRIME CAUSES THE DEATH OF ANOTHER HUMAN
BEING

1st NOTICE

NOTICE THAT FELONY MURDER RULE THEORY IS THE ONE AND ONLY THEORY OF PROSECUTION THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST

AT PRETRIAL HEARING ON FEBRUARY 27TH, 2014 AT BEAUFORT COUNTY GENERAL SESSION COURT HOUSE. THE STATE OF SOUTH CAROLINA AND SOLICITOR ISSAC MC. DUFFIE STONE, PUT ME ON NOTICE AND CONFESSED TO ME, THAT THE FELONY MURDER RULE THEORY WAS THE ONE AND ONLY THEORY OF PROSECUTION THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE WERE PROSECUTING ME ON BEFORE THE JURY AT TRIAL FOR THE DEATH OF VICTIM K.S.

THE FELONY MURDER RULE THEORY THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE PUT ME ON NOTICE THAT I HAD TO DEFEND AGAINST, IS THE FELONY MURDER RULE THEORY ALLEGING THAT I WAS COMMITTING INHERENTLY DANGEROUS FELONIES ALONG WITH THREE OTHER PEOPLE, AND AS A RESULT OF THOSE INHERENTLY DANGEROUS FELONIES A CHILD DIED. FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTE" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE CONFESSED OF NOTICE THAT I HAD TO DEFEND AGAINST, FROM PAGE 1052 PARAGRAPHS 2, 3, 4 AND 5 OF TRIAL TRANSCRIPT FROM PRETRIAL HEARING ON FEBRUARY 24TH, 2014 "QUOTE" OUR THEORY IS THE FELONY MURDER RULE THAT YOU HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS FELONIES, AND AS A RESULT OF THOSE INHERENTLY DANGEROUS FELONIES, A CHILD DIED

2nd NOTICE

NOTICE THAT ISSUE OF WHO SHOT AND KILLED THE VICTIM K.S. IS NOT THE CONTROLLING LAW TO DETERMINE RATHER I WAS GUILTY OR NOT GUILTY FOR THE DEATH OF VICTIM K.S. UNDER THE FELONY MURDER RULE THEORY THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL

AT PRETRIAL HEARING ON FEBRUARY 27TH, 2014 AT BEAUFORT COUNTY GENERAL SESSION COURT HOUSE. THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, PUT ME ON "NOTICE" THAT THE ISSUE OF WHO SHOT AND KILLED

THE VICTIM K. S. ~~IT NOT THE CONTROLLING~~
 LAW TO DETERMINE WHETHER I WAS ~~OUTER~~ OR NOT ~~GUARD~~
 FOR THE DEATH OF VICTIM K. S. ~~UNDER~~
 THE ~~ARIZONA~~ MURDER RULE THEORY. THAT THE STATE OF SOUTH
 CAROLINA AND ITS ~~PROSECUTOR~~ ~~THAT~~ ME DUFFIE STONE WAS
 TRIED ON BEFORE THE JURY AT TRIAL FOR THE DEATH
 OF VICTIM K. S. ~~BY DOING SO THE STATE OF SOUTH~~
 CAROLINA AND ITS ~~PROSECUTOR~~ ~~IN~~ TAC MC. DUFFIE STONE. PUT
 ME ON NOTICE THAT I DID NOT HAVE TO DEFEND AGAINST
 THE ~~ALLEGED~~ CRIME AND THEORY OF RATHER OR NOT I
 SHOT AND KILLED THE VICTIM K. S.
 ALSO BY DOING SO THE STATE

THE VICTIM K. S. [REDACTED] NOT THE CONTROLLING LAW, TO DETERMINE RATHER I WAS GUILTY OR NOT GUILTY FOR THE DEATH OF VICTIM K. S. [REDACTED]. UNDER THE FELONY MURDER RULE THEORY. THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE WAS TRYING ME ON BEFORE THE JURY AT TRIAL FOR THE DEATH OF VICTIM K. S. [REDACTED] BY DOING SO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE PUT ME ON "NOTICE" THAT I DID NOT HAVE TO DEFEND AGAINST THE UNINDICTED CRIME AND THEORY OF RATHER OR NOT I SHOT AND KILLED THE VICTIM K. S. [REDACTED]

ALSO BY DOING SO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE PUT ME ON NOTICE THAT I WAS NOT IN JEOPARDY OF BEING CONVICTED AND SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT. FOR THE UNINDICTED CRIME AND THEORY OF RATHER OR NOT I SHOT AND KILLED THE VICTIM K. S. [REDACTED]. FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTE" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE CONFESION OF NOTICE THAT I DID NOT HAVE TO DEFEND AGAINST UNINDICTED CRIME AND THEORY. PAGE 1052 PARAGRAPHS 5, 6, AND 7 OF TRIAL TRANSCRIPT FROM PRETRIAL HEARING ON FEBRUARY 27TH, 2014 "QUOTE"

THE ACTUAL SHOOTER, SO TO SPEAK, THE ONE THAT DISCHARGED THE FATAL BULLET, UNDER THAT SCENARIO, IS WHILE RELEVANT, NOT CONTROLLING

3rd NOTICE

NOTICE THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE WERE NOT SWITCHING UP THERE THEORY OF THE FELONY MURDER RULE THEORY THAT THEY WERE PROSECUTING ME ON AT TRIAL FOR THE DEATH OF VICTIM K. S. [REDACTED]

AT PRETRIAL HEARING ON FEBRUARY 27TH, 2014

The State of South Carolina and its solicitor
the Honorable Justice Stone put me on notice that
the matter of youth crazing and its solicitor Extra-
ordinary was absolutely "NO".
I had no further theory of the Federal
murder rule theory. That the state of
South Carolina and its solicitor Extra-
ordinary were prosecuting me
on a federal for the crime of victimization.
Singleton became the state of South Carolina
and its solicitor Extraordinary. I refused to
state that they kept him alive or
were involved in inheritance of any-
thing before.

- PRIOR DECEMBER.

by doing so the state of South Carolina
and its solicitor Extraordinary Mc. Duffie Stone.
put me on notice that the crime of felony
murder by the felon murder rule theory
is the one and only crime and theory
that I had to prepare a defense for and
depend upon it for proof I quote the fol-
lowing from the treatise manuscript

THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR
ISRAEL MC. DUFFIE STONE, PUT ME ON NOTICE
THAT THE STATE OF SOUTH CAROLINA, AND ITS
SOLICITOR ISRAEL MC. DUFFIE STONE, WAS
ABSOLUTELY NOT SWITCHING UP THEIR
THEORY OF THE FELONY MURDER RULE THEORY. THAT
THE STATE OF SOUTH CAROLINA AND ITS SOLIC-
-TOR ISRAEL MC. DUFFIE STONE WAS PROSE-
- CUTING ME ON AT TRIAL FOR THE DEATH
OF VICTIM K. S. [REDACTED] BECAUSE THE
STATE OF SOUTH CAROLINA AND ITS SOLICITOR
ISRAEL MC. DUFFIE STONE STATED THAT THEY
FELT LIKE ALL THREE OF US WERE INVOLVED
IN INHERENTLY DANGEROUS FELONIES.

BY DOING SO THE STATE OF SOUTH CAROLINA
AND ITS SOLICITOR ISRAEL MC. DUFFIE
STONE, PUT ME ON NOTICE THAT THE CRIME
OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY IS THE ONE AND ONLY CRIME
AND THEORY THAT I HAD TO PREPARE A DEFENSE
FOR AND DEFEND AGAINST FOR PROOF I
QUOTE THE FOLLOWING FROM THE TRIAL
TRANSCRIPT

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTEING" THE STATE OF SOUTH CAROLINA
AND ITS SOLICITOR ISRAEL MC. DUFFIE
STONE CONFESION OF NOTICE THAT THEY
WERE NOT SWITCHING UP THEIR THEORY
OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY THAT THEY WERE PROSECUTING
ME ON FOR THE DEATH OF VICTIM K. S. [REDACTED]
[REDACTED] PAGE 1052 PARAGRAPHS 12, 13, 14
AND 15 OF TRIAL TRANSCRIPT FROM PRETRIAL
HEARING ON FEBRUARY 27TH, 2014 "QUOTEING"
WE'RE NOT SWITCHING UP OUR THEORIES,
DEPENDING ON WHICH DEFENDANT WE'RE
TALKING ABOUT

2ND UNINDICTED ALLEGED FALSE MURDER CHARGE THAT IS A NONEXISTENT SECOND UNINDICTED FALSE MURDER CHARGE THAT IS NOT CLASSIFIED AS A CRIME BY THE LAWS OF THE STATE OF SOUTH CAROLINA IS.
 THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT IS A NONEXISTENT SECOND UNINDICTED FALSE MURDER CHARGE THAT IS NOT CLASSIFIED AS A CRIME BY THE LAWS OF THE STATE OF SOUTH CAROLINA.

THAT THERE IS NOT ANY INDICTMENT CHARGING ME WITH IN VIOLATION OF S.C. CODE OF LAW 17-19-10 WHICH STATES "QUOTE"

NO PERSON SHALL BE HELD TO ANSWER IN COURT FOR A ALLEGED CRIME OR OFFENSE UNLESS UPON INDICTMENT BY A GRAND JURY

FOR PROOF I QUOTE THE PROCEEDINGS FROM THE TRIAL TRANSCRIPT OF ATTORNEY ARTE DAVID BAX AND THE CONFESSION OF TRIAL JUDGE THOMAS COOPER THAT ATTACHED AS EVIDENCE
 STATE OF SOUTH CAROLINA

V.
 TYRONE ROBINSON

"QUOTE" PAGE 667 PARAGRAPH 22, AND 23 OF TRIAL TRANSCRIPT OF TRIAL ATTORNEY ARTE DAVID BAX STATING "QUOTE" AND I THINK WITHOUT THAT HE IS ENTITLED TO A DIRECTED VERDICT

"QUOTE" FROM PAGE 668 PARAGRAPH 3, 4, 5, 6, 7 AND 8, OF TRIAL TRANSCRIPT OF TRIAL ATTORNEY ARTE DAVID BAX STATING "QUOTE" BECAUSE UNDER THERE INDICTMENT THEY HAVE NOT MET THEIR BURDEN TO MEET THE LANGUAGE OF THE INDICTMENT THAT THEY HAVE GONE FORWARD ON. THEY HAVE NOT BEEN ABLE TO PROVE AN INHERENTLY DANGEROUS FELONY OF ANY KIND THAT WAS OCCURRING AT THE TIME THE CHILD DIED THAT MR. ROBINSON WAS INVOLVED IN, EXCUSE ME

"QUOTE" FROM PAGE 669 PARAGRAPH 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 AND 14 OF TRIAL TRANSCRIPT OF TRIAL JUDGE THOMAS COOPER "QUOTE" NOW THE INHERENTLY DANGEROUS FELONY MAY HAVE BEEN THERE TO TRY TO SHOW EVIDENCE OF MALICE, IT MAY HAVE BEEN THERE FOR SOME OTHER PURPOSE. I REALLY CAN'T SPEAK TO THAT BUT IF THOSE WORDS WERE NOT THERE IF THOSE WORDS WERE NOT THERE AND THE GUN BATTLE STUFF

AND ALL THAT WAS NOT THERE. LNU FFF IT JUST SAID
THAT ON OR ABOUT SEPTEMBER 4TH, 2012 TYRONE ROBIN-
SON DIED WILLFULLY AND WITH MALICE CAUSE HIM TO BE
SHOT AND KILLED AND HE DIED

THEN THOSE ISSUES OF COURSE WOULD BE PLAIN AND APPRO-
PRIATE AND THE CHARGE WOULD BE AT LEAST SIMPLY
MADE UNDER THOSE CIRCUMSTANCES AND FFF IT WAS EVID-
ENCE TO SUPPORT THOSE CHARGES THEN IT WOULD GO FORTH-
WARD

"QUOTE" FROM PAGE 672 PARAGRAPH 10, 11, 12, 13, 14, 15,
16, 17, 18 AND 19 OF TRIAL TRANSCRIPT JUDGE THOMAS COOPER

"QUOTE" MY POINT WAS THAT FROM THE STAND POINT FOR A
MOTION FOR A DIRECTED VERDICT THAT THE INCLUSION
OF THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY, WHICH I THOUGHT
WAS PUT THERE MORE APPROPRIATELY WHEN THEY WERE
DEALING WITH THREE DEFENDANTS IN THIS PARTICULAR
CASE THAT THOSE WORDS COULD BE TAKEN OUT OF THIS
PARTICULAR CHARGE AS INDICATED AND THERE WOULD
BE NO QUESTION ABOUT WHETHER OR NOT THEY WOULD
HAVE A RIGHT TO A JURY ON THE CHARGE OF MURDER

"QUOTE" FROM PAGE 674 PARAGRAPH 21, 22, 23, 24,
AND 25 AND PAGE 675 PARAGRAPH 2 AND 3 OF TRIAL
TRANSCRIPT TRIAL ATTORNEY BRIE DATED BAX "QUOTE"
MR. BAX, AND I JUST NOTE THAT JUST FOR A MATTER OF
COURSE FOR FUTURE REVIEW I JUST FEEL THAT AS A
DEFENSE ATTORNEY IT IS NOT A PROPER SITUATION
WERE THE DEFENSE FEELS LIKE IT HAS TO TUGLE BETWEEN
ALTERNATIVE THEORIES OF PROSECUTION. AND I FEEL
STRONGLY THAT THAT WHAT THAT PUT ME IN, I CERTAINLY
UNDERSTAND THE RULEING AND RESPECT THAT YOUR HONOR
THANK YOU SIR

BLACK LAW DICTIONARY DEFINITION
FOR THE CRIME OF FELONY MURDER STATES
"QUOTE" MURDER THAT OCCURS DURING THE COMMISSION
OF A DANGEROUS FELONY OFTEN LIMITED,
TO RAPE, KIDNAPPING, ROBBERY, BURGLARY

BLACKS LAW DICTIONARY DEFINITION PROVES THAT
INDICTMENT #2012-GJ-07-01935 CHARGES TYRONE
ROBINSON WITH THE CRIME OF FELONY MURDER

THE NECESSARY ELEMENTS
REQUIRED TO CONSTITUTE THE CRIME
OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY

THE ESSENTIAL AND FACTUAL ELEMENT "ALLEGED"
WHILE ENGAGED IN A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF THE ALLEGED CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY "ALLEGED"
WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY
DANGEROUS FELONY, TYRONE ROBINSON DIED WILLFULLY
UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE

VICTIM K. S. [REDACTED] to be shot and killed
 that charged and alleged inside of the written
 write up of indictment #2012-EI-07-01935 that it was
 tried on before the jury at trial.
 is a essential and factual element that is
 required in order to constitute the crime of felony
 murder by the felony murder rule theory for proof
 review

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
 CASE LAW OF
 CORE V. LEEKE 199 S.E.2d 755 "QUOTE"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A
 FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY
 EACH OF THOSE PERSONS ARE CRIMINALLY RESPONSIBLE FOR
 THE ACT OF ASSAULTS OR CONFEDERATES WHICH ARE
 DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMM-
 ON PURPOSE FOR WHICH THEY COMBINED. THE COMMON
 PURPOSE LATTER AND GENTLEMAN MAY HAVE NOT INCLUDED OR
 MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE
 MURDER OF ANYONE BUT IF IN EXECUTING THE COMMON
 DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL AS FOR
 INSTANCE, BREAKING IN AND HEALING AND IN THE
 EXECUTION OF THE COMMON PURPOSE A HOMICIDE IS COMM-
 ITED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSAULT-
 AND YOU, THE JURY DETERMINE FROM THE PROOF BEYOND
 A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR
 NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN
 PURSUANCE OF THE COMMON DESIGN THEN, LATTER AND
 GENTLEMAN, ALL WHO ARE PRESENT EITHER ACTUALLY OR
 CONSTRUCTIVELY AND PARTICIPATING IN THE UNLAWFUL
 COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF
 AMERICA CASE LAW OF
 WHALEN V. UNITED STATES 100 S.Ct 1435 "QUOTE"

A CONVICTION FOR KILLING IN THE COURSE OF RAPE
 CAN NOT BE HAD WITHOUT PROVING ALL THE ELEMENTS
 OF THE OFFENSE OF RAPE "FURTHER QUOTE"
 IN THE PRESENT CASE PROOF OF RAPE IS A NECESSARY
 ELEMENT OF PROOF OF THE FELONY MURDER

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
 CASE LAW OF
 PAUL SIMMONS V. STATE OF SOUTH CAROLINA 215 S.E.2d

883 "QUOTE"
 THIS CASE POSES A DIFFICULT QUESTION WHETHER AN
 ESSENTIAL ELEMENT OF A FELONY CAN BE CONSTITUTIONALLY
 FOUNDED UPON AN INFERENCE DRAWN FROM THE COMMISSION
 OF A MISDEMEANOR, EVEN IN A CASE WHERE THE FELONY
 MURDER RULE WAS IMPLIED

ELEMENTS TEST

PROVING THAT THE SECOND UNINDICTED ALLEGED FALSE
 MURDER CHARGE IS NOT CLASSIFIED AS THE
 CRIME OF FELONY MURDER BY THE FELONY MURDER
 RULE THEORY
 AND ALSO IS NOT CLASSIFIED AS A VIOLATION OF THE
 LAW OF THE STATE OF SOUTH CAROLINA FOR THE CRIME OF
 FELONY MURDER BY THE FELONY MURDER RULE THEORY

AS A MATTER OF LAW THE 1ST ELEMENT "ALLEGEDLY"
 TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A
 ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY
 THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN
 UP OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER
 RULE THEORY "ALLEGEDLY"
 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY
 DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY,
 UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE
 THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN
 THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD ON
 HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DID
 DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN
 WRITE UP OF INDICTMENT #2012-65-07-01935 THAT IT
 WAS TRIED ON BEFORE THE JURY AT TRIAL.
 IT IS NOT INCLUDED IN THE ALLEGED ELEMENTS OF THE
 SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY"
 ON OR ABOUT SEPTEMBER 1ST 2012 TYRONE ROBINSON
 DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT
 AND KILLED AND HE DIED

ALSO AS A MATTER OF LAW THE 2ND ELEMENT "ALLEGEDLY"
 THE DEATH OF VICTIM K.S. [REDACTED] IS THE PROXIMATE
 RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN
 BATTLE AN INHERENTLY DANGEROUS FELONY

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN
 WRITE UP OF THE CRIME OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY "ALLEGEDLY"
 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY
 DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAW-
 FULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM
 K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF
 MARSHLAND DRIVE AND ALLEN ROAD ON HILTON HEAD ISLAND
 S.C. AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT
 COUNTY AS A PROXIMATE RESULT THERE OF

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE
 UP OF INDICTMENT #2012-65-07-01935 THAT IT WAS TRIED
 ON BEFORE THE JURY AT TRIAL.
 IT IS NOT INCLUDED INTO THE ALLEGED ELEMENTS OF THE SECOND
 UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY"
 ON OR ABOUT SEPTEMBER 1ST 2012 TYRONE ROBINSON
 DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE
 SHOT AND KILLED AND HE DIED

AS A MATTER OF LAW PROVEING THAT THE 2ND ELEMENT AND
 THE 2ND ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY
 MURDER BY THE FELONY MURDER RULE THEORY THAT IS CHARGED
 AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT
 #2012-65-07-01935 THAT IT WAS TRIED ON BEFORE THE
 JURY AT TRIAL. IT IS NOT INCLUDED INTO THE SECOND UNINDICTED
 ALLEGED FALSE MURDER CHARGE "ALLEGEDLY"
 ON OR ABOUT SEPTEMBER 1ST 2012 TYRONE ROBINSON DID
 WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND
 KILLED AND HE DIED

AS MATTER OF LAW PROVEING THAT THE SECOND UNINDICTED
 ALLEGED FALSE MURDER CHARGE "ALLEGEDLY"
 ON OR ABOUT SEPTEMBER 1ST 2012 TYRONE ROBINSON DID
 WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT
 AND KILLED AND HE DIED

IS NOT DEFINED AS THE CRIME OF FELONY MURDER BY THE
 FELONY MURDER RULE THEORY BY THE LAWS OF THE STATE
 OF SOUTH CAROLINA.
 ALSO IS NOT DEFINED AS A VIOLATION OF THE LAWS
 THAT GOVERNS THE CRIME OF FELONY MURDER IN
 THE STATE OF SOUTH CAROLINA.

CASE LAW MERTIS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
CASE LAW OF.

GORE V. LEEKE 199 S.E.2d 755 "QUOTEING"

IF SEVERAL PERSONS AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSONS ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED. THE COMMON PURPOSE LATTER AND GENTLEMEN MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANYONE BUT IF IN EXECUTING THIS COMMON DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL AS FOR INSTANCE BREAKING IN AND STEALING AND IN THE EXECUTION OF THE COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU, THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THIS COMMON DESIGN THEN LATTER AND GENTLEMEN, ALL WHO ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY, AND PARTICIPATED IN THE UNLAWFUL COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

THE LAW DICTIONARY DEFINITION FOR THE WORD MURDER MEANS THE FOLLOWING MEANING "QUOTEING"

33

MURDER A COMMON LAW OFFENSE OF UNLAWFUL HOMICIDE, UNLAWFUL KILLING OF ANOTHER HUMAN BEING WITH MALICE AFORETHOUGHT. THIS REQUIRES A PREMEDITATED INTENT TO KILL PLUS AN ELEMENT OF HATRED

AS A MATTER OF LAW THERE IS ABSOLUTELY NOT ANY INDOUBT THAT CHARGES TYRONE LORENZA ROBERTSON WITH THE CRIME OF MURDER BY THE CRIME ALLEGEDLY I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THE NECESSARY ELEMENTS REQUIRED IN ORDER TO CONSTITUTE THE CRIME OF MURDER 16-3-10 BY THE LAWS OF THE STATE OF SOUTH CAROLINA

INSIDE OF THE STATE OF SOUTH CAROLINA THE CRIME OF MURDER IS THE KILLING OF ANY HUMAN BEING WITH MALICE AFORETHOUGHT EITHER EXPRESS OR IMPLIED FOR PROOF REVIEW

CASE LAW MERTIS

SUPREME COURT OF APPEALS OF THE STATE OF
SOUTH CAROLINA CASE LAW OF.

THE STATE OF SOUTH CAROLINA V. WATSON 563 S.E.2d 336
"QUOTEING"

16-3-10 MURDER IS THE KILLING OF ANY PERSON WITH
MALICE AFORETHOUGHT EITHER EXPRESSED OR IMPLIED

IN ORDER TO CONSTITUTE THE CRIME OF MURDER
IN VIOLATION OF SOUTH CAROLINA CODE OF LAWS
16-3-10. INSIDE OF THE STATE OF SOUTH CAROLINA,
TWO ELEMENTS MUST BE ESTABLISHED.
THE FIRST ELEMENT THAT MUST BE ESTABLISHED IS
THE ELEMENT "ALLEGEDLY"
THE DEFENDANT UNLAWFULLY KILLED ANOTHER PERSON
THE SECOND ELEMENT THAT MUST BE ESTABLISHED IS THE
ELEMENT "ALLEGEDLY"
THE KILLING WAS COMMITTED WITH MALICE AND A FORETH-
-OUGHT

2ND

ELEMENTS TEST

PROVEING AS A MATTER OF LAW THAT THE SECOND
UNINDICTED FALSE MURDER CHARGE IS NOT
CLASSIFIED AS THE CRIME OF MURDER 16-3-
-10 BY THE LAWS OF THE STATE OF SOUTH CAROLINA.
AND ALSO IS NOT CLASSIFIED AS A VIOLATION
OF SOUTH CAROLINA CODE OF LAWS 16-3-10
FOR THE CRIME OF MURDER INSIDE OF THE
STATE OF SOUTH CAROLINA.

1ST ELEMENT

REQUIRED TO CONSTITUTE UNINDICTED CRIME OF
MURDER 16-3-10 BY THE LAWS OF THE STATE OF SOUTH
CAROLINA

1ST ELEMENT REQUIRED TO CONSTITUTE UNINDICTED
CRIME OF MURDER 16-3-10 BY THE CRIME ALLEGEDLY
THE DEFENDANT KILLED THE VICTIM WITH MALICE AND
AFORETHOUGHT

IS THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER
WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION
MEANS TO ALLEGE THAT THE ACCUSED UNLAWFULLY DEPRIVED
ANOTHER PERSON OUT OF THERE LIFE

THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION FOR
THE WORD KILL MEANS THE FOLLOWING "MEANING"
TO DEPRIVE OF LIFE

1ST ELEMENT

FOR SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE

1ST ELEMENT FOR SECOND UNINDICTED ALLEGED FALSE MURDER
CHARGE BY THE CRIME "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 7TH 2/012 TYRONE ROBINSON
DID WILLEFULLY WITH MALICE CAUSE HIM TO BE
SHOT AND KILLED AND HE DIED IS.

ON OR ABOUT SEPTEMBER THE 7TH 2/012 TYRONE
ROBINSON DID WILLEFULLY CAUSE HIM TO BE SHOT
AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO

"ALLEGED" ON OR ABOUT SEPTEMBER THE 21ST 2,012 TYRONE ROBINSON DID WILLFULLY CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM K.S. BEING SHOT AND DEPRIVED OUT OF HIS LIFE

THIS IS BECAUSE THE LAW BOOK DICTIONARY DEFINITION FOR THE WORD CAUSE MEANS THE FOLLOWING MEANING "ALLEGEDLY"

CAUSE THAT WHICH EFFECTS A RESULT DIRECT CAUSE THE ACTIVE / EFFICIENT CAUSE THAT SET IN MOTION A TRAIN OF EVENTS THAT BRINGS ABOUT A RESULT WITHOUT INTERVENTION OF ANY OTHER INDEPENDANT SOURCE

AS A MATTER OF LAW THE FIRST ELEMENT TO THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 21ST 2,012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED WHICH IS

ON OR ABOUT SEPTEMBER THE 21ST 2,012 TYRONE ROBINSON DID WILLFULLY CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGED.

ON OR ABOUT SEPTEMBER THE 21ST 2,012 TYRONE ROBINSON DID WILLFULLY CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM K.S. BEING SHOT AND DEPRIVED OUT OF HIS LIFE 35

IS NOT INCLUDED INTO AND DOES NOT CONSTITUTE THE 1ST ELEMENT REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED ANOTHER WITH MALICE AND A FORETHOUGHT

WHICH HAS THE 1ST ELEMENT OF "QUOTE"ING" THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER PERSON

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGED

THAT THE ACCUSED UNLAWFULLY DEPRIVED ANOTHER PERSON OUT OF THERE LIFE

2ND ELEMENT

REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT IS: THAT THE KILLING WAS COMMITTED WITH MALICE AND A FORETHOUGHT

WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION MEANS TO ALLEGED THAT THE DEPRIVATION OF LIFE WAS COMMITTED WITH MALICE AND A FORETHOUGHT

THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION FOR THE WORD KILL MEANS THE FOLLOWING "MEANING" TO DEPRIVE OF LIFE

2ND ELEMENT

FOR SECOND UNINDICTED ALLEGED FALSE MURDER CASE

2ND ELEMENT FOR SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE BY THE CRIME "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED TS

ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DID WITH MALICE CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM K.S. BEING SHOT AND DEPRIVED OUT OF HIS LIFE

THIS IS BECAUSE THE LAW BOOK DICTIONARY DEFINITION FOR THE WORD CAUSE MEANS THE FOLLOWING MEANING "ALLEGEDLY"

CAUSE THAT WHICH EFFECTS A RESULT DIRECT CAUSE THE ACTIVE, EFFICIENT CAUSE THAT SET IN MOTION A TRAIN OF EVENTS THAT BRINGS ABOUT A RESULT WITHOUT INTERVENTION OF ANY OTHER INDEPENDENT SOURCE

AS A MATTER OF LAW THE SECOND ELEMENT TO THE UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED WHICH IS

ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DID WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DID WITH MALICE CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM K.S. BEING SHOT AND DEPRIVED OUT OF HIS LIFE

IS NOT INCLUDED INTO AND DOES NOT CONSTITUTE THE 2ND ELEMENT REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY"

THE DEFENDANT KILLED ANOTHER WITH MALICE AND A FORETHOUGHT

WHICH HAS THE 2ND ELEMENT OF "QUOTING" THE KILLING WAS COMMITTED WITH MALICE AND A FORETHOUGHT

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO "ALLEGEDLY" THAT THE DEPRIVATION OF LIFE WAS COMMITTED WITH MALICE AND A FORETHOUGHT

AS A MATTER OF LAW PROVEING THAT THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 21ST, 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

IS A SECOND UNINDICTED NONEXISTENT FALSE MURDER CHARGE THAT IS NOT DEFINED AS A CRIME OF MURDER BY THE LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA UNDER SOUTH CAROLINA CODE OF LAW 16-3-10. FOR PROOF REVIEW
STATUTORY MERIT

SOUTH CAROLINA CODE OF LAW 17-19-30 ALLEGATIONS SUFFICIENT FOR INDICTMENT FOR MURDER QUOTEING

EVERY INDICTMENT FOR MURDER SHALL BE DEEMED AND ADJUDGED SUFFICIENT AND GOOD IN LAW WHICH IN ADDITION TO SETTING FORTH THE TIME AND PLACE TOGETHER WITH A PLAIN STATEMENT, DEVOIDED OF ALL USELESS PHRASEOLOGY, OF THE MANNER IN WHICH THE DEATH OF THE DECEASED WAS CAUSED, CHARGES THAT THE DEFENDANT DID FELONIOUSLY, WILLFULLY AND OF HIS MALICE AFORETHOUGHT KILLED AND MURDERED THE DECEASED

AS A MATTER OF LAW ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL, THE TRIAL JUDGE AND TRIAL COURT ACTING WITHOUT MY CONSENT, TOOK OUT THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY FROM OUT OF INDICTMENT #2012-GJ-07-01935. TO PROVE THAT TRIAL JUDGE THOMAS COOPER TOOK OUT THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY FROM OUT OF INDICTMENT #2012-GJ-07-01935 THAT THE GRAND JURY INDICTED ME ON. I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT.

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTEING" FROM PAGE 672 PARAGRAPH 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 AND 20 OF TRIAL JUDGE THOMAS COOPER DECISION FROM TRIAL TRANSCRIPT "QUOTEING" MY POINT WAS THAT FROM THE STAND POINT OF A MOTION FOR DIRECTED VERDICT, THAT THE INCLUSION OF THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY WHICH

I THOUGHT WAS PUT THERE MORE APPROPRIATELY WHEN THEY WERE DEALING WITH THREE DEFENDANTS IN THAT PARTICULAR CASE. THAT THOSE WORDS COULD BE TAKEN OUT OF THIS PARTICULAR CHARGE AS INDICTED AND THERE WOULD BE NO QUESTION ABOUT WHETHER OR NOT THEY WOULD HAVE A RIGHT TO A JURY ON THE CHARGE OF MURDER AGAINST MR. ROBINSON

AS A MATTER OF LAW THERE ARE TWO ELEMENTS THAT ARE REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THATS CHARGE AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GJ-07-01935 THAT THE GRAND JURY INDICTED ME ON.

1ST ELEMENT

VOLUNTARILY DISMISSED WITHOUT MY CONSENT AND TERMINATED MY JEOPARDY ON

THE FIRST ELEMENT THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS:

THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING A INHERANTLY DANGEROUS FELONY

AS A MATTER OF LAW INDICTMENT #2012-GJ-07-01935, CHARGE AND ALLEGED THAT I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

AS A MATTER OF LAW PROVEING THAT INDICTMENT #2012-GJ-07-01935 PUTS I TYRONE ROBINSON, IN "JEOPARDY" OF BEING CONVICTED ON THE FIRST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT THE GRAND JURY INDICTED ME ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-GJ-07-01935. BECAUSE AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER TOOK OUT THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM OUT OF INDICTMENT #2012-GJ-07-01935, AS A MATTER OF LAW IT CONSTITUTED A VOLUNTARY DISMISSAL WITHOUT MY CONSENT, THAT TERMINATED MY JEOPARDY ON THE ONE AND ONLY "INHERANTLY DANGEROUS FELONY" THAT INDICTMENT #2012-GJ-

07-01935, CHARGE AND ALLEGED THAT I WAS IN ENGAGED IN, COMMITTING. AS A MATTER OF LAW PROVEING THAT BECAUSE TRIAL JUDGE THOMAS COOPER TOOK OUT THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY FROM OUT OF

INDICTMENT #2012-GJ-07-01935 THAT THE GRAND JURY INDICTED ME ON, AS A MATTER OF LAW IT CONSTITUTES A VOLUNTARY DISMISSAL WITHOUT MY CONSENT, THAT TERMINATED MY JEOPARDY ON THE 1ST ELEMENT "ALLEGED I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY"

AS A MATTER OF LAW THE SECOND UNINDICTED NONEXISTENT FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER 1ST, 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT A NONEXISTENT FALSE MURDER CHARGE THAT IS NOT DEFINED AS A CRIME BY THE LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA AND THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO DEFEND AGAINST. "DOES NOT" PUT ME IN "JEOPARDY" OF BEING CONVICTED ON THE 1ST ELEMENT "ALLEGEDLY" I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT THE GRAND JURY INDICTED ME ON, AND THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE THAT I WAS GUILTY OF BEYOND A REASONABLE DOUBT BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT ME FOR THE DEATH OF VICTIM K. S. [REDACTED] AS A MATTER OF LAW PROVEING THAT WITHOUT MY CONSENT. TRIAL JUDGE THOMAS COOPER VOLUNTARILY DISMISSED AND TERMINATED MY JEOPARDY ON THE 1ST ELEMENT "ALLEGEDLY" I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935, THE GRAND JURY INDICTED ME ON, AND THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE THAT I WAS GUILTY OF BEYOND A REASONABLE DOUBT BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT ME FOR THE DEATH OF VICTIM K. S. [REDACTED]

2ND ELEMENT

VOLUNTARILY DISMISSED WITHOUT MY
CONSENT AND TERMINATED MY JEOPARDY
ON

THE "SECOND" ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS "QUOTE" "DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANT CONDUCT IN COMMITTING THAT CRIME"

AS A MATTER OF LAW INDICTMENT # 2012-65-07-01935, CHARGE AND ALLEGE THAT VICTIM K. S. [REDACTED] DID DIE AS A PROXIMATE RESULT OF I TYRONE ROBINSON BEING ENGAGED IN A ONGOING GUN BATTLE

AN INHERENTLY DANGEROUS FELONY

AS A MATTER OF LAW PROVEING THAT INDICTMENT#-
 - 2012-61-07-01935 PUTS TYRONE ROBINSON IN
 "JEOPARDY" OF BEING CONVICTED ON THE SECOND
 ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF
 FELONY MURDER BY THE FELONY MURDER RULE THEORY.
 THAT THE GRAND JURY INDICTED ME ON AND I WAS
 TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT#-
 - 2012-61-07-01935.

BECAUSE AS A MATTER OF LAW. TRIAL JUDGE THOMAS
 COOPER TOOK OUT THE WORDS WHILE ENGAGED IN A ONGOING
 GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM OUT OF INDICTMENT# 2012-61-07-01935 THAT THE
 GRAND JURY INDICTED ME ON. AS A MATTER OF LAW IT
 CONSTITUTES A VOLUNTARY DISMISSAL WITHOUT MY
 CONSENT. THAT TERMINATED MY JEOPARDY ON THE ONE
 AND ONLY "CRIME". THAT INDICTMENT# 2012-61-07-
 - 01935 CHARGE AND ALLEGES IS THE "CRIME" THAT VICTIM
 K. S. [REDACTED] DID DIE AS A PROXIMATE RESULT
 THERE OF. AS A MATTER OF LAW PROVEING THAT BECAUSE
 TRIAL JUDGE THOMAS COOPER TOOK OUT THE WORDS WHILE
 ENGAGED IN AN ONGOING GUN BATTLE AN INHERANTLY DANGER-

- FOUR FELONY FROM OUT OF INDICTMENT# 2012-61-07-
 - 01935 THAT THE GRAND JURY INDICTED ME ON. AS A MATTER
 OF LAW IT CONSTITUTES A VOLUNTARY DISMISSAL WITHOUT
 MY CONSENT THAT TERMINATED MY JEOPARDY ON THE
 2ND ELEMENT "ALLEGING"
 VICTIM KHALIL SINGLETON DID DIE AS A PROXIMATE
 RESULT OF TYRONE ROBINSON BEING ENGAGED IN A
 ONGOING GUN BATTLE AN INHERANTLY DANGEROUS
 FELONY

AS A MATTER OF LAW THE SECOND UNINDICTED
 NONEXISTENT FALSE MURDER CHARGE "ALLEGING"
 ON OR ABOUT SEPTEMBER 1st, 2012 TYRONE ROBINSON
 DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT
 AND KILLED AND HE DIED

THAT A NONEXISTENT FALSE MURDER CHARGE THAT IS
 NOT DEFINED AS A CRIME BY THE LAWS THAT GOVERN
 THE STATE OF SOUTH CAROLINA AND THERE IS NOT ANY
 INDICTMENT PUTTING ME ON NOTICE I HAD TO DEFEND
 AGAINST. "DOES NOT" PUT ME IN "JEOPARDY" OF BEING
 CONVICTED ON THE 2ND ELEMENT "ALLEGING"
 VICTIM K. S. [REDACTED] DID DIE AS A PROXIMATE
 RESULT OF TYRONE ROBINSON BEING ENGAGED IN A
 ONGOING GUN BATTLE AN INHERANTLY DANGEROUS
 FELONY

THAT THE GRAND JURY INDICTED ME ON, AND THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE THAT I WAS GUILTY OF BEYOND A REASONABLE DOUBT, BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT ME FOR THE DEATH OF VICTIM K. S.

AS A MATTER OF LAW PROVEING THAT WITHOUT MY CONSENT, TRIAL JUDGE THOMAS COOPER VOLUNTARILY DISMISSED AND TERMINATED MY JEOPARDY ON THE 2ND ELEMENT "ALLEGEDLY"

VICTIM K. S. DID DIE AS A PROXIMATE RESULT OF TYRONE ROBINSON BEING ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-61-07-01935, THE GRAND JURY INDICTED ME ON, AND THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE THAT I WAS GUILTY OF BEYOND A REASONABLE DOUBT BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT ME FOR THE DEATH OF VICTIM K. S.

AS A MATTER OF LAW PROVEING THAT WHEN TRIAL JUDGE THOMAS COOPER VOLUNTARILY DISMISSED AND TERMINATED MY JEOPARDY ON THE 1ST ELEMENT "ALLEGEDLY" TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT THE GRAND JURY INDICTED ME ON, ON INDICTMENT #2012-61-07-01935

ALSO PROVEING THAT WHEN TRIAL JUDGE COOPER VOLUNTARILY DISMISSED AND TERMINATED MY JEOPARDY ON THE 2ND ELEMENT "ALLEGEDLY"

VICTIM K. S. DID DIE AS A PROXIMATE RESULT OF TYRONE ROBINSON BEING ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT THE GRAND JURY INDICTED ME ON, ON INDICTMENT #2012-61-07-01935

AS A MATTER OF LAW WITHOUT MY CONSENT TRIAL JUDGE THOMAS COOPER ACTIONS CONSTITUTE A VOLUNTARY DISMISSAL THAT DISMISSED THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST, 2012 WHILE ENGAGED IN A

174.

ONGOING GUN BATTLE AN INHERENTLY DANGEROUS
FELONY TYRONE ROBINSON DID WILLFULLY UNLAWF-
-ULLY AND WITH MALICE AFORETHOUGHT CAUSE
THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED
IN THE AREA OF MARSHLAND DRIVE AND ALLEN
ROAD, HELTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED]
[REDACTED] DID DIE IN BEAUFORT COUNTY AS A
PROXIMATE RESULT THERE OF.

THAT THE GRAND JURY INDICTED ME ON, I WAS TRIED
ON BEFORE THE JURY AT TRIAL AND THE STATE
OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO
PROVE THAT I WAS GUILTY OF BEYOND A REASONABLE
DOUBT. BEFORE THE STATE OF SOUTH CAROLINA
COULD CONVICT AND SENTENCE ME TO PRISON TIME
FOR THE DEATH OF VICTIM K. S. [REDACTED]

AS A MATTER OF LAW PROVEING THAT BECAUSE TRIAL JUDGE
THOMAS COOPER RELIED ON THE SECOND UNINDICTED
NONEXISTENT FALSE MURDER CHARGE "ALLEGEDLY"

ON OR ABOUT SEPTEMBER 21ST, 2012 TYRONE ROBINSON
DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND
KILLED AND HE DIED

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE
I HAD TO DEFEND AGAINST AND THERE IS NOT ANY INDICTMENT
CHARGEING ME WITH, TO DENY MY MOTION FOR DEFERRED
VERDICT OF ACQUITTAL RENDER JUDGEMENT AGAINST ME
SUBMIT MY CASE TO THE JURY ON AND DEPRIVE ME OUT OF
MY LIBERTY AND WRONGFULLY INCARCERATE ME ON.
AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER
ACTIONS CONSTITUTE **UNCONSTRUCTIVE**

AMENDMENT

THAT HELD ME TO ANSWER IN COURT
FOR, BE DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY
INCARCERATED ON THE SECOND UNINDICTED NONEXISTENT
FALSE MURDER CHARGE "ALLEGEDLY"
ON OR ABOUT SEPTEMBER 21ST, 2012 TYRONE ROBINSON
DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT
AND KILLED AND HE DIED

THAT IS A SECOND UNINDICTED NONEXISTENT FALSE MURDER
CHARGE. THAT IS NOT DEFINED AS A CRIME OF MURDER BY
THE LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA. THAT
THERE IS NOT ANY INDICTMENT CHARGEING ME WITH AND
THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD
TO DEFEND AGAINST. FOR PROOF REVIEW

SUPREME COURT OF APPEALS OF UNITED STATES OF AMERICA CASE LAW OF
NICHOLAS A. STERONE VS. UNITED STATES 805 CT 270 QUOTE "IN
EVERIFANCE EX PARTE BAIN 121 U.S. 2 WAS DECIDED IN 1887 IT HAS
BEEN THE RULE THAT AFTER AN INDICTMENT HAS BEEN RETURNED
THE CHARGE MAY NOT BE BROADENED THROUGH AMENDMENT EXCEPT
BY GRAND JURY ITSELF. IN THAT CASE, THE COURT ORDERED THAT
SOME SPECIFIC AND RELEVANT ALLEGATIONS THE GRAND JURY HAD
CHARGED BE STRICKEN FROM THE INDICTMENT SO THAT BAIN MIGHT
BE CONVICTED WITHOUT PROOF OF THOSE PARTICULAR ALLEGATIONS THE
COURT WENT ON TO HOLD IN BAIN

THAT AFTER THE INDICTMENT WAS CHANGED IT WAS NO LONGER THE
INDICTMENT OF THE GRAND JURY WHO PRESENTED IT.

INSIDE OF THE CASE OF LUCAS BAILEY VS STATE
709 S.E. 2d 671. AFTER THE JURY DELIBERATED

ON THE CRIME OF HOMICIDE BY CHILD ABUSE TO DETERMINE RATHER LUCAS BAILEY WAS GUILTY OF THE CRIME OF HOMICIDE BY CHILD ABUSE OR NOT. THE JURY TOLD THE TRIAL JUDGE AND TRIAL COURT THAT THEY FOUND EVIDENCE OF NEGLECT BUT THEY DID NOT FIND ANY EVIDENCE OF ABUSE.

IN A SUPPLEMENTAL INSTRUCTION TO THE JURY. THE TRIAL JUDGE AND TRIAL COURT INSTRUCTED THE JURY, THAT THE JURY COULD FIND LUCAS BAILEY GUILTY OF HOMICIDE BY CHILD ABUSE. IF THE JURY FOUND THAT LUCAS BAILEY WAS GUILTY OF HOMICIDE BY CHILD ABUSE BY THE ACT OF "ABUSE OR NEGLECT" WHICH WAS INCONSISTENT WITH THE ALLEGATIONS IN THE INDICTMENT, THAT CHARGED AND ALLEGED THAT LUCAS BAILEY COMMITTED HOMICIDE BY CHILD ABUSE BY THE ACTS OF "NEGLECT AND ABUSE" ONLY AS THE GRAND JURY HAD INDICTED LUCAS BAILEY ON.

THE TRIAL JUDGE AND TRIAL COURT THEN INSTRUCTED THE JURY ON THE WORD "CAUSED" THAT WAS CHARGED AND ALLEGED IN THE INDICTMENT AGAINST LUCAS BAILEY. BY DOING SO THE TRIAL JUDGE AND TRIAL COURT EXPLAINED TO THE JURY, THAT THE STATE OF SOUTH CAROLINA HAD TO PROVE BEYOND A REASONABLE DOUBT, THAT LUCAS BAILEY ACT OF "NEGLECT OR ABUSE" WAS THE "PROXIMATE CAUSE" OF THE VICTIMS DEATH.

BECAUSE IN HIS SUPPLEMENTAL INSTRUCTIONS, THE TRIAL JUDGE AND TRIAL COURT CHANGED THE WORD "AND" TO "OR" AND CAUSED THE JURY TO CONVICT LUCAS BAILEY ON THE CRIME OF HOMICIDE BY CHILD ABUSE BY THE ACT OF "NEGLECT OR ABUSE" INSTEAD OF THE ACTS OF BOTH "NEGLECT AND ABUSE" THAT CHARGED AND ALLEGED INSIDE OF THE INDICTMENT BY THE GRAND JURY. THE TRIAL JUDGE AND TRIAL COURT SUPPLEMENTAL INSTRUCTIONS ON "NEGLECT OR ABUSE" "INSTEAD" OF "NEGLECT AND ABUSE" AS THE GRAND JURY INDICTED LUCAS BAILEY ON, ALLOWED THE JURY TO CONVICT LUCAS BAILEY ON THE CRIME OF HOMICIDE BY CHILD ABUSE BY THE ACT OF "NEGLECT" ONLY, WHICH UNCONSTITUTIONALLY RELEASED THE STATE OF SOUTH CAROLINA OUT OF THERE. BURDEN OF PROOF TO PROVE THAT LUCAS BAILEY WAS GUILTY BEYOND A REASONABLE DOUBT, OF COMMITTING THE CRIME OF HOMICIDE BY CHILD ABUSE, BY COMMITTING THE ACT OF "ABUSE ALONG WITH THE ACT OF NEGLECT".

AS THE GRAND JURY CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT THAT THE JURY AT TRIAL WAS SWORN IN ON AND LUCA'S BAILEY WAS TRIED ON BEFORE THE JURY AT TRIAL.

AS A RESULT BECAUSE THE TRIAL JUDGE AND TRIAL COURT SUPPLEMENTAL INSTRUCTIONS, ALLOWED THE JURY TO CONVICT LUCA'S BAILEY ON THE CRIME OF HOMICIDE BY CHILD ABUSE, BY THE ACT OF "NEGLECT ONLY", AND NOT THE ACTS OF BOTH "NEGLECT AND ABUSE" THAT WAS CHARGED AND ALLEGED INSIDE

OF THE WRITTEN WRITE UP OF THE INDICTMENT THAT THE GRAND JURY INDICTED LUCA'S BAILEY ON, AND LUCA'S BAILEY WAS TRIED ON BEFORE THE JURY AT TRIAL. THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA DECIDED THAT THE TRIAL JUDGE AND TRIAL COURT'S SUPPLEMENTAL INSTRUCTIONS, THAT ALLOWED THE JURY TO CONVICT LUCA'S BAILEY ON THE CRIME OF HOMICIDE BY CHILD ABUSE, BY THE ACT OF NEGLECT ONLY AND NOT THE ACTS OF BOTH

"NEGLECT AND ABUSE" THAT WAS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT THAT THE GRAND JURY INDICTED LUCA'S BAILEY ON, AND LUCA'S BAILEY WAS TRIED ON BEFORE THE JURY AT TRIAL. UNCONSTITUTIONALLY ALLOWED THE JURY TO CONVICT LUCA'S BAILEY ON A "UNINDICTED CRIME" THAT THERE IS ABSOLUTELY NOT ANY INDICTMENT CHARGING LUCA'S BAILEY WITH. FOR PROOF REVIEW THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF LUCA'S BAILEY VS. STATE 709 S.E.2D 671

BASED ON THE FACTS EXPLAINED PROVES THAT BECAUSE IN THE CASE OF TYRONE ROBINSON ON INDICTMENT# 2012-65-07-01935. AFTER THE STATE OF SOUTH CAROLINA HAD RESTED THERE CASE. ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL, WITHOUT THE CONSENT OF TYRONE ROBINSON. THE TRIAL JUDGE AND TRIAL COURT VOLUNTARILY DISMISSED THE 1ST ELEMENT "ALLEGING" TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT THE GRAND JURY INDICTED ME ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT# 2012-65-07-01935.

ALSO BECAUSE WITHOUT THE CONSENT OF TYRONE ROBINSON. THE TRIAL JUDGE AND TRIAL COURT VOLUNTARILY DETERMINED THE SECOND ELEMENT "ALLEGEDLY"

THE DEATH OF VICTIM K. S. [REDACTED] IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

THAT THE GRAND JURY INDICTED ME ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GJ-07-01935

WHICH RESULTED IN THE TRIAL JUDGE AND TRIAL COURT. DENYING MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL AND UNCONSTITUTIONALLY DEPRIVING ME OUT OF MY LIBERTY AND WRONGFULLY INCARCERATING ME. ON THE SECOND UNINDICTED NONEXISTENT CRIME OF MURDER

"ALLEGEDLY"

ON OR ABOUT SEPTEMBER 21, 2012 TYRONE ROBINSON DIED WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT THERE IS ABSOLUTELY NOT ANY INDICTMENT CHARGING ME WITH.

PROVES THAT AS A MATTER OF LAW, THE TRIAL JUDGE AND TRIAL COURT. UNCONSTITUTIONALLY RELEASED THE STATE OF SOUTH CAROLINA OUT OF THERE BURDEN OF PROOF. TO PROVE THAT I AM GUILTY BEYOND A REASONABLE DOUBT OF COMMITTING THE 1ST ELEMENT "ALLEGEDLY" TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT INDICTMENT # 2012-GJ-07-01935 PUTS ME ON "NOTICE" THAT I HAD TO DEFEND AGAINST. THE GRAND JURY INDICTED ME ON, THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GJ-07-01935.

ALSO PROVES THAT AS A MATTER OF LAW, THE TRIAL JUDGE AND TRIAL COURT. UNCONSTITUTIONALLY RELEASED THE STATE OF SOUTH CAROLINA OUT OF THERE BURDEN OF PROOF. TO PROVE THAT I AM GUILTY BEYOND A REASONABLE DOUBT OF COMMITTING THE 2ND ELEMENT "ALLEGEDLY"

THE DEATH OF VICTIM K. S. [REDACTED] IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

"FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT INDICTMENT # 2012-GJ-07-01935 PUTS ME ON "NOTICE" THAT I HAD TO DEFEND AGAINST. THE GRAND JURY INDICTED ME ON, THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GJ-07-01935

HOWEVER BECAUSE INDICTMENT # 2012-GJ-07-01935 CHARGES AND ALLEGE. THAT A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY. IS THE ONE AND ONLY CRIMINAL ACT, THAT VICTIM K. S. [REDACTED]

DEATH IS A PROXIMATE RESULT THERE OF. THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE, THAT VICTIM K. S. [REDACTED] DEATH IS A PROXIMATE RESULT, OF A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY. BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT ME FOR THE DEATH OF VICTIM K. S. [REDACTED] PURSUANT TO THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF. LUCA'S BATTLE VS. STATE 709 S.E.2D 671

AS A MATTER OF LAW PROVEING THAT, WHEN THE

TRIAL JUDGE AND TRIAL COURT DEPRIVED MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL AND DEPRIVED ME OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED ME. ON THE SECOND UNINDICTED NONEXISTENT CRIME OF MURDER "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 7TH 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT THERE IS ABSOLUTELY NOT ANY INDICTMENT CHARGING ME WITH

AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL COURT CAUSED ME TO BE UNCONSTITUTIONALLY DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED. ON A SECOND UNINDICTED NONEXISTENT CRIME OF MURDER "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 7TH 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT THERE IS ABSOLUTELY NOT ANY INDICTMENT CHARGING ME WITH. PURSUANT TO THE SUPREME CASE LAW OF THE STATE OF SOUTH CAROLINA 20671 FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

LUCAI BAILEY VS. STATE 709 S.E. 2d 671

"QUOTEING"

WHEN THE JURY RETURNED TO THE COURT ROOM, THE JUDGE EXPLAINED THAT IN THIS CASE THE ONLY

ALLEGATIONS ARE THAT THE DEFENDANT CAUSED THE DEATH OF THE CHILD BY NEGLECT AND ABUSE AND THAT UNDER THE STATUTE SEVERAL ACTS

QUALIFIED AS NEGLECT AND ABUSE BUT THE STATE WAS REQUIRED TO PROVE ONLY ONE OF THEM.

IN RESPONSE THE FOREMAN STATED:

WE SEE AS A JURY TOTAL JURY WE SEE THE NEGLECT IN THE PARENTS BUT WE FAIL TO SEE EVIDENCE

THAT LORENZO STRUCK THE CHILD. THERE WAS NO EVIDENCE TO US THAT LORENZO STRUCK THE CHILD.

THERE WAS NEGLECT YES ON BOTH PARTIES BUT WE FAIL TO SEE THAT AND THAT'S WRITTEN IN THAT

DOCUMENT THAT WE DIDN'T SEE ANY EVIDENCE. WE DIDN'T SEE ANY EVIDENCE AND THE DEFINITION

OF YOUR HOMICIDE HAS A COMBINATION OF BOTH. I KNOW THE PART OF THAT DEFINITION BUT WE

FAIL TO SEE ANY EVIDENCE THAT HE DID THAT.

"FURTHER QUOTEING"

WHEN THE JURY RETURNED TO THE COURT ROOM THE JUDGE ISSUED SUPPLEMENTAL INSTRUCTIONS

THAT STATED IN PART

IF YOU ARE DISTINGUISHING SOME ACTS THAT YOU WOULD CALL ABUSE AND SOME THAT YOU WOULD

CALL NEGLECT TRAP UP TO YOU AS LONG AS YOU KIND OF GO BY THE STATUTE HERE. THE STATUTE DOESN'T REALLY SAY IT CAN BE ABUSE OR NEGLECT AND IT DOESN'T SAY WHICH ACT MIGHT BE WHICH, BUT IT SAYS THAT ABUSE OR NEGLECT IS AN ACT OR OMISSION WHICH CAUSES HARM. FURTHER QUOTING--

SO YOU HAVE TO FIND THAT THE DEFENDANT EITHER DID SOMETHING OR FAILED TO DO SOMETHING THAT CAUSED THE DEATH OF THE CHILD, EITHER HIS DOING SOMETHING WHICH IS AN ACT, OR FAILING TO DO SOMETHING WHICH IS AN OMISSION. AND THAT THAT OMISSION CAUSED THE DEATH OF THE CHILD. AND IN AN OFF THE RECORD APPROACHED THE BENCH HER CONCERN TO THE JUDGE'S DEFINITION EXPRESSED OF THE WORD "CAUSED". THE JUDGE THEN GAVE AN INSTRUCTION ON PROXIMATE CAUSE. IN PART THE JUDGE STATED. YOU MUST FIND THAT THE STATE HAS CONVENCED YOU BEYOND A REASONABLE DOUBT THAT EITHER AN ACT OR FAILURE TO ACT ON THE PART OF THIS DEFENDANT IS A PROXIMATE CAUSE OF THE DEATH OF THIS CHILD. FURTHER QUOTING--

DISCUSSION

BAILEY CONTENDS THE JUDGE ERRED IN DENYING HIS PER APPLICATION AS HIS TRIAL COUNSEL WAS INEFFECTIVE IN FAILING TO OBJECT TO THE TRIAL JUDGE'S SUPPLEMENTAL JURY INSTRUCTIONS. IN SUPPORT OF THIS CONTENTION, BAILEY CLAIMS THE INSTRUCTIONS ALLOWED THE JURY TO CONVICT HIM FOR AN ACT ALTERNATIVE TO THE ONE SPECIFIED WITH PARTICULARITY IN THE INDICTMENT. BECAUSE THE INFLECTION IN THE INDICTMENT, BAILEY ASSERTS THE JURY WAS LIMITED TO A DETERMINATION OF WHETHER HE COMMITTED THE ACT. BASED ON THE FOREMAN'S STATEMENT THAT THE JURY FOUND NO EVIDENCE THAT BAILEY STRUCK THE CHILD BAILEY CLAIMS THE JURY FOUND A MATERIAL VARIANCE BETWEEN THE ACT ALLEGED IN THE INDICTMENT AND THE STATE'S PROOF. SPECIFICALLY BAILEY OVERS THE JURY CONVICTED HIM OF AN UNINDICTED CRIME AS THE JURY FOUND EVIDENCE OF NEGLIGENCE RATHER THAN THE SPECIFICALLY ALLEGED ACTS OF ABUSE. GIVEN THAT THE JUDGE'S ERRONEOUS INSTRUCTIONS PRECIPITATED THIS RESULT, BAILEY ASSERTS HIS TRIAL COUNSEL WAS INEFFECTIVE IN FAILING TO OBJECT TO THESE SUPPLEMENTAL INSTRUCTIONS. FURTHER QUOTING--

IN SOUTH CAROLINA IT IS A RULE OF UNIVERSAL OBSERVANCE IN ADMINISTERING THE CRIMINAL LAW THAT A DEFENDANT MUST BE CONVICTED IF CONVICTED AT ALL OF THE PARTICULAR OFFENSE CHARGED IN THE BILL OF INDICTMENT. A MATERIAL VARIANCE BETWEEN CHARGE AND PROOF ENTITLES THE DEFENDANT TO A DIRECTED VERDICT. STATING THAT ONE OF THE TWO WAYS AN INDICTMENT CAN BE IMPROPERLY MODIFIED IS THROUGH A VARIANCE WHEREBY THE CHARGING TERMS OF THE INDICTMENT

ARE LEFT UNALtered BUT THE EVIDENCE OFFERED AT TRIAL PROVES FACTS MATERIALLY DIFFERENT FROM THOSE ALLEGED IN THE INDICTMENT "FURTHER QUOTE" WHEN THE INDICTMENT FACTUALLY CHARGES A COMPLETE OFFENSE AND THE STATE PRESENTS EVIDENCE WHICH CONVICTS UNDER A DIFFERENT THEORY THAN THAT ALLEGED, A CONVICTION UNDER LATTER CIRCUMSTANCES VIOLATES PRINCIPLES OF DUE PROCESS BECAUSE THE STATE HAS FAILED TO PROVE BEYOND A REASONABLE DOUBT EVERY FACT NECESSARY TO CONSTITUTE THE CRIME WITH WHICH A DEFENDANT WAS CHARGED. A MATERIAL VARIANCE THAT VIOLATES A DEFENDANT'S SUBSTANTIAL RIGHT TO BE TRIED ONLY ON CHARGES PRESENTED IN AN INDICTMENT CONSTITUTES FATAL ERROR AND WARRANTS A REVERSAL ON AN APPEAL OF A JUDGEMENT OF CONVICTION OF THE OFFENSE NOT CHARGED IN THE INDICTMENT. IN A CASE INVOLVING SIMILAR FACTS TO THE INSTANT CASE, THE TEXAS COURT OF APPEALS FOUND ERROR IN THE TRIAL JUDGE'S JURY INSTRUCTIONS THAT PERMITTED THE JURY TO CONVICT THE DEFENDANT OF AN ACT NOT ALLEGED IN THE INDICTMENT "FURTHER QUOTE" IN PREFACING ITS ANALYSIS, THE TEXAS COURT OF APPEALS NOTED THAT BY INCLUDING A MORE SPECIFIC DESCRIPTION, THE STATE UNDERTOOK THE BURDEN OF PROVING THE SPECIFIC ALLEGATIONS TO OBTAIN A CONVICTION "FURTHER QUOTE" ON APPEAL CASTILLO RAISED SEVERAL ISSUES INCLUDING AN ARGUMENT THAT THE TRIAL JUDGE EGREGIOUSLY ERRED BY ADDING, THROUGH A LESSER-INCLUDED OFFENSE CHARGE, A THEORY OF PROSECUTION ("SHAKING") THAT WAS NOT SUPPORTED BY THE INDICTMENT. THE TEXAS COURT OF APPEALS AGREED WITH CASTILLO'S ARGUMENT FINDING THE TRIAL COURT ERRED IN ENLARGING THE INDICTMENT BY ADDING "SHAKING" AS AN ADDITIONAL MANNER AND MEANS OF COMMITTING THE CHARGED OFFENSE. IN ITS RULING THE COURT RECOGNIZED THAT A DEFENDANT MAY ONLY BE TRIED AND CONVICTED OF THE CRIME(S) ALLEGED IN THE INDICTMENT AND THE STATE IS BOUND BY THE THEORY ALLEGED IN THE INDICTMENT "FURTHER QUOTE" WE AGREE WITH THE REASONING IN CASTILLO AND APPLY ITS ANALYSIS TO THE FACTS OF THE INSTANT CASE. WE CONCLUDE THAT THE TRIAL JUDGE'S INSTRUCTIONS IMPROPERLY "ENLARGED" THE INDICTMENT BY INSTRUCTING THE JURY THAT IT COULD CONVICT BATTLE OF A CRIME NOT ALLEGED IN THE INDICTMENT

AS A MATTER OF LAW PROVING THAT WHEN THE TRIAL JUDGE AND TRIAL COURT DENIED MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL, AND DEPRIVED ME OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED ME ON THE SECOND UNINDICTED NON-EXISTENT CRIME OF MURDER 1ST DEGREE.

ON OR ABOUT SEPTEMBER THE 21ST, 2012 TYRON ROBINSON DIED WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH.

TRIAL JUDGE THOMAS COOPER CAUSED ME TO BE DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED. ON THE SECOND UNINDICTED NONEXISTANT FALSE MURDER CHARGE "ALLEGEDLY".

ON OR ABOUT SEPTEMBER 1ST, 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH, WHICH DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT TO NOTICE AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATE "QUOTE" "UNQUOTE" NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF. JACKSON V. VIRGINIA 99 S. CT 2781 "QUOTE" "UNQUOTE"

A CONVICTION UPON A CHARGE NOT MADE IS A DENIAL OF DUE PROCESS

A PERSON CAN NOT INCURR THE LOSS OF LIBERTY FOR AN OFFENSE WITHOUT NOTICE AND MEANINGFUL OPPORTUNITY TO DEFEND

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF. THE STATE V. DELBERT L. SMALLES 613 S.E. 2d 754 "QUOTE" "UNQUOTE"

DUE PROCESS OF LAW REQUIRES THAT A CRIMINAL DEFENDANT BE PROPERLY SERVED WITH A VALID INDICTMENT

CASE LAW MERITS

COLORADO COURT OF APPEALS, DIVISION III CASE LAW OF. PEOPLE VS. DEUTSCH 471 P.3d 1266 "QUOTE" "UNQUOTE"

CONSTRUCTIVELY AMENDING A CHARGE VIOLATES A DEFENDANT'S CONSTITUTIONAL DUE PROCESS RIGHT

AS A MATTER OF LAW THE SENTENCING SHEET REVEALS THAT TRIAL JUDGE THOMAS COOPER, SENTENCED ME TO PRISON TIME OF LIFE IMPRISONMENT FOR THE DEATH OF VICTIM K. S. [REDACTED]. AS A MATTER OF LAW PROVEING THAT AFTER I WAS CONVICTED AND SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT, FOR THE

[illegible]

1574h of victim K. S. The state of South Carolina, South Carolina Department of Corrections, Beaufort County Detention Center, Director Colonal Foote, Director of Beaufort County Detention Center, Director Bryan Sterling, Director McCall, Director of South Carolina Department of Corrections, Perry Correctional Institution, Warden Larry Cartledge, Warden Scott Lewis, Kirkland Correctional Institution, Warden Mc Kee, Lee Correctional Institution, Lieber Correctional Institution, Warden Aaron Joyner, Warden Randall Williams and Warden Brian Kendall, all held Tyrone Robinson, deprived out of my liberty and wrongfully incarcerated on the second unindicted nonexistent false murder charge. "alleging"

on or about September the 1st, 2012 Tyrone Robinson died willfully and with malice cause him to be shot and killed and he died in violation of my federal 5th and 14th Amendment right of due process of law which states "quote"

"NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW FROM SEPTEMBER 19th, 2014 ONGOING CONTINUOUSLY UNTIL NOW"

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF:

JACKSON VS. VIRGINIA 995 CT 2781 "quote" A CONVICTION UPON A CHARGE NOT MADE IS A DENIAL OF DUE PROCESS

A PERSON CAN NOT INCURR THE LOSS OF LIBERTY FOR AN OFFENSE WITHOUT NOTICE AND MEANINGFUL OPPORTUNITY TO DEFEND

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF:

THE STATE VS. DELBERT L. SMALTS 613 S.E. 2d 754 "quote"

DUE PROCESS OF LAW REQUIRES THAT A CRIMINAL DEFENDANT BE PROPERLY SERVED WITH A VALID INDICTMENT

CASE LAW MERITS

COLORADO COURT OF APPEALS, DIVISION III CASE LAW OF:

PEOPLE VS. DEUTSCH 471 P.3d 1266 "quote"

CONSTRUCTIVELY AMENDING A CHARGE VIOLATES A DEFENDANT'S CONSTITUTIONAL DUE PROCESS RIGHT

1575
ATTORNEY ARIZ. DAVIS BAX FAILURE TO ASSESS A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW AND OBJECT TO THE CONSTRUCTIVE AMENDMENT OF THE INDICTMENT. TO PROTECT ME FROM BEING UNCONSTITUTIONALLY CONVICTED, SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED. ON THE SECOND UNINDICTED NONEXISTENT FALSE MURDER CHARGE "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 21ST, 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED

THAT IS NOT DEFINED AS A CRIME OF MURDER BY THE LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA. THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH WHICH DEPRIVED ME OUT OF MY DUE PROCESS RIGHT TO NOTICE AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW, DID NOT CONSTITUTE A VALUED TRIAL STRATEGY AND WAS DEFICIENT PERFORMANCE, SATISFYING THE 1ST PRONG OF INEFFECTIVE ASSISTANCE OF COUNSEL THAT IS REQUIRED TO PROVE A VIOLATION OF MY FEDERAL SIXTH AMENDMENT RIGHT OF EFFECTIVE ASSISTANCE OF COUNSEL, WHICH THE FIRST PRONG IS: COUNSEL PERFORMANCE WAS DEFICIENT FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF:
LUCAS BAILEY V. STATE OF SOUTH CAROLINA 709 S.E.2D

671 "QUOTING"

DEFENSE COUNSEL'S FAILURE TO OBJECT TO SUPPLEMENTAL JURY INSTRUCTIONS TO JURY ON CHARGE OF HOMICIDE BY CHILD ABUSE, WHICH ERRONEOUSLY ENLARGED INDICTMENT BY INSTRUCTING JURY THAT IT COULD CONVICT DEFENDANT OF A CRIME NOT ALLEGED IN INDICTMENT WAS DEFICIENT PERFORMANCE, A ELEMENT OF INEFFECTIVE ASSISTANCE

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT CASE LAW OF:
LARRY S. LUCAS V. MICHAEL J. O'DEA, WARDEN 179 F.3d

412 "QUOTING"

A MODIFICATION AT TRIAL THAT ACTS TO BROADEN THE CHARGE IN AN INDICTMENT CONSTITUTES REVERSIBLE ERROR.

AT AMENDMENT OF THE INDICTMENT OCCURS WHEN THE CHARGING TERMS OF THE INDICTMENT ARE ALTERED, EITHER LITERALLY OR IN EFFECT BY PROSECUTOR OR COURT AFTER THE GRAND JURY HAS LAST PASSED UPON

15262.

IN FORD THE INDICTMENT CHARGED THE DEFENDANT WITH POSSESSION OF A FIREARM ON OR AROUND A CERTAIN DATE, BUT THE COURT GAVE A JURY INSTRUCTION PERMITTING CONVICTION IF THE JURY FOUND THAT HE POSSESSED THE FIREARM OVER A ONE YEAR PERIOD. THIS WAS HELD TO BE A CONSTRUCTIVE AMENDMENT. A CHANGE FROM THE INDICTMENT MATERIAL ENOUGH TO RESULT IN A CONSTRUCTIVE AMENDMENT. IT ALSO CALLED A FATAL VARIANCE. THE COURT IN FORD ALSO HELD THAT A CONSTRUCTIVE AMENDMENT IS PER SE PREJUDICIAL ERROR. "FURTHER QUOTING"

CONSTRUCTIVE AMENDMENTS ARE PER SE PREJUDICIAL BECAUSE THEY DENY THE DEFENDANT HIS RIGHT TO A GRAND JURY AND HAMPER THE ABILITY TO PREPARE ADEQUATELY FOR TRIAL. "FURTHER QUOTING"

HOWEVER, A STATE PRISONER PETITIONING FOR HABEAS CORPUS RELIEF HAS A DUE PROCESS RIGHT TO BE INFORMED OF THE NATURE OF THE ACCUSATION AGAINST HIM. "FURTHER QUOTING"

IN THE PRESENT CASE, THE DISTRICT COURT HELD THAT AS A RESULT OF THE FATAL VARIANCE BETWEEN THE INDICTMENT AND THE JURY INSTRUCTIONS, LUCAS HAD INSUFFICIENT NOTICE OF THE CHARGES AGAINST HIM AND WAS DEPRIVED OF ANY DEFENSE. LUCAS WAS CHARGED WITH INTENTIONAL MURDER. THE INDICTMENT STATED THAT HE SHOT PAUL ZURLA WITH A PISTOL, CAUSING HIS DEATH. THE JURY WAS INSTRUCTED, HOWEVER, THAT "IT IS IMMATERIAL WHICH ONE OF THEM FIRED THE SHOT THAT KILLED PAUL ZURLA, AS THE DISTRICT COURT NOTED."

THE VARIANCE WAS DEVASTATING TO LUCAS DEFENSE. IT IS CLEAR THAT LUCAS WAS PREJUDICED, GIVEN THAT HIS DEFENSE TO THE MURDER CHARGE WAS THAT HE WAS NOT THE ONE WHO SHOT ZURLA. GIVEN THE FORM IN WHICH THE CASE WAS DELIVERED TO THE JURY, THIS WOUND UP BEING NO DEFENSE AT ALL.

BECAUSE IT EXPOSED LUCAS TO CHARGES FOR WHICH HE HAD NO NOTICE AND THUS NO OPPORTUNITY TO PLAN A DEFENSE. THE VARIANCE FROM THE INDICTMENT TO THE JURY INSTRUCTION CONSTITUTED A CONSTRUCTIVE AMENDMENT THAT DEPRIVED HIM OF HIS FOURTEENTH AMENDMENT RIGHT TO NOTICE OF THE CHARGE AGAINST HIM. SEE COMB 530 F.2d 698 (HOLDING THAT SUCH DEFINITENESS AND CERTAINTY ARE REQUIRED AS WILL ENABLE A PRESUMPTIVELY MAN TO PREPARE FOR TRIAL. "FURTHER QUOTING"

IN STRICKLAND VS. WASHINGTON 1045 CT 2052 THE COURT SET FORTH A TWO PRONG TEST FOR DETERMINING WHETHER THE PERFORMANCE OF COUNSEL IS CONSTITUTIONALLY DEFICIENT. FIRST, A DEFENDANT MUST SHOW THAT COUNSEL'S ERRORS WERE SO SERIOUS THAT HE OR SHE WAS NOT FUNCTIONING AS THE COUNSEL GUARANTEED BY THE SIXTH AMENDMENT. FAILURE TO OBJECT TO A JURY INSTRUCTION CAN CONSTITUTE SUCH GRAVE ERROR. GRAY VS. LYNN 6 F.3d 265 (5 CIR 1993) (HOLDING THAT THE FAILURE BY THE DEFENDANT'S COUNSEL TO OBJECT TO THE ERRONEOUS INSTRUCTION IN QUESTION CAN NOT BE CONSIDERED TO BE WITHIN THE WIDE RANGE OF PROFESSIONAL COMPETENT ASSISTANCE.

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice". The list is followed by a section of text that appears to be a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

2. The second part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice". The list is followed by a section of text that appears to be a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

3. The third part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice". The list is followed by a section of text that appears to be a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

2ND PRONG

2ND PRONG PROVEING A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL IS.
THE DEFICIENT PERFORMANCE PREJUDICED THE DEFENDANT

INDICTMENT #2012-65-07-01935 CHARGES TYRONE ROBINSON WITH THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ALLEGEDLY THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY/UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND LANE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-65-07-01935 MY DEFENSE AGAINST THE CRIME THAT I CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-65-07-01935 WAS THAT I DID NOT COMMITTE A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY THAT CAUSED VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED AND K.S. [REDACTED] DID DIE AS A PROXIMATE RESULT THERE OF. "DID NOT" DIE AS A PROXIMATE RESULT OF TYRONE ROBINSON COMMITTE A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. HOWEVER THIS DEFENSE ENDED UP BEING NO DEFENSE AT ALL. BECAUSE WHEN TRIAL JUDGE THOMAS COOPER CONSTRUCTIVELY AMENDED THE INDICTMENT, DENIED MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL, RENDERED JUDGEMENT AGAINST ME ON, DEPRIVED ME OUT OF MY LIBERTY AND WRONGLY INCARCERATED ME. ON THE SECOND UNINDICTED NONEXISTENT FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH. THIS CONSTRUCTIVE AMENDMENT OF THE INDICTMENT EXPOSED ME TO THE SECOND UNINDICTED NONEXISTENT FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED THAT I WAS NOT GIVEN NOTICE OF AND I WAS NOT AFFORDED FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND

I was not given a fair trial. I was not given notice of the charges against me and was not given an opportunity to prepare a defense. I was not given a fair trial. I was not given notice of the charges against me and was not given an opportunity to prepare a defense. I was not given a fair trial. I was not given notice of the charges against me and was not given an opportunity to prepare a defense.

~~CASE EDWARDS~~

[illegible][illegible]

I have been thinking about you a lot lately. I hope you are well and happy. I have been busy with work, but I always find time to think of my friends. Please write back when you have a chance. I would love to hear from you.

defend against, which deprived me out of my due process right to notice of the charges against me and fair opportunity to prepare a defense for and defend against the charges brought against me. for proof review

CASE LAW MERTZ

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT CASE LAW OF LARRY S. LUCAS VS. MICHAEL J. O'DEA, WARDEN 179 F.3d 412 QUOTE IMP

IN THE PRESENT CASE, THE DISTRICT COURT HELD THAT AS A RESULT OF THE FATAL VARIANCE BETWEEN THE INDICTMENT AND THE JURY INSTRUCTION, LUCAS HAD INSUFFICIENT NOTICE OF THE CHARGES AGAINST HIM AND WAS DEPRIVED OF ANY DEFENSE. LUCAS WAS CHARGED WITH INTENTIONAL MURDER. THE INDICTMENT STATED THAT HE SHOT PAUL ZURLA WITH A PISTOL CAUSING HIS DEATH. THE JURY WAS INSTRUCTED, HOWEVER, THAT IT IS IMMATERIAL WHICH ONE OF THEM FIRED THE SHOT THAT KILLED PAUL ZURLA. AS THE DISTRICT COURT NOTED, THIS VARIANCE WAS DEVASTATING TO LUCAS DEFENSE.

IT IS CLEAR THAT LUCAS WAS PREJUDICED, GIVEN THAT HIS DEFENSE TO THE MURDER CHARGE WAS THAT HE WAS NOT THE ONE WHO SHOT ZURLA. GIVEN THE FORM IN WHICH THE CASE WAS DELIVERED TO THE JURY, THIS WOUND UP BEING NO DEFENSE AT ALL. FOR WHICH HE BECAUSE IT EXPOSED LUCAS TO CHARGES FOR WHICH HE HAD NO NOTICE AND THUS NO OPPORTUNITY TO PLAN A DEFENSE, THE VARIANCE FROM THE INDICTMENT TO THE JURY INSTRUCTION CONSTITUTED A CONSTRUCTIVE AMENDMENT THAT DEPRIVED HIM OF HIS FOURTEENTH AMENDMENT RIGHT TO NOTICE OF THE CHARGES AGAINST HIM

IF ATTORNEY ARRE DAVID BOX WOULD OF HAD ASSERTED A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW AND OBJECTED TO THE CONSTRUCTIVE AMENDMENT. TO PROTECT ME FROM BEING UNCONSTITUTIONALLY DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED. ON THE SECOND UNINDICTED NONEXISTENT FALSE MURDER CHARGE ALLEGEDLY ON OR ABOUT SEPTEMBER THE 25TH, 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH WHICH DEPRIVED ME OUT OF MY DUE PROCESS RIGHT TO NOTICE AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW.

Then these issues would of been reserved on court record for the appeals court to review. As a result south carolina court of appeals would of had to "REVERSE" my conviction and prison sentence of life imprisonment. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF. NICHOLAS A. STRONE V. UNITED STATES 805 CT 270

QUOTE IN 94

EVER SINCE EX PARTE BAIN 121 U.S. 2 WAS DECIDED IN 1887 IT HAS BEEN THE RULE THAT AFTER AN INDICTMENT HAS BEEN RETURNED THE CHARGES MAY NOT BE BROADENED THROUGH AMENDMENT EXCEPT BY GRAND JURY ITSELF. IN THAT CASE, THE COURT ORDERED THAT SOME SPECIFIC AND RELEVANT ALLEGATIONS THE GRAND JURY HAD CHARGED BE STRICKEN FROM THE INDICTMENT SO THAT BAIN MIGHT BE CONVICTED WITH-OUT PROOF OF THOSE PARTICULAR ALLEGATIONS. THE COURT WENT ON TO HOLD IN BAIN THAT AFTER THE INDICTMENT WAS CHANGED IT WAS NO LONGER THE INDICTMENT OF THE GRAND JURY WHO PRESENTED IT. THE BAIN CASE WHICH HAS NEVER BEEN DISAPPROVED STANDS FOR THE RULE THAT A COURT CAN NOT PERMIT A DEFENDANT TO BE TRIED ON CHARGES THAT ARE NOT MADE IN THE INDICTMENT AGAINST HIM.

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT CASE LAW OF.

LARRY S. LUCAS V. MICHAEL J. O'DEA, WARDEN 179 F.3d 412 QUOTE IN 94

WHEN DECIDING CASES ARISING WITHIN THE FEDERAL COURT SYSTEM, THE COURT HAS HELD THAT CONSTRUCTIVE AMENDMENT TO AN INDICTMENT ARE PER SE PREJUDICIAL, WARRANTING REVERSAL.

THEREFORE ATTORNEY ARIZ DAVID BAX DEFICIENT PERFORMANCE PREJUDICED ME, BECAUSE IT UNDERMINED CONFIDENCE IN THE OUTCOME OF MY TRIAL DEPRIVED ME OUT OF A FAIR TRIAL. AND CAUSED ME TO BE DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED. ON THE SECOND UNINDICTED NONEXISTENT FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH, WHICH DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT TO NOTICE AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE

[illegible]

PROCESS OF LAW WHICH STATES "QUOTE" 1583
NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY
WITHOUT DUE PROCESS OF LAW

SATISFYING THE 2ND PRONG REQUIRED TO
PROVE A CLAIM OF INEFFECTIVE ASSISTANCE
OF COUNSEL. WHICH IS: THE DEFICIENT PERFOR-
-MANCE PREJUDICED THE DEFENDANT
CONSTITUTING A VIOLATION OF MY FEDERAL SIXTH
AMENDMENT RIGHT OF EFFECTIVE ASSISTANCE OF
COUNSEL. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF
SOUTH CAROLINA CASE LAW OF
LUCAS BATLEY VS. STATE OF SOUTH CAROLINA 709 S.E.

2d 671 "QUOTE"

DEFENSE COUNSEL DEFICIENT PERFORMANCE, IN
PROSECUTION FOR HOMICIDE BY CHILD ABUSE, IN
FAILING TO OBJECT TO SUPPLEMENTAL JURY INSTA-
-UTIONS WHICH ERRONEOUSLY ENLARGED INDICTMENT,
PREJUDICED DEFENDANT, AND THUS WAS INEFFECTIVE
ASSISTANCE

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE SIXTH
CIRCUIT CASE LAW OF
LARRY S. LUCAS VS. MICHAEL J. O'DEA, WARDEN 179

F.3d 412 "QUOTE"

A MODIFICATION AT TRIAL THAT ACTS TO BROADEN THE
CHARGE IN AN INDICTMENT CONSTITUTES REVERSIBLE
ERROR

AS AMENDMENT OF THE INDICTMENT OCCURS WHEN
THE CHARGING TERMS OF THE INDICTMENT ARE ALTERED
EITHER LITERALLY OR IN EFFECT BY PROSECUTOR OR COURT
AFTER THE GRAND JURY HAS LAST PASSED UPON THEM.

IN FORD THE INDICTMENT CHARGED THE DEFENDANT
WITH POSSESSION OF A FIREARM ON OR AROUND A
CERTAIN DATE, BUT THE COURT GAVE A JURY INSTRUCT-
-ION PERMITTING CONVICTION IF THE JURY FOUND
THAT HE POSSESSED THE FIREARM OVER A FIVE YEAR
PERIOD. THIS WAS HELD TO BE A CONSTRUCTIVE AMEN-
-DMENT. A CHANGE FROM THE INDICTMENT MATERIAL
ENOUGH TO RESULT IN A CONSTRUCTIVE AMENDMENT

IT ALSO CALLED A FATAL VARIANCE "FURTHER QUOTE"
THE COURT IN FORD ALSO HELD THAT A CONSTRUCTIVE
AMENDMENT IS PER SE PREJUDICIAL ERROR "FURTHER

-ER QUOTE"
CONSTRUCTIVE AMENDMENTS ARE PER SE PREJUDIC-
-IAL BECAUSE THEY DENY THE DEFENDANT HIS RIGHT
TO A GRAND JURY AND HAMPER THE ABILITY TO PREPARE
ADEQUATELY FOR TRIAL. "FURTHER QUOTE"

HOWEVER, A STATE PRISONER PETITIONING FOR HABEAS
CORPUS RELIEF HAS A DUE PROCESS RIGHT TO BE
INFORMED OF THE NATURE OF THE ACCUSATION AGAINST
HIM "FURTHER QUOTE"

IN THE PRESENT CASE, THE DISTRICT COURT HELD THAT AS A RESULT OF THE FATAL VARIANCE BETWEEN THE INDICTMENT AND THE JURY INSTRUCTIONS, LUCAS HAD INSUFFICIENT NOTICE OF THE CHARGE AGAINST HIM AND WAS DEPRIVED OF ANY DEFENSE. LUCAS WAS CHARGED WITH INTENTIONAL MURDER. THE INDICTMENT STATED THAT "HE SHOT PAUL ZURLA WITH A PISTOL, CAUSING HIS DEATH. THE JURY WAS INSTRUCTED, HOWEVER, THAT IT IS IMMATERIAL WHICH ONE OF THEM FIRED THE SHOT THAT KILLED PAUL ZURLA. AT THE DISTRICT COURT NOTED, THIS VARIANCE WAS DEVASTATING TO LUCAS' DEFENSE. IT IS CLEAR THAT LUCAS WAS PREJUDICED, GIVEN THAT HIS DEFENSE TO THE MURDER CHARGE WAS THAT HE WAS NOT THE ONE WHO SHOT ZURLA. GIVEN THE FORM IN WHICH THE CASE WAS DELIVERED TO THE JURY, THIS WOUND UP BEING NO DEFENSE AT ALL.

BECAUSE IT EXPOSED LUCAS TO CHARGES FOR WHICH HE HAD NO NOTICE AND THUS NO OPPORTUNITY TO PLAN A DEFENSE, THE VARIANCE FROM THE INDICTMENT TO THE JURY INSTRUCTION CONSTITUTED A CONSTRUCTIVE AMENDMENT THAT DEPRIVED HIM OF HIS FOURTEENTH AMENDMENT RIGHT TO NOTICE OF THE CHARGE AGAINST HIM SEE COMBS, 530 F.2D 698. HOLDING THAT SUCH DEFINITENESS AND CERTAINTY ARE REQUIRED AS WILL ENABLE A PRESUMPTIVELY MAN TO PREPARE FOR TRIAL. FURTHER QUOTING IN STRICKLAND VS. WASHINGTON 1045 CT 2052. THE COURT SET FORTH A TWO PART TEST FOR DETERMINING WHETHER THE PERFORMANCE OF COUNSEL IS CONSTITUTIONALLY DEFICIENT. FURTHER QUOTING SECOND A DEFENDANT ASSERTING AN INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM MUST GENERALLY SHOW THAT DEFENSE COUNSEL DEFICIENT PERFORMANCE PREJUDICED THE DEFENSE. STRICKLAND 1045 CT 2052. TO SHOW PREJUDICE UNDER STRICKLAND THE DEFENDANT MUST SHOW THAT THERE IS A REASONABLE PROBABILITY THAT BUT FOR COUNSEL UNPROFESSIONAL ERRORS THE RESULT OF THE PROCEEDING WOULD HAVE BEEN DIFFERENT. FURTHER QUOTING AT THE DISTRICT COURT NOTED, THE FAILURE OF LUCAS' COUNSEL TO OBJECT TO THE JURY INSTRUCTION IN QUESTION RENDERED HIS DEFENSE THAT HE DID NOT SHOOT ZURLA MEANINGLESS. WHEN DECIDING CASES ARISING WITHIN THE FEDERAL COURT SYSTEM, THE COURT HAS HELD THAT CONSTRUCTIVE AMENDMENT TO AN INDICTMENT ARE PER SE PREJUDICIAL, WARRANTING REVERSAL.

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT CASE LAW OF, UNITED STATES OF AMERICA V. GLENN L. BOLDEN 325 F.3D 471. QUOTING WHERE AN INDICTMENT HAS BEEN CONSTRUCTIVELY AMENDED, WE HAVE FOUND REVERSIBLE ERROR,

and we conclusively presume that the defend-
-ant has been prejudiced by the constructive
amendment

6th ISSUE ARGUED ON P.C.R

my FEDERAL 5TH Amendment RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL WAS VIOLATED CONSTITUTING INEFFECTIVE ASSISTANCE OF COUNSEL. AS A RESULT OF TRIAL ATTORNEY ARLE DAVID BAX FAILURE TO ADVERT A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH Amendment RIGHT OF DUE PROCESS OF LAW AND OBJECT TO A CONSTRUCTIVE Amendment OF THE INDICTMENT. TO PROTECT ME FROM BEING CONVICTED, SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED OUT OF MY LIBERTY AND WRONGLY INCARCERATED ON AND FOR THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEDLY"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH, WHICH DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT TO NOTICE OF THE CHARGES BROUGHT AGAINST ME AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 14TH Amendment RIGHT OF DUE PROCESS OF LAW

7th ISSUE ARGUED ON P.C.R

VIOLATION OF FEDERAL 5TH AND 14TH Amendment RIGHT OF DUE PROCESS OF LAW.

BY CONVICTING ME, SENTENCING ME TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVING ME OUT OF MY LIBERTY AND WRONGLY INCARCERATING ME ON THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEDLY"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH, WHICH DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT TO NOTICE OF THE CHARGES BROUGHT AGAINST ME AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 14TH Amendment RIGHT OF DUE PROCESS OF LAW WHICH STATE "QUOTE"

"NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW"

PURSUANT TO THE SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA, CASE LAW OF JACKSON VS. VIRGINIA 99 U.S. 228 "QUOTE"

A CONVICTION UPON A CHARGE NOT MADE IS A DENIAL OF DUE PROCESS
A PERSON CAN NOT INCURR THE LOSS OF LIBERTY FOR AN OFFENSE WITHOUT NOTICE AND MEANINGFUL OPPORTUNITY TO DEFEND

CONFESSION

THE TRIAL TRANSCRIPT FROM THE PRETRIAL HEARING ON FEBRUARY 27TH 2014 WERE I REPRESENTED MYSELF PROSE. REVEALS THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE "CONFESSED" THAT THE CRIME THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-65-07-01935. IS THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ONLY. THAT IS THE ONE AND ONLY CRIME AND THEORY THAT THEY TRIED ME ON BEFORE THE JURY AT TRIAL AND HAD THE BURDEN OF PROOF TO PROVE ONLY. FOR PROOF I QUOTE THE CONFESSION OF THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE. FROM THE TRIAL TRANSCRIPT OF THE PRETRIAL HEARING THAT TOOK PLACE ON FEBRUARY 27TH 2014 AT BEAUFORT COUNTY GENERAL SESSION COURT HOUSE WERE I REPRESENTED MYSELF PROSE. QUOTE "I QUOTE" STATE OF SOUTH CAROLINA

V.S.
TYRONE ROBINSON

"QUOTE" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE CONFESSION FROM PAGE 1052 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 AND 24 AND PAGE 1053 1 AND 2 OF TRIAL TRANSCRIPT FROM PRETRIAL HEARING ON FEBRUARY 27TH 2014 "QUOTE" "I QUOTE" OUR THEORY IS THE FELONY MURDER RULE THEORY, THAT YOU HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS FELONIES, AND AS A RESULT OF THE INHERENTLY DANGEROUS FELONIES, A CHILD DIES. THE ACTUAL SHOOTER, AS TO SPEAK, THE ONE THAT DISCHARGED THE FATAL BULLET, UNDER THAT SCENARIO, IS WHILE RELEVANT, NOT CONTROLLING, SO THAT IS THE POSITION THAT THE STATE GOES UNDER. THAT THE THEORY THAT THE STATE GOES UNDER, AND THAT IS A CONSISTANT THEORY AMONG ALL THE DEFENDANTS, THAT THE THAT IS THE THEORY. WERE NOT SWITCHING UP OUR THEORIES, depending on which defendant were talking about. WE FEEL LIKE ALL THREE OF THESE PEOPLE WERE INVOLVED IN AN INHERENTLY DANGEROUS FELONY, WHICH IS A SHOOT OUT THAT BASICLY WENT FROM THE RIGHT AS YOU GO TO HILTON HEAD, ALL THE WAY DOWN INTO MARSHLAND ROAD, ALONG THE CROSS ISLAND EXPRESS WAY, AND I DON'T KNOW IF YOUR FAMILIAR WITH THIS AREA, BUT IT INVOLVES THREE NEIGHBORHOODS IN HILTON HEAD AND IT WAS A SHOOT OUT THAT TOOK PLACE FIRST AT WHITE HORSE ROAD, AND THEN AT ANOTHER NEIGHBORHOOD IN BETWEEN

and then at a third at Allen Road area, who
 is were the child was playing on the tramp-
 - alive and killed our theory is all three
 of them are culpable under that scenario,
 and that the theory were proceeding for trial

CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ONLY

BECAUSE THE STATE OF SOUTH CAROLINA PROCEEDED
 TRIAL AGAINST TYRONE ROBINSON, ON A CRIME
 AND THEORY OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY ONLY, A CRIME THAT
 UNDER THE LAWS OF THE STATE OF SOUTH CAROLINA
 - DOES NOT HAVE ANY LESSER INCLUDED
 HOMICIDE CRIMES OR OFFENSES. THE STATE OF
 SOUTH CAROLINA ASSUMED THE OBLIGATION OF
 PROVING THE CRIME OF FELONY MURDER BY THE
 FELONY MURDER RULE THEORY ONLY, THAT IS CHARGED
 AND ALLEGED INSIDE OF THE WRITTEN WRIT
 UP OF INDICTMENT #2012-65-07-01935. THAT
 I WAS TRIED ON BEFORE THE JURY AT TRIAL
 AND WAS PUT IN JEOPARDY OF BEING CONVICTED
 - ON AND SENTENCED TO PRISON TIME OF
 LIFE IMPRISONMENT FOR, AS DECIDED
 BY THE SUPREME COURT OF APPEALS OF THE UNITED
 STATES OF AMERICA FOR PROOF REVIEW
 CASE LAW MERIT

SUPREME COURT OF APPEALS OF THE UNITED
 STATES OF AMERICA CASE LAW OF
 HOPKINS VS. REEVER 118 S. CT 1895 "QUOTE"
 NEBRASKA PROCEEDED AGAINST RESPOND-
 - ENT ONLY ON A THEORY OF FELONY MURDER
 A CRIME THAT UNDER STATE LAW HAS
 NO LESSER INCLUDED HOMICIDE OFFEN-
 - SES. THE STATE THEREFORE ASSUMED THE
 OBLIGATION OF PROVING ONLY THAT CRIME

ELEMENTS

ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

1ST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS: THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING A INHERENTLY DANGEROUS FELONY

INDICTMENT # 2012-61-07-01935 CHARGE AND ALLEGE THAT TYRONE L. ROBINSON WAS IN THE COMMISSION OF COMMITTING A DANGEROUS GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THEREFORE AS A MATTER OF LAW INDICTMENT # 2012-61-07-01935 CHARGE TYRONE L. ROBINSON WITH COMMITTING THE 1ST ELEMENT FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY CONFESSION

ON PAGE 1052 PARAGRAPHS 2, 3 AND 4 OF TRIAL TRANSCRIPT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JEFFREY MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT, THAT THEY HAD INDICTED ME ON AND WERE TRYING ME BEFORE THE JURY AT TRIAL, ON THE 1ST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, WHEN THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JEFFREY MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT AT PRE TRIAL HEARING ON FEBRUARY 27TH, 2014 ON PAGE 1052 PARAGRAPHS 2, 3 AND 4 OF TRIAL TRANSCRIPT "VOTING" OUR THEORY IS THE FELONY MURDER RULE THEORY, THAT YOU HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS FELONY

CASE LAW MERIT

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF, GORE V. LEEKE 1995 E.20755 "VOTING"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA CASE LAW OF, STATE OF MONTANA V. MICHAEL VERNON BILLEDGEAUX

JT. 304 MONT 89, 18 P.3D 980 "VOTING" TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE UNDER THE FELONY MURDER RULE 45-5-102(b) MCA, THE STATE MUST SHOW THAT THE PERSON ATTEMPTS TO COMMIT, COMMIT OR IS LEGALLY ACCOUNTABLE FOR THE ATTEMPT OR COMMISSION OF FELONY ASSAULT, AGGRAVATED ASSAULT, OR ANY OTHER FORCEFUL FELONY

2ND ELEMENT REQUIRED

TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS:

DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANT'S
CONDUCT IN COMMITTING THAT CRIME

INDICTMENT #2012-GJ-07-01935 CHARGE AND ALLEGE THAT
THE DEATH OF VICTIM K.S. [REDACTED] IS THE PROXIMATE
RESULT OF 2 TYRONE ROBINSON COMMITTING A ONGOING
GUN BATTLE AN INHERANTLY DANGEROUS FELONY

THEREFORE AS A MATTER OF LAW INDICTMENT #2012-GJ-
07-01935 CHARGE 2 TYRONE ROBINSON WITH COMMITTING
THE 2ND ELEMENT FROM THE CRIME OF FELONY MURDER BY
THE FELONY MURDER RULE THEORY.

CONFESSIOIN

ON PAGE 1052 PARAGRAPHS 2, 3, AND 4 OF TRIAL TRANSCR-
IPT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR
JISIAE MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE
AND TRIAL COURT, THAT THEY HAD INDICTED ME ON AND
WERE TRYING ME BEFORE THE JURY AT TRIAL, ON THE
2ND ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF
FELONY MURDER BY THE FELONY MURDER RULE THEORY. WHEN
THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JISIAE
MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND
TRIAL COURT AT PRETRIAL HEARING ON FEBRUARY 27TH,
2014 ON PAGE 1052 PARAGRAPHS 4 AND 5 OF TRIAL TRANSCR-
IPT "QUOTEING"
AND AS A RESULT OF THOSE INHERANTLY DANGEROUS
FELONIES, A CHILD DIES

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA
CASE LAW OF
GORE V. LEEKE 1995, E.2d 755 "QUOTEING"

THE COMMON PURPOSE LAZZER AND GENTLEMAN MAY HAVE
NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN
THE KILLING AND THE MURDER OF ANYONE BUT IF IN
EXECUTING THE COMMON DESIGN AND PURPOSE AND IF
IT WAS UNLAWFUL AS FOR INSTANCE, BREAKING IN AND
STEALING AND IN THE EXECUTION OF THE COMMON PURPOSE
A HOMICIDE IS COMMITTED BY ONE OF THE COOPERATES/
OR ONE OF THE ATTORNEYS AND YOU, THE JURY DETERMINE
FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE
WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS
WHICH WERE DONE IN PURSUANCE OF THE COMMON DESIGN
- IN THEN LAZZER AND GENTLEMAN ALL WHO ARE PRESENT
EITHER ACTUALLY OR CONSTRUCTIVELY AND PARTICIPATING
IN THE UNLAWFUL COMMON DESIGN ARE AS GUILTY AS THE
SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA CASE LAW
OF
STATE OF MONTANA V. MICHAEL VERNON BILLEDEAUX JR.
804 MONT. 89 P.3d 980, 2, 001, MT 9 "QUOTEING"

TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE UNDER
THE FELONY MURDER RULE 45-5-102(b) MEAN THE STATE
MUST SHOW THAT IN THE COURSE OF THE FORCIBLE FELONY
THE PERSON OR ANY OTHER PERSON LEGALLY ACCOUNTABLE
FOR THE CRIME CAUSES THE DEATH OF ANOTHER HUMAN
BEING

1st NOTICE

NOTICE. THAT FELONY MURDER RULE THEORY IS THE ONE AND ONLY THEORY OF PROSECUTION THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST

AT PRETRIAL HEARING ON FEBRUARY 27TH, 2014 AT BEAUFORT COUNTY GENERAL SESSION COURT HOUSE, THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, PUT ME ON NOTICE AND CONFESSED TO ME, THAT THE FELONY MURDER RULE THEORY WAS THE ONE AND ONLY THEORY OF PROSECUTION THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE WERE PROSECUTING ME ON BEFORE THE JURY AT TRIAL FOR THE DEATH OF VICTIM K. S.

THE FELONY MURDER RULE THEORY THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE PUT ME ON NOTICE THAT I HAD TO DEFEND AGAINST. IS THE FELONY MURDER RULE THEORY ALLEGING THAT I WAS COMMITTING INHERENTLY DANGEROUS FELONIES ALONG WITH THREE OTHER PEOPLE, AND AS A RESULT OF THOSE INHERENTLY DANGEROUS FELONIES A CHILD DIED

FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT.

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTING" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE CONFESSED OF NOTICE THAT I HAD TO DEFEND AGAINST. FROM PAGE 1052 PARAGRAPHS 2, 3, 4 AND 5 OF TRIAL TRANSCRIPT FROM PRETRIAL HEARING ON FEBRUARY 24TH, 2014 "QUOTING" OUR THEORY IS THE FELONY MURDER RULE THAT YOU HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS FELONIES AND AS A RESULT OF THOSE INHERENTLY DANGEROUS FELONIES, A CHILD DIES

2nd NOTICE

NOTICE THAT ISSUE OF WHO SHOT AND KILLED THE VICTIM K. S. IS NOT THE CONTROLLING LAW TO DETERMINE RATHER I WAS GUILTY OR NOT GUILTY FOR THE DEATH OF VICTIM K. S. UNDER THE FELONY MURDER RULE THEORY THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL.

AT PRETRIAL HEARING ON FEBRUARY 27TH, 2014 AT BEAUFORT COUNTY GENERAL SESSION COURT HOUSE, THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISIAAC MC. DUFFIE STONE, PUT ME ON "NOTICE" THAT THE FIVE OF WHO SHOT AND KILLED THE VICTIM [REDACTED] K. S. [REDACTED] WAS NOT THE CONTROLLING LAW, TO DETERMINE RATHER I WAS GUILTY OR NOT GUILTY FOR THE DEATH OF VICTIM [REDACTED] K. S. [REDACTED] UNDER THE FELONY MURDER RULE THEORY. THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISIAAC MC. DUFFIE STONE WAS TRYING ME ON BEFORE THE JURY AT TRIAL FOR THE DEATH OF VICTIM [REDACTED] K. S. [REDACTED] BY DOING SO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISIAAC MC. DUFFIE STONE, PUT ME ON "NOTICE" THAT I DID NOT HAVE TO DEFEND AGAINST THE UNINDICTED CRIME AND THEORY OF RATHER OR NOT I SHOT AND KILLED THE VICTIM [REDACTED] K. S. [REDACTED]

ALSO BY DOING SO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISIAAC MC. DUFFIE STONE, PUT ME ON NOTICE THAT I WAS NOT IN JEOPARDY OF BEING CONVICTED AND SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT, FOR THE UNINDICTED CRIME AND THEORY OF RATHER OR NOT I SHOT AND KILLED THE VICTIM [REDACTED] K. S. [REDACTED]. FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT

STATE OF SOUTH CAROLINA

V.S.

TYRONE ROBINSON

"QUOTE" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISIAAC MC. DUFFIE STONE CONFESSION OF NOTICE THAT I DID NOT HAVE TO DEFEND AGAINST UNINDICTED CRIME AND THEORY. PAGE 1052 PARAGRAPHS 5, 6, AND 7 OF TRIAL TRANSCRIPT FROM PRETRIAL HEARING ON FEBRUARY 27TH, 2014 "QUOTE" THE ACTUAL SHOOTER, SO TO SPEAK, THE ONE THAT DISCHARGED THE FATAL BULLET, UNDER THAT SCENARIO, IS WHILE RELEVANT, NOT CONTROLLING

3rd NOTICE

NOTICE THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISIAAC MC. DUFFIE STONE WERE NOT SWITCHING UP THERE THEORY OF THE FELONY MURDER RULE THEORY THAT THEY WERE PROSECUTING ME ON AT TRIAL FOR THE DEATH OF VICTIM [REDACTED] K. S. [REDACTED]

AT PRETRIAL HEARING ON FEBRUARY 27TH, 2014
 THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR
 JESSIE MC. DUFFIE STONE. PUT ME ON NOTICE THAT
 THE STATE OF SOUTH CAROLINA, AND ITS SOLICITOR
 JESSIE MC. DUFFIE STONE, WAS ABSOLUTELY NOT
 SWITCHING UP THERE THEORY OF THE FELONY
 MURDER RULE THEORY. THAT THE STATE OF SOUTH
 CAROLINA AND ITS SOLICITOR JESSIE MC. DUFFIE
 STONE WAS PROSECUTING ME ON AT TRIAL
 FOR THE DEATH OF VICTIM [REDACTED] K. S.
 BECAUSE THE STATE OF SOUTH CAROLINA AND ITS
 SOLICITOR JESSIE MC. DUFFIE STONE STATED THAT
 THEY FELT LIKE ALL THERE OF US WERE INVOLVED
 IN INHERENTLY DANGEROUS FELONIES. BY
 DOING SO THE STATE OF SOUTH CAROLINA AND
 ITS SOLICITOR JESSIE MC. DUFFIE STONE, PUT ME
 ON NOTICE THAT THE CRIME OF FELONY MURDER
 BY THE FELONY MURDER RULE THEORY IS THE ONE
 AND ONLY CRIME AND THEORY THAT I HAD TO
 PREPARE A DEFENSE FOR AND DEFEND AGAINST
 FOR PROOF I QUOTE THE FOLLOWING FROM THE
 TRIAL TRANSCRIPT

STATE OF SOUTH CAROLINA
VS.
TYRONE ROBINSON

"QUOTE" THE STATE OF SOUTH CAROLINA AND ITS
 SOLICITOR JESSIE MC. DUFFIE STONE CONFESSED
 OF NOTICE THAT THEY WERE NOT SWITCHING
 UP THEIR THEORY OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY THAT THEY WERE PROSECUTING
 ME ON FOR THE DEATH OF VICTIM [REDACTED] K. S.
 [REDACTED] PAGE 1052 PARAGRAPHS 12, 13, 14 AND
 15 OF TRIAL TRANSCRIPT FROM PRETRIAL
 HEARING ON FEBRUARY 27TH, 2014 "QUOTE"
WE'RE NOT SWITCHING UP OUR THEORIES,
DEPENDING ON WHICH DEFENDANT WE'RE
TALKING ABOUT

Indictment # 2012-65-07-01935
 FROM THE CASE OF
 STATE OF SOUTH CAROLINA
 VS.
 TYRONE ROBINSON

IS SUBMITTED AS UNDISPUTABLE EVIDENCE
 TO PROVE TO THIS COURT THAT INDICTMENT #
 2012-65-07-01935 CHARGES I TYRONE ROBINSON
 IN THE BODY OF ITS WRITTEN WRITE UP. WITH
 THE ALLEGED CRIME OF FELONY MURDER BY
 THE CRIME ALLEGEDLY I CAUSED THE VICTIM
 TO BE SHOT AND KILLED WHILE PERPETRATING
 A FELONY. WHICH IS THE CRIME THAT IS CHARGED
 AND ALLEGED INSIDE OF THE WRITTEN WRITE
 UP OF INDICTMENT # 2012-65-07-01935 WHICH
 STATES "QUOTE"
 THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
 25TH 2012 WHILE ENGAGED IN AN
 ONGOING GUN BATTLE AN INHERENTLY DANGEROUS
 FELONY, TYRONE ROBINSON DID WILLFULLY,
 UNLAWFULLY AND WITH MALICE AFORETHOUGHT
 CAUSE THE VICTIM [REDACTED] K. S. TO BE SHOT
 AND KILLED IN THE AREA OF MARSHLAND DRIVE
 AND ALLEN ROAD, HILTON HEAD ISLAND, S.C.
 AND THAT [REDACTED] K. S. DID DIE IN BEAUFORT
 COUNTY AS A PROXIMATE RESULT THERE OF
 ON SEPTEMBER 25TH, 2012, IN VIOLATION OF
 SECTION 16-3-10 OF THE SOUTH CAROLINA CODE OF
 LAWS (1976) AS AMENDED

BY ITS WRITTEN WRITE UP INDICTMENT # 2012-65-07-
 01935 CHARGES ME WITH THE CRIME OF FIRST DEGREE
 FELONY MURDER BY THE ALLEGATIONS ALLEGEDLY
 I CAUSED THE VICTIM DEATH IN THE COURSE OF
 PERPETRATING A FELONY, WHICH IS COMMONLY
 REFERRED TO AS THE CRIME OF FELONY MURDER.
 AS DECIDED BY THE UNITED STATES OF AMERICA
 SUPREME COURT OF APPEALS. FOR PROOF REVIEW
 CASE LAW MERITS

UNITED STATES OF AMERICA SUPREME COURT OF APPEALS
 CASE LAW OF,
 GREEN VS. UNITED STATES 785 CT 221 "QUOTE"
 FROM FOOTNOTE INSIDE OF THE CASE LAW OF
 GREEN VS. UNITED STATES "QUOTE" FIRST DEGREE MURDER FOR
 CAUSING A DEATH IN THE COURSE OF PERPETRATING A FELONY
 (COMMONLY REFERRED TO AS FELONY MURDER)

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0701935

At a Court of General Sessions, convened on October 18, 2012, the Grand Jurors of Beaufort County present upon their oath:

Murder / Murder

That in Beaufort County on or about September 1, 2012, while engaged in an ongoing gun battle, an inherently dangerous felony, Tyrone Robinson did willfully, unlawfully and with malice aforethought cause the victim K. S. [REDACTED] to be shot and killed in the area of Marshland Drive and Allen Road, Hilton Head Island, SC, and that K. S. [REDACTED] did die in Beaufort County as a proximate result thereof on September 1, 2012; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Eric M. Sherman

A COPY OF INDICTMENT #2008 GS 25-588 FROM THE UNRELATED CASE OF:

STATE OF SOUTH CAROLINA

VS.

JOSEPH DAVIS

JOSEPH DAVIS IS NOT A DEFENDANT INSIDE OF THIS CASE AND THIS INDICTMENT #2008 GS 25-588 CHARGING JOSEPH DAVIS WITH THE FIRST DEGREE CRIME AND OFFENSE OF FIRST DEGREE MURDER BY THE CRIME ALLEGED THE DEFENDANT KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT, FOR THE UNRELATED VICTIM WHO IS RONNIE WOOTE. IS NOT INVOLVED INSIDE OF THIS CASE AND IS A COMPLETE UNRELATED CASE. HOWEVER INDICTMENT #2008 GS 25-588 FROM THE UNRELATED CASE OF JOSEPH DAVIS, WAS OBTAINED AND DRAFTED BY THE EXACT SAME SOLICITOR WHO IS SOLICITOR JISAC MC. DUFFIE STONE. THEREFORE INDICTMENT #2008 GS 25-588 FROM THE UNRELATED CASE OF JOSEPH DAVIS, IS SUBMITTED AS UNDISPUTABLE EVIDENCE TO PROVE TO THE APPEALS COURT, THAT THE FIRST DEGREE CRIME AND OFFENSE OF FIRST DEGREE MURDER BY THE CRIME ALLEGED THE DEFENDANT KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

IS A SECOND FIRST DEGREE CRIME FOR THE SAME FIRST DEGREE OFFENSE THAT IS NOT A LESSER INCLUDED DEGREE CRIME AND OFFENSE OF THE FIRST DEGREE CRIME AND OFFENSE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-61-07-01935 FROM THE CASE OF TYRONE ROBINSON. ALSO INDICTMENT #2008 GS 25-588 FROM THE UNRELATED CASE OF JOSEPH DAVIS, IS SUBMITTED AS UNDISPUTABLE EVIDENCE TO THE APPEALS COURT, TO PROVE TO THE APPEALS COURT, THAT THE FIRST DEGREE CRIME AND OFFENSE OF FIRST DEGREE MURDER BY THE CRIME ALLEGED THE DEFENDANT KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT.

IS NOT CHARGED ALLEGED AND IS NOT INCLUDED INTO THE FIRST DEGREE CRIME AND OFFENSE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ALLEGED WHILE ENGAGED IN A GUNPOUNTRY GUN BATTLE AN INHERENTLY DANGEROUS FELONY TYRONE ROBINSON DID WELLFULLY UNLAWFULLY AND WITH MALICE AFORETHOUGHT "CAUSE" THE VICTIM K. S. TO BE SHOT AND KILLED

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-61-07-01935 FROM THE CASE OF TYRONE ROBINSON.

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT

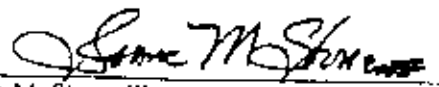
2008GS25-588

At a Court of General Sessions, convened on December 5, 2008, the Grand Jurors of Hampton County present upon their oath:

Murder / Murder

That in Hampton County on or about June 23, 2007, with malice aforethought, Joseph Davis did kill and murder Ronnie Wooten by means of shooting him with a gun, and that Ronnie Wooten did die in Hampton County as a proximate result thereof on June 23, 2007; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

ACTIVE COPY
FILED FOR
CLERK OF COURT FOR
HAMPTON COUNTY, SC
DEC 13 2008

AS A MATTER OF LAW INDICTMENT # 2012-65-07-01935
 "DOES NOT" CHARGE AND ALLEGE THAT TYRONE ROBINSON -
 -SON SHOT AND KILLED THE VICTIM K. S.
 AS A MATTER OF LAW THERE IS "NOT" ANY INDICTMENT,
 THAT CHARGE TYRONE ROBINSON WITH THE CRIMINAL
 ACT OF SHOOTING AND KILLING THE VICTIM K. S.

ALSO AS A MATTER OF LAW INDICTMENT # 2012-65-07-01935.
 "DOES NOT" CHARGE AND ALLEGE THAT TYRONE ROBINSON
 KILLED AND OR MURDERED THE VICTIM KHALIL SINGLETON.
 AS A MATTER OF LAW PROVING THAT THERE IS "NOT" ANY
 INDICTMENT THAT CHARGE TYRONE ROBINSON WITH THE
 CRIMINAL ACT OF KILLING AND OR MURDERING THE
 VICTIM K. S.

AS A MATTER OF LAW PROVING THAT THERE IS NOT ANY IND-
 -ICTMENT, THAT CHARGE TYRONE ROBINSON WITH THE
 1ST ELEMENT "ALLEGED" K. S.
 TYRONE ROBINSON UNLAWFULLY KILLED THE VICTIM

THAT IS REQUIRED TO CONSTITUTE THE THIRD UNINDICTED
 CRIME OF MURDER "ALLEGED" K. S.
 KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

ALSO PROVING THAT AS A MATTER OF LAW THERE IS NOT
 ANY INDICTMENT, THAT CHARGE TYRONE ROBINSON WITH
 THE 2ND ELEMENT "ALLEGED" K. S.
 TYRONE ROBINSON KILLED THE VICTIM

WITH MALICE AND AFORETHOUGHT
 THAT IS REQUIRED TO CONSTITUTE THE THIRD UNINDICTED
 CRIME OF MURDER "ALLEGED" K. S.
 KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

AS A MATTER OF LAW INDICTMENT # 2012-65-07-01935
 CHARGE AND ALLEGE THAT VICTIM KHALIL SINGLETON
 DEATH IS THE PROXIMATE RESULT OF AN ONGOING GUN BATTLE
 AN INHERENTLY DANGEROUS FELONY ONLY.
 AS A MATTER OF LAW PROVING THAT AN ONGOING GUN BATTLE
 AN INHERENTLY DANGEROUS FELONY. IS THE ONE AND
 ONLY CRIMINAL ACT, THAT INDICTMENT # 2012-65-

07-01935 CHARGE AND ALLEGE THAT VICTIM K. S.
 DEATH IS A PROXIMATE RESULT THERE OF AN INHERENTLY
 AS A MATTER OF LAW AN ONGOING GUN BATTLE AN INHERENTLY
 DANGEROUS FELONY IS THE ONE AND ONLY "CRIMINAL ACT"
 THAT INDICTMENT # 2012-65-07-01935 PUT TYRONE ROB-
 -INSON ON "NOTICE" THAT I HAD TO DEFEND AGAINST.
 AS A MATTER OF LAW PROVING THAT INDICTMENT # 2012-
 -65-07-01935, PUTS TYRONE ROBINSON ON "NOTICE" THAT
 I HAD TO DEFEND AGAINST THE 1ST ELEMENT "ALLEGED"
 TYRONE ROBINSON WAS IN THE COMMISSION OF COMM-
 -ITTING AN ONGOING GUN BATTLE AN INHERENTLY DANG-
 -EROUS FELONY

THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY
 MURDER BY THE FELONY MURDER RULE THEORY.
 ALSO PROVING THAT AS A MATTER OF LAW INDICTM-
 -ENT # 2012-65-07-01935, PUTS TYRONE ROBINSON
 ON "NOTICE" THAT I HAD TO DEFEND AGAINST THE
 2ND ELEMENT "ALLEGED" K. S.

THE DEATH OF VICTIM K. S. IS THE PROX-
 -IMATE RESULT OF TYRONE ROBINSON COMMITTING
 A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. AS A MATTER OF LAW PROVEING THAT INDICTMENT 2012-GJ-07-01935 PUT T YRONE ROBINSON ON "NOTICE" THAT I HAD TO DEFEND AGAINST THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE, GORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD ON HILTON HEAD ISLAND AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT COUNTY AT A PROXIMATE RESULT THERE OF

THAT THE GRAND JURY INVICTED ME ON, THE JURY WAS SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE THE JURY TRIAL.

AS A MATTER OF LAW PROVEING THAT THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF, TO PROVE THAT I WAS GUILTY BEYOND A REASONABLE DOUBT OF COMMITTEING THE 1ST ELEMENT "ALLEGEDLY" TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTEING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT ME FOR THE DEATH OF VICTIM K.S. [REDACTED]

ALSO PROVEING THAT THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE THAT I WAS GUILTY BEYOND A REASONABLE DOUBT OF COMMITTEING THE SECOND ELEMENT "ALLEGEDLY"

THE DEATH OF VICTIM KHALIL SINGLETON IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTEING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT ME FOR THE DEATH OF VICTIM K.S. [REDACTED] FOR PROOF REVIEW

CASE LAW MERIT/ SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF LUCAS BAILEY V. STATE 709 S.E.2D 671 "QUOTEING" IN PREPACEING IT ANALYZES THE TEXAS COURT OF APPEALS NOTED THAT BY INCLUDING A MORE SPECIFIC DESCRIPTION, THE STATE UNDER TOOK THE BURDEN OF PROVEING THE SPECIFIC ALLEGATIONS TO OBTAIN A CONVICTION "FURTHER QUOTEING"

IN SO RULEING, THE COURT RECOGNIZED THAT A DEFENDANT MAY ONLY BE TRIED AND CONVICTED OF THE CRIMES ALLEGED IN THE INDICTMENT AND THE STATE IS BOUND BY THE THEORY ALLEGED IN THE INDICTMENT "FURTHER QUOTEING"

WE AGREE WITH THE REASONING IN CASTELLO AND APPLY IT ANALYSTS TO THE FACTS OF THE INSTANT CASE

BECAUSE INDICTMENT #2012-65-07-01935 CHARGES AND ALLEGES THAT AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY "CAUSED" THE VICTIM

K. S.

TO BE SHOT AND KILLED. THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE BEYOND A REASONABLE DOUBT THAT VICTIM

K. S.

DEATH IS THE "PROXIMATE CAUSE" OF AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT AND SENTENCE ME TO PRISON TIME OF LIFE IMPRISONMENT, FOR THE DEATH OF VICTIM K. S. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF:

LUCAS BATLEY VS. STATE 709 S.E.2d 671 "QUOTE EFN"

MOMENTS LATER A JUROR APPROACHED THE BENCH AND IN AN OFF THE RECORD DISCUSSION EXPRESSED HER CONCERN TO THE JUDGE OVER THE DEFINITION

OF THE WORD "CAUSED" THE JUDGE THEN GAVE AN INSTRUCTION ON PROXIMATE CAUSE. IN

PART THE JUDGE STATED, YOU MUST FIND THAT THE STATE HAS CONVINCED YOU BEYOND A REASON-

ABLE DOUBT THAT EITHER AN ACT OR FAILURE TO ACT ON THE PART OF THE DEFENDANT IS A

PROXIMATE CAUSE OF THE DEATH OF THE CHILD

BY IT EXPRESSED TERMS INDICTMENT #2012-65-07-01935 ALLEGES THAT TYRONE ROBINSON ALLEGED ACTIONS OF ALLEGEDLY COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY RESULTED IN THE VICTIM K. S. DEATH. INDICTMENT #2012-65-07-01935 DID NOT ALLEGE THAT THE VICTIM K. S. DEATH WAS THE RESULT OF ANY OTHER CRIMINAL ACT. THUS INDICTMENT #2012-65-07-01935 APPLIED TO TYRONE ROBINSON THAT I HAD TO DEFEND ONLY AGAINST THE ALLEGATIONS THAT I WAS ENGAGED IN AN ONGOING GUN BATTLE AND INHERENTLY DANGEROUS FELONY RESULTING IN THE VICTIM K. S. DEATH. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF:

LUCAS BATLEY VS. STATE 709 S.E.2d 671 "QUOTE EFN"

HERE THE INDICTMENT CHARGING BATLEY WITH HOMICIDE BY CHILD ABUSE SPECIFICALLY ALLEGED

THAT BAILEY "INFLECTED UPON VICTIM PHYSICAL INJURIES TO HIS ABDOMEN RESULTING IN EXANGUINATION AND CONSEQUENTLY THE DEATH OF THE CHILD." BY ITS EXPRESSED TERMS, THE INDICTMENT ALLEGED THAT BAILEY'S "ACT" RESULTED IN VICTIM'S DEATH. SIGNIFICANTLY, IT DID NOT ALLEGE THAT VICTIM'S DEATH WAS THE RESULT OF AN "OMISSION" ON THE PART OF BAILEY.

BECAME THE STATE OF SOUTH CAROLINA, SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT AND BEAUFORT COUNTY SHERIFF OFFICE. CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-65-07-01935. THAT VICTIM K. S. [REDACTED] DEATH WAS A PROXIMATE RESULT OF A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. THE STATE OF SOUTH CAROLINA, SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT AND BEAUFORT COUNTY SHERIFF OFFICE, TOOK ON THE BURDEN OF PROOF TO PROVE, THAT VICTIM K. S. [REDACTED] DEATH WAS THE PROXIMATE RESULT OF A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT AND SENTENCE ME TO PRISON TIME OF LIFE IMPRISONMENT FOR THE DEATH OF VICTIM K. S. [REDACTED] FOR PROOF REVIEW

CASE LAW MERIT

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

LUCAS BAILEY VS. STATE 709 S.E.2d 671 "QUOTING" IN PREFACE IT ANALYSTS, TEXAS COURT OF APPEALS NOTED THAT BY INCLUDING A MORE SPECIFIC DESCRIPTION, THE STATE UNDERTOOK THE BURDEN OF PROVING THE SPECIFIC ALLEGATIONS TO OBTAIN A CONVICTION. FURTHER "QUOTING" IN SO RULED, THE COURT RECOGNIZED THAT A DEFENDANT MAY ONLY BE TRIED AND CONVICTED OF THE CRIMES ALLEGED IN THE INDICTMENT AND THE STATE IS BOUND BY THE THEORY ALLEGED IN THE INDICTMENT. - EXT "FURTHER QUOTING" WE AGREE WITH THE REASONING IN CASTILLO AND APPLY ITS ANALYSIS TO THE FACTS OF THE INSTANT CASE

ELEMENTS

ELEMENTS FOR THE CRIME OF MURDER BY THE
CRIME "ALLEGEDLY"

THE ACCUSED KILLED THE VICTIM WITH MALICE
AND AFORETHOUGHT

THE ELEMENTS REQUIRED TO CONSTITUTE THE
CRIME OF MURDER BY THE CRIME "ALLEGEDLY"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

IS AS FOLLOWS

1ST ELEMENT FOR CRIME OF MURDER ALLEGEDLY
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT IS:

THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER,

2ND ELEMENT FOR CRIME OF MURDER ALLEGEDLY
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT IS:

THAT THE KILLING WAS COMMITTED WITH MALICE
AFORETHOUGHT

WHEN THE TRIAL JUDGE AND TRIAL COURT CHARGED
AND INSTRUCTED THE JURY ON THE CRIME OF MURDER
TO DECIDE ON, THE TRIAL JUDGE AND TRIAL COURT
CHARGED AND INSTRUCTED THE JURY TO DECIDE ON
THE THIRD UNINDICTED ALLEGED CRIME OF MURDER
BY THE CRIME "ALLEGEDLY"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT THERE IS ABSOLUTELY NOT ANY INDICTMENT
CHARGING ME WITH, AND THAT IS NOT A LETTER
INCLUDED CRIME OF THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY THATS CHARGED
AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF
INDICTMENT # 2012-65-07-01935. THAT I WAS INDICTED
ON AND TRIED ON BEFORE THE JURY AT TRIAL.
FOR PROOF THAT THE TRIAL JUDGE AND TRIAL COURT
CHARGED AND INSTRUCTED THE JURY TO DECIDE ON
THIS THIRD UNINDICTED CRIME "ALLEGEDLY"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT
AS FOLLOWS

STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

"QUOTE" FROM PAGE 993 PARAGRAPH 4, 5, 6, 7, 8, 9, 10, 11,
12, 13, 14 AND 15 OF TRIAL TRANSCRIPT, FROM THE TRIAL
JUDGE AND TRIAL COURT (AKA) TRIAL JUDGE COOPER
STATE "QUOTE"
I NOW INSTRUCT YOU TO WHAT THE LAWS ON THE
CHARGE IN THIS PARTICULAR CASE. AS YOU KNOW
THE DEFENDANT IS CHARGED WITH THE CRIME OF

MURDER, MURDER IS DEFINED IN THE LAW AS THE KILLING OF ANY PERSON WITH MALICE AFORETHOUGHT EITHER EXPRESSED OR IMPLIED.

AND SO IN ORDER FOR THE STATE TO PROVE THE DEFENDANT GUILTY OF MURDER IT MUST BE PROVEN BEYOND A REASONABLE DOUBT THAT THE DEFENDANT KILLED THE VICTIM

AND THAT THE KILLING WAS DONE WITH MALICE AND AFORETHOUGHT

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF HERMAN WINN 125084 V. STATE OF SOUTH CAROLINA

CASE NO. 01-CP-08128 VOTE IN 11

3. THE INDICTMENT MUST CHARGE THAT THE DEFENDANT WITH MALICE AFORETHOUGHT MURDERED THE DEFENDANT

INSIDE OF THE CASE LAW OF RICKY PELZER VS. STATE OF SOUTH CAROLINA 622 S.E. 2d 780 THE COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA DECIDED THAT IN ORDER FOR A ALLEGED CRIME TO BE A LESSER AND ALLEGED INSIDE OF THE INDICTMENT. THE ELEMENTS OF THE ALLEGED CRIME THAT IS NOT CHARGED AND ALLEGED INSIDE OF THE INDICTMENT. MUST BE INCLUDED INTO THE ELEMENTS OF THE GREAT-ER OFFENSE THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT. FOR PROOF REVIEW

CASE LAW MERITS

THE COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF RICKY PELZER V. STATE OF SOUTH CAROLINA 622 S.E. 2d 780 VOTE IN 11

FOR AN OFFENSE TO BE A LESSER INCLUDED OF ANOTHER THE GREATER OFFENSE MUST INCLUDE ALL THE ELEMENTS OF THE LESSER OFFENSE. IF THE LESSER OFFENSE INCLUDES AN ELEMENT NOT INCLUDED IN THE GREATER OFFENSE THEN THE LESSER OFFENSE IS NOT INCLUDED IN THE GREATER.

25th ELEMENT

FOR THIRD UNINDICTED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

25th element FOR THE THIRD UNINDICTED CRIME OF MURDER BY THE CRIME "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT IS!

THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER WHICH DEFINED BY THE WEBSTER DICTIONARY DEFINITION MEANS TO "ALLEGED" THAT THE ACCUSED

UNLAWFULLY DEPRIVED ANOTHER PERSON OUT OF
THEIR LIFE

THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION
FOR THE WORD KILL MEANS THE FOLLOWING "MEANING"
TO DEPRIVE OF LIFE

1ST ELEMENT

2ND ELEMENT FOR CRIME OF FELONY MURDER BY
THE FELONY MURDER RULE THEORY, THAT CHARGED AND
ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICT-
MENT # 2012-65-07-01935 IS:
TYRONE ROBINSON WAS ENGAGED IN AN ONGOING GUN
BATTLE AN INHERENTLY DANGEROUS FELONY

THE LAW DICTIONARY DEFINITION FOR THE WORD
FELONY MEANS "QUOTE"ING"
FELONY GENERAL TERM EMPLOYED TO DISTINGUISH
CERTAIN HIGH CRIMES FROM MINOR OFFENSES KNOWN
AS MISDEMEANORS; CRIMES DECLARED TO BE SUCH
BY STATUTE OR AS TRUE CRIMES BY COMMON LAW

AS A MATTER OF LAW THE FIRST ELEMENT TO THE
THIRD UNINDICTED CRIME OF MURDER "ALLEGED"ING"
I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT
WHICH FIRST ELEMENT IS:

THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER
WHICH DEFINED BY ITS DICTIONARY DEFINITION
MEANS TO ALLEGE.
THAT THE ACCUSED UNLAWFULLY DEPRIVED ANOTHER
PERSON OUT OF THEIR LIFE

HAS A TOTALLY DIFFERENT DEFINITION MEANING
AND IS NOT INCLUDED INTO THE FIRST ELEMENT
TO THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY, THAT CHARGED AND ALLEGED
INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #
2012-65-07-01935 WHICH FIRST ELEMENT IS:
TYRONE ROBINSON WAS ENGAGED IN AN ONGOING
GUN BATTLE AN INHERENTLY DANGEROUS FELONY

WHICH THE LAW DICTIONARY DEFINITION FOR THE
WORD FELONY MEANS "QUOTE"ING"
FELONY GENERAL TERM EMPLOYED TO DISTINGUISH
CERTAIN HIGH CRIMES FROM MINOR OFFENSES
KNOWN AS MISDEMEANORS; CRIMES DECLARED TO
BE SUCH BY STATUTE AS "TRUE CRIMES" BY THE COMMON
LAW

AS A MATTER OF LAW PROVING THAT THE FIRST
ELEMENT TO THE THIRD UNINDICTED CRIME OF MURDER
"ALLEGED"ING"
I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT
WHICH FIRST ELEMENT IS:
THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER

IS NOT CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF THE CRIME OF FELONY MURDER BY FELONY
MURDER RULE THEORY "ALLEGING"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
1ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY TYRONE ROBINSON
DID WILLFULLY/UNLAWFULLY AND WITH MALICE AFORE-
THOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO
BE SHOT AND KILLED IN THE AREA OF MARSHLAWN AND
DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C.
AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT
COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF INDICTMENT #2012-GS-07-01935 THAT
I WAS TRIED ON BEFORE THE JURY AT TRIAL. AS A
MATTER OF LAW PROVEING THAT THE FIRST ELEMENT
THAT THE JURY AT TRIAL CONVICTED ME ON. THAT
IS REQUIRED TO PROVE THE THIRD UNINDICTED
CRIME OF MURDER "ALLEGING"
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT
WHOS FIRST ELEMENT IS:

THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER
IS NOT CHARGED AND ALLEGED INSIDE OF A INDICT-
MENT AND THERE IS NOT ANY INDICTMENT
PUTTING ME ON NOTICE THAT I HAD TO DEFEND
AGAINST THE UNINDICTED ELEMENT "ALLEGING"
THAT I UNLAWFULLY KILLED THE VICTIM

AS A MATTER OF LAW PROVEING THAT BECAUSE INDICTMENT #
2012-GS-07-01935. CHARGES I TYRONE ROBINSON WITH
THE 1ST ELEMENT "ALLEGING"
I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY
FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY.

AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER
IMPERMISSIBLY **CONSTRUCTIVELY AMENDED**
THE INDICTMENT. WHEN TRIAL JUDGE THOMAS COOPER
THREW HIS INSTRUCTIONS TO THE JURY, ALLOWED THE
JURY TO CONVICT ME ON THE UNINDICTED
ELEMENT "ALLEGING"
I KILLED THE VICTIM WHICH CONSTITUTES
THE 1ST ELEMENT "ALLEGING"
I UNLAWFULLY KILLED THE VICTIM
THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON
NOTICE I HAD TO DEFEND AGAINST,
BECAUSE BY DOING SO TRIAL JUDGE THOMAS COOPER
ALLOWED THE JURY, TO CONVICT ME ON THE UNINDICTED
ELEMENT "ALLEGING"
I KILLED THE VICTIM

WHICH CONSTITUTES THE UNINDICTED 1ST ELEMENT
 "ALLEGING"
I UNLAWFULLY KILLED THE VICTIM

THAT THERE IS NOT ANY INDICTMENT CHARGING
 ME WITH, AND THERE IS NOT ANY INDICTMENT
 PUTTING ME ON NOTICE I HAD TO PREPARE A
 DEFENSE FOR AND DEFEND AGAINST. FOR PROOF REVIEW
CASE LAW MERITS

DISTRICT OF COLUMBIA COURT OF APPEALS CASE
 LAW OF.
MARVIN SCUTCHING, JR. VS. UNITED STATES 509 A.2d

634 "QUOTEING"
 WERE AS IN THIS CASE, A GRAND JURY SPECIFICALLY
 CHARGED ESSENTIAL ELEMENTS OF A CRIME, SUCH
 AS MEANS AND PARTY, AND THE GOVERNMENT,
 BOLSTERED BY THE TRIAL COURT INSTRUCTIONS
 PROVED ENTIRELY DIFFERENT ELEMENTS, THE
 DISPARITIES CONSTITUTE A CONSTRUCTIVE
AMENDMENT

AS A MATTER OF LAW PROVEING THAT I WAS
 CONVICTED AND SENTENCED TO PRISON TIME OF
 LIFE IMPRISONMENT. IN VIOLATION OF MY
 FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF
 DUE PROCESS OF LAW WHICH STATES "QUOTEING"
 NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY
 WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW
CASE LAW MERITS

COLORADO COURT OF APPEALS, DIVISION II
 CASE LAW OF.

PEOPLE VS. DEUTCH 471 P.3d 1266 "QUOTEING"
 CONSTRUCTIVELY AMENDING A CHARGE VIOLATES
 A DEFENDANTS CONSTITUTIONAL DUE PROCESS
RIGHTS

AS A MATTER OF LAW PROVEING THAT TRIAL JUDGE
 THOMAS COOPER "ERRORED" BY PERMITTING THE
 JURY TO CONVICT ME. ON THE UNINDICTED
 ELEMENT "ALLEGING"
I KILLED THE VICTIM WHICH CONSTITUTES
 THE 1ST ELEMENT "ALLEGING"
I UNLAWFULLY KILLED THE VICTIM

THAT THERE IS NOT ANY INDICTMENT PUTTING
 ME ON NOTICE I HAD TO DEFEND AGAINST.
 BECAUSE BY DOING SO TRIAL JUDGE COOPER ALLOWED
 THE JURY TO CONVICT ME ON THE UNINDICTED
 ELEMENT "ALLEGING"

I KILLED THE VICTIM WHICH CONSTITUTES
 THE UNINDICTED 1ST ELEMENT "ALLEGING"
I UNLAWFULLY KILLED THE VICTIM

THAT THE STATE OF SOUTH CAROLINA NEVER SAUGHT
TO PROVE I WAS GUILTY OF AND THAT THERE IS
NOT ANY INDICTMENT PUTTING ME ON NOTICE
I HAD TO DEFEND AGAINST. FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF.

STATE VS. WILLIAMS DICKERSON 716 S.E.2d 895

"QUOTEING"

THEREFORE, WE ADOPT THE SUPREME COURT'S HOLDING
IN HOPKINS AND HOLD THAT A DEFENDANT IS NOT
ENTITLED TO A CHARGE ON LEVER-RELATED OFFENSES
HERE PERMITTING THE JURY TO CONVICT DICKERSON
AS ACCESSORY AFTER THE FACT WOULD PERMIT
THE JURY TO FIND BEYOND A REASONABLE DOUBT
ELEMENTS OF A CRIME THE STATE NEVER SAUGHT
TO PROVE AND DICKERSON WAS NOT ON NOTICE
HE HAD TO DEFEND AGAINST. ACCORDINGLY,
WE AFFIRM THE CIRCUIT COURT DENIAL OF
DICKERSON REQUEST TO CHARGE

2ND ELEMENT

2ND ELEMENT FOR THIRD UNINDICTED CRIME
OF MURDER "ALLEGEDLY"
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT
IS;

THAT THE KILLING WAS COMMITTED WITH MALICE
AFORETHOUGHT

WHICH DEFINED BY ITS WEBSTER DICTIONARY
DEFINITION MEANS TO ALLEGE THAT THE DEPRIVATION
OF LIFE WAS COMMITTED WITH MALICE AFORETHOUGHT

WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFIN-
ITION MEANS TO ALLEGE THAT THE DEPRIVATION
OF LIFE WAS COMMITTED WITH MALICE AFORE-
THOUGHT

THAT IS BECAUSE THE WEBSTER DICTIONARY DEFINITION
FOR THE WORD KILL MEANS THE FOLLOWING TO
DEPRIVE OF LIFE

2ND ELEMENT

2ND ELEMENT FOR CRIME OF FELONY MURDER BY
THE FELONY MURDER RULE THEORY, THATS CHARGED
AND ALLEGED INSIDE OF THE WRITTEN WRITE UP
OF INDICTMENT # 2012-GJ-07-01935 IS.
VICTIM K. S. [REDACTED] DID DIE AS A PROXIMATE

RESULT OF TYRONE ROBINSON COMMITTING AN ONGOING
GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THE LAW DICTIONARY DEFINITION FOR THE WORD
FELONY MEANS "QUOTE"ING"
FELONY GENERIC TERM EMPLOYED TO DISTINGUISH
CERTAIN HIGH CRIMES FROM MINOR OFFENSES KNOWN
AS MISDEMEANORS; CRIMES DECLARED TO BE SUCH
BY STATUTE OR AS "TRUE CRIMES" BY COMMON LAW

AS A MATTER OF LAW THE 2ND ELEMENT TO THE THIRD
UNINDICTED CRIME OF MURDER "ALLEGED"ING"
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

WHICH SECOND ELEMENT IS:
THE KILLING WAS COMMITTED WITH MALICE AND
AFORETHOUGHT

WHICH DEFINED BY ITS WEBSTER DICTIONARY
- NITION MEANS TO ALLEGE THAT THE DEPRIVATION
OF LIFE WAS COMMITTED WITH MALICE AFORETHOUGHT

HAS A TOTALLY DIFFERENT DEFINITION MEANING
AND IS NOT INCLUDED INTO THE SECOND ELEMENT
TO THE CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY. THATS CHARGED AND ALLEGED INSIDE OF
THE WRITTEN WRITE UP OF INDICTMENT #2012-65-

-07-01935 WHICH FIRST ELEMENT IS:
VICTIM K. S. DID DIE AS A PROXIMATE
RESULT OF TYRONE ROBINSON COMMITTING AN ONGOING
GUN BATTLE AN INHERENTLY DANGEROUS FELONY

WHICH THE LAW DICTIONARY DEFINITION FOR THE
WORD FELONY MEANS "QUOTE"ING"
FELONY GENERIC TERM EMPLOYED TO DISTINGUISH
CERTAIN HIGH CRIMES FROM MINOR OFFENSES
KNOWN AS MISDEMEANORS; CRIME DECLARED TO
BE SUCH BY STATUTE AS "TRUE CRIMES" BY THE COMM-
-ON LAW

AS A MATTER OF LAW PROVING THAT THE SECOND
ELEMENT TO THE THIRD UNINDICTED CRIME OF MURDER
"ALLEGED"ING"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT
WHOS SECOND ELEMENT IS:

THAT THE DEPRIVATION OF LIFE WAS COMMITTED
WITH MALICE AFORETHOUGHT

IS NOT CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF THE CRIME OF FELONY MURDER BY
THE FELONY MURDER RULE THEORY "ALLEGED"ING"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
1ST, 2012 WHILE ENGAGED IN AN ONGOING GUN
BATTLE AN INHERENTLY DANGEROUS FELONY,

TYRONE ROBINSON DID WILLFULLY UNLAWFULLY
 AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM
 K. S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA
 OR MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD
 ISLAND, S.C. AND THAT K. S. [REDACTED] DID DIE
 IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF
 THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN
 WRITE UP OF INDICTMENT # 2012-65-07-01935 THAT
 I WAS TRIED ON BEFORE THE JURY AT TRIAL.
 AS A MATTER OF LAW PROVEING THAT THE SECOND
 ELEMENT THAT THE JURY AT TRIAL CONVICTED ME ON.
 THAT IS REQUIRED TO PROVE THE THIRD UNINDICTED
 CRIME OF MURDER "ALLEGEDING"
 I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT
 WHO'S SECOND ELEMENT IS:
 THAT THE KILLING WAS COMMITTED WITH
 MALICE AND AFORETHOUGHT

IS NOT CHARGED AND ALLEGED INSIDE OF A INDICTMENT
 AND THERE IS NOT ANY INDICTMENT PUTTING ME
 ON NOTICE THAT I HAD TO DEFEND AGAINST THE
 UNINDICTED ELEMENT "ALLEGEDING"
 THAT I KILLED THE VICTIM WITH MALICE AND
 AFORETHOUGHT

AS A MATTER OF LAW PROVEING THAT BECAUSE INDICT-
 -MENT # 2012-65-07-01935. CHARGES I TYRONE ROBIN-
 -SON WITH THE 2ND ELEMENT "ALLEGEDING"
 VICTIM K. S. [REDACTED] DID DIE AS A PROXIMATE
 RESULT OF I TYRONE ROBINSON COMMITTING A
 ONGOING GUN BATTLE AN INHERANTLY DANGEROUS
 FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER
 RULE THEORY.

AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER
 IMPERMISSIBLY **CONSTRUCTIVELY AMENDED**
 THE INDICTMENT. WHEN TRIAL JUDGE THOMAS COOPER
 THRU HIS INSTRUCTIONS TO THE JURY, ALLOWED
 THE JURY TO CONVICT ME ON THE UNINDICTED
 ELEMENT "ALLEGEDING"
 THAT I KILLED THE VICTIM WITH MALICE AND AFORETH-
 -OUGHT

THAT THERE IS NOT ANY INDICTMENT PUTTING ME
 ON NOTICE I HAD TO DEFEND AGAINST.
 BECAUSE BY DOING SO TRIAL JUDGE THOMAS COOPER
 ALLOWED THE JURY TO CONVICT ME ON THE UNINDICTED
 ELEMENT "ALLEGEDING"
 THAT I KILLED THE VICTIM WITH MALICE AND
 AFORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT CHARGING me WITH, AND THERE IS NOT ANY INDICTMENT PUTTING me ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST. FOR PROOF REVIEW

CASE LAW MERITS

DISTRICT OF COLUMBIA COURT OF APPEALS CASE LAW OF MARVIN SCUTCHING, JR. VS. UNITED STATES 509 A.2d 634 "QUOTEING"

WERE AS IN THIS CASE, A GRAND JURY SPECIFICALLY CHARGES ESSENTIAL ELEMENTS OF A CRIME, SUCH AS MEANS AND PARTY, AND THE GOVERNMENT, BOLSTERED BY THE TRIAL COURT'S INSTRUCTIONS, PROVES ENTIRELY DIFFERENT ELEMENTS. THE DISPARITIES CONSTITUTE A CONSTRUCTIVE AMENDMENT.

AS A MATTER OF LAW PROVEING THAT I WAS CONVICTED AND SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "QUOTEING" NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW

CASE LAW MERITS

COLORADO COURT OF APPEALS, DIVISION II CASE LAW OF PEOPLE VS. DEUTCH 471 P.3d 1266 "QUOTEING"

CONSTRUCTIVELY AMENDING A CHARGE VIOLATES A DEFENDANTS CONSTITUTIONAL DUE PROCESS RIGHTS

AS A MATTER OF LAW PROVEING THAT TRIAL JUDGE THOMAS COOPER "ERRORED" BY PERMITTING THE JURY TO CONVICT ME ON THE UNINDICTED ELEMENT "ALLEGING"

THE KILLING WAS COMMITTED WITH MALICE AND A FORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT PUTTING me ON NOTICE I HAD TO DEFEND AGAINST, BECAUSE BY DOING SO TRIAL JUDGE COOPER ALLOWED THE JURY TO CONVICT ME ON THE UNINDICTED 2ND ELEMENT "ALLEGING" THE KILLING WAS COMMITTED WITH MALICE AFORETHOUGHT

THAT THE STATE OF SOUTH CAROLINA NEVER SAUGHT TO PROVE I WAS GUILTY OF AND THAT THERE IS NOT ANY INDICTMENT PUTTING me ON NOTICE I HAD

to defend AGAINST. FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF,
STATE VS. WILLIAMS DECKERSON 716 S.E. 2d 895

"QUOTEING"

THEREFORE we adopt the SUPREME COURT holding
IN HOPKINS and hold that a DEFENDANT IS NOT
ENTITLED to a charge on LESSER-RELATED
OFFENSES here PERMITTING the JURY to CONVICT
DECKERSON as ACCESSORY AFTER the FACT would
PERMIT the JURY to FIND beyond a REASONABLE
DOUBT elements of a CRIME the STATE NEVER
SOUGHT to PROVE and DECKERSON WAS NOT ON
NOTICE he had to defend AGAINST. ACCORDINGLY,
we AFFIRM the CIRCUIT COURT DENIAL OF
DECKERSON REQUEST to charge

As a matter of LAW PROVEING THAT THE THIRD
UNINDICTED CRIME AND THEORY OF MURDER
"ALLEGING"
I KILLED THE VICTIM WITH MALICE AND AFORETH-
-OUGHT

IS NOT CHARGED and ALLEGED INSIDE OF THE
CRIME OF FELONY MURDER by the FELONY MURDER
RULE THEORY "ALLEGING"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
25, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY, TYRONE ROBIN-
-SON DID WILLFULLY, UNLAWFULLY AND WITH
MALICE A FORETHOUGHT CAUSE THE VICTIM
K. S. [REDACTED] to be SHOT and KILLED IN
THE AREA OF MARSHLAND DRIVE AND ALLEN
ROAD, HILTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED]
[REDACTED] DID DIE IN BEAUFORT COUNTY AS A
PROXIMATE RESULT THERE OF

THAT CHARGED and ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF INDICTMENT # 2012-GJ-07-01935 THAT
I WAS TRIED ON BEFORE THE JURY AT TRIAL.
AS A MATTER OF LAW PROVEING THAT THERE IS
NOT ANY INDICTMENT PUTTING me ON NOTICE
THAT I HAD to defend AGAINST, THE THIRD
UNINDICTED CRIME OF MURDER "ALLEGING"
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT
THAT THERE IS NOT ANY INDICTMENT CHARGING me
WITH. AS A MATTER OF LAW PROVEING THAT

THE THIRD UNINDICTED CRIME OF MURDER
"ALLEGEDLY"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT
I WAS NOT CHARGED AND ALLEGED INSIDE OF A
INDICTMENT. FOR PROOF REVIEW
STATUTORY MERITS

SOUTH CAROLINA CODE OF LAW 17-19-30

ALLEGATION SUFFICIENT FOR INDICTMENT
FOR MURDER "ALLEGEDLY"

EVERY INDICTMENT FOR MURDER SHALL BE DEEMED
AND ADJUDGED SUFFICIENT AND GOOD IN LAW
WHICH, IN ADDITION TO SETTING FORTH THE TIME
AND PLACE, TOGETHER WITH A PLAIN STATEMENT,
DEVOID OF ALL USELESS PHRASEOLOGY, OF THE
MANNER IN WHICH THE DEATH OF THE DECEASED
WAS CAUSED, CHARGES THAT THE DEFENDANT DID
FELONIOUSLY, WILLFULLY AND OF HIS MALICE
AFORETHOUGHT "KILLED AND MURDERED THE
DECEASED"

AS A MATTER OF LAW PROVEING THAT BECAUSE INDICT-
MENT # 2012-GJ-07-01935, CHARGES TYRONE ROBIN-
-SON WITH THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST,
2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHER-
-ENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY,
UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE
VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED IN THE
AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON
HEAD ISLAND, S.C. AND THAT K. S. [REDACTED] DID DIE IN
BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT THE GRAND JURY INDICTED ME ON, THE JURY AT TRIAL
WAS SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE
THE JURY AT TRIAL ON INDICTMENT # 2012-GJ-07-01935.

AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER IMPER-
-MEDIATELY CONSTRUCTIVELY AMENDED THE INDICTMENT.
WHEN TRIAL JUDGE THOMAS COOPER GAVE HIS INSTRUCT-
-IONS TO THE JURY. ALLOWED THE JURY TO CONVICT ME
ON THE THIRD UNINDICTED CRIME OF MURDER "ALLEGEDLY"
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON
NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND
AGAINST. BECAUSE BY DOING SO TRIAL JUDGE THOMAS COOPER
ALLOWED THE JURY AT TRIAL TO CONVICT ME ON THE
THIRD UNINDICTED THEORY AND CRIME OF MURDER
"ALLEGEDLY"
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT CHARGING ME WITH
AND THERE IS NOT ANY NOTICE PUTTING ME ON NOTICE I
HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST. FOR
PROOF REVIEW

CASE LAW MERITS

DISTRICT OF COLUMBIA COURT OF APPEALS CASE LAW OF.
OLIVER W. JOHNSON VS. UNITED STATES 613 A.2d 1381 "QUOTING"
CONSTRUCTIVE AMENDMENT OF INDICTMENT WHERE
INDICTMENT HAS A PARTICULAR THEORY BUT EVIDENCE
AND INSTRUCTIONS ADDRESS A DIFFERENT THEORY. SUCH
AN AMENDMENT IS PER SE REVERSIBLE ERROR, AN APPELLANT'S
FORGERY CONVICTION MUST THEREFORE BE REVERSED

AS A MATTER OF LAW PROVEING THAT I WAS CONVICTED AND
SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT.
IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT
RIGHT OF DUE PROCESS OF LAW WHICH STATE "QUOTING"
NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY
WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW

CASE LAW MERITS

COLORADO COURT OF APPEALS, DIVISION II CASE LAW
OF.
PEOPLE VS. DEUTCH 471 P.3d 1266 "QUOTING"

CONSTRUCTIVELY AMENDING A CHARGE VIOLATES
A DEFENDANT'S CONSTITUTIONAL DUE PROCESS RIGHTS

AS A MATTER OF LAW PROVEING THAT TRIAL JUDGE
THOMAS COOPER "ERRORED" BY PERMITTING THE JURY
TO CONVICT ME ON THE THIRD UNINDICTED THEORY

AND CRIME OF MURDER "ALLEGING"
I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON
NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND
AGAINST. BECAUSE BY DOING SO TRIAL JUDGE COOPER
ALLOWED THE JURY TO CONVICT ME ON THE THIRD
UNINDICTED THEORY AND CRIME OF MURDER
"ALLEGING"

I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT
THAT THE STATE OF SOUTH CAROLINA NEVER SAUGHT TO
PROVE I WAS GUILTY OF AND THAT THERE IS NOT ANY
INDICTMENT PUTTING ME ON NOTICE I HAD TO
DEFEND AGAINST. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF.

STATE VS. WILLIAMS DECKERSON 716 S.E.2d 895 "QUOTING"

THEREFORE, WE ADOPT THE SUPREME COURTS HOLDING

IN HOPKINS AND HOLD THAT A DEFENDANT IS NOT

ENTITLED TO A CHARGE ON LETTER-RELATED OFFENSES

HERE PERMITTING THE JURY TO CONVICT DECKERSON

AS ACCESSORY, AFTER THE FACT WOULD PERMIT THE

JURY TO FIND BEYOND A REASONABLE DOUBT ELEMENTS

OF A CRIME THE STATE NEVER SAUGHT TO PROVE AND

DECKERSON WAS NOT ON NOTICE HE HAD TO DEFEND

AGAINST. ACCORDINGLY, WE AFFIRM THE CIRCUIT
COURT DENIAL OF DECKERSON REQUEST TO CHARGE

INSIDE OF THE CASE OF LUCAS BAILEY VS. STATE 709 S.E. 2d 671. THE GRAND JURY ISSUED A INDICTMENT AGAINST LUCAS BAILEY CHARGING LUCAS BAILEY WITH THE CRIME OF HOMICIDE BY CHILD ABUSE. INSIDE OF THE WRITTEN WRITE UP OF HIS INDICTMENT. THE GRAND JURY CHARGED AND ALLEGED THAT LUCAS BAILEY COMMITTED THE CRIME OF HOMICIDE BY CHILD ABUSE, BY THE ACT OF NEGLECT AND ABUSE THAT CAUSED THE VICTIM DEATH. THE INDICTMENT SPECIFICALLY ALLEGED THAT THE VICTIM'S DEATH RESULTED FROM THE ACT OF "NEGLECT AND ABUSE". THE INDICTMENT DID NOT ALLEGE THAT THE VICTIM DEATH WAS THE RESULT OF A OMISSION. BY CHARGING AND ALLEGING INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT. THAT THE VICTIM'S DEATH RESULTED FROM THE ACT OF NEGLECT AND ABUSE. THE STATE OF SOUTH CAROLINA TOOK ON THE BURDEN OF PROOF TO PROVE THIS SPECIFIC ALLEGED CRIME. FOR PROOF REVIEW

CASE LAW MERIT

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
CASE LAW OF:

LUCAS BAILEY VS. STATE 709 S.E. 2d 671 QUOTE END
IN PREFACING IT ANALYZES, THE TEXAS COURT OF APPEALS NOTED BY INCLUDING A MORE SPECIFIC DESCRIPTION, THE STATE UNDER TOOK THE BURDEN OF PROVING THE SPECIFIC ALLEGATIONS TO OBTAIN A CONVICTION. FURTHER QUOTE

END
IN SO RULING, THE COURT RECOGNIZED THAT A DEFENDANT MAY ONLY BE TRIED AND CONVICTED OF THE CRIME ALLEGED IN THE INDICTMENT AND THE STATE IS BOUND BY THE THEORY ALLEGED IN THE INDICTMENT. FURTHER QUOTE
WE AGREE WITH THE REASONING IN CASTILLO AND APPLY THE ANALYSIS TO THE FACTS OF THE INSTANT CASE

INSIDE OF THE CASE OF LUCAS BAILEY VS. STATE 709 S.E. 2d 671. AFTER THE JURY DELIBERATED ON THE CRIME OF HOMICIDE BY CHILD ABUSE TO DETERMINE RATHER LUCAS BAILEY WAS GUILTY OF THE CRIME OF HOMICIDE BY CHILD ABUSE OR NOT. THE JURY TOLD THE TRIAL JUDGE AND TRIAL COURT THAT THEY FOUND EVIDENCE OF NEGLECT BUT THEY DID NOT FIND AND EVIDENCE OF ABUSE.

IN A SUPPLEMENTAL INSTRUCTION TO THE JURY. THE TRIAL JUDGE AND TRIAL COURT INSTRUCTED THE JURY. THAT THE JURY COULD FIND LUCAS BAILEY GUILTY OF HOMICIDE BY CHILD ABUSE. IF THE JURY FOUND THAT LUCAS BAILEY WAS GUILTY OF HOMICIDE BY CHILD ABUSE BY THE ACT OF "ABUSE OR NEGLECT" WHICH WAS INCONSISTENT WITH THE ALLEGATIONS IN THE INDICTMENT. THAT CHARGED AND ALLEGED THAT LUCAS BAILEY COMMITTED HOMICIDE BY CHILD ABUSE BY THE ACTS OF "NEGLECT AND ABUSE" ONLY AS THE GRAND JURY HAD INDICTED LUCAS BAILEY ON.

THE TRIAL JUDGE AND TRIAL COURT THEN INSTRUCTED THE JURY ON THE WORD "CAUSED" THAT WAS CHARGED AND ALLEGED IN THE INDICTMENT AGAINST LUCAS BAILEY. BY DOING SO THE TRIAL JUDGE AND TRIAL COURT EXPLAINED TO THE JURY. THAT THE STATE OF SOUTH CAROLINA HAD TO PROVE BEYOND A REASONABLE DOUBT THAT LUCAS BAILEY ACT OF "NEGLECT OR ABUSE" WAS THE "PROXIMATE CAUSE" OF

THE VICTIMS DEATH. BECAUSE IN HIS SUPPLEMENTAL INSTRUCTIONS, THE TRIAL JUDGE AND TRIAL COURT CHANGED THE WORD "AND" TO "OR" AND CAUSED THE JURY TO CONVICT LUCAS BAXLEY ON THE CRIME OF HOMICIDE BY CHILD ABUSE, BY THE ACT OF NEGLECT OR ABUSE INSTEAD OF THE ACTS OF BOTH "NEGLECT OR ABUSE" THATS CHARGED AND ALLEGED INSIDE OF THE INDICTMENT BY THE GRAND JURY. THE TRIAL JUDGE AND TRIAL COURT SUPPLEMENTAL INSTRUCTIONS ON "NEGLECT OR ABUSE" INSTEAD OR "NEGLECT AND ABUSE" AS THE GRAND JURY INDICTED LUCAS BAXLEY ON. ALLOWED THE JURY TO CONVICT LUCAS BAXLEY ON THE CRIME OF HOMICIDE BY CHILD ABUSE BY THE ACT OF "NEGLECT" ONLY, WHICH UNCONSTITUTIONALLY RELEASED THE STATE OF SOUTH CAROLINA OUT OF THERE BURDEN OF PROOF TO PROVE THAT LUCAS BAXLEY WAS GUILTY BEYOND A REASONABLE DOUBT, OF COMMITTING THE CRIME OF HOMICIDE BY CHILD ABUSE, BY COMMITTING THE ACT OF "ABUSE" ALONG WITH THE ACT OF "NEGLECT".

AS THE GRAND JURY CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT, THAT THE JURY AT TRIAL WAS SWORN IN ON AND LUCAS BAXLEY WAS TRIED ON BEFORE THE JURY AT TRIAL.

AS A RESULT BECAUSE THE TRIAL JUDGE AND TRIAL COURT SUPPLEMENTAL INSTRUCTIONS, ALLOWED THE JURY TO CONVICT LUCAS BAXLEY ON THE CRIME OF HOMICIDE BY CHILD ABUSE, BY THE ACT OF "NEGLECT" ONLY, AND NOT THE ACTS OF BOTH "NEGLECT AND ABUSE" THAT WAS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT THAT THE GRAND JURY INDICTED LUCAS BAXLEY ON, AND LUCAS BAXLEY WAS TRIED ON BEFORE THE JURY AT TRIAL. THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA DECIDED, THAT THE TRIAL JUDGE AND TRIAL COURT SUPPLEMENTAL INSTRUCTIONS, THAT ALLOWED THE JURY TO CONVICT LUCAS BAXLEY, ON THE CRIME OF HOMICIDE BY CHILD ABUSE, BY THE ACT OF "NEGLECT ONLY" AND NOT THE ACTS OF BOTH "NEGLECT AND ABUSE" THAT WAS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT THAT THE GRAND JURY INDICTED LUCAS BAXLEY ON, AND LUCAS BAXLEY WAS TRIED ON BEFORE THE JURY AT TRIAL, UNCONSTITUTIONALLY ALLOWED THE JURY TO CONVICT LUCAS BAXLEY ON, A "UNINDICTED CRIME" THAT THERE IS ABSOLUTELY NOT ANY INDICTMENT CHARGING LUCAS BAXLEY WITH, FOR PROOF REVIEW THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF LUCAS BAXLEY VS. STATE 709 S.E.2d 671

AS A MATTER OF LAW INDICTMENT # 2012-65-07-01935
CHARGE AND ALLEGE THAT VICTIM K. S. [REDACTED]
DEATH IS THE PROXIMATE RESULT OF A ONGOING
GUN BATTLE AN INHERANTLY DANGEROUS FELONY
ONLY.

AS A MATTER OF LAW PROVEING THAT A ONGOING GUN
BATTLE AN INHERANTLY DANGEROUS FELONY, IS THE
ONE AND ONLY CRIMINAL ACT, THAT INDICTMENT #
2012-65-07-01935 CHARGE AND ALLEGE THAT VICTIM
K. S. [REDACTED] DEATH IS A PROXIMATE RESULT
THERE OF.

AS A MATTER OF LAW: A ONGOING GUN BATTLE
AN INHERANTLY DANGEROUS FELONY, IS THE ONE
AND ONLY "CRIMINAL ACT" THAT INDICTMENT # 2012-
65-07-01935 PUTS T TYRONE ROBINSON ON "NOTICE"
THAT I HAD TO DEFEND AGAINST.

AS A MATTER OF LAW PROVEING THAT INDICTMENT #
2012-65-07-01935, PUTS T TYRONE ROBINSON ON "NOTICE"
THAT I HAD TO DEFEND AGAINST THE 1ST ELEMENT
"ALLEGEDLY"

T TYRONE ROBINSON WAS IN THE COMMISSION OF
COMMITTING A ONGOING GUN BATTLE AN INHERANTLY
DANGEROUS FELONY

THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY
MURDER BY THE FELONY MURDER RULE THEORY.

ALSO PROVEING THAT AS A MATTER OF LAW INDICTMENT #
2012-65-07-01935, PUTS T TYRONE ROBINSON ON "NOTICE"
THAT I HAD TO DEFEND AGAINST THE 2ND ELEMENT
"ALLEGEDLY".

THE DEATH OF VICTIM K. S. [REDACTED] IS THE PROXIMATE
RESULT OF T TYRONE ROBINSON COMMITTING A
ONGOING GUN BATTLE AN INHERANTLY DANGEROUS
FELONY

THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY
MURDER BY THE FELONY MURDER RULE THEORY.

AS A MATTER OF LAW PROVEING THAT INDICTMENT #
2012-65-07-01935 PUTS T TYRONE ROBINSON ON
"NOTICE" THAT I HAD TO DEFEND AGAINST THE CRIME
OF FELONY MURDER BY THE FELONY MURDER RULE
THEORY ONLY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST
2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN
INHERANTLY DANGEROUS FELONY, TYRONE ROBINSON DID
WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT
CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND

KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN
ROAD ON HILTON HEAD ISLAND AND THAT K. S. [REDACTED]
DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT
THERE OF

THAT THE GRAND JURY INDICTED ME ON, THE JURY WAS
SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE
THE JURY AT TRIAL.

AS A MATTER OF LAW PROVEING THAT THE STATE OF SOUTH
CAROLINA HAD THE BURDEN OF PROOF, TO PROVE THAT I WAS

GUILTY BEYOND A REASONABLE DOUBT. OF COMMITTING
THE 1ST ELEMENT "ALLEGEDLY"
I TYRONE ROBINSON WAS IN THE COMMISSION OF
COMMITTING AN ONGOING GUN BATTLE AN INHERANTLY
DANGEROUS FELONY

BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT ME
FOR THE DEATH OF VICTIM K. S.

ALSO PROVING THAT AS A MATTER OF LAW, THE STATE OF
SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE.
THAT I WAS GUILTY BEYOND A REASONABLE DOUBT OF
COMMITTING THE SECOND ELEMENT "ALLEGEDLY"

THE DEATH OF VICTIM K. S. IF THE
PROXIMATE RESULT OF I TYRONE ROBINSON COMMIT-
TING AN ONGOING GUN BATTLE AN INHERANTLY
DANGEROUS FELONY

BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT
ME FOR THE DEATH OF VICTIM K. S.
FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF

LUCAS BAILEY VS. STATE 709 S.E.2D 671 "QUOTEING"
IN PREFACING IT ANALYSIS, THE TEXAS COURT
OF APPEALS NOTED THAT BY INCLUDING A MORE
SPECIFIC DESCRIPTION, THE STATE UNDERTOOK
THE BURDEN OF PROVING THE SPECIFIC ALLEGAT-
IONS TO OBTAIN A CONVICTION "FURTHER QUOTEING"
IN SO RULING, THE COURT RECOGNIZED THAT A
DEFENDANT MAY ONLY BE TRIED AND CONVICTED
OF THE CRIMES ALLEGED IN THE INDICTMENT
AND THE STATE IS BOUND BY THE THEORY ALLEGED
IN THE INDICTMENT "FURTHER QUOTEING"
WE AGREE WITH THE REASONING IN CASTILLO AND
APPLY ITS ANALYSIS TO THE FACTS OF THE INSTANT
CASE

THEREFORE BECAUSE AT THE END OF TRIAL, WHEN THE
TRIAL JUDGE AND TRIAL COURT INSTRUCTED THE
JURY ON THE CRIME TO DELIBERATE ON TO DETERMINE
WHETHER I WAS GUILTY OR NOT GUILTY OF THE DEATH OF
VICTIM K. S. THE TRIAL JUDGE AND
TRIAL COURT INSTRUCTED THE JURY ON THE 1ST ELEMENT
FROM THE THIRD UNINDICTED ALLEGED CRIME OF MURDER.
"ALLEGEDLY"
I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT
BY THE TRIAL JUDGE AND TRIAL COURT INSTRUCTING THE
JURY - THAT IN ORDER TO CONVICT ME FOR THE DEATH
OF VICTIM K. S. THE STATE OF SOUTH CAROL-
INA HAD THE BURDEN OF PROOF TO PROVE THAT I WAS
GUILTY BEYOND A REASONABLE DOUBT OF KILLING THE VICTIM
WHICH CONSTITUTES THE 1ST ELEMENT "ALLEGEDLY"
I UNLAWFULLY KILLED THE VICTIM
THAT THERE IS ABSOLUTELY NOT ANY INDICTMENT

223.

CHARGING ME WITH

by doing so proves that as a matter of law, the TRIAL JUDGE AND TRIAL COURT, UNCONSTITUTIONALLY RELEASED THE STATE OF SOUTH CAROLINA OUT OF THEIR BURDEN OF PROOF, TO PROVE THAT I TYRONE ROBINSON AM GUILTY BEYOND A REASONABLE DOUBT, OF COMMITTING THE 1ST ELEMENT "ALLEGEDLY"

I TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT INDICTMENT #2012-65-07-01935 PUTS I TYRONE ROBINSON ON NOTICE THAT I HAD TO DEFEND AGAINST, THE GRAND JURY INDICTED ME ON, THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-65-07-01935.

ALSO BECAUSE AT THE END OF TRIAL, WHEN THE TRIAL JUDGE AND TRIAL COURT INSTRUCTED THE JURY ON THE CRIME TO DELIBERATE ON, TO DETERMINE RATHER I WAS GUILTY OR NOT GUILTY OF THE DEATH OF VICTIM K. S. [REDACTED], THE TRIAL JUDGE AND TRIAL COURT INSTRUCTED THE JURY ON THE 2ND ELEMENT FROM THE THIRD UNINDICTED ALLEGED CRIME OF MURDER. "ALLEGEDLY"

I KILLED THE VICTIM WITH MALICE AND AFORE-THOUGHT

BY THE TRIAL JUDGE AND TRIAL COURT INSTRUCTING THE JURY, THAT IN ORDER TO CONVICT ME FOR THE DEATH OF VICTIM K. S. [REDACTED], THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE THAT I WAS GUILTY BEYOND A REASONABLE DOUBT OF KILLING THE VICTIM WITH MALICE AND AFORETHOUGHT

WHICH CONSTITUTES THE 2ND ELEMENT "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT THERE IS ABSOLUTELY NOT ANY INDICTMENT CHARGING ME WITH

by doing so proves that as a matter of law, the TRIAL JUDGE AND TRIAL COURT, UNCONSTITUTIONALLY RELEASED THE STATE OF SOUTH CAROLINA OUT OF THEIR BURDEN OF PROOF, TO PROVE THAT I TYRONE ROBINSON AM GUILTY BEYOND A REASONABLE DOUBT, OF COMMITTING THE 2ND ELEMENT "ALLEGEDLY"

THE DEATH OF VICTIM K. S. [REDACTED] IS THE PROXIMATE RESULT OF I TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT INDICTMENT #2012-65-07-01935 PUTS I TYRONE ROBINSON ON NOTICE THAT I HAD TO DEFEND AGAINST, THE GRAND JURY INDICTED ME ON, THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-65-07-01935.

AS A MATTER OF LAW PROVEING THAT WHEN THE JURY AT TRIAL CONVICTED ME. THE JURY AT TRIAL UNCONSTITUTIONALLY CONVICTED ME ON THE UNINDICTED ELEMENTS, THAT ARE REQUIRED TO CONSTITUTE THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT CHARGEING ME WITH.

AS A MATTER OF LAW PROVEING THAT WHEN THE JURY AT TRIAL CONVICTED ME. THE JURY AT TRIAL UNCONSTITUTIONALLY CONVICTED ME, ON THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

THAT THERE IS ABSOLUTELY NOT ANY INDICTMENT CHARGEING ME WITH. PURSUANT TO THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF LUCAS BAILEY VS. STATE 709 S.E.2d 671 FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

LUCAS BAILEY VS. STATE 709 S.E.2d 671 "QUOTEING"

WHEN THE JURY RETURNED TO THE COURT ROOM, THE JUDGE EXPLAINED THAT IN THIS CASE THE ONLY ALLEGATIONS ARE THAT THE DEFENDANT CAUSED THE DEATH OF THE CHILD BY NEGLECT AND ABUSE AND THAT UNDER THE STATUTE SEVERAL ACTS QUALIFIED AS NEGLECT AND ABUSE BUT THE STATE WAS REQUIRED TO PROVE ONLY ONE OF THEM.

IN RESPONSE THE FOREMAN STATED:

WE SEE AS A JURY TOTAL JURY WE SEE THE NEGLECT IN THE PARENTS BUT WE FAIL TO SEE EVIDENCE THAT LORENZO STRUCK THE CHILD. THERE WAS NO EVIDENCE TO US THAT LORENZO STRUCK THIS CHILD.

THERE WAS NEGLECT YES ON BOTH PARTIES BUT WE FAIL TO SEE THAT AND THAT'S WRITTEN IN THAT

DOCUMENT THAT WE DIDN'T SEE ANY EVIDENCE.

WE DIDN'T SEE ANY EVIDENCE AND THE DEFINITION OF YOUR HOMICIDE HAS A COMBINATION OF BOTH. I

KNOW ITS PART OF THAT DEFINITION BUT WE FAIL TO SEE ANY EVIDENCE THAT HE DID THAT "FURTHER QUOTE-

ING"

WHEN THE JURY RETURNED TO THE COURT ROOM THE JUDGE ISSUED SUPPLEMENTAL INSTRUCTIONS THAT

STATED IN PART:

IF YOU ARE DETERMINING WHETHER SOME ACTS THAT YOU WOULD CALL ABUSE AND SOME THAT YOU WOULD CALL

NEGLECT, THAT'S UP TO YOU AS LONG AS YOU KNOW OF SO

BY THE STATUTE HERE. THE STATUTE DOESN'T REALLY

IT SAYS IT CAN BE ABUSE OR NEGLECT AND IT DOESN'T

SAY WHICH ACTS MIGHT BE WHICH, BUT IT SAYS THAT

ABUSE OR NEGLECT

OMISSION WHICH CAUSES HARM. FURTHER QUOTEING"

THE JUDGE FURTHER EXPLAINED THAT:

SO YOU HAVE TO FIND THAT THE DEFENDANT EITHER DID

SOMETHING OR FAILED TO DO SOMETHING THAT CAUSED

THE DEATH OF THE CHILD. EITHER HIS DOING SOME-
 -THING WHICH IS AN ACT, OR FAILING TO DO SOMETHING
 WHICH IS AN OMISSION. AND THAT, THAT CONDUCT ON
 HIS PART, EITHER THE ACT OR THE OMISSION, CAUSED
 THE DEATH OF THE CHILD. MOMENTS LATER A JUROR
 APPROACHED THE BENCH AND IN AN OFF THE RECORD
 DISCUSSION EXPRESSED HER CONCERN TO THE JUDGE
 OVER THE DEFINITION OF THE WORD "CAUSED."
 THE JUDGE THEN GAVE AN INSTRUCTION ON PROXIM-
 -ATE CAUSE. IN PART THE JUDGE STATED. YOU MUST
 FIND THAT THE STATE HAS CONVINCED YOU BEYOND
 A REASONABLE DOUBT THAT EITHER AN ACT OR
 FAILURE TO ACT ON THE PART OF THIS DEFENDANT
 IS A PROXIMATE CAUSE OF THE DEATH OF THE
 "FURTHER QUOTE END"

DISCUSSION

BAILEY CONTENDS THE JUDGE ERRED IN DENYING HIS
 P.C.R. APPLICATION AS HIS TRIAL COUNSEL WAS INEFF-
 -ECTIVE IN FAILING TO OBJECT TO THE TRIAL JUDGE'S
 SUPPLEMENTAL JURY INSTRUCTIONS. IN SUPPORT OF
 THIS CONTENTION, BAILEY CLAIMS THE INSTRUCTIONS
 ALLOWED THE JURY TO CONVICT HIM FOR AN ACT
 ALTERNATIVE TO THE ONE SPECIFIED WITH PARTICULARITY
 IN THE INDICTMENT. BECAUSE THE INFLECTION OF
 PHYSICAL INJURIES WAS THE SPECIFIC ACT ALLEGED
 IN THE INDICTMENT, BAILEY ASSERTS THE JURY WAS
 LIMITED TO A DETERMINATION OF WHETHER HE COMM-
 -ITTED THIS ACT. BASED ON THE FOREMAN'S STATEMENT
 THAT THE JURY FOUND NO EVIDENCE THAT BAILEY STRUCK
 THE CHILD BAILEY CLAIMS THE JURY FOUND A MATERIAL
 VARIANCE BETWEEN THE ACT ALLEGED IN THE INDICT-
 -MENT AND THE STATE'S PROOF. SPECIFICALLY BAILEY
 AVERS THE JURY CONVICTED HIM OF AN UNINDICTED
 CRIME AS THE JURY FOUND EVIDENCE OF NEGLIGENCE
 RATHER THAN THE SPECIFICALLY ALLEGED ACTS OF ABUSE.
 GIVEN THAT THE JUDGE ERRONEOUSLY INSTRUCTED PER-
 -MITTING THE RESULT, BAILEY ASSERTS HIS TRIAL
 COUNSEL WAS INEFFECTIVE IN FAILING TO OBJECT
 TO THOSE SUPPLEMENTAL INSTRUCTIONS. "FURTHER QUOTE END"
 IN SOUTH CAROLINA IT IS A RULE OF UNIFORM OBSERVANCE
 IN ADMINISTERING THE CRIMINAL LAW THAT A
 DEFENDANT MUST BE CONVICTED IF CONVICTED AT
 ALL OF THE PARTICULAR OFFENSE CHARGED IN THE
 BILL OF INDICTMENT. A MATERIAL VARIANCE BETWEEN
 CHARGE AND PROOF ENTITLES THE DEFENDANT TO A DIRECT-
 -ED VERDICT. STATING THAT ONE OF THE TWO WAYS AN
 INDICTMENT CAN BE IMPROPERLY MODIFIED IS
 THROUGH A VARIANCE WHERE BY THE CHARGING
 TERMS OF THE INDICTMENT ARE LEFT UNALTERED
 BUT THE EVIDENCE OFFERED AT TRIAL PROVES FACTS
 MATERIALLY DIFFERENT FROM THOSE ALLEGED IN THE
 INDICTMENT "FURTHER QUOTE END"

when the indictment factually charges a complete offense and the state presents evidence which convict under a different theory than that alleged. A conviction under latter circumstances violates principles of due process because the state has failed to prove beyond a reasonable doubt every fact necessary to constitute the crime with which a defendant was charged. A material variance that violates a defendant's substantial right to be tried only on charges presented in an indictment constitutes fatal error and warrants a reversal on appeal of a judgment of conviction of the offense not charged in the indictment.

In a case involving similar facts to the instant case, the Texas Court of Appeals found error in the trial judge jury instructions that permitted the jury to convict the defendant of an act not alleged in the indictment. Further quoting in prefacing its analysis, the Texas Court of Appeals noted that by including a more specific description, the state undertook the burden of proving the specific allegations to obtain a conviction. Further quoting:

On appeal Castillo raised several issues including an argument that the trial judge egregiously erred by adding, through a lesser-included offense charge, a theory of prosecution ("shaking") that was not supported by the indictment. The Texas Court of Appeals agreed with Castillo's argument finding the trial court erred in enlarging the indictment by adding "shaking" as an additional manner and means of committing the charged offense. In so ruling the court recognized that a defendant may only be tried and convicted of crimes alleged in the indictment and the state is bound by the theory alleged in the indictment.

Further quoting:

We agree with the reasoning in Castillo and apply its analysis to the facts of the instant case. We conclude that the trial judge's instructions improperly "enlarged" the indictment by instructing the jury that it could convict Bailey of a crime not alleged in the indictment.

AS A MATTER OF LAW PROVEING THAT THE JURY AT TRIAL UNCONSTITUTIONALLY CONVICTED ME, SENTENCED ME TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED ME OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED ME. ON THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGING" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH WHICH DEPRIVED ME OUT OF MY DUE PROCESS RIGHT TO NOTICE AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "QUOTEING" NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF JACKSON VS. VIRGINIA 99 S. CT 2781 "QUOTEING" A CONVICTION UPON A CHARGE NOT MADE IS A DENIAL OF DUE PROCESS A PERSON CAN NOT INCURR THE LOSS OF LIBERTY FOR AN OFFENSE WITHOUT NOTICE AND MEANINGFUL OPPORTUNITY TO DEFEND

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF THE STATE VS. DELBERT L. SMALZ 613 S.E.2d 754 DUE PROCESS OF LAW REQUIRES THAT A CRIMINAL DEFENDANT BE PROPERLY SERVED WITH A VALUED INDICTMENT

CASE LAW MERITS

COLORADO COURT OF APPEALS, DIVISION FIFTH CASE LAW OF PEOPLE VS. DEUTSH 471 P.3d 1266 "QUOTEING" CONSTRUCTIVELY AMENDING A CHARGE VIOLATES A DEFENDANT'S CONSTITUTIONAL DUE PROCESS RIGHT

AS A MATTER OF LAW THE SENTENCING SHEET REVEALS THAT TRIAL JUDGE THOMAS COOPER, SENTENCED ME TO PRISON TIME OF LIFE IMPRISONMENT FOR THE DEATH OF VICTIM K. S. [REDACTED]. AS A MATTER OF LAW PROVEING THAT AFTER I WAS CONVICTED AND SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT FOR THE DEATH OF VICTIM K. S. [REDACTED] THE STATE OF SOUTH CAROLINA, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, BEaufORT COUNTY DETENTION CENTER, DIRECTOR COLONAL FOOTE, DIRECTOR OF BEaufORT COUNTY DETENTION CENTER, DIRECTOR BRYAN STERLING, DIRECT-

- OR MC CALL, DIRECTOR OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, PERRY CORRECTIONAL INSTITUTION, WARDEN LARRY CARTLEDGE, WARDEN SCOTT LEWIS, KIRKLAND CORRECTIONAL INSTITUTION, WARDEN MC KEE, LEE CORRECTIONAL INSTITUTION, LIEBER CORRECTIONAL INSTITUTION, WARDEN AARON JOYNER, WARDEN AT LEE CORRECTIONAL INSTITUTION, WARDEN RANDALL WILLIAMS, AND WARDEN BRIAN KENDALL, WARDENS AT LIEBER CORRECTIONAL INSTITUTION. ALL HELD TYRONE ROBINSON, DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED ON THE THIRD UNINDICTED ALLEGED CRIME OF MURDER. ALL EGOTING I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES

"QUOTE ENO"

NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW FROM SEPTEMBER 19TH, 2, 014

ONGOING UP UNTIL NOW. CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

JACKSON VS. VIRGINIA 99 S. CT 2781 "QUOTE ENO"

A CONVICTION UPON A CHARGE NOT MADE IN A

GENERAL OF DUE PROCESS

A PERSON CAN NOT INCURR THE LOSS OF LIBERTY FOR AN OFFENSE WITHOUT NOTICE AND MEANINGFUL OPPORTUNITY TO DEFEND

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

THE STATE VS. DELBERT L. SMALLES 613 S.E.2d 754

"QUOTE ENO" DUE PROCESS OF LAW REQUIRES THAT A CRIMINAL DEFENDANT BE PROPERLY SERVED WITH A VALID INDICTMENT

CASE LAW MERITS

COLORADO COURT OF APPEALS, DIVISION III CASE LAW OF.

PEOPLE VS. DEUTSCH 471 P.3d 1266 "QUOTE ENO"

CONSTRUCTIVELY AMENDING A CHARGE VIOLATES A DEFENDANT'S CONSTITUTIONAL DUE PROCESS RIGHT

ATTORNEY ARFE DAVIS BOX FAILURE TO ASSERT A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW AND OBJECT TO

THE CONSTRUCTIVE AMENDMENT OF THE INDICTMENT TO PROTECT ME FROM BEING UNCONSTITUTIONALLY CONVICTED, SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED. ON THE THIRD UNINDICTED

alleged crime of murder "alleging"

I killed the victim with malice and aforethought

That there is not any indictment putting me on notice that I had to prepare a defense for and defend against and there is not any indictment charging me with, which deprived me out of my due process right to notice and fair opportunity to prepare a defense for and defend against the charges brought against me. In violation of my federal 5th and 14th Amendment right of due process of law, did not constitute a valid trial strategy and was deficient performance - satisfying the 1st prong of ineffective assistance of counsel that is required to prove a violation of my federal sixth Amendment right of effective assistance of counsel, which the first prong is: counsel's performance was deficient FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF:

LUCAS BAZLEY VS. STATE OF SOUTH CAROLINA 709 S.E.2d

671 "QUOTE"

DEFENSE COUNSEL'S FAILURE TO OBJECT TO SUPPLEMENTAL JURY INSTRUCTIONS TO JURY ON CHARGE OF HOMICIDE BY CHILD ABUSE, WHICH ERRONEOUSLY ENLARGED INDICTMENT BY INSTRUCTING JURY THAT IT COULD CONVICT DEFENDANT OF A CRIME NOT ALLEGED IN INDICTMENT WAS DEFICIENT PERFORMANCE, AS ELEMENT OF INEFFECTIVE ASSISTANCE

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT CASE LAW OF:

LARRY S. LUCAS VS. MICHAEL J. O'DEA, WARDEN 779 F.3d

412 "QUOTE"

A MODIFICATION AT TRIAL THAT ACTS TO BROADEN THE CHARGE IN AN INDICTMENT CONSTITUTES REVERSIBLE ERROR.

AS A MODIFICATION OF THE INDICTMENT OCCURS WHEN THE CHARGING TERMS OF THE INDICTMENT ARE ALTERED, EITHER LITERALLY OR IN EFFECT BY PROSECUTOR OR COURT AFTER THE GRAND JURY HAS LAST PASSED UPON THEM.

IN FORD THE INDICTMENT CHARGED THE DEFENDANT WITH POSSESSION OF A FIRE ARM ON OR AROUND A CERTAIN DATE, BUT THE COURT GAVE A JURY INSTRUCTION PERMITTING CONVICTION IF THE JURY FOUND THAT HE POSSESSED THE FIRE ARM OVER A ONE YEAR PERIOD. THIS WAS HELD TO BE A CONSTRUCTIVE AMENDMENT. A CHANGE FROM THE INDICTMENT MATERIAL ENOUGH TO RESULT IN A CONSTRUCTIVE AMENDMENT IS ALSO CALLED A FATAL VARIANCE.

THE COURT IN FORD ALSO HELD THAT A CONSTRUCTIVE AMENDMENT IS PER SE PREJUDICIAL ERROR "FURTHER QUOTE"

CONSTRUCTIVE AMENDMENTS ARE PER SE PREJUDICIAL

because they deny the defendant his right to a grand jury and hamper the ability to prepare adequately for trial. "further quoting"
 However, a state prisoner petitioning for habeas corpus relief has a due process right to be informed of the nature of the accusation against him. "further quoting"

In the present case, the district court held that as a result of the fatal variance between the indictment and the jury instruction, Lucas had insufficient notice of the charges against him and was deprived of any defense. Lucas was charged with intentional murder. The indictment stated that he shot Paul Zurla with a pistol, causing his death. The jury was instructed, however, that "it is immaterial which one of them fired the shot that killed Paul Zurla." The district court noted, this variance was devastating to Lucas's defense.

It is clear that Lucas was prejudiced, given that his defense to the murder charge was that he was not the one who shot Zurla. Given the form in which the case was delivered to the jury, there would be no defense at all. Because it exposed Lucas to charges for which he had no notice and thus no opportunity to plan a defense, the variance from the indictment to the jury instruction constituted a constitutional amendment that deprived him of his fourteenth Amendment right to notice of the charge against him. See comb 530 F.2d 698 holding that such deficiencies and certainty are required as well enable a presumptively man to prepare for trial. "further

quoting"
 In Strickland v. Washington 104 S.Ct. 2052 the court set forth a two part test for determining whether the performance of counsel is constitutionally deficient. First, a defendant must show that counsel's errors were so serious that he or she was not functioning as the counsel guaranteed by the sixth Amendment. As the counsel guaranteed by the sixth Amendment can fail to object to a jury instruction can constitute such grave error. Gray v. Lynn 6 F.3d 265 (5 Cir 1993) holding that the failure by the defendant's counsel to object to the erroneous instruction in question can not be considered to be within the wide range of professionally competent assistance.

2nd PRONG

2nd prong proving a claim of ineffective assistance of counsel is:
 The deficient performance prejudiced the defendant

INDICTMENT # 2012-61-07-01935 CHARGES I TYRONE ROBINSON WITH THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-61-07-01935

MY DEFENSE AGAINST THE CRIME THEY CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-61-07-01935, WAS THAT I DID NOT

COMMITTE A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY THAT CAUSED VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED AND KHALIL SINGLETON DID DIE AS A PROXIMATE RESULT THERE OF. "I DID NOT DIE AS A PROXIMATE RESULT OF TYRONE ROBINSON"

A PROXIMATE RESULT OF TYRONE ROBINSON COMMITTEING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, HOWEVER THIS DEFENSE ENDED UP BEING NO DEFENSE AT ALL. BECAUSE WHEN TRIAL JUDGE THOMAS COOPER CONSTRUCTIVELY AMENDED THE INDICTMENT THREE HRS JURY INSTRUCTIONS TO THE JURY, AND ALLOWED THE JURY TO CONVICT ME ON THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR A DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH.

THE CONSTRUCTIVE AMENDMENT OF THE INDICTMENT EXPOSED ME TO THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT I WAS NOT GIVEN NOTICE OF AND I WAS NOT AFFORDED FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, WHICH DEPRIVED ME OUT OF MY DUE PROCESS RIGHT TO NOTICE OF THE CHARGES AGAINST ME AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. FOR PROOF AGAIN

CASE LAW MERIT
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
CASE LAW OF.
LARRY S. LUCAS VS. MICHAEL J. O'DEA, WARDEN 179 F.3D
912 "QUOTE" IN THE PRESENT CASE, THE DISTRICT COURT HELD THAT

as a result of the fatal variance between the indictment and the jury instruction, Lucas had insufficient notice of the charges against him and was deprived of any defense. Lucas was charged with intentional murder. The indictment stated that "he shot PAUL ZURLA with a pistol causing his death. The jury was instructed, however, that it is immaterial which one of them fired the shot that killed PAUL ZURLA as the district court noted, this variance was devastating to Lucas defense. It is clear that Lucas was prejudiced, given that his defense to the murder charge was that he was not the one who shot ZURLA. Given the form in which the case was delivered to the jury, the wound up being no defense at all. Because it exposed Lucas to charges for which he had notice and thus no opportunity to plan a defense, the variance from the indictment to the jury instruction constituted a constructive amendment that deprived him of his fourteenth amendment right to notice of the charge against him.

My attorney ARTHUR DAVID BAX would of had asserted a claim of violation of my federal 5th and 14th amendment right of due process of law and objected to the constructive amendment, to protect me from being unjustly convicted, sentenced to prison time of life imprisonment, deprived out of my liberty and wrongfully incarcerated. On the third unindicted alleged crime of murder "alleging" I killed the victim with malice and aforethought

that there is not any indictment putting me on notice that I had to prepare a defense for and defend against and there is not any indictment charging me with, which deprived me out of my due process right to notice and fair opportunity to prepare a defense for and defend against the charges brought against me. IN VIOLATION OF MY FEDERAL 5TH AND 14TH Amendment right of due process of law. Then these issues would of been reserved on court record for the appeal court to review. As a result South Carolina court of appeals would of had to "REVERSE" my conviction and prison sentence of life imprisonment, that I received on and for the third unindicted alleged crime of murder "alleging" I killed the victim with malice and aforethought

FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

NICHOLAS A. STIRONE VS. UNITED STATES 805. CT 270
"QUOTE"ING

THE BORN CASE WHICH HAS NEVER BEEN DISPROVED STANDS FOR THE RULE THAT A COURT CANNOT PERMIT A DEFENDANT TO BE TRIED ON CHARGES THAT ARE NOT MADE IN THE INDICTMENT AGAINST HIM

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT CASE LAW OF.

LARRY S. LUCAS VS. MICHAEL J. O'DEA, WARDEN 179
F.3D 912 "QUOTE"ING

WHEN DECIDING CASES ARISING WITHIN THE FEDERAL COURT SYSTEM THE COURT HAS HELD THAT CONSTRUCTIVE AMENDMENT TO AN INDICTMENT ARE PER SE PREJUDICIAL, WARRANTING REVERSAL

THEREFORE ATTORNEY ARIE DAVID BAX DEFICIENT PERFORMANCE PREJUDICED ME, BECAUSE IT UNDERMINED CONFIDENCE IN THE OUTCOME OF MY TRIAL DEPRIVED ME OUT OF A FAIR TRIAL, AND CAUSED ME TO BE CONVICTED, SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED. ON THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGED"ING

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH, WHICH DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT TO NOTICE AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "QUOTE"ING

NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW

SATISFYING THE 2ND PRONG REQUIRED TO PROVE A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL, WHICH IS: THE DEFICIENT PERFORMANCE PREJUDICED THE DEFENDANT CONSTITUTING A VIOLATION OF MY FEDERAL SIXTH AMENDMENT RIGHT OF EFFECTIVE ASSISTANCE OF COUNSEL. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

LUCAS BAILEY VS. STATE OF SOUTH CAROLINA 709 S.E. 2d 671 "QUOTE"ING

DEFENSE COUNSEL DEFICIENT PERFORMANCE IN PROSECUTION FOR HOMICIDE BY CHILD ABUSE, IN FAILING TO OBJECT TO SUPPLEMENTAL JURY INSTRUCTIONS WHICH ERRONEOUSLY ENLARGED INDICTMENT, PREJUDICED DEFENSE.

- dant, and thus was ineffective assistance.

CASE LAW MERIT

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
CASE LAW OF.

LARRY S. LUCAS VS. MICHAEL J. O'DEA, WARDEN 179 9F.3d
412 U.S. 558

A MODIFICATION AT TRIAL THAT ACTS TO BROADEN THE
CHARGE IN THE INDICTMENT CONSTITUTES REVERSIBLE
ERROR.

AS AMENDMENT OF THE INDICTMENT OCCURS WHEN THE
CHARGING TERMS OF THE INDICTMENT ARE ALTERED,
EITHER LITERALLY OR IN EFFECT BY PROSECUTOR OR COURT
AFTER THE GRAND JURY HAS LATTERLY PASSED UPON THEM.

IN FORD THE INDICTMENT CHARGED THE DEFENDANT WITH
POSSESSION OF A FIREARM ON OR AROUND A CERTAIN DATE,
BUT THE COURT GAVE A JURY INSTRUCTION PERMITTING CONVICTION IF THE JURY FOUND THAT HE POSSESSED THE FIREARM
OVER A FIVE YEAR PERIOD. THIS WAS HELD TO BE A CONSTRUCTIVE AMENDMENT. A CHANGE FROM THE INDICTMENT
MATERIAL ENOUGH TO RESULT IN A CONSTRUCTIVE AMENDMENT IS ALSO CALLED A FATAL VARIANCE. FURTHER

QUOTE: "THE COURT IN FORD ALSO HELD THAT A CONSTRUCTIVE AMENDMENT IS PER SE PREJUDICIAL ERROR" FURTHER

CONSTRUCTIVE AMENDMENT ARE PER SE PREJUDICIAL BECAUSE THEY DENY THE DEFENDANT HIS RIGHT TO A GRAND JURY AND AND HAMPER THE ABILITY TO PREPARE ADEQUATELY FOR TRIAL. FURTHER

HOWEVER, A STATE PRISONER PETITIONING FOR HABEAS CORPUS RELIEF HAS A DUE PROCESS RIGHT TO BE INFORMED OF THE NATURE OF THE ACCUSATION AGAINST HIM. FURTHER

IN THE PRESENT CASE, THE DISTRICT COURT HELD THAT AS A RESULT OF THE FATAL VARIANCE BETWEEN THE INDICTMENT AND THE JURY INSTRUCTIONS, LUCAS HAD INSUFFICIENT NOTICE OF THE CHARGE AGAINST HIM AND WAS DEPRIVED OF ANY DEFENSE. LUCAS WAS CHARGED WITH INTENTIONAL MURDER. THE INDICTMENT STATED THAT HE SHOT PAUL ZURLO WITH A PISTOL, CAUSING HIS DEATH. THE JURY WAS INSTRUCTED, HOWEVER, THAT IF IT IMMATERIAL WHICH ONE OF THEM FIRED THE SHOT THAT KILLED PAUL ZURLO. AS THE DISTRICT COURT NOTED, THIS VARIANCE WAS DEVASTATING TO LUCAS DEFENSE.

IT IS CLEAR THAT LUCAS WAS PREJUDICED, GIVEN THAT HIS DEFENSE TO THE MURDER CHARGE WAS THAT HE WAS NOT THE ONE WHO SHOT ZURLO. GIVEN THE FORM IN WHICH THE CASE WAS DELIVERED TO THE JURY, THIS WOUND UP BEING NO DEFENSE AT ALL.

BECAUSE IT EXPOSED LUCAS TO CHARGES FOR WHICH HE HAD NO NOTICE AND THUS NO OPPORTUNITY TO PLAN A DEFENSE, THE VARIANCE FROM THE INDICTMENT TO THE JURY INSTRUCTION CONSTITUTED A CONSTRUCTIVE AMENDMENT THAT DEPRIVED HIM OF HIS FOURTEENTH AMENDMENT RIGHT TO NOTICE OF THE CHARGE AGAINST HIM. SEE COMB. 530 F.2d 698 (HOLDING THAT SUCH DEFENSE WOULD BE PRESUMPTIVELY MAN TO PREPARE FOR TRIAL. FURTHER

IN STRICKLAND VS. WASHINGTON 109 S. CT 2052 THE COURT SET FORTH A TWO PART TEST FOR DETERMINING WHETHER THE PERFORMANCE OF COUNSEL IS CONSTITUTIONALLY

DEFICIENT "FURTHER QUOTE END"

SECOND A DEFENDANT ASSERTING AN INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM MUST GENERALLY SHOW THAT DEFENSE COUNSEL DEFICIENT PERFORMANCE PREJUDICED THE DEFENSE STRICKLAND 104 S. CT 2052. TO SHOW PREJUDICE UNDER STRICKLAND THE DEFENDANT MUST SHOW THAT THERE IS A REASONABLE PROBABILITY THAT BUT FOR COUNSEL'S UNPROFESSIONAL ERRORS, THE RESULT OF THE PROCEEDING WOULD HAVE BEEN DIFFERENT "FURTHER QUOTE END"

AS THE DISTRICT COURT NOTED, THE FAILURE OF LUCAS COUNSEL TO OBJECT TO THE JURY INSTRUCTION IN QUESTION RENDERED HIS DEFENSE THAT HE DID NOT SHOOT ZULKA MEANINGLESS. WHEN DECIDING CASES ARISING WITHIN THE FEDERAL COURT SYSTEM, THE COURT HAS HELD THAT CONSTRUCTIVE AMENDMENTS TO AN INDICTMENT ARE PER SE PREJUDICIAL, WARRANTING REVERSAL.

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT CASE LAW OF UNITED STATES OF AMERICA VS. GLENIS L. BOLDEN 325 F.3d 471 "QUOTE END"

WHERE AN INDICTMENT HAS BEEN CONSTRUCTIVELY AMENDED, WE HAVE FOUND REVERSIBLE ERROR, AND WE CONCLUSIVELY PRESUME THAT THE DEFENDANT HAS BEEN PREJUDICED BY THE CONSTRUCTIVE AMENDMENT

8th ISSUE ARGUED ON P.C.R

MY FEDERAL 5TH AMENDMENT RIGHT OF EFFECTIVE ASSISTANCE OF COUNSEL WAS VIOLATED. CONSTITUTEING INEFFECTIVE ASSISTANCE OF COUNSEL, AS A RESULT OF TRIAL ATTORNEY ARZE DAVID BOX FAILING TO ASSERT A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW, AND OBJECT TO A CONSTRUCTIVE AMENDMENT OF THE INDICTMENT, TO PROTECT ME FROM BEING CONVICTED ON, SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT FOR DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED. ON. THE UNINDICTED ELEMENT "ALLEGEDLY" I ACTED WITH THE INTENT TO KILL

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH. WHICH DEPRIVED ME OUT OF MY DUE PROCESS RIGHT TO NOTICE OF THE CHARGES BROUGHT AGAINST ME AND FAIR OPPORTUNITY TO DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME, IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW

9th ISSUE ARGUED ON P.C.R

VIOLATION OF FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW, by CONVICTING ME ON, SENTENCING ME TO PRISON TIME OF LIFE IMPRISONMENT FOR, DEPRIVING ME OUT OF MY LIBERTY AND WRONGFULLY INCARCERATING ME ON. THE UNINDICTED ELEMENT "ALLEGEDLY" I ACTED WITH THE INTENT TO KILL

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH. WHICH DEPRIVED ME OUT OF DUE PROCESS RIGHT TO NOTICE OF THE CHARGES BROUGHT AGAINST ME AND FAIR OPPORTUNITY TO DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME, IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "QUOTE" "NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW"

5th ARGUMENT

237.

FIRST CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITING UP OF INDICTMENT # 2012-GJ-07-01935, THAT THE JURY AT MY TRIAL WAS SWORN IN TO DECIDE ON. THE DEFENSE OF DOUBLE JEOPARDY ATTACHED TO AND I WAS PUT IN JEOPARDY OF BEING PUNISHED WITH PRISON TIME OF LIFE IMPRISONMENT ON. FOR THE DEATH OF VICTIM K. S. AS FOLLOWS.

I QUOTE THE TRIAL JUDGE AND TRIAL COURT CONFESION FROM THE TRIAL TRANSCRIPT ATTACHED
STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTING" FROM PAGE 3 AND 4 OF TRIAL TRANSCRIPT THE COURT (AKA) TRIAL JUDGE THOMAS COOPER STATED "QUOTING" LADIES AND GENTLEMEN YOU HAVE HEARD THE SOLICITOR HAS CALLED THE CASE OF THE STATE VERSUS TYRONE ROBINSON. MR. ROBINSON HAS BEEN INDICTED BY THE GRAND JURY OF BEAUFORT COUNTY AND CHARGED WITH THE CRIME OF MURDER. THE INDICTMENT ALLEGES THAT HERE IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER THE 1ST OF 2,012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD ON HILTON HEAD ISLAND BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF ON SEPTEMBER THE 1ST, 2,012 IN VIOLATION OF THE LAW

WHICH IS THE CRIME THAT I WAS PUT IN JEOPARDY OF BEING PUNISHED WITH PRISON TIME OF LIFE IMPRISONMENT FOR. INSIDE OF THE COURT OF GENERAL SESSION THE 14TH JUDICIAL CIRCUIT OF BEAUFORT COUNTY SOUTH CAROLINA. TRIAL IN THE CASE AGAINST TYRONE ROBINSON BEGAN ON SEPTEMBER 15TH, 2,014 AND LASTED UNTIL SEPTEMBER 19TH, 2,014

1st NOTICE

1st NOTICE THAT FELONY MURDER RULE THEORY IS THE ONE AND ONLY THEORY OF PROSECUTION THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST

AT PRETRIAL HEARING ON FEBRUARY 27TH, 2,014 AT BEAUFORT COUNTY GENERAL SESSION COURT HOUSE. THE STATE OF SOUTH CAROLINA AND SOLICITOR ISSAC MC. DUFFIE STONE, PUT ME ON NOTICE AND CONFESSED TO ME, THAT THE FELONY MURDER RULE THEORY WAS THE ONE AND ONLY THEORY OF PROSECUTION THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE WERE PROSECUTING ME ON BEFORE THE JURY AT TRIAL FOR THE DEATH OF VICTIM K. S. THE FELONY MURDER RULE THEORY THAT THE STATE OF SOUTH

CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE
 PUT ME ON NOTICE THAT I HAD TO DEFEND AGAINST THE
 THE FELONY MURDER RULE THEORY ALLEGING THAT I WAS
 COMMITTING INHERENTLY DANGEROUS FELONY ALONG
 WITH THREE OTHER PEOPLE, AND AS A RESULT OF THESE
 INHERENTLY DANGEROUS FELONY A CHILD DIED
 FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL
 TRANSCRIPT

STATE OF SOUTH CAROLINA

VJ.

TYRONE ROBINSON

"QUOTING" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR
 ISSAC MC. DUFFIE STONE CONFESSION OF NOTICE THAT
 I HAD TO DEFEND AGAINST, FROM PAGE 1052 PARAG-
 -RAPHS 2, 3, 4 AND 5 OF TRIAL TRANSCRIPT FROM
 PRETRIAL HEARING ON FEBRUARY 24TH, 2014 "QUOTING"
 OUR THEORY IN THE FELONY MURDER RULE THAT YOU
 HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS
 FELONY, AND AS A RESULT OF THESE INHERENTLY
 DANGEROUS FELONY A CHILD DIES

2ND NOTICE

NOTICE THAT ISSUE OF WHO SHOT AND KILLED THE
 VICTIM [K. S.] IS NOT THE CONTROLLING
 LAW TO DETERMINE RATHER I WAS GUILTY OR
 NOT GUILTY FOR THE DEATH OF VICTIM [K. S.]
 UNDER THE FELONY MURDER RULE
 THEORY THAT I WAS TRIED ON BEFORE THE JURY
 AT TRIAL

AT PRETRIAL HEARING ON FEBRUARY 27TH, 2014
 AT BEAUFORT COUNTY GENERAL SESSION COURT HOUSE.
 THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR
 ISSAC MC. DUFFIE STONE, PUT ME ON "NOTICE" THAT
 THE ISSUE OF WHO SHOT AND KILLED THE VICTIM [K. S.]
 IS NOT THE CONTROLLING LAW, TO DETERMINE
 RATHER I WAS GUILTY OR NOT GUILTY FOR THE DEATH
 OF VICTIM [K. S.] UNDER THE FELONY
 MURDER RULE THEORY. THAT THE STATE OF SOUTH CAROL-
 -INA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE WAS
 TRYING ME ON BEFORE THE JURY AT TRIAL FOR THE DEATH
 OF VICTIM [K. S.] BY DOING SO THE STATE OF
 SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE
 STONE, PUT ME ON "NOTICE" THAT I DID NOT HAVE TO
 DEFEND AGAINST THE UNINDICTED CRIME AND THEORY
 OF RATHER OR NOT I SHOT AND KILLED THE VICTIM
 [K. S.]

ALSO BY DOING SO THE STATE OF SOUTH CAROLINA AND ITS
 SOLICITOR ISSAC MC. DUFFIE STONE, PUT ME ON NOTICE
 THAT I WAS NOT IN JEOPARDY OF BEING CONVICTED

and sentenced to prison time of life imprisonment, for the unindicted crime and theory of rather or not I shot and killed the victim K. S. [REDACTED] FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTEING" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE CONFESION OF NOTICE THAT I DID NOT HAVE TO DEFEND AGAINST THE UNINDICTED CRIME AND THEORY. PAGE 1052 PARAGRAPHS 5, 6, AND 7 OF TRIAL TRANSCRIPT FROM PRETRIAL HEARING ON FEBRUARY 27TH, 2014 "QUOTEING" THE ACTUAL SHOOTER, SO TO SPEAK, THE ONE THAT DISCHARGED THE FATAL BULLET, UNDER THAT SCENARIO, IT WHILE RELEVANT, NOT CONTROLLING

3rd NOTICE

NOTICE THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE WERE NOT SWITCHING UP THERE THEORY OF THE FELONY MURDER RULE THEORY THAT THEY WERE PROSECUTING ME ON AT TRIAL FOR THE DEATH OF VICTIM K. S. [REDACTED]

AT PRETRIAL HEARING ON FEBRUARY 27TH, 2014 THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE. PUT ME ON NOTICE THAT THE STATE OF SOUTH CAROLINA, AND ITS SOLICITOR ISSAC MC. DUFFIE STONE. WAS ABSOLUTELY NOT SWITCHING UP THERE THEORY OF THE FELONY MURDER RULE THEORY. THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE WAS PROSECUTING ME ON AT TRIAL FOR THE DEATH OF VICTIM K. S. [REDACTED] BECAUSE THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE STATED THAT THEY FELT LIKE ALL THREE OF US WERE INVOLVED IN INHERANTLY DANGEROUS FELONIES. BY DOING SO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE. PUT ME ON NOTICE THAT THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS THE ONE AND ONLY CRIME AND THEORY THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT.

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTEING" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE CONFESION OF

NOTICE THAT THEY WERE NOT SWITCHING UP
 THEIR THEORY OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY THAT THEY WERE PROSECUTING
 ME ON FOR THE DEATH OF VICTIM K. S. [REDACTED]
 PAGE 1052 PARAGRAPHS 12, 13, 14 AND 15 OF TRIAL
 TRANSCRIPT FROM PRETRIAL HEARING ON FEBRUARY 27TH,
 2014 "QUOTE" "UNQUOTE"
 WE'RE NOT SWITCHING UP OUR THEORIES, DEPENDING
 ON WHICH DEFENDANT WE'RE TALKING ABOUT

CONSTRUCTIVE AMENDMENT OF THE INDICTMENT

INSIDE OF THIS CASE OF FELONY MURDER BY THE
 FELONY MURDER RULE THEORY. INDICTMENT# 2012-65-
 -07-01935 CHARGES AND ALLEGE, THAT I WAS ENGAGED
 IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS,
 FELONY WITH MALICE AND AFORETHOUGHT, THAT CAUSED
 THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED, AND
 VICTIM K. S. [REDACTED] DID DIE AS A PROXIMATE
 RESULT THERE OF, AS A MATTER OF LAW INDICTMENT#
 2012-65-07-01935 DOES NOT CHARGE AND ALLEGE, THAT I
 KILLED AND OR MURDERED THE VICTIM K. S. [REDACTED]
 ALSO AS A MATTER OF LAW INDICTMENT# 2012-65-07-01935
 DOES NOT CHARGE AND ALLEGE THAT I SHOT AND KILLED
 THE VICTIM K. S. [REDACTED].
 BY CHARGING THE SPECIFIC CRIME INSIDE OF INDICTM-
 -ENT# 2012-65-07-01935, THE STATE OF SOUTH CAROLINA,
 SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF
 DEPARTMENT, BEAUFORT COUNTY SHERIFF OFFICE AND
 ALL WHO BROUGHT THIS CASE AGAINST ME, TOOK ON THE
 BURDEN OF PROOF TO PROVE THAT I AM GUILTY BEYOND
 A REASONABLE DOUBT, OF COMMITTING THE SPECIFIC
 CRIME THATS CHARGED AND ALLEGED INSIDE OF THE
 WRITTEN WRITE UP OF INDICTMENT# 2012-65-07-01935.
 BEFORE THE STATE OF SOUTH CAROLINA, SGT. LAUREL ALBER-
 -TIN, BEAUFORT COUNTY SHERIFF DEPARTMENT AND BEAUF-
 -ORT COUNTY SHERIFF OFFICE, COULD GET ME CONVICTED AND
 SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT FOR
 THE DEATH OF VICTIM K. S. [REDACTED] OF SOUTH CAROLINA,
 THEREFORE IN ORDER FOR THE STATE OF SOUTH CAROLINA DEPA-
 -RTMENT, AND BEAUFORT COUNTY SHERIFF OFFICE, TO PROVE
 THAT I WAS GUILTY BEYOND A REASONABLE DOUBT OF
 ACTING WITH MALICE AND AFORETHOUGHT, TO COMMIT
 THE SPECIFIC CRIME THATS CHARGED AND ALLEGED INSIDE
 OF THE WRITTEN WRITE UP OF INDICTMENT# 2012-65-07-
 -01935, THE STATE OF SOUTH CAROLINA, SGT. LAUREL ALBERTIN,
 BEAUFORT COUNTY SHERIFF DEPARTMENT, AND BEAUFORT
 COUNTY SHERIFF OFFICE, TOOK ON THE BURDEN OF PROOF
 TO PROVE THAT I WAS ACTING WITH MALICE AND
 AFORETHOUGHT TO COMMIT A ONGOING GUN BATTLE AN

INHERENTLY DANGEROUS FELONY, AS I CHARGED AND
ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICT-
-MENT #2012-GJ-07-01935. FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
CASE LAW OF.

LUCAS BAZLEY VS. STATE 709 S.E. 2d 671 "QUOTEING"
IN PREFACEING ITS ANALYSIS, THE TEXAS COURT OF APPEALS
NOTED THAT BY INCLUDING A MORE SPECIFIC DESCRIPT-
-ION THE STATE UNDERTOOK THE BURDEN OF PROVING THE
SPECIFIC ALLEGATIONS TO OBTAIN A CONVICTION "FURTHER
QUOTEING"

IN SO RULEING, THE COURT RECOGNIZED THAT A DEFEND-
-ANT MAY ONLY BE TRIED AND CONVICTED OF THE CRIME
ALLEGED IN THE INDICTMENT AND THE STATE OF BOUND
BY THE THEORY ALLEGED IN THE INDICTMENT. "FURTHER
QUOTEING"

WE AGREE WITH THE REASONING IN CASTILLO AND
APPLY ITS ANALYSIS TO THE FACTS OF THE INSTANT
CASE.

THEFORE INSIDE OF THIS PARTICULAR CASE OF FELONY
MURDER BY THE FELONY MURDER RULE THEORY, IN ORDER
FOR THE STATE OF SOUTH CAROLINA, TO PROVE THAT I AM
GUILTY BEYOND A REASONABLE DOUBT, OF ACTING WITH
MALICE AND AFORETHOUGHT, TO COMMIT A ONGOING GUN
BATTLE AN INHERENTLY DANGEROUS FELONY, THAT CAUSED
VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED AND
VICTIM K. S. [REDACTED] DID DIE AS A PROXIMATE
RESULT THERE OF. THE STATE OF SOUTH CAROLINA HAD THE
BURDEN OF PROOF TO PROVE THAT I WAS GUILTY BEYOND
A REASONABLE DOUBT OF ACTING WITH THE INTENT TO
COMMIT A ONGOING GUN BATTLE AN INHERENTLY DANGER-
-OUS FELONY. FOR PROOF REVIEW
CASE LAW MERITS

SUPREME JUDICIAL COURT OF APPEALS OF THE STATE
OF MASSACHUSETTS CASE LAW OF.
COMMONWEALTH V. TIMOTHY J. MORAN 387 MASS. 644,
442 N.E. 2d 399 "QUOTEING"

IN FELONY MURDER THE INTENT TO COMMIT THE
UNDERLYING FELONY IS THE REQUIRED MALICE AFORE-
-THOUGHT

IN THE CASE WHEN TRIAL JUDGE THOMAS COOPER,
INSTRUCTED THE JURY ON THE "ELEMENT OF CRIMINAL
INTENT", TRIAL JUDGE THOMAS COOPER INSTRUCTED
THE JURY THAT THE STATE OF SOUTH CAROLINA HAD TO
PROVE THAT I ACTED WITH THE "INTENT TO KILL".
FOR PROOF I QUOTE TRIAL JUDGE THOMAS COOPER
JURY INSTRUCTION TO THE JURY AS FOLLOWS.

STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

"QUOTEING" page 995 PARAGRAPHS 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25 AND PAGE 861 PARAGRAPH 1, 2, AND 3 OF TRIAL JUDGE THOMAS COOPER JURY CHARGE ON TRANSFERRED INTENT FROM THE TRIAL TRANSCRIPT "QUOTEING"

NOW LADIES AND GENTLEMAN IN THIS PARTICULAR CASE WE ARE DEALING WITH THE LAW OF TRANSFERRED INTENT. UNDER THE FACTS OF THIS CASE EVERYONE AGREES THAT THE VICTIM WAS AN UNINTENDED VICTIM IN THIS PARTICULAR CASE. AND SO THE LAW OF TRANSFERRED INTENT THEN APPLIES TO THE CRIME OF MURDER. AND WHAT THAT SAYS IS IF THE DEFENDANT WITH MALICE AFORETHOUGHT ATTEMPTS TO KILL ANOTHER PERSON BUT BY MISTAKE INJURES OR KILLS A DIFFERENT PERSON THE DEFENDANT STILL HAS THE INTENT TO KILL. THE INTENT TO KILL IS MERELY TRANSFERRED FROM THE ORIGINAL PERSON THAT THE DEFENDANT ATTEMPTED TO KILL TO THE ACTUAL PERSON WHO WAS KILLED. THE DEFENDANT WOULD BE GUILTY OF MURDER IN THE PARTICULAR CASE JUST AS IF THE ATTEMPT HAD RESULTED IN THE DEATH OF THE PERSON THAT HE ATTEMPTED TO KILL. CRIMINAL INTENT THEN IS NECESSARY "ELEMENT" OF THE CRIME IN THIS AND EVERY INSTANCES AND IT HAS TO BE PROVEN BY THE STATE BEYOND A REASONABLE DOUBT. CRIMINAL INTENT IS ALWAYS A MATTER THAT HAS TO BE DETERMINED BY THE JURY FROM CIRCUMSTANCES WHICH SURROUND THE PARTICULAR SITUATION

TRIAL JUDGE THOMAS COOPER JURY INSTRUCTION WAS A ERROR OF LAW. BECAUSE IN ORDER FOR THE STATE OF SOUTH CAROLINA, SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT AND BEAUFORT COUNTY SHERIFF OFFICE, TO CONVICT ME FOR THE DEATH OF VICTIM [REDACTED], THE STATE OF SOUTH CAROLINA, SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT AND BEAUFORT COUNTY SHERIFF OFFICE, WAS REQUIRED TO PROVE BEYOND A REASONABLE DOUBT, THAT I "ACTED WITH MALICE AND AFORETHOUGHT" TO COMMIT A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY. THEREFORE IN ORDER FOR THE STATE OF SOUTH CAROLINA TO PROVE TO THE JURY THAT I WAS GUILTY BEYOND A REASONABLE DOUBT, OF ACTING WITH MALICE AND AFORETHOUGHT TO COMMIT A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY. TRIAL JUDGE THOMAS COOPER WAS REQUIRED TO INSTRUCT THE JURY, THAT IN ORDER FOR THE STATE OF SOUTH CAROLINA TO PROVE THAT I WAS GUILTY BEYOND A REASONABLE DOUBT, OF ACTING WITH MALICE AND AFORETHOUGHT TO COMMIT A ONGOING GUN BATTLE AN INHERANTLY DANG-

- ERIOUS FELONY. THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE THAT I WAS GUILTY BEYOND A REASONABLE DOUBT OF ACTING WITH THE INTENT TO COMMIT A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

AS I CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GJ-07-01935, THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL, FOR PROOF REVIEW

CASE LAW MERTZ

SUPREME JUDICIAL COURT OF APPEALS OF THE STATE OF MASSACHUSETTS CASE LAW OF, COMMONWEALTH V. TIMOTHY S. MORAN 387 MASS. 644, 442 N.E. 2d 399 "QUOTEING"

- IN FELONY MURDER THE INTENT TO COMMIT THE UNDERLYING FELONY IS THE REQUIRED MALICE AFORETHOUGHT

AS A MATTER OF LAW PROVEING THAT BECAUSE INDICTMENT # 2012-GJ-07-01935, CHARGES I TYRONE ROBINSON WITH THE ELEMENT "ALLEGING" I ACTED WITH MALICE AND AFORETHOUGHT TO COMMIT A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

WHICH REQUIRED THE STATE OF SOUTH CAROLINA, SGT. LAURE ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT AND BEAUFORT COUNTY SHERIFF OFFICE TO PROVE THAT I WAS GUILTY BEYOND A REASONABLE DOUBT, OF COMMITTING THE 3RD ELEMENT "ALLEGING" I ACTED WITH THE "INTENT" TO COMMIT A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

BEFORE THE STATE OF SOUTH CAROLINA, SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, AND BEAUFORT COUNTY SHERIFF OFFICE. COULD GET ME CONVICTED AND SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT AND DEPRIVED ME OUT OF MY LIBERTY FOR THE DEATH OF VICTIM K. S. [REDACTED], ON INDICTMENT # 2012-GJ-07-01935, THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL, FOR PROOF REVIEW

CASE LAW MERTZ

SUPREME JUDICIAL COURT OF APPEALS OF THE STATE OF MASSACHUSETTS CASE LAW OF, COMMONWEALTH VS. TIMOTHY S. MORAN 387 MASS. 644, 442 N.E. 2d 399 "QUOTEING"

- IN FELONY MURDER THE INTENT TO COMMIT THE UNDERLYING FELONY IS THE REQUIRED MALICE AFORETHOUGHT

AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER IMPERMISSABLY CONSTRUCTIVELY AMENDED

THE INDICTMENT. WHEN TRIAL JUDGE THOMAS COOPER THREW HIS INSTRUCTIONS TO THE JURY. ALLOWED THE JURY TO CONVICT ME ON THE 3RD ELEMENT "ALLEGING" I ACTED WITH THE INTENT TO KILL

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST.

BECAUSE IN ORDER FOR ME TO BE PUT ON NOTICE THAT I HAD TO DEFEND AGAINST THE 3RD ELEMENT "ALLEGING"

I ACTED WITH THE INTENT TO KILL

THERE MUST BE A INDICTMENT THAT CHARGE AND ALLEGE THAT I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT.

BECAUSE THE 3RD ELEMENT "ALLEGING"

I ACTED WITH THE INTENT TO KILL MEANS TO ALLEGE THAT I INTENTIONALLY KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT. FOR PROOF REVIEW

CASE LAW MERIT

COURT OF APPEALS, SECOND DISTRICT, DIVISION 7,

CALIFORNIA CASE LAW OF.

IN RE THOMAS C.A. VS. THOMAS C. 183 CAL. APP. 3D 786, 228 CAL. RPT. 430 "QUOTING"

HOWEVER, BASICALLY, EVERY INTENTIONAL KILLING IS WITH MALICE AFORETHOUGHT

THEREFORE BECAUSE THERE IS NOT ANY INDICTMENT THAT CHARGE AND ALLEGE THAT I KILLED THE VICTIM [REDACTED] WITH MALICE AND AFORETHOUGHT

MEANS AS A MATTER OF LAW THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE AND DEFEND AGAINST THE 2ND UNINDICTED "ELEMENT" "ALLEGING" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

AS A MATTER OF LAW PROVING THAT THERE IS NOT ANY INDICTMENT THAT PUTS ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST. THE 3RD ELEMENT "ALLEGING" I ACTED WITH THE INTENT TO KILL FOR PROOF REVIEW

CASE LAW MERIT

-EW

COURT OF APPEALS SECOND DISTRICT, DIVISION 7,

CALIFORNIA CASE LAW OF.

IN RE THOMAS C.A. VS. THOMAS C. 183 CAL. APP. 3D 786, 228 CAL. RPT. 430 "QUOTING"

HOWEVER, BASICALLY, EVERY INTENTIONAL KILLING IS WITH MALICE AFORETHOUGHT

As a matter of law PROVEING THAT TRIAL JUDGE THOMAS COOPER IMPERMISSIBLY CONSTRUCTIVELY AMENDED THE INDICTMENT. WHEN TRIAL JUDGE THOMAS COOPER THRUVE HIS INSTRUCTIONS TO THE JURY. ALLOWED THE JURY TO CONVICT ME ON THE 3RD ELEMENT "ALLEGEDLY" I acted with the intent to KILL

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST.

BY CONSTRUCTIVELY AMENDING THE INDICTMENT. TRIAL JUDGE THOMAS COOPER ALLOWED THE JURY TO CONVICT ME ON THE 3RD UNINDICTED ELEMENT "ALLEGEDLY" I acted with the intent to KILL

THAT THERE IS NOT ANY INDICTMENT CHARGEING ME WITH, AND THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST. FOR PROOF REVIEW

CASE LAW MERITS

DISTRICT OF COLUMBIA COURT OF APPEALS CASE LAW OF.

MARVIN SCUTCHING, JR. VS. UNITED STATES 50 9A.2d 639 "VOTING"

WHERE AS IN THIS CASE, A GRAND JURY SPECIFICALLY CHARGES ESSENTIAL ELEMENTS OF A CRIME, SUCH AS MEANS AND PARTY, AND THE GOVERNMENT HOLSTERED BY THE TRIAL COURT'S INSTRUCTIONS PROVES ENTIRELY DIFFERENT ELEMENT, THE DEFERR- ITES CONSTITUTE A CONSTRUCTIVE AMENDMENT

As a matter of law PROVEING THAT TRIAL JUDGE THOMAS COOPER "ERRORED" BY PERMITTING THE JURY TO CONVICT ME. ON THE 3RD UNINDICTED ELEMENT "ALLEGEDLY" I acted with the intent to KILL

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST. BECAUSE BY DOING SO TRIAL JUDGE THOMAS COOPER ALLOWED THE JURY TO CONVICT ME ON THE 3RD UNINDICTED ELEMENT "ALLEGEDLY" I acted with the intent to KILL

THAT THE STATE OF SOUTH CAROLINA NEVER SAUGHT TO PROVE I WAS GUILTY OF AND THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO DEFEND AGAINST. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

STATE VS. WILLIAMS DICKERSON 716 S.E.2d 895 "VOTING"

THEREFORE WE ADOPT THE SUPREME COURT HOLDING IN HOPKINS AND HOLD THAT A DEFENDANT IS NOT ENTITLED TO A CHARGE ON LESSER-RELATED OFFENSE HERE PERMITTING THE JURY TO CONVICT DICKERSON

as a accessory after the fact would permit the jury to find beyond a reasonable doubt elements of a crime the state never sought to prove and DECKERSON was not on notice he had to defend against. ACCORDINGLY, we AFFIRM the circuit court denial of DECKERSON request to charge

AS A RESULT THE CONSTRUCTIVE AMENDMENT OF THE INDICTMENT, DEPRIVED ME OUT OF MY DUE PROCESS RIGHT TO NOTICE AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST. THE 3RD ELEMENT "ALLEGEDLY" I ACTED WITH THE INTENT TO KILL

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST. AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH.

AS A MATTER OF LAW PROVEING THAT I WAS CONVICTED AND SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "quote" IN

NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW WITHOUT DUE PROCESS OF LAW

CASE LAW MERIT

COLORADO COURT OF APPEALS, DIVISION III CASE LAW OF, PEOPLE W. DEUTSCH 71 P.3D 1266 "quote" IN

CONSTRUCTIVELY AMENDING A CHARGE VIOLATES A DEFENDANT CONSTITUTIONAL DUE PROCESS RIGHT

AS A MATTER OF LAW THERE IS NOT ANY INDICTMENT THAT PUTS ME ON NOTICE. I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST. THE 3RD UNINDICTED ELEMENT "ALLEGEDLY" I ACTED WITH THE INTENT TO KILL

AS A MATTER OF LAW PROVEING THAT WHEN TRIAL JUDGE THOMAS COOPER. CONSTRUCTIVELY AMENDED THE INDICTMENT, AND ALLOWED THE JURY TO CONVICT ME. ON THE 3RD UNINDICTED ELEMENT "ALLEGEDLY" I ACTED WITH THE INTENT TO KILL

TRIAL JUDGE THOMAS COOPER ALLOWED THE JURY TO CONVICT ME ON A UNINDICTED CRIME THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH. WHICH DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT TO NOTICE AND FAIR OPPORTUNITY TO PREPARE A DEFENSE

FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 5TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATE QUOTE AND
 NOR SHALL ANY PERSON BE DEPRIVED OF LIBERTY WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

LUCAS BATLEY VS. STATE 709 S.E.2d 671 QUOTE AND IN A CASE INVOLVING SIMILAR FACTS TO THE INSTANT CASE, THE TEXAS COURT OF APPEALS FOUND ERROR IN THE TRIAL JUDGE JURY INSTRUCTIONS THAT PERMITTED THE JURY TO CONVICT THE DEFENDANT OF AN ACT NOT ALLEGED IN THE INDICTMENT "FURTHER QUOTE AND" IN PREFACING ITS ANALYSIS, THE TEXAS COURT OF APPEALS NOTED THAT BY INCLUDING A MORE SPECIFIC DESCRIPTION, THE STATE UNDERTOOK THE BURDEN OF PROVEING THE SPECIFIC ALLEGATION TO OBTAIN A CONVICTION "FURTHER QUOTE AND" ON APPEAL CASTILLO RAISED SEVERAL ISSUES INCLUDING AN ARGUMENT THAT THE TRIAL JUDGE ERRORED IN ADDING, THROUGH A LETTER INCLUDED OFFENSE CHARGE, A THEORY OF PROSECUTION ("SHAKING") THAT WAS NOT SUPPORTED BY THE INDICTMENT. THE TEXAS COURT OF APPEALS AGREED WITH CASTILLO'S ARGUMENT FINDING THE TRIAL COURT ERRORED IN ENLARGING THE INDICTMENT BY ADDING "SHAKING" AS AN ADDITIONAL MANNER AND MEANS OF COMMITTING THE CHARGED OFFENSE. IN SO RULING THE COURT RECOGNIZED THAT A DEFENDANT MAY ONLY BE TRIED AND CONVICTED OF CRIMES ALLEGED IN THE INDICTMENT AND THE STATE IS BOUND BY THE THEORY ALLEGED IN THE INDICTMENT "FURTHER QUOTE AND" WE AGREE WITH THE REASONING IN CASTILLO AND APPLY ITS ANALYSIS TO THE FACTS OF THE INSTANT CASE. WE CONCLUDE THAT THE TRIAL JUDGE INSTRUCTED THE JURY THAT IT COULD CONVICT BATLEY OF A CRIME NOT ALLEGED IN THE INDICTMENT.

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

TRUCKION VS. VIRGINIA 991 CT 2781 QUOTE AND A CONVICTION UPON A CHARGE NOT MADE IS A DENIAL OF DUE PROCESS A PERSON CAN NOT INCUR THE LOSS OF LIBERTY FOR AN OFFENSE WITHOUT NOTICE AND MEANINGFUL OPPORTUNITY TO DEFEND

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF. THE STATE VS. DELBERT L. SMALLEY 613 S.E.2d 754

"QUOTEING"

DUE PROCESS OF LAW REQUIRES THAT A CRIMINAL DEFENDANT BE PROPERLY SERVED WITH A VALID INDICTMENT

CASE LAW MERITS

COLORADO COURT OF APPEALS, DIVISION III CASE LAW OF.

PEOPLE VS. DEUTSH 471 P.3D 1266 "QUOTEING"

CONSTRUCTIVELY AMENDING A CHARGE VIOLATES A DEFENDANT'S CONSTITUTIONAL DUE PROCESS RIGHT

AS A MATTER OF LAW THE SENTENCING SHEET REVEALS THAT TRIAL JUDGE THOMAS COOPER, SENTENCED ME TO PRISON TIME OF LIFE IMPRISONMENT FOR THE DEATH OF VICTIM K.S. [REDACTED] AS A MATTER OF LAW PROVEING THAT AFTER I WAS CONVICTED AND SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT FOR THE DEATH OF VICTIM K.S. [REDACTED] THE STATE OF SOUTH CAROLINA, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, BEAUFORT COUNTY DETENTION CENTER, DIRECTOR COLONAL FOOTE, DIRECTOR OF BEAUFORT COUNTY DETENTION CENTER, DIRECTOR BRYAN STERLING, DIRECTOR MC CALL, DIRECTORS OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, PERRY CORRECTIONAL INSTITUTION, WARDEN LARRY CARTLEDGE, WARDEN SCOTT LEWIS, KIRKLAND CORRECTIONAL INSTITUTION, WARDEN MC KEE, LEE CORRECTIONAL INSTITUTION, LIEBER CORRECTIONAL INSTITUTION, WARDEN BRION JOYNER, WARDEN AT LEE CORRECTIONAL INSTITUTION, WARDEN RANDALL WILLIAMS, AND WARDEN BRION KENDALL, WARDENS AT LIEBER CORRECTIONAL INSTITUTION. ALL HELD TYRONE ROBINSON DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED ON A UNINDICTED CRIME. IN VIOLATION OF MY FEDERAL 5th AND 14th AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "QUOTEING" NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

JACKSON VS. VIRGINIA 99 S. CT 2781 "QUOTEING"

A CONVICTION UPON A CHARGE NOT MADE IN A SENTENCE OF DUE PROCESS

A PERSON CAN NOT INCURR THE LOSS OF LIBERTY FOR AN OFFENSE WITHOUT NOTICE AND MEANINGFUL OPPORTUNITY TO DEFEND

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

THE STATE VS. DELBERT L. SMALIS 613 S.E. 2D 754 "QUOTEING"

DUE PROCESS OF LAW REQUIRES THAT A CRIMINAL DEFENDANT BE PROPERLY SERVED WITH A VALID INDICTMENT

CASE LAW MERITS

249.

COLORADO COURT OF APPEALS, DIVISION 777 CASE LAW OF
 PEOPLE VS. DEUTSCH 471 P.3d 1266 "QUOTE" "UNQUOTE"
 CONSTRUCTIVELY AMENDING A CHARGE VIOLATES A
 DEFENDANT'S CONSTITUTIONAL DUE PROCESS RIGHT

ATTORNEY ARIZO DATED BOX FAILURE TO ASSERT A
 CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH
 AMENDMENT RIGHT OF DUE PROCESS OF LAW AND
 OBJECT TO THE CONSTRUCTIVE AMENDMENT OF THE
 INDICTMENT. TO PROTECT ME FROM BEING UNCONSTITUTIONALLY
 CONVICTED, SENTENCED TO PRISON TIME
 OF LIFE IMPRISONMENT, DEPRIVED OUT OF MY LIBERTY
 AND WRONGFULLY INCARCERATED. ON THE UNINDICTED
 ELEMENT "ALLEGEDLY"
 FACTED WITH THE INTENT TO KILL

THAT CAUSED ME TO BE CONVICTED, SENTENCED TO PRISON
 TIME OF LIFE IMPRISONMENT, DEPRIVED OUT OF MY
 LIBERTY AND WRONGFULLY INCARCERATED. ON A
 UNINDICTED CRIME. THAT THERE IS NOT ANY INDICT-
 -MENT PUTTING ME ON NOTICE, THAT I HAD TO PREPARE
 A DEFENSE FOR AND DEFEND AGAINST AND THERE
 IS NOT ANY INDICTMENT CHARGING ME WITH WHICH
 DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT
 TO NOTICE AND FAIR OPPORTUNITY TO PREPARE A
 DEFENSE FOR AND DEFEND AGAINST, THE CHARGES
 BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL
 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW.
 DID NOT CONSTITUTE A VALID TRIAL STRATEGY AND
 WAS DEFICIENT PERFORMANCE. SATISFYING THE 4TH
 PRONG OF INEFFECTIVE ASSISTANCE OF COUNSEL THAT
 IS REQUIRED TO PROVE A VIOLATION OF MY FEDERAL
 SIXTH AMENDMENT RIGHT OF EFFECTIVE ASSISTANCE OF
 COUNSEL, WHICH THE FIRST PRONG IS. COUNSEL PERFORMA-
 -NCE WAS DEFICIENT FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
 CAROLINA CASE LAW OF.

LUCAS BATLEY VS. STATE OF SOUTH CAROLINA 709
 S.E.2d 671 "QUOTE" "UNQUOTE"

DEFENSE COUNSEL FAILURE TO OBJECT TO SUPPLEMENTAL
 JURY INSTRUCTIONS TO JURY ON CHARGE OF HOMICIDE
 BY CHILD ABUSE, WHICH ERRONEOUSLY ENLARGED INDICT-
 -MENT BY INSTRUCTING JURY THAT IT COULD CONVICT
 DEFENDANT OF CRIME NOT ALLEGED IN INDICTMENT
 WAS DEFICIENT PERFORMANCE, AS ELEMENT OF
 INEFFECTIVE ASSISTANCE

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE SIXTH
 CIRCUIT CASE LAW OF.

LARRY S. LUCAS VS. MICHAEL J. O'DEA, WARDEN 179 F.3d
 412 "QUOTE" "UNQUOTE"

A MODIFICATION AT TRIAL THAT ACTS TO BROADEN
 THE CHARGE IN AN INDICTMENT CONSTITUTES REVERSIBLE

ERROR.

AS A AMENDMENT OF THE INDICTMENT OCCURS WHEN THE CHARGES AND TERMS OF THE INDICTMENT ARE ALTERED, EITHER LITERALLY OR IN EFFECT BY PROSECUTOR OR COURT AFTER THE GRAND JURY HAS LAST PASSED UPON THEM. IN FORD THE INDICTMENT CHARGED THE DEFENDANT WITH POSSESSION OF A FIREARM ON OR AROUND A CERTAIN DATE, BUT THE COURT GAVE A JURY INSTRUCTION PERMITTING CONVICTION IF THE JURY FOUND THAT HE POSSESSED THE FIREARM OVER A ONE YEAR PERIOD. THIS WAS HELD TO BE A CONSTRUCTIVE AMENDMENT. A CHANGE FROM THE INDICTMENT MATERIAL ENOUGH TO RESULT IN A CONSTRUCTIVE AMENDMENT IS ALSO CALLED A FATAL VARIANCE. THE COURT IN FORD ALSO HELD THAT A CONSTRUCTIVE AMENDMENT IS PER SE PREJUDICIAL ERROR "FURTHER QUOTE"

CONSTRUCTIVE AMENDMENTS ARE PER SE PREJUDICIAL BECAUSE THEY DENY THE DEFENDANT HIS RIGHT TO A GRAND JURY AND HAMPER THE ABILITY TO PREPARE ADEQUATELY FOR TRIAL "FURTHER QUOTE"

HOWEVER, A STATE PRISONER PETITIONING FOR HABEAS CORPUS RELIEF HAS A DUE PROCESS RIGHT TO BE INFORMED OF THE NATURE OF THE ACCUSATION AGAINST HIM "FURTHER QUOTE"

IN THE PRESENT CASE, THE DISTRICT COURT HELD THAT AS A RESULT OF THE FATAL VARIANCE BETWEEN THE INDICTMENT AND THE JURY INSTRUCTIONS, LUCAS HAD INSUFFICIENT NOTICE OF THE CHARGES AGAINST HIM AND WAS DEPRIVED OF ANY DEFENSE. LUCAS WAS CHARGED WITH INTENTIONAL MURDER. THE INDICTMENT STATED THAT HE SHOT PAUL ZURLO WITH A PISTOL, CAUSING HIS DEATH. THE JURY WAS INSTRUCTED, HOWEVER, THAT "IF IT IS IMMATERIAL WHICH ONE OF THEM FIRED THE SHOT THAT KILLED PAUL ZURLO AT THE DISTRICT COURT NOTED, THIS VARIANCE WAS DEVASTATING TO LUCAS DEFENSE."

IT IS CLEAR THAT LUCAS WAS PREJUDICED, GIVEN THAT HIS DEFENSE TO THE MURDER CHARGE WAS THAT HE WAS NOT THE ONE WHO SHOT ZURLO. EVEN THE FORM IN WHICH THE CASE WAS DELIVERED TO THE JURY, THAT WOUND UP BEING NO DEFENSE AT ALL, BECAUSE IT EXPOSED LUCAS TO CHARGES FOR WHICH HE HAD NO NOTICE AND THUS NO OPPORTUNITY TO PLAN A NOTICE. THE VARIANCE FROM THE INDICTMENT A CONSTRUCTIVE AMENDMENT INSTRUCTION CONSTITUTED A CONSTRUCTIVE AMENDMENT RIGHT THAT DEPRIVED HIM OF HIS FOURTEENTH AMENDMENT RIGHT TO NOTICE OF THE CHARGE AGAINST HIM. (SEE COMB 530 F.2D 698) HOLDING THAT SUCH DEFINITENESS AND CERTAINTY ARE REQUIRED AS WILL ENABLE A PRESUMPTIVELY MAN TO PREPARE FOR TRIAL. "FURTHER QUOTE"

IN STRICKLAND V. WASHINGTON 104 S.Ct 2052 THE COURT SET FORTH A TWO PART TEST FOR DETERMINING WHETHER THE PERFORMANCE OF COUNSEL IS CONSTITUTIONALLY DEFICIENT. FIRST, A DEFENDANT MUST SHOW THAT COUNSEL ERRORS WERE SO SERIOUS THAT HE OR SHE WAS NOT FUNCTIONING AS THE COUNSEL GUARANTEED BY THE SIXTH AMENDMENT. FAILURE TO OBJECT TO A JURY INSTRUCTION

CAN CONSTITUTE SUCH GRAVE ERROR. GRAY V. LYNN
6 F.3d 265 (5th CIR 1993) (HOLDING THAT THE FAILURE
BY THE DEFENDANTS' COUNSEL TO OBJECT TO THE ERROR-
-EOUT INSTRUCTION IN QUESTION CAN NOT BE CONSID-
-ERED TO BE WITHIN THE WIDE RANGE OF PROFESSIONAL
COMPETENT ASSISTANCE.

INDICTMENT # 2012-6J-07-0193 CHARGES I
TYRONE ROBINSON WITH THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY "ALLEGING"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
21ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY, TYRONE ROBIN-
-SON DID WILLFULLY, UNLAWFULLY AND WITH MALICE
AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED]
TO BE SHOT AND KILLED IN THE ARE OF MARSHLAND DRIVE
ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED]
DID DIE IN BEAUFORT COUNTY AT A PROXIM-
-ATE RESULT THERE OF.

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT # 2012-6J-07-01935.
MY DEFENSE AGAINST THE CRIME THAT CHARGED
AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF
INDICTMENT # 2012-6J-07-01935, WAS THAT I
DID NOT COMMITTE A ONGOING GUN BATTLE AN INHE-
-RENTLY DANGEROUS FELONY THAT CAUSED VICTIM K.S. [REDACTED]
TO BE SHOT AND KILLED AND K.S. [REDACTED] DID NOT DIE
AS A PROXIMATE RESULT THERE OF.
AND THE VICTIM K.S. [REDACTED] DID NOT DIE
AS A PROXIMATE RESULT OF I TYRONE ROBINSON
COMMITTING A ONGOING GUN BATTLE AN INHERENTLY
DANGEROUS FELONY.
INCLUDED INTO THIS DEFENSE IS THE DEFENSE THAT
I DID NOT ACT WITH THE INTENT TO COMMITTE A
ONGOING GUN BATTLE AN INHERENTLY DANGEROUS
FELONY. HOWEVER THIS DEFENSE ENDED UP BEING NO
DEFENSE AT ALL.

BECAUSE WHEN TRIAL JUDGE THOMAS COOPER CONSTRUCTIVE-
-VELY AMENDED THE INDICTMENT THREE HRS. JURY
INSTRUCTIONS TO THE JURY, AND ALLOWED THE JURY
TO CONVICT ME ON THE UNINDICTED ELEMENT "ALLEGING"
I ACTED WITH THE INTENT TO KILL.

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON
NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND
AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING
ME WITH.

THE CONSTRUCTIVE AMENDMENT OF THE INDICTMENT
EXPOSED ME TO A UNINDICTED CRIME THAT I WAS
NOT GIVEN NOTICE OF AND I WAS NOT AFFORDED FAIR
OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND
AGAINST, WHICH DEPRIVED ME OUT OF MY DUE PROCESS
RIGHT TO NOTICE OF THE CHARGES AGAINST ME AND FAIR
OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND
AGAINST THE CHARGES BROUGHT AGAINST ME. FOR PROOF
REVIEW

CASE LAW MERIT
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
CASE LAW OF.

LARRY S. LUCAS V. MICHAEL J. O'DEA, WARDEN

179 F.3d 412 "QUOTING"
IN THE PRESENT CASE, THE DISTRICT COURT HELD
THAT AS A RESULT OF THE FATAL VARIANCE BETWEEN
THE INDICTMENT AND THE JURY INSTRUCTIONS, LUCAS
HAD INSUFFICIENT NOTICE OF THE CHARGE AGAINST
HE WAS DEPRIVED OF ANY DEFENSE. LUCAS WAS CHARGED
WITH INTENTIONAL MURDER. THE INDICTMENT STATED
THAT HE SHOT PAUL ZURLO WITH A PISTOL CAUSING
HIS DEATH. THE JURY WAS INSTRUCTED, HOWEVER, THAT
"IT WAS IMMATERIAL WHICH ONE OF THEM FIRED THE
SHOT THAT KILLED PAUL ZURLO AS THE DISTRICT COURT
NOTED THE VARIANCE WAS DEVASTATING TO LUCAS' DEFENSE."
IT IS CLEAR THAT LUCAS WAS DEPRIVED, GIVEN THAT
HE DEFENSE TO THE MURDER CHARGE WAS THAT HE WAS
NOT THE ONE WHO SHOT ZURLO. GIVEN THE FORM IN
WHICH THE CASE WAS DELIVERED TO THE JURY, THIS WOULD
UP BEING NO DEFENSE AT ALL.
BECAUSE IT EXPOSED LUCAS TO CHARGES FOR WHICH HE
HAD NOTICE AND THUS NO OPPORTUNITY TO PLAN A
DEFENSE, THE VARIANCE FROM THE INDICTMENT
TO THE JURY INSTRUCTION CONSTITUTED A CONSTRUCTIVE
AMENDMENT THAT DEPRIVED HIM OF HIS FOURTH
AMENDMENT RIGHT TO NOTICE OF THE CHARGE
AGAINST HIM.

IF ATTORNEY ARZEE DAVID BAX WOULD OF HAD
ASSERTED A CLAIM OF VIOLATION OF MY FEDERAL
5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OR
LAW AND OBJECT TO THE CONSTRUCTIVE AMENDMENT
TO PROTECT ME FROM BEING UNCONSTITUTIONALLY
CONVICTED ON THE UNINDICTED ELEMENT
"ALLEGEDLY"
I ACTED WITH THE INTENT TO KILL

THAT THERE IS NOT ANY INDICTMENT PUTTING
ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE
FOR AND DEFEND AGAINST, AND THERE IS NOT ANY
INDICTMENT CHARGING ME WITH, WHICH DEPRIVED
ME OUT OF MY DUE PROCESS RIGHT TO NOTICE AND
FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND
DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME.
IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT
RIGHT OF DUE PROCESS OF LAW.
THEN THESE ISSUES WOULD OF BEEN RESERVED ON
COURT RECORD FOR THE APPEALS COURT TO REVIEW.
AS A RESULT SOUTH CAROLINA COURT OF APPEALS
WOULD OF HAD TO "REVERSE" MY CONVICTION
AND PRISON SENTENCE OF LIFE IMPRISONMENT. FOR
PROOF REVIEW. CASE LAW MEETS

SUPREME COURT OF APPEALS OF THE UNITED STATES
OF AMERICA CASE LAW OF
NICHOLAS A. ITIRONE V. UNITED STATES 805 CT 270
"QUOTING"
THE BAIN CASE WHICH HAS NEVER BEEN DISPROVED STANDS
FOR THE RULE THAT A COURT CAN NOT PERMIT A DEFEND-

- GIVE to be TRIED ON CHARGES THAT ARE NOT MADE IN THE INDICTMENT AGAINST HIM

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT CASE LAW OF.
LARRY S. LUCAS VS. MICHAEL J. O'DEA, WARDEN 179 F.3d 412 "QUOTE"

WHEN DECIDING CASE ARISING WITHIN THE FEDERAL COURT SYSTEM, THE COURT HAS HELD THAT CONSTRUCTIVE AMENDMENT TO AN INDICTMENT ARE PER SE PREJUDICIAL, WARRANTING REVERSAL.

THEREFORE ATTORNEY ARLE DAVID BAX DEFICIENT PERFORMANCE PREJUDICED ME, BECAUSE IT UNDERMINED CONFIDENCE IN THE OUTCOME OF MY TRIAL, DEPRIVED ME OUT OF A FAIR TRIAL. AND CAUSED ME TO BE CONVICTED ON THE UNINDICTED ELEMENT "ALLEGEDLY" I ACTED WITH THE INTENT TO KILL

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH WHICH DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT TO NOTICE AND FAIR OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "QUOTE" NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW

SATISFYING THE 2ND PRONG REQUIRED TO PROVE A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL. WHICH IS THE DEFICIENT PERFORMANCE PREJUDICED THE DEFENDANT

CONSTITUTING A VIOLATION OF MY FEDERAL SIXTH AMENDMENT RIGHT OF EFFECTIVE ASSISTANCE OF COUNSEL. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.
LUCAS BAILEY VS. STATE OF SOUTH CAROLINA 709 S.E.2d 671 "QUOTE"

DEFENSE COUNSEL DEFICIENT PERFORMANCE, IN PROSECUTION FOR HOMICIDE BY CHILD ABUSE, IN FAILING TO OBJECT TO SUPPLEMENTAL JURY INSTRUCTIONS WHICH ERRONEOUSLY ENLARGED INDICTMENT, PREJUDICED DEFENDANT, AND THUS WAS INEFFECTIVE ASSISTANCE

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT CASE LAW OF.
LARRY S. LUCAS VS. MICHAEL J. O'DEA, WARDEN 179 F.3d 412 "QUOTE"

A MODIFICATION AT TRIAL THAT ACTS TO BROADEN THE

CHARGE IN AN INDICTMENT CONSTITUTES REVERSIBLE ERROR.

AS A AMENDMENT OF THE INDICTMENT OCCURS WHEN THE CHARGING TERMS OF THE INDICTMENT ARE ALTERED EITHER LITERALLY OR IN EFFECT BY PROSECUTOR OR COURT AFTER THE GRAND JURY HAS LAST PASSED UPON THEM. IN FORD THE INDICTMENT CHARGED THE DEFENDANT WITH POSSESSION OF A FIREARM ON OR AROUND A CERTAIN DATE, BUT THE COURT GAVE A JURY INSTRUCTION PERMITTING CONVICTION IF THE JURY FOUND THAT HE POSSESSED THE FIREARM OVER A FIVE YEAR PERIOD. THIS WAS HELD TO BE A CONSTRUCTIVE AMENDMENT. A CHANGE FROM THE INDICTMENT MATERIAL ENOUGH TO RESULT IN A CONSTRUCTIVE AMENDMENT IS ALSO CALLED A FATAL VARIANCE "FURTHER QUOTING" THE COURT IN FORD ALSO HELD THAT A CONSTRUCTIVE AMENDMENT IS PER SE PREJUDICIAL ERROR "FURTHER QUOTING"

CONSTRUCTIVE AMENDMENTS ARE PER SE PREJUDICIAL BECAUSE THEY DENY THE DEFENDANT HIS RIGHT TO A GRAND JURY AND HAMPER THE ABILITY TO PREPARE ADEQUATELY FOR TRIAL. "FURTHER QUOTING" HOWEVER, A STATE PRISONER PETITIONING FOR HABEAS CORPUS RELIEF HAS A DUE PROCESS RIGHT TO BE INFORMED OF THE NATURE OF THE ACCUSATION AGAINST HIM "FURTHER QUOTING"

IN THE PRESENT CASE, THE DISTRICT COURT HELD THAT AS A RESULT OF THE FATAL VARIANCE BETWEEN THE INDICTMENT AND THE JURY INSTRUCTIONS, LUCAS HAD INSUFFICIENT NOTICE OF THE CHARGES AGAINST HIM AND WAS DEPRIVED OF ANY DEFENSE. LUCAS WAS CHARGED WITH INTENTIONAL MURDER. THE INDICTMENT STATED THAT "HE SHOT PAUL ZURLO WITH A PISTOL, CAUSING HIS DEATH. THE JURY WAS INSTRUCTED, HOWEVER, THAT IT IS IMMATERIAL WHICH ONE OF THEM FIRED THE SHOT THAT KILLED PAUL ZURLO AS THE DISTRICT COURT NOTED, THIS VARIANCE WAS DEVASTATING TO LUCAS' DEFENSE. IT IS CLEAR THAT LUCAS WAS PREJUDICED, GIVEN THAT HIS DEFENSE TO THE MURDER CHARGE WAS THAT HE WAS NOT THE ONE WHO SHOT ZURLO. GIVEN THE FORM IN WHICH THE CASE WAS DELIVERED TO THE JURY, THIS WOUND UP BEING NO DEFENSE AT ALL.

BECAUSE IT EXPOSED LUCAS TO CHARGES FOR WHICH HE HAD NO NOTICE AND THUS NO OPPORTUNITY TO PLAN A DEFENSE, THE VARIANCE FROM THE INDICTMENT TO THE JURY INSTRUCTION CONSTITUTED A CONSTRUCTIVE AMENDMENT THAT DEPRIVED HIM OF HIS FOURTEENTH AMENDMENT RIGHT TO NOTICE OF THE CHARGE AGAINST HIM. SEE COMB, 530 F.2d 698 (HOLDING THAT SUCH DEFENSES AND CERTAINTY ARE REQUIRED AS WILL ENABLE A PRESUMPTIVELY MAN TO PREPARE FOR TRIAL "FURTHER QUOTING"

IN STRICKLAND VS. WASHINGTON 104 S.Ct 2052 THE COURT SET FORTH A TWO PART TEST FOR DETERMINING WHETHER THE PERFORMANCE OF COUNSEL IS CONSTITUTIONALLY DEF-

255.

-ICIENT "FURTHER QUOTING"

SECOND A DEFENDANT ASSERTING AN INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM MUST GENERALLY SHOW THAT DEFENSE COUNSEL DEFICIENT PERFORMANCE PREJUDICED THE DEFENSE STRICKLAND 104 S. CT 2052. TO SHOW PREJUDICE UNDER STRICKLAND THE DEFENDANT MUST SHOW THAT THERE IS A REASONABLE PROBABILITY THAT BUT FOR COUNSEL UNPROFESSIONAL ERROR, THE RESULT OF THE PROCEEDING WOULD HAVE BEEN DIFFERANT "FURTHER QUOTING"

AS THE DISTRICT COURT NOTED, THE FAILURE OF LUCAS COUNSEL TO OBJECT TO THE JURY INSTRUCTION IN QUESTION RENDERED HIS DEFENSE THAT HE DID NOT SHOOT ZURLO MEANINGLESS. WHEN DECIDING CASES ARISING WITHIN THE FEDERAL COURT SYSTEM, THE COURT HAS HELD THAT CONSTRUCTIVE AMENDMENT TO AN INDICTMENT ARE PER SE PREJUDICIAL, WARRANTING REVERSAL.

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT CASE LAW OF:

UNITED STATES OF AMERICA VS. GLENIS L. BOLDEN

325 F.3d 471 "QUOTING"

WHERE AN INDICTMENT HAS BEEN CONSTRUCTIVELY AMENDED, WE HAVE FOUND REVERSIBLE ERROR, AND WE CONCLUSIVELY PRESUME THAT THE DEFENDANT HAS BEEN PREJUDICED BY THE CONSTRUCTIVE AMENDMENT

10th ISSUE ARGUED
ON P.C.R

256

MY SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL WAS VIOLATED, CONSTITUTING INEFFECTIVE ASSISTANCE OF COUNSEL. AS A RESULT OF ATTORNEY ARIZ DAVID BAX FAILURE TO ASSERT A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW AND OBJECT TO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE USE OF A PICTURE OF A FOUR WHEELER PARKED NEXT TO A TRAMPALINE, AS TESTIMONIAL TO THE JURY. IN VIOLATION OF MY SIXTH AMENDMENT RIGHT TO CONFRONT MY ACCUSER. WHICH DEPRIVED ME OUT OF MY DUE PROCESS RIGHT TO A FAIR TRIAL. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES QUOTE
NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITH-
OUT DUE PROCESS OF LAW

11th ISSUE ARGUED
ON P.C.R

VIOLATION OF FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW. BY THE STATE OF SOUTH CAROLINA, AND ITS SOLICITOR ISSAC MC. DUFFIE STONE. USE A PICTURE OF A FOUR WHEELER PARKED NEXT TO A TRAMPALINE AS TESTIMONIAL TO THE JURY. IN VIOLATION OF MY SIXTH AMENDMENT RIGHT TO CONFRONT MY ACCUSER. WHICH DEPRIVED ME OUT OF MY DUE PROCESS RIGHT TO A FAIR TRIAL. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES QUOTE
NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW

12th ISSUE ARGUED
ON P.C.R

MY SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL WAS VIOLATED, CONSTITUTING INEFFECTIVE ASSISTANCE OF COUNSEL. AS A RESULT OF ATTORNEY ARIZ DAVID BAX FAILURE TO ASSERT A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW AND OBJECT TO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE CLOSING ARGUMENT THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE. ARGUED TO THE JURY TO TRICK, DECEIVE AND FRAUD THE JURY INTO BELIEVING THAT WHEN VICTIM K. S. [REDACTED] RAN AWAY FROM THE TRAMPALINE. VICTIM K. S. [REDACTED] TURNED AROUND AND RAN BACK TOWARDS THE TRAMPALINE TO GET HIS FOUR WHEELER AND GOT SHOT AND KILLED WHILE HE WAS RUNNING BACK TOWARDS THE TRAMPALINE TO GET HIS FOUR WHEELER. WHICH DEPRIVED ME OUT OF

257.

my DUE PROCESS RIGHT TO A FAIR TRIAL, IN VIOLATION
OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE
PROCESS OF LAW WHICH STATES "QUOTE" INQ"
NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY
WITHOUT DUE PROCESS OF LAW

13th ISSUE ARGUED ON P.C.R

VIOLATION OF FEDERAL 5TH AND 14TH AMENDMENT
RIGHT OF DUE PROCESS OF LAW. by THE STATE OF SOUTH
CAROLINA AND ITS SOLICITOR JIM MC. PUFFE STONE
IN THERE CLOSING ARGUMENT, TRICKING, DECEIVE-
ING, AND DEFRAUDING THE JURY. INTO BELIEVING
- THAT WHEN VICTIM K. S. [REDACTED] RAN AWAY FROM
THE TRAMPALINE. VICTIM K. S. [REDACTED] TURNED
AROUND AND RAN BACK TOWARDS THE TRAMPALINE TO
GET HIS FOUR WHEELER AND GOT SHOT AND KILLED WHILE
HE WAS RUNNING BACK TOWARDS THE TRAMPALINE TO
GET HIS FOUR WHEELER, WHICH DEPRIVED ME OUT OF
MY DUE PROCESS RIGHT TO A FAIR TRIAL, AND CAUSED
ME TO BE CONVICTED, SENTENCED TO PRISON TIME
OF LIFE IMPRISONMENT, DEPRIVED OUT OF MY LIBERTY
AND WRONGFULLY INCARCERATED FOR THE DEATH OF VICTIM
K. S. [REDACTED]. IN VIOLATION OF MY FEDERAL 5TH
AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW
WHICH STATES "QUOTE" INQ"
NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY
WITHOUT DUE PROCESS OF LAW

6th Argument

AT TRIAL THE DIRECT EVIDENCE AND THE CIRCUMSTANTIAL EVIDENCE, THAT THE STATE OF SOUTH CAROLINA SUBMITTED AGAINST ME AT TRIAL, PROVED THAT I WAS POSITIONED TO THE FAR RIGHT OF VICTIM K. S. RIGHT SIDE, THAT VICTIM K. S. WAS "NOT" SHOT AND KILLED ON. AT THE IMMEDIATE TIME VICTIM K. S. WAS SHOT AND KILLED ON HIS LEFT SIDE AND THE BULLET TRAVELED IN K. S. BODY, FROM HIS LEFT SIDE TOWARDS HIS RIGHT SIDE WHERE I WAS POSITIONED AT. THEREFORE THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE THAT THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, FROM A SCIENTIFIC POINT OF VIEW, PROVED THAT SCIENTIFICALLY IT IS LITERALLY SCIENTIFICALLY IMPOSSIBLE FOR I THROSE ROBINSON, TO HAVE BEEN ABLE TO SHOOT VICTIM K. S. IN HIS LEFT SIDE AND CAUSE THE BULLET TO TRAVEL IN VICTIM K. S. BODY, FROM LEFT TOWARDS RIGHT, TOWARDS MY POSITION I WAS POSITIONED ON, WHEN VICTIM K. S. WAS SHOT AND KILLED, WHILE I WAS POSITIONED TO THE FAR RIGHT SIDE OF VICTIM K. S. RIGHT SIDE, THAT VICTIM K. S. WAS NOT SHOT AND KILLED ON. AT THE IMMEDIATE TIME VICTIM K. S. WAS SHOT AND KILLED, BECAUSE THE DIRECT AND CIRCUMSTANTIAL EVIDENCE THAT THE STATE OF SOUTH CAROLINA SUBMITTED AGAINST ME PROVED, THAT IT IS SCIENTIFICALLY IMPOSSIBLE FOR ME TO SHOOT AND KILL VICTIM K. S. THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JAMES MC. DUFFIE STONE PRESTAGED THE TRIAL SCENE BEFORE THE JURY WAS SWORN, BY SUBMITTING A PICTURE OF A FOUR WHEELER PARKED BY A TRAMPALINE, ON A PICTURE STAND IN FRONT OF THE JURY BOX FOR THE JURY TO LOOK AT DURING THE WHOLE TRIAL, BY DOING SO THE STATE OF SOUTH CAROLINA THRU TRICKERY AND DECEPTIVE TRIAL FACTS IN VIOLATION OF COURT PROCEDURE, COURT RULES AND PROCEDURAL DUE PROCESS OF LAW, AND IN VIOLATION OF MY RIGHT TO CONFRONT MY ACCUSER, USED THE PICTURE OF THE FOUR WHEELER PARKED BY THE TRAMPALINE, TO TRICK DECEIVE

AND DEFRAUD THE JURY INTO BELIEVING. WHEN VICTIM K. S. RAN AWAY FROM THE TRAMPALINE. VICTIM K. S. TURNED AROUND AND RAN BACK TOWARDS THE TRAMPALINE TO GET HIS FOUR WHEELER AND GOT SHOT AND KILLED LIKE THAT. IN ORDER FOR THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE TO TRICK AND DECEIVE THE JURY INTO BELIEVING THAT VICTIM K. S. LEFT SIDE THAT VICTIM K. S. WAS SHOT AND KILLED ON, WAS FACING TOWARDS F TYPONE ROBINSON POSITION WHEN K. S. HAD SUPPOSEDLY TURNED AROUND AND RAN BACK TOWARDS THE TRAMPALINE TO GET HIS FOUR WHEELER. IN ORDER FOR THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE. TO TRICK, DECEIVE AND DEFRAUD THE JURY INTO BELIEVING THAT I SHOT AND KILLED VICTIM K. S. WHEN VICTIM KHALIL SINGLETON SUPPOSEDLY TURNED AROUND AND RAN BACK TOWARDS THE TRAMPALINE TO GET HIS FOUR WHEELER WHICH WOULD OF MADE VICTIM K. S. SINGLETON LEFT SIDE THAT VICTIM K. S. WAS SHOT AND KILLED ON, BE FACING MY DIRECTION THAT I WAS POSITIONED ON. WHEN THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, KNEW THAT THE FALSE UNTRUE ACT AND UNTRUE EVENT IS "NOT" SUPPORTED BY THE TESTIMONY OF THE WITNESSES WHO TESTIFIED FOR THE STATE AND DEFENSE IN THIS CASE. ALSO WHEN THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE KNEW, THAT AS A MATTER OF LAW IT IS LITERALLY IMPOSSIBLE FOR ME TO HAVE SHOT AND KILLED VICTIM K. S. WHEN VICTIM K. S. SUPPOSEDLY TURNED AROUND AND RAN BACK TO THE TRAMPALINE TO GET HIS FOUR WHEELER AT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE LIES COMMITTED CRIME OF PERJURY TO THE JURY AND SAID HE DID. BECAUSE THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, KNEW THAT AS A MATTER OF LAW VICTIM K. S. NEVER TURNED AROUND TO GO BACK TO THE TRAMPALINE TO GET HIS FOUR WHEELER IN ORDER TO GET SHOT AND KILLED WHILE RUNNING BACK TO THE TRAMPALINE TO GET HIS FOUR WHEELER. BECAUSE THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE HAD A COPY OF A PICTURE OF THE CRIME SCENE THAT WAS TAKEN EARLY THAT DAY RIGHT AFTER VICTIM K. S. WAS SHOT AND KILLED. THAT SHOWED AND PROVED THAT AT THE IMMEDIATE TIME VICTIM K. S. WAS SHOT AND KILLED. VICTIM K. S. FOUR WHEELER WAS "NOT" PARKED NEXT TO THE TRAMPALINE FOR VICTIM K. S. TO GO GET. THE PICTURE WITHOUT

VICTIM K. S. [REDACTED] FOUR WHEELER PARKED NEXT TO THE TRAMPOLINE. SHOW AND PROVE THAT AS A MATTER OF LAW I NEVER SHOT AND KILLED VICTIM K. S. [REDACTED] WHEN VICTIM K. S. [REDACTED] SUPP.

- USEDLY TURNED AROUND AND RAN BACK TO THE TRAMPOLINE TO GET HIS FOUR WHEELER. BECAUSE THE PICTURE "WITHOUT" THE FOUR WHEELER PARKED NEXT TO IT. SHOW AND PROVE THAT AS A MATTER OF LAW VICTIM K. S. [REDACTED] NEVER TURNED AROUND AND RAN BACK TO THE TRAMPOLINE TO GO GET HIS FOUR WHEELER AND GOT SHOT AND KILLED LIKE THAT. BECAUSE THE PICTURE "WITHOUT" THE

FOUR WHEELER PARKED NEXT TO IT. SHOWS AND PROVES THAT AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED EARLY THAT DAY. VICTIM K. S. [REDACTED] FOUR WHEELER WAS NOT PARKED NEXT

TO THE TRAMPOLINE FOR VICTIM K. S. [REDACTED] TO TURN AROUND AND RUN BACK TO THE TRAMPOLINE TO GET, AND GET SHOT AND KILLED WHILE DOING SO.

AS A MATTER OF LAW PROVEING THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL MC. DUFFIE STONE. USED FALSE UNTRUE ACTS AND FALSE UNTRUE EVENTS THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL MC. DUFFIE STONE. ALREADY KNEW NEVER DID OCCUR IN THIS CASE. TO LIE TO THE JURY, COMMIT A CRIME OF PERJURY TO THE JURY AND TRICK, DECEIVE AND DEFRAUD THE JURY, INTO BELIEVING THEIR FALSE UNTRUE EVENTS AND FALSE UNTRUE ACTS OCCURRED.

ALSO PROVEING THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL MC. DUFFIE STONE. USED A PICTURE OF A FOUR WHEELER THAT WAS PLANTED NEXT TO THE TRAMPOLINE LATER ON THAT EVENING HOURS AND HOURS AFTER VICTIM K. S. [REDACTED] WAS SHOT AND KILLED. TO TRICK, DECEIVE

AND DEFRAUD THE JURY INTO BELIEVING THEIR FALSE UNTRUE ACTS AND FALSE UNTRUE EVENTS OCCURRED. IN ORDER FOR THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL MC. DUFFIE STONE. TO TRICK, DECEIVE AND DEFRAUD THE JURY INTO RENDERING A JURY VERDICT OF GUILTY AGAINST ME FOR A THIRD

- FIND A JURY VERDICT OF GUILTY AGAINST ME FOR A THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST. AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH. SO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL MC. DUFFIE STONE. COULD FRAME ME FOR THE CRIME OF MURDER FOR THE DEATH OF VICTIM K. S. [REDACTED] AND BY DOING SO DEPRIVE ME OUT OF MY DUE PROCESS RIGHT TO A FAIR TRIAL AND DEPRIVE ME OUT OF MY LIBERTY AND WRONGFULLY INCARCERATE ME FOR THE DEATH OF VICTIM K. S. [REDACTED] IN VIOLATION OF MY FEDERAL 5TH AND 14TH

AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES

NO PERSON SHALL BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW



MARSHLAND ROAD THAT TRUCK ARON SENIOR
AND ARON JUVOR WAS RIDING IN WAS
TRAVELING ON

DIRECTION
OF BULLET

AS A MATTER OF LAW THIS DIAGRAM SHOW AND PROVE
THAT IF SOMEONE WOULD OF SHOT A BULLET FROM OUT
OF THE TRUCK OR FROM THE MARSHLAND ROAD AREA
INTO THE ALLEN ROAD AREA, TOWARDS I TYRONE ROBIN-
SON DIRECTION AND TOWARDS VICTIM K. S. [REDACTED]
RUNNING AWAY FROM THE TRAMPALINE, TOWARDS HOME
TOWARDS THE ALLEN ROAD DIRECTION. AS ALL OF THE
STATE OF SOUTH CAROLINA WITNESSES AT TRIAL, TESTIFIED
AS THE ONLY DIRECTION VICTIM K. S. [REDACTED] WAS
RUNNING IN AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED]
WAS SHOT AND KILLED.

THE BULLET WOULD OF STRUCK VICTIM K. S. [REDACTED]
ON THE LEFT SIDE OF K. S. [REDACTED] BODY AND THE
TRAJECTORY OF THE BULLET WOULD OF TRAVELED THE
PATHWAY OF. FROM LEFT TOWARDS RIGHT IN K. S. [REDACTED]

body TOWARDS I TYRONE
ROBINSON DIRECTION.

LEFT SIDE OF BODY THAT K. S. [REDACTED]
WAS SHOT AND KILLED
ON. AS FORENSIC PATHOLOGIST
DR. LEE MARIE TORMO TESTIFIED TO

THEREFORE AS A MATTER OF LAW THE
DIRECT EVIDENCE AND CIRCUMSTANTIAL
EVIDENCE. THAT THE STATE OF SOUTH CAROLINA
SUBMITTED AGAINST ME AT TRIAL, PROVES THAT
IT IS LITERALLY IMPOSSIBLE FOR I TYRONE
ROBINSON TO SHOOT AND KILL VICTIM
K. S. [REDACTED]

AS A MATTER OF LAW PROVING THAT BASED ON
THE DIRECT EVIDENCE AND CIRCUMSTANTIAL
EVIDENCE THAT THE STATE OF SOUTH CAROLINA
SUBMITTED AGAINST ME AT TRIAL, THE
STATE OF SOUTH CAROLINA FAILED TO PROVE
THE BURDEN OF PROOF ENTITLING ME TO
A DIRECTED VERDICT OF ACQUITTAL AS A
MATTER OF LAW.

BACK
OF

FRONT OF
K. S. [REDACTED]

RIGHT SIDE
OF K. S. [REDACTED]



1st PICTURE ON NEXT PAGE

NOTICE ON THE PICTURE ON THE NEXT PAGE, THAT THE
THE SUNLIGHT IS SHINING BRIGHT ON THE GROUND IN THE
TREES IN THE BACKGROUND AND IN THE PICTURE, THE PICTURE
ON THE NEXT PAGE IS A PICTURE THAT WAS TAKEN OF THE
TRAMPALINE VICTIM K. S. [REDACTED] RAN AWAY FROM, RIGHT
AFTER VICTIM K. S. [REDACTED] WAS SHOT AND KILLED.
THE PICTURE ON THE NEXT PAGE PROVES THAT AT THE IMMEDIATE
TIME K. S. [REDACTED] WAS SHOT AND KILLED EARLIER THAT DAY.
THERE WAS NOT ANY FOUR WHEELER PARKED AT THE TRAMPALINE.
THEREFORE THE PICTURE ON THE NEXT PAGE SHOW AND PROVE THAT
WHEN VICTIM K. S. [REDACTED] RAN AWAY FROM THE TRAMP-
-ALINE VICTIM K. S. [REDACTED] DID NOT TURN AROUND
AND GO BACK TO GET HIS FOUR WHEELER AND GOT SHOT AND
KILLED TRYEN TO GO GET HIS FOUR WHEELER. AS THE STATE OF
SOUTH CAROLINA AND ITS SOLICITOR ISAAC MC. DUFFIE STONE, TRACKED
DECEIVED COMMITTED CRIME OF PERJURY LIES TO THE JURY AND
DECEIVED THE JURY INTO BELIEVING IT.
BECAUSE THE PICTURE ON THE NEXT PAGE SHOW AND PROVE THAT
AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS
SHOT AND KILLED WHEN HE RAN AWAY FROM THE TRAMPALINE.
THERE WAS NOT ANY FOUR WHEELER PARKED AT THE TRAMPALINE
FOR K. S. [REDACTED] TO TURN AROUND AND GO GET. THERE-
-FORE THE PICTURE ON THE NEXT PAGE SHOW AND PROVE THAT
AT THE IMMEDIATE TIME K. S. [REDACTED] WAS SHOT AND
KILLED WHEN HE RAN AWAY FROM THE TRAMPALINE. VICTIM
K. S. [REDACTED] DID NOT TURN AROUND TO GO GET HIS
FOUR WHEELER AND GOT SHOT AND KILLED TRYEN TO GO BACK AND
GET HIS FOUR WHEELER, BECAUSE THE PICTURE ON THE NEXT PAGE
SHOW AND PROVE THAT AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED]
[REDACTED] WAS SHOT AND KILLED. HIS FOUR WHEELER WAS NOT
PARKED AT THE TRAMPALINE FOR K. S. [REDACTED] TO TURN
AROUND TO GO BACK AND GET.
THE PICTURE ON THE NEXT PAGE WAS ISSUED TO ME IN MY
RULE 5 MOTION OF DISCOVERY. BY THE STATE OF SOUTH CAROLINA
AND ITS SOLICITOR ISAAC MC. DUFFIE STONE

1st
PICTURE

30th TEXAS

30th TEXAS

30th TEXAS

30th TEXAS

30th

TEXAS

30th TEXAS



2Nd PICTURE ON NEXT PAGE

NOTICE ON THE PICTURE ON THE NEXT PAGE THAT THERE IS NOT ANY SUNLIGHT SHINING IN THE PICTURE. NOTICE THAT THE SUN HAS WENT DOWN AND THE SUN HAS ALREADY SET. NOTICE HOW THE SKY LOOKS LIKE ITS ABOUT TO DARKEN THIS IS CALLED DUSK DARK. THIS PICTURE WAS TAKEN ON SEPTEMBER 21ST, 2,012 DURING DAYLIGHT SAVING HOURS. WHEN IT DOESNT GET DARK UNTIL 9:00 NINE OCLOCK AND DUSK DARK DOESNT OCLUR UNTIL AROUND BETWEEN 7:30 SEVEN THIRTY AND 8:30 EIGHT THIRTY. WHEN THE PICTURE WAS TAKEN IT WAS LATE IN THE EVENING AT DUSK DARK ABOUT TO TURN NIGHT TIME. THIS PICTURE WAS TAKEN SEVERAL HOURS LATER AFTER VICTIM K. S. [REDACTED] HAD ALREADY BEEN SHOT AND KILLED. THE PICTURE SHOW AND PROVES THAT SOMEONE PARKED THE FOUR WHEELER AT THE TRAMPALINE AFTER VICTIM K. S. [REDACTED] HAD ALREADY BEEN SHOT AND KILLED AND AFTER DOING SO, TOOK A PICTURE OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE. THE PICTURE ON THE NEXT PAGE WAS ILLUDED TO ME IN MY RULE 5 MOTION OF DISCOVERY. BY THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE



THEREFORE BECAUSE THE DIRECT EVIDENCE AND
 CIRCUMSTANTIAL EVIDENCE, THAT THE STATE OF
 SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE
 STONE SUBMITTED AGAINST ME AT TRIAL, PROVED THAT
 IT WAS SCIENTIFICALLY IMPOSSIBLE FOR ME TO
 SHOOT AND KILLED VICTIM K. S. [REDACTED]. THE
 STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC
 MC. DUFFIE STONE, THRU TRICKERY, DECEPTIVE
 AND FRAUDULENT TRIAL TACTICS, PLACED THE
 PICTURE OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPAL-
 -LINE, IN THE FRONT OF THE JURY BOX BEFORE THE
 JURY WAS SEATED AND WHEN THE JURY WAS SWORN
 IN, THE PICTURE OF THE FOUR WHEELER WAS STILL
 POSITIONED IN FRONT OF THE JURY BOX. AS A RESULT
 THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC
 MC. DUFFIE STONE, LET THE PICTURE OF THE FOUR
 WHEELER PARKED NEXT TO THE TRAMPALINE, REMAIN
 IN FRONT OF THE JURY BOX FACING DIRECTLY AT
 THE JURY TO TRICK, DECEIVE AND DEFRAUD THE
 JURY INTO BELIEVING BEYOND A REASONABLE
 DOUBT, THAT THE FOUR WHEELER WAS PARKED NEXT
 TO THE TRAMPALINE AT THE IMMEDIATE TIME
 K. S. [REDACTED] WAS SHOT AND KILLED.
 WHEN THE STATE OF SOUTH CAROLINA, AND ITS SOLICITOR
 ISSAC MC. DUFFIE STONE, HAD A ORIGINAL PICTURE
 OF THE TRAMPALINE, THAT WAS TAKEN OF THE TRAMPALINE
 EARLIER THAT DAY, RIGHT AFTER VICTIM K. S. [REDACTED]
 WAS SHOT AND KILLED. THAT SHOWS AND
 PROVES THAT AT THE IMMEDIATE TIME VICTIM
 K. S. [REDACTED] WAS SHOT AND KILLED, THERE WAS
 "NOT" ANY FOUR WHEELER PARKED NEXT TO THE
 TRAMPALINE.
 THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC
 MC. DUFFIE STONE, KEPT THE PICTURE OF THE FOUR
 WHEELER PARKED NEXT TO THE TRAMPALINE, IN FRONT
 OF THE JURY BOX FOR THE JURY TO DECIDE ON AND
 CONSIDER ON THROUGH OUT THE WHOLE TRIAL. UNTIL
 THE JURY WAS DISCHARGED AWAY FROM TRIAL AFTER
 THEY RENDERED THERE JURY VERDICT OF GUILTY.
 AGAINST ME, BY DOING SO THE STATE OF SOUTH CAR-
 -OLINA USED THE PICTURE OF THE FOUR WHEELER PARKED
 NEXT TO THE TRAMPALINE AS TESTIMONIAL TO TRICK,
 DECEIVE AND INFLUENCE THE JURY INTO BELIEVING
 BEYOND A REASONABLE DOUBT, THAT THE FOUR WHEELER
 WAS PARKED NEXT TO THE TRAMPALINE AT THE TIME
 VICTIM K. S. [REDACTED] WAS SHOT AND KILLED.
 WHEN THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR
 ISSAC MC. DUFFIE STONE HAD A ORIGINAL PICTURE
 OF THE TRAMPALINE, THAT WAS TAKEN OF THE TRAMPAL-
 -INE EARLIER THAT DAY, RIGHT AFTER VICTIM K. S. [REDACTED]
 WAS SHOT AND KILLED. THAT SHOWS AND PROVES
 THAT AT THE IMMEDIATE TIME VICTIM
 WAS SHOT AND KILLED. THERE WAS "NOT" ANY FOUR WHEELER

parked next to the TRAMPALINE. which is the reason why the state of south carolina and its solicitor ISAAC MC. DUFFIE STONE. COULD NOT FIND ANY WITNESS TO TESTIFY TO THE FOUR WHEELER BEING PARKED NEXT TO THE TRAMPALINE AT THE IMMEDIATE TIME VICTIM KHALIL SINGLETON WAS SHOT AND KILLED.

IN FACT ALL OF THE WITNESSES THE STATE AND DEFENSE SUBMITTED IN THIS CASE. TESTIFIED THAT VICTIM

K. S. WAS RUNNING AWAY FROM THE TRAMPALINE TOWARDS ALLEN ROAD DIRECTION IN A ONE WAY DIRECTION ONLY. AT THE IMMEDIATE TIME VICTIM K. S. WAS SHOT AND KILLED.

WHICH PROVED THAT IT WAS SCIENTIFICALLY IMPOSSIBLE FOR ME TO SHOOT AND KILL VICTIM K. S.

AS A RESULT NONE OF THE WITNESSES THE STATE OF SOUTH CAROLINA OR THE DEFENSE SUBMITTED AT TRIAL. EVER TESTIFIED TO THE PICTURE OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE.

IN FACT ALL OF THE WITNESSES THE STATE OF SOUTH CAROLINA AND THE DEFENSE SUBMITTED AT TRIAL. ABSOLUTELY

"DID NOT" SAY ANYTHING ABOUT THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE IN THE PICTURE, THAT WAS FACING TOWARDS THE JURY BOX THROUGHOUT THE WHOLE TRIAL. THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISAAC MC. DUFFIE STONE, DID NOT SUBMIT THE PICTURE OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE TO BE MARKED AS A EXHIBIT AS EVIDENCE IN THE TRIAL.

AS A RESULT THE STATE OF SOUTH CAROLINA DID NOT SUBMIT THE PICTURE OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE AS A EXHIBIT IN MY TRIAL FOR THE APPEALS COURT TO REVIEW WHEN I CHALLENGED MY CONVICTION AND PRISON SENTENCE OF LIFE IMPRISONMENT ON APPEAL.

BASED ON THE FACTS PREVIOUSLY EXPLAINED IN THIS ARGUMENT. THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISAAC MC. DUFFIE STONE. DEPRIVED ME OUT OF MY SIXTH AMENDMENT RIGHT TO CONFRONT MY ACCUSER WHO I APPARENTLY TOOK THE PICTURE OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE. AS A RESULT THE PICTURE OF THE FOUR WHEELER WAS NOT AUTHENTICATED BY THE COURT OR BY MY ACCUSER. THEREFORE BY THE STATE OF SOUTH CAROLINA CHOOSING NOT TO PRESENT MY ACCUSER WHO TOOK A PICTURE OF THE TRAMPALINE. SO I COULD CROSS EXAMINE MY ACCUSER ABOUT THE AUTHENTICITY AND CREDIBILITY OF THE PICTURE. THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISAAC MC. DUFFIE STONE, DEPRIVED ME OUT OF MY SIXTH AMENDMENT RIGHT TO CONFRONT MY ACCUSER. WHICH CAUSED ME TO BE CONVICTED AND SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT. IN VIOLATION OF MY FEDERAL SIXTH AMENDMENT RIGHT

to CONFRONT my ACCUSER. WHICH STATES "QUOTEING" IN CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES
OF AMERICA CASE LAW OF,
MARYLAND VS. SANDRA ANN CRAIG 1105.CT3157

"QUOTEING"

THE CONFRONTATION CLAUSE OF THE SIXTH AMENDMENT MADE APPLICABLE TO THE STATES THROUGH THE FOURTEENTH AMENDMENT PROVIDES; IN CRIMINAL PROSECUTION, THE ACCUSED SHALL ENJOY THE RIGHT TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM. WE OBSERVED IN COY VS. IOWA THAT THE CONFRONTATION CLAUSE GUARANTEES THE DEFENDANT A FACE TO FACE MEETING WITH WITNESSES APPEARING BEFORE THE TRIER OF FACT. THIS INTERPRETATION DERIVES NOT ONLY FROM THE LITERAL TEXT OF THE CLAUSE, BUT ALSO FROM OUR UNDERSTANDING OF ITS HISTORICAL ROOTS. CONFRONTATION CLAUSE INTENDED TO PREVENT CONVICTION BY AFFIDAVIT

THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL MC. DUFFIE STONE USED THE PICTURE OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE, THAT THEY DEPRIVED ME OUT OF MY RIGHT TO CONFRONT MY ACCUSER WITH. TO TRICK, DECEIVE AND DEFRAUD THE JURY. INTO BELIEVING FALSE, UNTRUE, FRAUDULENT EVENTS THAT NEVER OCCURRED. SO ON CLOSING ARGUMENT THE STATE OF SOUTH CAROLINA COULD OF TRICK, DECEIVE AND DEFRAUD THE JURY INTO RENDERING A JURY VERDICT OF GUILTY AGAINST ME. ON A THIRD UNINDICTED THEORY UNINDICTED CRIME AND UNINDICTED CRIMINAL ACT OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST, AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW. BASED ON THE FACTS EXPLAINED IN THIS ARGUMENT. THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL MC. DUFFIE STONE. ACTIONS EXPLAINED DEPRIVED ME OUT OF MY DUE PROCESS RIGHT TO A FAIR TRIAL. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES
OF AMERICA CASE LAW OF,
MARYLAND VS. SANDRA ANN CRAIG 1105.CT3157

"QUOTEING"

THE CONFRONTATION CLAUSE OF THE SIXTH AMENDMENT

made applicable to the state through the fourth Amendment provides, in criminal prosecution, the accused shall enjoy the right to be confronted with the witnesses against him. we observed in *Coy v. Iowa* that the confrontation clause guarantees the defendant a face-to-face meeting with witnesses appearing before the trier of fact. This interpretation derives not only from the literal text of the clause, but also from our understanding of its historical roots. Confrontation clause intended to prevent conviction by affidavit

Therefore after the state of South Carolina and its solicitor Isaac Mc. Duffie Stone, used the picture of the four wheeler parked next to the tramp line to trick, deceive and influence the jury into believing beyond a reasonable doubt that the four wheeler was parked next to the tramp line at the immediate time victim K. S. [redacted] was shot and killed.

Through its closing argument the state of South Carolina and its solicitor Isaac Mc. Duffie Stone, argued and testified there on opinion to the jury that when victim K. S. [redacted] ran away from the tramp line, victim K. S. [redacted] turned back around and ran back toward the tramp line to get his four wheeler and got shot and killed like that. For proof quote the following closing argument of the state of South Carolina and its solicitor Isaac Mc. Duffie Stone from the trial transcript.

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"Quoting" from page 968 paragraphs 25 and page 969 paragraphs 1, 2, 3, 4, 5, 6, 7 and 8 of trial transcript from the state of South Carolina and its solicitor Isaac Mc. Duffie Stone closing argument "Quoting" assuming that an eight year old goes one direction and one direction only. And I don't know how many eight year olds you've been around but generally they don't, and even if they did, even if they did, he forgot his four wheeler. he was on the tramp line when Charles said go home, go out, go. He runs this way. He left his four wheeler. Adults may not

STOP TO TURN AROUND AND GO BACK AND GET IT
BUT A CHILD WOULD

AS A RESULT OF THE STATE OF SOUTH CAROLINA AND ITS
SOLICITOR ISSAC MC. DUFFIESTONE CLOSING ARGUE-
MENT ~~THROUGH~~ USE OF THE PICTURE OF THE FOUR WHEELER
PARKED NEXT TO THE TRAMPALINE. THAT THE STATE
OF SOUTH CAROLINA BASED ITS CLOSING ARGUMENT
ON THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR
ISSAC MC. DUFFIESTONE. TRICKED, DECEIVED AND
INFLUENCED THE JURY INTO RETURNING A JURY VERDICT
OF GUILTY AGAINST ME. ON A THIRD UNINDICTED
THEORY, UNINDICTED CRIME AND UNINDICTED CRIMINAL
ACT OF MURDER "ALLEGEDLY"
I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

THAT THE GRAND JURY DID NOT INDICT ME ON, THERE
IS NOT ANY INDICTMENT CHARGING ME WITH AND
THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE
I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST.
THE STATE OF SOUTH CAROLINA WAS SUPPOSED TO AFFORD ME
A FAIR TRIAL BY A IMPARTIAL JURY. HOWEVER:
INSTEAD THE STATE OF SOUTH CAROLINA AND ITS SOLICIT-
OR ISSAC MC. DUFFIESTONE. AFFORDED ME A TRIAL
BY TRICKERY DECEPTION AND UNTRUTHFUL TACTICS.
* THAT DEPRIVED ME OUT OF A FAIR TRIAL IN VIOLATION
OF MY RIGHT TO A FAIR TRIAL. WHICH CAUSED ME TO
BE UNCONSTITUTIONALLY CONVICTED, SENTENCED TO
PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED
OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED
FOR THE DEATH OF VICTIM K. S. [REDACTED] IN
VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT
RIGHT OF DUE PROCESS OF LAW WHICH STATES "QUOTE"
NOR SHALL ANY PERSON BE DEPRIVED OUT OF THERE
LIBERTY WITHOUT DUE PROCESS OF LAW

ALSO IN VIOLATION OF MY FEDERAL 6TH AMENDMENT
RIGHT TO CONFRONT MY ACCUSER WHICH STATES

"QUOTE"
IN CRIMINAL PROSECUTIONS, THE ACCUSED SHALL
ENJOY THE RIGHT TO BE CONFRONTED WITH THE
WITNESS AGAINST HIM. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES
OF AMERICA CASE LAW OF
LEON CHAMBERS VS. STATE OF MISSISSIPPI 935 CT 1038

"QUOTE"

THE RIGHT TO AN ACCUSED IN A CRIMINAL TRIAL
TO DUE PROCESS IS IN EVIDENCE, THE RIGHT TO A FAIR
OPPORTUNITY TO DEFEND AGAINST THE STATES ACCUSATION.

THE RIGHT TO CONFRONT AND CROSS EXAMINE WITNESSES AND TO CALL WITNESSES IN ONE'S OWN BEHALF HAVE LONG BEEN RECOGNIZED AS ESSENTIAL TO DUE PROCESS. MR. JUSTICE BLACK WRITING FOR THE COURT IN *IN RE OLIVER* 168 J. CT 499 IDENTIFIED THESE RIGHTS AS AMONG THE MINIMUM ESSENTIALS OF A FAIR TRIAL. A PERSON RIGHT TO REASONABLE NOTICE OF A CHARGE AGAINST HIM AND AN OPPORTUNITY TO BE HEARD IN HIS DEFENSE - A RIGHT TO HEAR IN COURT - ARE BASIC IN OUR SYSTEM OF JUSTICE. -UDENCE, AND THIS RIGHT INCLUDES AS A MINIMUM, A RIGHT TO EXAMINE THE WITNESS AGAINST HIM TO OFFER TESTIMONY, AND TO BE REPRESENTED BY COUNSEL. BOTH OF THESE ELEMENTS OF A FAIR TRIAL ARE IMPLICATED IN THE PRESENT CASE. CHAMBERS WAS DENIED AN OPPORTUNITY TO SUBJECT MC. DONALD TO DAMNING REPUTATION AND ALIBI TO CROSS-EXAMINATION. HE WAS NOT ALLOWED TO TEST THE WITNESS' RECOLLECTION, TO PROBE INTO THE DETAILS OF HIS ALIBI, OR TO JUDGE FOR HIMSELF WHETHER MC. DONALD'S TESTIMONY WAS WORTHY OF BELIEF. THE RIGHT OF CROSS EXAMINATION IS MORE THAN A DISTINGUISHABLE RULE OF TRIAL PROCEDURE. IT IS IMPLICIT IN THE CONSTITUTIONAL RIGHT TO CONFRONTATION, AND HELPS ASSURE THE ACCURACY OF THE TRUTH DETERMINING PROCESS. IT IS INDEED AN ESSENTIAL AND FUNDAMENTAL REQUIREMENT FOR THE KIND OF FAIR TRIAL WHICH IS THIS COUNTRY'S CONSTITUTIONAL GOAL.

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.
 GEORGE WILLIAM BRUTON V. UNITED STATES 88 J. CT 1620
 QUOTING
 TO DEPRIVE AN ACCUSED OF RIGHT TO CROSS EXAMINATION WITNESSES AGAINST HIM IS DENIAL OF FOURTEENTH AMENDMENT GUARANTEE OF DUE PROCESS OF LAW, REVERSED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF CONNECTICUT CASE LAW OF.
 STATE OF CONNECTICUT V. ANDREW ALEXANDER 755 A.2d 868 "QUOTING"
 PROSECUTOR'S CLOSING ARGUMENT IN SEXUAL ASSAULT TRIAL, IN WHICH SHE MADE REFERENCE TO FACTS NOT IN EVIDENCE, AMOUNTED TO MISCONDUCT DEPRIVING DEFENDANT OF DUE PROCESS "FURTHER QUOTING"
 ACCORDINGLY WE AGREE WITH THE APPELLATE COURT CONCLUSION THAT THE PROSECUTORIAL MISCONDUCT DENIED THE DEFENDANT HIS DUE PROCESS RIGHT TO A FAIR TRIAL.
 THE JUDGEMENT OF THE APPELLATE COURT IS REVERSED

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
CASE LAW OF.

BENNETT V. STERLING 842 F.3d 319 QUOTE

PROSECUTOR'S IMPROPER COMMENTS OFFEND THE
CONSTITUTION IF THEY "SO INFECTED THE TRIAL WITH
UNFAIRNESS AS TO MAKE THE RESULTING CONVICTION
A DENIAL OF DUE PROCESS"

AS A MATTER OF LAW THE SENTENCING SHEET REVEALS
THAT TRIAL JUDGE THOMAS COOPER, SENTENCED ME TO
PRISON TIME OF LIFE IMPRISONMENT FOR THE DEATH
OF VICTIM K. S. AS A MATTER OF LAW
PROVEING THAT AFTER I WAS CONVICTED AND SENTENCED
TO PRISON TIME OF LIFE IMPRISONMENT, FOR THE DEATH
OF VICTIM K. S. THE STATE OF SOUTH CAROLINA,
SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, BEAUFORT
COUNTY DETENTION CENTER, DIRECTOR COLONAL ROOTE,
DIRECTOR OF BEAUFORT COUNTY DETENTION CENTER, DIRECTOR
BRYAN STERLING, DIRECTOR MC. CALL, DIRECTOR OF SOUTH
CAROLINA DEPARTMENT OF CORRECTIONS, PERRY CORRECTIONAL
INSTITUTION, WARDEN LARRY CARTLEDGE, WARDEN SCOTT
LEWIS, KIRKLAND CORRECTIONAL INSTITUTION, WARDEN
MC. KEE, LEE CORRECTIONAL INSTITUTION, LIEBER CORR-
-ECTIONAL INSTITUTION, WARDEN ARON JOYNER, WARDEN
AT LEE CORRECTIONAL INSTITUTION, WARDEN RANDALL
WILLIAMS, AND WARDEN BRIAN KENDALL, WARDENS AT
LIEBER CORRECTIONAL INSTITUTION. ALL HELD I TYRONE
ROBINSON, DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY
IMPRISONED FOR THE DEATH OF VICTIM K. S.
IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMEND-
-MENT RIGHT OF DUE PROCESS OF LAW WHICH STATES QUOTE
NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY
WITHOUT DUE PROCESS OF LAW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES
OF AMERICA CASE LAW OF.

LEON CHAMBERS V. STATE OF MISSISSIPPI 93 S. CT 1038

THE RIGHT TO AN ACCUSED IN A CRIMINAL TRIAL
TO DUE PROCESS IS IN ESSENCE, THE RIGHT TO A FAIR
OPPORTUNITY TO DEFEND AGAINST THE STATES ACCUSA-
-TION. THE RIGHT TO CONFRONT AND CROSS EXAMINE WITN-
-NESSES AND TO CALL WITNESSES IN ONE'S OWN BEHALF HAVE
LONG BEEN RECOGNIZED AS ESSENTIAL TO DUE PROCESS. MR.
JUSTICE BLACK WRITING FOR THE COURT IN THE OLIVER
168 S. CT 499 IDENTIFIED THESE RIGHTS AS AMONG THE MINIM-
-UM ESSENTIALS OF A FAIR TRIAL. A PERSON RIGHT TO
REASONABLE NOTICE OF A CHARGE AGAINST HIM, AND AN
OPPORTUNITY TO BE HEARD IN HIS DEFENSE - A RIGHT TO AP-
-PEAR IN COURT - ARE BASIC IN OUR SYSTEM OF JURISPRUD-
-ENCE; AND THESE RIGHTS INCLUDE AS A MINIMUM, "A

273.

RIGHT TO EXAMINE THE WITNESS AGAINST HIM TO OFFER TESTIMONY, AND TO BE REPRESENTED BY COUNSEL. BOTH OF THESE ELEMENTS OF A FAIR TRIAL ARE IMPLICATED IN THE PRESENT CASE. CHAMBERS WAS DENIED AN OPPORTUNITY TO SUBJECT MC. DONALD'S TO DAMNING REPUDIATION AND ALIBI TO CROSS-EXAMINATION. HE WAS NOT ALLOWED TO TEST THE WITNESS' RECOLLECTION, TO PROBE INTO THE DETAILS OF HIS ALIBI, OR TO STRETCH HIS CONSCIENCE SO THAT THE JURY MIGHT JUDGE FOR ITSELF WHETHER MC. DONALD'S TESTIMONY WAS WORTHY OF BELIEF. THE RIGHT OF CROSS EXAMINATION IS MORE THAN A DESIRABLE RULE OF TRIAL PROCEDURE. IT IS IMPLICIT IN THE CONSTITUTIONAL RIGHT TO CONFRONTATION, AND HELPS ASSURE THE ACCURACY OF THE TRUTH DETERMINING PROCESS. IT IS INDEED AN ESSENTIAL AND FUNDAMENTAL REQUIREMENT FOR THE KIND OF FAIR TRIAL WHICH IS THIS COUNTRY CONSTITUTIONAL GOAL.

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

GEORGE WILLIAM BRUTON VS. UNITED STATES 885 CT 1620

QUOTE "TO DEPRIVE AN ACCUSED OF RIGHT TO CROSS EXAMINATION WITNESSES AGAINST HIM IS DENIAL OF FOURTEENTH AMENDMENT GUARANTEE OF DUE PROCESS OF LAW" REVERSE

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF CONNECTICUT CASE LAW OF.

STATE OF CONNECTICUT VS. ANDREW ALEXANDER 755

A. 2d 868 "QUOTE" PROSECUTOR'S CLOSING ARGUMENT IN SEXUAL ASSAULT TRIAL, IN WHICH SHE MADE REFERENCE TO FACTS NOT IN EVIDENCE, AMOUNTED TO MISCONDUCT DEPRIVING DEFENDANT OF DUE PROCESS "FURTHER QUOTE"

ACCORDINGLY WE AGREE WITH THE APPELLATE COURT'S CONCLUSION THAT THE PROSECUTORIAL MISCONDUCT DENIED THE DEFENDANT HIS DUE PROCESS RIGHT TO A FAIR TRIAL.

THE JUDGMENT OF THE APPELLATE COURT IS REVERSED

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT CASE LAW OF.

BENNETT VS. STERLING 842 F.3d 319 "QUOTE"

A PROSECUTOR'S IMPROPER COMMENTS OFFEND THE CONSTITUTION IF THEY SO INFECTED THE TRIAL WITH UNFAIRNESS AS TO MAKE THE RESULTING CONVICTION A DENIAL OF DUE PROCESS

274

1STLY

ATTORNEY ARIZ DAVID BAX FAILURE TO ASSERT A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW. AND OBJECT TO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE. VIOLATING MY FEDERAL SIXTH AMENDMENT RIGHT TO CONFRONT MY ACCUSER. THAVE THERE USE OF THE PICTURE OF THE FOUR WHEELER AS TESTIMONIAL TO THE JURY. DID NOT CONSTITUTE A VALID TRIAL STRATEGY AND WAS DEFICIENT PERFORMANCE. SATISFYING THE FIRST PRONG REQUIRED TO CONSTITUTE A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL IN VIOLATION OF MY FEDERAL SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL.

2NDLY

ASLO ATTORNEY ARIZ DAVID BAX FAILURE TO ASSERT A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW. AND OBJECT TO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE CLOSING ARGUMENT ABOUT K. S. TURNING AROUND A RUNNING BACK TO THE TRAMPOLINE TO GET HIS FOUR WHEELER. DID NOT CONSTITUTE A VALID TRIAL STRATEGY AND WAS DEFICIENT PERFORMANCE. SATISFYING THE FIRST PRONG REQUIRED TO CONSTITUTE A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL IN VIOLATION OF MY FEDERAL SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF
 LUCAS BAILEY V. STATE 709 S.E. 2d 671 "QUOTE" "UNQUOTE"
 THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION GUARANTEES A DEFENDANT THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL. U.S. CONST. AMEND VI; STRICKLAND V. WASHINGTON, 466 U.S. 668 (1984), LOMAX V. STATE 665 S.E. 2d 164 (2008)
 THE UNITED STATES SUPREME COURT ESTABLISHED A TWO PRONGED TEST TO ESTABLISH INEFFECTIVE ASSISTANCE OF COUNSEL BY WHICH A P.C.R. APPLICANT MUST SHOW (2) COUNSEL PERFORMANCE WAS DEFICIENT

2ND PRONG

2ND PRONG PROVEING A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL IS:
THE DEFICIENT PERFORMANCE PREJUDICED THE DEFENDANT

1STLY

IF ATTORNEY ARIZ DAVIS BOX WOULD OF ASSERTED A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW. AND OBJECT TO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR IN IAC MC. DUFFIE STONE. VIOLATING MY FEDERAL 5TH AMENDMENT RIGHT TO CONFRONT MY ACCUSER.

BY THERE USE OF THE PICTURE OF THE FOUR WHEELER AS TESTIMONIAL TO THE JURY. TO PROTECT ME FROM BEING CONVICTED, SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED FOR THE DEATH OF VICTIM K. S. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "QUOTE" "NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW"

THEN THESE ISSUES WOULD OF BEEN RESERVED FOR THE APPEALS COURT TO REVIEW, AND THE SOUTH CAROLINA COURT OF APPEALS. WOULD OF HAD TO REVERSE MY CONVICTION AND PRISON SENTENCE OF LIFE IMPRISONMENT AND THE OUTCOME OF MY PROCEEDINGS IN THIS CASE WOULD OF BEEN TOTALLY DIFFERANT IN MY FAVOR. FOR PROOF REVIEW

CASE LAW MERIT

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

LEON CHAMBERS VS. STATE OF MISSISSIPPI 935 CT 1038

"QUOTE"

THE RIGHT TO AN ACCUSED IN A CRIMINAL TRIAL TO DUE PROCESS IS IN ESSENCE, THE RIGHT TO A FAIR OPPORTUNITY TO DEFEND AGAINST THE STATES ACCUSATION. THE RIGHT TO CONFRONT AND CROSS EXAMINE WITNESSES AND TO CALL WITNESSES IN ONE'S OWN BEHALF HAVE LONG BEEN RECOGNIZED AS ESSENTIAL

to due process Mr. Justice Black writing for the court in 168 S.Ct 499 identified these rights as among the minimum essentials of a fair trial. A person right to reasonable notice of a charge against him, and an opportunity to be heard in his defense - a right to his day in court - are basic in our system of justice, and the right includes as a minimum, a right to examine the witness against him to offer testimony, and to be represented by counsel. Both of these elements of a fair trial are implicated in the present case. Chambers was denied an opportunity to subject Mc. Donald to damning repudiation and able to cross examination. He was not allowed to test the witness recollection, to probe into the details of his alibi, or to test his confidence so that the jury might judge for itself whether Mc. Donald's testimony was worthy of belief. The right of cross examination is more than a desirable rule of trial procedure, it is implicit in the constitutional right to confrontation, and help assure the accuracy of the truth determining process. It is indeed an essential and fundamental requirement for the kind of fair trial which is this country constitutional goal. Further quoting

We conclude that the exclusion of this critical evidence, coupled with the state's refusal to permit Chambers to cross examine Mc. Donald, denied him a fair trial in accord with traditional and fundamental standards of due process. In reaching this judgement, we establish no new principles of constitutional law. Nor does our holding signal any diminution in the respect traditionally accorded to the states in the establishment and implementation of their own criminal trial rules and procedures. Rather, we hold quite simply that under the facts and circumstances of this case the rulings of the trial court deprived Chambers of a fair trial.

The judgement is reversed and the case is remanded to the Supreme Court of Mississippi for further proceedings not inconsistent with this opinion. It is so ordered. Reversed and Remanded

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.
 GEORGE WILLIAM BRUTON VS. UNITED STATES 88 S.Ct 1620
 QUOTING
 TO DEPRIVE AN ACCUSED OF RIGHT TO CROSS EXAMINATION WITNESSES AGAINST HIM IS DENIAL OF FOURTEENTH

AMENDMENT GUARANTEE OF DUE PROCESS OF LAW /
REVERSE

2NDLY

IF ATTORNEY ARIZ DAVID BAX WOULD OF ASSERTED
 A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH
 AMENDMENT RIGHT OF DUE PROCESS OF LAW. AND OBJECT
 TO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR
 ISSAC MC. DUFFIE STONE CLOSING ARGUMENT.
 WERE THEY TESTIFIED THERE OWN PERSONAL OPINION
 TO THE JURY, AND TOLD THE JURY THAT WHEN K. S.

— [REDACTED] RAN AWAY FROM THE TRAMPALINE. K. S.
 — [REDACTED] TURNED AROUND AND RAN BACK TO THE
 TRAMPALINE AND GOT SHOT AND KILLED LIKE THAT.

TO PROTECT ME FROM BEING CONVICTED, SENTENCED
 TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED
 OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED
 FOR THE DEATH OF VICTIM K. S. IN VIOLA-
 — TION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT
 OF DUE PROCESS OF LAW WHICH STATES "QUOTE"
 "NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY
 WITHOUT DUE PROCESS OF LAW"

THEN THESE ISSUES WOULD OF BEEN RESERVED FOR THE
 APPEAL COURT TO REVIEW, AND THE SOUTH CAROLINA
 COURT OF APPEALS WOULD OF HAD TO REVERSE MY
 CONVICTION AND PRISON SENTENCE OF LIFE IMPRISON-
 — MENT AND THE OUTCOME OF MY PROCEEDINGS IN THIS
 CASE WOULD OF BEEN TOTALLY DIFFERANT IN MY FAVOR.
 FOR PROOF REVIEW, CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF CONNECT-
 — ICUT CASE LAW OF,
 STATE OF CONNECTICUT V. ANDREW ALEXANDER 755 A.2d
 868 "QUOTE"

PROSECUTORS CLOSING ARGUMENT IN SEXUAL ASSAULT
 TRIAL, IN WHICH SHE MADE REFERENCE TO FACTS NOT
 IN EVIDENCE, AMOUNTED TO MISCONDUCT DEPRIVING
 DEFENDANT OF DUE PROCESS "FURTHER QUOTE"
 ACCORDINGLY WE AGREE WITH THE APPELLATE
 COURT'S CONCLUSION THAT THE PROSECUTORIAL
 MISCONDUCT DENIED THE DEFENDANT HIS DUE
 PROCESS RIGHT TO A FAIR TRIAL.
 THE JUDGEMENT OF THE APPELLATE COURT IS REVERSED

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
CASE LAW OF:

BENNETT VS. STERLING 842 F.3d 319 "QUOTEING"

A PROSECUTOR'S IMPROPER COMMENT OFFEND THE
CONSTITUTION IF THEY SO INFECTED THE TRIAL
WITH UNFAIRNESS AS TO MAKE THE RESULTING
CONVICTION A DENIAL OF DUE PROCESS

AS A RESULT ALL TWO OF ATTORNEY ARIZO DAVID BAX
DEFICIENT PERFORMANCE PREJUDICED ME. BECAUSE
IT UNDERMINED CONFIDENCE IN THE OUTCOME OF
MY TRIAL, AND DEPRIVED ME OUT OF MY FEDERAL
DUE PROCESS RIGHT TO A FAIR TRIAL, IN VIOLATION
OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE
PROCESS OF LAW. WHICH CAUSED ME TO BE UNCONSTITUTIONALLY
CONVICTED, SENTENCED TO PRISON TIME OF
LIFE IMPRISONMENT, DEPRIVED OUT OF MY LIBERTY
AND WRONGLY INCARCERATED FOR THE DEATH OF VICTIM
K. S. [REDACTED] IN VIOLATION OF MY FEDERAL 5TH
AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW
WHICH STATES "QUOTEING"
NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY
WITHOUT DUE PROCESS OF LAW

SATISFYING THE 2ND PRONG REQUIRED TO PROVE
A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL
WHICH IS: THE DEFICIENT PERFORMANCE PREJUDICED
THE DEFENDANT

CONSTITUTING A VIOLATION OF MY FEDERAL SIXTH
AMENDMENT RIGHT OF EFFECTIVE ASSISTANCE OF
COUNSEL. FOR PROOF REVIEW.

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF:

LUCAS BAILEY VS. STATE 209 S.E.2d 67 "QUOTEING"

THE SIXTH AMENDMENT TO THE UNITED STATES CONST-
ITUTION GUARANTEES A DEFENDANT THE RIGHT
TO EFFECTIVE ASSISTANCE OF COUNSEL. U.S. CONST.
AMEND VI. STRICKLAND VS. WASHINGTON, 466 U.S.
668 (1984); LOMAX 665 S.E.2d 164 (2,008)
THE UNITED STATES SUPREME COURT HAS ESTABLISHED
A TWO-PRONGED TEST TO ESTABLISH INEFFECTIVE
ASSISTANCE OF COUNSEL BY WHICH A P.C.R. APPLICANT
MUST SHOW (2ND) THE DEFICIENT PERFORMANCE
PREJUDICED THE DEFENDANT

14th Issue AR 6ued 279
ON P.C.R

1677

I TYRONE ROBINSON SIXTH AMENDMENT RIGHT
TO EFFECTIVE ASSISTANCE OF COUNSEL WAS
VIOLATED, CONSTITUTING INEFFECTIVE
ASSISTANCE OF COUNSEL. AS A RESULT OF ATTORNEY
ARIE DAVID BAX CALLING TONY SINGLETON JUNIOR
TO TESTIFY IN MY DEFENSE AGAINST MY DEFENSE
THEORY TO HELP THE STATE OF SOUTH CAROLINA CONVICT
ME ON A THIRD UNINDICTED THEORY, UNINDICTED
CRIME AND UNINDICTED CRIMINAL ACT, CONSTITUTING
INEFFECTIVE ASSISTANCE OF COUNSEL

7th ARGUMENT

I TYRONE ROBINSON SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL WAS VIOLATED CONSTITUTING INEFFECTIVE ASSISTANCE OF COUNSEL. AS A RESULT OF ATTORNEY ARLE DAVID BAX CALLING J. S. [REDACTED] TO TESTIFY FOR MY DEFENSE AGAINST MY DEFENSE THEORY TO HELP THE STATE OF SOUTH CAROLINA CONVICT ME ON A THIRD UNINDICTED THEORY, UNINDICTED CRIME AND UNINDICTED CRIMINAL ACT. CONSTITUTING INEFFECTIVE ASSISTANCE OF COUNSEL

1st PRONG
2nd PRONG PROVING A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL IS:
COUNSEL PERFORMANCE WAS DEFICIENT

IN THE CASE AT TRIAL THE STATE OF SOUTH CAROLINA SUBMITTED EVIDENCE THAT TESTIMONY OF WITNESSES, THAT THERE WAS SHOOTING GOING ON IN THE ALLEN ROAD AREA AS A RESULT OF ARON SCOTT YOUNG SENIOR AND ARON SCOTT YOUNG JUNIOR ATTEMPTING TO MURDER I TYRONE ROBINSON WITH THEREAFTER THE STATED CASE WAS THAT IN THE MIST OF THE SHOOTING K. S. [REDACTED] WAS SHOT AND KILLED. THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED IN THE CASE, PROVED THE IT IS SCIENTIFICALLY IMPOSSIBLE FOR ME TO SHOOT AND KILL VICTIM K. S. [REDACTED] WHILE I WAS POSITIONED ON THE FAR RIGHT SIDE OF K. S. [REDACTED] STABLETON RIGHT SIDE THAT K. S. [REDACTED] WAS NOT SHOT AND KILLED ON. AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED ON HIS LEFT SIDE AND THE BULLET TRAVELED IN K. S. [REDACTED] BODY FROM LEFT TOWARD RIGHT TOWARDS MY DIRECTION, SO IN THE STATED CASE AS A MATTER OF LAW THE STATE OF SOUTH CAROLINA FAILED TO PROVE THAT I WAS GUILTY BEYOND A REASONABLE DOUBT OF SHOOTING AND KILLING VICTIM K. S. [REDACTED]. ALTHOUGH I REMIND THIS COURT THAT THE BURDEN OF PROOF IS ON THE STATE OF SOUTH CAROLINA, TO PROVE THAT I AM GUILTY BEYOND A REASONABLE DOUBT OF COMMITTING THE CRIME CHARGED, IN THE WRITTEN WRITE UP OF THE INDICTMENT THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. AFTER THE STATE REITED THERE CASE AND AFTER THE TRIAL JUDGE THOMAS COOPER DENIED MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL. ATTORNEY ARLE DAVID BAX PRESENT A DEFENSE FOR MY CASE, HOWEVER I SPECIFICALLY INSTRUCTED [REDACTED] AS A WITNESS FOR MY DEFENSE. BECAUSE I DID NOT BELIEVE THAT J. S. [REDACTED] TESTIMONY WOULD BE CONSISTANT WITH MY DEFENSE THEORY, WHICH WAS THE FATAL SHOT THAT KILLED VICTIM K. S. [REDACTED] WAS

FIRE FROM THE TRUCK ON MARSHLAND ROAD AND NOT FROM ME. J. S. [REDACTED] TESTIMONY WAS CONFLICTING AND CONTRADICTORY WITH ITSELF. BECAUSE JONAS SINGLETON JUNIOR TESTIFIED THAT WHEN THE SHOOTING STARTED, HE AND KHALIL SINGLETON RAN AWAY FROM THE TRAMPALINE AND KHALIL FELL WHILE RUNNING AWAY FROM THE TRAMPALINE. J. S. [REDACTED] TESTIMONY CLEARLY EXPLAINED THAT WHEN K. S. [REDACTED] SINGLETON RAN AWAY FROM THE TRAMPALINE, VICTIM K. S. [REDACTED] DID NOT TURN AROUND AND RAN BACK TOWARDS THE TRAMPALINE AND GOT SHOT AND KILLED RUNNING BACK TOWARDS THE TRAMPALINE TRYING TO GET HIS FOR WHEELER. THEREFORE J. S. [REDACTED] TESTIMONY EXPLAINED THAT VICTIM K. S. [REDACTED] WAS SHOT AND KILLED WHILE RUNNING AWAY FROM THE TRAMPALINE TOWARDS HIS HOME IN THE ALLEN ROAD AREA. THEREFORE FROM A SCIENTIFIC POINT OF VIEW, J. S. [REDACTED] TESTIMONY PROVES THAT IT IS "SCIENTIFICALLY AND PHYSICALLY IMPOSSIBLE" FOR ME TO SHOOT AND KILL VICTIM K. S. [REDACTED] WHILE I WAS POSITIONED ON THE FAR RIGHT SIDE OF VICTIM K. S. [REDACTED] RIGHT SIDE THAT VICTIM K. S. [REDACTED] WAS NOT SHOT AND KILLED ON AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED IN HIS LEFT SIDE AND THE BULLET TRAVELED THE PATHWAY IN VICTIM K. S. [REDACTED] BODY FROM LEFT TOWARDS RIGHT TOWARDS MY DIRECTION. HOWEVER J. S. [REDACTED] TESTIMONY IN MY DEFENSE WENT AGAINST MY DEFENSE THEORY. BECAUSE THE STATE OF SOUTH CAROLINA SUBMITTED EVIDENCE IMPLICATING TYRONE ROBINSON AS THE ONLY PERSON WHO WAS WALKING IN THE ALLEN ROAD AREA AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED. AT TRIAL WHILE TESTIFYING IN MY DEFENSE, J. S. [REDACTED] TESTIFIED AGAINST MY DEFENSE THEORY AND TESTIFIED THAT I SHOT AND KILLED VICTIM K. S. [REDACTED] ACCIDENTALLY. WHILE I WAS SHOOTING AT THE VEHICLE OF ARON SCOTT YOUNG SENIOR AND ARON SCOTT YOUNG JUNIOR WHO WERE IN THE COMMISSION OF ATTEMPTING TO TRY TO MURDER TYRONE ROBINSON. FOR PROOF I QUOTE THE TRIAL TESTIMONY OF J. S. [REDACTED] AT MY TRIAL IN MY DEFENSE. AS FOLLOWS

STATE OF SOUTH CAROLINA

V.S.
TYRONE ROBINSON

"QUOTING" FROM PAGE 650 PARAGRAPHS 2, 22, 23, 24 AND 25 AND PAGE 651 PARAGRAPHS 1, 2, 3, 4, 5, 6,

7, 8, 9, 10, 11, 12, 13, and 14 of TRIAL TRANSCRIPT. FROM J. S. [REDACTED] TESTIMONY AGAINST THE DEFENSE THEORY IN THE DEFENSE CASE. "QUOTE" me and K. S. [REDACTED] were jumping on the trampoline and we heard gun shots so we ran. AND AFTER we ran K. S. [REDACTED] just fell down to the ground and I didn't realize what happened. AND THAT'S ALL I REMEMBER.

QUESTION FROM
ATTORNEY ARIZ DAVID
BOX OF PAGE 650
PARAGRAPH 25 and
ON PAGE 651 PARAGRAPH
1 "QUOTE"

OKAY. THANK YOU J. S. [REDACTED] DO YOU REMEMBER SEEING ANYBODY ELSE BESIDE K. S. [REDACTED] THAT DAY?

ANSWER FROM
J. S. [REDACTED]
PAGE 651 PARAGRAPH
2. "QUOTE"
YES

QUESTION FROM
ATTORNEY ARIZ DAVID
BOX ON PAGE 651 PARAGRAPH
3, "QUOTE"
WHO DO YOU REMEMBER SEEING?

ANSWER FROM
J. S. [REDACTED]
PAGE 651 PARAGRAPH
4 AND 5 "QUOTE"
MY FRIEND JOE AND MY FRIENDS AND THE PERSON WHO
SHOT MY COUSIN

QUOTE FROM
ATTORNEY ARIZ DAVID
BOX ON PAGE 651 PARAGRAPH
6 AND 7 "QUOTE"
OKAY CAN YOU TELL US WHAT YOU SAW OF THAT PERSON? WHAT
DID YOU SEE THAT PERSON DO?

ANSWER FROM
J. S. [REDACTED]
PAGE 651 PARAGRAPH
8, 9, 10, 11, 12, 13 AND 14 "QUOTE"
HE WAS SHOOTING AT ANOTHER CAR I MEAN SHOOTING AT
SOMEWHERE ELSE. AND THEN I THINK HE WAS RUNNING
MIDDLE OF THE WAY. AND I DON'T KNOW. I DON'T THINK
HE DID IT ON PURPOSE. AND HE WAS RUNNING
NO HE DIDN'T DO IT ON PURPOSE. AND HE WAS RUNNING
AND HE MUST HAVE DIDN'T REALIZE IT BUT OR I DON'T
REALIZE IT BUT THE BULLET HIT HIM

IN THE STATE OF SOUTH CAROLINA CASE THE STATE OF SOUTH
CAROLINA SUBMITTED A RECORDED VIDEO FROM MARTIN THOMAS
WERE J. S. [REDACTED] ON THE VIDEO SAY THE GUY IN
THE RED SHIRT SHOT AND KILLED K. S. [REDACTED] THERE

FORE ATTORNEY ARIE DAVID BAX WAS INEFFECTIVE ASSISTANCE OF COUNSEL. FOR CALLING J. S. [REDACTED] TO TESTIFY AGAINST MY DEFENSE THEORY AGAINST ME IN MY DEFENSE. WHEN ATTORNEY ARIE DAVID BAX WATCH IN TRIAL AND I KNEW THAT WHEN THE STATE OF SOUTH CAROLINA PRESENTED ITS CASE. THE STATE OF SOUTH CAROLINA USED A RECORD VIDEO OF J. S. [REDACTED] FROM MARTIN THOMAS, TO TESTIFY AGAINST TYRONE ROBINSON AND IMPLICATE TYRONE ROBINSON AS THE PERSON WHO SHOT AND KILLED VICTIM K. S. [REDACTED] SINCE THE STATE OF SOUTH CAROLINA AND ITS SELECTOR FIJAC MC. DUFFESTONE TRACKED DECEIVED AND LIED TO THE JURY AND TOLD THE JURY IN THERE CLOSING ARGUMENT, THAT AFTER VICTIM K. S. [REDACTED] RAN AWAY FROM THE TRIAL VICTIM K. S. [REDACTED] TURN AROUND AND RAN BACK TO THE TRAMPALINE TO GO GET HIS FOUR WHEELER AND I SHOT AND KILLED K. S. [REDACTED] LIKE THAT WHICH WAS A LIE. ALSO SINCE I TESTIFIED IN MY OWN DEFENSE THAT I WAS THE PERSON IN THE ALLEN ROAD AREA WHO AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WERE SHOOTING AT.

ATTORNEY ARIE DAVID BAX PREJUDGED ME WHEN IN MY DEFENSE. WHEN ATTORNEY ARIE DAVID BAX CALLED J. S. [REDACTED] TO TESTIFY AGAINST MY DEFENSE THEORY AND AGAINST MY DEFENSE IN MY DEFENSE CASE. BECAUSE THE STATE OF SOUTH CAROLINA USED J. S. [REDACTED] TESTIMONY AGAINST MY DEFENSE THEORY AND AGAINST MY DEFENSE FROM OUT OF MY OWN DEFENSE TO INFLUENCE THE JURY TO RETURN A JURY VERDICT OF GUILTY AGAINST ME. ON THE THIRD UNINDICTED THEORY, UNINDICTED CRIME AND UNINDICTED CRIMINAL ACT OF MURDER/ALLEGEDLY I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH, IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "NO PERSON SHALL BE DEPRIVED OF LIBERTY NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW"

THEREFORE ATTORNEY ARIE DAVID BAX DECISION TO CALL J. S. [REDACTED] AS A WITNESS IN MY DEFENSE TO TESTIFY AGAINST MY DEFENSE THEORY AND TESTIFY AGAINST MY DEFENSE IN MY DEFENSE DID NOT CONSTITUTE A VALID TRIAL STRATEGY AND WAS DEFICIENT PERFORMANCE-SATISFYING THE FIRST PRONG, THAT IS REQUIRED TO PROVE A CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL. IN VIOLATION

PERFORMANCE PREJUDICED ME BECAUSE IT UNDERMINED CONFIDENCE IN THE OUTCOME OF MY TRIAL AND DEPRIVED ME OUT OF A FAIR TRIAL FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

LEEROY FINGLE VS. STATE OF SOUTH CAROLINA 560 S.E. 2d 401 QUOTING

FOR SEVERAL REASONS, WE CONCLUDE PETITIONER WAS PREJUDICED BY TRIAL COUNSEL'S DEFICIENT PERFORMANCE. AFFY WAS THE FIRST WITNESS CALLED IN PETITIONER'S DEFENSE. HER TESTIMONY HOWEVER, WAS QUITE DAMAGING TO HIS DEFENSE. MOREOVER, THE STATE WAS ABLE TO CAPITALIZE ON TRIAL COUNSEL'S ERROR, AND ELICIT ADDITIONAL DAMAGING TESTIMONY ON CROSS EXAMINATION. THE EFFECT OF AFFY'S TESTIMONY, WHICH TOTALLY CONTRADICTED PETITIONER'S DEFENSE, WAS HEIGHTENED BY THE FACT THAT AFFY WAS CALLED AS PETITIONER'S FIRST WITNESS. THEREFORE THE FACT THAT THE STATE MAY HAVE CALLED AFFY IN REPLY DOES NOT DEMINISH THE PREJUDICIAL IMPACT OF TRIAL COUNSEL'S ERROR. IT SIMPLY CANNOT BE OVERSTATED HOW DAMAGING AFFY'S TESTIMONY WAS SINCE IT CAME IN PART OF WHAT WAS PROPOSED TO BE PETITIONER'S DEFENSE.

IN ADDITION, PETITIONER'S THEORY THAT HIS SEMEN WAS TRANSFERRED TO THE VICTIM'S SHORTS VIA THE BED SHEET WAS NOT IMPLAUSIBLE WITHOUT AFFY'S DENIAL THAT THEY HAD SEXUAL INTERCOURSE ON THE MORNING IN QUESTION. REASONABLE DOUBT COULD HAVE BEEN ESTABLISHED. EVEN IF THE STATE PRESENTED AFFY'S DENIAL IN REPLY, THE IMPACT OF THE TESTIMONY WOULD HAVE BEEN DIFFERENT SINCE IT WOULD HAVE BEEN PART OF THE STATE'S CASE, RATHER THAN PART OF PETITIONER'S DEFENSE. FURTHER QUOTING IN SUM, THERE IS NO PROBATIVE EVIDENCE IN THE RECORD TO SUPPORT THE P.C.R. COURT'S FINDING THAT PETITIONER FAILED TO ESTABLISH PREJUDICE FROM COUNSEL'S UNREASONABLE STRATEGY. WE THEREFORE REVERSE THE DENIAL OF P.C.R. ON THIS ISSUE

OF MY FEDERAL 5TH AMENDMENT RIGHT OF EFFECTIVE
 ASSISTANCE OF COUNSEL. FOR PROOF REVIEW
 CASE LAW MERIT

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
 CAROLINA CASE LAW OF

LEE ROY INGLE VS. STATE OF SOUTH CAROLINA 560 S.E.2d

GOING TO QUOTE "IN"

PETITIONER ARGUES COUNSEL WAS INEFFECTIVE BECAUSE
 HE CALLED AFFY AS A DEFENSE WITNESS WITHOUT
 INTERVIEWING HER FIRST. WE AGREE TRIAL COUNSEL
 CLEARLY WAS DEFICIENT IN PRESENTING AFFY AS A
 DEFENSE WITNESS WITHOUT FIRST INTERVIEWING AFFY
 TO ASCERTAIN WHETHER SHE WOULD SUPPORT PETITIONER'S
 THEORY OF THE DEFENSE. COUNSEL'S RELIANCE ON PETITION-
 ER'S ASSERTIONS THAT AFFY WOULD BE HONEST AND HER
 ASSUMPTION THAT HER TESTIMONY WOULD BE FAVORABLE
 SINCE SHE WAS NOT CALLED BY THE STATE DO NOT AMOUNT
 TO A REASONABLE STRATEGY FOR CALLING AFFY. WE FIND
 IT WAS OBJECTIVELY UNREASONABLE FOR COUNSEL TO ASK
 SUCH A CRUCIAL QUESTION OF THE SEXUAL ASSAULT
 VICTIM'S MOTHER WITHOUT FIRST ASCERTAINING HER
 RESPONSE. IN THIS INSTANCE, TRIAL COUNSEL PROVIDED
 DEFICIENT REPRESENTATION. ROSEBORO V. STATE (COUNSEL
 MUST ARTICULATE AN OBJECTIVELY REASONABLE STRATEGY
 TO AVOID A FINDING OF INEFFECTIVENESS)

ATTORNEY ARLE DAVID BAX DEFICIENT PERFORMANCE
 PREJUDICED ME WHEN IN MY DEFENSE. WHEN ATTORNEY
 ARLE DAVID BAX CALLED J. S. [REDACTED] TO
 TESTIFY AS A WITNESS AGAINST ME IN MY DEFENSE. BECAUSE
 BY DOING SO ATTORNEY ARLE DAVID BAX HELPED THE STATE
 OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL MC. DUFFIE
 STONE, OBTAIN A JURY VERDICT OF GUILTY AGAINST ME
 ON A THIRD UNINDICTED CRIME OF MURDER. IN VIOLA-
 TION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT
 OF DUE PROCESS OF LAW.

BECAUSE THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR
 GENERAL MC. DUFFIE STONE, USED J. S. [REDACTED]
 TESTIMONY AGAINST MY DEFENSE THEORY AND AGAINST
 MY DEFENSE, FROM OUT OF MY VERY OWN DEFENSE, TO
 INFLUENCE THE JURY TO RETURN A JURY VERDICT OF GUILTY
 AGAINST ME ON THE THIRD UNINDICTED THEORY/
 UNINDICTED CRIME AND UNINDICTED CRIMINAL ACT OF
 MURDER "ALLEGEDLY"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON
 NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND
 AGAINST AND THERE IS NOT ANY INDICTMENT CHARGE-
 ING ME WITH, IN VIOLATION OF MY FEDERAL 5TH
 AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW
 WHICH STATES "QUOTE" "IN"

NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY
 WITHOUT DUE PROCESS OF LAW

THEREFORE ATTORNEY ARLE DAVID BAX DEFICIENT

1684 15th ISSUE ARGUED 286.
ON P.C.R.

my SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE
OF COUNSEL WAS VIOLATED CONSTITUTING INEFFECTIVE
ASSISTANCE OF COUNSEL. AS A RESULT OF TRIAL ATTORNEY
ARLE DAVID BAX FAILURE TO ASSERT A CLAIM OF VIOLA-
TION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT
OF DUE PROCESS OF LAW AND OBJECT TO A NONEXISTENT
CRIME AND OFFENSE THAT A FALSE MURDER CHARGE.
TO PROTECT ME FROM BEING DEPRIVED OUT OF MY LIBERTY
AND WRONGFULLY INCARCERATED ON THE NONEXISTENT
CRIME AND OFFENSE AND FALSE MURDER CHARGE.

"ALLEGEDLY"
ON OR ABOUT SEPTEMBER THE 1ST, 2, 012 TYRONE ROBINSON
DID WILLFULLY WITH MALICE CAUSE HIM TO BE
SHOT AND KILLED AND HE DIED

THAT IS A NONEXISTENT CRIME AND OFFENSE
AND A FALSE MURDER CHARGE. THAT IS NOT DEFINED
AS A CRIME OF MURDER BY THE LAWS THAT GOVERN
THE STATE OF SOUTH CAROLINA. IN VIOLATION OF MY
FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE
PROCESS OF LAW "QUOTE"

NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY
WITHOUT DUE PROCESS OF LAW

16th ISSUE ARGUED
ON P.C.R.

VIOLATION OF FEDERAL 5TH AND 14TH AMENDMENT
RIGHT OF DUE PROCESS OF LAW. BY DEPRIVING
ME OUT OF MY LIBERTY AND WRONGFULLY INCARCER-
ATING ME ON THE NONEXISTENT CRIME AND OFFENSE
AND FALSE MURDER "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 1ST, 2, 012 TYRONE
ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM
TO BE SHOT AND KILLED AND HE DIED

THAT IS A NONEXISTENT CRIME AND OFFENSE AND FALSE
MURDER CHARGE. THAT IS NOT DEFINED AS A CRIME
OF MURDER BY THE LAWS THAT GOVERN THE STATE OF
SOUTH CAROLINA. IN VIOLATION OF MY FEDERAL 5TH
AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH
STATES "QUOTE"

NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY
WITHOUT DUE PROCESS OF LAW

8th ARGUMENT

THE FIRST ALLEGED CRIME OF FIRST DEGREE FELONY MURDER BY THE FELONY MURDER RULE THEORY. THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935. THAT THE JURY AT MY TRIAL WAS SWORN IN ON AT TRIAL, THE DEFENSE OF DOUBLE JEOPARDY ATTACHED TO AND I WAS PUT IN ~~THE~~ JEOPARDY OF BEING PUNISHED WITH PRISON TIME OF LIFE IMPRISONMENT OR UNDER S.C. CODE OF LAW 16-3-10 FOR ALLEGED CRIME OF FIRST DEGREE FELONY MURDER BY THE FELONY MURDER RULE THEORY. OF VICTIM ~~K.S.~~ ON SEPTEMBER 25TH 2012, ON HILTON HEAD ISLAND BEAUFORT S.C. IN THE AREA OF MARSHLAND DRIVE AS FOLLOWS

I QUOTE THE TRIAL JUDGE AND TRIAL COURT CONFES-
-ION FROM THE TRIAL TRANSCRIPT ATTACHED

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTING" FROM PAGE 3 AND 4 OF TRIAL TRANSCRIPT THE COURT (AKA) TRIAL JUDGE THOMAS COOPER STATED "QUOTING"
LADIES AND GENTLEMEN YOU HAVE HEARD THE SOLICITOR HAS CALLED THE CASE OF THE STATE VERSUS TYRONE ROBINSON. MR. ROBINSON HAS BEEN INDICTED BY THE GRAND JURY OF BEAUFORT COUNTY AND CHARGED WITH THE CRIME OF MURDER. THE INDICTMENT ALLEGES THAT HERE IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER THE 25TH OF 2012 WHILE ENGAGED IN AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE, AFORETHOUGHT CAUSE THE VICTIM ~~K.S.~~ TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD ON HILTON HEAD ISLAND BEAUFORT COUNTY AS ON PROXIMATE RESULT THERE OF ON SEPTEMBER THE 25TH 2012 IN VIOLATION OF THE LAW

WHICH AFTER THE JURY WAS SWORN IN IS THE FIRST ALLEGED CRIME OF FIRST DEGREE FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT I WAS PUT IN JEOPARDY AT TRIAL OF BEING PUNISHED AND RECEIVING PRISON TIME OF LIFE IMPRISON-
-MENT FOR ~~INSIDE~~ OF THE COURT OF GENERAL SESSION THE 14TH JUDICIAL CIRCUIT OF BEAUFORT COUNTY SOUTH CAROLINA. TRIAL IN THIS CASE AGAINST I TYRONE ROBINSON BEGAN ON SEPTEMBER 15TH 2014 AND LASTED UNTIL SEPTEMBER 19TH 2014

ELEMENTS

ELEMENTS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

1ST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING AN INHERENTLY DANGEROUS FELONY

INDICTMENT # 2012-65-07-01935 CHARGE AND ALLEGE THAT TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THEREFORE AS A MATTER OF LAW INDICTMENT # 2012-65-07-01935 CHARGE TYRONE L. ROBINSON WITH COMMITTING THE 1ST ELEMENT FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY.

CONFESSION

ON PAGE 1052 PARAGRAPHS 2, 3, AND 4 OF TRIAL TRANSCRIPT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JESSIE MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT, THAT THEY HAD INDICTED ME ON AND WERE TAKEN ME BEFORE THE JURY AT TRIAL ON THE 1ST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. WHEN THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JESSIE MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT AT PRE TRIAL HEARING ON FEBRUARY 27TH 2014 ON PAGE 1052 PARAGRAPHS 2, 3 AND 4 OF TRIAL TRANSCRIPT "QUOTE" "OUR THEORY IS THE FELONY MURDER RULE THEORY, THAT YOU HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS FELONIES"

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF, GORE VS. LEEKE 199 S.E.2d 755 "QUOTE"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA CASE LAW OF, STATE OF MONTANA VS. MICHAEL VERNON BILLEDEAUX

76304 MONT 89 18 P 30 980 TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE UNDER THE FELONY MURDER RULE 45-5-102 (b) MCA, THE STATE MUST SHOW THAT THE PERSON ATTEMPTS TO COMMIT, COMPLETES OR IS LEGALLY ACCOUNTABLE FOR THE ATTEMPT OR COMMISSION OF FELONY ASSAULT, A PERVADED

ASSAULT, OR ANY OTHER FORCIBLE FELONY.

2ND ELEMENT REQUIRED TO
CONSTITUTE THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY IS:
DEATH TO THE VICTIM AS A CONSEQUENCE
OF THE DEFENDANT'S CONDUCT IN COMMITTING
THAT CRIME

INDICTMENT # 2012-65-07-01935 CHARGE AND
ALLEGES THAT THE DEATH OF VICTIM K. S. [REDACTED]
[REDACTED] IS THE PROXIMATE RESULT OF TYRONE
ROBINSON COMMITTING AN ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY.

THEREFORE AS A MATTER OF LAW INDICTMENT #
2012-65-07-01935 CHARGE TYRONE ROBINSON
WITH COMMITTING THE 2ND ELEMENT FROM
THE CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY.

CONFESSTION

ON PAGE 1052 PARAGRAPHS 2, 3, AND 4 OF TRIAL
TRANSCRIPT THE STATE OF SOUTH CAROLINA AND ITS
SOLICITOR JIMMIE MC. DUFFIE STONE, CONFESSED TO THE
TRIAL JUDGE AND TRIAL COURT, THAT THEY HAD INDICTED
ME ON AND WERE TRYING ME BEFORE THE JURY AT
TRIAL. ON THE 2ND ELEMENT REQUIRED TO
CONSTITUTE THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY. WHEN THE STATE OF
SOUTH CAROLINA AND ITS SOLICITOR JIMMIE MC. DUFFIE
STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL
COURT AT PRE TRIAL HEARING ON FEBRUARY 27TH 2014
ON PAGE 1052 PARAGRAPHS 4 AND 5 OF TRIAL TRANSC-
RIPT "QUOTE" AND "UNQUOTE"
AND AS A RESULT OF THOSE INHERENTLY DANGEROUS
FELONIES, A CHILD DIES

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA
CASE LAW OF:
GORE VS. LEEKE 1995, E. 2d 755 "QUOTE" AND "UNQUOTE"
THE COMMON PURPOSE LADIES AND GENTLEMAN MAY
HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLV-
ED IN THE KILLING AND THE MURDER OF ANYONE
BUT IF IN EXECUTING THIS COMMON DESIGN AND PURPOSE
AND IF IT WAS UNLAWFUL AS FOR INSTANCE, BREAKING
IN AND STEALING AND IN THE EXECUTION OF THE COMMON
PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE
CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU, THE
JURY DETERMINE FROM THE PROOF BEYOND A REASON-
ABLE DOUBT THE HOMICIDE WAS A PROBABLE OR
NATURAL CONSEQUENCE OF THE ACTS WHICH
WERE DONE IN PURSUANCE OF THIS COMMON
DESIGN THEN LADIES AND GENTLEMAN ALL WHO
ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY

290.

AND PARTICIPATING IN THE UNLAWFUL, COMMON
DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA
CASE LAW OF
STATE OF MONTANA VS. MICHAEL VERNON BILLEDEAVX
JF 804 MONT. 89, 18 P.3D 980, 2001 MT 9
TO CONVICT ON A CHARGE OF DELIBERATE
HOMICIDE UNDER THE FELONY MURDER RULE 45-
5-102(b) MCA THE STATE MUST SHOW THAT IN
THE COURSE OF THE FORCIBLE FELONY THE PERSON
OR ANY OTHER PERSON LEGALLY ACCOUNTABLE FOR
THE CRIME CAUSES THE DEATH OF ANOTHER HUMAN
BEING

CONFESSIO

THE TRIAL TRANSCRIPT FROM THE PRE TRIAL HEARING ON FEBRUARY 27TH, 2014 WERE I REPRESENTED MYSELF PRO SE. REVEALS THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL JISAC MC. DUFFIE STONE "CONFESSED" THAT THE CRIME THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GJ-07-01935, IS THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ONLY, THAT IS THE ONE AND ONLY CRIME AND THEORY THAT THEY TRIED ME ON BEFORE THE JURY AT TRIAL AND HAD THE BURDEN OF PROOF TO PROVE ONLY, FOR PROOF I QUOTE THE CONFESSIO OF THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JISAC MC. DUFFIE STONE. FROM THE TRIAL TRANSCRIPT OF THE PRE TRIAL HEARING THAT TOOK PLACE ON FEBRUARY 27TH, 2014 AT BEAUFORT COUNTY GENERAL SESSION COURT HOUSE WERE I REPRESENTED MYSELF PRO SE "QUOTING"

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTING" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JISAC MC. DUFFIE STONE CONFESSIO FROM PAGE 1052 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, AND 23 AND 24 AND PAGE 1053 1 AND 2 OF TRIAL TRANSCRIPT FROM PRE TRIAL HEARING ON FEBRUARY 27TH, 2014 "QUOTING" OUR THEORY IS THE FELONY MURDER RULE, THEORY, THAT YOU HAVE THREE PEOPLE COMMITTING INHERANTLY DANGEROUS FELONIES, AND AS A RESULT OF THERE INHERANTLY DANGEROUS FELONIES, A CHILD DIES. THE ACTUAL SHOOTER, AS TO SPEAK, THE ONE THAT DISCHARGED THE FATAL BULLET, UNDER THAT SCENARIO IS WHOLLY RELEVANT, NOT CONTROLLING, SO THAT IS THE PORTION THAT THE STATES GOING UNDER. THATS THE THEORY THAT THE STATE GOES UNDER, AND THAT IS A CONSISTANT THEORY AMONG ALL THE DEFENDANTS, THATS THE THEORY. WERE NOT SWITCHING UP OUR THEORIES, DEPENDING ON WHICH DEFENDANTS WERE TALKING ABOUT, WE FEEL LIKE ALL THREE OF THESE PEOPLE WERE INVOLVED IN AN INHERANTLY DANGEROUS FELONY, WHICH IS A SHOOTOUT THAT BASICALLY WENT FROM THE RIGHT AS YOU GO TO HILTON HEAD, ALL THE WAY DOWN INTO MARSHLAND ROAD, ALONG THE CROSS ISLAND EXPRESS WAY, AND I DON'T KNOW. IF YOUR FAMILIAR WITH THE AREA, BUT IT INVOLVE THREE NEIGHBORHOODS IN HILTON HEAD, AND THATS WAS A SHOOT OUT THAT TOOK PLACE FIRST AT WHITE HORSE ROAD, AND THEN AT ANOTHER NEIGHBORHOOD IN BETWEEN, AND THEN AT A THIRD AT ALLEN ROAD AREA, WHICH IS WERE THE CHILD WAS PLAYING ON THE TRAMPALINE AND KILLED. OUR THEORY IS ALL THREE OF THEM ARE CULPABLE UNDER THAT SCENARIO, AND THATS THE THEORY WERE PROCEEDING FOR TRIAL

292.

2ND UNINDICTED ALLEGED
FALSE MURDER CHARGE THAT IS A NON-EXIST-
-ENT SECOND UNINDICTED FALSE MURDER CHARGE
THAT IS NOT CLASSIFIED AS A CRIME BY THE LAWS
OF THE STATE OF SOUTH CAROLINA IS.
THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE
"ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON
DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT
AND KILLED AND HE DIED

THAT IS A NON-EXISTENT SECOND UNINDICTED
FALSE MURDER CHARGE THAT IS NOT CLASSIFIED
AS A CRIME BY THE LAWS OF THE STATE OF SOUTH
CAROLINA.

THAT THERE IS NOT ANY INDICTMENT CHARGING
ME WITH IN VIOLATION OF S.C. CODE OF LAW 17-19-10
WHICH STATES "QUOTE"

NO PERSON SHALL BE HELD TO ANSWER IN
COURT FOR A ALLEGED CRIME OR OFFENSE
UNLESS UPON INDICTMENT BY A GRAND JURY

FOR PROOF I QUOTE THE PROCEEDINGS FROM THE
TRIAL TRANSCRIPT OF ATTORNEY ARLE DAVID
BOX AND THE CONFESSION OF TRIAL JUDGE THOMAS
COOPER THAT ATTACHED AS EVIDENCE
STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

"QUOTE" PAGE 667 PARAGRAPH 22, AND 23 OF TRIAL
TRANSCRIPT OF TRIAL ATTORNEY ARLE DAVID BOX
STATES "QUOTE"
AND I THINK WITHOUT THAT HE IS ENTITLED TO A
DIRECTED VERDICT

"QUOTE" FROM PAGE 668 PARAGRAPH 3, 4, 5, 6, 7 AND 8, OF
TRIAL TRANSCRIPT OF TRIAL ATTORNEY ARLE DAVID
BOX STATES "QUOTE"
BECAUSE UNDER THERE INDICTMENT THEY HAVE NOT MET
THEIR BURDEN TO MEET THE LANGUAGE OF THE INDICTMENT
THAT THEY HAVE GONE FORWARD ON. THEY HAVE NOT BEEN
ABLE TO PROVE AN INHERENTLY DANGEROUS FELONY OF
ANY KIND THAT WAS OCCURRING AT THE TIME THE CHILD
DIED THAT MR. ROBINSON WAS INVOLVED IN, EXCUSE ME

"QUOTE" FROM PAGE 669 PARAGRAPH 2, 3, 4, 5, 6, 7, 8, 9,
10, 11, 12, 13 AND 14 OF TRIAL TRANSCRIPT OF TRIAL JUDGE
THOMAS COOPER "QUOTE"
NOW THE INHERENTLY DANGEROUS FELONY MAY HAVE
BEEN THERE TO TRY TO SHOW EVIDENCE OF MALICE, IT MAY
HAVE BEEN THERE FOR SOME OTHER PURPOSE. I REALLY
CAN'T SPEAK TO THAT BUT IF THOSE WORDS WERE NOT THERE
IF THOSE WORDS WERE NOT THERE AND THE GUN BATTLE STUFF

293

and all that was not there and if it just said that on or about September the 4th, 2012 Tyrone Robinson did willfully and with malice cause him to be shot and killed and he died

Then those 7/1/02 of course would be plain and appropriate and the charge would be at least simply made under those circumstances and if it was evidence to support those charges then it would go forward

"QUOTE" FROM PAGE 672 PARAGRAPHS 10, 11, 12, 13, 14, 15, 16, 17, 18 AND 19 OF TRIAL TRANSCRIPT JUDGE THOMAS COOPER

"QUOTE" MY POINT WAS THAT FROM THE STAND POINT FOR A MOTION FOR A DIRECTED VERDICT THAT THE INCLUSION OF THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, WHICH I THOUGHT WAS PUT THERE MORE APPROPRIATELY WHEN THEY WERE DEALING WITH THREE DEFENDANTS IN THE PARTICULAR CASE THAT THOSE WORDS COULD BE TAKEN OUT OF THAT PARTICULAR CHARGE AS INDICATED AND THERE WOULD BE NO QUESTION ABOUT WHETHER OR NOT THEY WOULD HAVE A RIGHT TO A JURY ON THE CHARGE OF MURDER

"QUOTE" FROM PAGE 674 PARAGRAPHS 21, 22, 23, 24, AND 25 AND PAGE 675 PARAGRAPHS 2 AND 3 OF TRIAL TRANSCRIPT TRIAL ATTORNEY ARIZO DAVID BAX "QUOTE" MR. BAX, AND I JUST NOTE THAT JUST FOR A MATTER OF COURSE FOR FUTURE REVIEW I JUST FEEL THAT AT A DEFENSE ATTORNEY IT IS NOT A PROPER SITUATION WERE THE DEFENSE FEELS LIKE IT HAS TO JUDGE BETWEEN ALTERNATIVE THEORIES OF PROSECUTION. AND I FEEL STRONGLY THAT THAT WHAT THAT PUT ME IN, I CERTAINLY UNDERSTAND THE RULES AND RESPECT THAT YOUR HONOR THANK YOU SIR

BLACK LAW DICTIONARY DEFINITION FOR THE CRIME OF FELONY MURDER STATES "QUOTE" MURDER THAT OCCURS DURING THE COMMISSION OF A DANGEROUS FELONY OFTEN LIMITED, TO RAPE, KIDNAPPING, ROBBERY, BURGLARY

BLACKS LAW DICTIONARY DEFINITION PROVES THAT INDICTMENT # 2012-SI-07-01935 CHARGES TYRONE ROBINSON WITH THE CRIME OF FELONY MURDER

THE NECESSARY ELEMENTS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

THE ESSENTIAL AND FACTUAL ELEMENT "ALLEGED" WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN STATE UP OF THE ALLEGED CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGED"

WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE

VICTIM K. S. [REDACTED] to be shot and killed
 that charged and alleged inside of the written
 write up of indictment #2012-ES-07-01935 that it was
 tried on before the jury at trial.
 is a essential and factual element that is
 required in order to constitute the crime of felony
 murder by the felony murder rule theory for proof
 review

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
 CASE LAW OF.

FORE V. LEEKE 199 S.E.2d 755 "QUOTE"

IF SEVERAL PERSONS AGREE OR CONSPIRE TO COMMIT A
 FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY
 EACH OF THOSE PERSONS ARE CRIMINALLY RESPONSIBLE FOR
 THE ACTS OF ASSAULTS OR CONFEDERATES WHICH ARE
 DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMM-
 ON PURPOSE FOR WHICH THEY COMBINED. THE COMMON
 PURPOSE LATER AND GENTLEMAN MAY HAVE NOT INCLUDED OR
 MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE
 MURDER OF ANYONE BUT IF IN EXECUTING THE COMMON
 DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL AT FOR
 INSTANCE / BREAKING IN AND THEFT AND IN THE
 EXECUTION OF THE COMMON PURPOSE A HOMICIDE IS COMM-
 ITED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSAULT-
 AND YOU, THE JURY DETERMINE FROM THE PROOF BEYOND
 A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR
 NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN
 PURSUANCE OF THE COMMON DESIGN THEN / LATER AND
 GENTLEMAN / ALL WHO ARE PRESENT EITHER ACTUALLY OR
 CONSTRUCTIVELY AND PARTICIPATING IN THE UNLAWFUL
 COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF
 AMERICA CASE LAW OF.

WHALEN V. UNITED STATES 104 S.Ct 1435 "QUOTE"

A CONVICTION FOR KILLING IN THE COURSE OF RAPE
 CAN NOT BE HAD WITHOUT PROVING ALL THE ELEMENTS
 OF THE OFFENSE OF RAPE "FURTHER QUOTE"
 IN THE PRESENT CASE PROOF OF RAPE IS A NECESSARY
 ELEMENT OF PROOF OF THE FELONY MURDER

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
 CASE LAW OF.

PAUL SIMMONS V. STATE OF SOUTH CAROLINA 215 S.E.2d
 883 "QUOTE"

THIS CASE POSES A DIFFICULT QUESTION WHETHER AN
 ESSENTIAL ELEMENT OF A FELONY CAN BE CONSTITUTIONALLY
 FOUNDED UPON AN INFERENCE DRAWN FROM THE COMMISSION
 OF A MISDEMEANOR, EVEN IN A CASE WHERE THE FELONY
 MURDER RULE WAS IMPLIED

ELEMENTS TEST

PROVING THAT THE SECOND UNINDICTED ALLEGED FALSE
 MURDER CHARGE IS NOT CLASSIFIED AS THE
 CRIME OF FELONY MURDER BY THE FELONY MURDER
 RULE THEORY
 AND ALSO IS NOT CLASSIFIED AS A VIOLATION OF THE
 LAW OF THE STATE OF SOUTH CAROLINA FOR THE CRIME OF
 FELONY MURDER BY THE FELONY MURDER RULE THEORY

295.

AS A MATTER OF LAW THE 2ND ELEMENT "ALLEGED" TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITTE UP OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGED"

WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM [REDACTED] K. S. to be shot and KILLED IN

THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD ON HILTON HEAD ISLAND, S.C. AND THAT [REDACTED] K. S. DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITTE UP OF INDICTMENT # 2012-61-07-01935 THAT IT WAS TRIED ON BEFORE THE JURY AT TRIAL.

IT IS NOT INCLUDED IN THE ALLEGED ELEMENTS OF THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

ALSO AS A MATTER OF LAW THE 2ND ELEMENT "ALLEGED" THE DEATH OF VICTIM [REDACTED] K. S. IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITTE UP OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGED"

WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM [REDACTED] K. S. to be shot and KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD ON HILTON HEAD ISLAND S.C. AND THAT [REDACTED] K. S. DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITTE UP OF INDICTMENT # 2012-61-07-01935 THAT IT WAS TRIED ON BEFORE THE JURY AT TRIAL.

IT IS NOT INCLUDED INTO THE ALLEGED ELEMENTS OF THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

AS A MATTER OF LAW PROVEING THAT THE 2ND ELEMENT AND THE 2ND ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITTE UP OF INDICTMENT # 2012-61-07-01935 THAT IT WAS TRIED ON BEFORE THE JURY AT TRIAL. IT IS NOT INCLUDED INTO THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

AS MATTER OF LAW PROVEING THAT THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

IS NOT DEFINED AS THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY BY THE LAWS OF THE STATE OF SOUTH CAROLINA.

ALSO IS NOT DEFINED AS A VIOLATION OF THE LAWS THAT GOVERNS THE CRIME OF FELONY MURDER IN THE STATE OF SOUTH CAROLINA.

296.

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
CASE LAW OF.

GORE VS. LEEKE 199 S.E. 2d 755 "QUOTING"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED. THE COMMON PURPOSE LATTER AND GENTLEMAN MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANYONE BUT IF IT WAS UNLAWFUL FOR INSTANCE BREAKING IN AND STEALING AND IN THE EXECUTION OF THE COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU, THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THE COMMON DESIGN THEN, LATTER AND GENTLEMAN, ALL WHO ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY AND PARTICIPATING IN THE UNLAWFUL COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

THE LAW DICTIONARY
DEFINITION FOR THE WORD
MURDER MEANS THE FOLLOWING
MEANING "QUOTING"

MURDER A COMMON LAW OFFENSE OF UNLAWFUL HOMICIDE, UNLAWFUL KILLING OF ANOTHER HUMAN BEING WITH MALICE AFORETHOUGHT. THIS REQUIRES A PREMEDITATED INTENT TO KILL PLUS AN ELEMENT OF HATRED

AS A MATTER OF LAW THERE IS ABSOLUTELY NOT ANY INTENT-MENT THAT CHARGES TYRONE LORENZA ROBERTSON WITH THE CRIME OF MURDER BY THE CRIME ALLEGEDLY KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THE NECESSARY ELEMENTS
REQUIRED IN ORDER TO CONSTITUTE
THE CRIME OF MURDER 16-3-10 BY THE
LAWS OF THE STATE OF SOUTH CAROLINA

INSIDE OF THE STATE OF SOUTH CAROLINA THE CRIME OF MURDER IS THE KILLING OF ANY HUMAN BEING WITH MALICE AFORETHOUGHT EITHER EXPRESS OR IMPLIED FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF
SOUTH CAROLINA CASE LAW OF.

THE STATE OF SOUTH CAROLINA V. WATSON 563 S.E. 2d 336
"QUOTING"

16-3-10 MURDER IS THE KILLING OF ANY PERSON WITH MALICE AFORETHOUGHT EITHER EXPRESSED OR IMPLIED

IN ORDER TO CONSTITUTE THE CRIME OF MURDER
IN VIOLATION OF SOUTH CAROLINA CODE OF LAWS
16-3-10. INSIDE OF THE STATE OF SOUTH CAROLINA.

TWO ELEMENTS MUST BE ESTABLISHED.

THE FIRST ELEMENT THAT MUST BE ESTABLISHED IS
THE ELEMENT "ALLEGEDLY"
THE DEFENDANT UNLAWFULLY KILLED ANOTHER PERSON

THE SECOND ELEMENT THAT MUST BE ESTABLISHED IS THE
ELEMENT "ALLEGEDLY"

THE KILLING WAS COMMITTED WITH MALICE AND A FORETHOUGHT

2ND

ELEMENTS TEST

PROVEING AS A MATTER OF LAW THAT THE SECOND
UNINDICTED FALSE MURDER CHARGE IS NOT
CLASSIFIED AS THE CRIME OF MURDER 16-3-
10 BY THE LAWS OF THE STATE OF SOUTH CAROLINA.
AND ALSO IS NOT CLASSIFIED AS A VIOLATION
OF SOUTH CAROLINA CODE OF LAWS 16-3-10
FOR THE CRIME OF MURDER INSIDE OF THE
STATE OF SOUTH CAROLINA

1ST ELEMENT

REQUIRED TO CONSTITUTE UNINDICTED CRIME OF
MURDER 16-3-10 BY THE LAWS OF THE STATE OF SOUTH
CAROLINA

1ST ELEMENT REQUIRED TO CONSTITUTE UNINDICTED
CRIME OF MURDER 16-3-10 BY THE CRIME ALLEGEDLY
THE DEFENDANT KILLED THE VICTIM WITH MALICE AND
A FORETHOUGHT

IS THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER
WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION
MEANS TO ALLEGEDLY THAT THE ACCUSED UNLAWFULLY DEPRIVED
ANOTHER PERSON OUT OF THEIR LIFE

THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION FOR
THE WORD KILL MEANS THE FOLLOWING "MEANING"
TO DEPRIVE OF LIFE

1ST ELEMENT

FOR SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE

1ST ELEMENT FOR SECOND UNINDICTED ALLEGED FALSE MURDER
CHARGE BY THE CRIME "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON
DID WILLFULLY WITH MALICE CAUSE HIM TO BE
SHOT AND KILLED AND HE DIED IS.

ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE
ROBINSON DID WILLFULLY CAUSE HIM TO BE SHOT
AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO

"ALLEGED" ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DID WILLFULLY CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM K.S. [REDACTED] BEING SHOT AND DEPRIVED OUT OF HIS LIFE

THIS IS BECAUSE THE LAW BOOK DICTIONARY DEFINITION FOR THE WORD CAUSE MEANS THE FOLLOWING MEANING "ALLEGEDLY"

CAUSE THAT WHICH EFFECTS A RESULT DIRECT CAUSE THE ACTIVE EFFICIENT CAUSE THAT SET IN MOTION A TRAIN OF EVENTS THAT BRINGS ABOUT A RESULT WITHOUT INTERVENTION OF ANY OTHER INDEPENDANT SOURCE

AS A MATTER OF LAW THE FIRST ELEMENT TO THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED WHICH IS

ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DID WILLFULLY CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGED.

ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DID WILLFULLY CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM K.S. [REDACTED] BEING SHOT AND DEPRIVED OUT OF HIS LIFE

IS NOT INCLUDED INTO AND DOES NOT CONSTITUTE THE FIRST ELEMENT REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED ANOTHER WITH MALICE AND A FORETHOUGHT

WHICH HAS THE 1ST ELEMENT OF "QUOTE"ING" ANOTHER PERSON THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER PERSON

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGED THAT THE ACCUSED UNLAWFULLY DEPRIVED ANOTHER PERSON OUT OF THERE LIFE

2ND ELEMENT

REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT IS: THAT THE KILLING WAS COMMITTED WITH MALICE AND A FORETHOUGHT

WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION MEANS TO ALLEGED THAT THE DEPRIVATION OF LIFE WAS COMMITTED WITH MALICE AND A FORETHOUGHT

THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION FOR THE WORD KILL MEANS THE FOLLOWING "MEANING" TO DEPRIVE OF LIFE

299.

2ND ELEMENT FOR SECOND UNINDICTED ALLEGED FALSE MURDER CASE

2ND ELEMENT FOR SECOND UNINDICTED ALLEGED
FALSE MURDER CHARGE BY THE CRIME "ALLEGEDLY"
ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE
ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM
TO BE SHOT AND KILLED JSI

ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBIN-
SON DID WITH MALICE CAUSE HIM TO BE SHOT AND
KILLED AND HE DIED

WHICH DEFINED BY HIS DICTIONARY DEFINITION MEANS
TO "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON
DID WITH MALICE CAUSE A TRAIN OF EVENTS THAT
RESULTED IN THE VICTIM, K.S. BEING
SHOT AND DEPRIVED OUT OF HIS LIFE

THIS IS BECAUSE THE LAW BOOK DICTIONARY DEFINITION
FOR THE WORD CAUSE MEANS THE FOLLOWING MEANING
"ALLEGEDLY"

CAUSE THAT WHICH EFFECTS A RESULT DIRECT CAUSE
THE ACTIVE, EFFICIENT CAUSE THAT SET IN MOTION A
TRAIN OF EVENTS THAT BRINGS ABOUT A RESULT WITHOUT
INTERVENTION OF ANY OTHER INDEPENDENT SOURCE

AS A MATTER OF LAW THE SECOND ELEMENT TO THE UNIND-
ICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY"
ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON
DID WILLFULLY AND WITH MALICE CAUSE HIM
TO BE SHOT AND KILLED AND HE DIED WHICH IS

ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE
ROBINSON DID WITH MALICE CAUSE HIM TO BE
SHOT AND KILLED AND HE DIED

WHICH DEFINED BY HIS DICTIONARY DEFINITION
MEANS TO "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE
ROBINSON DID WITH MALICE CAUSE A TRAIN OF
EVENTS THAT RESULTED IN THE VICTIM, K.S.
BEING SHOT AND DEPRIVED OUT OF HIS LIFE

IS NOT INCLUDED INTO AND DOES NOT CONSTITUTE THE
2ND ELEMENT REQUIRED TO CONSTITUTE THE UNINDI-
CTED CRIME OF MURDER 16-3-10 BY THE CRIME
"ALLEGEDLY"

THE DEFENDANT KILLED ANOTHER WITH MALICE AND
A FORETHOUGHT

WHICH HAS THE 2ND ELEMENT OF "KILLING"
THE KILLING WAS COMMITTED WITH MALICE
AND A FORETHOUGHT

WHICH DEFINED BY HIS DICTIONARY DEFINITION
MEANS TO "ALLEGEDLY"
THAT THE DEPRIVATION OF LIFE WAS COMMITTED
WITH MALICE AND A FORETHOUGHT

AS A MATTER OF LAW PROVEING THAT THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDING"

ON OR ABOUT SEPTEMBER 25, 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

IS NOT DEFINED AS THE CRIME OF MURDER 16-3-10 BY THE LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA.

ALSO IS NOT DEFINED AS A VIOLATION OF SOUTH CAROLINA CODE OF LAWS 16-3-10 FOR THE CRIME OF MURDER BY THE LAWS OF THE STATE OF SOUTH CAROLINA

VOLUNTARY DISMISSAL WITHOUT MY CONSENT

AS A MATTER OF LAW I WAS INDICTED BY THE GRAND JURY ON, AND THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON, AND I WAS PUT IN JEOPARDY OF BEING CONVICTED BY THE JURY AND FACING A PRISON SENTENCE OF LIFE IMPRISONMENT AT TRIAL. ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDING" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER THE 25, 2012 WHILE ENGAGED IN AN ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THERE ARE TWO ELEMENTS THAT ARE REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY.

THE "FIRST" ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS "QUOTEING"

THE DEFENDANT WAS IN THE COMMITITION OF COMMITTING A INHERANTLY DANGEROUS FELONY

301.

AS A MATTER OF LAW INDICTMENT # 2012-GJ-07-01935. CHARGE AND ALLEGE THAT TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

AS A MATTER OF LAW PROVEING THAT INDICTMENT # 2012-GJ-07-01935 PUTS TYRONE ROBINSON IN "JEOPARDY" OF BEING CONVICTED ON THE FIRST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT THE GRAND JURY INDICTED ME ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GJ-07-01935.

THE "SECOND" element required to constitute the crime of felony murder by the felony murder rule theory is "QUOTEING" death to the victim as a consequence of the defendant conduct in committing that crime

AS A MATTER OF LAW INDICTMENT # 2012-GJ-07-01935. CHARGE AND ALLEGE THAT THE DEATH OF VICTIM K. S. [REDACTED] IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

AS A MATTER OF LAW PROVEING THAT INDICTMENT # 2012-GJ-07-01935 PUTS TYRONE ROBINSON IN "JEOPARDY" OF BEING CONVICTED ON THE SECOND ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT THE GRAND JURY INDICTED ME ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GJ-07-01935

AS A MATTER OF LAW PROVEING THAT INDICTMENT # 2012-GJ-07-01935. PUTS TYRONE ROBINSON ON "NOTICE" THAT I WAS IN "JEOPARDY" OF BEING CONVICTED AND FACING A PRISON SENTENCE OF LIFE IMPRISONMENT FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ONLY FOR THE DEATH OF VICTIM K. S. [REDACTED]. THAT THE GRAND JURY INDICTED

me ON and I was TRIED ON before the JURY
 at TRIAL ON INDICTMENT #2012-65-07-01935.
 AFTER THE STATE OF SOUTH CAROLINA RESTED THERE
 CASE AT TRIAL ON MOTION FOR DIRECTED VERDICT
 OF ACQUITTAL. WHEN THE TRIAL JUDGE AND
 TRIAL COURT "VOLUNTARILY DISMISSED"
 THE ESSENTIAL AND FACTUAL ELEMENT "ALLEGED"
 WHILE ENGAGED IN A ONGOING GUN BATTLE
 AN INHERANTLY DANGEROUS FELONY

FROM OUT OF INDICTMENT #2012-65-07-01935
 THAT I WAS INDICTED ON by the GRAND
 JURY AND TRIED ON before the JURY AT
 TRIAL.
 THE TRIAL JUDGE AND TRIAL COURT VOLUNT-
 -ARY DISMISSAL CONSTITUTED VOLUNT-
 -ARY DISMISSAL OF THE FIRST ELEMENT
 "ALLEGED"
 I TYRONE ROBINSON WAS IN THE COMM-
 -SION OF COMMITTING A ONGOING GUN
 BATTLE AN INHERANTLY DANGEROUS
 FELONY

THAT "TERMINATED" MY "JEOPARDY" ON THE
 FIRST ELEMENT REQUIRED TO CONSTITUTE
 THE CRIME OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY. THAT THE GRAND
 JURY INDICTED ME ON, AND I WAS TRIED
 ON before the JURY AT TRIAL.
 ALSO WHEN THE TRIAL JUDGE AND TRIAL COURT
 "VOLUNTARILY DISMISSED" THE ESSENTIAL
 AND FACTUAL ELEMENT "ALLEGED"
 WHILE ENGAGED IN A ONGOING GUN BATTLE
 AN INHERANTLY DANGEROUS FELONY

FROM OUT OF INDICTMENT #2012-65-07-01935
 THAT I WAS INDICTED ON by the GRAND JURY
 AND TRIED ON before the JURY AT TRIAL.
 THE TRIAL JUDGE AND TRIAL COURT VOLUN-
 -TARY DISMISSAL CONSTITUTED A VOLUNT-
 -ARY DISMISSAL OF THE SECOND
 ELEMENT "ALLEGED"
 THE DEATH OF VICTIM KHALIL SINGLETON
 IS THE PROXIMATE RESULT OF I TYRONE
 ROBINSON COMMITTING A ONGOING GUN BATTLE
 AN INHERANTLY DANGEROUS FELONY

303.

THAT "TERMINATED" MY "JEOPARDY" ON
THE SECOND ELEMENT REQUIRED TO
CONSTITUTE THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY. THAT THE
GRAND JURY INDICTED ME ON AND I WAS TRIED
ON BEFORE THE JURY AT TRIAL.

AS A RESULT THE TRIAL JUDGE AND TRIAL COURT
VOLUNTARILY DISMISSED OF THE FIRST ELEMENT
AND SECOND ELEMENT FROM THE CRIME OF FELONY
MURDER BY THE FELONY MURDER RULE THEORY.

"TERMINATED" MY "JEOPARDY" ON THE
CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY. THAT THE GRAND JURY INDICTED
ME ON AND I WAS TRIED ON BEFORE THE JURY
AT TRIAL ON INDICTMENT #2012-65-07-01935

AS A MATTER OF LAW THE SECOND UNINDICTED
ALLEGED FALSE MURDER CHARGE "ALLEGED"
ON OR ABOUT SEPTEMBER 21ST 2012 TYRONE
ROBINSON DID WILLFULLY WITH MALICE
CAUSE HIM TO BE SHOT AND KILLED

"DOES NOT" PUT ME IN "JEOPARDY" OF
BEING CONVICTED ON THE FIRST ELEMENT
"ALLEGED"
TYRONE ROBINSON WAS IN THE COMMISSION
OF COMMITTING AN ONGOING GUN BATTLE AND FURTHER-
MORE - ANOTHER - UNINDICTED FELONY

THAT THE GRAND JURY INDICTED ME ON AND I WAS
TRIED ON BEFORE THE JURY AT TRIAL ON INDICT-
MENT #2012-65-07-01935.

ALSO AS A MATTER OF LAW THE SECOND UNINDICTED
ALLEGED FALSE MURDER CHARGE "ALLEGED"
ON OR ABOUT SEPTEMBER 21ST 2012 TYRONE
ROBINSON DID WILLFULLY WITH MALICE
CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

"DOES NOT" PUT ME IN "JEOPARDY"
OF BEING CONVICTED ON THE SECOND ELEMENT.

"allegedly"

The death of victim K. S. [REDACTED] IS THE PROXIMATE RESULT OF I TYRONE ROBINSON COMMITTING AN ONGOING GUN BATTLE ON INHERENTLY DANGEROUS FELONY

THAT THE GRAND JURY INDICTED ME ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935.

AS A MATTER OF LAW PROVEING THAT WHEN THE TRIAL JUDGE AND TRIAL COURT VOLUNTARILY DISMISSED THE FIRST ELEMENT AND VOLUNTARILY DISMISSED THE SECOND ELEMENT, THAT ARE REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL.

AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL COURT VOLUNTARY DISMISSAL VOLUNTARILY WITHDREW THE CASE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, AWAY FROM THE JURY WITHOUT MY CONSENT.

AS A RESULT WITHOUT THE CONSENT

OF I TYRONE ROBINSON, THE TRIAL JUDGE AND TRIAL COURT VOLUNTARY DISMISSAL, DEPRIVED THE SPECIFIC JURY AT MY TRIAL, OUT OF THE OPPORTUNITY TO RENDER A VERDICT ON THE CASE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "allegedly"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25, 2012 WHILE ENGAGED IN AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HELTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THEREOF

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-65-07-01935, THAT THE JURY AT MY TRIAL WAS SWORN IN ON, TO DECIDE ON AT MY TRIAL.

305.

ALSO WITHOUT MY CONSENT THE TRIAL JUDGE AND TRIAL COURT VOLUNTARY DISMISSAL AFTER THE JURY WAS SWORN. DEPRIVED I TYRONE ROBINSON OUT OF MY CONSTITUTIONAL RIGHT TO HAVE THE JURY AT MY TRIAL. RENDER A VERDICT ON THE CASE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ALLEGEDLY

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25TH, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT I CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITTE UP OF INDICTMENT # 2012-GS-07-01935, THAT THE JURY AT MY TRIAL WAS SWORN IN ON, TO DECIDE ON AT MY TRIAL.

AS A RESULT THE JURY AT MY TRIAL WAS DISCHARGED FROM MY TRIAL. WITHOUT RENDERING A VERDICT, ON THE CASE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT I CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITTE UP OF INDICTMENT # 2012-GS-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL.

AS A CONSEQUENCE AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL COURT VOLUNTARY DISMISSAL OF THE FIRST ELEMENT WITHOUT MY CONSENT, AND THE TRIAL JUDGE AND TRIAL COURT VOLUNTARY DISMISSAL OF THE SECOND ELEMENT WITHOUT MY CONSENT. THAT ARE BOTH REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY CONSTITUTES A DISMISSAL

ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ALLEGEDLY

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25TH, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT I CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITTE

VA 704 INDICTMENT # 2012-65-07-01935 THAT THE
JURY AT TRIAL WAS SWORN IN ON TO DECIDE ON AT MY
TRIAL FOR PROOF REVIEW 306.

VIOLATION OF FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW

IT IS A VIOLATION OF THE FEDERAL 5TH AND
14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW.
TO DEPRIVE A PERSON OUT OF HIS LIBERTY ON A
NONEXISTENT CRIME. THAT IS NOT DEFINED AS
A CRIME BY THE LAWS THAT GOVERN THE STATE THAT
THE PERSON IS DEPRIVED OUT OF HIS LIBERTY IN FOR
PROOF REVIEW

CASE LAW MERITS

COURT OF APPEALS OF WASHINGTON DIVISION
IN RE KNIGHT 4 WASH APP. 2d 298, 421 P.3d 514
"QUOTING"

IT IS FUNDAMENTAL DUE PROCESS VIOLATION TO
CONVICT AND INCARCERATE A PERSON FOR A
NONEXISTENT CRIME. IT DOES NOT MATTER THAT
THE PETITIONER PLEAD GUILTY

AS A MATTER OF LAW THE FEDERAL 5TH AND 14TH
AMENDMENT RIGHT OF DUE PROCESS OF LAW. PROTECTS
A PERSON FROM BEING DEPRIVED OUT OF THERE
LIBERTY FOR A ALLEGED CRIME. UNLESS THE STATE
PROVES THAT THE PERSON IS GUILTY OF COMMITTING,
EACH AND EVERY ELEMENT NECESSARY, TO CONSTITUTE
THE CRIME THAT CHARGED. FOR PROOF REVIEW

CASE LAW MERITS

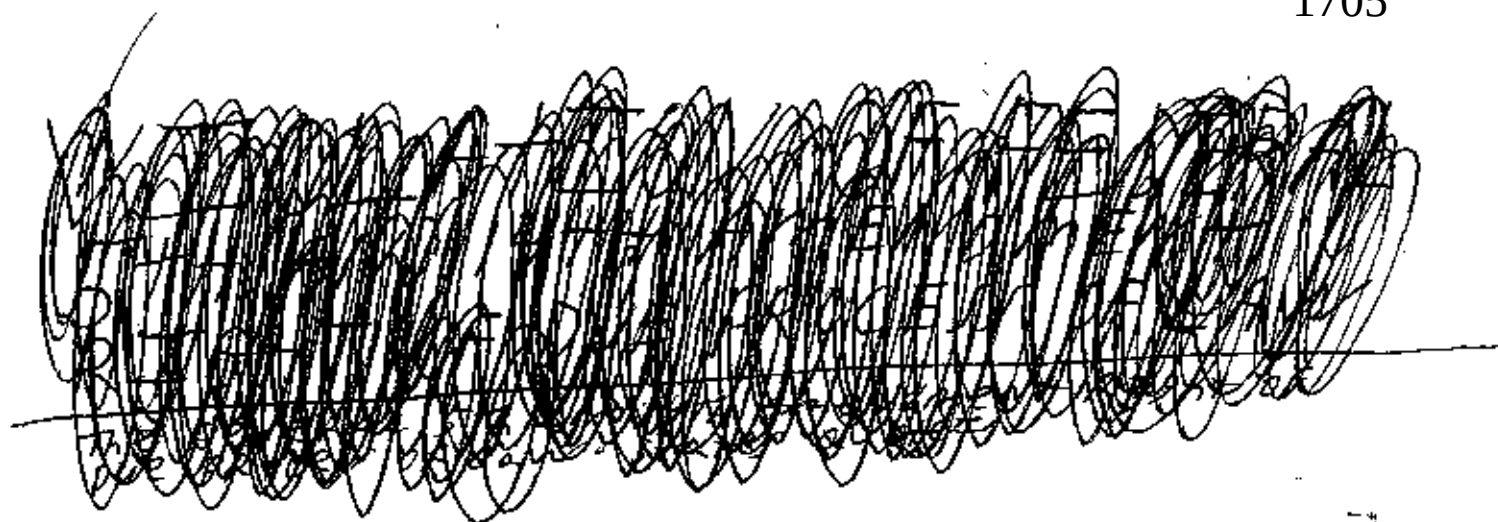
SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF
STATE V. BROWN 602 S.E. 2d 392 "QUOTING"

DUE PROCESS REQUIRES THE GOVERNMENT TO PROVE
EVERY ELEMENT OF A CHARGED OFFENSE BEYOND
A REASONABLE DOUBT

AS A MATTER OF LAW THE SECOND UNINDICTED ALLEGED
FALSE MURDER CHARGE "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 21ST, 2012 TYRONE ROBIN-
SON DIED WITH MALICE CAUSE HIM TO BE SHOT AND
KILLED AND HE DIED

IS A NON EXISTENT CRIME OF MURDER THAT DOES NOT
HAVE THE NECESSARY ELEMENTS THAT ARE REQUIRED TO
DEFINE THE CRIME OF MURDER, BY THE LAWS THAT
GOVERN THE STATE OF SOUTH CAROLINA. IN ORDER FOR THE
STATE OF SOUTH CAROLINA, TO BE ABLE TO PROVE THAT I
AM GUILTY BEYOND A REASONABLE DOUBT. OF COMMITTING
THE CRIME OF MURDER BY THE LAWS THAT GOVERN



WATER

WATER

THE STATE OF SOUTH CAROLINA -
 IT ALSO IS NOT DEFINED AS THE CRIME OF FELONY
 MURDER BY THE FELONY MURDER RULE THEORY, BY THE
 LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA.
 ALSO IS NOT DEFINED AS THE CRIME OF MURDER 16-
 3-10, BY THE LAWS THAT GOVERN THE STATE OF SOUTH
 CAROLINA.

AS A MATTER OF LAW PROVEING THAT WHEN THE TRIAL
 JUDGE AND TRIAL COURT DENIED MY MOTION FOR
 DIRECTED VERDICT OF ACQUITTAL AND UNCONSTIT-
 UTIONALLY DEPRIVED ME OUT OF MY LIBERTY. ON
 THE SECOND UNINDICTED ALLEGED FALSE MURDER
 CHARGE "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 25TH, 2012 TYRONE
 ROBINSON DID WITH MALICE CAUSE HIM TO
 BE SHOT AND KILLED AND HE DIED

THE TRIAL JUDGE AND TRIAL COURT CAUSED ME TO BE
 UNCONSTITUTIONALLY DEPRIVED OUT OF MY LIBERTY
 AND WRONGFULLY INCARCERATED, ON A NONEXISTENT
 CRIME, THAT IS NOT DEFINED AS A CRIME OF
 MURDER BY THE LAWS THAT GOVERN THE STATE OF
 SOUTH CAROLINA. IN VIOLATION OF MY FEDERAL
 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS
 OF LAW WHICH STATES "QUOTED"
 NOR SHALL ANY PERSON BE DEPRIVED OUT OF THERE
 LIBERTY WITHOUT DUE PROCESS OF LAW

FOR PROOF REVIEW

CASE LAW MERITS

COURT OF APPEALS OF WASHINGTON DIVISION
 IN RE KNIGHT 4 WASH APP. 2D 248, 421 P.3D 514
 QUOTED
 IT IS FUNDAMENTAL DUE PROCESS VIOLATION
 TO CONVECT AND INCARCERATE A PERSON,
 FOR A NONEXISTENT CRIME

AS A MATTER OF LAW PROVEING THAT THE DEFENDANT
 NAMED THE STATE OF SOUTH CAROLINA, SOUTH CAROLINA
 DEPARTMENT OF CORRECTIONS, BEAUFORT COUNTY
 DETENTION CENTER, DIRECTOR COLONAL FOOTE, DIRECTOR
 OF BEAUFORT COUNTY DETENTION CENTER, SOUTH CAROLINA
 DEPARTMENT OF CORRECTIONS, DIRECTOR STERLING,
 DIRECTOR MC. CALL, DIRECTORS OF SOUTH CAROLINA
 DEPARTMENT OF CORRECTIONS, PERRY CORRECTIONAL
 INSTITUTION, WARDEN LARRY CARTLEDGE, WARDEN
 SCOTT LEWIS, KIRKLAND CORRECTIONAL INSTITUTION,
 WARDEN MC. KEE, LEE CORRECTIONAL INSTITUTION,
 LIEBER CORRECTIONAL INSTITUTION, WARDEN AARON
 JOYNER, WARDEN AT LEE CORRECTIONAL INSTITUTION,
 WARDEN RANDALL WILLIAMS AND WARDEN KENDALL
 WARDEN AT LIEBER CORRECTIONAL INSTITUTION -
 ALL HELD I TYRONE LORENZA ROBINSON UNCON-

20

FOR REPORT UNRECORDED ALL 1964 FALSE
MURDER CHARGE

REAR ALLEGEDLY HAD NO AND UNIMMEDIATELY LEAD
FALSE MURDER CHARGE BY THE CRIMINAL LEGAL
ON OR ABOUT SEPTEMBER THE 21ST 1913 TYRONE ROBINSON
AND WILLIAM J. MURPHY COULD HAVE BEEN TO BE
AND KILLED AND BE KILLED BY

ON OR ABOUT SEPTEMBER THE 21ST 1913 TYRONE ROBINSON
AND WILLIAM J. MURPHY HAD BEEN SHOT AND KILLED
AND BE KILLED

WHICH DEFENDERS THE PROSECUTORY OFFICE
WANTS TO PROVE
ON OR ABOUT SEPTEMBER THE 21ST 1913 TYRONE ROBINSON
AND WILLIAM J. MURPHY HAD BEEN SHOT AND KILLED
AND BE KILLED BY THE PROSECUTORY OFFICE
AND BE KILLED BY THE PROSECUTORY OFFICE

THE PROSECUTORY OFFICE WANTS TO PROVE
ON THE MURDER CHARGE
ON THE MURDER CHARGE
ON THE MURDER CHARGE

ON THE MURDER CHARGE
ON THE MURDER CHARGE
ON THE MURDER CHARGE

ON THE MURDER CHARGE
ON THE MURDER CHARGE
ON THE MURDER CHARGE

ON THE MURDER CHARGE
ON THE MURDER CHARGE
ON THE MURDER CHARGE

ON THE MURDER CHARGE
ON THE MURDER CHARGE
ON THE MURDER CHARGE

ON THE MURDER CHARGE
ON THE MURDER CHARGE
ON THE MURDER CHARGE

ON THE MURDER CHARGE
ON THE MURDER CHARGE
ON THE MURDER CHARGE

ON THE MURDER CHARGE
ON THE MURDER CHARGE
ON THE MURDER CHARGE

ON THE MURDER CHARGE
ON THE MURDER CHARGE
ON THE MURDER CHARGE

ON THE MURDER CHARGE
ON THE MURDER CHARGE
ON THE MURDER CHARGE

ON THE MURDER CHARGE
ON THE MURDER CHARGE
ON THE MURDER CHARGE

308.

~~STATIONALLY DEPRIVED OUT OF MY LIBERTY~~
 AND WRONGLY INCARCERATED IN VIOLATION
 OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT
 OF DUE PROCESS OF LAW. ON THE SECOND UNIN-
 -DICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY"
 ON OR ABOUT SEPTEMBER THE 21ST, 2012 TYRONE
 ROBINSON DID WILLFULLY WITH MALICE CAUSE
 HIM TO BE SHOT AND KILLED AND HE DIED

THAT IS A NON EXISTENT CRIME OF MURDER, THAT
 IS NOT DEFINED AS THE CRIME OF MURDER BY
 THE LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA.
 FOR PROOF REVIEW

CASE LAW MERITS

COURT OF APPEALS OF WASHINGTON DIVISION
 IN RE KNIGHT 4 WASH APP 2d 248, 421 P.3d 514
 "QUOTE" IT IS

FUNDAMENTAL DUE PROCESS VIOLATION
 TO CONVICT AND INCARCERATE A PERSON/
 FOR A NON EXISTENT CRIME

ATTORNEY ARLE DAVID BAX FAILURE TO ASSERT
 A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND
 14TH AMENDMENT RIGHT OF DUE PROCESS AND OBJECT
 TO PROTECT ME FROM BEING DEPRIVED OUT OF MY
 LIBERTY AND WRONGLY INCARCERATED ON THE SECOND
 NON EXISTENT FALSE MURDER CHARGE "ALLEGEDLY"
 ON OR ABOUT SEPTEMBER THE 21ST, 2012 TYRONE ROBINSON
 DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT
 AND KILLED AND HE DIED

THAT IS A SECOND UNIN DICTED NON EXISTENT FALSE
 MURDER CHARGE, THAT IS NOT DEFINED AS A CRIME
 OF MURDER BY THE LAWS THAT GOVERN THE STATE OF
 SOUTH CAROLINA. DID NOT CONSTITUTE A VALID
 TRIAL STRATEGY AND WAS DEFICIENT PERFORMANCE.
 SATISFYING THE 2ND PRONG OF INEFFECTIVE ADJUT-
 -ANCE OF COUNSEL. THAT IS REQUIRED TO PROVE A
 VIOLATION OF MY FEDERAL SIXTH AMENDMENT RIGHT
 OF EFFECTIVE ASSISTANCE OF COUNSEL. WHICH THE
 FIRST PRONG IS. COUNSEL PERFORMANCE WAS
 DEFICIENT. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
 CAROLINA CASE LAW OF.
 LUCAS BRILEY V. STATE OF SOUTH CAROLINA 709 S.E.

12.

3.

6710 QUOTE INDO
 SIXTH Amendment to the UNITED STATES CONSTI-
 TUTION GUARANTEES A DEFENDANT THE RIGHT TO
 EFFECTIVE ASSISTANCE OF COUNSEL. U.S. CONST. AMEND
 VI. STRICKLAND VS. WASHINGTON, 466 U.S. 668 (1984), LOMAX
 VS. STATE 665 S.E. 2d 164 (2,008) THE UNITED STATES
 SUPREME COURT ESTABLISHED A TWO PRONGED TEST TO
 ESTABLISH INEFFECTIVE ASSISTANCE OF COUNSEL
 BY WHICH A P.C.R. APPLICANT MUST SHOW (1ST) COUNSEL
 PERFORMANCE WAS DEFICIENT

2ND PRONG

2ND PRONG PROVEING CLAIM OF INEFFECTIVE
 ASSISTANCE OF COUNSEL IS:
 THE DEFICIENT PERFORMANCE PREJUDICED
 THE DEFENDANT

IF ATTORNEY ARIZ DAVID BAX WOULD OF ASSERTED
 A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND
 14TH AMENDMENT RIGHT OF DUE PROCESS AND OBJECT TO
 PROTECT ME FROM BEING DEPRIVED OF MY LIBERTY
 AND WRONGFULLY INCARCERATED ON THE NONEXISTENT
 FALSE MURDER CHARGE VALLEGUEZ IN
 ON OR ABOUT SEPTEMBER THE 21ST 2,012 TYRONE ROBIN-
 SON DID WILLFULLY WITH MALICE CAUSE HIM TO BE
 SHOT AND KILLED AND HE DIED

THAT IS A NONEXISTENT FALSE MURDER CHARGE THAT IS
 NOT DEFINED AS A CRIME OF MURDER BY THE LAWS
 THAT GOVERN THE STATE OF SOUTH CAROLINA.
 THEN THESE ISSUES WOULD OF BEEN RESERVED ON RECORD
 FOR THE APPEALS COURT TO REVIEW, AND THE APPEALS
 COURT WOULD OF HAD TO VACATE MY CONVICTION AND
 PRISON SENTENCE OF LIFE IMPRISONMENT AND VACATE
 TRIAL JUDGE THOMAS COOPER JUDGEMENT OF DENYING
 MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL. TO
 PROTECT ME FROM BEING DEPRIVED OF MY LIBERTY
 AND WRONGFULLY INCARCERATED, ON THE SECOND
 UNINDICTED NON-EXISTENT FALSE MURDER CHARGE
 VALLEGUEZ
 ON OR ABOUT SEPTEMBER THE 21ST, 2,012 TYRONE ROBINSON
 DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT
 AND KILLED AND HE DIED

THAT IS A NONEXISTENT FALSE MURDER CHARGE THAT
 IS NOT DEFINED AS A CRIME OF MURDER FOR PROOF
 REVIEW
 CASE LAW MERIT

COURT OF APPEALS OF WASHINGTON DIVISION CASE
 LAW OF
 IN RE KNIGHT 4 WASH APP. 2d 248, 421 P.3d 514

"Quotcome"

THE JUDGEMENT AND SENTENCE IS FACTUALLY INVALID
BECAUSE IT SHOWS THE COURT SENTENCED KNIGHT FOR
THE NONEXISTENT CRIME OF ATTEMPTED MANSLAUGHTER.
THEREFORE WE CONCLUDE THAT KNIGHT'S
COLLATERAL ATTACK IS NOT TIME BARRED. APPROPRIATELY
ASSERTING CONSTITUTIONAL ERROR MUST ESTABLISH THAT
THE ALLEGED ERROR HAS RESULTED IN ACTUAL AND
SUBSTANTIAL PREJUDICE. PETITIONER'S BURDEN OF PROOF
IS BY A PROPUNDERENCE OF THE EVIDENCE.
A FACTUALLY INVALID JUDGEMENT AND SENTENCE AMOUNTS
TO CONSTITUTIONAL ERROR IF THE RELATED CONVICTION
IS CONSTITUTIONALLY DEFECTIVE.
WHERE A DEFENDANT IS CONVICTED OF A NONEXISTENT
CRIME, THE JUDGEMENT AND SENTENCE IS INVALID
ON ITS FACE.

IT IS FUNDAMENTAL DUE PROCESS VIOLATION TO CONVICT
AND INCARCERATE A PERSON FOR A NONEXISTENT
CRIME. IT DOES NOT MATTER THAT THE PETITIONER
PLEAD GUILTY.

AS SUCH CONVICTION FOR NONEXISTENT CRIME
DEMONSTRATE FUNDAMENTAL CONSTITUTIONAL ERROR
THAT ACTUALLY AND SUBSTANTIALLY PREJUDICE THE
DEFENDANT. THE FACT KNIGHT PLEAD GUILTY TO AND
WAS SENTENCED FOR A NONEXISTENT CRIME DEMONSTRATES
PREJUDICE.

WE CONCLUDE THAT KNIGHT'S CONVICTION FOR ATTEMPTED
MANSLAUGHTER, A NONEXISTENT CRIME, AMOUNTS TO
CONSTITUTIONAL ERROR THAT ACTUALLY AND SUBSTANTIALLY
PREJUDICED HIM. FURTHER MORE, WE GRANT KNIGHT'S PETITION AND REMAND TO
VACATE THE CONVICTION FOR ATTEMPTED MANSLAUGHTER.

AS A RESULT THE OUTCOME OF MY PROCEEDINGS IN
THIS CASE WOULD OF BEEN TOTALLY DIFFERANT IN
MY FAVOR. THEREFORE TRIAL ATTORNEY ARIZ
DAVID BAX DEFICIENT PERFORMANCE PREJUDICED
ME. BECAUSE IT UNDERMINED CONFIDENCE IN THE
OUTCOME OF MY TRIAL AND DEPRIVED ME OUT OF A
FAIR TRIAL, AND CAUSED ME TO BE DEPRIVED
OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED
ON THE NONEXISTENT FALSE MURDER CHARGE
ALLEGEDLY.

ON OR ABOUT SEPTEMBER THE 25TH, 2012 TYRONE
ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM
TO BE SHOT AND KILLED AND HE DIED

THAT IS A NONEXISTENT FALSE MURDER CHARGE THAT
IS NOT DEFINED AS A CRIME OF MURDER BY THE
LAW THAT GOVERN THE STATE OF SOUTH CAROLINA.
FOR PROOF REVIEW

CASE LAW MERITS
COURT OF APPEALS OF WASHINGTON DIVISION CASE LAW
OF
IN RE KNIGHT 4 WASH APP.2D 248,421 P.3D 514

"QUOTING"

311.

AS SUCH CONVICTION FOR NONEXISTENT CRIME
 DEMONSTRATE FUNDAMENTAL CONSTITUTIONAL
 ERROR THAT ACTUALLY AND SUBSTANTIALLY
 PREJUDICE THE DEFENDANT. THE FACT KNIGHT
 PLEAD GUILTY TO AND WAS SENTENCED FOR A
 NONEXISTENT CRIME DEMONSTRATES PREJUDICE

SATISFYING THE SECOND AND FINAL PRONG THAT
 REQUIRED TO PROVE A CLAIM OF INEFFECTIVE
 ASSISTANCE OF COUNSEL WHICH SECOND PRONG IS
 THE DEFICIENT PERFORMANCE PREJUDICED THE
 DEFENDANT

AS A MATTER OF LAW CONSTITUTING A VIOLATION
 OF MY FEDERAL SIXTH AMENDMENT RIGHT OF
 EFFECTIVE ASSISTANCE OF COUNSEL. FOR PROOF
 REVIEW

CASE LAW MERIT

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
 CAROLINA CASE LAW OF:
 LUCAS BAILEY VS. STATE 709 S.E.2d 671 "QUOTING"
 THE SIXTH AMENDMENT TO THE UNITED STATES CONST-
 ITUTION GUARANTEES A DEFENDANT THE RIGHT
 TO EFFECTIVE ASSISTANCE OF COUNSEL. U.S. CONST.
 AMEND. VI; STRICKLAND VS. WASHINGTON, 466 U.S. 668
 (1984), LOMAX 665 S.E.2d 164 (2008)
 THE UNITED STATES SUPREME COURT HAS ESTABLISHED
 A TWO-PRONGED TEST TO ESTABLISH INEFFECTIVE
 ASSISTANCE OF COUNSEL BY WHICH A P.C.R. APPLIC-
 ANT MUST SHOW (2ND) THE DEFICIENT PERFORM-
 ANCE PREJUDICED THE DEFENDANT

312.

CONCLUSION

Based on the facts explained this court must DISCHARGE me from IMPRISONMENT ON INDICTMENT #2012-GJ-07-01935 and VACATE my CONVICTION AND PRISON SENTENCE OF LIFE IMPRISONMENT.

I TYRONE L. ROBINSON SWORE UNDER PENALTY OF PERJURY. THAT THE FACTS EXPLAINED IN THIS POST CONVICTION RELIEF APPLICATION ARE TRUE EXACT AND CORRECT

PRINT. TYRONE L. ROBINSON
SIGNATURE. *Tyrone L. Robinson*
DATE. MARCH 14TH / 2, 021

EXHIBIT A

COPY OF TRIAL TRANSCRIPT
OF STATE OF SOUTH CAROLINA
CONFESSON THAT I WAS TRIED
AND CHARGE WITH CRIME OF FELONY
MURDER BY THE FELONY MURDER
RULE THEORY ONLY

STATE OF SOUTH CAROLINA
14TH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF GENERAL SESSIONS
CASE NO'S. 2012-GS-07-01935
2012-GS-07-01932 & 2012-GS-07-C2173

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

FEBRUARY 27, 2014

TRANSCRIPT OF HEARING

BEAUFORT, SOUTH CAROLINA

TYRONE ROBINSON
AARON YOUNG, JR.
AARON YOUNG, SR.

DEFENDANTS

B E F O R E:

HON. THOMAS W. COOPER, JR., JUDGE

WANDA H. ROWE, CVR-CM
OFFICIAL COURT REPORTER

2-27-14 STATE V ROBINSON/YOUNG/YOUNG

HEARING

1 basically, the situation -- this is the situation the
2 State's in. ~~Our theory is the felony murder rule, that~~
3 you have three people committing inherently dangerous
4 felonies, and as a result of those inherently dangerous
5 felonies, a child dies. The actual shooter, so to
6 speak, the one that discharged the fatal bullet, under
7 that scenario, is, while relevant, not controlling. So,
8 that is the position that the State's going under.
9 That's the theory that the State goes under, and that is
10 a consistent theory among all the defendants. That's
11 the -- that is the theory.

12 We're not switching up our theories, depending on
13 which defendant we're talking about. We feel like all
14 three of these people were involved in an inherently
15 dangerous felony, which is a shootout that basically
16 went from the right as you get to Hilton Head, all the
17 way down into Marshland Road, along the Cross Island
18 Expressway. And I don't know if you're familiar with
19 this area, but it involves three neighborhoods in Hilton
20 Head. And this was a shootout that took place first at
21 White Horse Road; and then, at another neighborhood in
22 between; and then, a third at Allen Road area, which is
23 where the child was playing on the trampoline and
24 killed. Our theory is all three of them are culpable

2-27-14 STATE V ROBINSON/YOUNG/YOUNGHEARING

1 under that scenario, and that's the theory we're
2 proceeding for trial. So, I wanted to clarify that as
3 far as who the gunman was and things like that.

4 THE COURT: All right.

5 MR. STONE: The issues as far as whether or not
6 there's some problems with jury selection and things
7 like that, that's inherent in every joint trial. There
8 was nothing that was really offered that is different
9 from any joint trial. The issue before your Honor is
10 whether or not the State can adequately redact those
11 statements --

12 THE COURT: Right.

13 MR. STONE: -- so that you do not get into the
14 problem that they got into in the *Henson* case. I will
15 tell you that I was -- I really wasn't surprised at the
16 outcome of the *Henson* case, because they do two things I
17 think that are wrong. One is, you've got a -- the use
18 of the words guy, him, his is very specific. The other
19 thing is, they tried -- they actually referred to four
20 people involved in the case; three were named; and the
21 other one wasn't. So, it was a little -- that's
22 obvious.

23 I think what is more in line with what I'm talking
24 about, your Honor, is a Court of Appeals case for 2012,

2-27-14 STATE V ROBINSON/YOUNG/YOUNG

HEARING

CERTIFICATE OF REPORTER

FEBRUARY 27, 2014 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

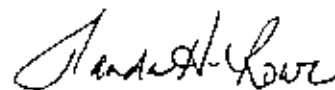
COUNTY OF BEAUFORT

I, Wanda H. Rowe, CVR-CM, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing February 27, 2014 Transcript of Hearing is a true, accurate, and complete record of the proceedings had on said date in the case of State of South Carolina versus Tyrone Robinson, et al, Beaufort County, South Carolina, Court of General Sessions, Case Numbers 2012-GS-07-01935, 2012-GS-07-01932, and 2012-GS-07-02173; that no exhibits were admitted.

I further certify that I am of neither kin, counsel, or interest to any party hereto.

THIS CERTIFICATE OF REPORTER CONTAINS MY ORIGINAL SIGNATURE AND IS ATTACHED TO THE ORIGINAL TRANSCRIPT REQUESTED BY SCCID. PURSUANT TO SCACR 607, REQUESTS FOR COPIES OF THIS TRANSCRIPT MUST BE MADE TO THE COURT REPORTER. UNAUTHORIZED COPYING/EMAILING IS PROHIBITED.

Witness my signature July 9, 2016.



Wanda H. Rowe, CVR-CM
Official Court Reporter

318

EXHIBIT B

COPY OF TRIAL TRANSCRIPT
OF CRIME OF FELONY MURDER by
THE FELONY MURDER RULE THEORY
THAT THE JURY AT TRIAL WAS SWORN
IN TO DECIDE ON.

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

COURT OF GENERAL SESSIONS
DOCKET NO. 2012-GS-07-1316

INDEX TO PROCEEDINGS

PAGE

STATE OF SOUTH CAROLINA

PROCEEDINGS

3

vs.

VOIR DIRE

5

TYRONE ROBINSON

STRIKING BY THE JURY

117

Defendant

CERTIFICATE OF THE COURT REPORTER

134

TRANSCRIPT OF PROCEEDINGS

September 15, 2014
Beaufort, South Carolina

VOLUME 1 (OF 5)

INDEX TO VOLUME

BEFORE:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

APPEARANCES:

COFFEE STONE, ESQ.
SEAN P. TIGHE, ESQ.
Attorneys for the State

ARIE BAX, ESQ.
JESSICA BAXTER, ESQ.
Attorneys for the Defendant

JUDY G. REISER, CTS-M
Circuit Court Reporter

INDEX

No.	Description	Marked / Initialed
1	Voire Dire	116

State v. Tyrone Robinson
Proceedings
September 15, 2014

State v. Tyrone Robinson
Proceedings
September 15, 2014

PROCEEDINGS

1 THE COURT: Ladies and gentlemen thank you for your
2 patience throughout the morning and we're now ready to
3 get to the issue of the jury qualification for the first
4 case to be tried. Mr. Solicitor, is the State ready to
5 proceed?
6 MR. STONE: Yes, Your Honor.
7 THE COURT: Mr. Bax, is the defense ready to
8 proceed?
9 MR. BAX: Yes, Your Honor.
10 THE COURT: Thank you. Mr. Solicitor, you can call
11 your case.
12 MR. STONE: Your Honor, indictment 2012-GS-07-1316
13 charging the defendant Tyrone Robinson with the offense
14 of Murder. I'll hand that indictment up to you.
15 Whereupon, Mr. Stone provides documents to the
16 court.
17 THE COURT: Thank you. Ladies and gentlemen as you
18 have heard the Solicitor has called the case of the State
19 versus Tyrone Robinson. Mr. Robinson has been indicted
20 by the grand jury of Beaufort County and charged with the
21 crime of Murder. The indictment alleges that here in
22 Beaufort County on or about September the 13th of 2012
23 while engaged in an ongoing gun battle, an inherently
24 dangerous felony, Tyrone Robinson did willfully,

1 unlawfully, and with malice aforethought cause the victim
2 K. S. to be shot and killed in the acts of
3 Maryland Drive and Allen Road in Hilton Head Island and
4 that K. S. did die in Beaufort County as a
5 proximate result thereof on September the 13th 2012 in
6 violation of the law.
7 Now ladies and gentlemen the indictment which I have
8 just read to you is not evidence nor is it proof of the
9 charges that it contains. It is a charging document, a
10 legal document that tells you as to what anybody else who
11 reads it that that case is all about. So as the charges
12 contained in this indictment Mr. Robinson has pled not
13 guilty and has asked for a jury trial at your hands. Mr.
14 Robinson, will you please stand and face the jury?
15 Whereupon, the defendant stands.
16 THE COURT: Thank you. You may be seated.

EXHIBIT C

A COPY OF TRIAL TRANSCRIPT.
OF TRIAL JUDGE THOMAS COOPER
VOLUNTARILY DISMISSING THE
1ST ELEMENT "ALLEGED"
TYRONE ROBINSON WAS ENGAGED IN A ONGOING
GUN BATTLE AN INHERENTLY DANGEROUS FELONY

AND VOLUNTARILY DISMISSING THE
2ND ELEMENT "ALLEGED"
VICTIM ^{K.S.} death IS THE
PROXIMATE RESULT OF TYRONE ROBINSON
COMMITTING A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY

ALSO COPY OF SECOND UNINDICTED NONEXIST-
ENT FALSE MURDER CHARGE "ALLEGED"
ON OR ABOUT SEPTEMBER THE 1ST, TYRONE
ROBINSON DIED WILLFULLY AND WITH MALICE
CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

COURT OF GENERAL SESSIONS
EXHIBIT NO. 2012-05-07-1003

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

Defendant.

TRANSCRIPT OF PROCEEDINGS
September 15, 2014
Beaufort, South Carolina

VOLUME 1 (OF 5)

RECEIVED:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

APPEARANCES:

DOBBIE STONE, ESQ.
SEAN P. THORNTON, ESQ.
Attorneys for the State

PAUL BAX, ESQ.
JESSICA JAMES, ESQ.
Attorneys for the Defendant

JOHN D. RODGER, CTR-M
Circuit Court Reporter

INDEX TO PROCEEDINGS

PAGE

PROCEEDINGS	3
YOUR HONOR	5
STATEMENT OF THE JURY	11
COMMITTEE OF THE COURT REPORTER	114

INDEX TO EXHIBITS

EXHIBIT

No.	Description	Marked / Admitted
1	Tab. Page	116

State v Tyrone Robinson
Proceedings
September 15, 2014

PROCEEDINGS

THE COURT: Ladies and gentlemen thank you for your patience throughout the morning and we're now ready to get to the issue of the jury qualification for the first case to be tried. Mr. Solicitor, is the State ready to proceed?

MR. STONE: The State is ready, Your Honor.

THE COURT: Mr. Bax, is the defense ready to proceed?

MR. BAX: Yes, Your Honor.

THE COURT: Thank you. Mr. Solicitor, you read us 1 your case.

MR. STONE: Your Honor, indictment 2012-05-07-1003

charging the defendant Tyrone Robinson with the offense of Murder. I'll hand that indictment up to you.

(Whereupon, Mr. Stone provides documents to the court.)

THE COURT: Thank you. Ladies and gentlemen as you have heard the Solicitor has called the case of the State versus Tyrone Robinson. Mr. Robinson has been indicted by the grand jury of Beaufort County and charged with the crime of Murder. The indictment alleges that here in Beaufort County on or about September the 1st of 2012 while engaged in an ongoing gun battle, an inherently dangerous felony, Tyrone Robinson did willfully,

State v Tyrone Robinson
Proceedings
September 15, 2014

1 unlawfully, and with malice aforethought, cause the death
2 of K. S. to be shot and killed in the town of
3 Maryland Drive and Allen Road on Hilton Head Island and
4 that K. S. did die in Beaufort County as a
5 proximate result thereof on September the 1st 2012 in
6 violation of the law.

7 Now ladies and gentlemen the indictment which I have
8 read to you is not evidence nor is it proof of the
9 charges that it contains. It is a charging document, a
10 legal document that tells you to look at anybody else who
11 reads it what this case is all about. So to the charges
12 contained in this indictment Mr. Robinson has pled not
13 guilty and has asked for a jury trial at your hands. Mr.
14 Solicitor, will you please stand and ask the jury?
15 (Whereupon, the defendant stands.)
16 THE COURT: Thank you. You can be seated.

State v Tyrone Robinson
 Dan DeFosse, Success Examination by Mr. State
 September 17, 2014

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

526

State v Tyrone Robinson
 Proceedings
 September 17, 2014

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

527

State v Tyrone Robinson
 Proceedings
 September 17, 2014

1 [REDACTED]
 2 [REDACTED]
 3 [REDACTED]
 4 [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]
 9 [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED]
 13 [REDACTED]
 14 [REDACTED]
 15 [REDACTED]
 16 [REDACTED]
 17 [REDACTED]
 18 [REDACTED]
 19 [REDACTED]
 20 [REDACTED]
 21 [REDACTED]
 22 [REDACTED]
 23 [REDACTED]
 24 [REDACTED]
 25 [REDACTED]

528

State v Tyrone Robinson
 Motion for Directed Verdict
 September 17, 2014

1 MR. BAX: Now that the State has rested, Your
 2 Honor, obviously we would first and foremost make a
 3 motion for a directed verdict in favor of Mr. Robinson.
 4 As Your Honor has seen the evidence produced in this case
 5 I think it is undisputed that while there has been
 6 certainly plenty of evidence that there was some kind of
 7 altercation at 19 Old Wild Horse Road, Your Honor, there
 8 is also undisputed evidence that Mr. Robinson withdrew
 9 from that.

10 The law does not require that he communicate that
 11 withdrawal through words as long as his communication of
 12 that withdrawal through words or actions is clear.
 13 And I don't think you can get any clearer than yelling
 14 off and leaving the scene as Your Honor is well aware.
 15 As a result of the fact that he left the scene he was
 16 fleeing.

17 And Your Honor I would argue that it is uncontroverted
 18 that he then -- any felony that he could have been with
 19 as committing at that time whether it was a belief that
 20 there was some kind of dispute over some kind of
 21 medication deal. I mean my understanding from the evidence
 22 is that that happened some many months before this and
 23 that the two individuals were still upset at each other
 24 over it. That's what we've had entered into evidence
 25 But regardless even if you were to say it is some kind of

529

529

State v. Tyrone Robinson
Motion for Directed Verdict
September 17, 2014

1 either pointing or threatening or assault or even
2 attempted murder there at Wild Horse Road from a tactical
3 standpoint we have to isolate when a felony occurs and
4 when it stops. Am I fleeing even if you could say that
5 that at that time was some kind of felony, which it may
6 be his fleeing broke and stopped that action.

7 His intent to leave the scene, his intent to
8 disengage from combat, his intent not to further have any
9 combat at that time was clearly communicated to the
10 Youngs in this case. I would argue that as a result of
11 that Your Honor when, and this is also evidence that has
12 been introduced during the State's case in chief that is
13 undisputed the Youngs decided in agreement with each
14 other and brought Mr. Singleton, Sr. with him they were
15 of the intent to hurt him down and finish this whole
16 thing.

17 Obviously there has been testimony that that
18 occurred throughout that area and then culminated in this
19 situation that we've heard a lot of testimony about on
20 Allen Road and Marshland Road on Hilton Head Island.
21 There has been testimony obviously that has been
22 presented that Mr. Robinson was in possession of a weapon
23 at that time.

State v. Tyrone Robinson
Motion for Directed Verdict
September 17, 2014

1 And the indictment as we argued at the beginning of this
2 case alleges felony murder; alleges that he was in the
3 commission of an inherently dangerous felony that they
4 labeled an ongoing gun battle.

5 As I argued to the jury and I argue to you now there
6 is no ongoing gun battle. Additionally, Your Honor, gun
7 battle I don't think, no one has ever intended for a gun
8 battle to be applied to someone who is legally asserting
9 self-defense. He's fleeing; he's concluding to flee.
10 He's trying to get away. The evidence that has been
11 presented by the State was that he was trying to get away
12 not only by getting in his car and driving away but by
13 going and trying to find people with Charlene -- she was
14 Jackson when I did all the discovery reading, she's
15 Mitchell now -- borrowing that phone trying to find
16 anybody that can help him get out of town.

17 He was fleeing and he did not, and I would cite this
18 Your Honor, there is absolutely no evidence that has been
19 introduced that he expressed at that time an intent to go
20 find the Youngs; that he was going to get in his car and
21 go back to Old Wild Horse Road. None of that has ever
22 been presented in this case. And I think without that he
23 is entitled to a directed verdict. Not only -- basically
24 on two theories of law, one that they have failed to at
25 all disprove or offer any contradictory evidence to the

530

532

State v. Tyrone Robinson
Motion for Directed Verdict
September 17, 2014

1 ~~_____~~
2 ~~_____~~
3 ~~_____~~
4 ~~_____~~ But even if Your Honor you took
5 his -- the State's evidence in a light most favorable to
6 the State he had broken off from the felony. He was
7 clearly being shot at, he would be entitled to self-
8 defense. Those elements have been shown through the
9 State's case.

10 As Your Honor is well aware the defense of self-
11 defense must be disproven by the State beyond a
12 reasonable doubt. It's an affirmative defense to that
13 effect. We are here in front of the jury, we presented
14 that evidence. There has been not only no disproven
15 beyond a reasonable doubt there has been no disproving at
16 all. There has been no clearly defined felony that began
17 and occurred that Mr. Robinson was involved in after he
18 left ~~_____~~ Old Wild Horse Road.

19 The only clearly definable felony that occurred
20 after Wild Horse Road was the conspiracy to commit murder
21 by Aaron Young, Jr. and Aaron Young, Sr. and possible
22 complicity by Jantu Singleton, Sr., possibly accomplish
23 liability on the part of Mr. Campbell. Other than that
24 there is no felony that has been shown proven or any
25 evidence whatsoever of a felony that he was a part of.

531

531

State v. Tyrone Robinson
Motion for Directed Verdict
September 17, 2014

1 idea that he was if he fired a weapon it was in self-
2 defense and he was entitled to self-defense and they have
3 not disproven it and by because under their indictment
4 they have not met their burden to meet the language of
5 the indictment that they have gone forward on. They have
6 not been able to prove an inherently dangerous felony of
7 any kind that was occurring at the time the ~~_____~~ died
8 that Mr. Robinson was involved in; excuse me.
9 THE COURT: All right. Thank you. Give me just a
10 moment.

11 (Whereupon, the court reviews documents)

12 THE COURT: All right, thank you. The insertion of
13 the words in the indictment an inherently dangerous
14 felony perhaps were put there initially when all of these
15 folks were indicted to deal with the fact that if there
16 was any question as to who actually fired the fatal shot
17 the Solicitor wanted to have the right to claim that this
18 was a dangerous activity that all of them were being
19 involved in.

20 An inherently dangerous felony whatever that
21 happened to have been that all of them were involved in
22 so that in the course of that particular trial had it
23 occurred that way that the jury could have found any or
24 all of them guilty of the crime. Those words are not so
25 relevant in a trial of a case where the evidence that has

533

533

State v. Tyrone Robinson
Motion for Directed Verdict
September 17, 2014

1 been introduced thus far is that Mr. Robinson himself
2 committed the crime. Now the inherently dangerous felony
3 may have been there to try to show evidence of malice, it
4 may have been there for some other purpose. I really
5 can't speak to that.
6 But if those words were not there, if those words
7 were not there and the gun battle stuff and all that was
8 not there and if it just said that on or about September
9 the late Tyrone Robinson did willfully and with malice
10 cause him to be shot and killed and he died then those
11 issues of course would be plain and appropriate and the
12 charge would be at least apply made under those
13 circumstances. And if there was evidence to support
14 those charges then it would go forward.

15 The issues that you have raised about the ongoing
16 gun battle may very well give rise to a self-defense
17 charge. I will deal with that of course at the
18 appropriate time. I don't have to deal with it right at
19 this minute. But the validity or the invalidity of a
20 self-defense charge in and of itself of course does not
21 give rise to a directed verdict on a murder case in
22 chief. The rule in this case is the most favorable
23 light to the State of course if we take nothing other
24 than Jontu Singleton, Jr. saying he shot my friend alone
25 that could send a case to the jury. We have Mr. Robinson

514

534

State v. Tyrone Robinson
Motion for Directed Verdict
September 17, 2014

1 argument concerning the felony murder inference or felony
2 murder rule language that is in the indictment Your Honor
3 basically ruling that without that language you have a
4 straight murder indictment and they could go forward on a
5 straight murder indictment.

6 THE COURT: What I am saying is that an ongoing gun
7 battle and an inherently dangerous felony are not
8 elements of the crime of murder and are necessary to
9 support the crime of murder.

10 MR. BAX: And as a result Your Honor I understand
11 your ruling but I would argue that in light of your
12 Honor's ruling I would want that the State not be allowed
13 to argue that -- in light of Your Honor's ruling I would
14 request and argue that would limit the Solicitor both in
15 the charge that goes to the jury as well as his argument
16 that he cannot argue felony murder.

17 The problem I have is that I believe that what I'm
18 dealing with is there is some argument to be made by the
19 prosecution or some intent to make the argument that they
20 don't necessarily have to prove beyond a reasonable doubt
21 exactly how the gun was fired and by who but he was
22 killed because of the actions of all these individuals
23 involved. I think what you've seen here and what Your
24 Honor has ruled on is that they have produced enough
25 evidence to argue that the shot was actually fired by Mr.

515

536

State v. Tyrone Robinson
Motion for Directed Verdict
September 17, 2014

1 something at the scene. I'm not exactly sure where she
2 got her information that he is the one who did it we have
3 the circumstantial evidence of the three acts of state
4 being fired, two in rapid succession separated by some
5 minutes, which according to the evidence before this jury
6 would most certainly have to have fired by the weapon
7 that is over here on the table. I think it's State's
8 Exhibit 2.

9 There was a child out by all the testimony fired by
10 a separate weapon at a separate rate and from perhaps a
11 slightly different direction. In any event
12 circumstantially of course the State intends to try to
13 tie those three acts to the defendant in this case. And
14 likewise the evidence is that the weapon that killed
15 K. S. could not have been -- K. S. he's too young
16 or he called K. S. he never lived long enough to be called
17 Mr. Smith but have been fired from that gun right there
18 And so for that reason I find that there is
19 sufficient evidence that if this jury chooses to believe it
20 they could convict Mr. Robinson for the crime of murder.
21 Is the motion for directed verdict under Rule 19 will
22 respectfully be denied.

23 MR. BAX: If I may be heard briefly Your Honor? In
24 light of the Court's ruling the way I understood it, and
25 as I understand it I apologize Your Honor, on the

515

535

State v. Tyrone Robinson
Motion for Directed Verdict
September 17, 2014

1 Robinson who that that's what they would have to prove.
2 And I feel like in light of Your Honor's ruling that is
3 what we are standing here dealing with that now I am
4 dealing with a murder indictment and that what they must
5 argue to the jury is that they want prove and have
6 proven that's what I'm sure they will argue, that Tyrone
7 is the one who fired the bullet that killed Khalil.

8 THE COURT: Right. And I really don't know what
9 they want to argue on what the solicitor will be from
10 that point on. My point was that from the standpoint of
11 a motion for directed verdict that the inclusion of the
12 words while engaged in an ongoing gun battle, as
13 inherently dangerous felony, which I thought were put
14 there were appropriately when they were dealing with
15 three defendants in this particular case that those words
16 would be taken out of this could be taken out of this
17 particular charge as I indicated and there would be no
18 question about whether or not they would have a right to
19 go to a jury on the charge of murder against Mr.
20 Robinson.

21 Now, I also indicated that they were included those
22 words in regard to implication of malice or evidence of
23 malice I would say, which quite frankly in my view and
24 I've always held that view that the felony murder rule
25 goes back to malice that it does to a straight type of

517

537

State v Tyrone Robinson
Motion for Directed Verdict
September 17, 2014

1 crime. I realize and I think Michigan says that in
2 several parts of his analysis. I haven't read it
3 recently but I seem to recall that. And I do know that
4 South Carolina has never been famous for a separate
5 felony murder rule but it is treated now as I've said as
6 evidence of malice if you commit the crime of murder
7 while in the course of another event, the commission of a
8 felony.
9 Even though you didn't intend to murder in the con-
10 sideration the fact that you committed that crime would be
11 evidence of malice sufficient to rise to the level
12 necessary to prove murder on the underlying killing.
13 I've always thought that was a basic premise upon which
14 our courts treated the felony murder rule. And I think
15 frankly that, unless I'm shown otherwise, is going to be
16 the way I'm going to approach this charge to the jury in
17 this case as well.
18 So I'm not granting a directed verdict that the
19 State can't argue one thing or another. I'm simply
20 trying to show and I hope I have showed sufficiently that
21 in this particular case it is not necessary for the
22 indictment to have contained those words. They are not
23 elements of the offense. If they have some probative
24 value on some other issue which might be relevant to the
25 charge that's fine. But they are not necessarily

538

538

State v Tyrone Robinson
Motion for Directed Verdict
September 17, 2014

1 that puts me in. I certainly understand the ruling and
2 I repeat that, Your Honor. Thank you, sir.
3 THE COURT: All right.
4 MR. SAX: And I'm sorry my co-counsel reminded me
5 just out of an abundance of caution I renew all previous
6 objections in this case.
7 THE COURT: Okay. And I'll review earlier rulings
8 in that regard without requiring you to restate your
9 motions on the previous rulings unless they are different
10 grounds or additional motions of course we'll simply
11 renew all those other rulings.
12 MR. SAX: I'll think real hard and see if I can
13 come up with some.
14 THE COURT: All right. I know that there is a
15 motion to quash your subpoena to at least one of the
16 Youngs, which I'll be glad to hear momentarily if
17 everybody is ready to be heard on that. At some point in
18 time Mr. Sax I take it you want me to discuss with Mr.
19 Robinson his right to testify or not to testify is that
20 fair to say?
21 MR. SAX: That is correct, Your Honor. I would
22 submit to the court that I don't feel we're arrived to
23 that point yet.
24 THE COURT: Okay.
25 MR. SAX: I do know that we are going to be calling

540

540

State v Tyrone Robinson
Motion for Directed Verdict
September 17, 2014

1 elements -- they are not at all elements of the offense.
2 If they are evidentiary that's another matter but
3 certainly they are not required in order to prove Mr.
4 K. S. (sic) guilty. And if the evidence as before
5 the court that he shot and killed him and if there is no
6 self-defense issue in this then it is a pretty clean cut
7 issue. Without muddling it up I think trying to educate or
8 educate this jury as to what felony murder really means
9 in this particular case I'm really not that sure in my
10 own mind that it is a necessary part of the elements of
11 this charge that we need to tell this jury about.
12 In any event I think I've indicated I'm not going to
13 hamstring the State in that regard. I don't know what
14 they plan to do. Obviously I will deal with that at the
15 appropriate time at the conclusion of the case when we
16 talk about requested charge and things of that nature.
17 MR. SAX: Thank you, Your Honor. And as always I
18 appreciate you allowing me to note my objection for the
19 record.
20 THE COURT: Certainly.
21 MR. SAX: And I just note that just for a matter of
22 course for future review I just feel that as a defense
23 attorney it is not a proper situation where the defense
24 feels like it has to juggle between alternative theories
25 of prosecution. And I feel strongly that's that what

539

539

State v Tyrone Robinson
Motion for Directed Verdict
September 17, 2014

1 some additional witnesses and then if Mr. Robinson
2 chooses to testify it would most likely be the last
3 evidence that I would call barring any other decisions to
4 the contrary. But at the appropriate time I certainly
5 would ask that.
6 THE COURT: You just let me know when.
7 MR. SAX: Thank you, sir.
8 THE COURT: All right. Any further motions then
9 from the defense, Mr. Sax?
10 MR. SAX: Not at this time, Your Honor.
11 THE COURT: Is there anything from the State?
12 MR. STONE: No, sir.
13
14
15
16
17
18
19
20
21
22
23
24
25

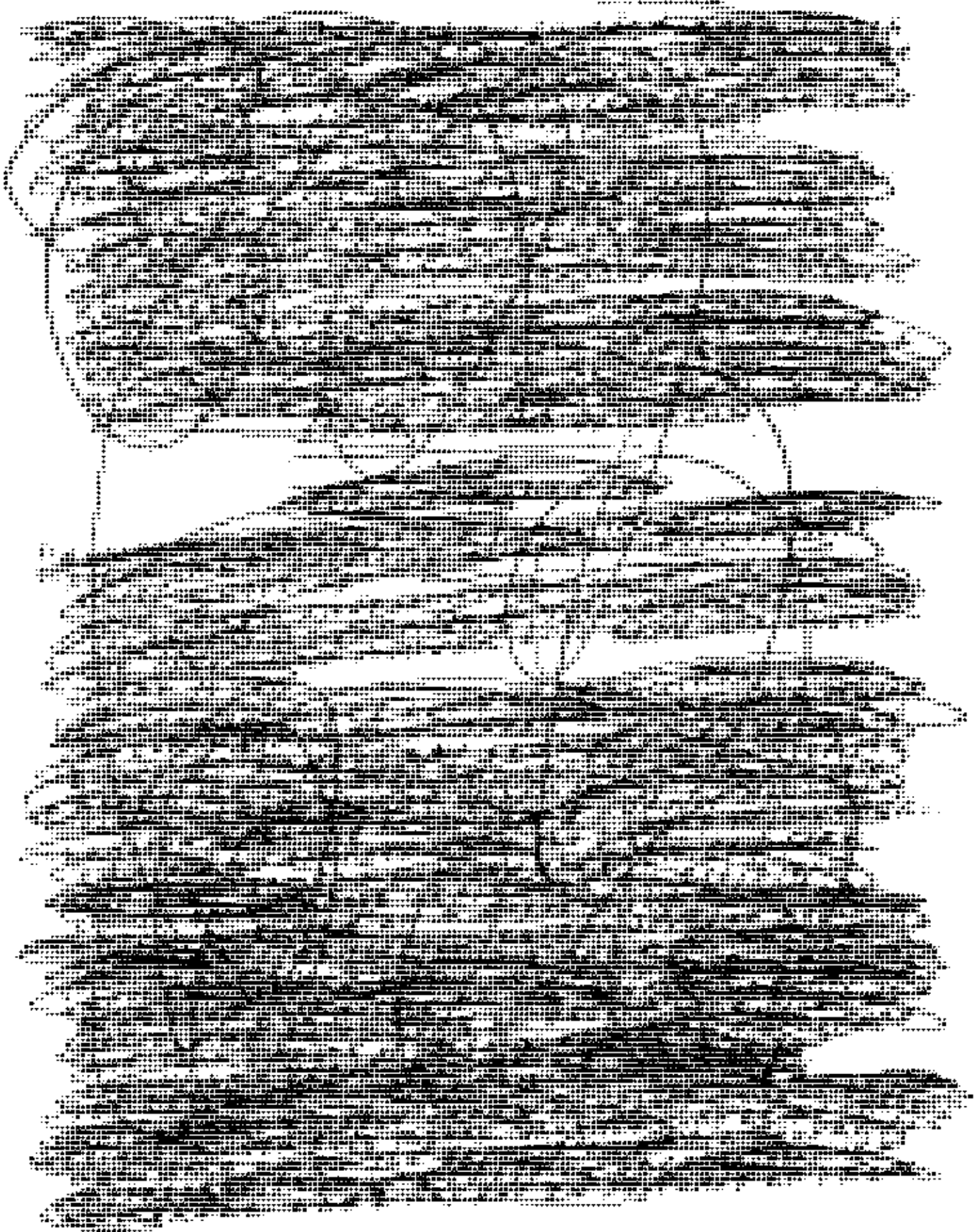
541

541

EXHIBIT

D

COPY OF TRIAL TRANSCRIPT
OF THIRD UNINDICTED CRIME
OF MURDER "ALLEGEDLY"
7 KILLED THE VICTIM WITH MALICE
AND A FORETHOUGHT



STATE OF SOUTH CAROLINA
COUNTY OF BEaufort

COURT OF GENERAL SESSIONS
DOCKET NO. 2012-EG-37-1933

STATE OF SOUTH CAROLINA

vs.

TYRONE ROBINSON

Defendant

TRANSCRIPT OF PROCEEDINGS
September 19, 2014
Beaufort, South Carolina

VOLUME 5 (OF 5)

BEFORE:

THE HONORABLE THOMAS C. COMPTON, JR., JUDGE

APPEARANCES:

DUFFIE STONE, ESQ.
SEAN P. THORNTON, ESQ.
Attorneys for the State

ARIS BAX, ESQ.
JESSICA BAXEN, ESQ.
Attorneys for the Defendant

JOYCE C. RUEGER, CVP-H
Circuit Court Reporter

INDEX TO PROCEEDINGS

	PAGE
PROCEEDINGS	788
CLOSING ARGUMENTS	
Remarks by Mr. Bax	824
Remarks by Mr. Stone	825
CHARGE	848
VERDICT	870
POURING OF THE JURY	880
MOTION FOR NEW TRIAL	
Remarks by Mr. Bax	886
SUMMARY	889
CERTIFICATE OF THE COURT REPORTER	901

921

922

State v. Tyrone Robinson
Proceedings
September 19, 2014

PROCEEDINGS

1 THE COURT: Good morning. I was looking at my
2 notes overnight. I think you all were to do some
3 studying and deal with whether or not accident would
4 apply in this particular case and involuntary
5 manslaughter. You were also to indicate to me today
6 whether or not on behalf of the State you objected to Mr.
7 Bax's request that I not charge on voluntary
8 manslaughter. Let's start since Mr. Bax has made the
9 motion to get these in let me hear what the response is
10 from the State in regard to those various matters, Mr.
11 Thornton?

12 MR. THORNTON: Yes sir, Your Honor. We would
13 object to as I did yesterday I think on the record we
14 would object to those involuntary manslaughter and
15 accident on the same grounds. Basically there is no
16 evidence before this jury that would support either
17 charge. As I understand the evidence, and Judge forgive
18 me for giving the same ground that I did yesterday but
19 they can find that the defendant in this case did not
20 shoot, which is what he said; I did not shoot. And in
21 that case then he's not guilty because he didn't do
22 anything wrong. They could find that he did shoot
23 according to a lot of the circumstantial as well as
24 eyewitness testimony but that he acted in self-defense,

923

State v. Tyrone Robinson
Proceedings
September 19, 2014

1 which is a complete defense as Your Honor would charge
2 the jury. Or he could be found to not have the benefit
3 of self-defense in which case he would be guilty of
4 murder or and I will address voluntary manslaughter in a
5 second but certainly there is no evidence of any
6 negligent or criminal negligence that resulted in a death
7 in an unintentional killing. Under the doctrine of
8 transferred intent it's pretty clear based on that if he
9 did shoot he certainly was shooting a loaded weapon at
10 the folks in the vehicle, which is an intentional act.

11 THE COURT: Right.

12 MR. THORNTON: And I think that it is certainly
13 proper for a jury to determine that that would be an
14 intentional killing if someone dies as a result. Of
15 course you have the doctrine of transferred intent in
16 there as well since an unintended victim would have been
17 the person killed in this case, K. S. But
18 there is no evidence that it is an unintentional killing
19 which would be required for both involuntary manslaughter
20 and I think accident. I just don't think there is
21 anything to deal with accident.

22 With regard to voluntary manslaughter, and Judge I
23 apologize I did not write these down and I didn't have a
24 chance to ask Mr. Bax about this this morning the cases
25 he cited. I pulled up or someone in my office who is a

924

1 will wrap the truth that you have found in the mantle of
2 the law I am now giving you. And those two things will
3 come together to result in a verdict of truth in this
4 particular case. I now instruct you as to what the law
5 is on the charge in this particular case. As you know
6 the defendant is charged with the crime of murder.

7 Murder is defined in the law as the killing of any person
8 with malice aforethought either expressed or implied.

9 ~~And so in order for the State to prove the defendant is~~
10 ~~guilty of murder, it must be proven beyond a reasonable~~
11 ~~doubt that the defendant killed the victim and that the~~
12 ~~killing was done with malice aforethought. Now the State~~

13 is not required to prove any motive for the killing but
14 it is required to prove malice and to prove that beyond a
15 reasonable doubt.

16 So what then is malice? That essential element for
17 the crime of murder? Malice is the intentional doing of
18 a wrongful act without just cause or excuse and with an
19 intent to inflict an injury. Malice aforethought is the
20 deliberate and well-formed purpose to do the unlawful
21 act.

22 Now aforethought means that the intention to do the
23 unlawful act was conceived and planned sometime before
24 the actual commission of the act. But the malice need
25 not exist for any particular length of time prior to the

1 act if it is present in the mind of the act or at the
2 time of the crime that is sufficient as malice
3 aforethought. Now malice is a word that suggests a
4 wickedness or a hatred or a determination to do what one
5 knows to be wrong without just cause or legal
6 provocation. As I have said malice need not be in the
7 mind of the one doing the act for any particular length
8 of time before the act of killing in order to render it
9 murder. If it is present any length of time before the
10 act in its essence would be sufficient to render the
11 killing a murder.

12 Malice might be expressed malice or it could be
13 inferred malice. That's not two different types of
14 malice it's just malice that is shown in two different
15 ways. Malice is said to be expressed malice where there
16 is manifested or expressed a violent, deliberate
17 intention to unlawfully take away the life of another
18 human being.

19 Malice can be inferred where no excuse or legal
20 provocation for the killing appears and when
21 circumstances attending the killing show an abandoned
22 heart or a malignant heart fatally bent upon mischief.
23 Malice may be inferred from conduct showing a total
24 disregard for human life. If facts are proven beyond a
25 reasonable doubt sufficient to cause an inference of

993

994

1 malice then this inference would simply be an evidentiary
2 fact and you would take that into consideration along
3 with any other evidence in the case bearing on the issue
4 of malice and you would give it the weight that you
5 determine it should receive. I tell you again the
6 defendant is not required to prove the absence of malice
7 but the State is required in law to prove the presence of
8 malice and to prove that beyond a reasonable doubt.

9 Now ladies and gentlemen in this particular case we
10 are dealing with the law of transferred intent. Under
11 the facts of this case everyone agrees that the victim
12 was an unintended victim in this particular case. And so
13 the law of transferred intent then applies to the crime
14 of murder. And what that says is if the defendant with
15 malice aforethought attempts to kill another person but
16 by mistake injures or kills a different person the
17 defendant still has the intent to kill.

18 The intent to kill is merely transferred from the
19 original person that the defendant attempted to kill to
20 the actual person who was killed. The defendant would be
21 guilty of murder in that particular case just as if the
22 attempt had resulted in the death of the person that he
23 attempted to kill. Criminal intent that is a necessary
24 element of the crime in this and in every instance and it
25 has to be proven by the State beyond a reasonable doubt.

995

1 Criminal intent is always a matter that has to be
2 determined by the jury from circumstances which surround
3 this particular situation. There is no way to prove
4 intent to a mathematical certainty. There is no way that
5 medical science will let us cut off a person's skull and
6 look down into his or her brain to decide what he or she
7 had in mind at the time.

8 And so the law says that criminal intent can be
9 inferred from the circumstances which were shown to have
10 existed at the time of the crime. And that's how you
11 make a determination as to whether or not the element
12 requiring intent was present. Criminal intent then is a
13 state of mind and it operates jointly with an act in the
14 commission of a crime.

15 Criminal intent is a mental state. It is a
16 conscious wrongdoing. And so it's up to you to determine
17 what the defendant intended to do based on the
18 circumstances shown to have existed. I'll tell you the
19 State has to prove criminal intent beyond a reasonable
20 doubt just like it has to prove every other element
21 beyond a reasonable doubt.

22 Now the State seeks to meet its burden of proof in
23 this case by both direct and circumstantial evidence.
24 Direct evidence is normally referred to as eyewitness
25 evidence. Its testimony of a witness who came in and

996

State v Tyne Robinson
Charge
September 19, 2014

1 tells you this is what I heard, this is what I saw;
2 eyewitness testimony. It is direct evidence and it
3 proves the existence of a fact through the eyes of a
4 person who saw what they are telling you about or heard
5 what they are telling you about. In other words it
6 doesn't require any conclusions or deductions on your
7 part.

8 Circumstantial evidence on the other hand is proof
9 or a chain of facts which leads to the conclusion of
10 another fact. An example of the difference between
11 circumstantial evidence and direct evidence that I have
12 given through the years it doesn't have much application
13 down in the south because we never get snow down here
14 very much.

15 But if you can imagine some of you might have come
16 here from a northern climate where you did get it. If
17 you can remember or recall or even imagine in your mind a
18 winter night and before you go to sleep for the night you
19 look out across your front lawn and all you see is the
20 brown dead grass of summer, now grass of winter, and you
21 go to sleep. And the next morning when you get up you
22 look out across your front lawn and you see that it has
23 been covered with snow. And in that snow you see
24 footprints that lead up to your front door. Now what can
25 you conclude from all of that? Well, obviously you can

997

State v Tyne Robinson
Charge
September 19, 2014

1 a complete defense and if it is established it entitles
2 the defendant to a verdict of not guilty. The defendant
3 has no burden to prove the defense of self-defense. The
4 burden on the other hand is on the State to prove the
5 absence of self-defense beyond a reasonable doubt; in
6 other words to disprove self-defense beyond a reasonable
7 doubt.

8 And so if you have a reasonable doubt of the
9 defendant's guilt after considering all of the evidence
10 including the evidence of self-defense then you must find
11 the defendant not guilty. If on the other hand you have
12 no reasonable doubt of the defendant's guilt after
13 considering all of the evidence including the evidence of
14 self-defense then you must find the defendant guilty.

15 The following elements are required by law to
16 establish self-defense. First of all the defendant must
17 be without fault in the bringing on the difficulty. If
18 the defendant's conduct was the type which was reasonably
19 calculated to and did in fact provoke a deadly assault
20 then the defendant would be at fault in bringing on the
21 difficulty and would not be entitled to an acquittal
22 based on self-defense. However, if the defendant
23 voluntarily participated in mutual combat for purposes
24 other than protection then the killing of the victim
25 would not be self-defense and this is true even if during

999

State v Tyne Robinson
Charge
September 19, 2014

1 conclude that after you went to bed last night it snowed.
2 You didn't see a flake fall but you know it has snowed.
3 And you also know that sometimes after it snowed somebody
4 came across your front lawn up to your front door. You
5 didn't see them, you don't know who they were but you
6 know when they came they came after it snowed. And you
7 reach those conclusions by circumstantial evidence.

8 That's what circumstantial evidence is.
9 The law doesn't make any distinction between direct
10 evidence or circumstantial evidence. It requires no
11 greater weight to be given to one than it does the other.
12 Both are good evidence so long as they meet the test of
13 strict proof. However, to the extent that the State
14 relies on circumstantial evidence all of the
15 circumstances have to be consistent with each other and
16 when taken together they have to point conclusively to
17 the guilt of the accused beyond a reasonable doubt.

18 If these circumstances merely portray the
19 defendant's behavior as suspicious that the proof has
20 failed. The State has the burden of proving the
21 defendant guilty beyond a reasonable doubt and this
22 burden rests upon the State regardless of whether it
23 relies on direct or circumstantial evidence or some
24 combination of the two. Now the defendant in this case
25 has raised the defense of self-defense. Self-defense is

998

State v Tyne Robinson
Charge
September 19, 2014

1 the combat the defendant feared death or serious bodily
2 injury. But on the other hand if before the killing is
3 committed the defendant withdraws and tries in good faith
4 to avoid further conflict and either by word or by act
5 makes that fact known to the victim he would be without
6 fault in bringing on the difficulty and would be restored
7 to the right of self-defense if such withdrawal was

8 communicated either by word or by act to the other side
9 and he would be entitled to the defense of self-defense
10 if all of the other elements of that defense are present.

11 The second element of self-defense is the defendant
12 was actually in imminent danger of death or serious
13 bodily harm or that the defendant actually believed that
14 he was in imminent danger of death or serious bodily
15 harm. Now if he was actually in imminent danger of death
16 or serious bodily harm it must be shown that the
17 circumstances which existed would have justified a person
18 of ordinary firmness and courage to strike the fatal blow
19 in order to avoid or prevent his death or serious bodily
20 injury.

21 If the defendant believed that he was in imminent
22 danger of death or serious bodily harm then it has to be
23 shown in that case that a reasonable person of ordinary
24 prudence and belief would entertain the same belief. And
25 in deciding whether the defendant actually was or

1000

State v Tyrone Robinson
Sentencing
September 19, 2014

331

murder has the elements of the unlawful killing of someone else with malice aforethought. Our General Assembly has decided that there are some times when the unlawful killing of another with malice aforethought justifies a 30 year sentence, sometimes when it justifies a life sentence and sometimes when it justifies something in between.

The fact that the General Assembly provided for that wide range of sentencing and the fact that sometimes judges sentence within that wide range is not a comment upon the life of the one who has been killed. It is not a comment upon the life of the victim or the worth of the victim or the victim's status or standing.

Every life is priceless. No life that has been taken has the right to have a value assigned by the General Assembly or by a court as to its worth. And so for that reason the sentence that is imposed then is not a comment upon or an attempt to place a value on that priceless life. And surely K. S. a life was one of those priceless lives.

As his parents have said he had everything that a young man could be given. He had everything; except the gift of years and that was taken from him. Throughout this case several things have been obvious. It has been obvious from the evidence that this was a senseless,

1033

State v Tyrone Robinson
Sentencing
September 19, 2014

shooting came his way and before he responded as the jury has found notes one responsible as this jury has found just as if he had aimed the pistol at himself. That was not his intention but that was the result.

And it was the inevitable result of a gunfight in a residential area under these circumstances when if you believe the facts as they were submitted and apparently as a jury believed the Youngs were -- all that they had done up until this point and for all the efforts that they had made at this particular point for leaving the area and apparently were no longer of any immediate threat to Mr. Robinson.

I'm confident that based on their past history there might have been a future threat. And maybe that's what Mr. Robinson was trying to address, but that does not justify firing the shots that he fired under these circumstances. Mr. Robinson, the sentence of the court is that you be committed to the Department of Corrections for the balance of your natural life.

All right folks, is there anything further from the Solicitor's office in connection with this trial?

MR. STONE: No, sir. Thank you, Your Honor.

THE COURT: We stand adjourned. Thank you.

(Whereupon, the jury trial concludes at 2:25 p.m.)

1035

State v Tyrone Robinson
Sentencing
September 19, 2014

senseless act of violence from the time that it started until the time it was over. I appreciate the fact as Mr. Robinson has testified that he tried to get away from this once it had begun. Now whether Mr. Robinson was trying to get away from it simply to escape and wait to fight another day or whether he had intended to separate himself from the Youngs forever I don't know. And the jury has obviously found that the defense of self-defense did not apply in this case for whatever reason, and for many reasons that were evidenced in this record.

As Mr. Sax has said sometimes a sentence addresses the rehabilitation of somebody. Well rehabilitation from 30 years to life obviously when 30 years are passed there is no rehabilitation. I would like to think that sentences like this constitute a deterrent but I'm aware of the fact that people who commit these sorts of acts give no thought whatsoever to the consequences and the difficulty of having to serve 30 years or more.

But the tragic thing is neither do they give any thought to the consequences on innocent victims like K. S. And that is the tragedy of this particular case. Mr. Robinson says he did not intend for Kelli to die. We are intended for K. S. to die that day. But the risk of getting involved in a gunfight in a residential area, one in which he had seen the children playing before the

1034

State v Tyrone Robinson
Certificate of the Court Reporter
September 19, 2014

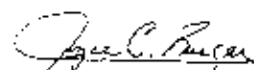
CERTIFICATE

I, the undersigned, JAYNE C. RUEGER, Official Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of the proceedings had and evidence introduced in the trial of one captioned case, relative to appeal, in the Court of General Sessions for Beaufort County, South Carolina on the 19th day of September, 2014.

I do further certify that I am neither of kin, counsel, nor interested in any party herein.

January 23, 2015

Jayne C. Rueger
Jayne C. Rueger, CRR-9
Court Reporter

 COPY

1036

EXHIBIT E

A COPY OF CASE LAW MERITS
LUCAS BATLEY VS. STATE OF SOUTH
CAROLINA OPINION NO: 26975

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Lucas Bailey

Lucas Bailey, Petitioner,

v.

State of South Carolina

State of South Carolina, Respondent.

ON WRIT OF CERTIORARI

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Opinion No. 26975
Submitted
March 16, 2011
Filed
May 9, 2011

Opinion No. 26975
Submitted March 16, 2011 - Filed May 9, 2011

REVERSED AND REMANDED

Tara Shurling, of Columbia, for Petitioner.

Attorney General Alan Wilson, Chief Deputy Attorney
General John W. McIntosh, Assistant Deputy Attorney
General Salley W. Elliott and Assistant Attorney General
Mary S. Williams, of Columbia, for Respondent.

JUSTICE BEATTY: After his conviction for homicide by child abuse[1] was affirmed on direct appeal, Lucas Bailey filed an application for post-conviction relief (PCR). We granted a petition for a writ of certiorari to review the denial of PCR. Bailey contends the judge erred in denying PCR as trial counsel was ineffective in failing to object to supplemental jury instructions that allowed the jury to convict him for an act that was not alleged in the indictment. We reverse and remand for a new trial.

I. Factual/Procedural Background

This case arises from the tragic death of sixteen-month-old Charles Devon Allen ("Victim"). At the

time of his death, Victim lived with his mother, Amy Hughes, her boyfriend, J. Bailey, and Victim's two sisters, who were then five and six years old, respectively. [2]

Around 6:00 p.m. on Thursday, April 26, 2001, Bailey called 9-1-1 and reported that Victim was not breathing. When Aiken County emergency personnel arrived, they found Victim lying face down on the bed. The coroner pronounced Victim dead as his body was "cool to the touch" and *rigor mortis* had begun to set in. Based on the history presented by Bailey and Hughes, investigators initially believed that Victim might have died from an accidental overdose of cold medications. However, upon examining Victim's body, the coroner noticed three "circular marks" or "discolorations" on the child's abdomen.

The next day, Dr. Joel Sexton, a forensic pathologist, performed an autopsy. Dr. Sexton noted visible bruises on Victim's abdomen. Upon further examination, he discovered "extensive internal injuries in the abdominal region and in the head region." Injuries to the intestines and the mesentery arteries and veins indicated multiple blows had torn the areas by compression against the spine. As to Victim's head, Dr. Sexton noted that "there were numerous small round contusions . . . in the front, on the top of the head, on the right side of the head and in the back," which resulted in swelling of the brain. According to Dr. Sexton, the contusions were consistent with a fist or a knuckle-sized object hitting the head. He believed the head injuries contributed to Victim's death and were consistent with some of the symptoms exhibited by Victim prior to his death. He explained that a head injury leads to swelling of the brain, which in turn causes vomiting, lethargy, a "limp" body, and eyes that "roll back" into the head.

Ultimately, Dr. Sexton opined the abdominal injuries were the primary cause of Victim's death. He believed that at least one of the abdominal injuries had occurred hours before death. He concluded that the later abdominal injuries could have caused Victim's death within minutes due to the loss of blood. The cause of death was "listed as blood loss which we refer to as exsanguination due to laceration of these mesentery arteries and veins . . . due to blunt force injury to the abdomen due to a beating." Although Dr. Sexton could not definitively pinpoint Victim's time of death, he opined that it occurred sometime after 2:30 p.m. on Thursday, April 26, 2001. Dr. Sexton believed Victim's injuries were inflicted by an adult as a child would not have had the "force" to cause these injuries. Finally, he did not believe the cold medications given to Victim prior to his death caused or contributed to the death.

Law enforcement interviewed Hughes and Bailey. Subsequently, an Aiken County grand jury indicted Bailey for homicide by child abuse.

At trial, Hughes testified for the State. Hughes testified that she had worked on the Monday and Tuesday preceding Victim's death. According to Hughes, Victim was cared for by Bailey on Monday and then went to daycare on Tuesday. Because Victim had a cold on Wednesday, Hughes stayed home from her job to care for him. Hughes recalled that she and Victim went to sleep in the same bed around 8:00 p.m. Around 12:00 or 12:30 a.m., Bailey took Victim into the kitchen to feed him. Hughes, who had remained in bed, heard a "loud noise" coming from the kitchen followed by Victim crying out. Although Hughes did not get up to check on Victim, she asked Bailey what had happened, to which Bailey responded, "Nothing." When Bailey returned to bed around 12:50 a.m., he told Hughes that he had put Victim in the bed with his sisters.

Hughes stated that her oldest daughter came in the next morning and reported that Victim had thrown up. According to Hughes, Bailey got up and when he returned he told Hughes that Victim was fine and that he had cleaned him up and placed him in his crib. When Hughes checked on Victim later on Thursday morning, she observed that Victim was unusually quiet and did not stand up in his crib.

After taking her daughter to school, Hughes returned and gave Victim some medicine for his cold, but

Victim was unable to keep it down. Hughes stayed home from work to care for Victim and called a friend to bring additional cold medication. Hughes stated that Victim was unable to keep this medication down and that he was weak and "wasn't moving." She then took Victim into the bedroom where she laid down with him and Bailey. When Hughes's mother arrived around noon, Hughes left Victim with Bailey. While she was talking with her mother, Hughes heard a "loud sound" from her bedroom. Hughes then asked her daughter to get Victim, but her daughter reported that Bailey told her "no."

Approximately twenty or thirty minutes later, Hughes's daughter took Victim out of the bedroom and brought him to Hughes. Hughes described Victim as "droopy," unable to sit up on his own, and that his eyes rolled back into his head. Around 2:00 p.m., Hughes's friend returned with a different cold medication that Victim was able to tolerate. Hughes testified that Victim fell asleep and Bailey then put him to bed. After she laid down with Victim for approximately thirty minutes to an hour, she got up and checked that Victim was breathing normally.

Around 5:00 p.m., Hughes left the home to drive Bailey's mother to the store. When Hughes returned home around 6:00 or 6:30 p.m., she found emergency personnel at her home. At that time, she was informed that Victim was dead. Hughes ultimately claimed that Bailey had struck Victim, resulting in his death.

During his testimony, Bailey adamantly denied hitting Victim or causing his death. Although Bailey recounted essentially the same timeline as Hughes, he claimed that he and Hughes discussed taking Victim for medical treatment but decided to see if Victim felt better after taking medication on Thursday. He further testified that he checked on Victim after Hughes left on Thursday afternoon and discovered that Victim was not breathing.

In his jury charge, the judge instructed the jurors on the offense of homicide by child abuse by reading the applicable statutory language.[3]

Approximately one hour into deliberations, the jury sent a note to the judge with several questions concerning evidentiary issues. Additionally, the jury asked "the difference between the indictment and the last statement on the indictment form"[4] and "whether the neglect has to directly contribute to the death." In response to the notes, counsel believed that recharging the statute on the offense of homicide by child abuse would be appropriate.

When the jury returned to the courtroom, the foreman referenced the last sentence of the indictment and explained that the jury "wanted to get an understanding of the meaning of the indictment." After the judge read the last sentence of the indictment, the foreman responded:

Well, the definition was the question we [were] asking for. Also, our verdict to . . . to say this person did that last statement . . . you're talking two different . . .

Before the foreman finished his statement, the judge explained the purpose of the indictment was to "state the charges with enough specificity so that the defendant knows what he has to defend against." The judge then re-read the applicable provisions of the homicide by child abuse statute and gave the jury a printed copy of the statute.

Approximately thirty minutes later, the jury sent out another note, stating:

Does the State have to prove beyond a reasonable doubt: that the defendant caused the death of the child and does the neglect or abuse have to have caused the death?

Counsel and the judge debated the meaning of the jury's question. When the jury returned to the courtroom, the judge explained that "in this case, the only allegations are that [the defendant] caused the death of the child by neglect and abuse," and that under the statute several acts qualified as "neglect and abuse," but the State was required to prove only one of them.

In response, the foreman stated:

We see . . . as a jury, total jury, we see the neglect in the parents, but we fail to see evidence that Lorenzo struck the child. There was no evidence to us that Lorenzo struck this child. There was neglect, yes, on both parties, but we fail to see that . . . and that's written in that document that we didn't see any evidence. We didn't see any evidence. And the definition of your homicide has a combination of both. I know [its] a part of that definition, but we fail to see any evidence that he did that.

The judge then instructed the jury to refer to the language of the homicide by child abuse statute.

Out of the presence of the jury, defense counsel indicated her concern over the "emphasis on the neglect to the possible exclusion of the rest of the statute;" however, she believed the jury understood the judge's explanation.

When the jury returned to the courtroom, the judge issued supplemental instructions that stated in part:

If you are distinguishing some acts that you would call abuse and some that you would call neglect, that's up to you as long as you kind of go by the statute here. The statute doesn't really . . . It says it can be abuse or neglect, and it doesn't say which acts might be which, but it says that abuse or neglect is an act or omission which causes harm.

So if there is an act or omission which causes harm then that is abuse or neglect, by definition under this statute. Any act which causes, any act or omission, or failure to act, which causes harm to the child's health, that would be by this statute abuse or neglect, without getting into the difference of which is which, it doesn't matter.

The judge further explained that:

So you have to find that [the defendant] either did something or failed to do something . . . that caused the death of the child. Either his doing something which is an act, or failing to do something which is an omission. And that that conduct on his part, either the act or the omission, caused the death of this child.

Moments later, a juror approached the bench and, in an off-the-record discussion, expressed her concern to the judge over the definition of the word "caused." [5] The judge then gave an instruction on proximate cause. In part, the judge stated: "You must find that the State has convinced you beyond a reasonable doubt that either an act or failure to act on the part of this defendant is a proximate cause of the death of this child."

Nine minutes later, the jury returned with a guilty verdict. The judge denied counsel's motion for a new trial and sentenced Bailey to twenty-five years' imprisonment.

Bailey appealed his conviction and sentence to the Court of Appeals, alleging the trial judge erred in declining to direct a verdict of acquittal. The court affirmed Bailey's conviction and sentence, concluding that "substantial circumstantial evidence" supported a finding that Bailey abused Victim.

Subsequently, Bailey filed a timely PCR application. After a hearing, the PCR judge denied Bailey's application. As to trial counsel's performance, the PCR judge found, in part, that counsel was not ineffective for failing to object to certain jury instructions. In so ruling, the PCR judge concluded that counsel's decision constituted trial strategy and that even if counsel's performance was deficient, Bailey had not proven prejudice.

II. Discussion

A.

Bailey contends the judge erred in denying his PCR application as his trial counsel was ineffective in failing to object to the trial judge's supplemental jury instructions. In support of this contention, Bailey claims the instructions allowed the jury to convict him for "an act alternative to the one specified with particularity in the indictment." Because "the infliction of physical injuries was the specific act alleged in the indictment," Bailey asserts the jury was limited to a determination of whether he committed this act. Based on the foreman's statement that the jury found no evidence that Bailey struck the child, Bailey claims the jury found "a material variance between the act alleged in the indictment and the State's proof." Specifically, Bailey avers the jury convicted him of an unindicted crime as the jury found evidence of neglect rather than the specifically-alleged acts of abuse. Given that the judge's erroneous instructions precipitated this result, Bailey asserts his trial counsel was ineffective in failing to object to these supplemental instructions.

B.

The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668 (1984); Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008).

The United States Supreme Court has established a two-pronged test to establish ineffective assistance of counsel by which a PCR applicant must show (1) counsel's performance was deficient, and (2) the deficient performance prejudiced the defendant. Strickland, 466 U.S. at 687; Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). Under the second prong, the PCR applicant "must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Strickland, 466 U.S. at 694. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial." Simmons v. State, 331 S.C. 333, 503 S.E.2d 164, 166 (1998).

This Court will uphold the findings of the PCR judge when there is any evidence of probative value to support them, and will reverse the decision of the PCR judge when it is controlled by an error of law. Suber v. State, 371 S.C. 554, 558-59, 640 S.E.2d 884, 886 (2007).

C.

As a threshold matter, the State claims Bailey's issue is not preserved for appellate review given it was not raised to and ruled upon by the PCR judge. We disagree.

In his PCR application, Bailey characterized the trial judge's instructions as erroneous and confusing because the jury was misled regarding the homicide by child abuse statute and the indictment. Additionally, Bailey argued that trial counsel was ineffective in failing to object to certain instructions.

During the PCR hearing, Bailey testified that his trial counsel failed to object to the improper jury instructions. In explaining this claim, Bailey referenced the trial judge's supplemental instructions and the judge's discussions with the jury regarding its questions. Trial counsel admitted that she did not object to these instructions and contended her decision constituted trial strategy. Finally, in his written order, the PCR judge addressed Bailey's allegation of "ineffective assistance of counsel for failing to object to jury charges."

Based on the foregoing, we find Bailey's argument was properly preserved for this Court's review. See *State v. Moore*, 357 S.C. 458, 593 S.E.2d 608 (2004) (holding an issue must be raised to and ruled upon by the trial court to be preserved for appellate review).

D.

Having found that Bailey's issue is properly before this Court, we turn to the merits.

"In South Carolina, '[i]t is a rule of universal observance in administering the criminal law that a defendant must be convicted, if convicted at all, of the particular offense charged in the bill of indictment.'" *State v. Gunn*, 313 S.C. 124, 136, 437 S.E.2d 75, 82 (1993) (quoting *State v. Cody*, 180 S.C. 417, 423, 186 S.E. 165, 167 (1936)). "A material variance between charge and proof entitles the defendant to a directed verdict; such a variance is not material if it is not an element of the offense." *Id.* (citation omitted); see 41 Am. Jur. 2d *Indictments & Informations* § 252 (2005) (stating that one of the two ways an indictment can be improperly modified is through "a variance, whereby the charging terms of the indictment are left unaltered, but the evidence offered at trial proves facts materially different from those alleged in the indictment").

"[W]hile a conviction may be sustained under an indictment which is defective because it omits essential elements of the offense, such is not true when the indictment facially charges a complete offense and the State presents evidence which convicts under a different theory than that alleged." *Thomason v. State*, 892 S.W.2d 8, 11 (Tex. Crim. App. 1994) (citations omitted). "A conviction under the latter circumstance violates principles of due process . . . because the State has failed to prove beyond a reasonable doubt every fact necessary to constitute the crime with which a defendant was charged." *Id.* (citations omitted); see 41 Am. Jur. 2d *Indictments & Informations* § 256 (2005) ("A material variance that violates a defendant's substantial right to be tried only on charges presented in an indictment constitutes fatal error and warrants a reversal on an appeal of a judgment of conviction of the offense not charged in the indictment.").

In a case involving similar facts to the instant case, the Texas Court of Appeals found error in the trial judge's jury instructions that permitted the jury to convict the defendant of an act not alleged in the indictment. *Castillo v. State*, 7 S.W.3d 253 (Tex. Ct. App. 1999). In *Castillo*, the defendant was charged with the felony offense of intentionally and knowingly causing serious bodily injury to a child and convicted of the lesser-included offense of reckless injury to a child pursuant to section 22.04(a)(1) of the Texas Penal Code. *Id.*; Tex. Penal Code Ann. § 22.04(a)(1) (1994) ("A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes a child . . . serious bodily injury."). The one-count indictment charging Castillo with this offense provided that Castillo:

[d]id then and there intentionally and knowingly cause serious bodily injury to Triston Castillo, a child 14 years or younger by then and there striking the child with a deadly weapon, to wit: the defendant's hands or by striking the child's head against a deadly weapon, to wit: a wall or a floor.

Id. at 255. In prefacing its analysis, the Texas Court of Appeals noted that "[b]y including a more

1742
specific description, the State un- took the burden of proving the spe- allegations to obtain a conviction." Id.

339.

7/9 Page

At trial, the child's mother testified that the morning the child was taken to the hospital, she was taking a shower when she heard the child "crying out loudly" while in Castillo's care. When she went to check on the child, she observed that he was "in a daze," "seizing," and "limp." Id. at 255. Although Castillo admitted to shaking the child because he was having difficulty breathing, he expressly denied that the child hit or struck a wall. Id. at 257.

On appeal, Castillo raised several issues, including an argument that the trial judge egregiously erred by adding, through a lesser-included offense charge, a theory of prosecution ("shaking") that was not supported by the indictment. Id. at 254. The Texas Court of Appeals agreed with Castillo's argument, finding the trial court erred in "enlarging" the indictment by adding "shaking" as an additional manner and means of committing the charged offense. Id. at 260. In so ruling, the court recognized that a defendant may only be tried and convicted of the crimes alleged in the indictment and the State is bound by the theory alleged in the indictment. Id. at 258-59. [6]

In light of its holding, the court declined to reach Castillo's claim of ineffective assistance of counsel. The court, however, noted the claim would "loom large on the scene, given the failure to move for an instructed verdict and to object to the charge which enlarged the indictment." Id. at 262.

We agree with the reasoning in Castillo and apply its analysis to the facts of the instant case. We conclude that the trial judge's instructions improperly "enlarged" the indictment by instructing the jury that it could convict Bailey of a crime not alleged in the indictment.

Here, the indictment charging Bailey with homicide by child abuse specifically alleged that Bailey "inflicted upon [Victim] physical injuries to his abdomen resulting in exsanguination and consequently the death of the child." By its express terms, the indictment alleged that Bailey's "act" resulted in Victim's death. Significantly, it did not allege that Victim's death was the result of an "omission" on the part of Bailey.

Thus, the indictment apprised Bailey that he had to defend only against the allegation that he inflicted the physical injuries resulting in Victim's death. See Evans v. State, 363 S.C. 495, 508, 611 S.E.2d 510, 517 (2005) ("The primary purposes of an indictment are to put the defendant on notice of what he is called upon to answer, i.e., to apprise him of the elements of the offense and to allow him to decide whether to plead guilty or stand trial, and to enable the circuit court to know what judgment to pronounce if the defendant is convicted"); State v. Gentry, 363 S.C. 93, 102, 610 S.E.2d 494, 500 (2005) ("The indictment is a notice document").

A careful review of the jury's questions and the ensuing discussion with the judge reveals that the jury focused on the terms of the indictment and recognized the alternative elements in the homicide by child abuse statute, i.e., an "act" versus an "omission." The foreman of the jury then stated the jury found "no evidence" that Bailey struck the Victim. [7] Based on this statement and the reference to the last line of the indictment, it is evident the jury was inquiring as to whether a finding of "neglect" on the part of Bailey was sufficient for a conviction under the statute.

The judge's supplemental instructions, which were confusing and contradictory, resulted in the erroneous directive that the jury could find Bailey guilty of homicide by child abuse if it found an act of "abuse or neglect." Such an instruction was in direct contravention of the specific act alleged in the indictment and, thus, constituted a material variance or a "constructive amendment" to the indictment.

We find that trial counsel not only failed to object to these jury instructions, but also acquiesced in the

judge's erroneous interpretation. Thus, counsel's failure to object did not constitute a valid trial strategy. Cf. Padgett v. State, 324 S.C. 22, 484 S.E.2d 101 (1997) (finding trial counsel's failure to challenge first-degree burglary indictment did not constitute valid trial strategy where counsel did not recognize the distinction between a "barn" and a "dwelling" for the purposes of first-degree burglary).

Having found that trial counsel's performance was deficient, the question becomes whether Bailey was prejudiced by counsel's errors. [8] Because the supplemental instructions created a material variance between the State's evidence and the allegations in the indictment, we conclude that Bailey was prejudiced by trial counsel's failure to object as this deficiency undermined confidence in the outcome of his trial. Accordingly, we hold trial counsel rendered ineffective assistance. See McKnight v. State, 378 S.C. 33, 48-49, 661 S.E.2d 354, 361-62 (2008) (finding trial counsel rendered ineffective assistance when she failed to object to the supplemental jury charge on the measure of criminal intent required for a conviction under the Homicide by Child Abuse statute; reasoning that the supplemental charge: (1) did not clarify the particular mental state and served to "further confuse the jury;" (2) "attained a special significance in the minds of the jurors;" and (3) was "prejudicial in fact" as the jury returned a guilty verdict five minutes after the supplemental charge).

III. Conclusion

In conclusion, we find Bailey's issue was preserved for appellate review as it was raised to and ruled upon by the PCR judge. In terms of the merits, we hold trial counsel was deficient in failing to object to the supplemental jury instructions as the judge perpetuated the jury's confusion that they could convict Bailey of homicide by child abuse based on an unindicted allegation of neglect. We find that a confluence of the lone specific allegation of physical abuse in the indictment and the jury's expressed confusion about the necessity of evidence of physical abuse by Bailey with the insufficient jury instructions created a structural due process defect that deprived Bailey of a fair trial. We conclude that Bailey was prejudiced by counsel's deficient performance. Accordingly, we reverse the order of the PCR judge and remand for a new trial.

REVERSED AND REMANDED.

TOAL, C.J., PLEICONES, KITTREDGE and HEARN, JJ., concur.

[1] S.C. Code Ann. § 16-3-85 (2003).

[2] Bailey was not the biological father of Victim or Hughes's other children; however, Hughes was pregnant with Bailey's child at the time of Victim's death.

[3] Specifically, the judge read the following provisions of section 16-3-85:

(A) A person is guilty of homicide by child abuse if the person:

(1) causes the death of a child under the age of eleven while committing child abuse or neglect, and the death occurs under circumstances manifesting an extreme indifference to human life;

(B) For purposes of this section, the following definitions apply:

EXHIBIT F

COPY OF CASE LAW MERITS
UNITED STATES OF AMERICA VS.
ALLEN HUNT 212 F.3d 539

FILED
United States Court of Appeals
Tenth Circuit

MAY 8 2000

PATRICK FISHER
Clerk

PUBLISH

UNITED STATES COURT OF APPEALS
TENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

v.

No. 99-1120

ALLEN HUNT and MICHELLE D.
JONES,

Defendants-Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
(D.C. No. 98-CR-380-WM)

Sean Connelly, Attorney, United States Department of Justice, Denver, Colorado
(Thomas L. Strickland, United States Attorney, and Sheila M. Rogers, Assistant United
States Attorney, Denver, Colorado, were on the brief) for Plaintiff-Appellant.

Charles Szekely, Assistant Federal Public Defender, Denver, Colorado (Peter Schild,
Boulder, Colorado and Michael G. Katz, Federal Public Defender, Denver, Colorado,
with him on the brief) for Defendants-Appellees.

Before **TACHA, HOLLOWAY** and **BRORBY**, Circuit Judges.

HOLLOWAY, Circuit Judge.

A grand jury indicted Defendants-Appellees Allen Hunt and Michelle Jones

(Defendants) on 16 counts of theft from the mail in violation of 18 U.S.C. § 1708. During a bench trial, the district judge entered a judgment stating: "I find and conclude that the defendants are not guilty under the indictment as charged." As part of the judgment the district judge concluded that (1) the indictment alleged a theft from CTC Distributor's (CTC); (2) CTC was not part of the "mail" as required for a violation of 18 U.S.C. § 1708; and (3) the indictment failed to allege any other theft from the "mail," as had been suggested by the government. The government timely appeals. Defendants argue that the Double Jeopardy Clause bars the appeal. For reasons that follow, we agree. We therefore dismiss the government's appeal.

I

As the district court observed, the facts are essentially undisputed. Cf. Appendix A to Appellant's Brief-in-Chief at 1. In 1998, Defendants worked at a CTC warehouse in Denver, Colorado. See id. at 2. CTC collects items being shipped by merchandisers to customers. Before delivering the items to CTC, a merchandiser places "mailing indicia" on the packages. CTC then sorts the packages and delivers them to the United States Postal Service's (Postal Service) bulk mailing center, which is located off CTC's premises. See id.

The Postal Service also operates a facility at CTC's warehouse, called a detached mailing unit. See id. A Postal Service employee maintains exclusive control over the detached mailing unit and randomly samples and verifies postage and sortation before

CTC sends packages to the bulk mailing center. See id. Although CTC houses the unit, CTC is not itself part of the unit. See id.

In early 1998, Defendants began using an "over-labeling" scheme to steal packages that were processed at CTC. See id. As part of the scheme, Defendants placed handwritten labels addressed to themselves over the pre-existing mailing indicia provided by the merchandiser. See id. at 2-3. CTC then delivered the over-labeled packages to the bulk mail center and the Postal Service ultimately delivered the packages to Defendants. See id. at 3. "Other than the implied potential that the relevant packages might have been randomly sampled by the [Postal Service] at the [detached mailing unit], the government failed to present evidence that the packages were subject to control and regulation or otherwise accepted as mail by the [Postal Service] at the time the over-labeling occurred." Id.

On December 1, 1998, the grand jury returned a superseding indictment against Defendants alleging 16 counts of theft from the mail in violation of 18 U.S.C. § 1708. See 1 App. Item 30 at 1. Each count of the indictment was almost identical and alleged:

On or about [a date in 1998], in the State and District of Colorado, [Defendants], did steal, take and abstract, and by fraud and deception obtain, from and out of any mail, mail route, and authorized depository for mail matter, a package and things contained therein . . . from CTC distributors, a Detached Mailing Unit that works as a contractor between major mailing companies and corporations and the United States Postal

Service, in violation of Title 18, United States Code, Section 1708.¹

See id. Defendants waived their right to a jury trial and, instead, opted for a bench trial.

See, e.g., 1 App. Item 51 at 3. After the trial had begun, Defendants moved for acquittal.

See id. at 6. According to Defendants the indictment alleged only one theft: theft from

CTC. See id. at 6, 10. The evidence, however, demonstrated that CTC was not part of the

mail. See, e.g., id. Defendants argued that the government could not constructively

amend the indictment to allege that the theft occurred instead when Defendants received

the packages from the Postal Service. See id. Therefore, Defendants said they were

entitled to an acquittal. See id. at 13.

→ The district court agreed. The court held that the indictment "language charges theft from CTC Distributors, a Detached Mailing Unit." See Appendix A to Appellant's Brief-in-Chief at 5. "The plain language of the indictment indicates that the Grand Jury concluded that the defendants stole from CTC Distributors and not at some later time." Id. "That conclusion is buttressed by the 'on or about' date of each count being tied to the date of 'over-labeling' rather than the later delivery." Id. The district court therefore held that the indictment alleged only theft from CTC.

"The government did not prove beyond a reasonable doubt that the CTC was the United States mail, a mail route, or an authorized depository when the over-labeling

¹ The only variations in the counts involved: (1) the dates, (2) the Defendants, and (3) the items stolen.

occurred" nor was CTC a detached mailing unit. Id. at 7. Indeed, "[t]he proof . . . does not eliminate doubt . . . that the packages did not reach the mail until they were delivered to the [Postal Service] Bulk Mailing Center." Id. Accordingly, the district court granted a judgment which it entitled "JUDGMENT OF ACQUITTAL." I App. Item 54. That judgment stated that "[t]he trial having proceeded to conclusion, and pursuant to the Decision, entered February 12, 1999, the Court rendered its verdict of finding the defendants, Allen Christopher Hunt and Michele Denise Jones not guilty of the charges contained in the superseding indictment." I App. Item 54.

II

Title 18 U.S.C. § 3731 authorizes the government to appeal, inter alia, in these terms:

From a decision, judgment, or order of a district court dismissing an indictment or information or granting a new trial after verdict or judgment, as to any one or more counts, except that no appeal shall lie where the double jeopardy clause of the United States Constitution prohibits further prosecution.

Congress intended for this section "to remove all statutory barriers to Government appeals and to allow appeals whenever the Constitution would permit." United States v. Scott, 437 U.S. 82, 85 (1978) (citation and internal quotation marks omitted); see also United States v. Wilson, 420 U.S. 332, 337 (1975) (stating the same principle). Therefore, pursuant to 18 U.S.C. § 3731, our question is whether the Double Jeopardy

Clause bars this appeal.²

"The development of the Double Jeopardy Clause from its common-law origins thus suggests that it was directed at the threat of multiple prosecutions, not at Government appeals, at least where those appeals would not require a new trial." Wilson, 420 U.S. at 342. However, it is now well-settled that the Double Jeopardy Clause bars some government appeals: "A judgment of acquittal, whether based on a jury verdict of not guilty or on a ruling by the court that the evidence is insufficient to convict, may not be appealed and terminates the prosecution when a second trial would be necessitated by a reversal." Scott, 437 U.S. at 91 (omitting footnote); see also Smalis v. Pennsylvania, 476 U.S. 140, 145-46 (1986) (agreeing with ruling below that "the Double Jeopardy Clause bars a postacquittal appeal by the prosecution not only when it might result in a second trial, but if reversal would translate into further proceedings of some sort, devoted to the resolution of factual issues going to the elements of the offense charged.") (citation and internal quotation marks omitted). Accordingly, the Double Jeopardy Clause bars this appeal if: (1) there was in effect an acquittal below, and (2) if reversal would require such a second fact-finding proceeding on remand as comes within the Smalis parameters.

² In their motion to dismiss the appeal, Defendants rely "on an argument ancillary to the double jeopardy issue [,] the absence of statutory authority for a Government appeal from a judgment of acquittal in a criminal case." Motion to Dismiss at 5 n.3. As stated in the text above, however, the Supreme Court has held that 18 U.S.C. § 3731 removes "all statutory barriers to Government appeals and to allow appeals whenever the Constitution would permit." Scott, 437 U.S. at 85. Therefore, Defendant's independent statutory argument is barred by binding Supreme Court precedent.

A

I

We turn first to the question whether there was in effect an acquittal below in this case. As stated above, the district court labeled its decision an "acquittal." I App. Item 54. That label, however, is not determinative: "what constitutes an 'acquittal' is not to be controlled by the form of the judge's action." United States v. Martin Linen Supply Co., 430 U.S. 564, 571 (1977). Instead, "we must determine whether the ruling of the judge, whatever its label, actually represents a resolution, correct or not, of some or all of the factual elements of the offense charged." Id.; see also Scott, 437 U.S. at 97 (stating the same principle); United States v. Appawoo, 553 F.2d 1242, 1244 (10th Cir. 1977) (same).

The district court's ruling satisfies that requirement. "Title 18 U.S.C. § 1708 punishes the theft of mail as well as the possession of stolen mail." United States v. Watson, 423 U.S. 411, 413 n.2 (1976). Proof that an item was stolen from the "mail" is an essential element of any 18 U.S.C. § 1708 violation. United States v. Asbford, 924 F.2d 1416, 1423 (7th Cir. 1991); see also United States v. Roglieri, 700 F.2d 883, 885 (2nd Cir. 1983) ("In order to establish a violation of 18 U.S.C. § 1708, the government must prove that matter was stolen from the mail. . ."); United States v. Douglas, 668 F.2d 459, 461 (10th Cir. 1982) (similar). Here, the district court made a factual finding in the Defendants' favor on that "essential element," concluding that the government had

not proven that the packages were in the "mail" when the theft at CTC occurred.³ We are persuaded that factual finding bars this appeal. See, e.g., Martin Linen Supply Co., 430 U.S. at 571 (holding that an acquittal "actually represents a resolution, correct or not, of some or all of the factual elements of the charged offense"); Scott, 437 U.S. at 97 (same); United States v. Fay, 553 F.2d 1247, 1249-50 (10th Cir. 1977) ("The trial was terminated with and by a factual determination . . . after substantial proof. It was not a bare dismissal of the charges Thus, in conformance with the above authorities, we hold that the appeals here sought by the Government are barred by the double jeopardy clause."). In Scott, the Court restated clearly the essence of an acquittal in terms which fit the instant case and require dismissal of this appeal:

"Rather, a defendant is acquitted only when 'the ruling of the judge, whatever its label, actually represents a resolution [in the defendant's favor], correct or not, of some or all of the factual elements of the offense charged.' Martin Linen, *supra*, at 574."

The government appears to accept the fact that it cannot appeal the district court's conclusion that CTC was not part of the mail and therefore that the theft from CTC was not theft from the mail in violation of 18 U.S.C. § 1708. The government argues, in effect, that the district court erroneously held that the indictment did not allege a later

³The District Judge's Decision, I App. Item 53, stated that the plain language of the indictment indicated that the grand jury concluded the Defendants stole from CTC Distribution, and not at some later time. *Id.* at 5. And the Judge concluded that "the government did not sustain its burden of proving mail theft from the CTC beyond a reasonable doubt." *Id.*

theft from the mail when Defendants received the packages and that the judge's decision was a legal ruling that the indictment did not properly allege the crimes proved at trial and that this legal ruling is appealable. See Appellant's Opening Brief at 8. According to the government, the judge's interpretation of the indictment is a legal conclusion unrelated to factual guilt or innocence, and thus separately appealable.

Contrary to the government's argument, however, when a district court has made a factual finding adverse to the government on an essential element of the offense, legal rulings related to that decision are not separately appealable. See Smalis, 476 U.S. at 144 n.7 ("The status of the trial court's judgment as an acquittal is not affected by the Commonwealth's allegation that the court 'erred in deciding what degree of recklessness was . . . required to be shown under Pennsylvania's definition of [third-degree] murder.' The fact that the acquittal may result from erroneous evidentiary rulings or erroneous interpretations of governing legal principles . . . affects the accuracy of that determination but it does not alter its essential character.") (citation and internal quotation marks omitted) (alteration in original); United States v. DiFrancesco, 449 U.S. 117, 132 (1980) ("It is an acquittal that prevents retrial even if legal error was committed at the trial."); Scott, 437 U.S. at 91 (stating the same principle); United States v. Wood, 958 F.2d 963, 967 (10th Cir.) ("We attach such particular significance to an acquittal that it bars retrial even if based on legal error.") (citation and internal quotation marks omitted), as amended, 1992 WL 58305 (10th Cir. 1992); see also United States v. Lynch, 162 F.3d

732, 735 (2d Cir. 1998) ("Here, the factual element is wilfulness, and the district court explicitly resolved it in favor of [the defendants]. It does not matter that this factual finding was arrived at under the influence of an erroneous view of the law. . . . What is decisive for double jeopardy purposes is that the ruling represents a judgment by the court that the evidence is insufficient to convict. We therefore conclude that we lack jurisdiction to consider this appeal under 18 U.S.C. § 3731 and the Double Jeopardy Clause.") (citation and internal quotation marks omitted); United States v. Kennings, 861 F.2d 381, 384 n.4 (3d Cir. 1988) ("Where the district court, in rendering an acquittal, made factual determinations, even though based on erroneous rulings, courts have generally denied retrial.").

Two other circuits have applied this reasoning to cases involving variances from the indictment. First, in United States v. Hospital Monteflores, Inc., 575 F.2d 332, 333 (1st Cir. 1978), the district court had dismissed the indictment against the defendants because of such a variance. The First Circuit held that:

It is clear to us that, though labeled a dismissal of the indictment, the court's order was a judgment of acquittal since it actually represented a resolution, correct or not, of the offense charged. The court based its decision on consideration of the evidence, and concluded that whether or not the government's proof might make out some illegality, it did not make out the illegality charged. Jeopardy had attached. Therefore, if the corporation is protected by the Double Jeopardy Clause, it may not be retried.

Id. at 333 n.1. (citation and internal quotation marks omitted) (emphasis added). After determining that the Double Jeopardy Clause protected the corporation, the court

dismissed the appeal. See id. at 335 ("Since we rule that the Constitution would bar further prosecution of the corporate defendant in this case, supra, note 1, this appeal is barred under 18 U.S.C. § 3731.").

The Ninth Circuit reached the same conclusion in United States v. Schwartz, 785 F.2d 673 (9th Cir. 1986). There, the government made the same argument that it makes here:

For its part, the government readily admits that certain parts of the indictment were specifically dismissed for lack of evidence, thereby amounting to an acquittal as to those parts. The government does not appeal those specific findings. The crux of the government's argument, however, is that despite the label of "acquittal" used by the court, the judgment on Counts One through Twelve was in fact partly "a dismissal" based on the ruling of law that there was an impermissible variance. The government opines, therefore, that it is not barred from appealing or seeking a retrial on the individual parts of the scheme which the district court did not specifically reject for lack of sufficient evidence.

Id. at 677. The Ninth Circuit rejected the government's argument in Schwartz: "Inasmuch as we find the judgment below to be a true acquittal, the Double Jeopardy Clause bars appeal even if the district court based the acquittal on an erroneous interpretation of governing legal principles or upon legal principles which are themselves subsequently overturned." Id. at 678.

This court applied a similar approach in United States v. Genser, 710 F.2d 1426 (10th Cir. 1983). There, the government charged the Defendant with knowingly and intentionally "dispensing" a controlled substance in violation of 21 U.S.C. § 841(a). Id. at 1427. That statute makes it unlawful to both "distribute or dispense" a controlled

substance. Only a "practitioner," however, can "dispense" a controlled substance under the statute:

After the second Government witness had begun her testimony . . . [the defendant] objected to further testimony absent evidence that he was a practitioner and moved to dismiss. The Government conceded that it could offer no such evidence. . . . [I]t contended that distributing was an included offense of dispensing, and that the trial should proceed on that basis. The Government insisted that the indictment was sufficient under its alternative theory to charge the offense of distribution. The trial court disagreed and dismissed the case.

Id. at 1427 (footnote omitted). After the dismissal, the government obtained a second indictment against the defendant, alleging that he had "distributed" narcotics in violation of 18 U.S.C. 841(a)(1). See id. The defendant argued that the acquittal in the first proceedings barred the new indictment. See id. This court agreed, holding that the factual determination prevented retrial on the same charge.⁴ See id. at 1427-31.⁵

⁴ This court based the decision, in part, on its holding that 21 U.S.C. § 841(a) states only one offense for double jeopardy purposes, whether based on distribution or dispensing. Id. at 1431. Therefore, the acquittal for violating that statute by dispensing a controlled substance barred a later prosecution for distributing that same substance. See id.

Similarly, here, 18 U.S.C. § 1708 states only one offense: theft from the mail. The government could have proven that theft in a number of different ways (for example, the theft could have occurred when the over-labeling took place at CTC, when Defendants received the packages in the mail from the Postal Service, or it could have been a continuing offense involving both activities). However, the district court's acquittal in this case, as in Genser, prevents any later prosecution under 18 U.S.C. § 1708 for the same conduct, even if based on a different theory of theft. Cf. Sanabria v. United States, 437 U.S. 54, 72 (1978) ("The Double Jeopardy Clause is not such a fragile guarantee that its limitations can be avoided by the simple expedient of dividing a single crime into a series of temporal or spatial units.") (citation, alterations, and internal quotation marks omitted). Accordingly, the government's suggestion that the later theft from the Postal Service is wholly separable from

Finally, the Supreme Court reached a similar conclusion in Sanabria v. United States, 437 U.S. 54 (1978). There, the government charged the defendant with conducting an illegal gambling business in violation of 18 U.S.C. § 1955. See id. at 56. The indictment alleged two types of illegal gambling activities: (1) horse betting, and (2) numbers betting in violation of the laws of "the Commonwealth of Massachusetts, to wit, M.G.L.A. Chapter 271, Section 17." Id. at 57.

After the trial had begun, the district court determined that numbers betting was not prohibited by section 17 of the Massachusetts code, but by section 7. See id. at 58-59. Concluding that the indictment failed to cite the proper section, the district court excluded all evidence of numbers betting. See id. at 59. The defendant then moved for acquittal, arguing that there was no evidence of horse betting, the other basis for the illegal gambling charge. See id. The district court agreed and granted the motion. See id. The government appealed. As in this case, the government "[c]onced[ed] that there could be no review of the District Court's ruling that there was insufficient evidence of petitioner's involvement with horse betting." See id. at 61. The government, however, argued that it was entitled to a new trial on the numbers betting charge. See id. The Supreme Court disagreed:

the district court's factual finding of innocence is unconvincing.

⁵ We note that Genser involves a retrial rather than an appeal. The government has provided no logical reason why an "acquittal" should have different meaning in either context. The Supreme Court has used its retrial and appellate precedent interchangeably on this point. We therefore hold that an "acquittal" has the same meaning in both contexts.

We must assume that the trial court's interpretation of the indictment was erroneous. But not every erroneous interpretation of an indictment for purposes of deciding what evidence is admissible can be regarded as a "dismissal." Here, the District Court did not find that the court failed to charge a necessary element of the offense; rather it found the indictment's description of the offense too narrow to warrant the admission of certain evidence. To this extent, we believe that the ruling below is properly to be characterized as an erroneous evidentiary ruling, which led to an acquittal for insufficient evidence. That judgment of acquittal, however erroneous, bars further prosecution on any aspect of the count and hence bars appellate review of the trial court's errors.

Id. at 68-69 (citation and footnote omitted).

Similarly here the district court allegedly interpreted the indictment erroneously and hence refused to consider evidence that Defendants stole items from the mail after they over-labeled the packages at CTC. That alleged error is said to have caused the district court to grant an acquittal based on the insufficiency of the evidence.

Nevertheless, as in Sanabria, that ruling prevents independent appellate review of the legal error.

Moreover, the Court in Sanabria held that even if the district court's ruling were viewed as a dismissal of the indictment, rather than as an evidentiary ruling, double jeopardy still barred the appeal. See id. at 69. As the Court observed, 18 U.S.C. § 1955 states only one offense: participation in an illegal gambling business. Although the government could prove that offense in more than one way (by demonstrating numbers betting, horse betting, or other unlawful gambling), an acquittal of the offense of participation in an illegal gambling business barred any later prosecution under the statute

356.

for the same conduct, even if based on a different theory: ←

It is Congress, and not the prosecution, which establishes and defines offenses

....

The allowable unit of prosecution under § 1955 is defined as participation in a single illegal gambling business

....

... Petitioner was found not guilty for a failure of proof on a key factual element of the offense charged: that he was "connected with" the illegal gambling business. Had the government charged only that the business was engaged in horse betting and had petitioner been acquitted, his acquittal would bar any further prosecution for participating in the same gambling business during the same period of time on a numbers theory. That the trial court disregarded the Government's allegation of numbers betting does not render its acquittal on the horsebetting theory any less an acquittal on the "offense" charged. The Double Jeopardy Clause is not such a fragile guarantee that its limitations can be avoided by the simple expedient of dividing a single crime into a series of temporal or spatial units. ←

Id. at 69-72 (citation, alteration, footnote and internal quotation marks omitted).

Similarly, as stated in note 4, supra, 18 U.S.C. § 1708 states only one offense: theft from the mail. The government could have proven that theft in a number of different ways (for example, the theft could have occurred when the over-labeling took place at CTC, when Defendants received the packages in the mail from the postal service, or it could have been a continuing offense involving both activities). However, the district court's "acquittal" in this case, as in Sanabria, prevents any later prosecution under 18 U.S.C. § 1708 for the same conduct, even if based on a different theory of theft. ←

Accordingly, the district court's allegedly erroneous interpretation of the indictment is not ←

somehow separable from the district court's factual finding of innocence on the crime as charged in the indictment.

In sum, when a district court has made a factual finding on an essential element of the offense, legal rulings related to that decision are not separately appealable. See Smalis, 476 U.S. at 144 n.7 ("The status of the trial court's judgment as an acquittal is not affected by the Commonwealth's allegation that the court 'erred in deciding what degree of recklessness was . . . required to be shown under Pennsylvania's definition of [third-degree] murder.' The fact that the acquittal may result from erroneous evidentiary rulings or erroneous interpretations of governing legal principles affects the accuracy of that determination but it does not alter its essential character."); DiFrancesco, 449 U.S. at 132 (1980) (same); Scott, 437 U.S. at 96-97 (same)."

2

The government nevertheless argues that other opinions of the Supreme Court and this court compel a contrary conclusion in this case. We are not persuaded. First, the government relies on Lee v. United States, 432 U.S. 23 (1977). See Appellant's Brief-in-Chief at 8-9. In Lee, the government charged the defendant with theft. See 432 U.S. at 25. The indictment, however, failed to allege knowledge or intent, as required by the statute. See id. After the trial had begun, the district court dismissed the indictment as fatally flawed. Id. at 26-27. The defendant conceded, "as he must, that the District Court's termination of the first trial was not an acquittal." Id. at 30 n.8. After the

dismissal, the government re-indicted the defendant, "this time in an indictment alleging all of the elements of the . . . crime." Id. at 27. A jury convicted the defendant, who then appealed arguing that double jeopardy barred the second prosecution. See id. The Supreme Court disagreed, holding that the district court's ruling was factually indistinguishable from a mistrial (which, ordinarily, does not prevent retrial). See id. at 31.

As is apparent, the court in Lee made only a legal determination that the indictment was facially invalid because it failed to allege two elements of the crime. Cf. Sanabria, 437 U.S. at 68 (citing Lee as a case in which the "count failed to charge a necessary element of the offense"). The Court never made any factual finding in the defendant's favor on an essential element of the crime charged. Unlike in Lee, the district court here made such findings.

The government also relies on United States v. Bowling, 593 F.2d 944 (10th Cir. 1979). See Appellant's Brief-in-Chief at 9. There the indictment alleged a single conspiracy. See 593 F.2d at 946. The evidence, however, suggested that there were multiple conspiracies. The district court therefore dismissed the indictment, citing precedents purportedly requiring a dismissal. Id. at 946-47. The government appealed. The defendants argued that double jeopardy barred the appeal. This court disagreed: "In the case at bar the defendants moved for dismissal of Count I of the indictment. This motion did not go to the merits of the case. It was concerned with the validity of the

charge." Id. at 949.

Unlike the reasoning in Lee, Bowline went beyond the face of the indictment and considered factual evidence when dismissing the indictment. It has been held, however, that "an appeal is not barred simply because a ruling in favor of a defendant is based upon facts outside the face of the indictment. . . . Rather, a defendant is acquitted only when the ruling of the judge, whatever its label, actually represents a resolution in the defendant's favor, correct or not, of some or all of the factual elements of the offense . . .

charged." Scott, 437 U.S. at 96-97 (citation and internal quotation marks omitted). In Bowline, the district court made no such determination on the factual elements of the offense. However, here the trial judge made such a determination. Therefore, Bowline, like Lee, does not control this case.

In sum, we hold that the district court's fact finding, adverse to the government on an essential element of the crime, makes its decision an acquittal and prevents separate appellate consideration of any alleged legal error related to that decision.

B

Even though we hold that the district court's decision was a true acquittal, that determination may not mean that double jeopardy bars this appeal. "Where a Government appeal presents no threat of successive prosecution, the Double Jeopardy Clause is not offended." DiFrancesco, 449 U.S. at 132 (citation and internal quotation marks omitted); see also Wilson, 420 U.S. at 345 ("[A] defendant has no legitimate claim

to benefit from an error of law when that error could be corrected without subjecting him to a second trial before a second trier of fact.”).

In a case tried before a jury, it is easier to determine when there is such a threat. For example, if, after the jury returns its verdict, the district court overturns that decision and “acquits” the defendant, then a reversal on remand would not require a retrial. Instead, an appellate court can simply order reinstatement of the original jury verdict. In those circumstances, double jeopardy does not bar an appeal. See United States v. Jenkins, 420 U.S. 358, 365 (1975) (“When this principle is applied to the situation where the jury returns a verdict of guilt but the trial court thereafter enters a judgment of acquittal, an appeal is permitted. In that situation a conclusion by an appellate court that the judgment of acquittal was improper does not require a criminal defendant to submit to a second trial; the error can be corrected on remand by the entry of a judgment on the verdict.”), overruled on other grounds by Scott, 437 U.S. at 86-87; Wilson, 420 U.S. at 353 (similar).

In a bench trial, however, such determinations are more complicated as the Court explained in Jenkins:

A general finding of guilt by a judge may be analogized to a verdict of “guilty” returned by a jury. In a case tried to a jury, the distinction between the jury’s verdict of guilty and the court’s ruling on questions of law is easily perceived. In a bench trial, both functions are combined in the judge, and a general finding of “not guilty” may rest either on the determination of facts in favor of a defendant or on the resolution of a legal question favorably to him. If the court prepares special findings of fact, either because the Government or the defendant requests them or because

the judge has elected to make them sua sponte, it may be possible upon sifting those findings to determine that the court's finding of "not guilty" is attributable to an erroneous conception of law whereas the court has resolved against the defendant all of the factual issues necessary to support a finding of guilt under the correct legal standard.

Jenkins, 420 U.S. at 366-67 (citations and footnote omitted).

As noted, the district court here found that the government did not prove theft from the mail as required by 18 U.S.C. § 1708. The government, however, relies on three statements by the district court which it argues constitute fact findings in the government's favor if the indictment is interpreted as it suggests:

"[I]f the specific language of the Indictment had been as the government now urges . . . I would conclude that the government has sustained its burden of proof."

"Similarly, if one were to decide that the specific language were 'mere surplusage' and accept the Indictment as essentially summarizing the statutory language, I again may well conclude that the defendants are guilty."

"Accordingly, I conclude that the government's urged interpretation would constitute a constructive amendment because it broadens the possible bases for conviction from that which appeared in the Indictment. United States v. Miller, 471 U.S. 130, 138 (1985) . . . As a consequence, 'the offense proved at trial was not fully contained in the Indictment, for trial evidence had 'amended' the Indictment by broadening the possible basis for conviction from that which appeared in the Indictment.' United States v. Miller, 471 U.S. at 138."



I App. Item 53 at 5-6.

The government would have a better argument if the first statement stood alone:

"[I]f the specific language of the Indictment had been as the government now urges . . . I

would conclude that the government has sustained its burden of proof." 1 App. Item 53 at 5 (emphasis added). However, the Supreme Court has refused to treat similarly strong statements as factual findings:

Both sides assume that the District Court's statements, made to justify denial of Lee's motion for judgment of acquittal, that he had been "proven [guilty] beyond any reasonable doubt in the world" and that there was "no question about his guilt; none whatsoever," do not amount to a general finding of guilt. We agree that the court's comments, in the context in which they were made, cannot be viewed fairly as a general finding of guilt analogous to a jury verdict.

Lee, 432 U.S. at 28 n.4 (alteration in original).⁶

Therefore there are no factual findings for us to reinstate on appeal were we to reverse the district court on the merits. Instead, we would have to remand for further factfinding proceedings. It does not matter that those proceedings might be relatively minor in this case: "[T]he Double Jeopardy Clause bars a postacquittal appeal by the prosecution not only when it might result in a second trial, but if reversal would translate into further proceedings of some sort, devoted to the resolution of factual issues going to

⁶The district court here qualified its statement cited above ("I would conclude" 1 App. Item 53 at 5) with its next statement that "[s]imilarly, if one were to decide that the specific language were 'mere surplusage' and accept the Indictment as essentially summarizing the statutory language, I again may well conclude that the defendants are guilty." Id. at 5-6 (emphasis added). The wording of this statement indicates that neither the first nor the second statement constitute factual findings that Defendants would be guilty under the government's reading of the indictment; the district court merely suggested that they "may well" be guilty. Cf. United States v. Dyer, 546 F.2d 1313, 1315-16 (7th Cir. 1976) (holding double jeopardy barred an appeal even though the district court stated that, had indictment been worded as the government alleged, "a different result might be warranted").

the elements of the offense charged." Smalis, 476 U.S. at 145-46 (citation and internal quotation marks omitted); see also Jenkins, 420 U.S. at 370 (stating the same proposition). Smalis teaches that

"whether the trial is to a jury or to the bench, subjecting the defendant to postacquittal factfinding proceedings going to guilt or innocence violates the Double Jeopardy Clause. Arizona v. Rumsey, 467 U. S. 203, 211-12, (1984)."

Smalis, 476 U. S. at 145. The defendant would be forced to "run the gantlet" a second time. Green v. United States, 355 U.S. 184, 190 (1957).

III

We lack jurisdiction pursuant to 18 U.S.C. § 3731 and, accordingly, must DISMISS this appeal.

207.
EXHIBIT

1767

G

COPY OF CASE LAW MERIT
THE STATE VS. LOUIS ENGLISH
FULLER 552 S.E.2d 282 (S.C. 2/001)

552 S.E.2d 282 (S.C. 2001), 25334, State v. Fuller

Page 282

552 S.E.2d 282 (S.C. 2001)

346 S.C. 477

The STATE, Respondent,

v.

Louis English FULLER, Appellant.

No. 25334.

Supreme Court of South Carolina

July 23, 2001.

Heard June 5, 2001.

[346 S.C. 478] Assistant Appellate Defender Robert M. Pachak, of South Carolina Office of Appellate Defense, of Columbia, for appellant.

[346 S.C. 479] Attorney General Charles M. Condon, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Donald J. Zelenka, Assistant Attorney General Tracey C. Green, of Columbia; and Solicitor John R. Justice, of Chester, for respondent.

BURNETT, Justice:

Appellant was convicted of murder and sentenced to life imprisonment. He appeals.

FACTS

Appellant was indicted for the murder of Travelee Johnson (victim). At trial, appellant testified in his own defense. He stated he and victim were friends; appellant, Danny Murphy, and Robert Johnson were "associates."

Appellant explained he, victim, Johnson, and Murphy planned to rob Juan Williams' home. Using his roommate's car, appellant drove the men near Williams' home; they waited in the car for Williams to leave home. Appellant fell asleep.

Appellant awoke when he heard victim screaming. According to appellant, Murphy held victim while Johnson stabbed him. Murphy and Johnson exited the vehicle and pulled victim out of the car. Appellant drove off a short distance then returned, backing the car down the road. He testified he planned to run over Murphy and Johnson so

Page 283

they would leave victim alone, but instead, Murphy and Johnson jumped into the car. Appellant drove Murphy and Johnson back to town. Appellant wondered if they were going to kill him.

At Murphy's instruction, appellant stopped the vehicle at a dumpster; Murphy threw a knife inside. Appellant then drove the men to their apartment. Murphy and Johnson put their bloody clothing in a bag. Appellant put the bag behind a dumpster. He stated he took Murphy's boots to his own apartment. The next morning, appellant gave Johnson towels and sponges and Johnson washed the car. Appellant suggested Murphy and Johnson were angry at victim because they believed he had stolen items from their apartment[346 S.C. 480].

ISSUES

- I. Did the trial court err by refusing to charge accessory after the fact to murder?
- II. Did the trial court fail to give a complete and clear instruction on accomplice liability?

552 S.E.2d 282 (S.C. 2001)

THE STATE

LOUIS ENGLISH FULLER

SUPREME COURT OF SOUTH CAROLINA
JULY 23, 2001

DISCUSSION

Appellant requested the trial judge instruct the jury on accessory after the fact to murder. Noting appellant had not been indicted for accessory after the fact and that accessory after the fact was not a lesser-included offense to murder, the trial judge denied the request but stated appellant could argue accessory after the fact.^[1]

Appellant now argues the trial judge erred by refusing his requested accessory after the fact charge. He claims because he did not know Johnson and Murphy planned to kill victim and he was asleep when the stabbing first occurred, "exclusionary" facts existed to warrant a charge on accessory after the fact. We disagree.

The elements of accessory after the fact to a crime are 1) the felony has been completed, 2) the accused must have knowledge that the principal committed the felony, and 3) the accused must harbor or assist the principal felon. *State v. Collins*, 329 S.C. 23, 495 S.E.2d 202 (1998) (*Collins II*). A defendant may not be found guilty as an accessory when indicted solely as a principal. *State v. Collins*, 266 S.C. 566, 225 S.E.2d 189 (1976) (*Collins I*).

When the defendant has not been indicted as an accessory, it is proper to charge the jury on the difference between accessory and principal "where the evidence points to an exclusionary offense which dictates that different proof is required as to each defendant." *State v. Good*, 315 S.C. 135, 139, 432 S.E.2d 463, 466 (1993). For instance, in *Collins*, *supra*, the Court determined the defendant was entitled to an accessory before the fact charge when he was in jail at the time of the felony and therefore could only be guilty of [346 S.C. 481] accessory before the fact. In *State v. Leonard*, 292 S.C. 133, 355 S.E.2d 270 (1987), where co-defendants were charged with reckless homicide arising from the operation of a motor vehicle, the Court held because only one person could be the driver of the vehicle, a charge distinguishing principal and accomplice liability was required. On the other hand, in *State v. Gates*, 269 S.C. 557, 238 S.E.2d 680 (1977), the Court ruled the defendant who drove the getaway car but did not enter the convenience store during the robbery was not entitled to an accessory after the fact charge. The Court noted there is "a factual distinction between a crime where the defendant was physically unable to participate and one where the defendant acted as the 'getaway' driver." *State v. Good*, *supra*, at 137, 432 S.E.2d at 465. One authority explains "[b]y 'exclusionary offense' the Court means an offense which by law, or by the facts of the case, could have been committed by only one principal first."^[2] William Shepard McAninch, *The Criminal Law of South Carolina*, 369 (1996).

Page 284

In *Good*, *supra*, the Court noted the reason for precluding an accessory instruction when an exclusionary offense does not exist:

If accessory after the fact is not charged in the indictment, but is instructed to clarify mere presence, a finding of accessory after the fact is the equivalent to a finding of not guilty. The real impact of the instruction is that it permits the jury to reach a compromise verdict on a non-charged offense. Moreover, to require an accessory instruction on these facts opens the door for every criminal defendant to create a lesser-included offense for which they could not be convicted. *Id.* at 138, 432 S.E.2d at 465.

Appellant was not entitled to a charge on accessory after the fact. First, he was not entitled to

* the charge because he was not indicted as an accessory and accessory after the fact is not a lesser-included offense to murder. Second, the evidence did not eliminate appellant as a principal first. To the contrary, appellant admitted being present during the stabbing. [346 S.C. 482] Unlike the co-defendants in *State v. Leonard, supra*, and *Collins I, supra*, appellant could have participated in victim's murder as a principal to the same extent as Johnson and Murphy.^[3] If the jury believed appellant's claims that he had no knowledge of Johnson and Murphy's plan to kill victim and that he was asleep when victim was attacked, appellant would have been acquitted of murder.

This case is similar to *State v. Good, supra*, where two brothers were charged with double homicide. Each brother claimed the other committed the murders while he was outside the family's camper. The Court held there was no error in refusing to charge accessory after the fact because "there is no exclusionary situation which eliminates one brother or the other from having participated in the murder as the principal." *Id.* at 139, 432 S.E.2d at 466.

The remaining issue is affirmed pursuant to Rule 220(b)(1), SCACR, and the following authorities: *State v. Franklin*, 299 S.C. 133, 382 S.E.2d 911 (1989) (charge on accomplice liability substantially covered language requested by defendant); *State v. Barwick*, 280 S.C. 45, 310 S.E.2d 428 (1983) (jury charge is adequate if it fully and fairly covers the substance of the requested charge); *State v. Haney*, 257 S.C. 89, 184 S.E.2d 344 (1971) (refusal to give requested charge not error where requested charge merely rephrases and repeats principles expounded in given charge); *State v. Clary*, 222 S.C. 549, 73 S.E.2d 681 (1952) (no error in refusing to charge the precise language requested where jury is correctly instructed in accord with the requested charge).

AFFIRMED.

TOAL, C.J., MOORE and WALLER, JJ., concur.

PLEICONES, J. concurring in result only.

Notes:

[1] In his closing statement, appellant suggested he could be guilty of accessory after the fact to murder but should be acquitted of murder.

[2] A "principal first" is one who actually does the felonious act or who causes the felonious act to be committed by an innocent agent such as a child or insane person. *State v. Posey*, 35 S.C.L. (4 Strob.) 142 (1849).

[3] Johnson and Murphy were also indicted for murder. Murphy pled guilty to accessory after the fact. The record does not indicate the disposition of Johnson's charges.

EXHIBIT

77H

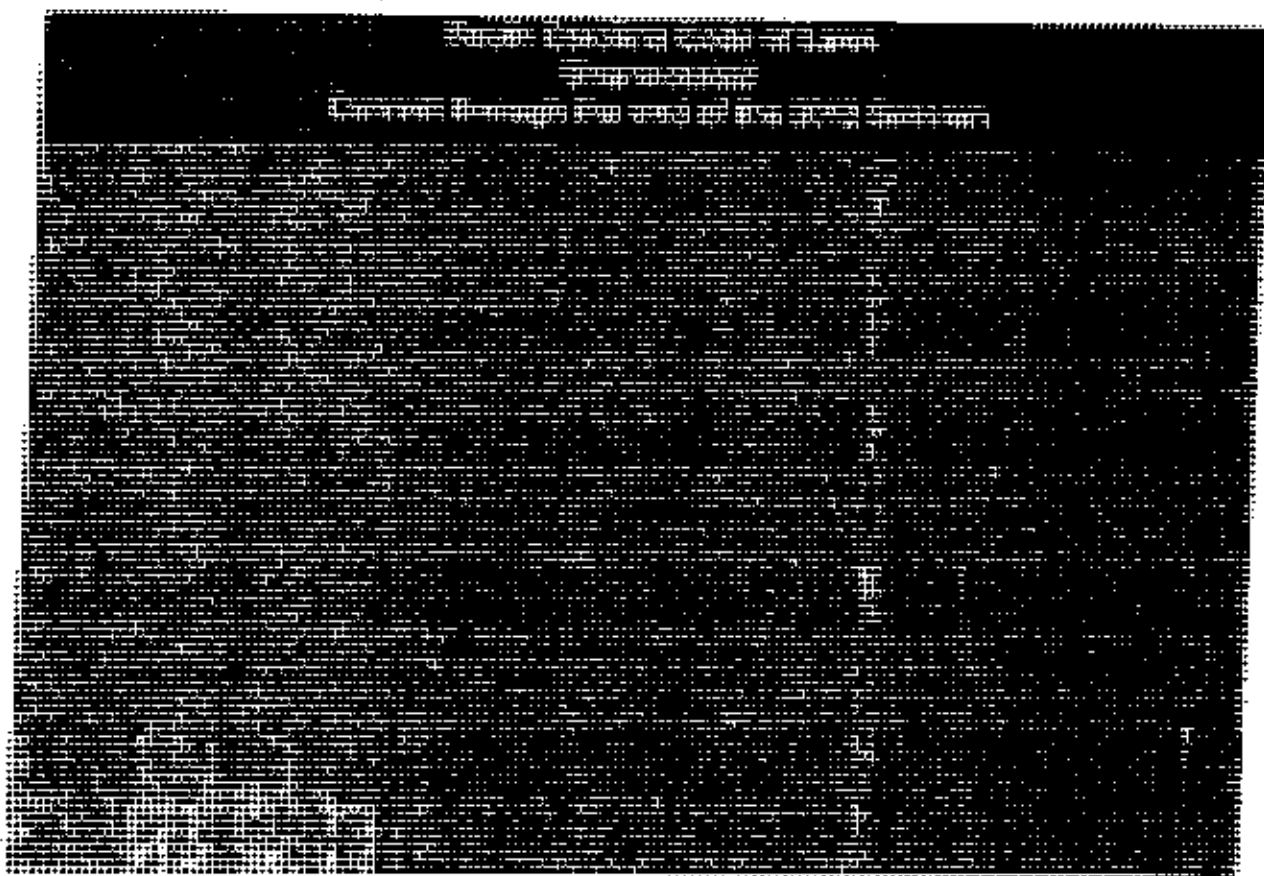
COPY OF STATUTORY MERITS

SOUTH CAROLINA CODE OF LAWS

17-23-90 which states

"QUOTE"

AND IF ANY PERSON COMMITTED AS AFORESAID
UPON HIS TRIAL SHALL BE ACQUITTED HE SHALL
BE DISCHARGED FROM IMPRISONMENT



SECTION 17-23-90. Indictment and trial of persons committed for treason or felony; consequences of failure to indict.

If any person committed for treason or felony, plainly and specially expressed in the warrant of commitment, upon his prayer or petition in open court the first week of the term to be brought to his trial shall not be indicted some time in the next term after such commitment, the judge of the circuit court shall, upon motion made in open court the last day of the term either by the prisoner or anyone in his behalf, set at liberty the prisoner upon bail, unless it appear to him, upon oath made, that the witnesses for the State could not be produced at the same term. And if any person committed as aforesaid; upon his prayer or petition in open court the first week of the term to be brought to his trial, shall not be indicted and tried the second term after his commitment or upon his trial shall be acquitted, he shall be discharged from his imprisonment.

EXHIBIT I

COPY OF ELEMENTS
FOR CRIMES OF
MURDER 16-3-10 AND
VOLUNTARY MANSLAUGHTER 16-3-50
AND
INVOLUNTARY MANSLAUGHTER 16-3-60

VOLUNTARY MANSLAUGHTER

Class A Felony

Code §16-3-50

Elements of the Offense:

~~1. That the accused unlawfully killed another person.~~

~~2. That the killing took place without malice, express or implied.~~

Note:

Voluntary manslaughter is distinguished from murder by the absence of malice aforethought. "Malice" is defined in Black's Law Dictionary as "the intentional doing of a wrongful act without just cause or excuse, with an intent to inflict an injury or under circumstances that the law will imply an evil intent." For a killing to be manslaughter rather than murder, it is essential to have adequate legal provocation which produces an uncontrollable impulse to do violence. The test of adequate provocation is whether a reasonable man would have acted similarly under the circumstances. Killing with a deadly weapon creates a presumption of malice. In which case, the proper charge would be murder until such a presumption is rebutted. Manslaughter may be reduced to involuntary manslaughter by a verdict of the jury.

Penalty:

Imprisonment for not more than 30 years or less than 2 years.

INVOLUNTARY MANSLAUGHTER

Class F Felony

Code §16-3-60

Elements Of The Offense:

1. That the accused unlawfully killed another person.
2. That the killing was without malice aforethought.
3. That the killing was unintentional, and
4. The killing resulted from criminal negligence.

Note:

Criminal Negligence is defined as the "reckless disregard of the safety of others." The absence of an intent to kill or to inflict bodily harm distinguishes involuntary manslaughter from voluntary manslaughter

§56-5-2910 pertains to reckless homicide from the operation of a motor vehicle. This section does not supersede the common-law offense of involuntary manslaughter.

Penalty:

Imprisonment for not more than 5 years.

MURDER

Exempt Felony

Code §16-3-10

Elements Of The Offense:

1. That the accused unlawfully killed another, and
2. That the killing was committed with malice aforethought.

Note.

EXHIBIT

J

SENTENCE SHEET THAT CITES
INDICTMENT # 2012-65-07-01935

STATE OF SOUTH CAROLINA
COUNTY OF Beaufort
STATE VS.
Tyrone Robinson
AKA:
Race: AFRICAN AM Sex: M Age: 39
DOB: SS#
Address:
City, State, Zip:
DL#: SID#
*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Murder / Murder

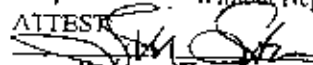
IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0701935
A/W#: 2012A0720300114
Date of Offense: 9/1/2012
S.C. Code § 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC) ☐ §17-25-45
w/minor 1st or 2nd Act)
The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury (defendant's initials)
The plea is: Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: 
J. Ann Robinson SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFOR, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of life days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ imprisonment, provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP
Total: \$ _____ plus 20% fee: \$ _____
Payment Term: _____
☐ Set by SC PPPS

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5 %)	\$
§ 14-1-211(A)(1) Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (UI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 47.9 (Public Def/Prob)	\$500
§ 14-1-212 (Law Enforcement Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(1) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$8.90
TOTAL	\$185.90

_____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk Ann Robinson
Court Reporter: Bonnie Kelly
SCCA/217 (03/2011)

Presiding Judge Kimberly Ray
Judge Code: 057
Sentence Date: 9/19/12

Certified - A True Copy

J. Ann Robinson - Clerk of Court
Beaufort County, SC

EXHIBIT

K

INDICTMENT #2012-GJ-07-01935

THAT CITES THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY "ALLEG-
-EDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
21ST, 2012 WHILE ENGAGED IN A ONGOING GUN
BATTLE AN INHERENTLY DANGEROUS FELONY,
TYRON E ROBINSON DID WILLFULLY, UNLAWFULLY
AND WITH MALICE AFORETHOUGHT CAUSE THE
VICTIM K. S. [REDACTED] TO BE SHOT AND

KILLED IN THE AREA OF MARSHLAND DRIVE
AND ALLEN ROAD ON HILTON ISLAND AND THAT
K. S. [REDACTED] DID DIE IN BEAUFORT
COUNTY AS A PROXIMATE RESULT THERE OF

THAT I WAS ACQUITTED ON AND WARDEN BRIAN
KENDALL, SOUTH CAROLINA DEPARTMENT OF CORREC-
-TIONS AND THE STATE OF SOUTH CAROLINA. ARE
CURRENTLY HOLDING ME DEPRIVED OUT OF MY
LIBERTY, WRONGLY INCARCERATED AND
IMPRISONED ON, ON INDICTMENT #2012-GJ-07-
-01935

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0701935

At a Court of General Sessions, convened on October 18, 2012, the Grand Jurors of Beaufort County present upon their oath:

Murder / Murder

That in Beaufort County on or about September 1, 2012, while engaged in an ongoing gun battle, an inherently dangerous felony, Tyrone Robinson did willfully, unlawfully and with malice aforethought cause the victim K. S. [REDACTED] to be shot and killed in the area of Marshland Drive and Allen Road, Hilton Head Island, SC, and that K. S. [REDACTED] did die in Beaufort County as a proximate result thereof on September 1, 2012; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

[Signature]

EXHIBIT L

COPY OF ORDER OF DISMISSAL WITHOUT
PREJUDICE

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

2019 DEC 16 PM 2:02

IN THE COURT OF COMMON PLEAS
FOURTEENTH JUDICIAL CIRCUIT

Tyrone L. Robinson, #235104

BEAUFORT COUNTY, S.C.
CLERK OF COURT

2015-CP-07-2053

Applicant,

v.

State of South Carolina,

Respondent.

ORDER OF DISMISSAL

This matter comes before the Court by way of an application for post-conviction relief filed by Tyrone L. Robinson, (Applicant) on August 21, 2015. The State of South Carolina (Respondent) filed its return on or about June 21, 2016. An evidentiary hearing into the matter was convened before this Court on August 26, 2019, at the Beaufort County Courthouse. Applicant was present and represented by James K. Falk, Esquire. Prior to the commencement of the evidentiary hearing, Applicant indicated that his application for post-conviction relief had already been dismissed with prejudice at an earlier evidentiary hearing. The record before this Court shows that Applicant was indicted by the October 2012 term of the Beaufort County Grand Jury for Murder (2012-GS-07-1935), and was represented on those charges by Arie Bax, Esquire. On September 15, 2014, Applicant proceeded to a jury trial before the Honorable G. Thomas Cooper, Jr., where he was found guilty as indicted. On September 19, 2014, Judge Cooper sentenced Applicant to a term of imprisonment for life.

Applicant, through counsel, filed a timely notice of appeal on September 29, 2014, and an appeal was perfected pursuant to *Anders*. Appellate counsel subsequently filed a motion seeking to withdraw Applicant's appeal without prejudice. The South Carolina Court of Appeals affirmed

the motion to dismiss without prejudice. State v. Robinson, Appellate Case No. 2014-002138 (filed on May 28, 2015). The Remittitur was issued on June 22, 2015.

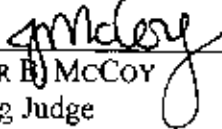
On July, 10, 2015, Mr. Bax filed a motion to reconsider Applicant's sentence with the circuit court. On August 21, 2015, while the motion to reconsider was pending, Applicant filed his application for post-conviction relief. On October 12, 2017, the circuit court denied Applicant's motion to reconsider his sentence. On October 13, 2017, an evidentiary hearing was convened, during which Applicant requested to withdraw his PCR application without prejudice in order to appeal the denial of his motion to reconsider. Respondent consented to Applicant's request, and was to submit an order of dismissal on the matter. On October 20, 2017, the Applicant filed a Notice of Appeal for the denied motion to reconsider. On November 2, 2017, Applicant filed a Notice of Appeal on his PCR action, however his PCR had not formally been dismissed by order and was still pending. Therefore, the Court of Appeals dismissed Applicant's Notice of Appeal regarding his PCR action on November 21, 2017. Due to the complexities of Applicant's procedural history and numerous appeals, this PCR action was never formally dismissed and no order of dismissal ever signed. Subsequently, Applicant's PCR was scheduled for an evidentiary hearing before this Court on August 26, 2019, where it became known that Applicant had moved to withdraw his application for post-conviction relief, without prejudice, at an earlier term of court due to his pending direct appeal. Therefore, Applicant's application for post-conviction relief should be dismissed without prejudice in order for Applicant to pursue the direct appeal of his motion to reconsider sentence.

[Conclusion and signature page to follow]

IT IS THEREFORE ORDERED:

1. That the application for post-conviction relief is dismissed without prejudice;
2. Applicant must be remanded to the custody of Respondent.

AND IT IS SO ORDERED this 11 day of December, 2019.


JENNIFER B. MCCOY
Presiding Judge
Fourteenth Judicial Circuit

Beaufort, South Carolina

EXHIBIT

M

COPY OF CASE LAW MERITS
GREEN VS. UNITED STATES : 78S.Ct 221

382

355 U.S. 184 (1957)

GREEN
v.
UNITED STATES.

No. 46.

Supreme Court of United States.

Argued April 25, 1957.

Restored to the calendar for reargument June 24, 1957.

Reargued October 15, 1957.

Decided December 16, 1957.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.

George Blow argued the cause on the original argument. *George Rublee, II*, was with him on the reargument. With them on the briefs was *Charles E. Ford*.

185 *185 *Leonard B. Sand* argued the cause for the United States. With him on the briefs were *Solicitor General Rankin*, *Assistant Attorney General Olney* and *Beatrice Rosenberg*. *Carl H. Inlay* was also on the brief on the original argument.

Opinion of the Court by MR. JUSTICE BLACK, announced by MR. JUSTICE DOUGLAS.

This case presents a serious question concerning the meaning and application of that provision of the Fifth Amendment to the Constitution which declares that no person shall

"... be subject for the same offence to be twice put in jeopardy of life or limb"

The petitioner, *Everett Green*, was indicted by a District of Columbia grand jury in two counts. The first charged that he had committed arson by maliciously setting fire to a house.^[1] The second accused him of causing the death of a woman by this alleged arson which if true amounted to murder in the first degree punishable by death.^[2] Green entered a plea of not guilty to both counts and the case was tried by a jury. After each side had presented its evidence the trial judge instructed the jury that it could find Green guilty of arson under the first count and of either (1) first degree murder or (2) second degree murder under the second count. The trial judge treated second degree murder, which is defined by the District Code as the killing of another with malice *186 aforethought and is punishable by imprisonment for a term of years or for life,^[3] as an offense included within the language charging first degree murder in the second count of the indictment.

The jury found Green guilty of arson and of second degree murder but did not find him guilty on the charge of murder in the first degree. His verdict was affirmed on that charge. The trial judge accepted the verdict, entered the proper judgments and dismissed the jury. Green was sentenced to one to three years' imprisonment for arson and five to twenty years' imprisonment for murder in the second degree. He appealed the conviction of second degree murder. The Court of Appeals reversed that conviction because it was not supported by evidence and remanded the case for a new trial. 95 U. S. App. D. C. 45, 218 F. 2d 856.

On remand Green was tried again for first degree murder under the original indictment. At the outset of this second trial he raised the defense of former jeopardy but the court overruled his plea. This time a new jury found him guilty of first degree murder and he was given the mandatory death sentence. Again he appealed. Sitting *en banc*, the Court of Appeals rejected his defense of former jeopardy, relying on *Trono v. United States*, 199 U. S. 521, and affirmed the conviction. 98 U. S. App. D. C. 413, 236 F. 2d 708. One judge concurred in the result, and three judges dissented expressing the view that Green had twice been placed in jeopardy in violation of the Constitution. We granted certiorari, 352 U. S. 915. Although Green raises a number of other contentions here *187 we find it necessary to consider only his claim of former jeopardy.

The constitutional prohibition against "double jeopardy" was designed to protect an individual from being subjected to the hazards of trial and possible conviction more than once for an alleged offense. In his Commentaries, which greatly influenced the generation that adopted the Constitution, Blackstone recorded:

"... the plea of *autrefois acquit*, or a former acquittal, is grounded on this universal maxim of the common law of England, that no man is to be brought into jeopardy of his life more than once for the same offence."^[4]

Substantially the same view was taken by this Court in *Ex parte Lange*, 18 Wall., 163, at 169:

"The common law not only prohibited a second punishment for the same offence, but it went further and forbid a second trial for the same offence, whether the accused had suffered punishment or not, and whether in the former trial he had been acquitted or convicted."¹⁸⁹

188 The underlying idea, one that is deeply ingrained in at least the Anglo-American system of jurisprudence, is that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offense, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent he may be found guilty.

In accordance with this philosophy it has long been settled under the Fifth Amendment that a verdict of acquittal is final, ending a defendant's jeopardy, and even when "not followed by any judgment, is a bar to a subsequent prosecution for the same offence." United States v. Ball, 163 U. S. 662, 671. Thus it is one of the elemental principles of our criminal law that the Government cannot secure a new trial by means of an appeal even though an acquittal may appear to be erroneous. United States v. Ball, *supra*; Peters v. Hobby, 349 U. S. 331, 344-345. Cf. Kepler v. United States, 195 U. S. 100; United States v. Sengese, 144 U. S. 310.

Moreover it is not even essential that a verdict of guilt or innocence be returned for a defendant to have once been placed in jeopardy so as to bar a second trial on the same charge. The Court, as well as most others, has taken the position that a defendant is placed in jeopardy once he is put to trial before a jury so that if the jury is discharged without his consent he cannot be tried again. Wade v. Hunter, 336 U. S. 684; Kepler v. United States, 195 U. S. 100, 128. In general see American Law Institute, Administration of The Criminal Law: Double Jeopardy 61-72 (1935). This prevents a prosecutor or judge from subjecting a defendant to a second prosecution by discontinuing the trial when it appears that the jury might not convict. At the same time jeopardy is not regarded as having come to an end so as to bar a second trial in those cases where "unforeseeable circumstances . . . arise during [the first] trial making its completion impossible, such as the failure of a jury to agree on a verdict." Wade v. Hunter, 336 U. S. 684, 686-689.

189 "189 At common law a convicted person could not obtain a new trial by appeal except in certain narrow instances.¹⁸⁹ As this harsh rule was discarded courts and legislatures provided that if a defendant obtained the reversal of a conviction by his own appeal he could be tried again for the same offense.¹⁹¹ Most courts regarded the new trial as a second jeopardy but justified this on the ground that the appellant had "waived" his plea of former jeopardy by asking that the conviction be set aside.¹⁹¹ Other courts viewed the second trial as continuing the same jeopardy which had attached at the first trial by reasoning that jeopardy did not come to an end until the accused was acquitted or his conviction became final.¹⁹¹ But whatever the rationalization, this Court has also held that a defendant can be tried a second time for an offense when his prior conviction for that same offense had been set aside on appeal. United States v. Ball, 163 U. S. 662.

190 In this case, however, we have a much different question. At Green's first trial the jury was authorized to find him guilty of either first degree murder (killing while committing a felony) or, alternatively, of second degree murder (killing with malice aforethought).¹⁹¹ The jury found him guilty of second degree murder, but on his appeal that conviction was reversed and the case remanded for a new trial. At this new trial Green was tried again, not for second degree murder, but for first degree murder, even though the original jury had refused to find him guilty on that charge and it was in no way involved in his appeal.¹⁹¹ For the reasons stated hereafter, we conclude that this second trial for first degree murder placed Green in jeopardy twice for the same offense in violation of the Constitution.¹⁹²

191 Green was in direct peril of being convicted and punished for first degree murder at his first trial. He was forced to run the gamut once on that charge and the jury refused to convict him. When given the choice between finding him guilty of either first or second degree murder it chose the latter. In this situation the great majority of cases in this country have regarded the jury's verdict as an implicit acquittal on the charge of first degree murder.¹⁹³ But the result in this case need not rest alone on the assumption, which we believe legitimate, that the jury for one reason or another acquitted Green of murder in the first degree. For here, the jury was dismissed without returning any express verdict on that charge and without Green's consent. Yet it was given a full opportunity to return a verdict, and no extraordinary circumstances appeared which prevented it from doing so. Therefore it seems clear, under established principles of former jeopardy, that Green's jeopardy for first degree murder came to an end when the jury was discharged so that he could not be retried for that offense. Wade v. Hunter, 336 U. S. 684. In brief, we believe this case can be treated no differently, for purposes of former jeopardy, than if the jury had returned a verdict which expressly read: "We find the defendant not guilty of murder in the first degree but guilty of murder in the second degree."

After the original trial, but prior to his appeal, it is indisputable that Green could not have been tried again for first degree murder for the death resulting from the fire. A plea of former jeopardy would have absolutely barred a new prosecution even though it might have been convincingly demonstrated that the jury erred in failing to convict him of that offense. And even after appealing the conviction of second degree murder, he still could not have been tried a second time for first degree murder had his appeal been unsuccessful.

192 Nevertheless the Government contends that Green "waived" his constitutional defense of former jeopardy to a second prosecution on the first degree murder charge by making a successful appeal of his improper conviction of second degree murder. We cannot accept

this paradoxical contention. "Waiver" is a vague term used for a great variety of purposes, good and bad, in the law. In any normal sense, however, it connotes some kind of voluntary knowing relinquishment of a right. Cf. *Johnson v. Zerbst*, 304 U. S. 458. When a man has been convicted "192 of second degree murder and given a long term of imprisonment it is wholly fictional to say that he 'chooses' to forego his constitutional defense of former jeopardy on a charge of murder in the first degree in order to secure a reversal of an erroneous conviction of the lesser offense. In short, he has no meaningful choice. And as Mr. Justice Holmes observed, with regard to this same matter in *Kepner v. United States*, 195 U. S. 100, at 135: "Usually no such waiver is expressed or thought of. Moreover, it cannot be imagined that the law would deny to a prisoner the correction of a fatal error, unless he should waive other rights so important as to be saved by an express clause in the Constitution of the United States."

It is true that in *Kepner*, a case arising in the Philippine Islands under a statutory prohibition against double jeopardy, Mr. Justice Holmes dissented from the Court's holding that the Government could not appeal an acquittal in a criminal prosecution. He argued that there was only one continuing jeopardy until the "case" had finally been settled, appeal and all, without regard to how many times the defendant was tried, but that view was rejected by the Court. The position taken by the majority in *Kepner* is completely in accord with the deeply entrenched principle of our criminal law that once a person has been acquitted of an offense he cannot be prosecuted again on the same charge. This Court has uniformly adhered to that basic premise. For example, in *United States v. Ball*, 163 U. S. 662, 671, a unanimous Court held:

"The verdict of acquittal was final, and could not be reviewed, on error or otherwise, without putting (the defendant) twice in jeopardy; and thereby violating the Constitution."

And see *Peters v. Hobby*, 349 U. S. 331, 344-345; *United States v. Sanges*, 144 U. S. 310.

193 "193 Using reasoning which purports to be analogous to that expressed by Mr. Justice Holmes in *Kepner*, the Government alternatively argues that Green, by appealing, prolonged his original jeopardy so that when his conviction for second degree murder was reversed and the case remanded he could be tried again for first degree murder without placing him in new jeopardy. We believe this argument is also untenable. Whatever may be said for the notion of continuing jeopardy with regard to an offense when a defendant has been convicted of that offense and has secured reversal of the conviction by appeal, here Green was not convicted of first degree murder and that offense was not involved in his appeal. If Green had only appealed his conviction of arson and that conviction had been set aside surely no one would claim that he could have been tried a second time for first degree murder by reasoning that his initial jeopardy on that charge continued until every offense alleged in the indictment had been finally adjudicated.

Reduced to plain terms, the Government contends that in order to secure the reversal of an erroneous conviction of one offense, a defendant must surrender his valid defense of former jeopardy not only on that offense but also on a different offense for which he was not convicted and which was not involved in his appeal. Or stated in the terms of this case, he must be willing to barter his constitutional protection against a second prosecution for an offense punishable by death as the price of a successful appeal from an erroneous conviction of another offense for which he has been sentenced to five to twenty years' imprisonment. As the Court of Appeals said in its first opinion in this case, a defendant faced with such a "choice" takes a "desperate chance" in securing the reversal of the erroneous conviction. The law should not, and in our judgment does not, place the defendant in such an incredible dilemma. Conditioning an 194 appeal of one "194 offense on a coerced surrender of a valid plea of former jeopardy on another offense exacts a forfeiture in plain conflict with the constitutional bar against double jeopardy."¹⁴

The Government argues, however, that we should accept *Trono v. United States*, 199 U. S. 521, as a conclusive precedent against 195 Green's claim of former jeopardy.¹⁵ The *Trono* case arose in the Philippine Islands, "195 shortly after they had been annexed by the United States, under a statutory prohibition against double jeopardy. At that time a sharply divided Court took the view that not all constitutional guarantees were "applicable" in the insular possessions, particularly where the imposition of these guarantees would disrupt established customs. *Downes v. Bidwell*, 182 U. S. 244. In *Trono* the defendants had been charged with murder but were acquitted by the trial court which instead found them guilty of the lesser offense of assault. They appealed the assault conviction to the Philippine Supreme Court. That court, acting under peculiar local procedures modeled on pre-existing Spanish practices, which allowed it to review the facts and law and to substitute its findings for those of the trial judge, set aside their acquittal, found them guilty of murder and increased their sentences.

On review by this Court, Mr. Justice Peckham, writing for himself and three other Justices, took the position that by appealing the conviction for assault the defendants waived their plea of former jeopardy with regard to the charge of murder. He said:

"We do not agree to the view that the accused has the right to limit his waiver as to jeopardy, when he appeals from a judgment against him. As the judgment stands before he appeals, it is a complete bar to any further prosecution for the offense set forth in the indictment No power can wrest from him the right to so use that judgment, but if he chooses to appeal from it . . . he thereby waives, if successful, his right to avail himself of the former acquittal of the greater offense" 199 U. S., at 533.

- 196 *196 Mr. Justice Holmes refused to join the Peckham opinion but concurred in the result. Just the year before, in Kepner v. United States, 195 U. S. 100, 135, he had sharply denounced the notion of "waiver" as indefensible. There is nothing which indicates that his views had changed in the meantime. As pointed out above, he did dissent from the holding in Kepner—that the Government could not appeal an acquittal—on the ground that a new trial after an appeal by the Government was part of a continuing jeopardy rather than a second jeopardy. But that contention has been consistently rejected by this Court.

Chief Justice Fuller and Justices Harlan, White, and McKenna dissented in Trono. Mr. Justice McKenna wrote a dissent which was concurred in by Justices White and Harlan. During the course of this opinion he stated:

"It is, in effect, held that because the defendants . . . appealed and sought a review, as authorized by the statute, of the minor offense for which they were convicted, the United States was given the right to try them for the greater offense for which they were acquitted. . . . I think that the guarantees of constitutions and laws should not be so construed. . . . I submit that the State seeks no convictions except in legal ways, and because it does not [it affords means of review of erroneous rulings and judgments, and freely affords such means. It does not clog them with conditions or forfeit by their exercise great and constitutional rights.

"Here and there may be found a decision which supports the exposition of once in jeopardy expressed in the [Peckham] opinion. Opposed to it is the general consensus of opinion of American text books on criminal law and the overwhelming weight of American decided cases." 199 U. S. at 538-539, 540.

- 197 *197 We do not believe that Trono should be extended beyond its peculiar factual setting to control the present case. All that was before the Court in Trono was a statutory provision against double jeopardy pertaining to the Philippine Islands—a territory just recently conquered with long-established legal procedures that were alien to the common law.^[16] Even then it seems apparent that a majority of the Court was unable to agree on any common ground for the conclusion that an appeal of a lesser offense destroyed a defense of former jeopardy on a greater offense for which the defendant had already been acquitted. As a matter of fact, it appears that each of the rationalizations advanced to justify this result was rejected by a majority of the Court. As Mr. Justice Holmes, who concurred in the result, effectively demonstrated, the "waiver theory" is totally unsound and indefensible. On the other hand Mr. Justice Holmes' theory of continuing jeopardy has never outwardly been adhered to by any other Justice of this Court.^[17]
- 198 *198 We believe that if either of the rationales offered to support the Trono result were adopted here it would unduly impair the constitutional prohibition against double jeopardy. The right not to be placed in jeopardy more than once for the same offense is a vital safeguard in our society, one that was dearly won and one that should continue to be highly valued. If such great constitutional protections are given a narrow, grudging application they are deprived of much of their significance. We do not feel that Trono or any other decision by this Court compels us to forego the conclusion that the second trial of Green for first degree murder was contrary to both the letter and spirit of the Fifth Amendment.

Reversed.

MR. JUSTICE FRANKFURTER, whom MR. JUSTICE BURTON, MR. JUSTICE CLARK and MR. JUSTICE HARLAN join, dissenting.

On the basis of the following facts the Court has concluded that petitioner has twice been put in jeopardy of life in violation of the Fifth Amendment to the Constitution.^[1]

- Petitioner was tried under an indictment on two counts. The first count charged arson under D. C. Code, 1951, § 22-401. The second count charged murder in the first degree under D. C. Code, 1951, § 22-2401, in that in perpetrating the arson petitioner had caused the death of one Bertie Brown. In submitting the case to the jury under the second count, the trial court instructed on both first and second degree murder. The jury returned a verdict finding petitioner guilty of arson under the first count and of second degree murder under the second count; the verdict was silent on the charge of first degree murder. The court entered judgment on the verdict, and sentenced petitioner to terms of imprisonment of one to three years on the first count of the indictment and five to twenty years on the second count.

Petitioner appealed his conviction of second degree murder, contending that there was no evidence to support a verdict for that offense. The Court of Appeals sustained this claim. It reversed the conviction and ordered a new trial on the ground that, since there was no basis in the evidence for finding petitioner guilty of murder in the second degree, it was error to instruct the jury on that issue. 95 U. S. App. D. C. 45, 218 F. 2d 858.^[2] Petitioner was retried on the second count of the indictment, convicted of first degree murder, and sentenced to death. The Court of Appeals, the nine judges sitting en banc, affirmed this conviction, rejecting petitioner's contention that he had been put twice in jeopardy of his life in violation of the Federal Constitution, 98 U. S. App. D. C. 413, 238 F. 2d 708, Chief Judge Edgerton and Judges Bazelon and Fahy dissenting.

Since the prohibition in the Constitution against double jeopardy is derived from history, its significance and scope must be determined, "not simply by taking the words and a dictionary, but by considering [its] . . . origin and the line of [its] . . . growth." Gompers v. United States, 233 U.S. 604, 610.

- 200 *200 The origin of this constitutional protection is found in the common-law pleas of *autrefois acquit* and *autrefois convict*. In *Vaux's Case*, 4 Co. Rep. 44a, 45a, it was accepted as established that "the life of a man shall not be twice put in jeopardy for one and the same offence, and that is the reason and cause that *autrefois* acquitted or convicted of the same offence is a good plea" Likewise Blackstone stated that "the plea of *autrefois acquit*, or a former acquittal, is grounded on this universal maxim of the common law of England, that no man is to be brought into jeopardy of his life, more than once, for the same offence. And hence it is allowed as a consequence, that when a man is once fairly found not guilty upon any indictment, or other prosecution, before any court having competent jurisdiction of the offence, he may plead such acquittal in bar of any subsequent accusation for the same crime." 4 Bl. Comm. 335. To try again one who had been previously convicted or acquitted of the same offense was "abhorrent to the law of England." Regina v. Tancock, 13 Cox C. C. 217, 220; see The King v. Emden, 9 East 437, 445-447.

A principle so deeply rooted in the law of England, as an indispensable requirement of a civilized criminal procedure, was inevitably part of the legal tradition of the English Colonists in America. The Massachusetts Body of Liberties of 1641, an early compilation of principles drawn from the statutes and common law of England, declared that, "No man shall be twice sentenced by Civill Justice for one and the same Crime, offence, or Trespasse," and that "Everie Action betweene partie and partie, and proceedings against delinquents in Criminall causes shall be briefly and distinctly entered on the Rolles of every Court by the Recorder thereof. That such actions be not afterwards brought againe to the vexation of any man." Colonial Laws of Massachusetts 43, 47.

- 201 *201 Thus the First Congress, which proposed the Bill of Rights, came to its task with a tradition against double jeopardy founded both on ancient precedents in the English law and on legislation that had grown out of colonial experience and necessities. The need for the principle's general protection was undisputed, though its scope was not clearly defined. Fear of the power of the newly established Federal Government required "an explicit avowal in [the Constitution] . . . of some of the plainest and best established principles in relation to the rights of the citizens, and the rules of the common law." People v. Goodwin, 18 Johns. (N. Y.) 187, 202. Although many States in ratifying the Constitution had proposed amendments considered indispensable to secure the rights of the citizen against the Federal Government, New York alone proposed a prohibition against double jeopardy. This is not surprising in view of the fact that only in New Hampshire had the common-law principle been embodied in a constitutional provision. 2 Poore, Federal and State Constitutions, Colonial Charters and other Organic Laws (2d ed.), 1282. The bill of rights adopted by the New York convention, and transmitted to Congress with its ratification of the Constitution, included a declaration that, "no Person ought to be put twice in Jeopardy of Life or Limb for one and the same Offence, nor, unless in case of Impeachment, be punished more than once for the same Offence." Documents Illustrative of the Formation of the Union, H. R. Doc. No. 398, 69th Cong., 1st Sess. 1035. This declaration was doubtless before Madison when he drafted the constitutional amendments to be proposed to the States.

- 202 The terms in which Madison introduced into the House what became the specific provision that is our present concern were these: "No person shall be subject, except in cases of impeachment, to more than one punishment *202 or one trial for the same offence" 1 Annals of Cong. 434. Debate on this provision in the Committee of the Whole evidenced a concern that the language should express what the members understood to be the established common-law principle. There was fear that, as proposed by Madison, it might be taken to prohibit a second trial even when sought by a defendant who had been convicted. Representative Benson of New York objected to the provision because he presumed it was meant to express the established principle "that no man's life should be more than once put in jeopardy for the same offence; yet it was well known, that they were entitled to more than one trial." 1 Annals of Cong. 753. Others who spoke agreed that although of course there could be no second trial following an acquittal, the prohibition should not extend to a second trial when a conviction had been set aside. The provision as amended by the Senate, S. J., 1st Cong., 1st Sess. 77, and eventually ratified as part of the Fifth Amendment to the Constitution, was substantially in the language used by Representative Benson to express his understanding of the common law.

- The question that had concerned the House in debating Madison's proposal, the relation between the prohibition against double jeopardy and the power to order a new trial following conviction, was considered at length by Mr. Justice Story, on circuit, in United States v. Gibert, 25 Fed. Cas. 1287, 1294-1303 (1834). The defendants in that case had been found guilty of robbery on the high seas, a capital offense, and moved for a new trial. Mr. Justice Story, after full consideration of the English and American authorities, concluded that the court had no power to grant a new trial when the first trial had been duly had on a valid indictment before a court of competent jurisdiction. According to his view, the prohibition against double jeopardy applied equally whether the defendant *203 had been acquitted or convicted, and there was no exception for a case where the new trial was sought by the defendant for his own benefit. Earlier, Mr. Justice Story had himself taken a non-literal view of the constitutional provision in United States v. Perez, 9 Wheat. 579, where, writing for the Court, he found that discharge of a jury that had failed to agree was no bar to a second trial. See also 3 Story, Commentaries on The Constitution (1833), 659-660.

Story's conclusion that English law prohibited, except in rare instances, granting a new trial after conviction of a felony was undoubtedly

correct, see *The King v. Mawbey*, 6 T. R. 619, 638, and on occasion this result has been expressly made to depend on the maxim prohibiting double jeopardy. *The Queen v. Murphy*, 2 L. R. P. C. 535, 547-548; see *The Attorney-General v. Bertrand*, 1 L. R. P. C. 520, 531-534; but see *The Queen v. Scallie*, 17 Q. B. 239. To this day the Court of Criminal Appeals has ordinarily no power to order a new trial even after quashing a conviction on appeal by the defendant, Criminal Appeal Act, 7 Edw. VII, c. 23, s. 4 (2), and repeated efforts to secure this power for the court have met with the argument that a new trial would, at least in spirit, offend the principle that a defendant may not be put twice in jeopardy for the same offense. See 176 H. L. Deb. (5th ser. 1952) 759-763.

The old practice of the English courts, and the position taken by Mr. Justice Story, however, was generally rejected in the United States. The power to grant a new trial in the most serious cases appears to have been exercised by many American courts from an early date in spite of provisions against double jeopardy. *United States v. Fries*, 3 Dall. 515 (treason); see *People v. Morrison*, 1 Parker's Crim. Rep. (N. Y.) 625, 626-643 (rape). In *United States v. Keen*, 26 Fed. Cas. 686, 687-690, a decision rendered only five years after *United States v. Gilbert*, *supra*, Mr. Justice McLean, on circuit, vigorously rejected the view that the constitutional provision prohibited a new trial on the defendant's motion after a conviction, or that it "guarantees to him the right of being hung, to protect him from the danger of a second trial." See 26 Fed. Cas., at 690. Other federal courts that had occasion to consider the question also rejected Mr. Justice Story's position, see *United States v. Williams*, 28 Fed. Cas. 636, 641; *United States v. Harding*, 26 Fed. Cas. 131, 136-138, and statements by this Court cast serious doubt on its validity. See *Ex parte Lange*, 18 Wall. 163, 173-174, and Mr. Justice Clifford dissenting at 201-204. In *Hopt v. Utah*, 104 U. S. 631, 110 U. S. 574, 114 U. S. 489, 120 U. S. 430, the defendant was in fact retried three times following reversal of his convictions.

Finally, *United States v. Ball*, 163 U. S. 662-671, expressly rejected the view that the double jeopardy provision prevented a second trial when a conviction had been set aside. Two of the defendants in the case had been convicted of murder, and on writ of error the judgments were reversed with directions to quash the indictment. The same defendants were then convicted on a new indictment. In affirming these convictions the Court said, "It is quite clear that a defendant, who procures a judgment against him upon an indictment to be set aside, may be tried anew upon the same indictment, or upon another indictment, for the same offense of which he had been convicted." 163 U. S., at 672. On a literal reading of the constitutional provision, with an eye exclusively to the interests of the defendants, they had been "once in jeopardy," and were entitled to the benefit of a reversal of their convictions without the hazard of a new trial. The Court recognized, however, that such a wooden interpretation would distort the purposes of the constitutional provision to the prejudice of society's legitimate interest in convicting the guilty as much as, "205 in *United States v. Gilbert*, they had been distorted to the prejudice of the defendants. See also *Murphy v. Massachusetts*, 177 U. S. 155, 158-160.

The precise question now here first came before a federal court in *United States v. Harding*, 26 Fed. Cas. 131. There three defendants had been jointly indicted and tried for murder. One was convicted of murder and two of manslaughter, and all moved for a new trial. A new trial was ordered for the defendant convicted of murder, and as to the other two defendants the case was continued to allow them to decide whether they would take a new trial or abide by their convictions. Mr. Justice Grier warned these defendants:

"You ought clearly to understand and weigh well the position in which you now stand. You have been once tried and acquitted of the higher grade of offence charged against you in this indictment, the penalty affixed to which is death; but . . . you have escaped. . . . But let me now solemnly warn you to consider well the choice you shall make. Another jury instead of acquitting you altogether, may find you guilty of the whole indictment, and thus your lives may become forfeit to the law." 26 Fed. Cas., at 136.

In thus assuming that the defendants could be retried for the greater offense of murder without violating the prohibition against double jeopardy, Mr. Justice Grier evidently drew upon a familiar background and what he took to be established practice in the federal courts. To one versed in these traditions, the choice to which the defendants were put in abiding by their convictions or obtaining a new trial, on which the entire question of their guilt would be open to re-examination, seemed legally speaking a matter of course.

Not until *Trono v. United States*, 199 U. S. 521 (1905), more than fifty years after the *Harding* case, did the question "206 that had there been passed upon by Mr. Justice Grier first come before this Court. *Trono v. United States* came here from the Philippine Islands. The plaintiffs in error had been proceeded against in a court of first instance on a complaint accusing them of murder in the first degree. They were acquitted of this charge, but convicted of the included offense of assault. They appealed to the Supreme Court of the Philippines, and that court, exercising a jurisdiction similar to that conferred by Spanish law on the former Audience to review the whole case both on the facts and the law, reversed the judgment of the court of first instance, convicted the plaintiffs in error of the crime of "homicide," or murder in the second degree, and increased the punishment imposed by the court of first instance. The plaintiffs in error then sought review by this Court, claiming that the action of the Supreme Court of the Philippines had placed them twice in jeopardy in contravention of the declaration of rights contained in § 5 of the Act of July 1, 1902, for the Government of the Philippines. The provision in the statute relied on by the plaintiffs in error declared that, "no person for the same offense shall be twice put in jeopardy of punishment . . ." 32 Stat. 692. This language, it will be noted, is substantially identical with that in the Fifth Amendment to the Constitution, upon which petitioner in the present case relies. Its legal relation to the Fifth Amendment calls for later consideration.

207 This Court affirmed the judgment of the Supreme Court of the Philippines, holding that since the plaintiffs in error had appealed their convictions of the lower offense in order to secure a reversal, there was no bar to convicting them of the higher offense in proceedings in the appellate court that were tantamount to a new trial. After canvassing state and federal precedents, Mr. Justice Peckham concluded that, "the better doctrine is that *207 which does not limit the court or jury, upon a new trial, to a consideration of the question of guilt of the lower offense of which the accused was convicted on the first trial, but that the reversal of the judgment of conviction opens up the whole controversy and acts upon the original judgment as if it had never been." 189 U. S., at 533. It was pointed out that in permitting retrial for the greater offense the Court only applied the principle laid down in United States v. Ball, supra, and that the result was justified not only on the theory that the accused had "waived" their right not to be retried, but also on the ground that, "the constitutional provision was really never intended to, and, properly construed, does not cover, the case of a judgment under these circumstances, which has been annulled by the court at the request of the accused. . . ." 189 U. S., at 534.

208 The Court in *Trono* left no doubt that its decision did not turn on any surviving peculiarities of Spanish procedure, or on the fact that the plaintiffs in error relied on a statutory provision rather than on the Fifth Amendment itself. "We may regard the question as thus presented," stated Mr. Justice Peckham, "as the same as if it arose in one of the Federal courts in this country, where, upon an indictment for a greater offense, the jury had found the accused not guilty of that offense, but guilty of a lower one which was included in it, and upon an appeal from that judgment by the accused a new trial had been granted by the appellate court, and the question was whether, upon the new trial accorded, the accused could be again tried for the greater offense. . . ." 189 U. S., at 530. The dissenters did not dispute this view of the case, but on the contrary were concerned with the Court's holding precisely because of its constitutional implications. Mr. Justice Harlan adhered to the view he had taken in earlier cases that the Bill of Rights applied to the Islands, and Mr. Justice McKenna in the principal *208 dissent observed that, "Let it be remembered that we are dealing with a great right, I may even say a constitutional right, for the opinion of the court discusses the case as though it were from a Circuit Court of the United States." 189 U. S., at 539.

The scope and significance of the *Trono* case is underscored by the Court's decision in Kepner v. United States, 195 U. S. 100, rendered only a year before. That case also arose in the Philippine Islands. The plaintiff in error had been acquitted by the court of first instance of the offense with which he was charged. On appeal by the Government to the Supreme Court of the Islands, the judgment was reversed and the plaintiff in error convicted. In this Court both the Attorney General for the Philippines and the Solicitor General of the United States contended that § 5 of the Act of July 1, 1902, which included the same prohibition against double jeopardy involved in the *Trono* case, should be construed in the light of the system of law prevailing in the Philippines before they were ceded to the United States. Brief for the Attorney General of the Philippines, pp. 6-16, 29-38; Brief for the Solicitor General, pp. 34-44. Under that jurisprudence, proceedings in the Supreme Court, or Audience, were regarded not as a new trial but as an extension of preliminary proceedings in the court of first instance. The entire proceedings constituted one continuous trial, and the jeopardy that attached in the court of first instance did not terminate until final judgment had been rendered by the Audience.

209 The Court rejected the Government's contention and held that the proceedings after acquittal had placed the accused twice in jeopardy. Whatever the Spanish tradition, the purpose of Congress was "to carry some at least of the essential principles of American constitutional jurisprudence to these islands and to engraft them upon the law of this people, newly subject to our jurisdiction." *209 "This case does not . . . require determination of the question whether the jeopardy clause [of the Fifth Amendment] became the law of the Islands . . . without Congressional action, as the act of Congress made it the law of these possessions when the accused was tried and convicted." 195 U. S., at 121-122, 125. The Court also rejected the suggestion that the rights enumerated in the Act of Congress could have been used "in any other sense than that which has been placed upon them in construing the instrument from which they were taken. . . ." 195 U. S., at 124. Mr. Justice Holmes, dissenting, found the case "of great importance, not only in its immediate bearing upon the administration of justice in the Philippines, but, since the words used in the Act of Congress are also in the Constitution, even more because the decision necessarily will carry with it an interpretation of the latter instrument." 195 U. S., at 134.

The legislative history of the Philippine Bill of Rights, § 5 of the Act of July 1, 1902, made inevitable the Court's conclusion that by its enactment Congress extended to the Islands the double jeopardy provision of the Fifth Amendment, notwithstanding surviving Spanish procedures, so that the Court should construe the statute as it would the constitutional provision itself. President McKinley, in his famous instructions to the Philippine Commission, dated April 7, 1900, drawn by a leader of the American Bar, Secretary of War Elihu Root, had stated that

210 "the Commission should bear in mind, and the people of the Islands should be made plainly to understand, that there are certain great principles of government which have been made the basis of our governmental system, which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the experience possessed by us; that there are also certain practical rules of government which *210 we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their Islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar. It is evident that the most enlightened thought of the Philippine Islands fully appreciates the importance of these principles and rules, and they

will inevitably within a short time command universal assent. Upon every division and branch of the Government of the Philippines, therefore, must be imposed these inviolable rules:

"That no person shall be deprived of life, liberty, or property without due process of law; that private property shall not be taken for public use without just compensation; that in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense; that excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted; that no person shall be put twice in jeopardy for the same offense" 1 Public Laws of the Philippine Commission, p. LXVI.²¹¹

- 211 "211 As the Court pointed out, "These principles were not taken from the Spanish law; they were carefully collated from our own Constitution, and embody almost verbatim the safeguards of that instrument for the protection of life and liberty." 195 U. S., at 124. In the Act of July 1, 1902, Congress adopted, almost in the language of the President's instructions, the fundamental provisions he considered must be engrafted onto Philippine law, and the historical context in which Congress acted leaves no doubt that it was also actuated by the same purpose as the President, to extend to the Philippines "certain great principles of government which have been made the basis of our governmental system" 1 Public Laws of the Philippine Commission, p. LXVI. In the double jeopardy provision of § 5 Congress did not fashion a novel principle specially adapted to Philippine conditions and different from what was familiar to American constitutional "212 thought. On the contrary, it extended over those newly subject to our jurisdiction the specific command of the Fifth Amendment, as construed and developed in the decisions of this Court. The Court in the *Kepner* and *Trono* cases, therefore, following the statutory language itself, emphasized by its legislative history, construed the double jeopardy provision of § 5 as though it were construing the same provision in the United States Constitution. See also *Weems v. United States*, 217 U. S. 349, 367-368. The background of these decisions, and the expressed understanding of the Court on the nature and scope of the provision construed, make them direct authority in all cases arising under the double jeopardy provision of the Fifth Amendment.

The decision in *Trono* was emphatically a decision of the Court. Although Mr. Justice Holmes concurred in the result only, and not in the opinion of Mr. Justice Peckham, there can be no doubt of where he stood. He had dissented in the *Kepner* case on the ground that trial and retrial constituted one procedure entailing one continuous jeopardy, and that there could be no second jeopardy until a conviction or acquittal free from legal error had been obtained. He was dissatisfied with the opinion of Mr. Justice Peckham in the *Trono* case, therefore, not remotely because it upheld the accused's conviction of the greater offense, but because it did not go further and adopt the continuing jeopardy theory Mr. Justice Holmes had espoused in the *Kepner* case. If there was no double jeopardy for him when the Government appealed an acquittal, obviously there was none when the defendant appealed a conviction. Indeed, in *Kepner* he explicitly stated that he considered state cases that held the defendant could not be retried for the greater offense to be wrong.

- 213 Many statements by this Court since *Trono* show that the principle of that case cannot in all good conscience "213 be rested on the criminal procedure of the Philippine Islands, but on a construction of the Fifth Amendment itself, and as such binding on the entire federal judiciary. In *Burton v. United States*, 202 U. S. 344, 378, a case arising in the continental United States, the Court referred to the principle established by the *Trono* decision without any suggestion that it was confined to cases arising in the Philippines. In *Brantley v. Georgia*, 217 U. S. 284, the defendant was convicted of manslaughter under an indictment for murder. On appeal to the State Court of Appeals, the conviction was reversed and the defendant retried and convicted of murder. Although the case concerned the Due Process Clause, the Court comprehensively stated that this "was not a case of twice in jeopardy under any view of the Constitution of the United States." 217 U. S., at 285.

Of special relevance is *Stroud v. United States*, 251 U. S. 15, 17-18. In that case the defendant was indicted for murder, and the jury returned a verdict of "guilty as charged in the indictment without capital punishment." The judgment was reversed and a new trial had on which the defendant was again found guilty of murder, but without a recommendation against capital punishment. He was then sentenced to death. This Court expressly relied on *Trono* in affirming the judgment and rejecting the contention that the imposition of a greater punishment had placed the defendant twice in jeopardy. As a practical matter, and on any basis of human values, it is scarcely possible to distinguish a case in which the defendant is convicted of a greater offense from one in which he is convicted of an offense that has the same name as that of which he was previously convicted but carries a significantly different punishment, namely death rather than imprisonment.

- 214 Whatever formal disclaimers may be made, neither *Trono* itself nor the reliance placed upon it for more than "214 half a century permits any other conclusion than that the Court today overrules that decision. It does so, furthermore, in a case where the defendant's position is far less persuasive than it was in *Trono*. There the plaintiffs in error had been expressly acquitted of the greater offense, whereas in the present case petitioner relies on an "implied acquittal" based on his conviction of the lesser offense of second degree murder and the jury's silence on the greater offense. Surely the silence of the jury is not, contrary to the Court's suggestion, to be interpreted as an express finding that the defendant is not guilty of the greater offense. All that can with confidence be said is that the jury was in fact silent. Every trial lawyer and every trial judge knows that jury verdicts are not logical products, and are due to considerations that

preclude accurate guessing or logical deduction. Insofar as state cases speak of the jury's silence as an "acquittal," they give a fictional description of a legal result: that when a defendant is found guilty of a lesser offense under an indictment charging a more serious one, and he is content to accept this conviction, the State may not again prosecute him for the greater offense. A very different situation is presented, with considerations persuasive of a different legal result, when the defendant is not content with his conviction, but appeals and obtains a reversal. Due regard for these additional considerations is not met by stating, as though it were a self-evident proposition, that the jury's silence has, for all purposes, "acquitted" the defendant.

Moreover, the error of the District Court, which was the basis for petitioner's appeal from his first conviction, was of a kind peculiarly likely to raise doubts that the jury on the first trial had made a considered determination of petitioner's innocence of first degree murder. By instructing on second degree murder when the evidence did not warrant a finding of such an offense, the court "215 gave the jury an opportunity for compromise and lenity that should not have been available. The fact of the matter is that by finding petitioner guilty of arson under count one of the indictment, and of second degree murder under count two, the jury found him guilty of all the elements necessary to convict him of the first degree felony murder with which he was charged, but the judge's erroneous instruction permitted the jury, for its own undisclosed reason, to render an irrational verdict.

We should not be so unmindful, even when constitutional questions are involved, of the principle of *stare decisis*, by whose circumspect observance the wisdom of this Court as an institution transcending the moment can alone be brought to bear on the difficult problems that confront us. The question in the present case is effectively indistinguishable from that in *Trono*. Furthermore, we are not here called upon to weigh considerations generated by changing concepts as to minimum standards of fairness, which interpretation of the Due Process Clause inevitably requires. Instead, the defense of double jeopardy is involved, whose contours are the product of history. In this situation the passage of time is not enough, and the conviction borne to the mind of the rightness of an overturning decision must surely be of a highly compelling quality to justify overruling a well-established precedent when we are presented with no considerations fairly deemed to have been wanting to those who preceded us. Whatever might have been the allowable result if the question of retrying a defendant for the greater offense were here for the first time, to fashion a policy *in favorem vitae*, it is foreclosed by the decision in *Tong v. United States*.

Even if the question were here for the first time, we would not be justified in erecting the holding of the present case as a constitutional rule. Yet the opinion of the Court treats the question, not as one within "216 our supervisory jurisdiction over federal criminal procedure, but as a question answered by the Fifth Amendment itself, and which therefore even Congress cannot undertake to affect.

Such an approach misconceives the purposes of the double jeopardy provision, and without warrant from the Constitution makes an absolute of the interests of the accused in disregard of the interests of society. In *Palko v. Connecticut*, 302 U. S. 319, we held that a State could permit the prosecution to appeal a conviction of second degree murder and on retrial secure a conviction of first degree murder without violating any "fundamental principles of liberty and justice." Since the State's interest in obtaining a trial "free from the corrosion of substantial legal error" was sufficient to sustain the conviction of the greater offense after an appeal by the State, it would of course sustain such a conviction if the defendant had himself appealed. Although this case defined conduct permissible under the Due Process Clause of the Fourteenth Amendment, it cannot wisely be ignored in tracing the constitutional limits imposed on the Federal Government. Nor should we ignore the fact that a substantial body of opinion in the States permits what today the Court condemns as violative of a "vital safeguard in our society."¹⁴ The Court restricts Congress within limits "217 that in the experience of many jurisdictions are not a part of the protection against double jeopardy or required by its underlying purpose, and have not been imposed "218 upon the States in the exercise of their governmental powers.

Undeniably the framers of the Bill of Rights were concerned to protect defendants from oppression and from "219 efforts to secure, through the callousness of repeated prosecutions, convictions for whose justice no man could vouch. On the other hand, they were also aware of the countervailing interest in the vindication of criminal justice, which sets outer limits to the protections for those accused of crimes. Thus if a defendant appeals his conviction and obtains a reversal, all agree, certainly in this country, that he may be retried for the same offense. The reason is, obviously, not that the defendant has consented to the second trial—he would much prefer that the conviction be set aside and no further proceedings had—but that the continuation of the proceedings by an appeal, together with the reversal of the conviction, are sufficient to permit a re-examination of the issue of the defendant's guilt without doing violence to the purposes behind the Double Jeopardy Clause. The balance represented by that clause leaves free another appeal to law. Since the propriety of the original proceedings has been called in question by the defendant, a complete re-examination of the issues in dispute is appropriate and not unjust. In the circumstances of the present case, likewise, the reversal of petitioner's conviction was a sufficient reason to justify a complete new trial in order that both parties might have one free from errors claimed to be prejudicial. As Mr. Justice Peckham pointed out in *Trono*, "the constitutional provision was really never intended to, and, properly construed, does not cover, the case of a judgment under these circumstances, which has been annulled by the court at the request of the accused . . ." 199 U. S., at 534.

I would affirm the judgment.

FOOT NOTE:

[1] D. C. Code, 1951, § 22-401.

[2] D. C. Code, 1951, § 22-2401. "Whoever, being of sound memory and discretion . . . without purpose so to do kills another in perpetrating or in attempting to perpetrate any arson, as defined in section 22-401 . . . is guilty of murder in the first degree."

Section 22-2404 provides that the "punishment of murder in the first degree shall be death by electrocution."

[3] D. C. Code, 1951, § 22-2403. "Whoever with malice aforethought except as provided in [§] 22-2401 . . . kills another, is guilty of murder in the second degree."

§ 22-2404. "The punishment of murder in the second degree shall be imprisonment for life, or for not less than twenty years."

[4] Blackstone's Commentaries 335.

[5] And see United States v. Ball, 163 U. S. 662, 669.

"The prohibition is not against being twice punished, but against being twice put in jeopardy, and the accused, whether convicted or acquitted, is equally put in jeopardy at the first trial."

[6] See 1 Stephen, History of the Criminal Law of England, c. x; United States v. Gilbert, 25 Fed. Cas. 1287.

[7] Under English law the appellate court has no power to order a new trial after any appeal except in certain cases where the first trial was a complete "nullity," as for example when the trial court was without jurisdiction over the person or subject matter. See 4 Stephen, Commentaries on the Laws of England (21st ed. 1950), 284. The English appellate court does have power to substitute a finding of guilt of a lesser offense if the evidence warrants, but it cannot find the defendant guilty of an offense for which he was acquitted or increase his sentence. See 10 Halsbury, Laws of England (Simonds ed. 1955), 539-541, and the cases cited there.

[8] See, e. g., Brewster v. Swope, 180 F. 2d 984; State v. McCord, 8 Kan. 232, 12 Am. Rep. 468; Cross v. Commonwealth, 195 Va. 62, 77 S. E. 2d 447; Smith v. State, 196 Wis. 102, 219 N. W. 270.

[9] See, e. g., State v. Aus, 105 Mont. 82, 89 P. 2d 584. Cf. Griffin v. Illinois, 351 U. S. 12, 18.

[10] In substance the situation was the same as though Green had been charged with these different offenses in separate but alternative counts of the indictment. The constitutional issues at stake here should not turn on the fact that both offenses were charged to the jury under one count.

[11] It should be noted that Green's claim of former jeopardy is not based on his previous conviction for second degree murder but instead on the original jury's refusal to convict him of first degree murder.

[12] Many of the state courts which have considered the problem have concluded that under circumstances similar to those of this case a defendant cannot be tried a second time for first degree murder. Other state cases take a contrary position. In general see the Annotations at 59 A. L. R. 1160, 22 L. R. A. (N. S.) 959, and 5 L. R. A. (N. S.) 571. Of course, many of the state decisions rest on local constitutional or statutory provisions.

[13] See cases collected in the Annotations cited in n. 12, *supra*, and the Annotation at 114 A. L. R. 1408.

[14] The suggestion is made that under the District Code second degree murder is not an offense included in a charge of first degree murder for causing a death in the course of perpetrating a felony (commonly referred to as "felony murder") because it involves elements different from those necessary to establish the felony murder, and that therefore Green could not legally have been convicted of second degree murder under the indictment. We fail to comprehend how this suggestion aids the Government. In the first place, the District of Columbia Court of Appeals has expressly held that second degree murder is a lesser offense which can be proved under a charge of felony murder. Goodall v. United States, 86 U. S. App. D. C. 145, 180 F. 2d 397; Green v. United States, 95 U. S. App. D. C. 45, 218 F. 2d 856. Even more important, Green's plea of former jeopardy does not rest on his conviction for second degree murder but instead on the first jury's refusal to find him guilty of felony murder.

It is immaterial whether second degree murder is a lesser offense included in a charge of felony murder or not. The vital thing is that it is a distinct and different offense. If anything, the fact that it cannot be classified as "a lesser included offense" under the charge of felony murder buttresses our conclusion that Green was unconstitutionally twice placed in jeopardy. American courts have held with uniformity that where a defendant is charged with two offenses, neither of which is a lesser offense included within the other, and has been found guilty on one but not on the second he cannot be tried again on the second even though he secures reversal of the conviction and even though the two offenses are related offenses charged in the same indictment. See, e. g., Annotation, 114 A. L. R. 1408.

[15] With the exception of Trono, the Government appears to concede in its brief, pp. 38-39, that the double jeopardy problem raised in this case has not been squarely before this Court. Palko v. Connecticut, 302 U. S. 319, Brantley v. Georgia, 217 U. S. 284, and King v. Mississippi, 107 U. S. 221, are not controlling here since they involved trials in state courts. Stroud v. United States, 251 U. S. 15, is clearly distinguishable. In that case a defendant was retried for first degree murder after he had successfully asked an appellate court to set aside a prior conviction for that same offense.

[16] In the course of his opinion Mr. Justice Peckham made some general observations to the effect that he regarded the statutory provision as having the same effect as the Fifth Amendment. Those remarks were not essential to the decision so that even if they had been accepted by the full Court they would not be conclusive in this case where the interpretation of the Fifth Amendment is necessarily decisive. Cf. Cohens v. Virginia, 6 Wheat. 264, 399; Humphrey's Executor v. United States, 295 U. S. 602, 626-627.

[17] Mr. Justice White and Mr. Justice McKenna who dissented with Mr. Justice Holmes in Kepner refused to agree with the Court in Trono. In his dissent in the latter case Mr. Justice McKenna attributed his vote in Kepner to the fact that the Philippine Islands had a system of jurisprudence which was totally

different from ours in that it provided no trial by jury and traditionally had permitted appellate courts to review both the law and the facts in criminal cases and to substitute their findings for those made by the trial judge. Justice Peckham, in his opinion, also recognized the peculiar nature of these Philippine procedures.

[1] "nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb"

[2] In reversing petitioner's conviction the court observed that: "In seeking a new trial at which—if the evidence is substantially as before—the jury will have no choice except to find him guilty of first degree murder or to acquit him, Green is manifestly taking a desperate chance. He may suffer the death penalty. At oral argument we inquired of his counsel whether Green clearly understood the possible consequence of success on this appeal, and were told the appellant, who is 54 years of age, says he prefers death to spending the rest of his life in prison. He is entitled to a new trial." 85 U. S. App. D. C. 45, 48, 218 F. 2d 858, 859.

[3] These instructions were drawn up for the guidance of the Commission headed by William Howard Taft. In 1912, W. Cameron Forbes, then Governor General of the Philippines, asked Taft "what the history of the formation of the Philippine policy was, who it was that had written the instructions by President McKinley to the Taft Commission. He informed me that this was the work of Secretary Root, who wrote the letter of instructions, after which he had read them over to him (Judge Taft) and other members of his Commission, and that some suggestions and modifications were made but that the main work was intact." 1 Forbes, *The Philippine Islands*, 130, n. 2. In an address in 1913, Taft stated that the instructions "had a conspicuous place in the history of our relations to the Philippines, and a Congressional indorsement, given to but few documents in the whole history of our country. It secured to the Philippine people all the guarantees of our Bill of Rights except trial by jury and the right to bear arms. It was issued by President McKinley as commander-in-chief of the Army and Navy in the exercise of a power which Congress was glad to leave to him without intervention for four years. He had thus the absolute control of what should be done in the way of establishing government in the Philippine Islands, and this letter to Mr. Root was the fundamental law of a civil government established under military authority. Subsequently, in 1902, when Congress assumed responsibility, it formally adopted and expressly ratified this letter of instructions, and declared that it, as supplemented by the remaining provisions of the statute, should be the Constitution of the Government of the Philippine Islands, and the charter of the liberties of the Filipino people." 2 Forbes, *The Philippine Islands*, 500.

[4] Of the 36 States that have considered the question, 19 permit retrial for the greater offense:

Colorado.—See Young v. People, 54 Colo. 283, 298-307.

Connecticut.—See Stam v. Lee, 65 Conn. 265, 271-278; State v. Paiko, 122 Conn. 529, 538-539, 541, *aff'd* 302 U. S. 319.

Georgia.—Brantley v. State, 132 Ga. 573, 574-579, *aff'd* 217 U. S. 284; Perdue v. State, 134 Ga. 300, 302-303.

Indiana.—See Ex parte Bradley, 48 Ind. 548, 549-558; State ex rel. Lopez v. Killigrew, 202 Ind. 397, 403-406.

Kansas.—State v. McCord, 8 Kan. 232, 240-244; see In re Christensen, 166 Kan. 671, 675-677.

Kentucky.—Hoskins v. Commonwealth, 152 Ky. 805, 807-808.

Mississippi.—Jones v. State, 144 Miss. 52, 60-73, motion for leave to proceed *in forma pauperis* denied for want of substantial federal question, 273 U. S. 639 (citing Trono v. United States); Butler v. State, 177 Miss. 91, 100.

Missouri.—See State v. Simms, 71 Mo. 538, 540-541; State v. Stallings, 334 Mo. 1, 5.

Nebraska.—Bohannon v. State, 18 Neb. 57, 58-77, submission of cause set aside because of escape of plaintiff in error, 125 U. S. 692; McComber v. State, 137 Neb. 882, 896.

Nevada.—In re Somers, 31 Nev. 531, 532-539; see State v. Teeter, 65 Nev. 584, 610.

New Jersey.—See State v. Leo, 34 N. J. L. J. 340, 341-342, 358.

New York.—People v. Palmer, 109 N. Y. 413, 415-420; People v. McGrath, 202 N. Y. 445, 450-451.

North Carolina.—State v. Cornell, 229 N. C. 640, 641-642; see State v. Matthews, 142 N. C. 621, 622-623.

Ohio.—State v. Behimer, 20 Ohio St. 572, 576-582; State v. Robinson, 100 Ohio App. 466, 470-472.

Oklahoma.—Watson v. State, 26 Okla. Cr. 377, 379-390; see Pierce v. State, 36 Okla. Cr. 78, 79.

South Carolina.—See State v. Gills, 73 S. C. 318, 319-324; State v. Steadman, 216 G. C. 579, 588-592.

Utah.—State v. Kessler, 15 Utah 142, 144-147.

Vermont.—See State v. Bradley, 67 Vt. 465, 472-474; State v. Plantato, 79 Vt. 236, 245-247.

Washington.—State v. Ash, 68 Wash. 194, 197-203; State v. Hatt, 187 Wash. 226, 236.

In eight of these States, Indiana, Kansas, Kentucky, Nevada, New York, Ohio, Oklahoma, and Utah, this result is based to some extent on statutes defining the effect of granting a new trial. In four, Colorado, Georgia, Mississippi and Missouri, on special constitutional provisions that permit retrial for the greater offense. Connecticut, North Carolina, and Vermont have no constitutional provisions as to double jeopardy, but recognize the common-law prohibition.

In 17 States the defendant cannot be retried for the greater offense:

Alabama.—See Thomas v. State, 255 Ala. 632, 635-636.

Arkansas.—Johnson v. State, 29 Ark. 31, 32-46; see Heam v. State, 212 Ark. 360, 361.

California.—People v. Gilmore, 4 Cal. 376; People v. Gordon, 89 Cal. 227, 228-232; In re Hess, 45 Cal. 2d 171, 175-176; but see People v. Keeler, 85 Cal. 232, 234-235; People v. McNeer, 14 Cal. App. 2d 22, 30; In re Moore, 29 Cal. App. 2d 56.

Delaware.—See State v. Naylor, 28 Del. 99, 114-115, 117.

Florida.—State ex rel. Landis v. Lewis, 118 Fla. 910, 911-916; see McLeod v. State, 128 Fla. 35, 37; Simmons v. State, 156 Fla. 353, 354.

Illinois.—Brennan v. People, 15 Ill. 511, 517-519; People v. Newman, 360 Ill. 226, 232-233.

Iowa.—State v. Zwick, 11 Iowa 350, 353-358; State v. Coleman, 226 Iowa 908, 976.

Louisiana.—State v. Harville, 171 La. 256, 258-262.

Michigan.—People v. Farrell, 148 Mich. 264, 268, 269, 272-273, 284; People v. Gessinger, 236 Mich. 825, 827-829.

New Mexico.—State v. Welch, 37 N. M. 548, 559; State v. White, 81 N. M. 109, 113.

Oregon.—State v. Steeves, 29 Ore. 85, 107-111; State v. Wilson, 172 Ore. 373, 382.

Pennsylvania.—Commonwealth v. Delrick, 221 Pa. 7, 17-18; Commonwealth v. Flax, 331 Pa. 145, 157-158.

Tennessee.—See Slaughter v. State, 6 Humph. 410, 413-415; Reagan v. State, 155 Tenn. 397, 400-402.

Texas.—Jones v. State, 13 Tex. 168, 184-185; Brown v. State, 99 Tex. Cr. R. 19, 21-22; but see Hill v. State, 126 Tex. Cr. R. 78, 80-81; Archer v. State, 136 Tex. Cr. R. 219, 220-221; Beckham v. State, 141 Tex. Cr. R. 438, 442; Hall v. State, 145 Tex. Cr. R. 192, 194; Ex Parte Byrd, 157 Tex. Cr. R. 595, 597-598.

Virginia.—Stuart v. Commonwealth, 28 Gratt. 950, 953-964; see Taylor v. Commonwealth, 168 Va. 587, 589-590, 592.

West Virgin.—See State v. Franklin, 139 W. Va. 43, 64.

Wisconsin.—Riegel v. State, 152 Wis. 503, 511-513; but see State v. B, 173 Wis. 608, 616-628; State v. Witte, 243 Wis. 423, 427-431; State v. Evis, 254 Wis. 581, 586-592.

In two of these States, Virginia and Texas, the result is based to some extent on statutes prohibiting retrial for the greater offense, and in New Mexico on a constitutional provision to the same effect.

Save trees - read court opinions online on Google Scholar.

EXHIBIT

N

COPY OF CASE LAW MERITS
SANTABRITA VS. UNITED STATES

98 S. CT 2170

437 U.S. 54 (1978)

SANABRIA
v.
UNITED STATES.

No. 76-1040.

Supreme Court of United States.

Argued November 8, 1977.

Decided June 14, 1978.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT.

*56 *Francis J. DiMento* argued the cause and filed briefs for petitioner.

Frank H. Easterbrook argued the cause for the United States *pro hac vice*. With him on the brief were *Solicitor General McCree*, *Assistant Attorney General Civiletti*, and *Sidney M. Glazer*.

MR. JUSTICE MARSHALL delivered the opinion of the Court.^[1]

The issue presented is whether the United States may appeal in a criminal case from a midtrial ruling resulting in the exclusion of certain evidence and from a subsequently entered judgment of acquittal. Resolution of this issue depends on the application of the Double Jeopardy Clause of the Fifth Amendment to the somewhat unusual facts of this case.

I

Petitioner was indicted, along with several others, for violating 18 U.S. C. § 1955 (1976 ed.), which makes it a federal offense to conduct, finance, manage, supervise, direct, or own all or part of an "illegal gambling business." § 1955 (a). Such a business is defined as one that is conducted by five or more persons in violation of the law of the place where the business is located and that operates for at least 30 days or earns at least \$2,000 in any one day. § 1955 (b) (1).^[1] The *57 single-count indictment here charged in relevant part that the defendants' gambling business involved "accepting, recording and registering bets and wagers on a parimutual [*sic*] number pool and on the result of a trial and contest of skill, speed, and endurance of beast," and that the business "was a violation of the laws of the Commonwealth of Massachusetts, to wit, M. G. L. A. Chapter 271, Section 17."^[2]

The Government's evidence at trial showed the defendants to have been engaged primarily in horse betting and numbers betting. At the close of the Government's case, petitioner's counsel, who represented 8 of the 11 defendants, moved for a judgment of acquittal as to all of his clients. Joined by counsel for other defendants, he argued, *inter alia*, that the *58 Government had failed to prove that there was a violation of the state statutory section as alleged in the indictment, since Mass. Gen. Laws Ann., ch. 271, § 17 (West 1970), as construed by the state courts, did not prohibit numbers betting but applied only to betting on "games of competition" such as horse races. The Government responded

that "violation of the State law is a jurisdictional element of [the federal] statute" and that "not every [defendant] must be found to be violating this State law." The District Court accepted the Government's theory and denied the defendants' motion, stating that "a defendant to be convicted must [only] be found to have joined in [the illegal] enterprise in some way."

Petitioner's counsel then sought clarification of whether "the numbers pool allegation [was] still in the case." The court indicated that it was, because counsel had not presented any state-court authority for the proposition that § 17 did not include numbers betting. The court also expressed the view, however, that if petitioner's counsel were correct, "we would have to exclude . . . all of the evidence that has to do with bets o[n] numbers." The Government demurred, arguing that exclusion of the numbers evidence would "not necessarily follow" from acceptance of petitioner's theory.^[3] Taking his lead from the court, petitioner's counsel next moved "to strike or limit the evidence." The motion was denied.

After the defendants had rested, the trial judge announced that he was reversing his earlier ruling on the motion to exclude evidence, because he had discovered a Massachusetts *59 case holding that numbers betting was not prohibited by § 17, but only by § 7 of ch. 271.^[4] The court then struck all evidence of numbers betting, apparently because it believed such action to be required by the indictment's failure to set forth the proper section.^[5]

At this point counsel moved for a judgment of acquittal as to petitioner alone, arguing that there was no evidence of his connection with horse-betting activities. The Government did not disagree that the evidence was insufficient to show petitioner's involvement with a horse-betting operation, but repeated its earlier argument relating to the "jurisdictional" nature of the state-law violation. The court rejected this contention, stating that the offense had "to be established in the terms that you [the Government] charged it, which was as a violation of § 17" and that petitioner had to be "connected with this operation, and by that I mean a horse operation." The court concluded: "I don't think you've done it." It then granted petitioner's motion for a judgment of acquittal^[6] and entered an order embodying this ruling later that day.^[7]

The next day the Government moved the court to reconsider both "its ruling . . . striking . . . evidence concerning the operation of an illegal . . . numbers pool" and "its decision granting defendant Thomas Sanabria's motion for judgement *60 [sic] of acquittal."^[8] Prompted by the Government's arguments in support of reconsideration, the court asked defense counsel why he had not raised the objection to the indictment's citation of § 17 earlier and what prejudice resulted to petitioner from the failure to cite the proper section. Counsel responded that the objection had not "ripened" until, at the end of the Government's case, the court was asked to take judicial notice of § 17, and that he need not and did not allege actual prejudice. The court denied the motions to reconsider, but indicated that, had it granted the motion to restore the numbers evidence, it also would have vacated the judgment of acquittal.^[9] The case against the remaining 10 defendants went to the jury on a theory that the gambling business was engaged in horse betting; all were convicted.

The Government filed a timely appeal "from [the] decision *61 and order . . . excluding evidence and entering a judgment of acquittal . . . and . . . denying the Motion for Reconsideration." Conceding that there could be no review of the District Court's ruling that there was insufficient evidence of petitioner's involvement with horse betting, the Government sought a new trial on the portion of the indictment relating to numbers betting.

The Court of Appeals for the First Circuit held first that it had jurisdiction of the appeal. Although the jurisdictional statute, 18 U.S.C. § 3731 (1976 ed.), by its terms authorizes the Government to appeal only from orders "dismissing an indictment . . . as to any one or more counts."^[10] the word "count" was "interpret[ed] . . . to refer to any discrete basis for the imposition of criminal liability." 548 F.2d 1, 5 (1976). Viewing the horse-betting and numbers allegations as "discrete bas[es] of criminal liability" duplicitously joined in a single count, the court characterized the District Court's action as a "dismissal" of the numbers "charge" and an acquittal for insufficient evidence on the horse-betting charge. *Id.*, at 4-5, and n. 4. It concluded that § 3731 authorized an appeal from the "dismissal" of the numbers charge, "if the double jeopardy clause does not bar a future prosecution on this charge." 548 F.2d, at 5.

Consistent with its above analysis, the court found that petitioner had voluntarily terminated the proceedings on the numbers portion of the count by moving, in effect, to dismiss it. Since the "dismissal" imported no ruling on petitioner's *62 "criminal liability as such," and since petitioner's motion was not attributable to "prosecutorial or judicial overreaching," the court applied the rule permitting retrials after a prosecution is terminated by a defendant's request for a mistrial. *Id.*, at 7-8, citing *United States v. Dinitz*, 424 U.S. 600 (1976). There being no double jeopardy bar to a new trial, the court went on to resolve the merits of the appeal in the Government's favor. It held, based on an intervening First Circuit decision,^[11] that the District Court had erred in "dismissing" the numbers theory. Accordingly, the judgment of acquittal was "vacated" and the case "remanded so that the government may try defendant on that portion of the indictment that charges a violation of § 1955 based upon numbering [*sic*] activities." 548 F.2d, at 8.

We granted certiorari, 433 U.S. 907 (1977),^[12] limiting our review to the related issues of appealability and double jeopardy.^[13] We now reverse.

*63 II

In *United States v. Wilson*, 420 U.S. 332 (1975), we found that the primary purpose of the Double Jeopardy Clause was to prevent successive trials, and not Government appeals *per se*. Thus we held that, where an indictment is dismissed *after* a guilty verdict is rendered, the Double Jeopardy Clause did not bar an appeal since the verdict could simply be reinstated without a new trial if the Government were successful.^[14] That a new trial will follow upon a Government appeal does not necessarily forbid it, however, because in limited circumstances a second trial on the same offense is constitutionally permissible.^[15] Appealability in this case therefore turns on whether the new trial ordered by the court below would violate the command of the Fifth Amendment that no "person [shall] be subject for the same offence to be twice put in jeopardy of life or limb."^[16]

*64 In deciding whether a second trial is permissible here, we must immediately confront the fact that petitioner was acquitted on the indictment. That "[a] verdict of acquittal . . . [may] not be reviewed . . . without putting [the defendant] twice in jeopardy, and thereby violating the Constitution," has recently been described as "the most fundamental rule in the history of double jeopardy jurisprudence." *United States v. Martin Linen Supply Co.*, 430 U.S. 564, 571 (1977), quoting *United States v. Ball*, 163 U.S. 662, 671 (1896). The fundamental nature of this rule is manifested by its explicit extension to situations where an acquittal is "based upon an egregiously erroneous foundation." *Fong Foo v. United States*, 369 U.S. 141, 143 (1962); see *Green v. United States*, 355 U.S. 184, 188 (1957). In *Fong Foo* the Court of Appeals held that the District Court had erred in

various rulings and lacked power to direct a verdict of acquittal before the Government rested its case.^[17] We accepted the Court of Appeals' holding that the District Court had erred, but nevertheless found that the Double Jeopardy Clause was "violated when the Court of Appeals set aside the judgment of acquittal and directed that petitioners be tried again for the same offense." 369 U. S., at 143. Thus when a defendant has been acquitted at trial he may not be retried on the same offense, even if the legal rulings underlying the acquittal were erroneous.

The Government does not take issue with these basic principles. Indeed, it concedes that the acquittal for insufficient evidence on what it refers to as the horse-betting theory of liability is unreviewable and bars a second trial on that charge.^[18] The disputed question, however, is whether a retrial *65 on the numbers theory of liability would be on the "same offense" as that on which petitioner has been acquitted.

The Government contends, in accordance with the reasoning of the Court of Appeals, that the numbers theory was dismissed from the count before the judgment of acquittal was entered and therefore that petitioner was not acquitted of the numbers theory. Petitioner responds that the District Court did not "dismiss" anything but rather struck evidence and acquitted petitioner on the entire count; further, assuming *arguendo* that there was a "dismissal" of the numbers theory, he urges that a retrial on this theory would nevertheless be barred as a second trial on the same statutory offense. We first consider whether the Court of Appeals correctly characterized the District Court's action as a "dismissal" of the numbers theory.

A

In the Government's view, the numbers theory was "dismissed" from the case as effectively as if the Government had actually charged the crime in two counts and the District Court had dismissed the numbers count. The first difficulty this argument encounters is that the Government did not in fact charge this offense in two counts. Legal consequences ordinarily flow from what has actually happened, not from what a party might have done from the vantage of hindsight. See *Central Tablet Mfg. Co. v. United States*, 417 U.S. 673, 690 (1974).^[19] The precise manner in which an indictment *66 is drawn cannot be ignored, because an important function of the indictment is to ensure that, "in case any other proceedings are taken against [the defendant] for a similar offence, . . . the record [will] sho[w] with accuracy to what extent he may plead a former acquittal or conviction." *Cochran v. United States*, 157 U.S. 286, 290 (1895), quoted with approval in *Russell v. United States*, 369 U.S. 749, 764 (1962); *Hanger v. United States*, 285 U.S. 427, 431 (1932).^[20]

With regard to the one count that was in fact charged, as to which petitioner has been at least formally acquitted, we are not persuaded that it is correct to characterize the trial court's action as a "dismissal" of a discrete portion of the count. While form is not to be exalted over substance in determining the double jeopardy consequences of a ruling terminating a prosecution, *Serfass v. United States*, 420 U.S. 377, 392-393 (1975); *United States v. Jorn*, 400 U.S. 470, 478 n. 7 (1971); *United States v. Goldman*, 277 U.S. 229, 236 (1928), neither is it appropriate entirely to ignore the form of order entered by the trial court, see *United States v. Barber*, 219 U.S. 72, 78 (1911). Here the District Court issued only two orders, one excluding certain evidence and the other entering a judgment of acquittal on the single count charged. No language in the indictment was ordered to be stricken, compare *United States v. Alberti*, 568 F.2d 617, 621 (CA2 1977), nor was the indictment amended. The judgment of acquittal was entered on the entire count and found petitioner not guilty of *67 the crime

of violating 18 U.S. C. § 1955 (1976 ed.), without specifying that it did so only with respect to one theory of liability:

"The defendant having been set to the bar to be tried for the offense of unlawfully engaging in an illegal gambling business, in violation of Title 18, United States Code, Sections 1955 and 2, and the Court having allowed defendant's motion for judgment of acquittal at the close of government's evidence,

"It is hereby ORDERED that the defendant Thomas Sanabria be, and he hereby is, acquitted of the offense charged, and it is further ORDERED that the defendant Thomas Sanabria is hereby discharged to go without day."

The Government itself characterized the District Court's ruling from which it sought to appeal as "a decision and order . . . excluding evidence and entering a judgment of acquittal." Notice of Appeal.^[21] Similar language appears in *68 its motion for reconsideration filed in the District Court. Indeed, the view that the trial court "dismissed" as to one "discrete basis of liability" appears to have originated in the opinion below. Thus, not only defense counsel and the trial court but the Government as well seemed in agreement that the trial court had made an evidentiary ruling based on its interpretation of the indictment.

We must assume that the trial court's interpretation of the indictment was erroneous. See n. 13, *supra*. But not every erroneous interpretation of an indictment for purposes of deciding what evidence is admissible can be regarded as a "dismissal." Here the District Court did not find that the count failed to charge a necessary element of the offense, cf. *Lee v. United States*, 432 U.S. 23 (1977); rather, it found the indictment's description of the offense too narrow to warrant the admission of certain evidence. To this extent, we believe the ruling below is properly to be characterized as an erroneous evidentiary ruling,^[22] which led to an acquittal for insufficient *69 evidence. That judgment of acquittal, however erroneous, bars further prosecution on any aspect of the count and hence bars appellate review of the trial court's error. *United States v. Martin Linen Supply Co.*, 430 U.S., at 571; *Fong Foo v. United States*, 369 U.S. 141 (1962); *Green v. United States*, 355 U.S., at 188; *United States v. Ball*, 163 U.S., at 671.

B

Even if the Government were correct that the District Court "dismissed" the numbers allegation, in our view a retrial on that theory would subject petitioner to a second trial on the "same offense" of which he has been acquitted.^[23]

It is Congress, and not the prosecution, which establishes and defines offenses. Few, if any, limitations are imposed by the Double Jeopardy Clause on the legislative power to define offenses. *Brown v. Ohio*, 432 U.S. 161, 165 (1977). But once Congress has defined a statutory offense by its prescription of the "allowable unit of prosecution," *United States v. Universal C. I. T. Credit Corp.*, 344 U.S. 218, 221 *70 (1952); *Bell v. United States*, 349 U.S. 81 (1955); *Braverman v. United States*, 317 U.S. 49 (1942); *In re Nielsen*, 131 U.S. 176 (1889), that prescription determines the scope of protection afforded by a prior conviction or acquittal. Whether a particular course of conduct involves one or more distinct "offenses" under the statute depends on this congressional choice.^[24]

The allowable unit of prosecution under § 1955 is defined as participation in a single "illegal gambling business." Congress did not assimilate state gambling laws *per se* into the federal penal code, nor did it define discrete acts of gambling as independent federal offenses. See H. R. Rep. No. 91-1549, p. 53 (1970). See also *Iannelli v. United States*, 420 U.S. 770, 784-790 (1975). The Government need not prove that the defendant himself performed any act of gambling prohibited by state law.^[25] It is participation in the gambling business that is a federal offense, and it is only the gambling business that must violate state law.^[26] And, as the Government recognizes, *71 under § 1955 participation in a single gambling business is but a single offense, "no matter how many state statutes the enterprise violated." Brief for United States 31.

The Government's undisputed theory of this case is that there was a single gambling business, which engaged in both horse betting and numbers betting. With regard to this single business, participation in which is concededly only a single offense, we have no doubt that petitioner was truly acquitted.

We have recently defined an acquittal as "a resolution, correct or not, of some or all of the factual elements of the offense charged." *Lee v. United States*, 432 U. S., at 30 n. 8, quoting *United States v. Martin Linen Supply Co.*, *supra*, at 571. Petitioner was found not guilty for a failure of proof on a key "factual element of the offense charged": that he was "connected with" the illegal gambling business.

See *supra*, at 59.^[27] Had the Government charged only that the business *72 was engaged in horse betting and had petitioner been acquitted, his acquittal would bar any further prosecution for participating in the *same* gambling business during the same time period on a numbers theory.^[28] That the trial court disregarded the Government's allegation of numbers betting does not render its acquittal on the horse-betting theory any less an acquittal on the "offense" charged. "The Double Jeopardy Clause is not such a fragile guarantee that . . . its limitations [can be avoided] by the simple expedient of dividing a single crime into a series of temporal or spatial units," *Brown v. Ohio*, 432 U. S., at 169, or, as we hold today, into "discrete bases of liability" not defined as such by the legislature. See *id.*, at 169 n. 8.^[29]

While recognizing that only a single violation of the statute is alleged under either theory,^[30] the Government nevertheless contends that separate counts would have been proper, and that an acquittal of petitioner on a horse-betting count would not bar another prosecution on a numbers count. Brief for United States 33. Although there may be circumstances in which this is true, petitioner here was acquitted for insufficient proof of an element of the crime which both such counts would share that he was "connected with" the single gambling business. See *supra*, at 59. This finding of fact stands as an *73 absolute bar to any further prosecution for participation in that business.^[31]

The Government having charged only a single gambling business, the discrete violations of state law which that business may have committed are not severable in order to avoid the Double Jeopardy Clause's bar on retrials for the "same offense."^[32] Indeed, the Government's argument that these are discrete bases of liability warranting reprosecution following a final judgment of acquittal on one such "discrete basis" is quite similar to an unsuccessful argument that it presented in *Braverman v. United States*, 317 U.S. 49 (1942). Braverman had been convicted of and received consecutive sentences on four separate counts of conspiracy, each count alleging a conspiracy to violate a separate substantive provision of the federal narcotics laws. The Government conceded that only a single conspiracy existed, as it concedes here that only a single gambling business existed; nonetheless, it urged that separate punishments were appropriate because the single conspiracy had several discrete objects. We firmly rejected that argument:

"[T]he precise nature and extent of the conspiracy must be determined by reference to the agreement which embraces and defines its objects. Whether the object of a single agreement is to commit one or many crimes, it is in *74 either case that agreement which constitutes the conspiracy which the statute punishes. The one agreement cannot be taken to be several agreements and hence several conspiracies because it envisages the violation of several statutes rather than one." *Id.*, at 53.

The same reasoning must also apply where the essence of the crime created by Congress is participation in a "business," rather than participation in an "agreement."^[33]

The Double Jeopardy Clause is no less offended because the Government here seeks to try petitioner twice for this single offense, instead of seeking to punish him twice as it did in *Braverman*.^[34] "If two offenses are the same . . . for purposes of barring consecutive sentences at a single trial, they necessarily will be the same for purposes of barring successive prosecutions." *Brown v. Ohio, supra*, at 166. Accordingly, even if the numbers allegation were "dismissed," we conclude that a subsequent trial of petitioner for conducting the same illegal gambling business as that at issue in the first trial would subject him to a second trial on the "same offense" of which he was acquitted.

*75 III

The only question remaining is whether any of the exceptions to the constitutional rule forbidding successive trials on the same offense, see n. 15, *supra*, apply here. The short answer to this question is that there is no exception permitting retrial once the defendant has been acquitted, no matter how "egregiously erroneous," *Fong Foo v. United States*, 369 U. S., at 143, the legal rulings leading to that judgment might be. The Government nevertheless argues, relying principally on *Lee v. United States*, 432 U.S. 23 (1977), and *Jeffers v. United States*, 432 U.S. 137 (1977), that petitioner waived his double jeopardy rights by moving to "dismiss" the numbers allegation and by not objecting to the form of the allegation prior to trial.

In *Lee* we held a retrial permissible because the District Court's midtrial decision granting the defendant's motion to dismiss the indictment for failure to state an offense was "functionally indistinguishable from a declaration of mistrial" at the defendant's request. 432 U. S., at 31. The mistrial analogy relied on in *Lee* is manifestly inapposite here. Although jeopardy had attached in *Lee*, no verdict had been rendered; indeed, petitioner conceded that "the District Court's termination of the first trial was not an acquittal," *id.*, at 30 n. 8. Here, by contrast, the trial proceeded to verdict, and petitioner was acquitted. While in *Lee* the trial court clearly did contemplate a reprosecution when it granted defendant's motion, *id.*, at 30-31, neither petitioner's motion here nor the trial court's rulings contemplated a second trial nor could they have, since only a single offense was involved and petitioner went to judgment on that offense. Where a trial terminates with a judgment of acquittal, as here, "double jeopardy principles governing the permissibility of retrial after a declaration of mistrial," *Lee v. United States*, 432 U. S., at 31, have no bearing.

Nor does *Jeffers* support the Government's position. The *76 defendant there was first tried and convicted of conspiring to distribute narcotics in violation of 21 U.S. C. § 846. Eight Members of the Court agreed that his subsequent trial for conducting a continuing criminal enterprise in violation of 21 U.S. C. § 848 during the same time period was on the "same offense," since the § 846 violation was a lesser included offense to the § 848 violation. Prior to the first trial, however, *Jeffers* had specifically opposed the Government's effort to try both indictments together, in part on the ground

that they involved distinct offenses. 432 U. S., at 144 n. 8. Reasoning that Jeffers necessarily contemplated a second trial, four Members of the Court found that he had "elect[ed] to have the two offenses tried separately," *id.*, at 152, and, by not raising the potential double jeopardy problem, had waived any objection on that ground to successive trials, *id.*, at 152-154.^[35] The instant case presents quite a different situation. Petitioner's counsel never argued that horse betting and numbers were distinct offenses,^[36] *a fortiori* did not argue for or contemplate *77 separate trials on each theory, and *a multo fortiori* did not "elect" to undergo successive trials.

Finally, we agree with the Court of Appeals that this case does not present the hypothetical situation on which we reserved judgment in *Serfass v. United States*, of "a defendant who is afforded an opportunity to obtain a determination of a legal defense prior to trial and nevertheless knowingly allows himself to be placed in jeopardy before raising the defense." 420 U. S., at 394, quoting Solicitor General; see 548 F. 2d, at 7. Petitioner did not have a "legal defense" to the single offense charged: participating in an illegal gambling business in violation of § 1955. Unlike questions of whether an indictment states an offense, a statute is unconstitutional, or conduct set forth in an indictment violates the statute, what proof may be presented in support of a valid indictment and the sufficiency of that proof are not "legal defenses" required to be or even capable of being resolved before trial. In all of the former instances, a ruling in the defendant's favor completely precludes conviction, at least on that indictment. Here, even if the numbers language had been struck before trial, there was no "legal" reason why petitioner could not have been convicted on this indictment, as were his 10 codefendants. The acquittal resulted from the insufficiency of the Government's proof at trial to establish petitioner's connection with the gambling business, as the trial judge erroneously understood it to have been charged.

The Government's real quarrel is with the judgment of acquittal. While the numbers evidence was erroneously excluded, the judgment of acquittal produced thereby is final and unreviewable. Neither 18 U.S.C. § 3731 (1976 ed.) nor *78 the Double Jeopardy Clause permits the Government to obtain relief from all of the adverse rulings most of which result from defense motions that lead to the termination of a criminal trial in the defendant's favor. See *United States v. Wilson*, 420 U. S., at 351-352; S. Rep. No. 91-1296, p. 2 (1970). To hold that a defendant waives his double jeopardy protection whenever a trial court error in his favor on a midtrial motion leads to an acquittal would undercut the adversary assumption on which our system of criminal justice rests, see *Jeffers v. United States*, 432 U. S., at 159-160 (STEVENS, J., dissenting in part and concurring in judgment in part), and would vitiate one of the fundamental rights established by the Fifth Amendment.

The trial court's rulings here led to an erroneous resolution in the defendant's favor on the merits of the charge. As *Fong Foo v. United States* makes clear, the Double Jeopardy Clause absolutely bars a second trial in such circumstances. The Court of Appeals thus lacked jurisdiction of the Government's appeal.

Accordingly, the judgment of the Court of Appeals is

Reversed.

MR. JUSTICE STEVENS, concurring.

Although I join the text of the Court's opinion, I cannot agree with the dictum in footnote 23. It is true "that there is no statutory barrier to an appeal from an order dismissing only a portion of a count," *ante*, at 69 n. 23, but it is equally true that there is no statutory authority for such an appeal. It

necessarily follows at least if we are faithful to the concept that federal courts have only such jurisdiction as is conferred by Congress that the Court of Appeals had no jurisdiction of this appeal.

The Criminal Appeals Act, 18 U.S. C. § 3731 (1976 ed.), authorizes the United States to appeal an order of a district *79 court "dismissing an indictment or information *as to any one or more counts*, except that no appeal shall lie where the double jeopardy clause of the United States Constitution prohibits further prosecution." (Emphasis added.) By its plain terms, this statute does not encompass the present case.

Putting to one side the question whether an acquittal may properly be regarded as an order "dismissing an indictment" within the meaning of the statute, see *United States v. Martin Linen Supply Co.*, 430 U.S. 564, 576 (STEVENSON, J., concurring), the statutory grant of appellate jurisdiction is still unequivocally limited to review of a dismissal "as to any one or more counts." The statute does not refer to "subunit[s] of an indictment" or "portion[s] of a count," *ante*, at 69 n. 23, but only to "counts," a well-known and unambiguous term of art. 9

Prior to the amendment of § 3731 in 1971, this Court's rule of statutory interpretation was that "the Criminal Appeals Act [should be] strictly construed against the Government's right of appeal, *Carroll v. United States*, 354 U.S. 394, 399-400 (1957)." *Will v. United States*, 389 U.S. 90, 96-97. The Court's present pattern of interpretation of § 3731, as exemplified by *Martin Linen*, *supra*, does more than simply abandon this approach; it reverses direction entirely and reads the statute in whatever manner would favor a Government appeal. It is, of course, true that the legislative history of the Act indicates that Congress intended § 3731 "to be liberally construed," S. Rep. No. 91-1296, p. 18 (1970), but this expression of legislative intent does not give us a license to ignore the words of the statute. In fact, the Court does not even suggest that the language "one or more counts" is ambiguous; instead it argues that the words cannot be given their proper meaning because the Act was intended "to eliminate '[t]echnical distinctions in pleadings . . .'" *Ante*, at 69 n. 23. This argument has a hollow ring in light of the Court's prior assertion *80 that "[t]he precise manner in which an indictment is drawn cannot be ignored, because an important function of the indictment is to ensure that, 'in case any other proceedings are taken against [the defendant] for a similar offense, . . . the record [will] show with accuracy to what extent he may plead a former acquittal or conviction.'" *Ante*, at 65-66. Furthermore, in my judgment, a rule that the Government may appeal from the "dismissal" of a portion of a count, provided that the portion establishes a "discrete basis of liability," fosters rather than eliminates technical distinctions and encourages exactly the sort of nearsighted parsing of indictments that the amendment was intended to discourage.

I cannot, therefore, join that portion of the Court's decision which states that the Criminal Appeals Act permits an appeal from only a portion of a count. It clearly does not, and for that reason, as well as for the reasons stated in the text of the Court's opinion, the Court of Appeals' decision must be reversed.

MR. JUSTICE BLACKMUN, with whom MR. JUSTICE REHNQUIST joins, dissenting.

This case, of course, is an odd and an unusual one, factually and procedurally. Because it is, the case will afford little guidance as precedent in the Court's continuing struggle to create order and understanding out of the confusion of the lengthening list of its decisions on the Double Jeopardy Clause. I would have thought, however, that the principles enunciated late last Term in *Lee v. United States*, 432 U.S. 23 (1977) which I deem a more difficult case for the Government than this one had application to the facts here. I do not share the Court's distinction of *Lee*, *ante*, at 75, and I do not agree that *Lee* is "manifestly inapposite." Here, as in *Lee*, there is misdescription by the trial court of

EXHIBIT

O

COPY OF CASE LAW MERITS
STERONE VS. UNITED STATES 80
S.Ct 270

405.

361 U.S. 212 (1960)

STIRONE
v.
UNITED STATES.

No. 35.

Supreme Court of United States.

Argued November 9-10, 1959.

Decided January 11, 1960.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT.

Michael von Moschizsker argued the cause for petitioner. With him on the brief was *Vincent M. Casey*.

Wayne G. Barnett argued the cause for the United States. On the brief were *Solicitor General Rankin*, *Assistant Attorney General Wilkey*, *Ralph S. Spritzer*, *Beatrice Rosenberg* and *Theodore George Gilinsky*.

213 *213 MR. JUSTICE BLACK delivered the opinion of the Court.

Petitioner Nicholas Stirone was indicted and convicted in a federal court for unlawfully interfering with interstate commerce in violation of the Hobbs Act.¹ The crucial question here is whether he was convicted of an offense not charged in the indictment.

So far as relevant to this question the indictment charged the following:

From 1951 until 1953, a man by the name of William G. Rider had a contract to supply ready-mixed concrete from his plant in Pennsylvania to be used for the erection of a steel-processing plant at Allenport, Pennsylvania. For the purpose of performing this contract Rider

'caused supplies and materials [sand] to move in interstate commerce between various points in the United States and the site of his plant for the manufacture or mixing of ready mixed concrete, and more particularly, from outside the State of Pennsylvania into the State of Pennsylvania.'

The indictment went on to charge that Stirone, using his influential union position,

214 'did . . . unlawfully obstruct, delay [and] affect interstate commerce between the several states of *214 the United States and the movement of the aforesaid materials and supplies in such commerce, by extortion. . . of \$31,274.13 . . . induced by fear and by the wrongful use of threats of labor disputes and threats of the loss of, and obstruction and prevention of, performance of his contract to supply ready mixed concrete.'

The district judge, over petitioner's objection as to its materiality and relevancy, permitted the Government to offer evidence of an effect on interstate commerce not only in sand brought into Pennsylvania from other States but also in steel shipments from the steel plant in Pennsylvania into Michigan and Kentucky. Again over petitioner's objection the trial judge charged the jury that so far as the interstate commerce aspect of the case was concerned, Stirone's guilt could be rested either on a finding that (1) sand used to make the concrete "had been shipped from another state into Pennsylvania" or (2) "Mr. Rider's concrete was used for constructing a mill which would manufacture articles of steel to be shipped in interstate commerce . . ." from Pennsylvania into other States. On motion of petitioner for arrest of judgment, acquittal or new trial, the District Court held that "A sufficient foundation for introduction of both kinds of proof was laid in the indictment." 168 F. Supp. 490, 495. The Court of Appeals affirmed, all the judges agreeing that interference with the sand movements into Pennsylvania was barred by the Hobbs Act. 262 F. 2d 571. Judge Hastie and Chief Judge Biggs disagreed with the court's holding that Stirone could be tried and convicted for interference with the possible future shipments of steel from Pennsylvania to Michigan and Kentucky. 262 F. 2d. at 578, 580. They were of opinion that no interference with interstate steel shipments was charged in
215 the indictment and that in any event it is an unreasonable extension of the Act to make a federal offense out of *215 extortion from a man merely because he is supplying concrete to build a mill which after construction will produce steel, a part of which may, if processed, move in interstate commerce.

We agree with the Court of Appeals that Rider's dependence on shipments of sand from outside Pennsylvania to carry on his ready-mixed concrete business entitled him to the Hobbs Act's protection against interruption or stoppage of his commerce in sand by extortion of the kind that the jury found the petitioner had committed here. That Act speaks in broad language, manifesting a purpose to use all the constitutional power Congress has to punish interference with interstate commerce by extortion, robbery or physical violence.

The Act outlaws such interference "in any way or degree." 18 U. S. C. § 1951 (a). Had Rider's business been hindered or destroyed, interstate movements of sand to him would have slackened or stopped. The trial jury was entitled to find that commerce was saved from such a blockage by Rider's compliance with Stirone's coercive and illegal demands. It was to free commerce from such destructive burdens that the Hobbs Act was passed. United States v. Green, 350 U. S. 415, 420.

Whether prospective steel shipments from the new steel mills would be enough, alone, to bring this transaction under the Act is a more difficult question. We need not decide this, however, since we agree with the dissenting judges in the Court of Appeals that it was error to submit that question to the jury and that the error cannot be dismissed as merely an insignificant variance between allegation and proof and thus harmless error as in Bergerv. United States, 295 U. S. 78. The crime charged here is a felony and the Fifth Amendment requires that prosecution be begun by indictment.

- 216 Ever since Ex parte Bain, 121 U. S. 1, was decided in 1887 it has been the rule that after an indictment has been returned its charges may not be broadened through amendment except by the grand jury itself. In that case, the court ordered that some specific and relevant allegations the grand jury had charged be stricken from the indictment so that Bain might be convicted without proof of those particular allegations.^[2] In holding that this could not be done, Mr. Justice Miller, speaking for the Court, said:

"If it lies within the province of a court to change the charging part of an indictment to suit its own notions of what it ought to have been, or what the grand jury would probably have made it if their attention had been called to suggested changes, the great importance which the common law attaches to an indictment by a grand jury, as a prerequisite to a prisoner's trial for a crime, and without which the Constitution says 'no person shall be held to answer,' may be frittered away until its value is almost destroyed." 121 U. S. 1, 10.

The Court went on to hold in Bain:

- 217 "that after the indictment was changed it was no longer the indictment of the grand jury who presented it. Any other doctrine would place the rights of the citizen, which were intended to be protected by the constitutional provision, at the mercy or control of the court or prosecuting attorney . . ." 121 U. S. 1, 13.

The Bain case, which has never been disapproved, stands for the rule that a court cannot permit a defendant to be tried on charges that are not made in the indictment against him. See also United States v. Norris, 281 U. S. 619, 622. Cf. Chyatt v. United States, 197 U. S. 207, 219, 220. Yet the court did permit that in this case. The indictment here cannot fairly be read as charging interference with movements of steel from Pennsylvania to other States nor does the Court of Appeals appear to have so read it. The grand jury which found this indictment was satisfied to charge that Stirone's conduct interfered with interstate importation of sand. But neither this nor any other court can know that the grand jury would have been willing to charge that Stirone's conduct would interfere with interstate exportation of steel from a mill later to be built with Rider's concrete. And it cannot be said with certainty that with a new basis for conviction added, Stirone was convicted solely on the charge made in the indictment the grand jury returned. Although the trial court did not permit a formal amendment of the indictment, the effect of what it did was the same. And the addition charging interference with steel exports here is neither trivial, useless, nor innocuous. Compare Ford v. United States, 273 U. S. 593, 602; Gale v. Lane, 265 U. S. 393, 402. While there was a variance in the sense of a variation between pleading and proof, that variation here destroyed the defendant's substantial right to be tried only on charges presented in an indictment returned by a grand jury. Deprivation of such a basic right is far too serious to be treated as nothing more than a variance and then dismissed as harmless error. Compare Bergerv. 218 United States, 295 U. S. 78. The very purpose of the requirement that a man be indicted by grand jury is to limit his jeopardy to offenses charged by a group of his fellow citizens acting independently of either prosecuting attorney or judge.^[3] Thus the basic protection the grand jury was designed to afford is defeated by a device or method which subjects the defendant to prosecution for interference with interstate commerce which the grand jury did not charge.

- 219 Here, as the trial court charged the jury, there are two essential elements of a Hobbs Act crime: interference with commerce, and extortion. Both elements have to be charged. Neither is surplusage and neither can be treated as surplusage. The charge that interstate commerce is affected is critical since the Federal Government's jurisdiction of this crime rests only on that interference. It follows that when only one particular kind of commerce is charged to have been burdened a conviction must rest on that charge and not another, even though it be assumed that under an indictment drawn in general terms a conviction might rest upon a showing that commerce of one kind or another had been burdened. The right to have the grand jury make the charge on its own judgment is a substantial right which cannot be taken away with or without court amendment. Here, as in the Bain case, we cannot know whether the grand jury would have included in its indictment a charge that commerce in steel from a nonexistent steel mill had been interfered with. Yet because of the court's admission of evidence and under its charge this might have been the basis upon which the trial jury convicted petitioner. If so, he was convicted on a charge the grand jury never made against him. This was fatal error. Cf. Cole v. Arkansas, 333 U. S. 196; De Jonge v. Oregon, 299 U. S. 353.

Reversed.

[1] 62 Stat. 793, 18 U. S. C. § 1951.

"(a) Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined not more than \$10,000 or imprisoned not more than twenty years; or both.

"(b) As used in this section—

"(2) The term 'extortion' means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right."

[2] Bain was indicted for making a false statement "with intent to deceive *the Comptroller of the Currency and the agent appointed to examine the affairs of said association . . .*" After sustaining demurrers of Bain to the indictment, the trial court went on to say that "thereupon, on motion of the United States, by counsel, the court orders that the indictment be amended by striking out the words '*the Comptroller of the Currency and*' therein contained." By this amendment it was intended to permit conviction of Bain without proof that he had deceived the Comptroller as the grand jury had charged.

[3] "Yet the institution [the grand jury] was adopted in this country, and is continued from considerations similar to those which give to it its chief value in England, and is designed as a means, not only of bringing to trial persons accused of public offences upon just grounds, but also as a means of protecting the citizen against unfounded accusation, whether it comes from government, or be prompted by partisan passion or private enmity. No person shall be required, according to the fundamental law of the country, except in the cases mentioned, to answer for any of the higher crimes unless this body, consisting of not less than sixteen nor more than twenty-three good and lawful men, selected from the body of the district, shall declare, upon careful deliberation, under the solemnity of an oath, that there is good reason for his accusation and trial." *Ex parte Bain*, 121 U. S. 1, 11. See also *Costello v. United States*, 350 U. S. 359, 362, 363, n. 6.

Save trees - read court opinions online on Google Scholar.

EXHIBIT P

CASE LAW MERITS
RICKY PELZER VS. STATE OF SOUTH
CAROLINA 672 S.E.2d 790 (2,008)

381 S.C. 217 (2008)

672 S.E.2d 790

Ricky C. PELZER, Respondent,
v.
STATE of South Carolina, Petitioner.

No. 4457.

Court of Appeals of South Carolina.

Heard October 22, 2008.

Decided November 18, 2008.

Withdrawn, Substituted, and Refiled February 3, 2009.

Rehearing Denied February 3, 2009.

219 *219 Assistant Attorney General Brian T. Petrano, of Columbia, for Petitioner.

Deputy Chief Appellate Defender Wanda H. Carter, of Columbia, for Respondent.

CURETON, A.J.:

Following a grant of post-conviction relief (PCR), the State petitioned for and received a writ of certiorari. The State now argues the PCR court erred in finding Ricky C. Pelzer's plea counsel was ineffective and in granting Pelzer relief from one part of a negotiated guilty plea but leaving the rest of the plea intact. We reverse.

FACTS

220 In March 2001, after six years of cohabitation resulting in the birth of two children, Diana Gibbs required Ricky Pelzer leave their home. On April 20, 2001, Gibbs obtained a restraining *220 order against Pelzer. In the early hours of May 6, 2001, Pelzer, carrying a can of gasoline, went to the home where Gibbs and two of her children were sleeping. When Gibbs refused to let him in, Pelzer forced the door open. Gibbs and the children ran out the back door. Pelzer followed them into the front yard, where he attacked Gibbs. After Gibbs's son pulled Pelzer off Gibbs, Pelzer returned to the house. Threatening to burn the house, Pelzer doused the inside of the home with gasoline and began ingesting gasoline himself. Gibbs called the police from a neighbor's house. The police eventually took Pelzer into custody and drove him to a hospital, where he was successfully treated for gasoline ingestion.

Pelzer was charged with first-degree burglary, attempted second-degree arson, criminal domestic violence of a high and aggravated nature (CDVHAN), and violation of a family court restraining order. An attorney was appointed to represent him. After extensive negotiations between Attorney and the State, Pelzer pled guilty to the lesser included offense of second-degree burglary and the original charges of attempted second-degree arson and violation of a family court restraining order. The State nolle-prossed the CDVHAN charge. In accordance with the negotiated deal, the circuit court sentenced Pelzer to a total of fifteen years' imprisonment.^[1]

Pelzer later learned of attempt to burn, a statutory offense similar to the charged offense of attempted arson. Attempt to burn carried a shorter sentence than attempted arson. Pelzer then filed an application for PCR, arguing in his petition that his plea counsel was ineffective because she failed to apprise him of attempt to burn, which carried only a five-year sentence. The attorney testified at the PCR hearing that she did not recall discussing that statute with Pelzer. The PCR court granted Pelzer's application. The State petitioned for a writ of certiorari, which was granted.

STANDARD OF REVIEW

221 In reviewing the PCR court's decision, an appellate court is concerned only with whether any evidence of probative *221 value exists to support that decision. *Smith v. State*, 368 S.C. 135, 138, 631 S.E.2d 260, 261 (2006). Thus, an appellate court gives great deference to the PCR court's findings of fact and conclusions of law. *Porter v. State*, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006).

LAW/ANALYSIS

The State argues the PCR court erred in finding Pelzer's plea counsel was ineffective for failing to advise him of the attempt-to-burn

statute. We agree.

A two-prong test exists to evaluate claims of ineffective assistance of counsel. First, a defendant must show that his counsel's performance was deficient such that it falls below an objective standard of reasonableness. Bennett v. State, 371 S.C. 198, 203, 638 S.E.2d 673, 675 (2006) (citing Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)). Secondly, a defendant must establish "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Bennett, 371 S.C. at 203, 638 S.E.2d at 675. "Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim." Strickland, 466 U.S. at 700, 104 S.Ct. 2052.

Trial counsel must provide "reasonably effective assistance" under "prevailing professional norms." *Id.* at 687-88, 104 S.Ct. 2052. Reviewing courts presume counsel was effective. *Id.* at 690, 104 S.Ct. 2052. Therefore, to receive relief, the applicant must show (1) counsel departed from professional norms resulting in (2) prejudice. *Id.* at 690, 693, 104 S.Ct. 2052. Trial counsel's failure to apprise the accused of a lesser included offense constitutes deficient performance when, under the facts of the case, he could be convicted of the lesser offense. Kerrigan v. State, 304 S.C. 561, 583, 406 S.E.2d 160, 162 (1991). A reasonable probability is "a probability sufficient to undermine confidence in the outcome." Strickland, 466 U.S. at 694, 104 S.Ct. 2052.

222 "Where there has been a guilty plea, the applicant must prove prejudice by showing that, but for counsel's errors, there is a reasonable probability he would not have pleaded '222 guilty and instead would have insisted on going to trial.'" Bennett, 371 S.C. at 203-04, 638 S.E.2d at 675. In resolving PCR issues relating to guilty pleas, it is proper to consider the guilty plea transcript as well as the evidence at the PCR hearing. *Id.* at 204, 638 S.E.2d at 675.

First-degree burglary is punishable by imprisonment from fifteen years to life. S.C.Code Ann. § 16-11-311 (2003). Second-degree arson is punishable by imprisonment from five to twenty-five years. ²¹ S.C.Code Ann. § 16-11-110(B) (Supp. 2008). To prove second-degree arson, the State must show the accused willfully and maliciously caused an explosion, set fire to, burned, or caused to be burned, or aided, counseled, or procured the burning that resulted in damage to any structure designed for human occupancy. *Id.* An attempt to burn is punishable by imprisonment up to five years or a fine of not more than \$10,000. S.C.Code Ann. § 16-11-190 (2003). To prove attempt to burn, the State must show the accused willfully and maliciously attempted "to set fire to, burn, or aid, counsel, or procure the burning of any of the buildings or property mentioned in Sections 16-11-110 to 16-11-140," or that the accused committed an act in furtherance of burning these buildings. *Id.*

First-degree burglary is classified as a most serious offense in South Carolina, while second-degree arson and second-degree burglary are classified as serious offenses. S.C.Code Ann. § 17-25-45 (Supp. 2008). If a person has been convicted of two serious or most serious offenses, he must be sentenced to life imprisonment without parole upon conviction of a third such offense. *Id.*

223 "The trial court lacks subject matter jurisdiction to convict the defendant of a crime that is not a lesser included offense charged in the indictment." State v. McFadden, 342 S.C. 629, 632, 539 S.E.2d 387, 389 (2000), overruled on other grounds by State v. Gentry, 363 S.C. 93, 106, 610 S.E.2d 494, 501 (2005). For an offense to be a lesser included offense of another, the greater offense must include all the elements of the lesser offense. *Id.*, accord Blockburger v. U.S., 284 U.S. 299, 304, 52 S.Ct. 180, 75 L.Ed. 306 (1932). "If the lesser offense includes an element not included in the greater offense, then the lesser offense is not included in the greater." Hops v. State, 328 S.C. 78, 81, 452 S.E.2d 76, 78 (1997).

The evidence before us supports the PCR court's conclusion Attorney's performance failed the Strickland test for effective assistance of counsel. Attorney's assistance fell below prevailing professional norms for criminal defense counsel when she failed to advise Pelzer that had he gone to trial, he could have been convicted of attempt to burn, a less serious offense than second-degree arson. Although the PCR court did not determine whether attempt to burn was a lesser included offense of attempted second-degree arson, we hold it is. Upon review of the elements of each offense, we find attempted second-degree arson contains all the elements of attempt to burn.²² Therefore, attempt to burn is a lesser included offense of attempted second-degree arson. Given the facts of this case, Attorney's failure to advise Pelzer of this offense fell below prevailing professional norms and was deficient under Strickland.

Having concluded Attorney departed from prevailing professional standards, we now turn to a discussion of whether Pelzer suffered prejudice as a result of Attorney's deficient advice. At the PCR stage, to show prejudice, Pelzer bore the burden of establishing that but for the misadvice of Attorney, he would not have pled guilty, but instead would have elected to go to trial. Alexander v. State, 303 S.C. 539, 542, 402 S.E.2d 484, 485 (1991).

224 Although the PCR judge found in her order that Pelzer "testified at the hearing that he would not have plead [sic] guilty to the charges had he known that the attempt to burn statute was the applicable statute," we are unable to locate that testimony anywhere in the record. Moreover, the thrust of Pelzer's plea counsel's testimony was that from the outset, the solicitor insisted on trying Pelzer on the original charge of first-degree burglary, which in Pelzer's case carried a mandatory "224 sentence of life without the possibility of parole since Pelzer had a prior conviction of assault and battery with intent to kill. She stated, "[W]e were, from the early outset, working toward a plea," and Pelzer's principal reason for entering into the negotiated plea was to avoid facing trial on the original burglary charge. She

1814

4/11/06

stated further that she believed there was "a significant risk that [Pelzer] would be found guilty if he went to trial" on the first-degree burglary charge. Because Pelzer did not want to face the first-degree burglary charge, he requested his plea counsel negotiate the first-degree burglary charge down to second-degree burglary to avoid the possibility of a sentence of life without the possibility of parole.

During the guilty plea colloquy, the plea judge thoroughly discussed with Pelzer his decision to plead guilty and the terms of the negotiated plea. Additionally, as noted previously, at the PCR hearing, Pelzer never testified that he would not have pled guilty except for his plea counsel's error. In fact, he specifically testified he did not wish to set aside his guilty plea to the burglary charge. The following colloquy between Pelzer and his PCR attorney is instructive:

Q. You don't want to try to go back to the beginning and start completely over.

A. No.

Q. Okay.

A. I just want to argue 190.

Q. All you want to argue is that your lawyer was ineffective in allowing you to be sentenced under 110(B) as opposed to arguing that on the facts of this case that you were properly—should have properly been sentenced under 190.

A. That's correct.

In view of this testimony, we conclude the evidence does not demonstrate that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Consequently, the PCR court erred in finding Pelzer suffered prejudice as a result of his plea counsel's misadvice.

The State also argues the PCR court erred in granting Pelzer relief as to the arson charge, only, without vacating the entire plea.

225 Inasmuch as we have reversed the PCR court on "225 the issue of ineffective assistance of counsel, we do not reach this issue. See *Eulich v. McAllister Towing of Georgetown, Inc.*, 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (ruling an appellate court need not review remaining issues when its determination of a prior issue is dispositive of the appeal).

CONCLUSION

We find the PCR court did not err in finding Pelzer's plea counsel performed deficiently by failing to advise him of the attempt-to-burn statute because attempt-to-burn is a lesser included offense of arson. Nevertheless, we hold Pelzer suffered no prejudice because of this misadvice, because he has not demonstrated that he would not have pled guilty but for the misadvice. Therefore, we reverse the order of the PCR court and reinstate Pelzer's conviction.

We do not reach the issue of whether the PCR court erred in granting Pelzer relief as to the arson charge, only, without vacating the entire guilty plea. Accordingly, the order of the PCR court is

REVERSED.

HEARN, C.J., and HUFF, J., concur.

[1] This sentence included fifteen years each for the burglary and arson charges and thirty days for violating the family court's restraining order, all to be served concurrently.

[2] "A person who commits the common law offense of attempt, upon conviction, must be punished as for the principal offense." S.C. Code Ann. § 16-1-80 (2003).

[3] In addition to the elements found in the attempt-to-burn statute, the second-degree arson statute requires property damage and allows culpability for causing an explosion, apparently as an alternative to burning. § 16-11-110(B).

Save trees - read court opinions online on Google Scholar.

CASE NO. 2021CP0700820

STATE OF SOUTH CAROLINA 2021 JUN -4 AM 11:53

County of BEAUFORT

In the Court of Common Pleas

JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

TYRONE LORENZA ROBINSON #235104

Full name and prison number (if any) of Applicant,

vs.
STATE OF SOUTH CAROLINA;
WARDEN BRYAN KENDALL, ANDName of Respondent.
SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS**AMENDED****APPLICATION FOR
POST-CONVICTION RELIEF****INSTRUCTIONS — READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

1. Place of detention LIEBER CORRECTIONAL INSTITUTION
2. Name and location of Court which imposed sentence BEAUFORT COUNTY GENERAL SESSION COURT
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) INDICTMENT # 2,012-65-07-01935
 - (b) MURDER 16-3-10
 - (c) _____
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) SEPTEMBER 19TH, 2,014
 - (b) LIFE
 - (c) _____

DEB816 CLERK OF COURT.

How ARE YOU DOING? I HOPE THAT YOUR DAY IS GOING
WELL. MY PURPOSE FOR WRITING YOU IS THIS.
DO TO MATTERS OF LAW, I AM IN A POSITION THAT
I MUST NOW AMEND MY POST CONVICTION RELIEF
APPLICATION TO PROTECT MYSELF IN MY CASE.
SO PLEASE FILE THIS AMENDED POST CONVICTION
RELIEF APPLICATION FOR ME INSIDE OF P.C.R.
CASE NO: 2021CP0700820. I AM VERY SORRY
FOR ANY INCONVENIENCE I'VE CAUSED YOU IF
ANY. I THANK YOU SINCERELY Tyronne L. Robinson

P.S. SOUTH CAROLINA DEPARTMENT OF CORRECTIONS
RECENTLY APPROVED ME TO HAVE THE CRIME SCENE
PHOTOS THAT ARE SUBMITTED AS EVIDENCE IN
MY P.C.R. SO ITS OK NOW TO SEND ME A COPY IN
THIS AMENDED P.C.R.

2021 JUN -4 AM 11:53
JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT

SIGNATURE: Tyronne L. Robinson
PRINT: TYRONE L. ROBINSON
DATE: 5/31ST/2021



**Time
Sensitive
Material**

FIRST CLASS



U.S. POSTAGE»

ZIP 29472 \$
02 4M
0000373893 J

STATE OF SOUTH CAROLINA

County of BEaufort AUG 27 2014

case NO: 2012 CP 07 00820

In the Court of Common Pleas

TYRONE LORENZA ROBINSON #235104

Full name and prison number (if any) of Applicant,

STATE OF SOUTH CAROLINA;
WARDEN BRYAN KENDALL, ANDSOUTH CAROLINA DEPARTMENT OF
CORRECTIONS

Name of Respondent.

SECOND AMENDED
 POST CONVICTION RELIEF APPLICATION
 Amended to FIRST Amended POST
 CONVICTION RELIEF APPLICATION
 APPLICATION FOR
 POST-CONVICTION RELIEF

INSTRUCTIONS — READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

1. Place of detention LIEBER CORRECTIONAL INSTITUTION
2. Name and location of Court which imposed sentence BEaufort COUNTY GENERAL SESSION COURT
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) INDICTMENT # 2012-65-07-01935
 - (b) MURDER 16-3-10
 - (c) _____
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) September 19th, 2014
 - (b) LIFE
 - (c) _____

5. Check whether a finding of guilty was made

(a) after a plea of guilty _____

(b) after a plea of not guilty V PLEAD NOT GUILTY

(c) after a plea of nolo contendere _____

6. Did you appeal from the judgment of conviction or the imposition of sentence?

yes

7. If you answered "yes" to (6), list

(a) the name of each Court to which you appealed:

i. SOUTH CAROLINA COURT OF APPEALS

ii. _____

iii. _____

(b) the result in each such Court to which you appealed:

i. APPEAL WAS DISMISSED

ii. _____

iii. _____

(c) the date of each such result:

i. NOVEMBER 25th, 2,020

ii. _____

iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

i. APPELLATE CASE NO: 2017-002233

ii. _____

iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

(a) _____

(b) _____

(c) _____

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

(a) VIOLATION OF FEDERAL SIXTH AMENDMENT RIGHT OF EFFECTIVE ASSISTANCE OF COUNSEL; INEFFECTIVE ASSISTANCE OF COUNSEL

(b) VIOLATION OF FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW; AND DEPRIVED OUT OF FEDERAL DUE PROCESS RIGHT TO NOTICE AND

(c) VIOLATION OF FEDERAL SIXTH AMENDMENT RIGHT TO CONFRONT MY ACCUSER, AND DEPRIVED OUT OF FEDERAL DUE PROCESS RIGHT TO A FAIR TRIAL AND LACK OF JURISDICTION AND 4TH AMENDMENT VIOLATION

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

(a) REVIEW ALL SUPPORTING ARGUMENTS ATTACHED TO THE P.C.R

(b) APPLICATION FOR 4TH AMENDMENT VIOLATION AND SIXTH AMEND-

(c) MENT VIOLATION AND INEFFECTIVE ASSISTANCE OF COUNSEL

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? _____
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? yes
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. case NO: 2015-CP-07-2053 P.C.R

ii. _____

iii. _____

iv. _____

(b) the name and location of the Court in which each was filed:

i. COURT OF COMMON PLEAS, IN THE COUNTY OF BEaufORT

ii. IN THE STATE OF SOUTH CAROLINA

iii. _____

iv. _____

(c) the disposition thereof:

i. P.C.R CASE NO: 2,015-CP-07-2053 WAS DISMISSED

ii. WITHOUT PREJUDICE. SO I COULD REFILE MY P.C.R AFTER

iii. I RECEIVED A FINAL DECISION IN MY DIRECT APPEAL.

iv. REVIEW COPY OF ORDER ATTACHED

(d) the date of each such disposition:

i. DECEMBER, 11TH, 2,019

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. CASE NO: 2,015-CP-07-2053 "QUOTING" IT IS SO ORDERED

ii. THAT THE POST CONVICTION RELIEF IS DISMISSED WITHOUT PREJ-

iii. -UDICE.

iv. _____

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

14. If you answered "yes" to (13), identify:

1821

(a) which grounds have been presented:

- i. _____
ii. _____
iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
ii. _____
iii. _____

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

- (a) BEING ARGUED ON P.C.R FOR THE FIRST TIME UNDER
(b) INEFFECTIVE ASSISTANCE OF COUNSEL OF FEDERAL VIOLATION OF
(c) SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL

16. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? _____
(b) your trial, if any? YES
(c) your sentencing? YES
(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? YES
(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

17. If you answered "yes" to one or more parts of (16), list:

(a) the name and address of each attorney who represented you

- i. ARIE DAVID BOX; BEAUFORT COUNTY COUNCIL, PUBLIC
DEFENDER, 1905 DUKE STREET POST OFFICE BOX 525 BEAUFORT
S.C. 29901
ii. DAVID ALEXANDER; DIVISION OF APPELLATE DEFENSE 1330 LADY
STREET, SUITE 401 COLUMBIA, S.C. 29201-3332, ALSO
iii. POST OFFICE BOX 11589, COLUMBIA, S.C. 29211-1589

(b) the proceedings at which each such attorney represented you:

- i. REPRESENTED AT TRIAL by ATTORNEY ARIE DAVID BOX
ii. REPRESENTED ON DIRECT APPEAL by DAVID ALEXANDER
iii. _____

18. State clearly the relief you seek in filing this application.

DISCHARGE FROM IMPRISONMENT ON INDICTMENT #2012-GS-
07-01935 AND ARREST WARRANT #2012 AOT 20300119 IMMEDIATELY
TODAY WITHOUT DELAY TO FREE ME FROM UNLAWFUL RESTRAINT

19. Are you now under sentence from any other court that you have not challenged?

NO

1822

STATE OF SOUTH CAROLINA

County of Beaufort

5
VERIFICATION

I, Byrone S Robinson, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Byrone S Robinson

SWORN to and subscribed before me this 4th
day of March, 2021.

Lida K. Be (L.S.)
Notary Public

My Commission Expires: 6-20-26

**APPLICATION TO PROCEED WITHOUT PREPAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security therefor.

Byrone S Robinson
Applicant

SWORN or affirmed to and subscribed before me this

4th day of March, 2021

Lida K. Be
Notary Public

My Commission Expires 6-20-26

17th ISSUE ARGUED ON P.C.A

my SIXTH Amendment RIGHT to EFFECTIVE ASSIST-
-ANCE OF COUNSEL WAS VIOLATED CONSTITUTING
INEFFECTIVE ASSISTANCE OF COUNSEL. AS A RESULT
OF TRIAL ATTORNEY ARIE DAVID BAX FAILURE
TO ASSERT A CLAIM OF VIOLATION OF MY FEDERAL
4th Amendment RIGHT OF THE CONSTITUTION OF THE
UNITED STATES OF AMERICA WHICH STATES "QUOTE" "NO
WARRANTS SHALL ISSUE BUT UPON PROBABLE CAUSE
SUPPORTED BY OATH AND AFFIRMATION"

ALSO AS A RESULT OF ATTORNEY ARIE DAVID BAX
FAILURE TO MOTION THE TRIAL JUDGE AND TRIAL
COURT AT PRETRIAL HEARING, TO DISMISS ARREST
WARRANT # 2012 A0720300114 AND INDICTMENT # 2012-
- 65-07-01935 FOR LACK OF PROBABLE CAUSE.
BECAUSE AS A MATTER OF LAW, INVESTIGATOR SGT.
LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPART-
-MENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR
#111AC MC. DUFFIE STONE. ALL "LACKED PROBABLE
CAUSE" TO OBTAIN A ARREST WARRANT # 2012 A07-
- 20300114 AND INDICTMENT # 2012-65-07-01935.
A GAINST TYRONE ROBINSON FOR THE CRIME OF
MURDER, FOR THE DEATH OF VICTIM K.S. [REDACTED]
BY ALLEGING I COMMITTED A LAWFUL ACT, THAT
CONSTITUTES A LAWFUL ACT OF SELF DEFENSE.
THAT "DOES NOT" CONSTITUTE A CRIME

THAT I CAN BE ARRESTED, CONVICTED, SENTENCED
TO PRISON TIME OF LIFE IMPRISONMENT,
PUNISHED AND IMPRISONED FOR. BECAUSE INSIDE
OF THE CASE OF STATE VS. BANISTER 14 S.E. 678. THE SUPREME
COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
ESTABLISHED THAT THE LAW INSIDE OF THE STATE OF SOUTH
CAROLINA IS, THAT WHEN ARMED FELONS COMMITTE A
INHERANTLY DANGEROUS FELONY AGAINST A VICTIM. THE
VICTIM OF THE INHERANTLY DANGEROUS FELONY. HAS THE
LAWFUL RIGHT TO SHOOT THE ARMED FELON TO PREVENT
THE ARMED FELONS FROM ESCAPEING. FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF.
STATE VS. BANISTER 14 S.E. 678 "QUOTE" "NO"
BUT ANY CITIZEN HAS THE RIGHT TO SHOOT ANOTHER
TO PREVENT THE ESCAPE OF THE FELON

18th ISSUE ARGUED ON P.C.R

my 5th Amendment Right to effective assistance of counsel was violated constituting ineffective assistance of counsel. As a result of trial attorney Arze David Bax. Failure to assert a claim of violation of my federal 4th Amendment right of the constitution of the United States of America which state "quote" no warrants shall issue but upon probable cause supported by oath and affirmation

also as a result of attorney Arze David Bax failure to motion the trial judge and trial court at pretrial hearing to dismiss arrest warrant # 2012 A0720300114 and indictment # 2012-BS-07-01935 for lack of probable cause. Because as a matter of law Sgt. Laurel Albertin, Beaufort County Sheriff Department, the state of South Carolina, and solicitor Eric McPuffestone. All lack probable cause to believe that I was acting as a codefendant along with alleged codefendant Aaron Scott Young Junior. to commit the crime of felony murder by the felony murder rule theory for the death of victim K. S. [REDACTED]. Because as a matter of law since I Tyrone Robinson am the intended victim, who "Aaron Scott Young Junior" and Aaron Scott Young Senior, were both in the commission of trying to commit the inherently dangerous felony of murder 16-3-10 against. at 1648 hours on date of 09-01-12 at the immediate time and same location victim K. S. [REDACTED] was shot and killed at. That is the inherently dangerous felony, that victim K. S. [REDACTED] death is a natural or probable consequence of. As a matter of law I Tyrone Robinson can not be held criminally liable for the death of victim K. S. [REDACTED]

FOR PROOF REVIEW

CASE LAW MERITS

Supreme Court of Appeals of the State of Illinois case law of. The People of the State of Illinois vs. Antonio Lowery 179 Ill. 2d 462, 687 N.E.2d 923 "quote" It is equally consistent with reason and sound policy to hold that when a felon attempt to commit a forcible felony. If in motion a chain of events which were or should have been within his contemplation when the motion was initiated, he should be held responsible for any death which by direct and almost inevitable sequence results from the initial criminal act

LACK OF PROBABLE CAUSE: 9th ARGUMENT

9th ARGUMENT

ARREST WARRANT #2012 A0720300114 STATES "AVOTEING"
PROSECUTING AGENCY: BEAUFORT COUNTY SHERIFF DEPARTMENT
ARREST WARRANT #2012 A0720300114 ALSO STATES "AVOTEING"
PROSECUTING OFFICER: L. ALBERTIN
ARREST WARRANT #2012 A0720300114 STATES THAT BEAUFORT
COUNTY SHERIFF DEPARTMENT AND SGT. LAUREL ALBERTIN OBTAINED
ARREST WARRANT #2012 A0720300114 FROM THE MAGISTRATE
JUDGE AGAINST TYRONE LORENZA ROBINSON ON SEPTEMBER
6TH 2012

BEAUFORT COUNTY SHERIFF DEPARTMENT, BEAUFORT COUNTY SHERIFF
OFFICE AND SGT. LAUREL ALBERTIN, ARRESTED TYRONE LORENZA
ROBINSON ON ARREST WARRANT #2012 A0720300114 ON SEPTEMBER
6TH 2012 AS A RESULT OF TYRONE LORENZA ROBINSON WAS HELD
UNLAWFULLY RESTRAINED ON ARREST WARRANT #2012 A07-
20300114 AT BEAUFORT COUNTY DETENTION CENTER, BY BEAUFORT
COUNTY SHERIFF DEPARTMENT, BEAUFORT COUNTY SHERIFF OFFICE,
SGT. LAUREL ALBERTIN, SHERIFF P.J. TANNER ACTING IN A RESPOND-
ENT SUPERIOR CAPACITY WITH HIS EMPLOYEE SGT. LAUREL
ALBERTIN, AND BY BEAUFORT COUNTY DETENTION CENTER AND
DIRECTOR COLONAL FOOTE.

ARREST WARRANT #2012 A0720300114 STATES "AVOTEING"
FURTHER STATE THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT
DEFENDANT NAMED ABOVE DID COMMIT THE CRIME SET FORTH
AND THAT PROBABLE CAUSE IS BASED ON THE FOLLOWING FACTS:
THAT ON 09-01-12 AT APPROXIMATELY 1648 HRS. THE DEFENDANT
TYRONE LORENZA ROBINSON, WHILE ENGAGED IN AN ONGOING GUN
BATTLE AN INHERENTLY DANGEROUS FELONY, DID WILLFULLY,
UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM
K.S. [REDACTED] TO BE SHOT AND KILLED. THIS INCIDENT OCCURRED
NEAR ALLEN ROAD, HILTON HEAD ISLAND, BEAUFORT COUNTY S.C.
THE AFFIANT AND OTHERS ARE WITNESS TO PROVE SAME.

ARREST WARRANT #2012 A0720300114 STATES THE STATE
OF SOUTH CAROLINA AND FURTHER STATES "AVOTEING"
THE STATE AGAINST TYRONE ROBINSON

INDICTMENT #2012-65-07-01935 STATES "AVOTEING"
WITNESSES: INV L. ALBERTIN - BCSO

THE INITIAL BCSO THAT STATED INSIDE OF THE SECTION ON
INDICTMENT #2012-65-07-01935 THAT STATES WITNESSES STAND
FOR BEAUFORT COUNTY SHERIFF OFFICE. INDICTMENT #2012-65-07-
01935 ALSO STATES "AVOTEING"
THE STATE OF SOUTH CAROLINA AND FURTHER STATES "AVOTEING"
THE STATE VS. TYRONE ROBINSON.
INDICTMENT #2012-65-07-01935 REVEALS THAT I WAS INDICTED
ON ARREST WARRANT #2012 A0720300114 ON OCTOBER 18TH 2012

AS A RESULT TYRONE LORENZA ROBINSON WAS HELD DEPRIVED
OUT OF MY LIBERTY ON INDICTMENT #2012-65-07-01935 AT BEAUFORT
COUNTY DETENTION CENTER, BY BEAUFORT COUNTY SHERIFF DEPARTMENT
BEAUFORT COUNTY SHERIFF OFFICE, SGT. LAUREL ALBERTIN, SHERIFF P.J.
TANNER, ACTING IN A RESPONDENT SUPERIOR CAPACITY WITH HIS
EMPLOYEE SGT. LAUREL ALBERTIN, BEAUFORT COUNTY DETENTION
CENTER AND DIRECTOR COLONAL FOOTE, AND THE STATE OF SOUTH
CAROLINA

INDICTMENT #2012-65-07-01935 STATES "AVOTEING"
AT A COURT OF GENERAL SESSION, CONVENED ON OCTOBER 18TH 2012 THE
GRAND JURY OF BEAUFORT COUNTY PRESENT UPON THEIR OATH
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST 2012, WHILE
ENGAGED IN AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS
FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH
MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE
SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN
ROAD, HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DID
DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF ON
SEPTEMBER 21ST 2012. IN VIOLATION OF SECTION 16-3-10
AGAINST THE PEACE AND DIGNITY OF THE STATE, AND CONTRARY
TO THE STATE IN SUCH CASE MADE AND PROVIDED.

1st UNDESPUTABLE FACT

ON ARREST WARRANT # 2012 A0720300115 AND ARREST WARRANT # 2012 A0720300116. INVESTIGATOR SGT. LAUREL ALBERTIN, AND BEAUFORT COUNTY SHERIFF DEPARTMENT. "CONFESSED UNDER SWORN OATH" THAT THE EVIDENCE THAT INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT OBTAINED IN THIS CASE, PROVED THAT AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, WERE IN THE COMMISSION OF TRYING TO COMMITTE. THE INHERENTLY DANGEROUS FELONY OF MURDER 16-3-10. AGAINST VICTIM TYRONE ROBINSON ON. 09-01-12 AT IMMEDIATE TIME AND SAME LOCATION VICTIM K. S. [REDACTED] WAS SHOT AND KILLED AT.

2nd UNDESPUTABLE FACT

INSIDE OF ATTACKER AARON SCOTT YOUNG JUNIOR APPEAL CASE. THE SOUTH CAROLINA COURT OF APPEALS DECIDED. THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL AGAINST ATTACKER AARON SCOTT YOUNG JUNIOR, PROVES THAT ATTACKER AARON SCOTT YOUNG JUNIOR WAS IN THE COMMISSION OF ATTEMPTING TO COMMITTE. THE INHERENTLY DANGEROUS FELONY OF MURDER AGAINST TYRONE ROBINSON. DURING THE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED AT THE SAME LOCATION VICTIM K. S. [REDACTED] WAS SHOT AND KILLED AT. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF. AARON SCOTT YOUNG JR. 818 S.E. 2d 486 "QUOTING" THE STATE V. AARON SCOTT YOUNG JR. MOTION FOR DIRECTED TRIAL COURT PROPERLY DENIED YOUNG JR.'S MOTION FOR DIRECTED VERDICT ON THE ATTEMPTED MURDER CHARGE BECAUSE THE STATE PRESENTED SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE DEMONSTRATING YOUNG JR. GUILT. "FURTHER QUOTING" HERE, SINGLETON TESTIFIED AFTER ROBINSON FIRST FIRED HIS REVOLVER AT THE GROUND NEAR THE YOUNGS, THE YOUNGS WENT INTO THEIR HOUSE AND RETRIEVED A SEMI-AUTOMATIC PISTOL. THERE AFTER, SINGLETON AND THE YOUNGS DROVE AROUND THEIR NEIGHBORHOOD SEARCHING FOR ROBINSON, AND YOUNG JR. ASSEMBLED THE PISTOL DURING THE SEARCH. MITCHELL TESTIFIED ROBINSON CAME TO HER DOOR AND EXCITEDLY TOLD HER THE YOUNGS WERE SHOOTING AT HIM. DELANEY ALSO TESTIFIED ROBINSON TOLD HIM ABOUT AN EXCHANGE OF GUNFIRE WITH THE YOUNGS. MORE OVER THE STATE PUBLISHED YOUNG JR. POLICE INTERVIEW TO THE JURY. IN THE INTERVIEW YOUNG JR. EXPLAINED THE FIRST TIME WE CAUGHT ROBINSON THE PISTOL WOULDN'T SHOOT. IT WOULDN'T SHOOT, YOUNG JR. CONTINUED. IT DIDN'T GO DOWN LIKE WE WANTED TO. IF IT WOULDN'T WENT DOWN LIKE THAT, WE WOULDN'T EVEN BE HERE AND NOBODY WOULD KNOW NOTHING BECAUSE IT WAS A DEAD END ROAD. BUT THE PISTOL JUST WOULDN'T GO OFF. YOUNG JR. ALSO CLARIFIED ROBINSON WAS HEI INTENDED TO TARGET. VIEWING THE EVIDENCE IN THE LIGHT MOST FAVORABLE TO THE STATE, WE FIND THERE WAS SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE TENDING TO PROVE YOUNG JR. ATTEMPTED TO MURDER ROBINSON

9.

ON ARREST WARRANT # 2012 A0720300113. INVESTIGATOR SGT. LAUREL ALBERTIN CHARGED AARON SCOTT YOUNG JUNIOR WITH THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY VIA ALLEGING THAT ON 09-01-12 AT APPROXIMATELY 1648 HRS THE DEFENDANT AARON SCOTT YOUNG JUNIOR, WHILE ENGAGED IN AN ONGOING GUN BATTLE, AN INHERENTLY DANGEROUS FELONY, DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM ^{K.S.} TO BE SHOT AND KILLED. THIS INCIDENT OCCURRED NEAR ALLEN ROAD, HILTON HEAD ISLAND, BEAUFORT COUNTY, S.C. THE AFFRANT AND OTHERS ARE WITNESSED TO PROVE SAME.

BLACKS LAW BOOK DICTIONARY DEFINITION FOR THE WORD CODEFENDANT

THE BLACKS LAW BOOK DICTIONARY DEFINITION FOR THE WORD CODEFENDANT STATES "QUOTE" ONE OF TWO OR MORE DEFENDANTS CHARGED WITH THE SAME CRIME

ON ARREST WARRANT # 2012 A0720300114. INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT. CHARGED TYRONE ROBINSON WITH THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY VIA ALLEGING THAT ON 09-01-12 AT APPROXIMATELY 1648 HOURS THE DEFENDANT TYRONE ROBINSON WHILE ENGAGED IN AN ONGOING GUN BATTLE, AN INHERENTLY DANGEROUS FELONY, DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT, CAUSE THE VICTIM ^{K.S.} TO BE SHOT AND KILLED. THIS INCIDENT OCCURRED NEAR ALLEN ROAD, HILTON HEAD ISLAND, BEAUFORT COUNTY, S.C. THE AFFRANT AND OTHERS ARE WITNESSED TO PROVE SAME. BECAUSE INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT, CHARGED TYRONE ROBINSON AND AARON SCOTT YOUNG JUNIOR WITH THE EXACT SAME IDENTICAL CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY FOR THE DEATH OF VICTIM ^{K.S.} PROVES THAT INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT, CHARGED TYRONE ROBINSON WITH BEING A CODEFENDANT ALONG WITH ALLEGED CODEFENDANT AARON SCOTT YOUNG JUNIOR TO COMMIT THE ALLEGED CRIME OF FELONY MURDER BY THE FELONY MURDER

RULE THEORY. THAT TYRONE ROBINSON AND ALLEGED
CODEFENDANT, AARON SCOTT YOUNG JUNIOR, ARE CHARGED
WITH COMMITTING AN ARREST WARRANT #2012 A07203-
00113 AND ARREST WARRANT #2012 A0720300114

PROBABLE CAUSE IS DEFINED AS A GOOD FAITH
BELIEF THAT A PERSON IS GUILTY OF A CRIME
WHEN THIS BELIEF RESTS UPON SUCH GROUNDS
AS WOULD INDUCE A ORDINARY PRUDENT AND
CAUTIOUS PERSON, UNDER THE CIRCUMSTANCES,
TO BELIEVE LIKEWISE. FOR PROOF REVIEW
CASE LAW MERITS

STATE OF SOUTH CAROLINA COURT OF APPEALS
CASE LAW OF.

ANTHONY GIST VS. BERKLEY COUNTY SHERIFFS
DEPARTMENT OPINION NO. 3031 "QUOTE"

PROBABLE CAUSE IS DEFINED AS A GOOD FAITH
BELIEF THAT A PERSON IS GUILTY OF A CRIME
WHEN THIS BELIEF RESTS UPON SUCH GROUNDS
AS WOULD INDUCE A ORDINARY PRUDENT
AND CAUTIOUS PERSON, UNDER THE CIRCUMST-
ANCES, TO BELIEVE LIKEWISE

ELEMENTS

ELEMENTS REQUIRED TO CONSTITUTE THE
CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY

1ST ELEMENT REQUIRED TO CONSTITUTE THE
CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY IS:

THE DEFENDANT WAS IN THE COMMISSION
OF COMMITTING AN INHERANTLY DANGEROUS
FELONY

ARREST WARRANT #2012 A0720300114 AND INDICT-
MENT #2012-65-07-01935 CHARGE AND ALLEGE.
THAT TYRONE ROBINSON WAS IN THE COMMISSION
OF COMMITTING AN INHERANTLY DANGEROUS
FELONY

THEREFORE AS A MATTER OF LAW ARREST WARRANT #
2012 A0720300114 AND INDICTMENT #2012-65-07-
01935, CHARGES TYRONE L. ROBINSON WITH COMM-
MITTING THE 1ST ELEMENT FROM THE CRIME
OF FELONY MURDER BY THE FELONY MURDER RULE
THEORY

CONFESSIO

ON PAGE 1052 PARAGRAPHS 2, 3 AND 4 OF TRIAL TRANSCRIPT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT, THAT THEY HAD INDICTED ME ON AND WERE TRYING ME BEFORE THE JURY AT TRIAL, ON THE 1ST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, WHEN THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT AT PRE TRIAL HEARING ON FEBRUARY 27TH, 2014 ON PAGE 1052 PARAGRAPHS 2, 3, AND 4 OF TRIAL TRANSCRIPT "QUOTEING" OUR THEORY IS THE FELONY MURDER RULE THEORY, THAT YOU HAVE THREE PEOPLE COMMITTING INHERANTLY DANGEROUS FELONIES

FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF.

GORE VS. LEEKE 1995, 20755 "QUOTEING"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA CASE LAW OF.

STATE OF MONTANA VS. MICHEAL VERNON

BILLEDEAUX JR. CASE NO: 99-434 "QUOTEING"

TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE UNDER THE FELONY MURDER RULE 45-5-102 (b)

MCA, THE STATE MUST SHOW THAT

THE PERSON ATTEMPTS TO COMMIT, COMMIT OR

IS LEGALLY ACCOUNTABLE FOR THE ATTEMPT

OR COMMISSION OF FELONY ASSAULT, AGGRAVATED ASSAULT, OR ANY OTHER FORCIBLE FELONY

2ND ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER

by the FELONY MURDER RULE THEORY IS:
death to the victim as a consequence
of the defendants conduct in committ-
-ing that crime

ARREST WARRANT #2012 A0720300114 and
 INDICTMENT #2012-65-07-01935 charge and
 allege that the death of victim K.S.

IS THE PROXIMATE RESULT
OF TYRONE ROBINSON COMMITTING A
ONGOING GUN BATTLE AN INHERENTLY
DANGEROUS FELONY

by arrest warrant #2012 A0720300114 and
 indictment #2012-65-07-01935 stating
 "quote"

while engaged in a ongoing gun battle an
 inherently dangerous felony, TYRONE ROBIN-
 SON did WILLFULLY, UNLAWFULLY WITH
 MALICE AFORETHOUGHT

CAUSE

The victim

K.S.

to be shot and killed

Also by indictment #2012-65-07-01935 further
 "alleging"

that in BEAUFORT COUNTY ON OR ABOUT
 SEPTEMBER 25th 2012 while engaged in
 a ongoing gun battle an inherently dange-
 -rous felony, TYRONE ROBINSON did WILLFULLY
 UNLAWFULLY and with MALICE AFORETHOUGHT

CAUSE

The victim K.S.

to be shot and killed in the area of
 MARSHLAND DRIVE and ALLEN ROAD, HILTON
 HEAD, S.C. AND THAT K.S.

did die in BEAUFORT
 COUNTY as a

PROXIMATE
Result There of

The LAW DICTIONARY DEFINITION FOR THE
 WORD **CAUSE** means the following meaning
 "quote"
 cause that which effects a result
 DIRECT CAUSE THE active, efficient cause that

SETS IN MOTION A TRAIN OF EVENTS THAT BRINGS
ABOUT A RESULT WITHOUT INTERVENTION
OF ANY OTHER INDEPENDANT SOURCE

CONFESSIOIN

ON PAGE 1052 PARAGRAPHS 4 AND 5 OF THE TRIAL
TRANSCRIPT. THE STATE OF SOUTH CAROLINA
AND ITS SOLICITOR ISSAC MC. DUFFIE STONE,
CONFERRED TO THE TRIAL JUDGE AND TRIAL COURT,
THAT THEY HAD INDICTED ME ON AND WERE TRYEN
ME BEFORE THE JURY AT TRIAL. ON THE
2ND ELEMENT REQUIRED TO CONSTITUTE THE
CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY. WHEN THE STATE OF SOUTH CAROLINA
AND ITS SOLICITOR ISSAC MC. DUFFIE STONE,
CONFERRED TO THE TRIAL JUDGE AND TRIAL
COURT AT PRE TRIAL HEARING ON FEBRUARY 27TH
2014 ON PAGE 1052 PARAGRAPHS 4 AND 5 OF TRIAL
TRANSCRIPT "QUOTEIN"
AND AS A RESULT OF THOSE INHERANTLY DANGER-
-FOUS FELONIES, A CHILD DIES

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA
CASE LAW OF.

GORE V. LEEKE 1993 E.2d 755 "QUOTEIN"

THE COMMON PURPOSE LADIES AND GENTLEMAN
MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN
INVOLVED IN THE KILLING AND THE MURDER OF
ANYONE BUT IF IN EXECUTING THIS COMMON
DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL
AS FOR INSTANCE, BREAKING IN AND STEALING
AND IN THE EXECUTION OF THE COMMON PURPOSE
A HOMICIDE IS COMMITTED BY ONE OF THE CONFED-
-ERATES OR ONE OF THE ASSOCIATES AND YOU, THE
JURY DETERMINE FROM THE PROOF BEYOND A
REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE
OR NATURAL CONSEQUENCE OF THE ACTS WHICH
WERE DONE IN PURSUANCE OF THIS COMMON
DESIGN THEN LADIES AND GENTLEMAN, ALL WHO
ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY,
AND PARTICIPATING IN THE UNLAWFUL, COMMON
DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA CASE LAW OF.
STATE OF MONTANA V. MICHAEL VERNON BILLEDEAUX JR.

CASE NO. 99-434 "QUOTEIN"
TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE UNDER THE
FELONY MURDER RULE 45-5-102(b) MCA THE STATE MUST SHOW THAT
IN THE COURSE OF THE FORCEBLE FELONY THE PERSON OR ANY

OTHER PERSON LEGALLY ACCOUNTABLE FOR THE CRIME CAUSES THE DEATH OF ANOTHER

THEREFORE IN ORDER FOR THE DEFENDANTS SGT. LAUREL ALBERTINI, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA, AND SOLICITOR ISAAC MC. DUFFIE STONE. TO HAVE PROBABLE CAUSE TO BELIEVE THAT I INTENDED VICTIM TYRONE ROBINSON. WAS ACTING AS A CODEFENDANT WITH ALLEGED CODEFENDANT AARON SCOTT YOUNG JUNIOR. TO COMMITTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, FOR THE DEATH OF VICTIM K. S. [REDACTED]. THE EVIDENCE SGT. LAUREL ALBERTINI, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA, AND SOLICITOR ISAAC MC. DUFFIE STONE, OBTAINED IN THIS CASE, AND HAD IN THEIR POSSESSION AT THE IMMEDIATE TIME. SGT. LAUREL ALBERTINI, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR ISAAC MC. DUFFIE STONE, OBTAINED ARREST WARRANT #2012 A0720300114 AND INDICTMENT #2012-65-07-01935 AGAINST ME. MUST PROVE THAT I TYRONE ROBINSON AND AARON SCOTT YOUNG JUNIOR. WERE ALBOTH CONSPIRING TOGETHER, ACTING AS CODEFENDANTS, ASSOCIATES AND CONFEDERATES TOGETHER, AND WAS ACTING TOGETHER AND CONSPIRING TOGETHER WITH THE EXACT SAME COMMON PURPOSE TO COMMITTE THE EXACT SAME FELONY THAT VICTIM K. S. [REDACTED] DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF. GORE VS. LEEKE 1995, E. 20755 "QUOTE"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMITTE A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED, THE COMMON PURPOSE LADIES AND GENTLEMAN MAY HAVE NOT ENCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANYONE BUT IF IN EXECUTING THIS COMMON DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL AS FOR INSTANCE, BREAKING IN AND STEALING AND IN THE EXECUTION OF THE COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU, THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THIS COMMON DESIGN THEN LADIES AND GENTLEMAN ALL WHO ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY AND PARTICIPATING IN THE UNLAWFUL, COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

CONFESION

"QUOTE" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISAAC MC. DUFFIE STONE CONFESION FROM PAGE 16 PARAGRAPH 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 AND 24 AND PAGE 17 PARAGRAPH 1 AND 2 OF TRIAL TRANSCRIPT FROM PRETRIAL HEARING ON FEBRUARY 27TH 2014 "QUOTE"

OUR THEORY IS THE FELONY MURDER RULE THEORY THAT YOU HAVE THREE PEOPLE COMMITTING INHERANTLY DANGEROUS FELONIES, AND AS A RESULT OF THERE INHERANTLY DANGEROUS FELONIES, A CHILD DIES. THE ACTUAL SHOOTER, AS TO SPEAK THE ONE THAT DISCHARGED THE FATAL BULLET UNDER THAT SCENARIO IS WHILE RELEVANT NOT CONTROLLING, SO THAT IS THE POSITION THAT THE STATES GOING UNDER, THAT THE THEORY THAT THE STATE GOES UNDER, AND THAT IS A CONSTANT THEORY AMONG ALL THE DEFENDANTS THATS THE THAT THE THEORY. WERE NOT SWITCHING UP OUR THEORIES DEPENDING ON WHICH DEFENDANT WERE TALKING ABOUT. WE FEEL LIKE ALL THREE OF THESE PEOPLE WERE INVOLVED IN AN INHERANTLY DANGEROUS FELONY WHICH IS A SHOOT OUT THAT BASICALLY WENT FROM THE RIGHT AS YOU GO TO HILTON HEAD EXPRESS WAY, DOWN INTO MARSHLAND ROAD, ALONG THE CROSS ISLAND EXPRESS WAY, AND I DON'T KNOW IF YOUR FAMILIAR WITH THIS AREA BUT IT INVOLVES THREE NEIGHBORHOODS IN HILTON HEAD HEAD AND THIS WAS A SHOOT OUT THAT TOOK PLACE FIRST AT WHITE

horse road and then at another neighborhood
 in between and then at a third at allen road
 area which is where the child was playing
 on the trampoline and killed. our theory is
 all three of them are culpable under that
 scenario and that's the theory we're proceeding
 for trial

RESPONSIBILITY

FOR VICTIM K. S. [REDACTED] death

in a case of felony murder by the felony
 murder rule theory. the issue of who fired the
 fatal shot that killed the victim - is not the
 controlling law to hold a person responsible
 for the death of the victim. as the state of
 south carolina and its solicitor issue me.
 Duffie Stone. "CONFESSED TO" at the pretrial
 hearing on february 27th, 2014. for proof
 I quote the following confession from the trial
 transcript.

CONFESSIO

quoting the state of south carolina and its
 solicitor issue me. Duffie Stone confession
 from page 16 paragraph 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 and page 17
 paragraph 2 and 2 of trial transcript from pre
 trial hearing on february 27th, 2014 quoting

OUR THEORY IS THE FELONY MURDER RULE THEORY
 THAT YOU HAVE THREE PEOPLE COMMITTING INHER-
 ENTLY DANGEROUS FELONIES, AND AS A RESULT OF
 THERE INHERENTLY DANGEROUS FELONIES A CHILD
 DIES. THE ACTUAL SHOOTER. AS TO SPEAK THE ONE
 THAT DISCHARGED THE FATAL BULLET UNDER THAT
 SCENARIO IS WHILE RELEVANT NOT CONTROLLING

to further prove that in a case involving felony
 murder by the felony murder rule theory. the issue
 of who fired the fatal shot that killed the victim
 is not the controlling law, to hold a person
 responsible for the death of the victim I quote
 the following case law merits

UNITED STATES DISTRICT COURT FOR THE EASTERN
 DISTRICT OF PENNSYLVANIA CASE LAW OF.

ANTONIO LOWERY 178 F.F.F.; 20 462, 687 N.E. 2d 973
 QUOTE: "NO"

IT IS EQUALLY CONSISTENT WITH REASON AND
 SOUND POLICY TO HOLD THAT WHEN A FELONY ATTEMPT
 TO COMMIT A FORCIBLE FELONY, SETS IN MOTION
 A CHAIN OF EVENTS WHICH WERE OR SHOULD HAVE
 BEEN WITHIN HIS CONTEMPLATION WHEN THE MOTION
 WAS INITIATED, HE SHOULD BE HELD RESPONSIBLE
 FOR ANY DEATH WHICH BY DIRECT AND ALMOST
 INEVITABLE SEQUENCE RESULTS FROM THE INITIAL
 CRIMINAL ACT. THUS, THERE IS NO REASON WHY THE
 PRINCIPLE UNDERLYING THE DOCTRINE OF PROXIMATE
 CAUSE SHOULD NOT APPLY TO CRIMINAL CASES. MORE
 OVER, WE BELIEVE THAT THE INTENT BEHIND THE
 FELONY-MURDER DOCTRINE WOULD BE THWARTED
 IF WE DID NOT HOLD FELONS RESPONSIBLE FOR THE
 FORESEEABLE CONSEQUENCES OF THEIR ACTIONS. THE STATE
 RELYING ON HECKMAN AND PAYNE, ARGUES THAT DEFEND-
 ANT WAS LIABLE FOR DECEASED'S DEATH BECAUSE IT
 WAS REASONABLY FORESEEABLE THAT MARLON WOULD
 RETALIATE AGAINST DEFENDANT. WE AGREE A
 FELON IS LIABLE FOR THOSE DEATHS WHICH ARE THE
 FORESEEABLE CONSEQUENCE OF HIS INITIAL CRIMINAL
 ACTS. IN THE PRESENT CASE, WHEN DEFENDANT DROPPED
 THE GUN AND REALIZED THAT MARLON WAS THEN
 IN POSSESSION OF THE WEAPON, HE BELIEVED THAT
 MARLON WOULD RETALIATE, AND THEREFORE, HE
 RAN. IF DEFENDANT'S DEATH RESULTED FROM MARLON'S
 FIRING THE GUN AS DEFENDANT ATTEMPTED TO
 FLEE, IT WAS NONETHELESS, DEFENDANT'S ACTION
 THAT SET IN MOTION THE EVENTS LEADING TO THE
 VICTIM DEATH. IT IS UNIMPORTANT THAT DEFENDANT
 DID NOT ANTICIPATE THE PRECISE SEQUENCE OF
 EVENTS THAT FOLLOWED HIS ROBBERY ATTEMPT.
 WE CONCLUDE THAT DEFENDANT'S UNLAWFUL ACTS
 PRECIPITATED THOSE EVENTS, AND HE IS RESPONSIBLE
 FOR THE CONSEQUENCE

AARON SCOTT YOUNG JUNIOR CONSPIRACY TO MURDER VICTIM TYRONE ROBINSON

ON SEPTEMBER 6TH, 2012 INVESTIGATOR SGT. LAUREL
 ALBERTSON OBTAINED ARREST WARRANT # 2012 A07-
 20300115 FROM THE MAGISTRATE JUDGE, AGAINST
 ATTACKER AARON SCOTT YOUNG JUNIOR, FOR THE CRIME
 OF CRIMINAL CONSPIRACY. ARREST WARRANT #
 2012 A0720300115 STATES QUOTE: "NO"
 & FURTHER STATE THAT THERE IS PROBABLE CAUSE

to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts.

That on 09-01-12 at approximately 1648 hours the defendant Aaron Scott Young Junior and co-defendant did willfully unlawfully conspire to murder the victim, Tyrone Robinson. The defendant and co-defendant did travel while armed with a deadly weapon to many locations on Hilton Head Island, S.C. looking for the victim. This incident occurred near Allen Road, Hilton Head Island, Beaufort County, S.C. The affiant and others are witness to prove same.

AARON SCOTT YOUNG SENIOR CONSPIRACY TO MURDER & VICTIM TYRONE ROBINSON

On September 6th, 2012 Investigator Sgt. Laurel Albertson, obtained an arrest warrant # 2012 A0720300116 from the magistrate judge. Against attacker Aaron Scott Young Senior. For the crime of criminal conspiracy. Arrest warrant # 2012 A0720300113 states "quote" "I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts. That on 09-01-12 at approximately 1648 hours the defendant, Aaron Scott Young Senior and co-defendant did willfully, unlawfully conspire to murder the victim, Tyrone Robinson. The defendant and co-defendant did travel while armed with a deadly weapon, to many locations on Hilton Head Island, S.C. looking for the victim. This incident occurred near Allen Road, Hilton Head Island, Beaufort County, S.C. The affiant and others are witness to prove same."

Arrest warrant # 2012 A0720300113 and arrest warrant # 2012 A0720300114 charges Aaron Scott Young Junior and & attack victim Tyrone Robinson. With the crime of felony murder by the felony murder rule theory. Arrest warrant # 2012 A0720300113 and arrest warrant # 2012 A0720300114, charges and

allege that victim K. S. death occurred at approximately 1648 hours on the date of 09-01-12.

on 09-06-12 on ARREST WARRANT #2012 A07203-00115 and ARREST WARRANT #2012 A0720300116. INVESTIGATOR SGT. LAUREL ALBERTIN, and BEAUFORT COUNTY SHERIFF DEPARTMENT. "CONFESSED UNDER SWORN OATH" THAT THE EVIDENCE THAT INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT OBTAINED IN THIS CASE. PROVED THAT AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR. WERE IN THE COMMISSION OF TRYING TO COMMITTE. THE INHERENTLY DANGEROUS FELONY OF MURDER 16-3-10. AGAINST VICTIM TYRONE ROBINSON. ON 09-01-12 AT THE IMMEDIATE TIME AND SAME LOCATION VICTIM K. S. was shot and KILLED AT.

AS A MATTER OF LAW PROVEING. THAT AT THE TIME INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT. OBTAINED ARREST WARRANT #2012 A0720300113 AND ARREST WARRANT #2012 A0720300114. AGAINST AARON SCOTT YOUNG JUNIOR AND ATTACK VICTIM TYRONE ROBINSON, ON 09-06-12. INVESTIGATOR SGT.

LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT. ALREADY KNEW. THAT THE EVIDENCE THEY OBTAINED IN THIS CASE. PROVED THAT FELONY AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR. ARE THE ONLY ONES WHO ARE GUILTY OF COMMITTING THE 1ST ELEMENT "ALLEGING"

THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING A INHERENTLY DANGEROUS FELONY

THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

GORE V. LEEKE 1995, E. 2d 755 "QUOTEING"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSON

ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED

AS PREVIOUSLY EXPLAINED ALREADY, ON DATE OF 09-06-12 ON ARREST WARRANT #2012 A07203-00115 AND ARREST WARRANT #2012 A0720300-116. INVESTIGATOR SGT. LAUREL ALBERTIN, AND BEAUFORT COUNTY SHERIFF DEPARTMENT, "CONFESSED UNDER SWORN OATH" THAT THE EVIDENCE THAT INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT OBTAINED IN THIS CASE, PROVED THAT AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, WERE IN THE COMMISSION OF TRYING TO COMMIT THE INHERENTLY DANGEROUS FELONY OF MURDER 16-3-10, AGAINST A VICTIM TYRONE ROBINSON, ON 09-01-12 AT THE IMMEDIATE TIME AND SAME LOCATION VICTIM K. S. WAS SHOT AND KILLED AT.

ON SEPTEMBER 25, 2012 ON THE DAY VICTIM KHALIL SINGLETON WAS SHOT AND KILLED, AARON SCOTT YOUNG JUNIOR GAVE AN INTERVIEW TO INVESTIGATOR SGT. LAUREL ALBERTIN, INSIDE OF THE INTERROGATION ROOM, AT BEAUFORT COUNTY SHERIFF DEPARTMENT. AT THE TIME FRAME OF 00:55:23 ON A COPY OF THE VIDEO RECORDING OF AARON SCOTT YOUNG JUNIOR INTERVIEW, AARON SCOTT YOUNG JUNIOR CONFESSED TO INVESTIGATOR SGT. LAUREL ALBERTIN "QUOTE" "IF WE WOULD NOT OF WENT DOWN THERE THE LITTLE BOY WOULD NOT OF DIED POINT BLANK PERIOD MAN"

AT MY TRIAL WHILE TESTIFYING IN TYRONE ROBINSON DEFENSE, INVESTIGATOR SGT. LAUREL ALBERTIN "CONFESSED" THAT AARON SCOTT YOUNG JUNIOR CONFESSED TO HER AND SAID THAT "QUOTE" "IF WE WOULD OF NEVER WENT DOWN THERE THE LITTLE BOY WOULD OF NEVER DIED FOR PROOF

REVIEW PAGE 627 PARAGRAPHS 15, 16, 17, 18 AND 19 OF TRIAL TRANSCRIPT.

AS A MATTER OF LAW PROVEING, THAT AT THE TIME-

- DATE TIME INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT, OBTAINED ARREST WARRANT # 2012 A0720300113 AND ARREST WARRANT # 2012 A0720300114, AGAINST AARON SCOTT YOUNG JUNIOR AND A ATTACK VICTIM TYRONE ROBINSON, ON 09-06-12. INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT ALREADY KNEW, THAT THE EVIDENCE THAT THEY OBTAINED IN THIS CASE, PROVED THAT VICTIM ^{K.S.} DEATH, AS THE NATURAL OR PROBABLE CONSEQUENCE, OF AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, BEING IN THE COMMISSION OF TRYING TO COMMITTE THE INHERENTLY DANGEROUS FELONY OF MURDER 16-3-10 AGAINST TYRONE ROBINSON, ON DATE OF 09-01-12 AT THE IMMEDIATE TIME AND SAME LOCATION VICTIM ^{K.S.} WAS SHOT AND KILLED AT.

AS A MATTER OF LAW PROVEING, THAT AT THE IMMEDIATE TIME INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT, OBTAINED ARREST WARRANT # 2012 A0720300113 AND ARREST WARRANT # 2012 A0720300114, AGAINST AARON SCOTT YOUNG JUNIOR AND A ATTACK VICTIM TYRONE ROBINSON, ON 09-06-12. INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT ALREADY KNEW, THAT THE EVIDENCE THAT THEY OBTAINED IN THIS CASE AND HAD IN THEIR POSSESSION ON 09-06-12, PROVED THAT FELONS AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, ARE THE ONLY ONES WHO ARE GUILTY OF COMMITTING THE 2ND ELEMENT "ALLEGED" DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANTS CONDUCT IN COMMITTING THAT CRIME

THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY FOR PROOF REVIEW
CASE LAW MERIT

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF, GORE V. LEEKE 1995, E. 26755 "QUOTE" THE COMMON PURPOSE LADIES AND GENTLEMEN MAY HAVE NOT INCLUDED OR NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANYONE BUT IF IN EXECUTING THE COMMON DESIGN AND PURPOSE

AND IF IT WAS UNLAWFUL AS FOR INSTANCE, BREAK-
 -ING IN AND STEALING AND IN THE EXECUTION OF THE
 COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE
 OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND
 YOU, THE JURY DETERMINE FROM THE PROOF BEYOND
 A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE
 OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE
 DONE IN PURSUANCE OF THE COMMON DESIGN, THEN
 LADIES AND GENTLEMAN ALL WHO ARE PRESENT
 EITHER ACTUALLY OR CONSTRUCTIVELY, AND PARTIC-
 -IPATING IN THE UNLAWFUL COMMON DESIGN ARE
 AS GUILTY AS THE SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF
 ILLINOIS CASE LAW OF,
 THE PEOPLE OF THE STATE OF ILLINOIS V. ANTONIO
 LOWERY 178 ILL.2D 462, 687 N.E.2D 973 "QUOTING"
 WE AGREE. A FELONY IS LIABLE FOR THE DEATH WHICH
 OCCUR DURING A FELONY AND WHICH ARE THE FORE-
 -SEEABLE CONSEQUENCE OF HIS INITIAL CRIMINAL ACTS.

AS A MATTER OF LAW PROVEING THAT AT THE IMMEDIATE
 TIME INVESTIGATOR SGT LAUREL ALBERTIN AND
 BEAUFORT COUNTY SHERIFF DEPARTMENT. OBTAINED
 ARREST WARRANT #2012 A0720300113 AND ARREST
 WARRANT #2012 A0720300114. AGAINST AARON
 SCOTT YOUNG JUNIOR AND I A ATTACK VICTIM TYRONE
 ROBINSON, ON 09-06-12. FOR THE CRIME OF FELONY
 MURDER BY THE FELONY MURDER RULE THEORY, FOR
 THE DEATH OF VICTIM K. S. INVESTIG-
 -ATOR SGT. LAUREL ALBERTIN, AND BEAUFORT COUNTY
 SHERIFF DEPARTMENT ALREADY KNEW, THAT THE
 EVIDENCE THEY OBTAINED IN THIS CASE AND HAD IN
 THEIR POSSESSION ON 09-06-12, PROVED THAT FELONS
 AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG
 SENIOR ARE THE ONLY ONES WHO ARE GUILTY OF THE
 CRIME OF FELONY MURDER BY THE FELONY MURDER
 RULE THEORY, FOR THE DEATH OF VICTIM K. S.
 [REDACTED]. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF
 ILLINOIS CASE LAW OF,
 THE PEOPLE OF THE STATE OF ILLINOIS V. ANTONIO
 LOWERY 178 ILL.2D 462, 687 N.E.2D 973 "QUOTING"
 IT IS EQUALLY CONSISTANT WITH REASON AND
 SOUND POLICY TO HOLD THAT WHEN FELONS ATTEMPT
 TO COMMIT A FORCEBLE FELONY, SETS IN MOTION
 A CHAIN OF EVENTS WHICH WERE OR SHOULD HAVE
 BEEN WITHIN HIS CONTEMPLATION WHEN THE MOTION

was frustrated, he should be held responsible for any death which by direct and almost inevitable sequence of results from the initial criminal acts. Thus, there is no reason why the principle underlying the doctrine of proximate cause should not apply to criminal cases. More over, we believe that the intent behind the felony-murder doctrine would be thwarted if we did not hold felons responsible for the foreseeable consequences of their actions. The state relying on Hickman and Payne, argues that defendant was liable for defendant's death because it was reasonably foreseeable that Marlon would retaliate against defendant. We agree a felon is liable for those deaths which are the foreseeable consequence of his initial criminal acts. In the present case, when defendant dropped the gun and realized that Marlon was then in possession of the weapon, he believed that Marlon would retaliate, and therefore, he ran. If defendant's death resulted from Marlon's firing the gun as defendant attempted to flee, it was nonetheless, defendant's action that set in motion the events leading to the victim's death. It is unimportant that defendant did not anticipate the precise sequence of events that followed his robbery attempt. We conclude that defendant's unlawful acts precipitated these events, and he is responsible for the consequence.

Because on arrest warrant #2012 A07203-00115 and arrest warrant #2012 A0720300116. Investigator Sgt. Laurel Albertin, and Beaufort County Sheriff Department, "confessed under sworn oath" that the evidence that investigator Sgt. Laurel Albertin and Beaufort County Sheriff Department obtained in this case, and had in their possession on 09-06-12, proved that Aaron Scott Young Junior and Aaron Scott Young Senior, were in the commission of trying to commit the inherently dangerous felony of murder 16-3-10. against victim Tyrone Robinson. at 1648 hours on 09-01-12 at the immediate time and same location victim K.S. was shot and killed at.

Proves that at the immediate time investigator Sgt. Laurel Albertin and Beaufort County Sheriff Department, obtained arrest warrant #2012 A07-20300113 and arrest warrant #2012 A0720300114.

AGAINST AARON SCOTT YOUNG JUNIOR AND ~~THE~~ ATTACK
 VICTIM TYRONE ROBINSON ON 09-06-12.
 INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT
 COUNTY SHERIFF DEPARTMENT KNEW THAT ~~THE~~ ATTACK
 VICTIM TYRONE ROBINSON WAS "NOT" HELPING
 AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG
 SENIOR. "TRY" TO COMMITTE THE INHERENTLY
 DANGEROUS FELONY OF MURDER 16-3-10. AGAINST
~~THE~~ TYRONE ROBINSON. THAT ~~IS~~ THE INHERENTLY
 DANGEROUS FELONY. THAT AARON SCOTT YOUNG
 JUNIOR AND AARON SCOTT YOUNG SENIOR. WAS IN
 THE COMMISSION OF TRYING TO COMMITTE.
 AGAINST ~~THE~~ TYRONE ROBINSON. AT 1648 HOURS
 ON 09-01-12 AT THE IMMEDIATE TIME AND
 SAME LOCATION VICTIM K. S. [REDACTED] WAS SHOT
 AND KILLED AT.

AS A MATTER OF LAW PROVEING THAT AT THE IMME-
 -DIATE TIME INVESTIGATOR SGT. LAUREL ALBERTIN
 AND BEAUFORT COUNTY SHERIFF DEPARTMENT. OBTAINED
 ARREST WARRANT #2012 A072 0300113 AND ARREST
 WARRANT #2012 A072 0300114. AGAINST AARON SCOTT
 YOUNG JUNIOR AND ~~THE~~ ATTACK VICTIM TYRONE
 ROBINSON ON 09-06-12. INVESTIGATOR SGT.
 LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF
 DEPARTMENT. KNEW THAT ~~THE~~ TYRONE ROBINSON. AM
 ACTUALLY INNOCENT AND NOT GUILTY. OF COMMITTE-
 -ING THE 1ST ELEMENT "ALLEGEDLY"
DEATH TO THE VICTIM AS A CONSEQUENCE
OF THE DEFENDANTS CONDUCT IN COMMITTEING
THAT CRIME

THAT ~~IS~~ REQUIRED TO CONSTITUTE THE CRIME
 OF FELONY MURDER BY THE FELONY MURDER RULE
 THEORY. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF
 ILLINOIS CASE LAW OF.
 THE PEOPLE OF THE STATE OF ILLINOIS V. ANTONIO
 LOWERY 178 ILL. 2D 462, 687 N.E.2D 973 "QUOTEING"
~~THE~~ EQUALLY CONSISTANT WITH REASON AND SOUND
 POLICY TO HOLD THAT WHEN FELONY ATTEMPT TO COMM-
~~THE~~ A FORCEBLE FELONY. SETS IN MOTION A CHAIN
 OF EVENTS WHICH WERE OR SHOULD HAVE BEEN WITHIN
 HIS CONTEMPLATION WHEN THE MOTION WAS INITIATED,
 HE SHOULD BE HELD RESPONSIBLE FOR ANY DEATH WHICH
 BY DIRECT AND ALMOST INEVITABLE SEQUENCE
 RESULTS FROM THE INITIAL CRIMINAL ACTS. THUS,
 THERE IS NO REASON WHY THE PRINCIPLE UNDERLYING
 THE DOCTRINE OF PROXIMATE CAUSE SHOULD NOT
 APPLY TO CRIMINAL CASES. MORE OVER, WE BELIEVE
 THAT THE INTENT BEHIND THE FELONY-MURDER DOCTRINE

would be thwarted if we did not hold felons responsible for the foreseeable consequences of their actions. The state relying on Heckman and Payne, argues that defendant was liable for defendant's death because it was reasonably foreseeable that Marlon would retaliate against defendant. We agree a felon is liable for those deaths which are the foreseeable consequence of intentional criminal acts. In the present case, when defendant dropped the gun and realized that Marlon was then in possession of the weapon, he believed that Marlon would retaliate, and therefore, he ran. If defendant's death resulted from Marlon firing the guns as defendant attempted to flee, it was nevertheless, defendant's action that set in motion the events leading to the victim's death. It is unimportant that defendant did not anticipate the precise sequence of events that followed his robbery attempt. We conclude that defendant's unlawful act precipitated these events, and he is responsible for the consequence.

Because on date of 09-06-12 on arrest warrant # 2012 A07 20300115 and arrest warrant # 2012 A07 - 20300116, Investigator Sgt. Laurel Albertin, and Beaufort County Sheriff Department, "Confessed under sworn oath" that the evidence that Investigator Sgt. Laurel Albertin and Beaufort County Sheriff Department obtained in this case, proved that Aaron Scott Young Junior and Aaron Scott Young Senior were in the commission of trying to commit the inherently dangerous felony of murder 16-3-10. The inherently dangerous felony of murder 16-3-10. On 09-01-12 at the immediate time and same location victim K.S. was shot and killed at.

Also because on September 25, 2012 on the day victim K.S. was shot and killed, Aaron Scott Young Junior gave an interview to Investigator Sgt. Laurel Albertin, inside of the interrogation room. At Beaufort County Sheriff Department. At the time frame of 00:55:23 on a copy of the video recording of Aaron Scott Young Junior interview. Aaron Scott Young Junior confessed to Investigator Sgt. Laurel Albertin "quoting" "If we would not of went down there the little boy would not of died point blank period man".

Also because at my trial while testifying in the Tyrone Robinson defense. Investigator Sgt. Laurel Albertin "confessed" that Aaron Scott Young Junior "confessed" to her and said

THAT "QUOTE" IF WE WOULD OR NEVER WENT DOWN THERE THE LTL BOY WOULD OF NEVER DIED FOR PROOF REVIEW PAGE 627 PARAGRAPHS 15, 16, 17, 18 AND 19 OF TRIAL TRANSCRIPT

AS A MATTER OF LAW PROVEING. THAT AT THE IMMEDIATE TIME INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT. OBTAINED ARREST WARRANT # 2012 A0720300113 AND ARREST WARRANT # 2012 A0720300114. AGAINST AARON SCOTT YOUNG JUNIOR AND A ATTACK VICTIM TYRONE ROBINSON, ON 09-06-12. INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT ALREADY KNEW. THAT THE EVIDENCE THEY OBTAINED IN THIS CASE AND HAD IN THERE POSSESSION ON DATE OF 09-06-12. PROVED THAT VICTIM K. S.

DEATH. IS THE NATURAL OR PROBABLE CONSEQUENCE. OF AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR. BEING IN THE COMMISSION OF TRYING TO COMMITTE THE INHERANTLY DANGEROUS FELONY OF MURDER 16-3-10 AGAINST A TYRONE ROBINSON. ON DATE OF 09-01-12 AT THE IMMEDIATE TIME AND SAME LOCATION VICTIM K. S. WAS SHOT AND KILLED AT.

AS A MATTER OF LAW PROVEING. THAT AT THE IMMEDIATE TIME INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT. OBTAINED ARREST WARRANT # 2012 A0720300113 AND ARREST WARRANT # 2012 A0720300114. AGAINST AARON SCOTT YOUNG JUNIOR AND A ATTACK VICTIM TYRONE ROBINSON, ON 09-06-12. INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT ALREADY KNEW. THAT A ATTACK VICTIM TYRONE ROBINSON. WAS "NOT" HELPING AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR. TRY TO COMMITTE THE INHERANTLY DANGEROUS FELONY OF MURDER - 16-3-10. AGAINST A TYRONE ROBINSON ON 1648 HOURS ON 09-01-12 AT IMMEDIATE TIME AND SAME LOCATION VICTIM K. S. WAS SHOT AND KILLED AT. THAT IS THE INHERANTLY DANGEROUS FELONY VICTIM K. S. DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF.

AS A MATTER OF LAW PROVEING. THAT AT THE IMMEDIATE TIME INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT. OBTAINED ARREST WARRANT # 2012 A0720300113 AND ARREST WARRANT # 2012 A0720300114. AGAINST AARON SCOTT YOUNG JUNIOR AND A ATTACK VICTIM TYRONE ROBINSON ON 09-06-12. INVESTIGATOR SGT. LAUREL

ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT KNEW. THAT BECAUSE ARON SCOTT YOUNG JUNIOR AND ARON SCOTT YOUNG SENIOR. WERE IN THE COMMIT-
-SION OF "TRIPPING" TO COMMITTE. THE INHERENTLY DANGEROUS FELONY OF MURDER 16-3-10 AGAINST TYRONE ROBINSON AT 1648 HOURS ON 09-01-12 AT THE IMMEDIATE TIME AND SAME LOCATION VICTIM K.S. WAS SHOT AND KILLED AT. THAT IS THE INHERENTLY DANGEROUS FELONY THAT VICTIM K.S. DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF. AS A MATTER OF LAW TYRONE ROBINSON AM ACTUALLY INNOCENT OF AND NOT GUILTY OF. COMMITTING THE 2ND ELEMENT "ALLEGEDLY"

death to the victim as a consequence of the defendants conduct in committing that CRIME

THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF ILLINOIS CASE LAW OF.

THE PEOPLE OF THE STATE OF ILLINOIS V. GREGORY SHAW 713 N.E.2d 1161 "QUOTE"

ACCOUNTABILITY FOR FELONY MURDER, IN TURN EXISTS ONLY IF DEFENDANT MAY BE DEEMED

LEGALLY RESPONSIBLE FOR THE FELONY THAT ACCOMPANIES THE MURDER

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF ILLINOIS CASE LAW OF.

THE PEOPLE OF THE STATE OF ILLINOIS V. ANTONIO LOWERY 178 ILL.2d 462, 687 N.E.2d 973 "QUOTE"

IT IS EQUALLY CONSISTANT WITH REASON AND SOUND POLICY TO HOLD THAT WHEN FELONY ATTEMPT TO COMMIT A FORCEFUL FELONY, SET IN MOTION A CHAIN OF EVENTS WHICH WERE OR SHOULD HAVE BEEN WITH-

IN HIS CONTEMPLATION WHEN THE MOTION WAS INITIATED, HE SHOULD BE HELD RESPONSIBLE FOR

ANY DEATH WHICH BY DIRECT AND ALMOST INEVIT-
-ABLE SEQUENCE RESULTS FROM THE INITIAL CRIM-

INAL ACTS. THUS THERE IS NO REASON WHY THE PRINCIPLE UNDERLYING THE DOCTRINE OF PROXI-

MATE CAUSE SHOULD NOT APPLY TO CRIMINAL CASES.

MORE OVER WE BELIEVE THE INTENT BEHIND THE FELONY MURDER DOCTRINE WOULD BE THWARTED IF

WE DID NOT HOLD FELONS RESPONSIBLE FOR THE FORESEEABLE CONSEQUENCES OF THEIR ACTIONS

1st 27. UNDESPUTABLE FACT

ON ARREST WARRANT # 2012 A0720300114 AND ARREST WARRANT # 2012 A0720300116. INVESTIGATOR SGT. LAUREL ALBERTIN, AND BEAUFORT COUNTY SHERIFF DEPARTMENT. "CONFESSED UNDER SWORN OATH" THAT THE EVIDENCE THAT INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF OFFICE OBTAINED IN THIS CASE. PROVED THAT AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR. WERE IN THE COMMISSION OF TRYING TO COMMITTE. THE INHERENTLY DANGEROUS FELONY OF MURDER 16-3-10. AGAINST VICTIM TYRONE ROBINSON ON 09-01-12 AT THE IMMEDIATE TIME AND SAME LOCATION VICTIM K. S. [REDACTED] WAS SHOT AND KILLED AT.

2nd UNDESPUTABLE FACT

INSIDE OF ATTACKER AARON SCOTT YOUNG JUNIOR APPEAL CASE. THE SOUTH CAROLINA COURT OF APPEALS DECIDED. THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL AGAINST ATTACKER AARON SCOTT YOUNG JUNIOR. PROVES THAT ATTACKER AARON SCOTT YOUNG JUNIOR WAS IN THE COMMISSION OF ATTEMPTING TO COMMITTE. THE INHERENTLY DANGEROUS FELONY OF MURDER AGAINST TYRONE ROBINSON. DURING THE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED. AT THE SAME LOCATION VICTIM K. S. [REDACTED] WAS SHOT AND KILLED AT. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF. THE STATE VS. AARON SCOTT YOUNG JR. 818 S.E.2d 486 "QUOTING" TRIAL COURT. PROPERLY DENIED YOUNG JR.'S MOTION FOR DIRECTED VERDICT ON THE ATTEMPTED MURDER CHARGE BECAUSE THE STATE PRESENTED SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE DEMONSTRATING YOUNG JR.'S GUILT. "FURTHER QUOTING" HERE, SINGLETON TESTIFIED AFTER ROBINSON FIRST FIRED HIS REVOLVER AT THE GROUND NEAR THE YOUNGS, THE YOUNG WENT INTO THEIR HOME AND RETRIEVED A SEMI-AUTOMATIC PISTOL. THERE AFTER, SINGLETON AND THE YOUNGS DROVE AROUND THEIR NEIGHBORHOOD SEARCHING FOR ROBINSON, AND YOUNG JR. ASSEMBLED THE PISTOL DURING THE SEARCH. MITCHELL TESTIFIED ROBINSON CAME TO HER DOOR AND EXCITEDLY TOLD HER THE YOUNGS WERE SHOOTING AT HIM. DELANEY ALSO TESTIFIED ROBINSON TOLD HIM ABOUT AN EXCHANGE OF GUNFIRE WITH THE YOUNGS. MOREOVER THE STATE PUBLISHED YOUNG JR.'S POLICE INTERVIEW TO THE JURY. IN THE INTERVIEW YOUNG JR. EXPLAINED THE FIRST TIME WE CAUGHT ROBINSON THE PISTOL WOULDN'T SHOOT. IT WOULDN'T SHOOT, YOUNG JR. CONTINUED. IT DIDN'T GO DOWN LIKE WE WANTED TO. IF IT WOULDN'T WENT DOWN LIKE THAT, WE WOULDN'T EVEN BE HERE AND NOBODY WOULD KNOW NOTHING BECAUSE IT WAS A DEAD END ROAD. BUT THE PISTOL JUST WOULDN'T GO OFF. YOUNG JR. ALSO CLARIFIED ROBINSON WAS HER INTENDED TARGET. VIEWING THIS EVIDENCE IN THE LIGHT MOST FAVORABLE TO THE STATE, WE FIND THERE WAS SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE TENDING TO PROVE YOUNG JR. ATTEMPTED TO MURDER ROBINSON

ATTEMPTED MURDER

OF THE VICTIM TYRONE ROBINSON, SOUTH CAROLINA
CODE OF LAW 16-03-60 COMMITTED BY
ATTACKER AARON SCOTT YOUNG JUNIOR

ON INDICTMENT # 2012-65-07-01940 INVESTIG-
-ATOR SGT. LAUREL ALBERTIN, BEAUFORT
COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH
CAROLINA AND SOLICITOR ISSAC MC. DUFFIE
STONE. CHARGED AARON SCOTT YOUNG JUNIOR WITH THE
CRIME AND FELONY OF ATTEMPTED MURDER OF THE
VICTIM TYRONE ROBINSON. INDICTMENT # 2014-65-
-07-01940 STATES "QUOTEING"

THAT IN BEAUFORT COUNTY SOUTH CAROLINA, ON OR
ABOUT SEPTEMBER 1ST, 2,012 THE DEFENDANT,
AARON JUNIOR WITH INTENT TO KILL AND
MALICE AFORETHOUGHT EITHER EXPRESSED
OR IMPLIED, ATTEMPTED TO MURDER THE
VICTIM, TYRONE ROBINSON IN VIOLATION
OF SECTION 16-03-29 OF THE CODE OF LAWS OF
SOUTH CAROLINA (2,010, AS AMENDED

ON FEBRUARY 2ND OF 2,005 THE JURY AT TRIAL
FOUND AARON SCOTT YOUNG JUNIOR GUILTY OF
COMMITTING THE CRIME OF ATTEMPTED
MURDER S.C. CODE OF LAW 16-03-29 AGAINST
THE VICTIM TYRONE ROBINSON AT THE
IMMEDIATE TIME VICTIM K. S.

WAS SHOT AND KILLED. AS A RESULT
TRIAL JUDGE THOMAS COOPER SENTENCED
AARON SCOTT YOUNG JUNIOR TO THIRTY YEARS
IMPRISONMENT FOR COMMITTING THE CRIME
OF ATTEMPTED MURDER S.C. CODE OF LAW
16-03-29 AGAINST THE VICTIM TYRONE ROB-
-INSON AT THE IMMEDIATE TIME VICTIM
K. S. WAS SHOT AND KILLED

ATTEMPTED MURDER

COMMITTED BY ATTACKER AARON SCOTT YOUNG
JUNIOR AGAINST VICTIM TYRONE ROBINSON

ON INDICTMENT # 2012-65-07-01935

ATTEMPTED MURDER

OF A VICTIM TYRONE ROBINSON, SOUTH CAROLINA CODE OF LAW 16-03-60 COMMITTED BY ATTACKER AARON SCOTT YOUNG SENIOR

ON INDICTMENT #2012-65-07-0941 INVESTIGATOR SGT. LAUREL ALBERTIN, BEaufORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR ISAAC MC. DURFEE STONE. CHARGED AARON SCOTT YOUNG SENIOR WITH THE CRIME AND FELONY OF ATTEMPTED MURDER OF A VICTIM TYRONE ROBINSON. INDICTMENT #2014-65-07-01941 STATES "QUOTE"

THAT IN BEaufORT COUNTY SOUTH CAROLINA, ON OR ABOUT SEPTEMBER 25, 2012 THE DEFENDANT, AARON YOUNG SENIOR WITH INTENT TO KILL AND MALICE AFORETHOUGHT EITHER EXPRESS OR IMPLIED, ATTEMPTED TO MURDER THE VICTIM, TYRONE ROBINSON, IN VIOLATION OF SECTION 16-03-29 OF THE CODE OF LAWS OF SOUTH CAROLINA (2,010 AS AMENDED)

ON AUGUST, 8TH OF 2015 THE JURY AT TRIAL FOUND AARON SCOTT YOUNG SENIOR GUILTY OF COMMITTING THE CRIME OF ATTEMPTED MURDER S.C. CODE OF LAWS 16-03-29 AGAINST VICTIM TYRONE ROBINSON AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED. AS A RESULT TRIAL JUDGE THOMAS COOPER SENTENCED AARON SCOTT YOUNG SENIOR TO TWENTY YEARS IMPRISONMENT FOR COMMITTING THE CRIME OF ATTEMPTED MURDER S.C. CODE OF LAW 16-03-29 AGAINST VICTIM TYRONE ROBINSON AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED

Therefore because investigator Sgt. Laurel Albertin, Beaufort County Sheriff Department, The State of South Carolina and Solicitor Isaac Mc. Duffie Stone, charged, alleged and accused Tyrone Robinson, of shooting towards armed felons Aaron Scott Young Senior and Aaron Scott Young Junior, and unintentionally shooting and killing victim K. S. [REDACTED], while armed felons Aaron Scott Young Junior and Aaron Scott Young Senior, were in the process of trying to "ESCAPE" from the scene of the crime, were

investigator Sgt. Laurel Albertin and Beaufort County Sheriff Department charged Aaron Scott Young Junior and Aaron Scott Young Senior, with trying to commit the inherently dangerous felony of murder 16-3-10, against victim Tyrone Robinson at, on arrest warrant # 2012 A072030014 and arrest warrant # 2012 A07203-0016 at 1648 hours 09-01-12 at the immediate and same location victim K. S. [REDACTED] was shot and killed.

And also were investigator Sgt. Laurel Albertin, Beaufort County Sheriff Department, The State of South Carolina, and Solicitor Isaac Mc. Duffie Stone, charged Aaron Scott Young Junior and Aaron Scott Young Senior, with committing the inherently dangerous felony of attempt to murder victim Tyrone Robinson 16-03-29 at, on indictment # 2014 GS 0701940 and indictment # 2014 GS 0701941. Also were South Carolina Court of Appeals decided, that Aaron Scott Young Junior and Aaron Scott Young Senior, were guilty of committing the inherently dangerous felony of attempt to murder victim Tyrone Robinson 16-03-29 at, inside of Aaron Scott Young Junior appeal case of, The State vs. Aaron Scott Young Jr. 818 S.E.2d 486. For proof review

CASE LAW MERITS

Supreme Court of Appeals of the State of South Carolina case law of.

The State vs. Aaron Scott Young Jr. 818 S.E.2d 486

"QUOTE" TRIAL COURT PROPERLY DENIED YOUNG JR.'S MOTION FOR DIRECTED VERDICT ON THE ATTEMPTED MURDER CHARGE BECAUSE THE STATE PRESENTED SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE DEMONSTRATING YOUNG JR.'S GUILT "FURTHER

"QUOTE" HERE, SINGLETON TESTIFIED AFTER ROBINSON FIRST FIRED HIS REVOLVER AT THE GROUND NEAR THE YOUNGS, THE YOUNGS WENT INTO THEIR HOUSE AND RETRIEVED A SEMI-AUTOMATIC PISTOL. THERE AFTER, SINGLETON

1850

therefore became INVESTIGATOR Sgt LAUREL
ALBERTIN, BEAUFORT COUNTY

8 91

56

AND THE YOUNGS DROVE AROUND THEIR NEIGHBORHOOD SEARCHING FOR ROBINSON, AND YOUNG JR. ASSEMBLED THE PISTOL DURING THE SEARCH. MITCHELL TESTIFIED ROBINSON CAME TO HER DOOR AND EXCITEDLY TOLD HER THE YOUNGS WERE SHOOTING AT HIM. DELANEY ALSO TESTIFIED ROBINSON TOLD HIM ABOUT AN EXCHANGE OF GUNFIRE WITH THE YOUNGS. MOREOVER THE STATE PUBLISHED YOUNG JR'S POLICE INTERVIEW TO THE JURY. IN THE INTERVIEW YOUNG JR. EXPLAINED THE FIRST TIME WE CAUGHT ROBINSON THE PISTOL WOULDN'T SHOOT. IT WOULDN'T SHOOT, YOUNG JR. CONTINUED. IT DIDN'T GO DOWN LIKE WE WANTED TO. IF IT WOULDN'T GO DOWN LIKE THAT, WE WOULDN'T EVEN BE HERE AND NOBODY WOULD KNOW NOTHING BECAUSE IT WAS A DEAD END ROAD. BUT THE PISTOL JUST WOULDN'T GO OFF. YOUNG JR. ALSO CLARIFIED ROBINSON WAS HIS INTENDED TARGET, VIEWING THIS EVIDENCE IN THE LIGHT MOST FAVORABLE TO THE STATE, WE FIND THERE WAS SUBSTANTIAL CIRCUMSTANTIAL EVIDENCE TENDING TO PROVE YOUNG JR. ATTEMPTED TO MURDER ROBINSON

AS A MATTER OF LAW PROVEING, THAT INVESTIGATOR SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR JUDGE MC. DUFFIE STONE, ALL "LACKED PROBABLE CAUSE", TO OBTAIN ARREST WARRANT # 2012 A0720300114 AND INDICTMENT # 2012-GS-07-01935 AGAINST ME. ARREST, CONVICTION, SENTENCE TO PRISON TIME OF LIFE IMPRISONMENT AND UNLAWFULLY RESTRAIN ME, FOR THE CRIME OF MURDER FOR THE DEATH OF VICTIM [REDACTED] BY ALLEGING I COMMITTED A LAWFUL ACT, THAT IS CONSIDERED A LAWFUL ACT OF SELF DEFENSE AND IS NOT CONSIDERED A CRIME" BY THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA, INSIDE OF THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF STATE VS. BANISTER 145.E 678 BECAUSE INSIDE OF THE CASE OF STATE VS. BANISTER 145.E. 678, THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA ESTABLISHED, THAT THE LAW INSIDE OF THE STATE OF SOUTH CAROLINA IS, THAT WHEN ARMED FELONS COMMIT A INHERENTLY DANGEROUS FELONY AGAINST A VICTIM, IT IS "LAWFUL" FOR THE VICTIM OF THE INHERENTLY DANGEROUS FELONY, TO SHOOT THE ARMED FELON TO PREVENT THE ARMED FELONS FROM ESCAPING FROM THE SCENE OF THE CRIME. THAT THE ARMED FELONS COMMITTED THE INHERENTLY DANGEROUS FELONY AGAINST THE VICTIM AT, FOR PROOF REVIEW

CASE LAW MERIT

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF
STATE VS. BANISTER 145 E. 678 "QUOTE"
 BUT ANY CITIZEN HAS THE RIGHT TO SHOOT ANOTHER
 TO PREVENT THE ESCAPE OF THE FELON

BECAUSE INVESTIGATOR SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR JACOB MC. DUFFIE STONE, CHARGE, ALLEGATION AND ACCUSATION ALLEGING: TYRONE ROBINSON SHOT AT ARMED FELONS AARON SCOTT YOUNG JUNIOR, AND AARON SCOTT YOUNG SENIOR, AND UNINTENTIONALLY SHOT AND KILLED VICTIM KHALIL SIMPLETON. WHILE ARMED FELONS AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, WAS TRYING TO ESCAPE FROM THE SCENE OF THE CRIME. THAT AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, WERE BOTH CHARGED WITH TRYING TO COMMIT THE INHERENTLY DANGEROUS FELONY OF MURDER AGAINST VICTIM TYRONE ROBINSON AT. ALSO WERE AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, WERE BOTH CHARGED WITH COMMITTING THE INHERENTLY DANGEROUS FELONY OF ATTEMPT TO MURDER VICTIM TYRONE ROBINSON 16-03-29 AGAINST VICTIM TYRONE ROBINSON AT. IS CONSIDERED AN
 "LAWFUL ACT OF SELF DEFENSE" AGAINST

ARMED FELONS AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, BY THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA. INSIDE OF THE CASE LAW OF STATE VS. BANISTER 145 E. 678. AS A MATTER OF LAW PROVEING THAT TYRONE ROBINSON DID NOT COMMIT A CRIME. THAT TYRONE ROBINSON CAN BE CONVICTED SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT AND PUNISHED FOR. FOR PROOF REVIEW
CASE LAW MERIT

COURT OF APPEALS OF THE STATE OF GEORGIA CASE LAW OF,
BAGGS VS. THE STATE 401 S.E. 2d 599 "QUOTE"

IF IT IS SELF DEFENSE IT IS NO CRIME AT ALL

AS A MATTER OF LAW A REASONABLE PRUDENT AND CAUTIOUS PERSON, IN INVESTIGATOR SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR JACOB MC. DUFFIE STONE POSITION, WOULD OF BELIEVED AND KNOWN THAT THEY LACKED PROBABLE CAUSE, TO OBTAIN ARREST WARRANT #2012 A0720300114 AND INDICTMENT #2012-GS-07-01935 AGAINST TYRONE ROBINSON. FOR THE CRIME OF MURDER FOR THE DEATH OF VICTIM K. S. [REDACTED], BY ALLEGING IT COMMITTED A LAWFUL ACT, THAT IS CONSIDERED A

LAWFUL ACT OF SELF DEFENSE, BECAUSE A REASONABLE PRUDENT AND CAUTIOUS PERSON. INSIDE OF INVESTIGATOR SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR JISAC MC. DUFFRE STONE POSITION. WOULD OF BELIEVED AND KNOWN, THAT A ALLEGED LAWFUL ACT THAT CONSTITUTES A LAWFUL ACT OF SELF DEFENSE, DOES NOT CONSTITUTE A CRIME THAT I CAN BE ARRESTED, CONVICTED, SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT, PUNISHED AND IMPRISONED ON. FOR PROOF REVIEW
CASE LAW MERITS

COURT OF APPEALS OF THE STATE OF GEORGIA CASE LAW OF.

BAGS V. THE STATE 401 S.E.2d 599 "QUOTING"

IT IS SELF DEFENSE IT IS NO CRIME AT ALL

AS A MATTER OF LAW PROVEING THAT INVESTIGATOR SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR JISAC MC. DUFFRE STONE. ALL "LACKED PROBABLE CAUSE" TO OBTAIN ARREST WARRANT # 2012 A0720300114, AND INDICTMENT # 2012-GJ-07-01935 AGAINST ME, AND CHARGE ME WITH THE CRIME OF MURDER FOR THE DEATH OF VICTIM [REDACTED] K.S. by ALLEGING I COMMITTED A LAWFUL ACT THAT CONSTITUTES A LAWFUL ACT OF SELF DEFENSE. THAT DOES NOT CONSTITUTE A CRIME, THAT I CAN BE ARRESTED, CONVICTED, SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT, PUNISHED AND IMPRISONED ON. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

THE STATE V. JOHN ROSEVELT BACCUS 625 S.E.2d "QUOTING"

A COURT MUST CONSIDER WHETHER AT THE MOMENT THE ARREST WAS MADE, THE OFFICER HAD PROBABLE CAUSE TO MAKE IT, WHETHER AT THAT MOMENT THE FACTS AND CIRCUMSTANCES WITHIN THEIR KNOWLEDGE AND WHICH THEY HAD REASONABLY TRUST WORTHY INFORMATION WERE SUFFICIENT TO WARRANT A PRUDENT MAN IN BELIEVING THAT THE APPELLANT HAD COMMITTED AN OFFENSE

CASE LAW MERTZ

SUPREME COURT OF APPEALS OF THE STATE OF COLORADO CASE LAW OF.

THE PEOPLE OF THE STATE OF COLORADO VS. Kam D. KING 16 P.3d 807 "QUOTE" "FN"

we hold that probable cause to arrest exists when at the time of arrest. The objective circumstances available to a reasonably cautious officer justify the belief that (1st) a crime has been or is being committed (2nd) by the person arrested. Because the police in this case lacked probable cause to believe that defendant, whom they arrested, had committed or were committing the crime of cultivation of marijuana we hold that the police acted without probable cause

As a matter of law proving that the direct evidence and the circumstantial evidence, that investigator Sgt. Laurel Albertin and Beaufort County Sheriff Department, obtained in this case and had in their possession at the immediate time they obtained arrest warrant #2012 A0720300114 and indictment #2012-GJ-07-01935 against me, proves that as a matter of law, victim K. S. death is the natural and probable consequence, of attacker Aaron Scott Young Junior and Aaron Scott Young Senior, unlawfully trying to commit, the inherently dangerous felony of murder 16-3-10, against an attack victim Tyrone Robinson at 1648 hours on date of 09-01-12 at the immediate time and same location victim K. S. was shot and killed at.

Therefore based on the direct evidence and circumstantial evidence, that investigator Sgt. Laurel Albertin and Beaufort County Sheriff Department obtained in this case and had in their possession at the immediate time they obtained arrest warrant #2012 A0720300114 and indictment #2012-GJ-07-01935 against me, proves that as a matter of law, a reasonable prudent and cautious person, in investigator Sgt. Laurel Albertin and Beaufort County Sheriff Department position would of believed and known, that as a matter of law they lacked probable cause to believe that I intended victim Tyrone Robinson, was acting as a codefendant along with attackers Aaron Scott Young Junior, to commit the crime of felony murder by the felony murder rule theory "ALLEGING"

by The FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25, 2012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT THE MAGISTRATE JUDGE AND GRAND JURY ISSUED ARREST WARRANT # 2012 A072030014 AND INDICTMENT # 2012-65-07-01935 AGAINST ME FOR, BECAUSE A REASONABLE PRUDENT AND CAUTIOUS PERSON, IN INVESTIGATOR Sgt. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT POSITION, WOULD OF KNOWN, THAT AS THE INTENDED VICTIM, WHO ATTACKERS AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, WAS IN THE COMMISSION OF TRYING TO COMMITTE THE INHERENTLY DANGEROUS FELONY OF MURDER 16-3-10 AGAINST, THAT IS THE INHERENTLY DANGEROUS FELONY, THAT VICTIM K. S. [REDACTED] DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF, AS A MATTER OF LAW THE INTENDED VICTIM TYRONE ROBINSON, CAN NOT BE HELD CRIMINALLY RESPONSIBLE FOR THE DEATH OF VICTIM K. S. [REDACTED] REGARDLESS OF WHO THE PERSON IS THAT FIRED THE FATAL SHOT. FOR PROOF REVIEW

CASE LAW MERTZ

SUPREME COURT OF APPEALS OF THE STATE OF ILLINOIS CASE LAW OF.

THE PEOPLE OF THE STATE OF ILLINOIS VS. ANTONIO LOWERY 178 ILL. 2d 462, 687 N.E. 2d 973 "QUOTE" IT IS EQUALLY CONSISTANT WITH REASON AND SOUND POLICY TO HOLD THAT WHEN A FELONY ATTEMPT TO COMMITTE A FORCIBLE FELONY, SET IN MOTION A CHAIN OF EVENTS WHICH WERE OR SHOULD HAVE BEEN WITHIN HIS CONTEMPLATION WHEN THE MOTION WAS INITIATED, HE SHOULD BE HELD RESPONSIBLE FOR ANY DEATH WHICH BY DIRECT AND ALMOST INEVITABLE SEQUENCE RESULTS FROM THE INITIAL CRIMINAL ACT. THUS, THERE IS NO REASON WHY

THE PRINCIPLE UNDERLYING THE DOCTRINE OF PROXIMATE CAUSE SHOULD NOT APPLY TO CRIMINAL CASES. MOREOVER, WE BELIEVE THAT THE INTENT BEHIND THE FELONY - MURDER DOCTRINE WOULD BE THWARTED IF WE DID NOT HOLD FELONS RESPONSIBLE FOR THE FORESEEABLE CONSEQUENCES OF THEIR ACTIONS. THE STATE RELYING ON HICKMAN AND PAYNE, ARGUES THAT DEFENDANT WAS LIABLE FOR DECEDENT'S DEATH BECAUSE IT WAS REASONABLY FORESEEABLE THAT MARLON WOULD RETALIATE AGAINST DEFENDANT. WE AGREE A FELON IS LIABLE FOR THOSE DEATHS WHICH ARE THE FORESEEABLE CONSEQUENCE OF HIS INITIAL CRIMINAL ACTS.

IN THE PRESENT CASE, WHEN DEFENDANT DROPPED THE GUN AND REALIZED THAT MARLON WAS THEN IN POSSESSION OF THE WEAPON, HE BELIEVED THAT MARLON WOULD RETALIATE, AND THEREFORE, HE KNEW IF DECEDENT DEATH RESULTED FROM MARLON'S FIRING THE GUN AS DEFENDANT ATTEMPTED TO FLEE, IT WAS NONETHELESS, DEFENDANT'S ACTION THAT SET IN MOTION THE EVENTS LEADING TO THE VICTIM DEATH. IT IS UNIMPORTANT THAT DEFENDANT DID NOT ANTICIPATE THE PRECISE SEQUENCE OF EVENTS THAT FOLLOWED HIS ROBBERY ATTEMPT. WE CONCLUDE THAT DEFENDANT'S UNLAWFUL ACTS PRECIPITATED THOSE EVENTS, AND HE IS RESPONSIBLE FOR THE CONSEQUENCE.

AS A MATTER OF LAW PROVEING THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE. THAT INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT. HAD IN THEIR POSSESSION, AT THE IMMEDIATE TIME THEY OBTAINED. ARREST WARRANT # 2012 A0720300114 AND INDICTMENT # 2012-65-07-01935. **DISPROVES THE**

FIRST ELEMENT AND DOES NOT ESTABLISH THE FIRST ELEMENT. THAT IS REQUIRED TO PROVE THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT HE COMMITTED THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALL-GETTING"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2012, WHILE ENGAGED IN A ONGOING GUN

battle an inherently dangerous felony,
 TYRONE ROBINSON did willfully, unlawfully
 and with malice aforethought cause the victim
 K.S. [REDACTED] to be shot and killed in the
 area of Marshland Drive and Allen Road,
 Hilton Head Island, S.C. and that K.S. [REDACTED]
 did die in Beaufort County as a proximate
 result thereof

that I was charged with on arrest warrant #
 2012A0720300114 and indictment # 2012-65-07-
 -01935.
 which the first element that is required to
 establish probable cause that is "DISPROVED"
 is: A crime has been or is being committed
 for proof review

Case Law merits
 Supreme Court of Appeals of the State of
 Colorado case law of.
 The People of the State of Colorado vs. Kam D.
 Kemp 16 P.3d 807 "quoting"
 we hold that probable cause to arrest exists
 when at the time of arrest, the objective
 circumstances available to a reasonably
 cautious officer justify the belief that
 (1st) a crime has been or is being committed

2ND ELEMENT DISPROVED

As a matter of law the second element is
 "DISPROVED". That is required in order to
 have probable cause to charge TYRONE ROBINSON
 with being a codefendant along with alleged
 codefendant Aaron Scott Young Junior. For the
 crime of felony murder by the felony murder
 rule theory:

based on the direct evidence and circumstantial
 evidence that investigator Sgt. Laurel Alberting,
 and Beaufort County Sheriff Department.
 obtained in this case and had in their possession.

AT THE IMMEDIATE TIME THEY OBTAINED ARREST WARRANT #2012 A0720300113 AND INDICTMENT #2012-65-07-01935 AGAINST ME. A REASONABLE PRUDENT AND CAUTIOUS PERSON IN INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT POSITION WOULD OF BELIEVED AND KNOWN, THAT AS THE INTENDED VICTIM WHO ATTACKERS ARON SCOTT YOUNG JUNIOR AND ARON SCOTT YOUNG SENIOR, WERE IN THE COMMISSION OF TRYING TO COMMITTE. THE INHERENTLY DANGEROUS FELONY OF MURDER 1B-3-10 AGAINST. AT 1648 HOURS ON 09-01-12 AT THE IMMEDIATE TIME AND SAME LOCATION VICTIM [REDACTED] WAS SHOT AND KILLED AT. THAT [REDACTED] K.S. IS ALSO THE INHERENTLY DANGEROUS FELONY, THAT VICTIM [REDACTED] K.S. DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF. AS A MATTER OF LAW THE INTENDED VICTIM TYRONE ROBINSON CAN NOT BE HELD CRIMINALLY RESPONSIBLE FOR THE DEATH OF VICTIM [REDACTED] K.S. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF ILLINOIS CASE LAW OF THE PEOPLE OF THE STATE OF ILLINOIS VS. ANTONIO LOWERY 179 ILL. 2D 462, 687 N.E. 2D 973 QUOTING IT IS EQUALLY CONSISTENT WITH REASON AND SOUND POLICY TO HOLD THAT WHEN A FELON ATTEMPT TO COMMIT A FORCIBLE FELONY, SETS IN MOTION A CHAIN OF EVENTS WHICH WERE OR SHOULD HAVE BEEN WITHIN HIS CONTEMPLATION WHEN THE MOTION WAS INITIATED, HE SHOULD BE HELD RESPONSIBLE FOR ANY DEATH WHICH BY DIRECT AND ALMOST INEVITABLE SEQUENCE RESULTS FROM THE INITIAL CRIMINAL ACT. THUS, THERE IS NO REASON WHY THE PRINCIPLE UNDERLYING THE DOCTRINE OF PROXIMATE CAUSE SHOULD NOT APPLY TO CRIMINAL CASES. MORE OVER, WE BELIEVE THAT THE INTENT BEHIND THE FELONY - MURDER DOCTRINE WOULD BE THWARTED IF WE DID NOT HOLD FELONS RESPONSIBLE FOR THE FORESEEABLE CONSEQUENCES OF THEIR ACTIONS. THE STATE RELYING ON HICKMAN AND PAYNE / A ROVER THAT DEFENDANT WAS LIABLE FOR DECEDANT'S DEATH BECAUSE IT WAS REASONABLY FORESEEABLE THAT MARLON WOULD RETALIATE AGAINST DEFENDANT. WE AGREE A FELON IS LIABLE FOR THOSE DEATHS WHICH ARE THE FORESEEABLE CONSEQUENCE OF HIS INITIAL CRIMINAL ACTS. IN THE PRESENT CASE, WHEN DEFENDANT DROPPED THE GUN AND REALIZED THAT MARLON WAS THEN IN POSSESSION OF THE WEAPON, HE BELIEVED THAT

MARLOW WOULD RETALIZATE, AND THEREFORE, HE
 RAN. IF DEFENDANTS DEATH RESULTED FROM MARLOW
 FIRING THE GUN AS DEFENDANT ATTEMPTED TO FLEE,
 IT WAS NONETHELESS, DEFENDANTS ACTION THAT SET
 IN MOTION THE EVENTS LEADING TO THE VICTIMS
 DEATH. IT IS UNIMPORTANT THAT DEFENDANT
 DID NOT ANTICIPATE THE PRECISE SEQUENCE OF
 EVENTS THAT FOLLOWED HIS ROBBERY ATTEMPT.
 WE CONCLUDE THAT DEFENDANTS UNLAWFUL ACTS
 PRECIPITATED THOSE EVENTS, AND HE IS RESPONSIBLE
 FOR THE CONSEQUENCES.

AS A MATTER OF LAW PROVEING. THAT BASED ON THE
 DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE.
 THAT INVESTIGATOR SGT. LAUREL ALBERTIN AND
 BEAUFORT COUNTY SHERIFF DEPARTMENT. OBTAINED IN
 THIS CASE AND HAD IN THEIR POSSESSION AT THE
 IMMEDIATE TIME THEY OBTAINED ARREST WARRANT #
 2012 A07203 00114 AND INDICTMENT #2012-BS-07-01935
 AGAINST ME. A REASONABLE PRUDENT AND CAUTIOUS
 PERSON. IN INVESTIGATOR SGT. LAUREL ALBERTIN AND
 BEAUFORT COUNTY SHERIFF DEPARTMENT POSITION.
 WOULD OF BELIEVED AND KNOWN. THAT BECAUSE AS
 THE INTENDED VICTIM. WHO ATTACKERS AARON SCOTT
 YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR. WERE
 IN THE COMMISSION OF TRYEN TO COMMITTE THE
 INHERANTLY DANGEROUS FELONY, OF MURDER 16-3-10
 AGAINST. AT 1648 HOURS ON 09-01-12 AT THE
 IMMEDIATE TIME AND SAME LOCATION VICTIM
 K. S. WAS SHOT AND KILLED AT. THAT
 IN THE INHERANTLY DANGEROUS FELONY, THAT VICTIM
 K. S. DEATH IS A NATURAL OR PROBABLE
 CONSEQUENCE OF. AS A MATTER OF LAW I INTENDED
 VICTIM TYRONE ROBINSON CAN NOT BE HELD
 CRIMINALLY RESPONSIBLE FOR THE DEATH
 OF VICTIM K. S.

AS A MATTER OF LAW THEY LACKED PROBABLE
 CAUSE" TO BELIEVE THAT TYRONE ROBINSON
 WAS ACTING AS A CODEFENDANT ALONG WITH
 ALLEGED CODEFENDANT AARON SCOTT YOUNG JUNIOR.
 TO COMMITTE THE CRIME OF FELONY MURDER BY
 THE FELONY MURDER RULE THEORY "ALLEGEDLY".
 THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST,
 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE ON
 INHERANTLY DANGEROUS FELONY, TYRONE ROBINSON
 DID WILLFULLY, UNLAWFULLY AND WITH MALICE

2 FORETHOUGHT CAUSE THE VICTIM K. S.
 TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND
 DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C.
 AND THAT K. S. DID DIE IN BEAUFORT
 COUNTY AS A PROXIMATE RESULT THERE OF.

THAT I WAS CHARGED WITH ON ARREST WARRANT#
 2012A0720300114 AND INDICTMENT# 2012-GS-07-
 -01935. FOR PROOF REVIEW
 CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF ILLINOIS
 CASE LAW OF.

THE PEOPLE OF THE STATE OF ILLINOIS VS. ANTONIO
 LOWERY 178 ILL. 2D 462, 687 N.E. 2D 973 "QUOTE"ING"
 IT IS EQUALLY CONSISTANT WITH REASON AND SOUND
 POLICY TO HOLD THAT WHEN A FELON'S ATTEMPT TO
 COMMIT A FORCEFUL FELONY, SET IN MOTION A
 CHAIN OF EVENTS WHICH WERE OR SHOULD HAVE BEEN
 WITHIN HIS CONTEMPLATION WHEN THE MOTION WAS
 INITIATED, HE SHOULD BE HELD RESPONSIBLE FOR ANY
 DEATH WHICH BY DIRECT AND ALMOST INEVITABLE
 SEQUENCE RESULTS FROM THE INITIAL CRIMINAL ACT.
 • THUS, THERE IS NO REASON WHY THE PRINCIPLE
 UNDERLYING THE DOCTRINE OF PROXIMATE CAUSE
 SHOULD NOT APPLY TO CRIMINAL CASES. MORE OVER,
 WE BELIEVE THAT THE INTENT BEHIND THE FELONY -
 MURDER DOCTRINE WOULD BE THWARTED IF WE DID
 NOT HOLD FELONS RESPONSIBLE FOR THE FORESEEABLE
 CONSEQUENCES OF THEIR ACTIONS. THE STATE RELYING
 ON HECKMAN AND PAYNE, ARGUES THAT DEFENDANT WAS
 LIABLE FOR DECEDANTS DEATH BECAUSE IT WAS REASON-
 ABLY FORESEEABLE THAT MARLON WOULD RETALIATE
 AGAINST DEFENDANT. WE AGREE A FELON IS LIABLE
 FOR THOSE DEATHS WHICH ARE THE FORESEEABLE CONSEQ-
 UENCES OF HIS INITIAL CRIMINAL ACTS. IN THE
 PRESENT CASE, WHEN DEFENDANT DROPPED THE GUN
 AND REALIZED THAT MARLON WAS THEN IN POSSESSION
 OF THE WEAPON, HE BELIEVED THAT MARLON WOULD RETA-
 LIATE, AND THEREFORE, HE RAN. IF DECEDANTS DEATH
 RESULTED FROM MARLON'S FIRING THE GUN AS DEFENDANT
 ATTEMPTED TO FLEE, IT WAS NONTHELESS, DEFENDANT'S
 ACTION THAT SET IN MOTION THE EVENTS LEADING
 TO THE VICTIMS DEATH. IT IS UNIMPORTANT THAT
 DEFENDANT DID NOT ANTICIPATE THE PRECISE SEQUENCE
 OF EVENTS THAT FOLLOWED HIS ROBBERY ATTEMPT. WE
 CONCLUDE THAT DEFENDANT'S UNLAWFUL ACT PRECE-
 -DATED THOSE EVENTS, AND HE IS RESPONSIBLE FOR
 THE CONSEQUENCES

AS A MATTER OF LAW PROVEING THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE, THAT INVESTIGATOR SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT, HAD IN THEIR POSSESSION AT THE IMMEDIATE TIME. THEY OBTAINED ARREST WARRANT # 2012 A0720300114 AND INDICTMENT # 2012-GJ-07-01935. "DISPROVES" THE SECOND ELEMENT. THAT IS REQUIRED TO PROVE THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT ~~THE~~ ATTACK VICTIM TYRONE ROBINSON

COMMITTED THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DIED WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM ~~K.S.~~ TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT ~~K.S.~~ DIED IN BEAUFORT COUNTY AS PROXIMATE RESULT THERE OF.

THAT ~~HE~~ WAS CHARGED WITH ON ARREST WARRANT # 2012 A0720300114 AND INDICTMENT # 2012-GJ-07-01935. WHICH THE SECOND ELEMENT THAT IS REQUIRED TO ESTABLISH PROBABLE CAUSE THAT IS "DISPROVED" IS: BY THE PERSON ARRESTED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF COLORADO CASE LAW OF.

THE PEOPLE OF THE STATE OF COLORADO V. KAM D. KING 16 P.3d 807 "QUOTE"

WE HOLD THAT PROBABLE CAUSE TO ARREST EXISTS WHEN AT THE TIME OF ARREST, THE OBJECTIVE CIRCUMSTANCES AVAILABLE TO A REASONABLY CAUTIOUS OFFICER JUSTIFY THE BELIEF THAT (1ST) A CRIME HAS BEEN OR IS BEING COMMITTED (2ND) BY THE PERSON ARRESTED

BASED ON THE ARGUMENTS SET FORTH. PROVES THAT AS A MATTER OF LAW, INVESTIGATOR SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR ISSAC

mc. DUFFEE STONE. ALL LACKED PROBABLE
CAUSE TO CHARGE TYRONE ROBINSON

WITH THE CRIME OF FELONY MURDER BY THE
 FELONY MURDER RULE THEORY ALLEGEDLY
 THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
 25TH, 2012, WHILE ENGAGED IN A ONGOING GUN
 BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE
 ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH
 MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED]
 [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF
 MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD
 ISLAND, S.C. AND THAT K. S. [REDACTED] DID DIE
 IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE
 OF

THAT I WAS CHARGED WITH AN ARREST WARRANT #
 2012 A0720300114 AND INDICTMENT # 2012-ES-07-
 -01935
 AS A MATTER OF LAW PROVING THE INVESTIGATOR
 SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF
 DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR
 #DFAE MC. DUFFEE STONE. ALL "LACKED
PROBABLE CAUSE" TO OBTAIN ARREST

WARRANT # 2012 A0720300114 AND INDICTMENT #
 2012-ES-07-01935. FROM THE MAGISTRATE JUDGE
 AND GRAND JURY. AGAINST TYRONE ROBINSON,
 FOR THE CRIME OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY ALLEGEDLY
 THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
 25TH, 2012 WHILE ENGAGED IN A ONGOING GUN
 BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE
 ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH
 MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED]
 [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF
 MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD
 ISLAND, S.C. AND THAT K. S. [REDACTED] DID DIE
 IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF
 FOR PROOF REVIEW

CASE LAW MERITS
 SUPREME COURT OF APPEALS OF THE STATE OF COLORADO
 - DO CASE LAW OF.

THE PEOPLE OF THE STATE OF COLORADO VS. KAMP.
 KIND 16 P.30 807 "QUOTE IN"
 WE HOLD THAT PROBABLE CAUSE TO ARREST EXISTS
 WHEN AT THE TIME OF ARREST, THE OBJECTIVE

CIRCUMSTANCES AVAILABLE TO A REASONABLY CAUTIOUS OFFICER JUSTIFY THE BELIEF THAT (1st) A CRIME HAS BEEN OR IS BEING COMMITTED (2nd) BY THE PERSON ARRESTED. BECAUSE THE POLICE IN THIS CASE LACKED PROBABLE CAUSE TO BELIEVE THAT DEFENDANT, WHOM THEY ARRESTED, HAD COMMITTED OR WERE COMMITTING THE CRIME OF CULTIVATION OF MARIJUANA WE HOLD THAT THE POLICE ACTED WITHOUT PROBABLE CAUSE

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.
THE STATE VS. JOHN ROSEVELT BACCHUS 625 S.E. 2d 216 "QUOTE" ENQU

A COURT MUST CONSIDER WHETHER AT THE MOMENT THE ARREST WAS MADE, THE OFFICER HAD PROBABLE CAUSE TO MAKE IT, WHETHER AT THAT MOMENT THE FACTS AND CIRCUMSTANCES WITHIN THEIR KNOWLEDGE AND WHICH THEY HAD REASONABLY TRUST WORTHY INFORMATION WERE SUFFICIENT TO WARRANT A PRUDENT MAN IN BELIEVING THAT THE APPELLANT HAD COMMITTED AN OFFENSE

AS A MATTER OF LAW PROVEING THAT I WAS UNLAWFULLY RESTRAINED AND AM CURRENTLY BEING HELD UNLAWFULLY RESTRAINED WITHOUT PROBABLE CAUSE TO DO SO. ON ARREST WARRANT # 2012 A07203 00114 AND INDICTMENT # 2012-G-07-01935. FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. FOR THE DEATH OF VICTIM K. S. [REDACTED] IN VIOLATION OF MY FEDERAL 4th AMENDMENT RIGHT WHICH STATES "QUOTE" ENQU
NO WARRANTS SHALL ISSUE BUT UPON PROBABLE CAUSE SUPPORTED BY OATH AND AFFIRMATION

CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS CASE LAW OF.

RUSSELL SHANE CARTER VS. BRUCE BRYANT 838 S.E. 2d 528 "QUOTE" ENQU

A WARRANT ISSUED WITHOUT PROBABLE CAUSE VIOLATES THE FOURTH AMENDMENT OF THE UNITED STATES

AS A MATTER OF LAW PROVEING THAT SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR JISAC MC. DUFFE STONE, INTENTIONALLY, KNOWINGLY, PURPOSEFULLY, WANTONLY, WILLFULLY, DELIBERATELY WITH A DELIBERATE INDIFFERENCE, RECKLESS INDIFFERENCE, AND RECKLESS DISREGARD FOR THE TRUTH AND A RECKLESS DISREGARD FOR MY FEDERAL 4TH AMENDMENT RIGHTS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA. LIED, TRICKED, DECEIVED AND MISLED THE MAGISTRATE JUDGE AND GRAND JURY. INTO BELIEVEING THAT THE EVIDENCE THEY OBTAINED IN THIS CASE. PROVED THAT THERE WAS PROBABLE CAUSE TO BELIEVE THAT TYRONE ROBINSON AM GUILTY OF COMMITTEING THE 1ST ELEMENT "ALLEGEDING" TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OR ARREST WARRANT# 2012 A0720300114 AND INDICTMENT# 2012-GJ-07-01935.

AFTER SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA, AND SOLICITOR JISAC MC. DUFFE STONE, ALL KNEW THAT THE EVIDENCE THEY OBTAINED IN THIS CASE, PROVED THAT ATTACKERS AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, WERE IN THE COMMISSION OF TRYING TO COMMITTE THE INHERANTLY DANGEROUS FELONY OF MURDER- 16-3-10 AGAINST TYRONE ROBINSON, AT 1648 HOURS ON DATE OF 09-01-12 AT THE IMMEDIATE TIME AND SAME LOCATION VICTIM [REDACTED] WAS SHOT AND KILLED AT

AS A MATTER OF LAW PROVEING THAT, SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR JISAC MC. DUFFE STONE. ALL INTENTIONALLY, KNOWINGLY, PURPOSEFULLY, WANTONLY, WILLFULLY, DELIBERATELY WITH A DELIBERATE INDIFFERENCE, RECKLESS INDIFFERENCE AND RECKLESS DISREGARD FOR THE TRUTH AND A RECKLESS DISREGARD FOR MY 4TH AMENDMENT RIGHTS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA. LIED, TRICKED, DECEIVED

- eved, and mislead the magistrate judge
 and grand jury. into issuing arrest war-
 - rant #2012 A0720300114 and indictment #2012-
 - GS-07-01935 against me. After Sgt. Laurel
 ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT,
 THE STATE OF SOUTH CAROLINA, and SOLICITOR JST-
 - AC MC. DUFFIE STONE. All knew that the evidence
 they obtained in this case. proves that ATTACKERS
 AARON SCOTT YOUNG JUNIOR and AARON SCOTT YOUNG
 SENIOR. ARE THE ONLY ONES WHO ARE GUILTY
 OF COMMITTING THE 1ST ELEMENT "ALLEGEDLY"
THE DEFENDANT WAS IN THE COMMISSION OF
COMMITTING AN INHERENTLY DANGEROUS FELONY
 THAT IS REQUIRED TO CONSTITUTE THE CRIME
 OF FELONY MURDER BY THE FELONY MURDER RULE
 THEORY, FOR THE DEATH OF VICTIM K. S. [REDACTED]

ALSO THE DIRECT EVIDENCE AND CIRCUMSTAN-
 - TIAL EVIDENCE, OBTAINED IN THIS CASE. PROVES
 THAT INVESTIGATOR SGT. LAUREL ALBERTIN, BEAUF-
 - ORT COUNTY SHERIFF DEPARTMENT, THE STATE OF
 SOUTH CAROLINA and SOLICITOR JST-AC MC. DUFFIE
 STONE. ALL INTENTIONALLY, KNOWINGLY, PURPO-
 - SEFULLY, WANTONLY, WILLFULLY, DELIBERATELY,
 WITH A DELIBERATE INDIFFERENCE, RECKLESS
 INDIFFERENCE AND RECKLESS DISREGARD FOR
 THE TRUTH AND A RECKLESS DISREGARD FOR MY
 4TH AMENDMENT RIGHTS OF THE CONSTITUTION
 OF THE UNITED STATES OF AMERICA. LIED, TRICKED,
 deceived and mislead the magistrate judge
 and grand jury. INTO BELIEVING THAT THE
 EVIDENCE THEY OBTAINED IN THIS CASE. PROVED THAT
 THERE WAS PROBABLE CAUSE TO BELIEVE. THAT
 TYRONE ROBINSON AM GUILTY OF COMMITTING THE

2ND ELEMENT "ALLEGEDLY"

THE DEATH OF VICTIM K. S. [REDACTED] IS A
PROXIMATE RESULT OF TYRONE ROBINSON BEING
ENGAGED IN AN ONGOING GUN BATTLE AN INHER-
ENTLY DANGEROUS FELONY

THAT REQUIRED TO CONSTITUTE THE CRIME OF
 FELONY MURDER BY THE FELONY MURDER RULE THEORY.
 THAT IS CHARGED AND ALLEGED INSIDE OF THE
 WRITTEN WRITE UP OF ARREST WARRANT #2012-

- A0720300114 AND INDICTMENT #2012-GS-07-01935.

AFTER INVESTIGATOR SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR ISSAC MC. DUFFIE STONE. ALL KNEW THAT THE EVIDENCE THEY OBTAINED IN THIS CASE, PROVED THAT VICTIM

K. S. death, IS THE NATURAL OR PROBABLE CONSEQUENCE OF ATTACKERS AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, BEING IN THE COMMISSION OF TRYING TO COMMIT THE

THE INHERENTLY DANGEROUS FELONY OF MURDER - 16-3-10 AGAINST TYRONE ROBINSON. AT 1648 HOURS ON 09-01-12 AT THE IMMEDIATE TIME AND SAME LOCATION VICTIM K. S. WAS SHOT AND KILLED AT.

AS A MATTER OF LAW PROVEING THAT INVESTIGATOR SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR ISSAC MC. DUFFIE STONE, INTENTIONALLY, KNOWINGLY, PURPOSEFULLY, WANTONLY, WILLFULLY, DELIBERATELY, WITH A DELIBERATE INDIFFERENCE, RECKLESS INDIFFERENCE AND RECKLESS DISREGARD FOR THE TRUTH AND WITH A RECKLESS DISREGARD FOR MY 4th AMENDMENT RIGHTS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA. LIED, TRICKED, DECEIVED, AND MISLEAD THE MAGISTRATE JUDGE AND GRAND JURY, TO ISSUE ARREST WARRANT #2012-

- A0720300114 AND INDICTMENT #2012-GS-07-01935 AGAINST ME. AFTER INVESTIGATOR SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR ISSAC MC. DUFFIE STONE. KNEW THAT THE EVIDENCE THEY OBTAINED IN THIS CASE, PROVES THAT ATTACKERS AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, ARE THE ONLY ONES WHO ARE GUILTY OF COMMITTING THE 2ND ELEMENT "ALLEGEDLY" DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANTS CONDUCT IN COMMITTING THAT CRIME

THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY FOR THE DEATH OF VICTIM K. S.

AS A MATTER OF LAW IF YOU SET THE FALSE STATEMENT ASIDE "ALLEGEDLY"
 - TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY.

AS A MATTER OF LAW THE REMAINING ALLEGATIONS STATED INSIDE OF THE WRITTEN WRITE UP OF ARREST WARRANT #2012 A0720300114 AND INDICTMENT #2012-GS-07-01935 "LACKS PROBABLE CAUSE" TO ISSUE ARREST WARRANT #2012 A0720300114 AND INDICTMENT #2012-GS-07-01935 AGAINST TYRONE ROBINSON. FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, FOR THE DEATH OF VICTIM K. S.

ALSO AS A MATTER OF LAW IF YOU SET THE FALSE STATEMENT ASIDE "ALLEGEDLY"
 death to the VICTIM AS A CONSEQUENCE OF THE DEFENDANT'S CONDUCT IN COMMITTING THAT CRIME

AS A MATTER OF LAW THE REMAINING ALLEGATIONS STATED INSIDE OF THE WRITTEN WRITE UP OF ARREST WARRANT #2012 A0720300114 AND INDICTMENT #2012-GS-07-01935 "LACKS PROBABLE CAUSE" TO ISSUE ARREST WARRANT #2012-A0720300114 AND INDICTMENT #2012-GS-07-01935 AGAINST TYRONE ROBINSON. FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, FOR THE DEATH OF VICTIM K. S. PURSUANT TO THE FOLLOWING CASE LAW MERITS.

CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS CASE LAW OF:

THE STATE VS. LORENZO LABELLO JONES AND MERVIN PATRICK RILES 500 S.E.2d 499 "QUOTING"
 WITH THE AFFIDAVIT'S FALSE MATERIAL SET TO ONE SIDE, THE AFFIDAVIT'S REMAINING CONTENTS IS INSUFFICIENT TO ESTABLISH PROBABLE CAUSE. THE SEARCH WARRANT MUST BE VOIDED AND THE FRUIT OF THE SEARCH EXCLUDED TO THE SAME EXTENT AS IF PROBABLE CAUSE WAS LACKING ON THE FACE OF THE AFFIDAVIT

INSIDE OF THE CASE OF GIORDENELLO V. 785, CT 1245
 THE SUPREME COURT OF APPEALS OF THE UNITED STATES
 OF AMERICA DECIDED. THAT BECAUSE INSIDE OF THE DISTRICT
 COURT AND COURT OF APPEALS. THE GOVERNMENT
 DEFENDED THE LEGALITY OF DEFENDANTS ARREST BASED
 ON ONE THEORY THAT A FINDING OF PROBABLE CAUSE
 WAS BASED UPON. THE GOVERNMENT COULD NOT SWITCH
 UP THERE THEORY THAT PROBABLE CAUSE WAS BASED ON,
 AND ARGUE A TOTALLY DIFFERENT THEORY OF PROBABLE
 CAUSE. TO SUPPORT THE LEGALITY OF DEFENDANTS ARREST.
 INSIDE OF THE SUPREME COURT OF APPEALS FOR THE
 FIRST TIME. BECAUSE TO PERMIT THE GOVERNMENT
 TO ARGUE ITS NEW THEORY OF PROBABLE CAUSE INTO
 THE CASE. AT SUCH A LATE STAGE IN THE CASE, WOULD
 UNFAIRLY DEPRIVE PETITIONER OUT OF AN ADEQUATE
 OPPORTUNITY TO RESPOND TO THE GOVERNMENT'S NEW
 THEORY OF PROBABLE CAUSE TO DEFEND THE LEGALITY
 OF THE DEFENDANTS ARREST. THIS IS BECAUSE IN
 THE DISTRICT COURT THE GOVERNMENT USED THE
 ARREST WARRANT ITSELF AS THE ONLY JUSTIFICATION
 FOR THE DEFENDANTS ARREST, AND AT THAT
 TIME IN THE DISTRICT COURT THE DEFENDANT DID NOT
 HAVE ANY REASONS TO REBUT THE GOVERNMENT'S NEW
 THEORY OF PROBABLE CAUSE FOR HIS ARREST, THAT
 THE GOVERNMENT WAS MAKING FOR THE FIRST TIME
 ON APPEAL INSIDE OF THE SUPREME COURT OF APPEALS
 OF THE UNITED STATES OF AMERICA. FOR PROOF REVIEW
 THE SUPREME COURT OF APPEALS OF THE UNITED STATES
 OF AMERICA CASE LAW OF GIORDENELLO V. U.S. 785, CT 1245.

INSIDE OF THIS CASE OF TYRONE ROBINSON ON ARREST
WARRANT #2012 A0720300114 AND INDICTMENT #2012-GS-
07-01935. THE STATE OF SOUTH CAROLINA BASED THERE THEORY
 OF PROBABLE CAUSE TO OBTAIN ARREST WARRANT #2012 A07-
 20300114 AGAINST TYRONE ROBINSON. ON THE THEORY OF FELONY
 MURDER BY THE FELONY MURDER RULE THEORY ONLY.
 AS A RESULT THE MAGISTRATE JUDGE AND GRAND JURY FINEED
 ARREST WARRANT #2012 A0720300114 AND INDICTMENT #2012-
 GS-07-01935 AGAINST TYRONE ROBINSON FOR THE DEATH OF
VICTIM [REDACTED]. BASED ON THE MAGISTRATE
 JUDGE AND GRAND JURY FINDING OF PROBABLE CAUSE TO
 BELIEVE THAT TYRONE ROBINSON WAS GUILTY OF COMMITTING THE CRIME
 AND THEORY OF FELONY MURDER BY THE FELONY MURDER RULE
 THEORY ONLY. AS A RESULT THE JURY AT TRIAL WAS
 SWORN IN TO DECIDE ON, AND TYRONE ROBINSON WAS TRIED ON BEFORE
 THE JURY AT TRIAL. ON THE CRIME OF FELONY MURDER
 BY THE FELONY MURDER RULE THEORY ONLY.
 AS A CONSEQUENCE AS A MATTER OF LAW THE STATE OF
 SOUTH CAROLINA. CAN NOT NOW SWITCH UP ITS THEORY
 OF FELONY MURDER BY THE FELONY MURDER RULE THEORY
 THAT IT BASED ITS REASON FOR PROBABLE CAUSE. TO

ARREST AND RESTRAIN ME ON ARREST WARRANT # 2012-
 - A0720300114 AND INDICTMENT # 2012-GJ-07-01935
 FOR THE DEATH OF VICTIM K. S. [REDACTED]. PURSUANT
 TO THE SUPREME COURT OF APPEALS OF THE UNITED STATES
 OF AMERICA CASE LAW OF GORDENELLO V. U.S. 78S. CT
 1245 FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF UNITED STATES OF AMERICA
 CASE LAW OF
 VETO GORDENELLO V. UNITED STATE 78S. CT 1245 "QUOTEING"
 IN THE TWO LOWER COURTS THE GOVERNMENT DEFENDED THE
 LEGALITY OF PETITIONER'S ARREST BY RELYING ENTIRELY
 ON THE VALIDITY OF THE WARRANT. IN THIS COURT HOWEVER
 ITS PRINCIPAL CONTENTION HAS BEEN THAT THE ARREST
 WAS JUSTIFIED APART FROM THE WARRANT. THE ARGUMENT
 IS THAT TEXAS LAW PERMITS ARREST WITHOUT A
 WARRANT UPON PROBABLE CAUSE THAT THE PERSON ARRESTED
 HAS COMMITTED A FELONY, THAT IN THE ABSENCE OF A CONTR-
 -OLLING FEDERAL STATUTE, AS IN THE CASE HERE, FEDERAL
 TURN TO THE LAW OF THE STATE WHERE AN ARREST IS
 MADE AS THE SOURCE OF THEIR AUTHORITY TO ARREST WITHOUT
 A WARRANT AND THAT FINLEY ON THE BASIS OF THE
 FACTS HE TESTIFIED TO BEFORE THE DISTRICT COURT,
 MUST BE DEEMED, WITHIN THE STANDARDS OF TEXAS LAW,
 TO HAVE HAD THE PROBABLE CAUSE NECESSARY TO ARREST
 PETITIONER WITHOUT A WARRANT.
 WE DO NOT THINK THAT THESE BELATED CONTENTIONS ARE
 OPEN TO THE GOVERNMENT IN THIS COURT AND ACCORDINGLY
 WE HAVE NO OCCASION TO CONSIDER THEIR SOUNDNESS.
 TO PERMIT THE GOVERNMENT TO INJECT ITS NEW THEORY
 INTO THE CASE AT THIS STAGE WOULD UNFAIRLY DEPRIVE
 PETITIONER OF AN ADEQUATE OPPORTUNITY TO
 RESPOND. THIS IS BECAUSE IN THE DISTRICT COURT
 PETITIONER BEING ENTITLED TO ASSUME THAT THE WARRANT
 -ANT CONSTITUTED THE ONLY PURPORTED JUSTIFICATION
 FOR THE ARREST, HAD NO REASON TO CROSS-EXAMINE
 FINLEY OR TO ADUCE EVIDENCE OF HIS OWN TO REBUT THE
 CONTENTIONS THAT THE GOVERNMENT MAKES HERE FOR THE
 FIRST TIME.
 NOR DO WE THINK THAT IT WOULD BE SOUND JUDICIAL ADM-
 -ISTRATION TO SEND THE CASE BACK TO THE DISTRICT COURT
 FOR A SPECIAL HEARING ON THE ISSUE OF PROBABLE CAUSE
 WHICH WOULD DETERMINE WHETHER THE VERDICT OF
 GUILTY AND THE JUDGEMENT ALREADY ENTERED SHOULD
 BE ALLOWED TO STAND. THE FACTS ON WHICH THE GOVERNMENT
 NOW RELIES TO UPHOLD THE ARREST WERE FULLY KNOWN
 TO IT AT THE TIME OF TRIAL, AND THERE ARE NO SPECIAL
 CIRCUMSTANCES SUGGESTING SUCH AN EXCEPTIONAL COURSE
 + FURTHER QUOTEING"
 WE HOLD THAT THE SEIZER IN THIS CASE WAS ILLEG-
 -AL, THAT THE SEIZED NARCOTICS SHOULD THERE-
 -FORE NOT HAVE BEEN ADMITTED INTO EVIDENCE, AND
 THAT PETITIONER'S CONVICTION ACCORDINGLY MUST BE
 SET ASIDE. THE JUDGEMENT OF THE COURT OF APPEALS IS
 REVERSED.

BECAUSE SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA, AND SOLICITOR ISSAC MC. DUFFLESTONE, ALL "LACKED PROBABLE CAUSE", TO ARREST AND CHARGE

TYRONE ROBINSON WITH CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY FOR THE DEATH OF VICTIM [REDACTED] K. S. PROVES THAT AS A MATTER OF LAW MY CONVICTION AND PRISON SENTENCE OF LIFE IMPRISONMENT, WAS BROUGHT AGAINST ME UNLAWFULLY AND ARE UNLAWFUL. FOR PROOF REVIEW

CASE LAW MERITS
SUPREME COURT OF APPEALS OF THE STATE OF NEBRASKA
CASE LAW OF.

STATE OF NEBRASKA VS. JEFFREY MCCAYE 805 N.W.

2d 290 "QUOTE"

WE HAVE DETERMINED THAT THE OFFICERS ARREST OF MCCAYE FOR DWI WAS UNLAWFUL BECAUSE THEY LACKED PROBABLE CAUSE. SO ONE OF THE STATUTORY CONDITIONS FOR REQUIREING MCCAYE TO SUBMIT TO A CHEMICAL BREATH TEST WAS NOT SATISFIED. THEREFORE, THE OFFICERS LACKED AUTHORITY TO TAKE THIS ACTION AND MCCAYE'S CONVICTION FOR REFUSING TO SUBMIT TO A CHEMICAL TEST WAS UNLAWFUL. WE REVERSE THIS CONVICTION.

DISCHARGE FROM UNLAWFUL IMPRISONMENT

BECAUSE INVESTIGATOR SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR ISSAC MC. DUFFLESTONE. ALL "LACKED PROBABLE CAUSE" TO OBTAIN ARREST WARRANT # 2012 A072 0300114 AND INDICTMENT # 2012-GJ-07-01935 AGAINST TYRONE ROBINSON. BECAUSE AS A MATTER OF LAW SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA, AND SOLICITOR ISSAC MC. DUFFLESTONE. ALL "LACKED PROBABLE CAUSE"

51.

to ARREST and CHARGE TYRONE ROBINSON FOR THE CRIME OF
 FELONY MURDER BY THE FELONY MURDER RULE THEORY.
 AS A MATTER OF LAW THE COURT MUST DISCHARGE
 TYRONE ROBINSON FROM UNLAWFUL IMPRISON-
 -MENT ON ARREST WARRANT #2012 A0720300114
 AND INDICTMENT #2012-GJ-07-01935. FOR
 PROOF REVIEW

CASE LAW MERITS

UNITED STATES DISTRICT COURT M.D. OF THE STATE
 OF PENNSYLVANIA CASE LAW OF.

UNITED STATES VS. PHONG TRAN, UNITED STATES OF
 AMERICA VS. PHU PHONG LE. 139 F.R.D. 599 "QUOTING"
 THE REPORT TO THIS COURT IS THAT A UNITED STATES
 MAGISTRATE JUDGE IN TAMPA FLORIDA HAS DETERMINED
 THAT THERE IS NO PROBABLE CAUSE FOR THE CRIMINAL
 COMPLAINT AGAINST PHONG TRAN AND PHU PHONG LE.
 EACH OF THEM IS ENTITLED TO BE RELEASED FROM
 FEDERAL CUSTODY.

NOW THEREFORE, IT IS ORDERED THAT
 2. PHONG TRAN AND PHU PHONG LE BE AND HEAR BY
 ARE DISCHARGED FROM CUSTODY, THERE BEING
 NO PROBABLE CAUSE FOR THE CONTINUED DETENTION
 OF EITHER OF THEM.

ATTORNEY ARIZO DATED BY FAILURE TO ASSERT
 A CLAIM OF VIOLATION OF MY FEDERAL 4TH AMEN-
 -DMENT RIGHT OF LACK OF PROBABLE CAUSE. AND
 FAILURE TO MOTION THE COURT AT PRETRIAL HEARING.
 TO DISMISS ARREST WARRANT #2012 A0720300114
 AND INDICTMENT #2012-GJ-07-01935 FOR LACK OF
 PROBABLE CAUSE. BECAUSE THEY WERE BOTH BROUGHT
 AGAINST ME WITHOUT PROBABLE CAUSE TO DO SO.
 TO PROTECT ME FROM BEING UNLAWFULLY RESTR-
 -AINED ON ARREST WARRANT #2012 A0720300114
 AND INDICTMENT #2012-GJ-07-01935 WITHOUT
 PROBABLE CAUSE TO DO SO. IN VIOLATION OF MY
 FEDERAL 4TH AMENDMENT RIGHT OF LACK OF
 PROBABLE CAUSE. DID NOT CONSTITUTE A
 VALUED TRIAL STRATEGY AND WAS DEFICIENT
 PERFORMANCE. SATISFYING THE FIRST PRONG, THAT
 IS REQUIRED TO PROVE A CLAIM OF INEFFECTIVE
 ASSISTANCE OF COUNSEL. IN VIOLATION OF MY FEDERAL

SIXTH AMENDMENT RIGHT OF EFFECTIVE ASSISTANCE
OF COUNSEL. FOR PROOF REVIEW

CASE LAW MERIT

SUPREME COURT OF APPEALS OF THE STATE OF
SOUTH CAROLINA CASE LAW OF.

MICHAEL MELLEGE VS. STATE OF SOUTH CAROLINA

811 S.E.2d 796 "QUOTE"

GENERALLY, IN SUPPORTING HIS ALLEGATIONS
OF INEFFECTIVE ASSISTANCE OF COUNSEL, THE
APPLICANT MUST SATISFY A TWO PRONG TEST. FIRST
THE APPLICANT MUST DEMONSTRATE TRIAL COUNSEL'S
PERFORMANCE WAS DEFICIENT

2ND PRONG

2ND PRONG PROVEING A CLAIM OF INEFFECTIVE
ASSISTANCE OF COUNSEL IS:
THE DEFICIENT PERFORMANCE PREJUDICED THE
DEFENDANT

1ST REASON

PROVEING DEFICIENT PERFORMANCE PREJUDICED
ME:

IF ATTORNEY ARIZ DAVID BAX WOULD OF ASSERTED
A CLAIM OF VIOLATION OF MY FEDERAL 4TH AMENDMENT
RIGHT FOR LACK OF PROBABLE CAUSE, AND MOTIONED
THE TRIAL JUDGE AND TRIAL COURT AT PRETRIAL
HEARING TO DENY ARREST WARRANT# 2012 A07203-
00114 AND INDICTMENT# 2012-65-07-01935 FOR
LACK OF PROBABLE CAUSE. BECAUSE SINCE ON ARREST
WARRANT# 2012 A0720300115 AND ARREST WARRANT#
2012 A0720300116. INVESTIGATOR SGT. LAUREL ALBERTIN
AND BEAUFORT COUNTY SHERIFF DEPARTMENT "CONFESSED
ESTABLISHED AND DETERMINED UNDER SWORN

OATH". THAT THE EVIDENCE THAT INVESTIGATOR SGT.
LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF
DEPARTMENT OBTAINED IN THIS CASE. PROVES THAT
THERE IS PROBABLE CAUSE TO BELIEVE, THAT ARMED
FELONS AARON SCOTT YOUNG JUNIOR AND AARON SCOTT
YOUNG SENIOR, WERE IN THE COMMISSION OF TRYING
TO COMMIT. THE INHERENTLY DANGEROUS FELONY
OF MURDER 16-3-10 AGAINST VICTIM TYRONE

ROBINSON, ON DATE OF 09-01-12 AT THE IMMEDIATE
TIME AND SAME LOCATION VICTIM [REDACTED] K. S.
WAS SHOT AND KILLED AT

ALSO BECAUSE INSIDE OF ARMED FELONS AARON SCOTT YOUNG
JUNIOR APPEAL CASE OF THE STATE VS. AARON SCOTT YOUNG
JUNIOR 818 S.E. 2d 486. THE SOUTH CAROLINA COURT OF APPEALS
ALSO DECIDED. THAT THE EVIDENCE THE STATE OF SOUTH
CAROLINA SUBMITTED AT TRIAL AGAINST ARMED
FELON AARON SCOTT YOUNG JUNIOR. PROVES THAT ARMED
FELON AARON SCOTT YOUNG JUNIOR WAS IN THE COMMISSION
OF COMMITTING THE INHERENTLY DANGEROUS FELONY
OF ATTEMPT TO MURDER AGAINST VICTIM TYRONE
ROBINSON. DURING THE TIME VICTIM KHALIL SINGLE-
TON WAS SHOT AND KILLED AT THE SAME LOCATION
VICTIM [REDACTED] K. S. WAS SHOT AND KILLED
AT.

PROVES THAT THE EVIDENCE THAT SGT. LAUREL ALBER-
-TIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE
STATE OF SOUTH CAROLINA AND SOLICITOR JISSE MC.
-DUFFIE STONE. OBTAINED INSIDE OF THIS CASE INVOL-
-VING THE DEATH OF VICTIM [REDACTED] K. S. PROVES
- THAT AS A MATTER OF LAW. INVESTIGATOR SGT.
LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPART-
-MENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR
JISSE MC. DUFFIE STONE. ALL LACKED PROBABLE
CAUSE TO OBTAIN ARREST WARRANT #2012 A07-

-20300114 AND INDICTMENT #2012-65-07-01935.
AGAINST TYRONE ROBINSON FOR THE CRIME OF MURDER
FOR THE DEATH OF VICTIM [REDACTED] K. S.

by ALLEGING I COMMITTED A LAWFUL ACT/
THAT CONSTITUTES A LAWFUL ACT OF SELF DEFENSE.
THAT ~~DOES~~ NOT CONSTITUTE A CRIME THAT
I CAN BE ARRESTED, CONVICTED, SENTENCED TO
PRISON TIME OF LIFE IMPRISONMENT, PUNISHED
AND IMPRISONED FOR.

THEN THESE FIVES WOULD OF BEEN RESERVED ON COURT
RECORD, FOR THE APPEALS COURT TO REVIEW AND
DECIDE ON. AS A RESULT SOUTH CAROLINA COURT OF
APPEALS AND OR THE SUPREME COURT OF APPEALS OF
THE STATE OF SOUTH CAROLINA. WOULD OF HAD TO
DISCHARGE TYRONE ROBINSON FROM UNLAWFUL
IMPRISONMENT. ON ARREST WARRANT #2012 A07-
-20300114 AND INDICTMENT #2012-65-07-01935.
FOR PROOF REVIEW CASE LAW MERITS

UNITED STATES DISTRICT COURT, M.D. PENNSYLVANIA
CASE LAW OF.

UNITED STATES OF AMERICA VS. PHONG TRAN UNITED
 STATES OF AMERICA VS. PHU PHONG LE. 139 F.R.D 599
 "QUOTE IN"

THE REPORT TO THIS COURT IS THAT A UNITED STATES
 MAGISTRATE JUDGE IN TAMPA FLORIDA HAS
 DETERMINED THAT THERE IS NO PROBABLE CAUSE
 FOR THE CRIMINAL COMPLAINT AGAINST PHONG
 TRAN AND PHU PHONG LE. EACH OF THEM IS ENTITLED
 TO BE RELEASED FROM FEDERAL CUSTODY.

NOW THEREFORE, IT IS ORDERED THAT:

2. PHONG TRAN AND PHU PHONG LE BE AND HEAR
 BY ARE DISCHARGE FROM CUSTODY, THERE
 BEING NO PROBABLE CAUSE FOR THE CONTINUED
 DETENTION OF EITHER OF THEM

2ND REASON

PROVEING DEFICIENT PERFORMANCE PREJUDICED
 ME.

IF ATTORNEY ARIE DAVID BAX WOULD OF ASSERTED
 A CLAIM OF VIOLATION OF MY FEDERAL 4TH
 AMENDMENT RIGHT FOR "LACK OF PROBABLE
 CAUSE" AND MOTIONED THE TRIAL JUDGE AND TRIAL
 COURT AT PRE TRIAL HEARING, TO DISMISS ARREST
 WARRANT # 2012 A0720300114 AND INDICTMENT #
 2012-65-07-01935 FOR LACK OF PROBABLE CAUSE.
 BECAUSE INVESTIGATOR SGT. LAUREL ALBERTIN,
 BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE
 OF SOUTH CAROLINA, AND SOLICITOR JISAC MC. DUFFIE
 STONE. ALL LACKED PROBABLE CAUSE, TO BELIEVE
 THAT TYRONE ROBINSON, WAS ACTING AS A CO-
 DEFENDANT ALONG WITH ATTACKER AARON SCOTT
 AARON SCOTT YOUNG JUNIOR, TO COMMITTE THE CRIME
 OF FELONY MURDER BY THE FELONY MURDER RULE
 THEORY, FOR THE DEATH OF VICTIM K. S. [REDACTED]
 BECAUSE SINCE TYRONE ROBINSON, AM THE INTEND-
 ED VICTIM WHO AARON SCOTT YOUNG JUNIOR AND AARON
 SCOTT YOUNG SENIOR, WERE IN THE COMMISSION
 OF "TRYING" TO COMMITTE THE INHERANTLY DANGER-
 - FUL FELONY OF MURDER 16-3-10 AGAINST, AT 1648
 HOURS ON DATE OF 09-01-12 AT THE IMMEDIATE
 TIME AND SAME LOCATION VICTIM K. S. [REDACTED]
 - WAS SHOT AND KILLED AT. THAT IS THE INHERAN-
 - TLY DANGEROUS FELONY THAT VICTIM K. S. [REDACTED]

- [REDACTED] death is a natural or probable consequence of. As a matter of law & TYRONE ROBINSON can not be held CRIMINALLY LIABLE, FOR the death of VICTIM K. S. [REDACTED]. PURSUANT to the SUPREME COURT OF APPEALS OF THE STATE OF ILLINOIS CASE LAW OF. THE PEOPLE OF THE STATE OF ILLINOIS VS. ANTONIO LOWERY 178 ILL.2d 462. The TRIAL JUDGE AND TRIAL COURT WOULD OF BEEN obligated to grant me the RELIEF REQUESTED AND DISCHARGE me FROM IMPRISONMENT. ON ARREST WARRANT # 2012 A0720300114 AND INDICTMENT # 2012-65-07-01935. OR IN THE ALTERNATIVE THE SOUTH CAROLINA COURT OF APPEALS OR THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA. WOULD OF BEEN OBLIGATED, to DISCHARGE TYRONE ROBINSON FROM UNLAWFUL IMPRISONMENT. ON ARREST WARRANT # 2012 A07-20300114 AND INDICTMENT # 2012-65-07-01935. FOR PROOF REVIEW

CASE LAW MERITS

UNITED STATES DISTRICT COURT, M.D. PENNSYLVANIA
CASE LAW OF.

UNITED STATES OF AMERICA VS. PHONG G. TRAN UNITED STATES OF AMERICA VS. PHU PHONG LE. 139 F.R.D

599 "QUOTEING"

THE REPORT TO THIS COURT IS THAT THE UNITED STATES MAGISTRATE JUDGE IN TAMPA FLORIDA HAS DETERMINED THAT THERE IS NO PROBABLE CAUSE FOR THE CRIMINAL COMPLAINT AGAINST PHONG TRAN AND PHU PHONG LE. EACH OF THEM IS ENTITLED TO BE RELEASED FROM FEDERAL CUSTODY. NOW THEREFORE, IT IS ORDERED THAT 2. PHONG TRAN AND PHU PHONG LE BE AND HEAR BY ARE DISCHARGED FROM CUSTODY, THERE BEING NO PROBABLE CAUSE FOR THE CONTINUED DETENTION OF EITHER OF THEM.

THEREFORE THE OUTCOME OF THE PROCEEDINGS IN THIS CASE. WOULD OF BEEN TOTALLY DIFFERENT IN MY FAVOR.

AS A RESULT ATTORNEY ARTHUR DAVID BOX DEFECTIVE PERFORMANCE PREJUDGED ME, BECAUSE IT UNDERMINED CONFIDENCE IN THE OUTCOME OF MY TRIAL AND DEPRIVED ME OUT OF A FAIR TRIAL. AND CAUSED ME TO BE HELD UNLAWFULLY RESTRAINED WITHOUT PROBABLE CAUSE TO DO SO. ON ARREST WARRANT # 2012 A0720300114 AND INDICTMENT # 2012-65-07-01935.

IN VIOLATION OF MY FEDERAL 4th Amendment
RIGHT OF THE CONSTITUTION OF THE UNITED STATES
OF AMERICA WHICH STATES "QUOTEING"
NO WARRANT SHALL ISSUE BUT UPON PROBABLE
CAUSE SUPPORTED BY OATH AND AFFIRMATION
FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF
SOUTH CAROLINA CASE LAW OF.
MICHAEL MILLEDGE VS. STATE OF SOUTH CAROLINA
811 S.E.2d 796 "QUOTEING"
GENERALLY, IN SUPPORTING HIS ALLEGATIONS
OF INEFFECTIVE ASSISTANCE OF COUNSEL, THE
APPLICANT MUST SATISFY A TWO PRONGED TEST.
SECOND THE APPLICANT MUST DEMONSTRATE THAT
COUNSEL'S DEFICIENT PERFORMANCE PREJUDICED
THE APPLICANT TO THE EXTENT THAT THERE IS A
REASONABLE PROBABILITY THAT BUT FOR COUNSEL'S
UNPROFESSIONAL ERRORS, THE RESULT OF THE
PROCEEDING WOULD HAVE BEEN DIFFERENT. A
REASONABLE PROBABILITY IS A PROBABILITY
SUFFICIENT TO UNDERMINE CONFIDENCE IN
THE OUTCOME

19th Issue ARGUED ON P.C.R

my SIXTH Amendment RIGHT to EFFECTIVE ASSISTANCE OF COUNSEL was VIOLATED, CONSTITUTEING INEFFECTIVE ASSISTANCE OF COUNSEL. AS A RESULT OF TRIAL ATTORNEY ARTHUR DAVID BAX. FAILURE TO ASSERT A CLAIM OF VIOLATION OF my FEDERAL 5th and 14th amendment RIGHT OF DUE PROCESS OF LAW. TO PROTECT me FROM BEING CONVICTED, SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED OUT OF MY LIBERTY AND WRONGLY INCARCERATED FOR THE DEATH OF VICTIM K. S. ON FABRICATED EVIDENCE IN VIOLATION OF my FEDERAL 5th and 14th Amendment RIGHT OF DUE PROCESS OF LAW. BECAUSE THE STATE OF SOUTH CAROLINA, SOLICITOR ISSAC MC. DUFFIE STONE AND INVESTIGATOR SGT. LAUREL ALBERTIN. "FABRICATED EVIDENCE" AGAINST me. IN ORDER TO TRICK DECEIVE AND DEFRAUD THE JURY ON "CLOSING ARGUMENT". INTO BELIEVING BEYOND A REASONABLE DOUBT. THAT THE "TRAJECTORY" OF THE BULLET PROVES THAT I SHOT VICTIM K. S. ON HIS LEFT SIDE. WHILE VICTIM K. S. WAS IN THE PROCESS OF RUNNING BACK "TOWARDS" THE TRAMPOLINE TO GET HIS FOUR WHEELER, WHICH IS A NON EXISTENT EVENT, THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE, PROVES DID NOT OCCURE.

Issue ARGUED ON P.C.R

VIOLATION OF FEDERAL 5th and 14th Amendment RIGHT OF DUE PROCESS OF LAW. BY THE STATE OF SOUTH CAROLINA, SOLICITOR ISSAC MC. DUFFIE STONE AND INVESTIGATOR SGT. LAUREL ALBERTIN. FABRICATED EVIDENCE AGAINST me. IN ORDER TO TRICK DECEIVE AND DEFRAUD THE JURY ON "CLOSING ARGUMENT". INTO BELIEVING BEYOND A REASONABLE DOUBT. THAT THE "TRAJECTORY" OF THE BULLET PROVES THAT I SHOT VICTIM K. S. ON HIS LEFT SIDE. WHILE VICTIM K. S. WAS IN THE PROCESS OF RUNNING BACK "TOWARDS" THE TRAMPOLINE TO GET HIS FOUR WHEELER, WHICH IS A NON EXISTENT EVENT, THAT

THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE PROVES DID NOT OCCURE.

LAW ANALYSIS

- THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION GUARANTEES A DEFENDANT THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL. THE UNITED STATES SUPREME COURT HAS ESTABLISHED A TWO PRONGED TEST TO ESTABLISH INEFFECTIVE ASSISTANCE OF COUNSEL. BY WHICH A P.C.R. APPLICANT MUST SHOW (1ST) COUNSEL PERFORMANCE WAS DEFICIENT (2ND) THE DEFICIENT PERFORMANCE PREJUDICED THE DEFENDANT FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF, LUCAS BAILEY VS. STATE 709 S.E.2d 671 "QUOTE IN"

- THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION GUARANTEES A DEFENDANT THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL. V.S. CONST. AMEND. VI; STRICKLAND VS. WASHINGTON, 466 U.S. 668 (1984); LOMAX 665 S.E.2d 164 (2/008) THE UNITED STATES SUPREME COURT HAS ESTABLISHED A TWO PRONGED TEST TO ESTABLISH INEFFECTIVE ASSISTANCE OF COUNSEL BY WHICH A P.C.R. APPLICANT MUST SHOW (1ST) COUNSEL PERFORMANCE WAS DEFICIENT (2ND) THE DEFICIENT PERFORMANCE PREJUDICE THE DEFENDANT

ALSO IN ORDER TO STATE A CLAIM OF VIOLATION OF FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW. TWO ELEMENTS MUST BE SATISFIED. WHICH ARE (1ST) THE DEFENDANT FABRICATED EVIDENCE AND (2ND) THE FABRICATION RESULTED IN A DEPRIVATION OF THE PLAINTIFFS LIBERTY FOR PROOF REVIEW

CASE LAW MERITS

UNITED STATES DISTRICT COURT D. MARYLAND NOTHERN DIVISION DAVID K. MARTIN VS. CHRISTOPHER CONNOR 882 F. SUPP.2d 820 "QUOTE IN"

- TO ESTABLISH A VIOLATION OF THE DUE PROCESS RIGHT NOT TO BE DEPRIVED OF LIBERTY BASED ON FALSE EVIDENCE, THE PLAINTIFFS MUST SHOW THAT (1ST) THE DEFENDANTS FABRICATED EVIDENCE, AND (2ND) THE FABRICATION RESULTED IN A DEPRIVATION OF THE PLAINTIFFS LIBERTY

10th ARGUMENT

ON THE DAY THAT VICTIM K. S. [REDACTED] WAS SHOT AND KILLED. THRU HER INVESTIGATIVE EFFORTS. INVESTIGATOR SGT. LAUREL ALBERTIN DISCOVERED THAT VICTIM K. S. [REDACTED] WAS RUNNING AWAY FROM THE TRAMPALINE, AND VICTIM K. S. [REDACTED] WAS RUNNING TOWARDS THE ALLEN ROAD

AREA ONLY AT THE IMMEDIATE TIME VICTIM K. S. WAS SHOT AND KILLED. FOR PROOF I QUOTE THE TRIAL TESTIMONY OF WITNESS CHARLESE JACKSON AND TYRONE DELANEY.

TESTIMONY OF CHARLESE JACKSON

AT TRIAL CHARLESE JACKSON TESTIFIED THAT WHEN SHE HEARD THE GUN SHOTS, SHE TOLD THE KIDS TO COME INSIDE OF THE HOUSE. TYRONE'S SON CAME INSIDE OF THE HOUSE, BUT K. S. AND J. S. RAN THE OTHER WAY TOWARD AUNT ARENA HOUSE TOWARDS THE DIRECTION THAT IDENTIFIED AS ALLEN ROAD ON THE MODEL SUBMITTED AT TRIAL BY THE STATE OF SOUTH CAROLINA. FOR PROOF REVIEW PAGE 332 PARAGRAPHS 21, 22, 23, 24 AND 25 AND PAGE 333 PARAGRAPHS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, AND 16 AND PAGE 343 PARAGRAPHS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25 AND PAGE 344 PARAGRAPHS 2, 2 AND 3 OF TRIAL TRANSCRIPT.

TESTIMONY OF TYRONE DELANEY

AT TRIAL TYRONE DELANEY TESTIFIED THAT AFTER HE HEARD GUN SHOTS, HE YELLED AT THE KIDS AND TOLD THEM TO COME INSIDE OF THE HOUSE. HIS SON X. D. RAN TO THE HOUSE, BUT THE OTHER TWO J. S. AND K. S. RAN THE OTHER WAY TOWARDS WHERE THEY LIVED AT, WHICH IS IDENTIFIED AS ALLEN ROAD DIRECTION ON THE MODEL THAT THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL. FOR PROOF REVIEW PAGE 359 PARAGRAPHS 21, 22, 23, 24 AND 25 AND PAGE 360 PARAGRAPHS 2, 2, 3, 4, 5, 6, 7, AND 8 AND PAGE 365 PARAGRAPHS 17, 18, 19, 20, 21, 22, 23, 24 AND 25 AND OF TRIAL TRANSCRIPT.

TESTIMONY OF BRITNEY BRINSON

AT TRIAL BRITNEY BRINSON TESTIFIED THAT SHE SAW TYRONE ROBINSON POSITIONED IN A AREA BEHIND HER HOUSE WALKING WITH TWO 40 OZ BOTTLES OF BEER INSIDE OF HIS HAND. AT THE IMMEDIATE TIME SHE SAW K. S. RUNNING AND FALL WHEN HE WAS SHOT AND KILLED. BRITNEY BRINSON TESTIFIED THAT K. S. AND J. S. WERE RUNNING TOWARDS HER DIRECTION AND SHE COULD HAVE SEEN THEIR FACE. BRITNEY BRINSON TESTIFIED

That when she heard the gun shots, and saw
 K. S. [REDACTED] RUNNING and FALL when
 he was shot and killed. She looked out of the
 window of her back door. She saw TYRONE ROBIN-
 -SON WALKING between the TWO BUILDING behind
 her house. which is identified as 10 ALLEN
 Road on the model that the state of south CAROL-
 -INA submitted at TRIAL.
 BRITNEY BRINSON testified that she did not see
 TYRONE ROBINSON with a gun. FOR PROOF REVIEW
 page 385 paragraphs 12, 13, 14, 15, 16, 17, 18, 19, 20,
 21, 22, 23, 24 and 25 and page 386
 paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,
 19, 20, 21, 22, 23, 24, and 25 and page 387 2, 3,
 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 and page
 388 paragraphs 9 and 10 OF TRIAL TRANSCRIPT

2nd UNDISPUTABLE FACT

ON THE DAY VICTIM K. S. [REDACTED]
 was shot and killed. Thru her INVEST-
 -IGATIVE EFFORTS, INVESTIGATOR SGT.
 LAUREL ALBERTIN discovered that the
 TRUCK that AARON SCOTT YOUNG SENIOR and
 AARON SCOTT YOUNG JUNIOR were shooting
 from out of, and ATTEMPTING to murder
 me from out of, was TRAVELING ON MARSHLAND
 Road, on the LEFT side of VICTIM K. S. [REDACTED]
 [REDACTED] LEFT side, that VICTIM K. S. [REDACTED]
 [REDACTED] was shot and killed on. at the imme-
 -diate time that VICTIM K. S. [REDACTED]
 was shot and killed, while VICTIM K. S. [REDACTED]
 [REDACTED] was RUNNING away from the TRAMPAL-
 -INE towards, the ALLEN ROAD direction ONLY.

3rd UNDISPUTABLE FACT

ON THE DAY THAT VICTIM K. S. [REDACTED] was
 shot and killed. Thru her INVESTIGATIVE EFFORT,
 INVESTIGATOR SGT. LAUREL ALBERTIN discovered.
 that the bullet wound from the bullet that
 VICTIM K. S. [REDACTED] was shot and killed
 with. is positioned DIRECTLY ON VICTIM K. S. [REDACTED]
 [REDACTED] LEFT side.
 AT TRIAL the state of south CAROLINA and ITS

SOLICITOR ISSAC MC. DUFFIE STONE CONFESSED TO THESE UNDESPUTABLE FACTS. FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT.

1ST CONFESSON

AT TRIAL THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE CONFESSED TO THE JURY AT TRIAL. THAT VICTIM [K. S.] WAS SHOT AND KILLED ON HIS LEFT SIDE THAT THE BULLET ENTRANCE WOUND IS ON. FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT.

STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

"QUOTING" FROM PAGE 968 PARAGRAPHS 19 AND 20 OF SOLICITOR ISSAC MC. DUFFIE STONE CLOSING ARGUMENT "QUOTING"
NOW THAT BRINGS UP TWO POINTS [K. S.] WAS SHOT IN HIS LEFT SIDE. THAT'S ABSOLUTELY TRUE

4th UNDESPUTABLE FACT

[K. S.] WAS SHOT ON THE DAY VICTIM [K. S.] AND KILLED. THRU HER INVESTIGATIVE EFFORTS. INVESTIGATOR SGT. LAUREL ALBERTIN DISCOVERED. THAT THE HIGHWAY MARSHLAND ROAD, THAT THE TRUCK ATTACKERS AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WAS RIDING IN WAS TRAVELING ON. IS LOCATED DIRECTLY OVER TO THE LEFT SIDE OF VICTIM [K. S.] LEFT SIDE. THAT VICTIM [K. S.] WAS SHOT AND KILLED ON. WHILE VICTIM [K. S.] WAS RUNNING AWAY FROM THE TRAMPOLINE TOWARDS ALLEN ROAD DIRECTION, AT THE IMMEDIATE TIME VICTIM [K. S.] WAS SHOT AND KILLED. AT TRIAL THE STATE OF SOUTH CAROLINA AND ISSAC MC. DUFFIE STONE CONFESSED TO THESE UNDESPUTABLE FACTS. FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT. "QUOTING"

2ND CONFESSON

STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

"Quoting" from 968 paragraphs 23, 24 and 25 of SOLICITOR JISAC Mc. DUFFIE STONE CLOSING ARGUMENT "Quoting"
AND THE HIGHWAY, MARSHLAND ROAD, THIS ROAD
HERE IS TO HIS LEFT, THAT CORRECT

5th UNDISPUTABLE FACT

ON THE DAY THAT VICTIM [REDACTED] K. S. [REDACTED] WAS SHOT AND KILLED. THRU HER INVESTIGATIVE EFFORTS. INVESTIGATOR SGT. LAUREL ALBERTIN DISCOVERED. THAT TYRONE ROBINSON WAS POSITIONED OVER TO THE FAR RIGHT SIDE OF VICTIM [REDACTED] K. S. [REDACTED] RIGHT SIDE THAT VICTIM [REDACTED] K. S. [REDACTED] WAS NOT SHOT AND KILLED ON. AT THE IMMEDIATE TIME VICTIM [REDACTED] K. S. [REDACTED] WAS SHOT AND KILLED. WHILE VICTIM [REDACTED] K. S. [REDACTED] WAS RUNNING AWAY FROM THE TRAMPALINE RUNNING TOWARDS ALLEN ROAD DIRECTION, AT THE IMMEDIATE TIME VICTIM [REDACTED] K. S. [REDACTED] WAS SHOT AND KILLED.

TESTIMONY OF BRITNEY BRINSON

AT TRIAL BRITNEY BRINSON TESTIFIED, THAT SHE SAW TYRONE ROBINSON POSITIONED IN THE AREA BEHIND HER HOUSE WALKING WITH TWO 40 OZ BOTTLES OF BEER INSIDE OF HIS HAND. AT THE IMMEDIATE TIME SHE SAW [REDACTED] K. S. [REDACTED] RUNNING AND FALL WHEN HE WAS SHOT AND KILLED. BRITNEY BRINSON TESTIFIED THAT [REDACTED] K. S. [REDACTED] AND JONTA SINGLETON JUNIOR WERE RUNNING TOWARDS HER DIRECTION AND SHE COULD HAVE SEEN THEIR FACE. BRITNEY BRINSON TESTIFIED THAT WHEN SHE HEARD THE GUN SHOTS, AND SAW [REDACTED] K. S. [REDACTED] RUNNING AND FALL WHEN HE WAS SHOT AND KILLED. SHE LOOKED OUT OF THE WINDOW OF HER BACK DOOR. SHE SAW TYRONE ROBINSON WALKING BETWEEN THE TWO BUILDINGS BEHIND HER HOUSE. WHICH IS IDENTIFIED AS 10 ALLEN ROAD ON THE MODEL THAT THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL. BRITNEY BRINSON TESTIFIED THAT SHE DID NOT SEE TYRONE ROBINSON WITH A GUN. FOR PROOF

Review page 385 paragraphs 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 and page 386 paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 and page 387 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 and page 388 paragraphs 9 and 10 of TRIAL TRANSCRIPT - FRT

COLLABORATING TESTIMONY OF TYRONE ROBINSON

AT TRIAL TYRONE ROBINSON testified that he did see BRITNEY BRINSON stand on the porch in back of her house, when he was walking between the two buildings behind BRITNEY BRINSON house with two 40 oz bottle of beers in all both of his hands. AT TRIAL TYRONE ROBINSON testified that the two buildings that BRITNEY BRINSON saw him walking between behind her house is the address of TEN ALLEN ROAD. FOR PROOF REVIEW page 860 paragraphs 19, 20, 21, 22, 23, 24 and 25 and page 861 paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 OF TRIAL TRANSCRIPT

TABLE SIZE MODEL OF ALLEN ROAD

AT TRIAL THE STATE OF SOUTH CAROLINA submitted a table sized model of the ALLEN ROAD AREA and MARSHLAND ROAD AREA. That K. S. [REDACTED] was shot and killed at [REDACTED] ON THE STATE OF SOUTH CAROLINA VERY OWN TABLE SIZE MODEL OF THE ALLEN ROAD AREA IT SHOW AND PROVES THAT THE 10 ALLEN ROAD AREA THAT BRITNEY BRINSON SAW TYRONE ROBINSON POSITIONED AT, AT THE IMMEDIATE TIME K. S. [REDACTED] WAS SHOT AND KILLED, WHILE RUNNING AWAY FROM THE TRAMPALINE TOWARDS HOME TOWARDS THE ALLEN ROAD DIRECTION. IS POSITIONED OVER TO THE FAR RIGHT OF THE RIGHT SIDE OF K. S. [REDACTED] BODY. THAT K. S. [REDACTED] WAS NOT SHOT AND KILLED ON. THEREFORE THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE THE STATE OF SOUTH CAROLINA PRESENTED AT TRIAL, PROVES THAT TYRONE ROBINSON WAS POSIT-

- MOVED TO THE FAR RIGHT SIDE OF THE RIGHT SIDE OF KHALIL SINGLETON BODY THAT [K. S.] WAS NOT SHOT AND KILLED ON. AT THE IMMEDIATE TIME [K. S.] WAS SHOT AND KILLED, WHILE [K. S.] WAS SHOT AND KILLED, WHILE RUNNING AWAY FROM THE TRAMPOLINE, TOWARDS HIS HOME TOWARDS THE ALLEN ROAD DIRECTION.

6th 1ST TRAJECTORY OF THE BULLET

ON THE DAY VICTIM [K. S.] WAS SHOT AND KILLED. THRU HER INVESTIGATIVE EFFORTS. INVESTIGATOR SGT. LAUREL ALBERT - IN DISCOVERED. THAT THE TRAJECTORY OF THE BULLET PROVED. THAT WHILE I WAS POSITIONED OVER TO THE FAR RIGHT SIDE OF VICTIM [K. S.] RIGHT SIDE. THAT VICTIM [K. S.] WAS NOT SHOT AND KILLED ON. AT THE IMMEDIATE TIME VICTIM [K. S.] WAS RUNNING AWAY FROM THE TRAMPOLINE. TOWARDS ALLEN ROAD DIRECTION AT THE IMMEDIATE TIME VICTIM [K. S.] WAS SHOT AND KILLED.

IF I WOULD OF SHOT A BULLET TOWARDS THE TRUCK ON MARSHLAND ROAD, AND TOWARDS VICTIM [K. S.] DIRECTION. WHILE VICTIM [K. S.] WAS RUNNING AWAY FROM THE TRAMPOLINE TOWARDS ALLEN ROAD [K. S.] AT THE IMMEDIATE TIME VICTIM [K. S.] WAS SHOT AND KILLED. THEN THE BULLET WOULD OF HAD STRUCK VICTIM [K. S.] ON THE RIGHT SIDE, OF THE RIGHT SIDE OF VICTIM [K. S.] BODY. THAT VICTIM [K. S.] WAS NOT SHOT AND KILLED ON. AS A MATTER OF LAW PROVEING THAT IT IS SCIENTIFICALLY IMPOSSIBLE FOR TYRONE ROBINSON TO SHOOT AND KILL VICTIM [K. S.] AS A MATTER OF LAW PROVEING THAT I DID NOT FIRE THE BULLET THAT STRUCK VICTIM [K. S.] ON HIS LEFT SIDE WERE THE BULLET ENTRANCE WOUND IS LOCATED AT. THAT WAS THE CAUSE OF VICTIM [K. S.] DEATH. AT TRIAL DURING CLOSING ARGUMENT. ATTORNEY ARIZO

DAVID BAX USED A LIFE SIZE MANNIQUE TO
 ARGUE THESE UNDISPUTED FACTS TO THE
 JURY AT TRIAL.

CLOSING ARGUMENT OF ATTORNEY ARIE DAVID BAX

AT TRIAL ATTORNEY ARIE DAVID BAX EXPLAINED TO
 THE JURY IN HIS CLOSING ARGUMENT. THAT ALL
 THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED
 IN THIS CASE, POINTS TO ONE FACT. THAT WHEN
 [REDACTED] WAS SHOT AND KILLED HE WAS
 RUNNING HOME. WHICH MEANS THAT TYRONE ROBIN-
 SON DID NOT SHOOT AND KILL VICTIM [REDACTED] LEFT SIDE
 [REDACTED] BECAUSE [REDACTED] WAS FACED
 THAT HE WAS SHOT AND KILLED ON. WAS FACED
 TOWARDS THE ROAD WHEN HE WAS RUNNING AWAY
 FROM THE TRAMPOLINE, TOWARDS HIS HOME. IN
 ALLEN ROAD DIRECTION. AND EVERY WITNESS
 THAT THE STATE OF SOUTH CAROLINA PUT UP IN THIS
 CASE. PUTS TYRONE ROBINSON ON THE RIGHT SIDE
 OF [REDACTED] WHEN HE WAS RUNNING
 AWAY FROM THE TRAMPOLINE, TOWARDS ALLEN ROAD
 DIRECTION. FOR PROOF I QUOTE THE CLOSING ARGUE-
 MENT FROM ATTORNEY ARIE DAVID BAX "QUOTING"

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTING" FROM PAGE 949 PARAGRAPHS 2, 22, 23,
 24 AND 25 AND PAGE 950 PARAGRAPHS 2, 23, AND
 4 OF TRIAL TRANSCRIPT
 CLOSING ARGUMENT OF
 ATTORNEY ARIE DAVID BAX
 THE EVIDENCE ALL POINTS TO THE FACT THAT WHEN
 VICTIM [REDACTED] WAS STRUCK HE WAS
 RUNNING HOME. WHAT DOES THAT MEAN? LADIES
 AND GENTLEMEN I SUBMIT TO YOU THAT IT MEANS
 ABSOLUTELY TYRONE ROBINSON DID NOT SHOOT
 [REDACTED] BECAUSE HIS LEFT SIDE WOULD

have been facing the road if he is running in this direction his left side would have been facing the road. And every witness that has been put up puts TYRONE ROBINSON ON THE RIGHT SIDE OF WERE HE WAS RUNNING.

7th 2ND TRAJECTORY OF THE BULLET

ON THE DAY VICTIM K. S. [REDACTED] WAS SHOT AND KILLED. THRU HER INVESTIGATIVE EFFORTS, INVESTIGATOR SGT. LAUREL ALBERTIN DISCOVERED THAT THE TRAJECTORY OF THE BULLET PROVED THAT WHILE THE TRUCK ATTACKERS AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WAS TRAVELING IN AND WAS ATTEMPTING TO MURDER ME FROM OUT OF WITH THERE GUN, WAS TRAVELING ON MARSHLAND ROAD TO THE FAR LEFT SIDE OF VICTIM K. S. [REDACTED] LEFT SIDE. THAT VICTIM K. S. [REDACTED] WAS SHOT AND KILLED ON, AND THE BULLET ENTRANCE WOUND IS LOCATED AT DIRECTLY ON THE LEFT SIDE OF VICTIM K. S. [REDACTED] BODY. IF SOMEONE ON THE TRUCK AND/OR INSIDE OF THE TRUCK OR IF SOMEONE ON THE OTHER SIDE OF MARSHLAND ROAD. WOULD OF SHOT A BULLET TOWARDS TYRONE ROBINSON AND TOWARDS VICTIM K. S. [REDACTED] WHILE VICTIM K. S. [REDACTED] WAS RUNNING AWAY FROM THE TRAMPALINE AND WAS RUNNING TOWARDS ALLEN ROAD DIRECTION. AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED. THEN THE BULLET WOULD OF STRUCK VICTIM K. S. [REDACTED] DIRECTLY ON HIS LEFT SIDE, AND THE TRAJECTORY OF THE BULLET WOULD OF TRAVELED THE PATHWAY IN VICTIM K. S. [REDACTED] BODY. FROM LEFT TOWARDS RIGHT TOWARDS TYRONE ROBINSON DIRECTION. AS A MATTER OF LAW PROVEING THAT TYRONE ROBINSON DID NOT FIRE THE BULLET, THAT STRUCK VICTIM K. S. [REDACTED] ON HIS LEFT SIDE, WERE THE BULLET ENTRANCE WOUND IS LOCATED AT. THAT WAS THE CAUSE OF VICTIM K. S. [REDACTED] DEATH. THESE UNDESPUTABLE FACTS ARE SUPPORTED BY THE FORENSIC EVIDENCE THAT INVESTIGATOR SGT. LAUREL ALBERTIN OBTAINED IN THIS CASE, HANDLED OVER TO THE SOLICITORS

OFFICE TO ME AT MY TRIAL, AND THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JESSIE MC. DUFFIE STONE DID ME AT MY TRIAL. FOR PROOF I QUOTE THE TRIAL TESTIMONY OF DR. LEE MARIE TORMOS TO THE JURY AT TRIAL.

TESTIMONY OF DR. LEE MARIE TORMOS

AT TRIAL DR. LEE MARIE TORMOS THE FORENSIC PATHOLOGIST TESTIFIED THAT [REDACTED] WAS SHOT AND KILLED WHILE HE WAS IN AN UPRIGHT STANDING RUNNING POSITION. AT TRIAL DR. LEE MARIE TORMOS TESTIFIED THAT THE BULLET ENTRANCE WOUND IS POSITIONED DIRECTLY ON THE LEFT SIDE OF [REDACTED] BODY AND THE BULLET TRAVELED THE PATHWAY IN [REDACTED] BODY. OF FROM THE LEFT SIDE OF [REDACTED] SIDE OF [REDACTED] body, DIRECTLY ACROSS TO THE RIGHT WENT STRAIGHT ACROSS TO THE RIGHT SIDE OF [REDACTED] body AND THE BULLET WENT STRAIGHT ACROSS FROM LEFT TO THE RIGHT SIDE OF [REDACTED] body, SLIGHTLY UPWARDS. FOR PROOF I QUOTE THE TESTIMONY FROM TRIAL ON DIRECT EXAMINATION OF DOCTOR LEE MARIE TORMOS "QUOTING"

STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

"QUOTING" FROM PAGE 574 PARAGRAPHS 23, 24, AND 25 OF TRIAL TRANSCRIPT
QUOTING FROM
SOLICITOR JESSIE
MC. DUFFIE STONE "QUOTING"
NOW I'M GOING TO HAND YOU THIS POINTER. SHOW THE JURY THE TRAJECTORY OF THAT BULLET. I'M NOT SURE WHERE I WAS. THIS ANGLE I GUESS,
YES MA'AM

"QUOTING" FROM PAGE 440 PARAGRAPHS 2, 2, 3, 4 AND 5 OF TRIAL TRANSCRIPT
ANSWER FROM
FORENSIC PATHOLOGIST
DR. LEE MARIE TORMOS
SO LEFT TO RIGHT AT MID CHEST

QUOTING FROM
SOLICITOR JESSIE
MC. DUFFIE STONE
MAKE SURE EVERYBODY ON THE JURY CAN SEE IT

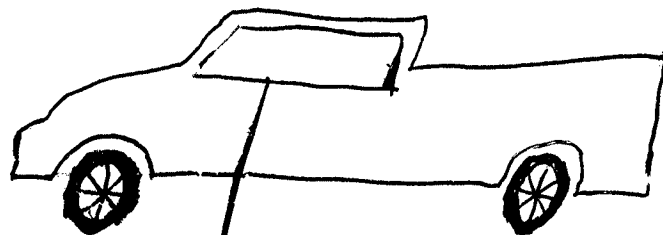
ANSWER FROM
FORENSIC PATHOLOGIST
DR. LEE MARIE TORMOS
THE TRAJECTORY OF THE BULLET IS LIKE THIS
IT IS LEFT TO RIGHT SLIGHTLY UPWARDS AND
IT DOESN'T HAVE A SIGNIFICANT FORWARD
OR BACKWARD DEVIATION

"QUOTE" FROM PAGE 577 PARAGRAPHS 15, 16,
AND 17 OF TRIAL TRANSCRIPT

ANSWER FROM
FORENSIC PATHOLOGIST
DR. LEE MARIE TORMOS
SO I CAN SAY THAT THE CHILD WAS STANDING
OR UPRIGHT AND THE SHOT CAME FROM THE
LEFT SIDE OF HIS BODY. NOW WHICH WAY HIS
BODY WAS FACING I DON'T KNOW

8th UNDISPUTABLE FACT

ON THE DAY THAT VICTIM K. S. [REDACTED] WAS SHOT
AND KILLED, THREE HER INVESTIGATIVE EFFORTS INVEST-
-IGATOR SGT. LAUREL ALBERTIN DISCOVERED THAT THE
TRAJECTORY OF THE BULLET PROVED THAT IT IS SCIENTIF-
-ICALLY IMPOSSIBLE FOR ME TO HAVE FIRED THE
bullet THAT STRUCK VICTIM K. S. [REDACTED] IN
HIS LEFT SIDE AND CAUSED HIS DEATH. BECAUSE AT
THE IMMEDIATE TIME VICTIM K. S. [REDACTED]
WAS STRUCK WITH A BULLET ON HIS LEFT SIDE.
WHILE K. S. [REDACTED] WAS RUNNING AWAY FROM
THE TRAMPALINE, RUNNING TOWARDS THE ALLEN ROAD
DIRECTION. I TYRONE ROBINSON WAS POSITION OVER
TO THE FAR RIGHT SIDE OF VICTIM K. S. [REDACTED] WAS NOT
RIGHT SIDE, THAT VICTIM K. S. [REDACTED] WAS NOT
SHOT AND KILLED ON. AT THE IMMEDIATE TIME VICTIM
K. S. [REDACTED] WAS STRUCK WITH A BULLET ON
HIS LEFT SIDE, AND THE BULLET TRAVELED IN VICTIM
K. S. [REDACTED] BODY. FROM LEFT TOWARDS RIGHT
TOWARDS I TYRONE ROBINSON DIRECTION. WHILE VICTIM
K. S. [REDACTED] WAS RUNNING AWAY FROM THE TRAMP-
-ALINE AND RUNNING TOWARDS ALLEN ROAD DIRECTION.
AS A RESULT THE TRAJECTORY OF THE BULLET PROVES
THAT IT IS SCIENTIFICALLY IMPOSSIBLE FOR
I TYRONE ROBINSON TO HAVE FIRED THE BULLET
THAT STRUCK VICTIM K. S. [REDACTED] IN HIS
LEFT SIDE AND CAUSED THE BULLET ENTRANCE WOUND
THAT CAUSED VICTIM K. S. [REDACTED] DEATH.



MARSHLAND ROAD THAT TRUCK ARON SENIOR
AND ARON JAVOR WAS RIDING IN WAS
TRAVELING ON

DIRECTION
OF BULLET

AS A MATTER OF LAW THIS DIAGRAM SHOW AND PROVE,
THAT IF SOMEONE WOULD OF SHOT A BULLET FROM OUT
OF THE TRUCK OR FROM THE MARSHLAND ROAD AREA,
INTO THE ALLEN ROAD AREA TOWARDS TYRONE ROBIN-
SON DIRECTION AND TOWARDS VICTIM K. S. [REDACTED]
DIRECTION. WHILE VICTIM K. S. [REDACTED] WAS
RUNNING AWAY FROM THE TRAMPALINE, TOWARDS HOME
TOWARDS THE ALLEN ROAD DIRECTION. AS ALL OF THE
STATE OF SOUTH CAROLINA WITNESSES AT TRIAL. TESTIFIED
AS THE ONLY DIRECTION VICTIM K. S. [REDACTED] WAS
RUNNING IN AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED]
WAS SHOT AND KILLED.

THE BULLET WOULD OF STRUCK VICTIM K. S. [REDACTED] BODY, AND THE
ON THE LEFT SIDE OF K. S. [REDACTED] AND THE
TRAJECTORY OF THE BULLET WOULD OF TRAVELED THE
PATHWAY OF. FROM LEFT TOWARDS RIGHT IN K. S. [REDACTED]

K. S. [REDACTED] BODY, TOWARDS TYRONE
ROBINSON DIRECTION.

LEFT SIDE OF BODY THAT K. S. [REDACTED]
WAS SHOT AND KILLED
ON. A) FORENSIC PATHOLOGIST
DR. LEE MARIE TORMO TESTIFIED TO

THEREFORE AS A MATTER OF LAW THE
DIRECT EVIDENCE AND CIRCUMSTANTIAL
EVIDENCE. THAT THE STATE OF SOUTH CAROLINA
SUBMITTED AGAINST ME AT TRIAL. PROVES THAT
IT IS LITERALLY IMPOSSIBLE FOR TYRONE
ROBINSON TO SHOOT AND KILL VICTIM
K. S. [REDACTED].

AS A MATTER OF LAW PROVING THAT BASED ON
THE DIRECT EVIDENCE AND CIRCUMSTANTIAL
EVIDENCE THAT THE STATE OF SOUTH CAROLINA
SUBMITTED AGAINST ME AT TRIAL. THE
STATE OF SOUTH CAROLINA FAILED TO PROVE
THE BURDEN OF PROOF ENTITLING ME TO
A DIRECTED VERDICT OF ACQUITTAL AS A
MATTER OF LAW.

BACK
OF K. S. [REDACTED]

FRONT OF
K. S. [REDACTED]

RIGHT SIDE
OF K. S. [REDACTED]

1st PICTURE ON NEXT PAGE

NOTICE ON THE PICTURE ON THE NEXT PAGE. THAT THE SUNLIGHT IS SHINING BRIGHT ON THE GROUND IN THE TREES IN THE BACK GROUND AND IN THE PICTURE. THE PICTURE ON THE NEXT PAGE IS A PICTURE THAT WAS TAKEN OF THE TRAMPALINE VICTIM K. S. [REDACTED] RAN AWAY FROM, BEFORE VICTIM K. S. [REDACTED] WAS SHOT AND KILLED. THE PICTURE ON THE NEXT PAGE PROVES THAT AT THE IMMEDIATE TIME K. S. [REDACTED] WAS SHOT AND KILLED EARLIER THAT DAY, THERE WAS NOT ANY FOUR WHEELER PARKED NEXT TO THE TRAMPALINE. THEREFORE THE PICTURE ON THE NEXT PAGE SHOW AND PROVE THAT, WHEN VICTIM K. S. [REDACTED] RAN AWAY FROM THE TRAMPALINE VICTIM K. S. [REDACTED] DID NOT TURN AROUND AND GO BACK TO GET HIS FOUR WHEELER AND GOT SHOT AND KILLED TRYING TO GO GET HIS FOUR WHEELER. AS THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, TRICKED DECEIVED COMMITTED CRIME OF PERJURY LIE TO THE JURY AND DEFRAUDED THE JURY INTO BELIEVING. BECAUSE THE PICTURE ON THE NEXT PAGE SHOW AND PROVE THAT AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED WHEN HE RAN AWAY FROM THE TRAMPALINE. THERE WAS NOT ANY FOUR WHEELER PARKED AT THE TRAMPALINE FOR K. S. [REDACTED] TO TURN AROUND AND GO GET. THEREFORE THE PICTURE ON THE NEXT PAGE SHOW AND PROVE THAT AT THE IMMEDIATE TIME K. S. [REDACTED] WAS SHOT AND KILLED WHEN HE RAN AWAY FROM THE TRAMPALINE. VICTIM K. S. [REDACTED] DID NOT TURN AROUND TO GO GET HIS FOUR WHEELER AND GOT SHOT AND KILLED TRYING TO GO BACK AND GET HIS FOUR WHEELER. BECAUSE THE PICTURE ON THE NEXT PAGE SHOW AND PROVE THAT AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED. HIS FOUR WHEELER WAS NOT PARKED AT THE TRAMPALINE FOR K. S. [REDACTED] TO TURN AROUND TO GO BACK AND GET. ARREST WARRANT # 2012A0720300114 STATES THAT VICTIM K. S. [REDACTED] WAS SHOT AND KILLED AT 1648 HOURS ON 09/01/2012. THE PICTURE ON THE NEXT PAGE WAS ISSUED TO ME IN MY RULE 5 MOTION OF DISCOVERY. BY THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE



left
was shot on trail
and in
road
leaving



71.

1004

2Nd PICTURE ON NEXT PAGE

NOTICE ON THE PICTURE ON THE NEXT PAGE THAT THERE IS NOT ANY SUNLIGHT SHINEING IN THE PICTURE. NOTICE THAT THE SUN HAS WENT DOWN AND THE SUN HAS ALREADY SET. NOTICE HOW THE SKY LOOKS LIKE ITS ABOUT TO DARKEN THIS IS CALLED DUSK DARK. THIS PICTURE WAS TAKEN ON SEPTEMBER 25TH, 2012 DURING DAYLIGHT SAVING HOURS. WHEN IT DOES NOT GET DARK UNTIL 9:00 NINE OCLOCK AND DUSK DARK DOESNT OCCUR UNTIL AROUND BETWEEN 7:30 SEVEN THIRTY AND 8:30 EIGHT THIRTY. WHEN THE PICTURE WAS TAKEN IT WAS LATE IN THE EVENING AT DUSK DARK ABOUT TO TURN NIGHT TIME. THE PICTURE WAS TAKEN SEVERAL HOURS LATER AFTER VICTIM [REDACTED] HAD ALREADY BEEN SHOT AND KILLED. THE PICTURE SHOWS THE FOUR WHEELER WAS PARKED AND PROVES THAT THE FOUR WHEELER WAS PARKED AT THE TRAMPALINE HOURS LATER AFTER VICTIM [REDACTED] HAD ALREADY BEEN SHOT AND KILLED AND AFTER DOING SO. TOOK A PICTURE OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE. THE PICTURE ON THE NEXT PAGE WAS ISSUED TO ME BY THE STATE OF SOUTH CAROLINA AND IT SOLICITOR JESSIE MC-DUFFIE STONE AND BEaufORT COUNTY SHERIFF DEPARTMENT



Because the trajectory of the bullet proved that
 it is scientifically impossible for Tyrone
 Robinson, to have fired the bullet that struck victim
 K. S. [REDACTED] in his left side, and cause the
 bullet entrance wound that caused victim K. S.
 [REDACTED] death. To conceal this fact from the
 jury at trial, investigator Sgt. Laurel Albertin
 staged the crime scene, fabricated evidence
 and planted false evidence on the crime scene
 by parking victim K. S. [REDACTED] four wheeler
 next to the trampoline that victim K. S. [REDACTED]
 -leton ran away from. hours later that day after
 victim K. S. [REDACTED] had already been shot and
 killed while running towards the Allen Road area
 direction. After staging the crime scene in-
 -tigator Sgt. Laurel Albertin took a picture of the
 staged crime scene, with the fabricated evidence
 and the planted false evidence of the four wheeler
 parked next to the trampoline. So investigator Sgt.
 Laurel Albertin could use the picture of the staged
 crime scene, of the four wheeler parked next to the
 trampoline, to trick deceive, and defraud the jury.
 into believing that when victim K. S. [REDACTED]
 ran away from the trampoline towards Allen Road
 direction, victim K. S. [REDACTED] turned around
 and ran back towards the trampoline to get his
 four wheeler and was shot and killed while he
 was trying to get his four wheeler.
 So investigator Sgt. Laurel Albertin could use the
 picture of the staged crime scene, of the four
 wheeler parked next to the trampoline, to trick,
 deceive and defraud the jury. into believing
 that victim Khalil Singleton left side that victim
 K. S. [REDACTED] was shot and killed on, was facing
 towards Tyrone Robinson direction at the immediate
 time victim K. S. [REDACTED] was shot and killed.
 So investigator Sgt. Laurel Albertin could use the
 picture of the staged crime scene, of the four whee-
 -ler parked next to the trampoline, to trick, deceive,
 and defraud the jury. into believing that the
 trajectory of the bullet proved that it fired the
 bullet, that struck victim K. S. [REDACTED] in
 his left side, that the bullet entrance wound is
 on, that caused victim K. S. [REDACTED] death.
 So investigator Sgt. Laurel Albertin could use
 the staged crime scene picture, of the four whee-
 -ler parked next to the trampoline, to trick, decei-
 -ve, and defraud the jury. into believing beyond
 a reasonable doubt, that I was guilty of the crime,
 of murder for the death of victim K. S. [REDACTED]
 So investigator Sgt. Laurel Albertin could use the
 picture of the staged crime scene, of the four
 wheeler parked next to the trampoline, to trick,
 deceive, and defraud the jury into returning a

JURY VERDICT OF GUILTY AGAINST ME FOR THE
CRIME OF MURDER FOR THE DEATH OF VICTIM K. S.

AFTER INVESTIGATOR SGT. LAUREL ALBERTIN, STAGED
THE CRIME SCENE AND TOOK A PICTURE OF THE STAGED
CRIME SCENE, OF THE FOUR WHEELER PARKED NEXT TO THE
TRAMPALINE. INVESTIGATOR SGT. LAUREL ALBERTIN
PLACED THE STAGED CRIME SCENE PICTURE INTO HER
CASE FILE AT BEAUFORT COUNTY SHERIFF DEPARTMENT.
AFTER DOING SO INVESTIGATOR SGT. LAUREL ALBERTIN
DELIVERED A COPY OF THE STAGED CRIME SCENE PICTURE
OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE.
OVER TO THE BEAUFORT COUNTY SOLICITOR OFFICE.
TO USE THE STAGED CRIME SCENE PICTURE OF THE FOUR
WHEELER PARKED NEXT TO THE TRAMPALINE AT MY JURY
TRIAL, TO TRICK, DECEIVE AND DEFAUD THE JURY
INTO RETURNING A JURY VERDICT OF GUILTY AGAINST
ME FOR THE CRIME OF MURDER FOR THE DEATH OF VICTIM
K. S.

AT MY CRIMINAL JURY TRIAL FOR THE CRIME OF
MURDER FOR THE DEATH OF VICTIM K. S.
SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA AND
ITS SOLICITOR ISSAC MC. DUFFIE STONE. PLACED A COPY OF
THE STAGED CRIME SCENE PICTURE, OF THE FOUR WHEELER
PARKED NEXT TO THE TRAMPALINE, ON A PICTURE STAND.
SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA
AND ITS SOLICITOR ISSAC MC. DUFFIE STONE. THEN PLACED
THE PICTURE STAND, WITH THE STAGED CRIME SCENE PICTURE
OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE.
IN FRONT OF THE JURY BOX FACING TOWARDS THE JURY
FOR THE JURY TO REVIEW AND DECIDE ON. BY DOING
SO SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA
AND ITS SOLICITOR ISSAC MC. DUFFIE STONE. USED THE
STAGED CRIME SCENE PICTURE OF THE FOUR WHEELER
PARKED NEXT TO THE TRAMPALINE. AS "TESTIMONIAL"
TO THE JURY, TO TRICK, DECEIVE AND DEFAUD THE JURY INTO
BELIEVING BEYOND A REASONABLE DOUBT, THAT VICTIM
K. S. FOUR WHEELER WAS PARKED NEXT TO THE
TRAMPALINE, AT THE IMMEDIATE TIME VICTIM K. S.
WAS SHOT AND KILLED. INVESTIGATOR SGT. LAUREL
ALBERTIN, THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR
ISSAC MC. DUFFIE STONE. DID NOT PUT UP ANY WITNESS
TO TESTIFY TO AND VERIFY AND AUTHENTICATE THE STAGED
CRIME SCENE PICTURE OF THE FOUR WHEELER PARKED NEXT
TO THE TRAMPALINE. ALSO THE STATE OF SOUTH CAROLINA
DID NOT QUESTION INVESTIGATOR SGT. LAUREL ALBERTIN
ABOUT THE STAGED CRIME SCENE PICTURE, WHICH
WHEELER PARKED NEXT TO THE TRAMPALINE. WHICH
DEPRIVED ME OUT OF MY RIGHT TO CROSS EXAMINE MY
ACCUSER ABOUT THE STAGED CRIME SCENE PICTURE.
OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE.
IN VIOLATION OF MY FEDERAL 6TH AMENDMENT RIGHT TO
CONFRONT MY ACCUSER, WHICH DEPRIVED ME OUT OF MY
FEDERAL DUE PROCESS RIGHT TO A FAIR TRIAL. ALSO INVE-
STIGATOR SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA,
AND ITS SOLICITOR ISSAC MC. DUFFIE STONE. DID NOT
SUBMIT A COPY OF THE STAGED CRIME SCENE PICTURE.

to the court for the court reporter to mark as
 an exhibit in the case on court record for the
 appeals court to review, because investigator Sgt.
 Laurel Albertin, the state of South Carolina and its
 solicitor Isaac Mc. Duffie Stone, knew that by them
 using the staged crime scene picture, of the four
 wheeler parked next to the trampoline, to trick,
 deceive and defraud the jury, into believing
 beyond a reasonable doubt that the four wheeler was
 parked next to the trampoline. At the immediate
 time victim K. S. [redacted] was shot and killed. Con-
 stituted a lie and constituted investigator Sgt. Laurel
 Albertin, the state of South Carolina and its solicitor
 Isaac Mc. Duffie Stone, committing the crime of perjury
 16-9-10(A)(2), to the jury against Tyrone Robinson,
 to trick deceive and defraud the jury, into believing
 beyond a reasonable doubt, that victim K. S. [redacted]
 four wheeler was parked next to the trampoline at the
 immediate time victim K. S. [redacted] was shot and
 killed. When Sgt. Laurel Albertin, the state of South
 Carolina and its solicitor knew that the staged crime
 scene picture of the four wheeler parked next to the
 trampoline, shows a picture of fabricated evidence of
 a staged crime scene were a four wheeler was parked
 next to the trampoline hours after victim K. S. [redacted]
 was already shot and killed, to trick deceive
 and defraud the jury by documentation of a four whee-
 ler parked next to the trampoline, into believing
 beyond a reasonable doubt, that victim K. S. [redacted]
 four wheeler was parked next to the trampoline at the
 immediate time victim K. S. [redacted] was shot
 and killed.
 When investigator Sgt. Laurel Albertin, the state
 of South Carolina and its solicitor Isaac Mc. Duffie
 Stone, had a copy of the originally crime scene picture
 of the trampoline without any four wheeler parked
 next to it, that was taken earlier that day right
 after victim K. S. [redacted] was shot and killed.
 That shows and proves that at the immediate time
 victim K. S. [redacted] four wheeler was absolutely not
 parked next to the trampoline.
 As a matter of law proving that, investigator Sgt.
 Laurel Albertin, the state of South Carolina and its
 solicitor Isaac Mc. Duffie Stone, committed crime of
 perjury 16-9-10(A)(2) against Tyrone Robinson to the
 jury, by investigator Sgt. Laurel Albertin, the state
 of South Carolina and its solicitor Isaac Mc. Duffie
 Stone, using fabricated false documentation, of a staged
 crime scene picture of a four wheeler parked next to
 the trampoline, as testimonial to the jury, to trick
 deceive and defraud the jury, into believing beyond
 a reasonable doubt, that victim K. S. [redacted] four
 wheeler was parked next to the trampoline, at
 the immediate time victim K. S. [redacted]
 was shot and killed, while running away from the

TRAMPOLINE WHEN VICTIM K. S. WAS
 RUNNING TOWARDS ALLEN ROAD DIRECTION AS A
 MATTER OF LAW CONSTITUTING THE CRIME OF
 PERJURY 16-9-10(A)(2) IN VIOLATION OF THE LAWS
 OF THE STATE OF SOUTH CAROLINA, FOR PROOF REVIEW
 CASE LAW MERITS

COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
 CASE LAW OF.
 THE STATE VS. DAREL L. STANLEY 615 S.E.2d 455 "QUOTEING"
 GIVING FALSE INFORMATION ON A DOCUMENT OR
 REPORT REQUIRED BY THE LAWS OF THIS STATE IS
 PERJURY. SEE S.C. CODE ANN § 16-9-10(A)(2)

STATUTORY MERITS

SOUTH CAROLINA CODE OF LAW 16-9-10(A)(2) PERJURY
 AND SUBORNATION "QUOTEING"
 (2) IT IS UNLAWFUL FOR A PERSON TO WILLFULLY GIVE
 FALSE, MISLEADING OR INCOMPLETE INFORMATION ON
 A DOCUMENT, RECORD, REPORT, OR FORM REQUIRED BY THE
 LAWS OF THIS STATE.

(C) A PERSON MAY BE CONVICTED UNDER THIS SECTION IF HE
 INDUCES, PROCURES, OR PERSUDES ANOTHER PERSON TO
 COMMIT PERJURY OR IF HE COMMITS PERJURY BY HIS OWN
 ACT, CONSENT, OR AGREEMENT.

AS A RESULT INVESTIGATOR SGT. LAUREL ALBERTIN,
 THE STATE OF SOUTH CAROLINA, AND ITS SOLICITOR ISSAC
 MC. DUFFIE STONE. USED THE STAGED CRIME SCENE
 PICTURE. OF THE FOUR WHEELER PARKED NEXT TO THE
 TRAMPOLINE. TO FURTHER INFLUENCE THE JURY INTO
 BELIEVING THERE FABRICATED EVIDENCE AND CRIME
 OF PERJURY 16-9-10(A)(2) TO THE JURY. IN THERE
 CLOSING ARGUMENT, BY SGT. LAUREL ALBERTIN, THE
 STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC
 MC. DUFFIE STONE INFLUENCING THE JURY TO BELIEVE
 BEYOND A REASONABLE DOUBT IN THERE CLOSING
 ARGUMENT, THAT WHEN VICTIM K. S.
 RAN AWAY FROM THE TRAMPOLINE, VICTIM K. S.
 TURNED AROUND AND RAN BACK TOWARDS THE
 TRAMPOLINE TO GET HIS FOUR WHEELER, AND VICTIM
K. S. WAS SHOT AND KILLED WHILE HE WAS
 RUNNING BACK TOWARDS THE TRAMPOLINE TO GET HIS
 FOUR WHEELER.

SO INVESTIGATOR SGT. LAUREL ALBERTIN, THE STATE OF
 SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE
 STONE. COULD USE THE "MANNING" IN THERE
 CLOSING ARGUMENT, TO TRICK, DECEIVE AND DEFRAUD
 THE JURY, INTO BELIEVING BEYOND A REASONABLE
 DOUBT, THAT VICTIM K. S. LEFT SIDE THAT
 VICTIM K. S. WAS SHOT AND KILLED ON.
 WAS SUPPOSEDLY FACING TOWARDS TYRONE ROBINSON
 DIRECTION. WHILE VICTIM K. S. WAS

1898

78.

SUPPOSEDLY RUNNING BACK TOWARDS THE TRAMPOLINE TO
GET HER FOUR WHEELER.
SO INVESTIGATOR SGT. LAUREL ALBERTIN, THE STATE
OF SOUTH CAROLINA AND ITS SOLICITOR JISAC MC. DUFFIE
STONE, COULD WE THERE "MANNING" TO TRICK, DECEIVE
AND DEFRAUD THE JURY INTO BELIEVING BEYOND A REA-
-SONABLE DOUBT. THAT THE "TRAJECTORY OF THE BULLET"
PROVES THAT I SHOT AND KILLED VICTIM K. S.

[REDACTED] ON HIS LEFT SIDE. WHILE VICTIM K. S.
[REDACTED] WAS RUNNING BACK TOWARDS THE TRAMPOLINE
-LINE TO GET HER FOUR WHEELER.
BY DOING SO SGT. LAUREL ALBERTIN, THE STATE OF SOUTH
CAROLINA AND ITS SOLICITOR JISAC MC. DUFFIE
STONE, TRICKED, DECEIVED AND DEFRAUDED THE JURY,
INTO RENDERING A JURY VERDICT OF GUILTY AGAINST
ME. ON THE THIRD UNINDICTED CRIME OF MURDER
"ALLEGEDLY"
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON
NOTICE THAT I HAD TO PREPARE A DEFENSE FOR AND
DEFEND AGAINST, AND THERE IS NOT ANY INDICT-
-MENT CHARGING ME WITH, WHICH DEPRIVED ME OUT
OF MY FEDERAL DUE PROCESS RIGHT TO NOTICE OF
THE CHARGES BROUGHT AGAINST ME AND FAIR OPPORTU-
-NITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST
-ST, THE CHARGES BROUGHT AGAINST ME. IN VIOLATION
OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF
DUE PROCESS OF LAW. FOR PROOF REVIEW

CASE LAW MERITS
SUPREME COURT OF APPEALS OF THE UNITED STATES
OF AMERICA CASE LAW OF. 995.CT 278 "QUOTING"
JACKSON VS. VIRGINIA
A CONVICTION UPON A CHARGE NOT MADE IS A
DENIAL OF DUE PROCESS
A PERSON CAN NOT INCUR THE LOSS OF LIBERTY
FOR AN OFFENSE WITHOUT NOTICE AND MEANINGFUL
OPPORTUNITY TO DEFEND

AS A RESULT INVESTIGATOR SGT. LAUREL ALBERTIN,
THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JISAC
MC. DUFFIE STONE, WE OF FABRICATED EVIDENCE
AND THE CRIME OF PERJURY 16-9-10(A)(2)

PROXIMATELY CAUSED TYRONE ROBINSON. TO
BE UNCONSTITUTIONALLY CONVICTED, SENTENCED TO
PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED
OUT OF MY LIBERTY AND WRONGLY INCARCERATED
ON FABRICATED EVIDENCE AND ON THE CRIME
OF PERJURY 16-9-10(A)(2) BY FALSE DOCUMENTATION
FOR THE DEATH OF VICTIM K. S. [REDACTED] IN
VIOLATION OF MY FEDERAL 5TH AND 14TH AMEND-
-MENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "QUOTE"
-ING"
NOR SHALL ANY PERSON BE DEPRIVED OUT OF THERE LIBERTY
WITHOUT DUE PROCESS OF LAW

CASE LAW MERTY

COURT OF APPEALS OF WASHINGTON, DIVISION 3. CASE LAW OF. STATE OF WASHINGTON V. MATTHEW SEAN MCCARTHY

13 WASH APP.2d 1029 (1966) 110 WASH.2d 338, 350, 242 P.3d 825 (1972).

MATTHEW MCCARTHY ALSO CLAIMS A VIOLATION OF THE DUE PROCESS CLAUSE RESULTING FROM THE STATE USE OF FABRICATED EVIDENCE AND PERJURED TESTIMONY TO CONVICT HIM. USE OF FABRICATED EVIDENCE DEPRIVES THE ACCUSED OF LIBERTY IN VIOLATION OF CONSTITUTIONAL DUE PROCESS. JONES V. STATE, 170 W.H.2d 338, 350, 242 P.3d 825 (1972). THOSE RESPONSIBLE WITH UPHOLDING THE LAW ARE PROHIBITED FROM DELIBERATELY FABRICATING EVIDENCE. JONES V. STATE 1170 W.H.2d at 350. MORE OVER, THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION EMPLOYS ON PROSECUTOR A DUTY NOT TO INTRODUCE PERJURED TESTIMONY OR USE EVIDENCE KNOWN TO BE FALSE TO CONVICT A DEFENDANT. STATE V. FINNEGAN 6 W.H. APP. 612, 616, 495 P.2d 674 (1972). THE STATE ALSO VIOLATES THE FOURTEENTH AMENDMENT WHEN IT ALLOWS FALSE EVIDENCE TO GO UNCORRECTED WHEN IT APPEARS. NAPOLE V. FULLINWIDER 795 CT 1173. A CONVICTION OBTAINED BY THE KNOWING USE OF PERJURED TESTIMONY IS FUNDAMENTALLY UNFAIR AND MUST BE SET ASIDE ON A REASONABLE LIKELIHOOD THAT THE FALSE TESTIMONY COULD HAVE AFFECTED THE JUDGMENT OF THE JURY

CASE LAW MERTY

SUPREME COURT OF APPEALS OF THE STATE OF MASSACHUSETTS SUFFOLK CASE LAW OF. COMMONWEALTH VS. DANIEL FRANCIS 54 N.E.3d 485 (1969) 110 WASH.2d 338, 350, 242 P.3d 825 (1972).

WHERE A PROSECUTOR, INVESTIGATOR, OR ANALYST WHOSE CONDUCT IS ATTRIBUTED TO THE GOVERNMENT DELIBERATELY FABRICATES EVIDENCE, SUCH ENGREFTING GOVERNMENT MISCONDUCT VIOLATES A DEFENDANT'S CONSTITUTIONAL RIGHT TO DUE PROCESS UNDER THE FOURTEENTH AMENDMENT. NAPOLE V. PEOPLE 795 CT 1173 (IT IS ESTABLISHED THAT A CONVICTION OBTAINED THROUGH USE OF FALSE EVIDENCE, KNOWN TO BE SUCH BY REPRESENTATIVES OF THE STATE, MUST FALL UNDER THE FOURTEENTH AMENDMENT. TO THE BEST OF THE COURT'S KNOWLEDGE, EVERY COURT OF APPEALS THAT HAS CONSIDERED THE QUESTION OF WHETHER A STATE ACTOR HAS VIOLATED THE DEFENDANT'S RIGHT TO DUE PROCESS OF LAW BY FABRICATING EVIDENCE TO CHARGE OR CONVICT THE DEFENDANT HAS ANSWERED THE QUESTION IN THE AFFIRMATIVE. THE DELIBERATE OR KNOWING CREATION OF A MISLEADING AND SCIENTIFICALLY INACCURATE SEROLOGY REPORT AMOUNTS TO A VIOLATION OF A DEFENDANT'S DUE PROCESS RIGHTS). IF WE WERE TO CONCLUDE THAT THE GOVERNMENT HAD FABRICATED EVIDENCE AGAINST A DEFENDANT, WE WOULD DECLARE IT CONSTITUTIONAL ERROR AND

80.

AS A MATTER OF LAW PROVEING THAT I HAVE SATISFIED
THE 1ST ELEMENT. THATS REQUIRED TO STATE A CLAIM OF
VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT
OF DUE PROCESS OF LAW BASED ON FALSE EVIDENCE. AS
A RESULT OF THE STATE OF SOUTH CAROLINA, SOLICITOR JISTAC
MC. DUFFLESTONE AND INVESTIGATOR SGT. LAUREL ALBERTIN.
FABRICATING EVIDENCE AGAINST I TYRONE ROBINSON.
IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT
RIGHT OF DUE PROCESS OF LAW. WHICH 1ST ELEMENT IS:
THE DEFENDANTS FABRICATED EVIDENCE. FOR PROOF REVIEW

UNITED STATES DISTRICT COURT D. MARYLAND, NORTHERN
DIVISION. CASE LAW MERITS
JAMES H. CLYDE & SONS CANNER 882 F. SUPP

DIVISION.
DAVID K. MARTIN VS. CHRISTOPHER CONNER 882 F. SUPP
2d 820 & NOTE IN 91

David R. MARTIN v. CHASE, et al.
"2d 820" & "note 7"
To establish a VIOLATION OF THE due PROCESS RIGHT
NOT TO BE DEPRIVED OF LIBERTY based on FALSE
evidence, the PLAINTIFF must show that (25) The
defendants fabricated evidence

2ND ELEMENT

AS A MATTER OF LAW THE 2ND ELEMENT THATS REQUIRED
TO STATE A CLAIM OF VIOLATION OF MY FEDERAL 5TH
AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW
BASED ON FALSE EVIDENCE. AS A RESULT OF THE STATE
OF SOUTH CAROLINA, SOLICITOR JEFFREY MC. DUFFIE STONE
AND INVESTIGATOR SGT. LAUREL ALBERTIN. FABRICATING
EVIDENCE AGAINST TYRONE ROBINSON. IN VIOLATION OF
MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS
OF LAW. WHICH 1ST ELEMENT IS: THE FABRICATION
RESULTED IN A DEPRIVATION OF THE PLAINTIFFS
LIBERTY

LIBERTY
AFTER INVESTIGATOR SGT. LAUREL ALBERTIN, PARKED
THE FOUR WHEELER NEXT TO THE TRAMPOLINE THAT
VICTIM K. S. [REDACTED] RAN AWAY FROM BEFORE
HE WAS SHOT AND KILLED.
AFTER INVESTIGATOR SGT. LAUREL ALBERTIN

he was shot and killed.
ALSO AFTER INVESTIGATOR SGT. LAUREL ALBERTIN
TOOK A PICTURE OF THE STAGED CRIME SCENE OF THE
FOUR WHEELER PARKED NEXT TO THE TRAMPOLINE.
ALSO AFTER INVESTIGATOR SGT. LAUREL ALBERTIN
GAVE A COPY OF THE STAGED CRIME SCENE PHOTO
TO THE BEAUFORT COUNTY SOLICITOR OFFICE, TO
USE AS EVIDENCE AGAINST ME TO PROSECUTE
ME ON A TRIAL. TRAIL INVESTIGATOR SGT. LAUREL

me ON A TRIAL.
ON THE DAY OF MY TRIAL INVESTIGATOR SGT. LAUREL
ALBERTIN, THE STATE OF SOUTH CAROLINA, AND ITS
SOLICITOR JESSE MC. DUFFIE STONE. PLACED A COPY
OF THE STAGED CRIME SCENE PHOTO OF THE FOUR WHEELER
PARKED NEXT TO THE TRAMPOLINE, ON A PICTURE
STAND RIGHT IN FRONT OF THE JURY BOX, FACING
TOWARDS ALL OF THE JURORS. FOR ALL OF THE JURORS

to look at, consider and decide on. Investigator SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA and ITS SOLICITOR JESSIE MC. DUFFIE STONE, KEPT THE STAGED CRIME SCENE PICTURE OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE. ON THE PICTURE STAND IN FRONT OF THE JURY BOX, FACING THE JURORS IN THE JURY BOX, THRU OUT THE WHOLE TRIAL. SO THE JURY COULD CONSIDER AND DECIDE ON THE STAGED CRIME SCENE PHOTO OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE.

by doing so Investigator SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA and ITS SOLICITOR JESSIE MC. DUFFIE STONE. USED THE STAGED CRIME SCENE PHOTO OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE. AS "TESTIMONIAL". TO TRICK, DECEIVE AND DEFRAUD ALL OF THE JURORS IN THE JURY BOX. INTO BELIEVING BEYOND A REASONABLE DOUBT. THAT VICTIM K. S. [REDACTED] FOUR WHEELER WAS PARKED NEXT TO THE TRAMPALINE AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED. IN VIOLATION OF CRIME OF PERJURY 16-9-10(A)(2) BY USE OF FALSE DOCUMENTATION. AFTER SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA and ITS SOLICITOR JESSIE MC. DUFFIE STONE. ALREADY HAD A ORIGINAL PHOTO OF THE CRIME SCENE. OF THE TRAMPALINE "WITHOUT" THE FOUR WHEELER PARKED NEXT TO IT. THAT SHOWED AND PROVED THAT AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED. VICTIM K. S. [REDACTED] FOUR WHEELER WAS NOT PARKED NEXT TO THE TRAMPALINE. HOWEVER AT MY TRIAL SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA and ITS SOLICITOR JESSIE MC. DUFFIE STONE, INTENTIONALLY, WILLFULLY UNLAWFULLY, UNCONSTITUTIONALLY, DELIBERATELY, PURPOSEFULLY AND WANTONLY. WITH MALICE ILL WILL, EVIL INTENT. WITH A RECKLESS DISREGARD and DELIBERATE INDEFFERANCE, FOR MY FEDERAL 5TH and 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW IN VIOLATION OF MY FEDERAL 5TH and 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW. ALSO WITH A RECKLESS AND DELIBERATE INDEFFERANCE FOR THE TRUTH. IN VIOLATION OF CRIME OF PERJURY 16-9-10(A)(2) BY USE OF FALSE DOCUMENTATION. ALL USED THE STAGED CRIME SCENE PHOTO, OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE. AS "TESTIMONIAL" TO THE JURY. TO TRICK, DECEIVE AND DEFRAUD THE JURY. INTO BELIEVING BEYOND A REASONABLE DOUBT. THAT VICTIM K. S. [REDACTED] FOR WHEELER WAS PARKED NEXT TO THE TRAMPALINE. AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED] WAS SHOT AND KILLED. SO INVESTIGATOR SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA, and ITS SOLICITOR JESSIE MC. DUFFIE STONE

COULD TRICK, DECEIVE AND DEFRAUD THE JURY. INTO BELIEVING BEYOND A REASONABLE DOUBT. THAT AFTER VICTIM K. S. RAN AWAY FROM THE TRAMPALINE - LIVE VICTIM K. S. TURNED AROUND AND RAN BACK TOWARDS THE TRAMPALINE TO GET HIS FOUR WHEELER, AND GOT SHOT AND KILLED ON HIS LEFT SIDE WHILE HE WAS RUNNING BACK TOWARDS THE TRAMPALINE TO GET HIS FOUR WHEELER IN VIOLATION OF CRIME OF PERJURY 16-9-10(A)(2) BY FALSE DOCUMENTATION.

SO INVESTIGATOR SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, COULD TRICK, DECEIVE AND DEFRAUD THE JURY, INTO BELIEVING BEYOND A REASONABLE DOUBT. THAT VICTIM K. S. LEFT SIDE THAT VICTIM K. S. WAS SHOT AND KILLED ON. WAS FACING TOWARDS TYKONE ROBINSON DIRECTION. WHEN VICTIM K. S. WAS SUPPOSEDLY RUNNING BACK TOWARDS THE TRAMPALINE TO GET HIS FOUR WHEELER. IN VIOLATION OF CRIME OF PERJURY 16-9-10(A)(2) BY FALSE DOCUMENTATION.

SO INVESTIGATOR SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, COULD WE A MANNQUINE. TO TRICK, DECEIVE AND DEFRAUD THE JURY. INTO BELIEVING BEYOND A REASONABLE DOUBT. THAT THE TRAJECTORY OF THE BULLET SHOW AND PROVES. THAT I SHOT AND KILLED VICTIM K. S. ON HIS LEFT SIDE. WHILE VICTIM K. S. WAS SUPPOSEDLY RUNNING BACK TOWARDS THE TRAMPALINE TO GET HIS FOUR WHEELER. IN VIOLATION OF CRIME OF PERJURY 16-9-10(A)(2) BY FALSE DOCUMENTATION.

SO THAT INVESTIGATOR SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, COULD TRICK, DECEIVE AND DEFRAUD THE JURY. INTO RETURNING A JURY VERDICT OF GUILTY AGAINST ME. ON A THIRD UNINDICTED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT CHARGING ME WITH AND THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW.

CLOSING ARGUMENT

ON CLOSING ARGUMENT WHILE PROSECUTING ME FOR INVESTIGATOR SGT. LAUREL ALBERTIN. WHO IS THE PROSECUTING OFFICER IN THIS CASE. INVESTIGATOR SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA, AND ITS SOLICITOR ISSAC MC. DUFFIE STONE. USED THE STAGED CRIME SCENE PHOTO OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE. TO ARGUE TO THE JURY, TRICK, DECEIVE AND DEFRAUD THE JURY. INTO BELIEVING BEYOND A REASONABLE DOUBT. THAT

AFTER VICTIM K. S. [REDACTED] RAN AWAY FROM THE TRAMPOLINE. VICTIM K. S. [REDACTED] TURNED AROUND AND RAN BACK TOWARDS THE TRAMPOLINE TO GET HIS FOUR WHEELER, AND GOT SHOT AND KILLED WHILE HE WAS RUNNING BACK TOWARDS THE TRAMPOLINE TO GET HIS FOUR WHEELER. IN VIOLATION OF CRIME OF PERJURY 16-9-10(A)(2) BY USE OF FALSE DOCUMENTATION. FOR PROOF I QUOTE THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JESSE MC. DUFFIE STONE CLOSING ARGUMENT. THAT THEY ARGUED TO THE JURY FOR PROSECUTING OFFICER SGT. LAUREL ALBERTIN. QUOTING

STATE OF SOUTH CAROLINA

V.S.
TYRONE ROBINSON

QUOTING FROM PAGE 968 PARAGRAPHS 25 AND PAGE 969 PARAGRAPHS 1, 2, 3, 4, 5, 6, 7 AND 8 OF TRIAL TRANSCRIPT "QUOTING"

ASSUMING THAT AN EIGHT YEAR OLD GOES ONE DIRECTION AND ONE DIRECTION ONLY. AND I DON'T KNOW HOW MANY EIGHT YEAR OLDS YOU'VE BEEN AROUND BUT GENERALLY THEY DON'T. AND EVEN IF THEY DID, EVEN IF THEY DID, HE FORGOT HIS FOUR WHEELER. HE WAS ON THE TRAMPOLINE WHEN CHARLES SAID GO HOME, GO OUT, GO. HE RUNS THIS WAY. HE LEFT HIS WHEELER. ADULTS MAY NOT STOP TO TURN AROUND AND GO BACK AND GET IT BUT A CHILD WOULD

by use of THIS CLOSING ARGUMENT and by use of the STAGED CRIME SCENE PHOTO. OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPOLINE. INVESTIGATOR SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA and ITS SOLICITOR JESSE MC. DUFFIE STONE. USED A MANNING TO TRICK, DECEIVE AND DEFRAUD THE JURY. INTO BELIEVING BEYOND A REASONABLE DOUBT. THAT VICTIM K. S. [REDACTED] LEFT SIDE THAT VICTIM K. S. [REDACTED] WAS SHOT AND KILLED ON. WAS FACING TOWARDS TYRONE ROBINSON DIRECTION. WHILE VICTIM K. S. [REDACTED] WAS SUPPOSEDLY RUNNING BACK TOWARDS THE TRAMPOLINE TO GET HIS FOUR WHEELER. IN VIOLATION OF CRIME OF PERJURY 16-9-10(A)(2) BY USE OF FALSE DOCUMENTATION.

by doing so there use of the STAGED CRIME SCENE PHOTO. OF THE FOUR WHEELER PARKED NEXT TO THE TRAMPOLINE. AND by use of THERE CLOSING ARGUMENT to the JURY. INVESTIGATOR SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA and ITS SOLICITOR JESSE MC. DUFFIE STONE. USED A "MANNING" TO TRICK, DECEIVE AND DEFRAUD THE JURY. INTO BELIEVING BEYOND A REASONABLE DOUBT. THAT THE TRAJECTORY OF

1904

84.

The bullet show and proves that I shot and killed victim K. S. on his left side that he was shot and killed on, while victim K. S. was supposedly running back towards the trampoline to get his four wheeler. In violation of crime of perjury 16-9-10(A)(2) by use of false documentation by doing so there use of the staged crime scene photo of the four wheeler parked next to the trampoline, and by use of there closing argument at trial, and by use of there manipulative investigation Sgt. Laurel Albertin, the state of South Carolina and its solicitor fiscal Mc. Duffie Stone. Tricked, deceived and defrauded the jury into returning a jury verdict of guilty against me, on a third unindicted alleged crime of murder "allegedly" I killed the victim K. S. with malice and aforethought

That there is not any indictment putting me on notice I had to prepare a defense for and defend against and there is not any indictment charging me with, which deprived me out of my due process right to notice of the charges brought against me, and fair and equal opportunity to prepare a defense for and defend against the charges brought against me, which caused me to be convicted, sentenced to prison time of life imprisonment and be deprived out of my liberty. In violation of my federal 5th and 14th Amendment right of due process of law for proof review

case law merits

Supreme court of appeals of the United States of America case law of JACKSON VS. VIRGINIA 99 U.S. 278 "Vote 7-2" A conviction upon a charge not made is a denial of due process A person can not incur the loss of liberty for an offense without notice and meaningful opportunity to defend

After investigator Sgt. Laurel Albertin, the state of South Carolina and its solicitor fiscal Mc. Duffie Stone, knew that the original crime scene photo, of the trampoline without the four wheeler parked next to it, show and proves that at the immediate time victim K. S. was shot and killed, victim K. S. four wheeler was not parked next to the trampoline. As a matter of law proving that investigator Sgt. Laurel Albertin, the state of South Carolina and its solicitor fiscal Mc. Duffie Stone knew that I did not shoot and kill victim K. S. on his left side, while he was running back towards the trampoline to get his four wheeler, because the crime scene photo of the trampoline without the four wheeler parked next to it, that was taken right after victim K. S. was shot and killed, proves that when victim K. S. ran away from the trampoline towards Allen Road area, victim K. S. never turned around and ran back towards the trampoline to get his four

1905

WHEELER, and was shot and KILLED ON HIS LEFT SIDE WHILE HE WAS TRYING TO GET HIS FOUR WHEELER. AS INVESTIGATOR SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFLESTONE TRICKED, DECEIVED AND DEFRAUDED THE JURY INTO BELIEVING. BECAUSE THE ORIGINAL CRIME SCENE PHOTO OF THE TRAMPALINE WITHOUT THE FOUR WHEELER PARKED NEXT TO IT. SHOW AND PROVES THAT AT THE IMMEDIATE TIME VICTIM K. S. WAS SHOT AND KILLED. THERE WAS NOT ANY FOUR WHEELER PARKED NEXT TO THE TRAMPALINE FOR VICTIM K. S. TO TURN AROUND TO GO GET.

THEREFORE THE ORIGINAL CRIME SCENE PHOTO OF THE TRAMPALINE "WITHOUT" THE FOUR WHEELER PARKED NEXT TO THE TRAMPALINE. SHOW AND PROVES THAT I DID NOT SHOOT AND KILL VICTIM K. S. ON HIS LEFT SIDE WHILE HE WAS SUPPOSEDLY RUNNING BACK TO THE TRAMPALINE TO GET HIS FOUR WHEELER. BECAUSE THE ORIGINAL CRIME SCENE PHOTO OF THE TRAMPALINE WITHOUT THE FOUR WHEELER PARKED NEXT TO IT. SHOWS AND PROVES THAT VICTIM K. S. NEVER TURNED AROUND AND RAN BACK TOWARDS THE TRAMPALINE TO GET HIS FOUR WHEELER AND GOT SHOT AND KILLED WHILE HE WAS RUNNING BACK TOWARDS THE TRAMPALINE TO GET HIS FOUR WHEELER. BECAUSE THERE WAS NOT ANY FOUR WHEELER PARKED NEXT TO THE TRAMPALINE FOR VICTIM K. S. TO TURN AROUND AND GO GET.

AS A MATTER OF LAW PROVEING THAT INVESTIGATOR SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFLESTONE ALL FABRICATED EVIDENCE IN VIOLATION OF CRIME OF PERJURY 16-9-10(A)(2) BY USE OF FALSE DOCUMENTATION, TO TRICK, DECEIVE AND DEFRAUD THE JURY, INTO RETURNING A JURY VERDICT OF GUILTY AGAINST ME. ON A THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT CHARGING ME WITH AND THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST. WHICH DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT TO NOTICE OF THE CHARGES BROUGHT AGAINST ME, AND FAIR AND EQUAL OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. WHICH CAUSED ME TO BE CONVICTED SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT AND DEPRIVED OUT OF MY LIBERTY. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW. TRIAL JUDGE AFTER THE JURY AT TRIAL CONVICTED ME. THOMAS COOPER SENTENCED ME TO PRISON TIME OF LIFE IMPRISONMENT, FOR THE THIRD UNINDICTED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

AS THE SENTENCING SHEET REVEALS. AS A MATTER OF LAW PROVEING THAT THE STATE OF SOUTH CAROLINA, ITS SOLICITOR ISSAC MC. DUFFLESTONE

AND INVESTIGATOR SGT. LAUREL ALBERTIN. INTENTIONALLY, DELIBERATELY, PURPOSEFULLY, WILLFULLY, UNLAWFULLY AND WANTONLY WITH MALICE AND ILL WILL, WITH A RECKLESS DISREGARD AND DELIBERATE INDIFFERENCE. FOR MY FEDERAL 5TH AND 14TH AMENDMENT RIGHTS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA. ALSO WITH A RECKLESS DISREGARD AND DELIBERATE INDIFFERENCE FOR THE TRUTH.
"FABRICATED EVIDENCE" AGAINST ME. TO TRICK DECEIVE AND DEFRAUD THE JURY. INTO RETURNING A JURY VERDICT OF GUILTY AGAINST ME. ON A THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEDLY" K. S. WITH MALICE & KILLED THE VICTIM K. S. AND AFORETHOUGHT

THAT THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST AND THERE IS NOT ANY INDICTMENT CHARGING ME WITH. WHICH DEPRIVED ME OUT OF MY FEDERAL DUE PROCESS RIGHT TO NOTICE OF THE CHARGES BROUGHT AGAINST ME AND FEEL AND EQUAL OPPORTUNITY TO PREPARE A DEFENSE FOR AND DEFEND AGAINST THE CHARGES BROUGHT AGAINST ME. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "QUOTEING"
NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.
 JACKSON VS. VIRGINIA 99 U.S. CT 278 "QUOTEING"
A CONVICTION UPON A CHARGE NOT MADE IS A DENIAL OF DUE PROCESS
A PERSON CAN NOT INCURR THE LOSS OF LIBERTY FOR AN OFFENSE WITHOUT NOTICE AND MEANINGFUL OPPORTUNITY TO DEFEND

AS A MATTER OF LAW PROVEING THAT BY FABRICATING EVIDENCE AGAINST ME. THE STATE OF SOUTH CAROLINA, SHERIFF JESSE MC. DUFFE STONE AND INVESTIGATOR SGT. LAUREL ALBERTIN. TRICKED, DECEIVED AND DEFRAUDED THE JURY. INTO BELIEVING THAT THE TRAJECTORY OF THE BULLET PROVES THAT I SHOT VICTIM K. S. ON HIS LEFT SIDE. WHILE VICTIM K. S. WAS SUPPOSEDLY IN THE PROCESS OF RUNNING BACK TOWARDS THE TRAMPALINE TO GET HIS FOUR WHEELER WHICH IS A NONEXISTENT EVENT THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE, PROVES DID NOT OCCUR.

IN ORDER TO CONCEAL THE TRUTH FROM THE JURY, WHICH IS THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE PROVES THAT IT IS SCIENTIFICALLY IMPOSSIBLE FOR TYRONE ROBINSON TO SHOOT VICTIM K. S. ON HIS LEFT SIDE, WHILE HE WAS POSITIONED OVER TO THE FAR RIGHT SIDE OF VICTIM K. S. RIGHT SIDE. THAT VICTIM K. S. WAS NOT SHOT AND KILLED ON. AT THE IMMEDIATE TIME VICTIM K. S. WAS SHOT ON HIS LEFT SIDE. WHILE VICTIM K. S. WAS IN THE PROCESS OF RUNNING AWAY FROM THE TRAMPALINE TOWARDS THE ALLEN ROAD DIRECTION ONLY.

BY DOING SO THE STATE OF SOUTH CAROLINA, SOLICITOR ISSAC MC. DUFFIE STONE AND INVESTIGATOR SGT. LAUREL ALBERTIN. "PROXIMATELY CAUSED" TYRONE L. ROBINSON TO BE DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED. FOR THE DEATH OF VICTIM K. S. ON A THIRD UNINDICTED ALLEGED CRIME OF MURDER ALLEGEDLY

I KILLED THE VICTIM K. S. WITH MALICE AND AFORETHOUGHT IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW. WHICH STATES "QUOTE" "NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW" FOR PROOF REVIEW

CASE LAW MERITS
COURT OF APPEALS OF WASHINGTON DIVISION 3.
CASE LAW OF.
STATE OF WASHINGTON VS. MATHEW SEAN MC. CARTHY
13 WASH APP. 2d 1029 "QUOTE" "UNQUOTE"
MATHEW MC. CARTHY ALSO CLAIMS A VIOLATION OF THE DUE PROCESS CLAUSE RESULTING FROM THE STATE USE OF FABRICATED EVIDENCE AND PERJURED TESTIMONY TO CONVICT HIM. USE OF FABRICATED EVIDENCE DEPRIVES THE ACCUSED OF LIBERTY IN VIOLATION OF CONSTITUTIONAL DUE PROCESS. JONES VS. STATE 170 W N. 2d 338, 350, 242 P.3d 825 (2,010) THOSE RESPONSIBLE WITH UPHOLDING THE LAW ARE PROHIBITED FROM DELIBERATELY FABRICATING EVIDENCE. JONES VS. STATE

1170 W.N.2d at 350 more over, the due process clause of the fourteenth amendment to the United States Constitution, imposes on prosecutors a duty not to introduce perjured testimony or false evidence known to be false to convict a defendant. State v. Finnegan 6 W.N. App. 612, 616, 495 P.2d 674 (1972). The state also violates the fourteenth amendment when it allows false evidence to go uncorrected when it appears. Napue v. Illinois 79 S.Ct 1173. A conviction obtained by the knowing use of perjured testimony is fundamentally unfair and must be set aside on a reasonable likelihood that the false testimony could have affected the judgment of the jury.

CASE LAW MERITS

Supreme court of appeals of the state of Massachusetts Suffolk case law of Commonwealth v. Daniel Francis 54 N.E.3d 485 "quoting" where a prosecutor, investigator, or analyst whose conduct is attributed to the government deliberately fabricates evidence, such engendering government misconduct violates a defendant's constitutional right to due process under the fourteenth amendment. Napue v. People 79 S.Ct 1173 (it is established that a conviction obtained thru use of false evidence, known to be such by representatives of the state, must fall under the fourteenth amendment. To the best of the court's knowledge, every court of appeals that has considered the question of whether a state actor has violated the defendant's right to due process of law by fabricating evidence to charge or convict the defendant has answered the question in the affirmative. The deliberate or knowing creation of a misleading and scientifically inaccurate serology report amounts to a violation of a defendant's due process rights. If we were to conclude that the government has fabricated evidence against a defendant, we would declare it constitutional error and at a minimum, order a new trial.

As a matter of law proving that we have

SATISFIED THE 2ND ELEMENT. REQUIRED TO STATE A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW BASED ON FALSE EVIDENCE, AS A RESULT OF THE STATE OF SOUTH CAROLINA, SOLICITOR JESSE MC. DUFFLESTONE AND INVESTIGATOR SGT. LAUREL ALBERTIN, FABRICATING EVIDENCE AGAINST TYRONE ROBINSON. IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW, WHICH 2ND ELEMENT IS: THE FABRICATION RESULTED IN A DEPRIVATION OF THE PLAINTIFFS LIBERTY FOR PROOF REVIEW

CASE LAW MERITS

UNITED STATES DISTRICT COURT D. MARYLAND
NORTHERN DIVISION
DAVID K. MARTIN V. CHRISTOPHER CONNER

882 F. SUPP. 2d 820 "QUOTE"

TO ESTABLISH A VIOLATION OF THE DUE PROCESS RIGHT NOT TO BE DEPRIVED OF LIBERTY BASED ON FALSE EVIDENCE, THE PLAINTIFF MUST SHOW THAT (2ND) THE FABRICATION RESULTED IN A DEPRIVATION OF THE PLAINTIFFS LIBERTY

ATTORNEY ARZE DAVID BAX FAILURE TO ASSERT A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW. TO PROTECT ME FROM BEING CONVICTED, SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED OUT OF MY LIBERTY AND WRONGLY INCARCERATED. FOR THE DEATH OF VICTIM [REDACTED] IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW. BECAUSE INVESTIGATOR SGT. LAUREL ALBERTIN, THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JESSE MC. DUFFLESTONE, FABRICATED EVIDENCE AGAINST ME, IN ORDER TO TRICK DECEIVE AND FRAUD THE JURY AT TRIAL. INTO CONVICTING ME ON A THIRD UNINDICTED ALLEGED CRIME OF MURDER, ALLEGEDLY "I KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

DID NOT CONSTITUTE A VALID TRIAL STRATEGY AND WAS DEFICIENT PERFORMANCE. SATISFYING THE 1ST PRONG OF INEFFECTIVE ASSISTANCE OF COUNSEL. THAT IS REQUIRED TO PROVE A VIOLATION OF MY FEDERAL SIXTH AMENDMENT RIGHT OF EFFECTIVE ASSISTANCE OF COUNSEL, WHICH THE FIRST PRONG

1910

90.

IS: COUNSEL PERFORMANCE WAS DEFICIENT
FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF.

LUCAS BATLEY VS. STATE 709 S.E.2d 671 QUOTE IN

THE SIXTH AMENDMENT TO THE UNITED STATES CONST-
-ITUTION GUARANTEES A DEFENDANT THE RIGHT

TO EFFECTIVE ASSISTANCE OF COUNSEL. U.S. CONST

AMEND VI; STRICKLAND VS. WASHINGTON, 460 U.S.

668 (1984), LOMAX VS. STATE 665 S.E.2d 164 (2,008)

THE UNITED STATES SUPREME COURT ESTABLISHED

A TWO PRONGED TEST TO ESTABLISH THE EFFECTIVE

ASSISTANCE OF COUNSEL BY WHICH A P.C.R. APPLICANT

MUST SHOW (1ST) COUNSEL'S PERFORMANCE WAS

DEFICIENT

2ND PRONG

2ND PRONG PROVEING A CLAIM OF INEFFECTIVE
ASSISTANCE OF COUNSEL IS:

THE DEFICIENT PERFORMANCE PREJUDICED

THE DEFENDANT

IF ATTORNEY ARZE DAVID BAX WOULD OR ASSERTED
A CLAIM OF VIOLATION OF MY FEDERAL 5TH AND

14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW-

TO PROTECT ME FROM BEING CONVICTED, SENTENCED

TO PRISON TIME OF LIFE IMPRISONMENT, DEPRIVED

OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED

FOR THE DEATH OF VICTIM K. S. ON

FABRICATED EVIDENCE IN VIOLATION OF MY

FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS

OF LAW. BECAUSE THE STATE OF SOUTH CAROLINA,

SOLICITOR #17AC MC. DUFFIE STONE AND INVESTIG-

-ATOR SGT. LAURE ALBERTIN. FABRICATED

EVIDENCE AGAINST ME. IN ORDER TO TRICK

DECEIVE AND DEFRAUD THE JURY ON CLOSING ARG-

-UMENT. INTO BELIEVING BEYOND A REASONABLE

DOUBT. THAT THE "TRAJECTORY" OF THE BULLET

PROVES THAT I SHOT VICTIM K. S. ON

HIS LEFT SIDE, WHILE VICTIM K. S.

WAS IN THE PROCESS OF RUNNING BACK TOWARDS

THE TRAMPALINE TO "GET HIS FOUR WHEELER" WHICH

IS A NONEXISTENT EVENT, THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE, PROVES DID NOT OCCURE.

IN ORDER FOR THE STATE OF SOUTH CAROLINA SOLICITOR ERIC MC. DUFFE STONE AND INVESTIGATOR SGT. LAUREL ALBERTIN. TO CONCEAL THE TRUTH FROM THE JURY, WHICH IS, THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE OBTAINED IN THIS CASE. PROVES THAT THE

TRAJECTORY OF THE BULLET PROVES. THAT IT IS SCIENTIFICALLY IMPOSSIBLE FOR TYRONE ROBINSON. TO SHOOT VICTIM K. S.

ON HIS LEFT SIDE, AND CAUSE THE BULLET TO TRAVEL THE PATHWAY IN VICTIM K. S. BODY OF FROM LEFT TOWARDS RIGHT. TOWARDS MY POSITION THAT I WAS POSITIONED ON. WHILE I WAS

POSITIONED OVER TO THE FAR RIGHT SIDE OF VICTIM K. S. RIGHT SIDE. THAT VICTIM K. S.

WAS NOT SHOT ON. AT THE IMMEDIATE TIME VICTIM K. S. WAS SHOT ON HIS

LEFT SIDE, WHILE VICTIM K. S. WAS

IN THE PROCESS OF RUNNING TOWARDS THE ALLEN ROAD AREA ONLY AT ALL TIMES AS THE WITNESSES IN THIS CASE TESTIFIED AT TRIAL TO.

THEN THESE ISSUES WOULD OF BEEN RESERVED ON COURT RECORD FOR THE APPEALS COURT TO REVIEW. THEREFORE THE SOUTH CAROLINA COURT OF APPEALS AND OR THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA. WOULD OF HAD TO "REVERSE" MY CONVICTION AND PRISON SENTENCE OF LIFE IMPRISONMENT THAT I RECEIVED FOR THE DEATH OF VICTIM K. S. AS A RESULT THE OUTCOME OF MY PROCEEDINGS IN THIS CASE. WOULD OF BEEN TOTALLY DIFFERANT IN MY FAVOR. FOR PROOF REVIEW

CASE LAW MERITS

COURT OF APPEALS OF WASHINGTON, DIVISION 3. CASE LAW OF.

STATE OF WASHINGTON VS. MATHEW SEAN MC. CARTHY

13 WASH APP. 2d 1029 "QUOTEING" MATHEW MC. CARTHY ALSO CLAIMS A VIOLATION OF THE DUE PROCESS CLAUSE RESULTING FROM THE STATE USE OF FABRICATED EVIDENCE AND PERJURED TESTIMONY TO CONVICT HIM. WE OF FABRICATED EVIDENCE DEPRIVES THE ACCUSED OF LIBERTY IN

VIOLATION OF CONSTITUTIONAL DUE PROCESS.
JONES V. STATE, 170 W.H. 2d 338, 350, 242 P.3d
825 (2,010). Those responsible with upholding
 the law are prohibited from deliberately
 fabricating evidence. JONES V. STATE 1170 W.
H. 2d at 350 more over, the due process clause
 of the fourteenth amendment to the united
 states constitution imposes on prosecutors
 a duty not to introduce perjured testimony
 or use evidence known to be false to convict
 a defendant. STATE V. FINNEGAN 6 W.H. APP 672,
616, 495 P.2d 674 (1972). The state also violates
 the fourteenth amendment when it allows false
 evidence to go uncorrected when it appears.
NAPUE V. ILLINOIS 79 S. CT 1173. A conviction
 obtained by the knowing use of perjured test-
 mony is fundamentally unfair and must be
 set aside on a reasonable likelihood that
 the false testimony could have affected the
 judgement of the jury.

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF MASS-
-ACHUSETTS SUFFOLK CASE LAW OF.
COMMONWEALTH VS. DANIEL FRANCES 54 N.E.3d
485 "QUOTEING"
 where a prosecutor, investigator, or analyst
 whose conduct is attributed to the government
 deliberately fabricates evidence, such engrep-
 -ious government misconduct violates defendant
 constitutional right to due process under the
 fourteenth amendment. NAPUE V. PEOPLE 79
S. CT 1173 (it is establish that a conviction
 obtained thru use of false evidence, known
 to be such by representatives of the state,
 must fall under the fourteenth amendment. to
 the best of the courts knowledge, every court of
 appeals that has considered the question of
 whether a state actor has violated the defen-
 -dants right to due process of law by fabricated
 evidence to charge or convict the defendant
 has answered the question in the affirmative.
 the deliberate or knowing creation of a mislea-
 -ding and scientifically inaccurate serology
 report amounts to a violation of a defendants
 due process rights. if we were to conclude that
 the government had fabricated evidence against

a defendant, we would declare it ~~CONSTITUTED~~
~~CONSTITUTED~~ a constitutional error and at a minimum, order a new
 TRIAL.

As a matter of law proving that attorney
 ARLE DAVID BAX deficient performance
 PREJUDICED me. BECAUSE IT UNDERMINED
 CONFIDENCE IN THE OUTCOME OF TRIAL AND
 DEPRIVED me out of a FAIR TRIAL. AS
 a matter of law SATISFYING THE SECOND
 AND FINAL PRONG THAT REQUIRED TO PROVE A
 CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL,
 WHICH SECOND PRONG IS:
 THE DEFICIENT PERFORMANCE PREJUDICED THE
 DEFENDANT

AS A MATTER OF LAW CONSTITUTING A VIOLATION
 OF MY FEDERAL SIXTH AMENDMENT RIGHT OF
 EFFECTIVE ASSISTANCE OF COUNSEL. FOR PROOF
 REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF
 SOUTH CAROLINA CASE LAW OF.
 LUCAS BAILEY VS. STATE 709 S.E.2d 671 "QUOTE -

- END"
- THE SIXTH AMENDMENT TO THE UNITED STATES
 CONSTITUTION GUARANTEES A DEFENDANT THE
 RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL.
- U.S. CONST - amend. VI / STRICKLAND VS. WASHING-
 TON, 466 U.S. 668 (1984); LOMAX 665 S.E.2d 164 (2/008)
- THE UNITED STATES SUPREME COURT HAS ESTABLISHED
 A TWO-PRONGED TEST TO ESTABLISH INEFFECTIVE
 ASSISTANCE OF COUNSEL BY WHICH A P.C.R. APPLI-
 CANT MUST SHOW (2ND) THE DEFICIENT PER-
 FORMANCE PREJUDICED THE DEFENDANT.
- UNDER THE SECOND PRONG, THE P.C.R. APPLICANT
 MUST SHOW THAT THERE IS A REASONABLE PROB-
 ABILITY THAT, BUT FOR COUNSEL'S UNPROFES-
 SIONAL ERRORS, THE RESULT OF THE PROCEEDING
 WOULD HAVE BEEN DIFFERENT.

EXHIBIT

A

A COPY OF ARREST WARRANT #2012A07203-
- 00113 CHARGING "AARON SCOTT YOUNG JUNIOR"
WITH CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY, FOR THE DEATH OF
VICTIM K. S. [REDACTED]

ARREST WARRANT

2012A0720300113

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

20120901707

THE STATE
against

Aaron Scott Young, Jr

Address:

Hilton Head Island, SC 29926

Phone:

Sex: M Race: B He

DL State: DL #:

DOB: 1993 Agency ORI #:Prosecuting Agency: Beaufort County Sheriff DepartmentProsecuting Officer: L AlbertinOffense: MurderOffense Code: 00116Code/Ordinance Sec: 16-03-0010; 16-03-0020This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

Signature of Judge

(L.S.)

RETURN

copy of this arrest warrant was delivered to

defendant

Aaron Scott Young, Jr
9-6-2012

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions
101 Ribaut Road Suite 208
Beaufort, SC 29901

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Personally appeared before me the affiant L Albertinbeing duly sworn deposes and says that defendant Aaron Scott Young, Jrdid within this county and state on 09/01/2012State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of

Hilton Head Island

DESCRIPTION OF OFFENSE:

Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on 09-01-12 at approximately 1648 hrs, the Defendant, Aaron Scott Young Jr, while engaged in an ongoing
battle, an inherently dangerous felony, did willfully, unlawfully and with malice aforethought, cause the victim, L. I.
to be shot and killed. This incident occurred near Allen Road, Hilton Head Island, Beaufort County, SC.
The affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Affiant's Address 2001 Duke St
Beaufort, SC 29902-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 09/01/2012defendant Aaron Scott Young, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Hilton Head Island

) as set forth below:

DESCRIPTION OF OFFENSE:

Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 09/06/2012

Signature of Issuing Judge

Judge Code: 6522Judge's Address Municipal CourtHilton Head Island, SC 29928-Judge's Telephone (843)341-4670Issuing Court: ☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

1915

EXHIBIT B

A COPY OF ARREST WARRANT # 2012 A07203-
-00114. CHARGING "TYRONE ROBINSON" WITH
THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY, FOR THE DEATH OF
VICTIM [REDACTED] K. S.

ARREST WARRANT

2012A0720300114

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

20120901707

THE STATE

against

Tyrone Robinson

Address:

Hilton Head Island

Phone:

Sex: M Race: B Height: _____DL State: SC DL #: _____DOB: 1975 Agency ORI #: _____Prosecuting Agency: Beaufort County Sheriff DepartmentProsecuting Officer: L AlbertinOffense: MurderOffense Code: 00116Code/Ordinance Sec: 16-03-0010; 16-03-0020

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant
on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions
101 Ribaut Road Suite 208
Beaufort, SC 29901

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Personally appeared before me the affiant L Albertinbeing duly sworn deposes and says that defendant Tyrone Robinsondid within this county and state on 09/01/2012State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Hilton Head Island)

in the following particulars:

DESCRIPTION OF OFFENSE:

Murder

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on 09-01-12 at approximately 1648 hrs, the Defendant, Tyrone Lorenzo Robinson, while engaged in an ongoing
gun battle, an inherently dangerous felony, did willfully, unlawfully and with malice aforethought, cause the victim,
, to be shot and killed. This incident occurred near Allen Road, Hilton Head Island, Beaufort County,
SC. The affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Affiant's Address 2001 Duke St
Beaufort, SC 29902-

Affiant's Telephone _____

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 09/01/2012 defendant Tyrone Robinson

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Hilton Head Island) as set forth below:

DESCRIPTION OF OFFENSE:

Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 09/06/2012

Signature of Issuing Judge

Judge Code: 6522Judge's Address Municipal CourtHilton Head Island, SC 29928-Judge's Telephone (843)341-4670

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL

S.C. Attorney General
April 21, 2003
SCCA 518

97.

1917

EXHIBIT

A COPY OF ARREST WARRANT #2012 A07203-
-00115. CHARGING "AARON SCOTT YOUNG JUNIOR"
WITH THE CRIME OF CONSPIRACY TO MURDER
\$ TYRONE ROBINSON

ARREST WARRANT

2012A0720300115

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

201209010707

THE STATE

against

Aaron Scott Young, Jr

Address:

Hilton Head Island

Phone:

Sex: M

Race: B

Height:

DL State:

DL #:

DOB:

.993

Agency ORI #:

Prosecuting Agency:

Beaufort County Sheriff Department

Prosecuting Officer:

L Albertin

Offense:

Criminal Conspiracy

Offense Code: 00049

Code/Ordinance Sec:

16-17-0410

This warrant is CERTIFIED FOR SERVICE in the

☐ County/☐ Municipality of

The accused

is to be arrested and brought before me to be
dealt with according to the law.

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to

Defendant

on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions
101 Ribaut Road Suite 208
Beaufort, SC 29901

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Personally appeared before me the affiant L Albertin

being duly sworn deposes and says that defendant Aaron Scott Young, Jr.

did within this county and state on 09/01/2012

State of South Carolina (or ordinance of

☐ County/☒ Municipality of

Hilton Head Island

in the following particulars:

DESCRIPTION OF OFFENSE:

Criminal Conspiracy

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on 09-01-12 at approximately 1648 hours the Defendant, Aaron Scott Young, Jr., and a Co-Defendant did willfully
and unlawfully conspire to murder the victim, The Defendant and Co-Defendant did travel, while
armed with a deadly weapon, to many locations on Hilton Head Island, SC looking for the Victim. This incident
occurred near Allen Road, Hilton Head Island, Beaufort County, SC. The affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Affiant's Address 2001 Duke St

Beaufort, SC 29902-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 09/01/2012

defendant Aaron Scott Young, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/☒ Municipality of

Hilton Head Island

) as set forth below:

DESCRIPTION OF OFFENSE:

Criminal Conspiracy

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 09/06/2012

Signature of Issuing Judge

Judge Code: 6522

Judge's Address

Municipal Court

Hilton Head Island, SC 29928-

Judge's Telephone

(843)341-4670

Issuing Court:

☐ Magistrate☒ Municipal☐ Circuit

ORIGINAL.

Form Approved
S.C. Attorney General
April 21, 2003
SCCA 518

AFFIDAVIT

who

Violate the criminal laws of the

99.

1919

EXHIBIT D

A COPY OF ARREST WARRANT # 2012 A07203-
-00116. CHARGING AARON SCOTT YOUNG SENIOR
WITH THE CRIME OF CONSPIRACY TO MURDER
TYRONE ROBINSON

ARREST WARRANT

2012A0720300116

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

201209010707

THE STATE
against

Aaron Scott Young

Address:

Hilton Head Island, SC 29926

Phone: ()

Sex: M Race: B Ht.

DL State: SC DL #: ()

DOB: 1976 Agency ORI #: ()

Prosecuting Agency: Beaufort County Sheriff Department

Prosecuting Officer: L Albertin

Offense: Criminal Conspiracy

Offense Code: 00049

Code/Ordinance Sec: 16-17-0410

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions
101 Ribaut Road Suite 208
Beaufort, SC 29901

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Personally appeared before me the affiant L Albertin

being duly sworn deposes and says that defendant Aaron Scott Young

did within this county and state on 09/01/2012

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of

Hilton Head Island

DESCRIPTION OF OFFENSE:

Criminal Conspiracy

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on 09-01-12 at approximately 1648 hours the Defendant, Aaron Scott Young Sr. and a Co-Defendant did
willfully and unlawfully conspire to murder the victim, 1 on. The Defendant and Co-Defendant did travel,
while armed with a deadly weapon, to many locations on Hilton Head Island, SC looking for the victim. This incident
occurred near Allen Road, Hilton Head Island, Beaufort County, SC. The affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Affiant's Address 2001 Duke St

Beaufort, SC 29902-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on 09/01/2012 defendant Aaron Scott Young

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Hilton Head Island

) as set forth below:

DESCRIPTION OF OFFENSE:

Criminal Conspiracy

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as
soon thereafter as is practicable

Sworn to and subscribed before me

on 09/06/2012

Signature of Issuing Judge

Judge Code: 6522

Judge's Address

Municipal Court

Hilton Head Island, SC 29928-

Judge's Telephone

(843)341-4670

Issuing Court:

☐ Magistrate☒ Municipal☐ CircuitForm Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

101.

1921

EXHIBIT E

A COPY OF INDICTMENT #2014GS0701940
CHARGING "AARON SCOTT YOUNG JUNIOR" WITH
CRIME OF ATTEMPTED MURDER AGAINST
TYRONE ROBINSON

STATE OF SOUTH CAROLINA)
)
COUNTY OF BEAUFORT)

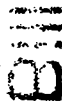
INDICTMENT
2014GS0701940

At a Court of General Sessions, convened on October 30, 2014 the Grand Jurors of Beaufort County present upon their oath:

Attempted Murder

That in Beaufort County, South Carolina, on or about September 1, 2012 the Defendant, Aaron Young, Jr with intent to kill and malice aforethought, either express or implied, attempted to murder the victim, _____ in violation of Section 16-03-29 of the Code of Laws of South Carolina (2010, as amended).

12



Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

A handwritten signature in cursive script, likely belonging to the Solicitor General.

Solicitor

EXHIBIT

F

A COPY OF THE SENTENCING SHEET. THAT
AARON SCOTT YOUNG JUNIOR WAS SENTENCED
TO THIRTY YEARS IMPRISONMENT ON. FOR
CRIME OF ATTEMPT TO MURDER & VICTIM
TYRONE ROBINSON

UP 1030

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort
STATE VS.
Aaron Scott Young Jr
AKA: _____
Race: AFRICAN AME Sex: M Age: 21
DOB: [REDACTED] SS#: [REDACTED]
Address: _____
City, State, Zip: _____
DL#: _____ SID#: _____

INDICTMENT/CASE#: 2014GS0701940
A/W#: 2014GS0701940
Date of Offense: 9/1/2012
S.C. Code § : 16-03-0029
CDR Code #: 3410

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Attempted Murder

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature]
Swanson, Hunter SC Bar# _____ Defendant STONE Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____, plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 2012 - 1932
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ Set by SCDPPPS _____

PTUP _____
_____ days/hours Public Service Employment

Recipient: _____

Obtain GED ☐
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____
\$ _____ paid to Public Defender Fund
Other: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$133.90

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk KD Boone
Court Reporter: WANDA NELSON
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 057
Sentence Date: 2/25/15

EXHIBIT G

A COPY OF INDICTMENT #2014GS070194/
CHARGING "AARON SCOTT YOUNG SENIOR"
WITH CRIME OF ATTEMPTED MURDER
AGAINST TYRONE ROBINSON

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

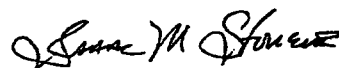
INDICTMENT
2014GS0701941

At a Court of General Sessions, convened on October 30, 2014 the Grand Jurors of Beaufort County present upon their oath:

Attempted Murder

That in Beaufort County, South Carolina, on or about September 1, 2012 the Defendant, Aaron Young, Sr with intent to kill and malice aforethought, either express or implied, attempted to murder the victim, T, in violation of Section 16-03-29 of the Code of Laws of South Carolina (2010, as amended).

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

EXHIBIT H

A COPY OF THE SENTENCING SHEET, THAT
AARON SCOTT YOUNG SENIOR WAS SENTENCED
TO TWENTY YEARS IMPRISONMENT ON-
FOR CRIME OF ATTEMPT TO MURDER
THE VICTIM TYRONE ROBINSON

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort
 STATE VS.
Aaron Young Sr

AKA:
 Race: AFRICAN AME Sex: M Age: 39
 DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]
 City, State, Zip: WHL, SC 29926
 DL#: [REDACTED] SID#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was
 TO: Attempted Murder

INDICTMENT/CASE#: 2014GS0701941

A/W#: 2014GS0701941

Date of Offense: 9/1/2012

S.C. Code §: 16-03-0029

CDR Code #: 3410

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45
 w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: [Signature] # 11883 SC Bar# [REDACTED] Defendant Attorney for Defendant SC Bar# 74889

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 20 days/months/years or ☐ under the Youthful Offender Act not to exceed — years
 and/or to pay a fine of \$ —; provided that upon the service of — days/months/years and/or payment
 of \$ —; plus costs and assessments as applicable*; the balance is suspended with probation for —

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: # 2173
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections.

☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP —

Total: \$ — plus 20% fee: \$ — — days/hours Public Service Employment

Payment Terms: — Obtain GED ☐

☐ Set by SCDPPPS — Attend Voc. Rehab. or Job Corp. —

Recipient: — May serve W/E beginning —

*Fine: — \$ — Substance Abuse Counseling ☐

§ 14-1-206 (Assessments 107.5%) \$ — Random Drug/Alcohol testing ☐

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ — pmts. of \$ — beginning —

§ 56-5-2995 (DUI Assessment) \$12 \$ — \$ — paid to Public Defender Fund

§ 56-1-286 (DUI Breath Test) \$25 \$ — Other: —

Proviso 47.9 (Public Def/Prob) \$500 \$ —

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ —

§ 50-21-114 (BUI Breath Test Fee) \$50 \$ —

§ 56-5-2942(J) (Vehicle Assessment) \$40/ca \$ —

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

Clerk of Court/Deputy Clerk K.D. Boone

Court Reporter: Kristal Smith

SCCA/217 (03/2011)

Presiding Judge [Signature]

Judge Code: 2054

Sentence Date: 8/12/15

EXHIBIT I

A COPY OF SOUTH CAROLINA COURT OF APPEALS
decision. WERE SOUTH CAROLINA COURT OF
APPEALS decided. THAT AARON SCOTT YOUNG
JUNIOR, WAS IN THE COMMISSION OR COMMITTE-
-ING THE INHERENTLY DANGEROUS FELONY OF
ATTEMPT TO MURDER TYRONE ROBINSON. DURING
THE TIME VICTIM KHALIL SINGLETON WAS SHOT
AND KILLED, AT THE SAME LOCATION VICTIM
K. S. [REDACTED] WAS SHOT AND KILLED AT.

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Aaron Scott Young, Jr., Appellant.

Appellate Case No. 2015-000508

Appeal From Beaufort County
Thomas W. Cooper, Jr., Circuit Court Judge

Opinion No. 5592
Heard June 6, 2018 – Filed August 22, 2018

AFFIRMED

Jennifer Kirk Dunlap and Frederick Elliotte Quinn, both
of Parker Poe Adams & Bernstein, LLP, of Charleston,
and Chief Appellate Defender Robert Michael Dudek, of
Columbia, for Appellant.

Attorney General Alan McCrory Wilson, Deputy
Attorney General Donald J. Zelenka, Senior Assistant
Deputy Attorney General Melody Jane Brown, Assistant
Attorney General Margaret Graham Boykin, all of
Columbia, and Solicitor Isaac McDuffie Stone, III, of
Bluffton, for Respondent.

HUFF, J.: Aaron Young, Jr. appeals his convictions of murder and attempted murder. On appeal, Young, Jr. argues the trial court erred in denying: (1) his motion for a directed verdict on the murder charge because the State's mutual

DIRECTED VERDICT - ATTEMPTED MURDER

Young, Jr. argues the trial court erred in denying his motion for a directed verdict on the attempted murder charge. Young, Jr. asserts the State failed to produce substantial circumstantial evidence showing he attempted to murder Robinson. Specifically, Young, Jr. asserts the evidence at trial showed Robinson was not

present when Young, Jr. shot Robinson's car, and there was no evidence Young, Jr. ever pointed his gun at or tried to shoot Robinson. Young, Jr. therefore concludes the trial court should have granted his motion for a directed verdict. We disagree.

"A defendant is entitled to a directed verdict when the State fails to produce evidence of the offense charged." *McHoney*, 344 S.C. at 97, 544 S.E.2d at 36. In reviewing a motion for directed verdict, the trial court is concerned with the existence of evidence, not with its weight. *State v. Mitchell*, 341 S.C. 406, 409, 535 S.E.2d 126, 127 (2000).

The trial court properly denied Young, Jr.'s motion for a directed verdict on the attempted murder charge because the State presented substantial circumstantial evidence demonstrating Young, Jr.'s guilt. *See State v. Burdette*, 335 S.C. 34, 46, 515 S.E.2d 525, 531 (1999) ("On appeal from the denial of a directed verdict, this [c]ourt must view the evidence in the light most favorable to the State."); *Weston*, 367 S.C. at 292-93, 625 S.E.2d at 648 ("If there [was] any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, [this court] must find the case was properly submitted to the jury.").

Here, Singleton testified after Robinson first fired his revolver at the ground near the Youngs, the Youngs went into their house and retrieved a semi-automatic pistol. Thereafter, Singleton and the Youngs drove around their neighborhood searching for Robinson, and Young, Jr. assembled the pistol during the search. Mitchell testified Robinson came to her door and excitedly told her the Youngs were shooting at him. Delaney also testified Robinson told him about an exchange of gun fire with the Youngs. Moreover, the State published Young, Jr.'s police interview to the jury. In the interview, Young, Jr. explained, "The first time we caught [Robinson] ... the [pistol] wouldn't shoot. It wouldn't shoot." Young, Jr. continued, "It didn't go down like we wanted it to. If it wouldn't went down like that, we wouldn't even be here and nobody would know nothing [because] it was a dead[-end] road.... But the [pistol] just wouldn't go off." Young, Jr. also clarified Robinson was his intended target. Viewing this evidence in the light most favorable to the State, we find there was substantial circumstantial evidence tending to prove Young, Jr. attempted to murder Robinson. *See Lollis*, 343 S.C. at 584, 541 S.E.2d at 256 ("When a motion for a directed verdict is made in a criminal case where the State relies exclusively on circumstantial evidence, the trial [court] is required to submit the case to the jury if there is any substantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly and logically deduced." (quoting *Mitchell*, 341 S.C. at 409,

535 S.E.2d at 127)). Thus, we find the trial court properly denied Young, Jr.'s motion for a directed verdict.

CONCLUSION

Accordingly, Young Jr.'s convictions are

AFFIRMED.

GEATHERS and MCDONALD, JJ., concur.

1935

DEAR CLERK OF COURT

PLEASE FILE THIS SECOND AMENDED P.C.R. APPLICATION
INSIDE OF P.C.R. CASE NO. 2021CP0700820.

ALSO PLEASE SEND ME A CLOCK FILED STAMP
COPY OF THIS SECOND AMENDED P.C.R. APPLICATION.
SO I CAN HAVE A COPY TO ARGUE AT MY P.C.R.
HEARING. IT IS VERY IMPORTANT THAT YOU SEND
ME A CLOCK FILED STAMPED COPY OF THIS COMPLETE
P.C.R. APPLICATION ALONG WITH A COMPLETE COPY
OF THE REQUIREMENTS ATTACHED. I THANK YOU IN
ADVANCE SINCERELY I AM Tyron L Robinson

2021 AUG 27 AM 11:44
CLERK OF COURT
SOUTH CAROLINA
CLERK OF COURT

SIGNATURE: Tyron L Robinson
PRINT: TYRONE L. ROBINSON
DATE: 8/25TH/21



**Time
Sensitive
Material**

FIRST CLASS



U.S. POSTAGE >> PITNEY



ZIP 29472 \$ 008
02 4W
0000373893 AUG 25



1006



29901

U.S. POSTAGE PAID
PM 2-Day
RIDGEVILLE, SC
29472
AUG 25, 21
AMOUNT

\$0.00

R2304M114355-06

EXPECTED DELIVERY DAY: 08/28/21

USPS TRACKING® #



9505 5149 9056 1237 3023 85

STATE OF SOUTH CAROLINA

County of BEAUFORT JUN 20 AM 11:33

JERRI ANN ROSENEAU
BEAUFORT COUNTY, S.C.
CLERK OF COURT
TYRONE LORENZA ROBERTSON #2235
Full name and prison number (if any) of Applicant,

vs.
STATE OF SOUTH CAROLINA;
WARDEN BRYAN KENDALL, AND

vs.
SOUTH CAROLINA DEPARTMENT OF
CORRECTIONS
Name of Respondent.

2021CP07-0820

In the Court of Common Pleas

FOURTH AMENDED
POST CONVICTION RELIEF APPLICATION
AMENDED TO FIRST AMENDED POST
CONVICTION RELIEF APPLICATION
APPLICATION FOR
POST-CONVICTION RELIEF

INSTRUCTIONS — READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

1. Place of detention LIEBER CORRECTIONAL INSTITUTION
2. Name and location of Court which imposed sentence BEAUFORT COUNTY GENERAL SESSION COURT
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - (a) INDICTMENT # 2,012-65-07-01935
 - (b) MURDER 16-3-10
 - (c) _____
4. The date upon which sentence was imposed and the terms of the sentence:
 - (a) SEPTEMBER 19TH, 2,014
 - (b) LIFE
 - (c) _____

1938

2.

5. Check whether a finding of guilty was made

- (a) after a plea of guilty _____
- (b) after a plea of not guilty V PLEAD NOT GUILTY
- (c) after a plea of nolo contendere _____

6. Did you appeal from the judgment of conviction or the imposition of sentence?

YES

7. If you answered "yes" to (6), list

(a) the name of each Court to which you appealed:

- i. SOUTH CAROLINA COURT OF APPEALS
- ii. _____
- iii. _____

(b) the result in each such Court to which you appealed:

- i. APPEAL WAS DISMISSED
- ii. _____
- iii. _____

(c) the date of each such result:

- i. NOVEMBER 25th, 2020
- ii. _____
- iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

- i. APPELLATE CASE NO: 2017-002233
- ii. _____
- iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

- (a) _____
- (b) _____
- (c) _____

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) VIOLATION OF FEDERAL SIXTH AMENDMENT RIGHT OF EFFECTIVE ASSISTANCE OF COUNSEL; INEFFECTIVE ASSISTANCE OF COUNSEL
- (b) VIOLATION OF FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW; AND DEPRIVED OUT OF FEDERAL DUE PROCESS RIGHT TO NOTICE; AND
- (c) VIOLATION OF FEDERAL SIXTH AMENDMENT RIGHT TO CONFRONT MY ACCUSER, AND DEPRIVED OUT OF FEDERAL DUE PROCESS RIGHT TO A FAIR TRIAL. AND LACK OF JURISDICTION AND 4TH AMENDMENT VIOLATION

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) REVIEW ALL SUPPORTING ARGUMENTS ATTACHED TO THIS P.C.R APPLICATION. FOR 4TH AMENDMENT VIOLATION AND SIXTH AMEND-
- (b) MENT VIOLATION AND INEFFECTIVE ASSISTANCE OF COUNSEL
- (c) _____

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? _____
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? yes
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? _____
- (d) any other petitions, motions or applications in this or any other Court? _____

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

i. CASE NO: 2015-CP-07-2053 P.C.R

ii. _____

iii. _____

iv. _____

(b) the name and location of the Court in which each was filed:

i. COURT OF COMMON PLEAS, IN THE COUNTY OF BEAUFORT

ii. IN THE STATE OF SOUTH CAROLINA

iii. _____

iv. _____

(c) the disposition thereof:

i. P.C.R CASE NO: 2,015-CP-07-2053 WAS DISMISSED

ii. WITHOUT PREJUDICE. SO I COULD REFILE MY P.C.R AFTER

iii. I RECEIVED A FINAL DECISION IN MY DIRECT APPEAL.

iv. REVIEW COPY OF ORDER ATTACHED

(d) the date of each such disposition:

i. DECEMBER, 11TH, 2,019

ii. _____

iii. _____

iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

i. CASE NO: 2,015-CP-07-2053 "QVOTE IN" IT IS SO ORDERED

ii. THAT THE POST CONVICTION RELIEF IS DISMISSED WITHOUT PREJ-

iii. -UDICE.

iv. _____

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

14. If you answered "yes" to (13), identify:

1940

(a) which grounds have been presented:

- i. _____
ii. _____
iii. _____

(b) the proceedings in which each ground was raised:

- i. _____
ii. _____
iii. _____

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

- (a) BEING ARGUED ON P.C.R FOR THE FIRST TIME UNDER
(b) INEFFECTIVE ASSISTANCE OF COUNSEL OF FEDERAL VIOLATION OF
(c) 5TH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL

16. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? _____
(b) your trial, if any? yes
(c) your sentencing? yes
(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

17. If you answered "yes" to one or more parts of (16), list:

(a) the name and address of each attorney who represented you

- i. ARIE DAVID BOX; BEAUFORT COUNTY COUNCIL, PUBLIC
DEFENDER, 1905 DUKE STREET POST OFFICE BOX 525 BEAUFORT
S.C. 29901
ii. DAVID ALEXANDER, DIVISION OF APPELLATE DEFENSE 1330 LADY
STREET, SUITE 401 COLUMBIA, S.C. 29201-3332, ALSO
iii. POST OFFICE BOX 11589, COLUMBIA, S.C. 29211-1589

(b) the proceedings at which each such attorney represented you:

- i. REPRESENTED AT TRIAL BY ATTORNEY ARIE DAVID BOX
ii. REPRESENTED ON DIRECT APPEAL BY DAVID ALEXANDER
iii. _____

18. State clearly the relief you seek in filing this application.

DISCHARGE FROM IMPRISONMENT ON INDICTMENT #2012-65-
07-01935 IMMEDIATELY WITHOUT DELAY

19. Are you now under sentence from any other court that you have not challenged?

NO

County of Beaufort

I, Syrone F Robinson, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Syrone F Robinson

SWORN to and subscribed before me this 4th
day of March, 2021.

Lida K. Ben (L.S.)
Notary Public

My Commission Expires: 6-20-26

**APPLICATION TO PROCEED WITHOUT PREPAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security therefor.

Syrone F Robinson

Applicant

SWORN or affirmed to and subscribed before me this

4th day of March, 2021
Lida K. Ben
Notary Public

My Commission Expires 6-20-26

1st ISSUE ARGUED

my sixth Amendment Right to effective assistance of counsel was violated. constituting ineffective assistance. AS A RESULT OF TRIAL ATTORNEY ARFE DAVID BAX FAILURE TO MOTION TRIAL JUDGE THOMAS COOPER, TO DISCHARGE ME FROM UNLAWFUL RESTRAINT ON INDICTMENT# 2012-65-07-01935 AND OBJECT TO THE "VOID"

PRISON SENTENCE OF LIFE IMPRISONMENT. That TRIAL JUDGE THOMAS COOPER LACKED JURISDICTION TO IMPOSE ONTO INDICTMENT# 2012-65-07-01935. BECAUSE AS A MATTER OF LAW THE PRISON SENTENCE OF LIFE IMPRISONMENT. That TRIAL JUDGE THOMAS COOPER LACKED JURISDICTION TO IMPOSE ONTO INDICTMENT# 2012-65-07-01935 **IS VOID AND DOES NOT HAVE ANY LEGAL EFFECT**

ALSO BECAUSE AS A MATTER OF LAW MY JEOPARDY TERMINATED AND CAME TO A END ON INDICTMENT# 2012-65-07-01935. WHEN BY THE LAWS THAT GOVERN ACQUITTALS I WAS LEGALLY ACQUITTED ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHALL DRIVE ALLEN ROAD HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT THE JURY WAS SWORN IN TO DECIDE ON WHEN I WAS TRIED BEFORE THE JURY AT TRIAL ON THIS CRIME ON INDICTMENT# 2012-65-07-01935 AS A RESULT THE PRISON SENTENCE OF LIFE IMPRISONMENT THAT TRIAL JUDGE THOMAS COOPER LACKED JURISDICTION TO IMPOSE ONTO INDICTMENT# 2012-65-07-01935. IS **VOID AND DOES NOT HAVE ANY LEGAL EFFECT** REQUIRING TYRONE ROBINSON TO BE IMMEDIATELY DISCHARGED FROM UNLAWFUL RESTRAINT ON INDICTMENT# 2012-65-07-01935

2ND ISSUE ARGUED VOID PRISON SENTENCE DOES NOT HAVE ANY LEGAL EFFECT

I TYRONE ROBINSON PETITION THIS COURT TO
IMMEDIATELY DISCHARGE me FROM
"UNLAWFUL RESTRAINT" FROM OUT OF
THE CUSTODY OF SOUTH CAROLINA DEPARTMENT
OF CORRECTIONS, THE STATE OF SOUTH CAROLINA AND
WARDEN BRIAN KENDALL, ON INDICTMENT # 2012-
GS-07-01935. BECAUSE AS A MATTER OF LAW THE
PRISON SENTENCE OF LIFE IMPRISONMENT. THAT
TRIAL JUDGE THOMAS COOPER **LACKED**
JURISDICTION TO IMPOSE ONTO INDICT-
MENT # 2012-GS-07-01935 IS **VOID**
AND DOES NOT HAVE ANY LEGAL
EFFECT ALSO BECAUSE AS A MATTER OF LAW
MY **JEOPARDY** TERMINATED AND CAME TO A
END ON INDICTMENT # 2012-GS-07-01935. WHEN BY
THE LAWS THAT GOVERN ACQUITTALS I WAS LEGALLY
ACQUITTED ON THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY "ALLEGEDLY"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25TH
WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY
DANGEROUS FELONY TYRONE ROBINSON DID WELLFULLY
UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE
VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE
AREA OF MARSHLAND DRIVE ELLEN ROAD HELTON HEAD
ISLAND, S.C. AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT
COUNTY AS A PROXIMATE RESULT THERE OF
THAT THE JURY WAS SWORN IN TO DECIDE ON WHEN I WAS
TRIED BEFORE THE JURY AT TRIAL ON THIS CRIME ON INDICTM-
ENT # 2012-GS-07-01935
AS A RESULT THE PRISON SENTENCE OF LIFE IMPRISONMENT
THAT TRIAL JUDGE THOMAS COOPER **LACKED JURISDICTION**
TO IMPOSE ONTO INDICTMENT # 2012-GS-07-01935 IS
VOID AND DOES NOT HAVE ANY LEGAL
EFFECT REQUIRING THIS COURT TO IMMEDIATELY
DISCHARGE me FROM UNLAWFUL RESTRAINT
ON INDICTMENT # 2012-GS-07-01935

3rd 8

ISSUE ARGUED

my SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL WAS VIOLATED CONSTITUTING INEFFECTIVE ASSISTANCE OF COUNSEL. AS A RESULT OF ATTORNEY ARLE DAVID BAX FAILURE TO ASSERT A CLAIM OF LACK OF JURISDICTION OVER THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25TH 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON INDICTMENT # 2012-65-07-01935 AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER "LACK JURISDICTION" TO IMPOSE A "VOID"

PRISON SENTENCE OF LIFE IMPRISONMENT ONTO INDICTMENT # 2012-65-07-01935. THAT MY JEOPARDY TERMINATED ON BECAUSE BY THE LAWS THAT GOVERN "ACQUITTALS" I WAS LEGALLY "ACQUITTED" ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25TH 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD HILTON HEAD ISLAND, S.C. AND THAT K.S. [REDACTED] DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935 AS A RESULT THE PRISON SENTENCE OF LIFE IMPRISONMENT THAT TRIAL JUDGE THOMAS COOPER LACKED JURISDICTION TO IMPOSE ON TO INDICTMENT # 2012-65-07-01935 IS VOID AND DOES NOT HAVE ANY LEGAL EFFECT REQUIRING THE COURT TO IMMEDIATELY DISCHARGE ME FROM UNLAWFUL RESTRAINT ON INDICTMENT # 2012-65-07-01935

4TH

9

ISSUE ARGUED LACK OF JURISDICTION OVER THE CRIME

OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST,
2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON
DID WILLFULLY, UNLAWFULLY AND WITH MALICE
AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED]
TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND
DRIVE ALLEN ROAD HILTON HEAD ISLAND, S.C. AND
THAT K. S. [REDACTED] DID DIE IN BEAUFORT COUNTY
AS A PROXIMATE RESULT THERE OF

THAT THE JURY AT TRIAL WAS SWORN IN TO DECIDE
ON, ON INDICTMENT #2012-65-07-01935
AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER

"LACK JURISDICTION" TO IMPOSE A

"VOID" PRISON SENTENCE OF LIFE IMPRISONMENT

ONTO INDICTMENT #2012-65-07-01935, THAT MY
JEOPARDY TERMINATED ON. BECAUSE BY THE LAWS
THAT GOVERN "ACQUITALS" I WAS LEGALLY "ACQUITTED"
ON, ON THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST,
2012 WHILE ENGAGED IN A ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON
DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT
CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT
AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN
ROAD HILTON HEAD ISLAND, S.C. AND THAT K. S. [REDACTED]
DID DIE IN BEAUFORT COUNTY AS A PROXIMATE
RESULT THERE OF

THAT THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON AND
I WAS TRIED ON BEFORE THE JURY AT TRIAL ON AND I
WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTM-
ENT #2012-65-07-01935
AS A RESULT THE PRISON SENTENCE OF LIFE IMPRISONMENT.
THAT TRIAL JUDGE THOMAS COOPER LACKED JURISDICTION
TO IMPOSE ON TO INDICTMENT #2012-65-07-01935.
IS VOID AND DOES NOT HAVE ANY
LEGAL EFFECT REQUIRING THIS COURT TO
IMMEDIATELY DISCHARGE ME FROM
UNLAWFUL RESTRAINT AND UNLAWFUL
IMPRISONMENT ON INDICTMENT #2012-65-07-01935

1946

10

ARGUMENT

BECAUSE THE PRISON SENTENCE OF LIFE IMPRISONMENT.
THAT TRIAL JUDGE THOMAS COOPER LACKED JURISDICTION
TO IMPOSE ON INDICTMENT #21012-65-07-01935 IS
VOID AND DOES NOT HAVE ANY LEGAL EFFECT. AS A MATTER OF LAW THE **VOID** PRISON
SENTENCE OF LIFE IMPRISONMENT CAN BE ARGUED AND
DECIDED ON BY THE COURT OF COMMON PLEAS IN
THE STATE OF SOUTH CAROLINA, ON THIS APPLICATION FOR POST
CONVICTION RELIEF AS DECIDED AND ESTABLISHED BY
THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
IN ITS ORIGINAL JURISDICTION. INSIDE OF THE CASE LAW
OF MCCULLOUGH VS. HICKS, COUNTY AUDITOR 41 S.E. 761
FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
CASE LAW OF
MCCULLOUGH VS. HICKS, COUNTY AUDITOR 41 S.E. 761

~~THE COURT IN THE SUPREME COURT OF THE STATE OF SOUTH CAROLINA
HAS NO ORIGINAL JURISDICTION IN THIS CASE.~~

~~THE COURT IN THE SUPREME COURT OF THE STATE OF SOUTH CAROLINA
HAS NO ORIGINAL JURISDICTION IN THIS CASE.~~

~~THE COURT IN THE SUPREME COURT OF THE STATE OF SOUTH CAROLINA
HAS NO ORIGINAL JURISDICTION IN THIS CASE.~~

~~THE COURT IN THE SUPREME COURT OF THE STATE OF SOUTH CAROLINA
HAS NO ORIGINAL JURISDICTION IN THIS CASE.~~

~~THE COURT IN THE SUPREME COURT OF THE STATE OF SOUTH CAROLINA
HAS NO ORIGINAL JURISDICTION IN THIS CASE.~~

~~THE COURT IN THE SUPREME COURT OF THE STATE OF SOUTH CAROLINA
HAS NO ORIGINAL JURISDICTION IN THIS CASE.~~

ALSO BECAUSE THE PRISON SENTENCE OF LIFE IMPRISONMENT.
THAT TRIAL JUDGE THOMAS COOPER LACKED JURISDICTION TO
IMPOSE ONTO INDICTMENT #21012-65-07-01935 IS **VOID**. AS
A MATTER OF LAW THE **VOID** PRISON SENTENCE OF LIFE
IMPRISONMENT, CAN BE ARGUED AT ANYTIME. FOR PROOF REVIEW

CASE LAW MERITS

COURT OF APPEALS OF THE STATE OF NORTH CAROLINA CASE LAW OF
BURNETT VS. STEPHEN L. BLANTON 42 S.E. 2d 381
IF A JUDGEMENT IS **VOID**, IT IS A NULLITY AND MAY BE
ATTACKED AT ANYTIME

1ST NOTICE

NOTICE THAT FELONY MURDER RULE THEORY IS THE
THE ONE AND ONLY THEORY OF PROSECUTION THAT
I HAD TO PREPARE A DEFENSE FOR AND DEFENDANT
AGAINST

AT PRETRIAL HEARING ON FEBRUARY 27th 21014
AT BEaufort COUNTY GENERAL SESSION COURT
HOUSE. THE STATE OF SOUTH CAROLINA AND SOLICITOR
ISSAC MC. DUFFIE STONE. PUT ME ON NOTICE AND

CONFESSED TO ME. THAT THE FELONY MURDER RULE THEORY WAS THE ONE AND ONLY THEORY OF PROSECUTION THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE WERE PROSECUTING ME ON BEFORE THE JURY AT TRIAL FOR THE DEATH OF VICTIM [REDACTED] K. S. THE FELONY MURDER RULE THEORY THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE PUT ME ON NOTICE THAT I HAD TO DEFEND AGAINST. IS THE FELONY MURDER RULE THEORY ALLEGING THAT I WAS COMMITTING INHERENTLY DANGEROUS FELONIES ALONG WITH THREE OTHER PEOPLE, AND AS A RESULT OF THOSE INHERENTLY DANGEROUS FELONIES A CHILD DIED FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT

STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

"QUOTE" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE CONFESSION OF NOTICE THAT I HAD TO DEFEND AGAINST. FROM PAGE 1053 PARAGRAPHS 2, 3, 4, AND 5 OF TRIAL TRANSCRIPT FROM PRETRIAL HEARING ON FEBRUARY 27TH, 2014 "QUOTE" OUR THEORY IS THE FELONY MURDER RULE THAT YOU HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS FELONIES, AND AS A RESULT OF THESE INHERENTLY DANGEROUS FELONIES, A CHILD DIES

2ND NOTICE

NOTICE THAT ISSUE OF WHO SHOT AND KILLED THE VICTIM [REDACTED] K. S. IS NOT THE CONTROLLING LAW TO DETERMINE RATHER I WAS GUILTY OR NOT GUILTY FOR THE DEATH OF VICTIM [REDACTED] K. S. UNDER THE FELONY MURDER RULE THEORY THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL AT PRETRIAL HEARING ON FEBRUARY 27TH, 2014 AT BEAUFORT COUNTY GENERAL SESSION COURT HOUSE. THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE PUT ME ON "NOTICE" THAT THE ISSUE OF WHO SHOT AND KILLED THE VICTIM [REDACTED] K. S. IS NOT THE CONTROLLING LAW TO DETERMINE RATHER I WAS GUILTY OR NOT GUILTY FOR THE DEATH OF VICTIM [REDACTED] K. S. UNDER THE FELONY MURDER RULE THEORY. THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE WAS PROSECUTING ME ON BEFORE THE JURY AT TRIAL, FOR THE DEATH OF VICTIM [REDACTED] K. S. BY DOING SO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE PUT ME ON NOTICE THAT I DID NOT HAVE TO DEFEND AGAINST THE UNINDICTED CRIME AND THEORY OF RATHER OR NOT I SHOT AND KILLED THE VICTIM [REDACTED] K. S. ALSO BY DOING SO THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE PUT ME ON NOTICE THAT I WAS NOT IN JEOPARDY OF BEING CONVICTED AND SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT FOR THE UNINDICTED CRIME AND THEORY OF RATHER OR NOT I SHOT AND KILLED THE VICTIM [REDACTED] K. S. FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL

State of South Carolina

TYRONE VS. ROBINSON

"QUOTEING" The State of South Carolina and its Solicitor
Jesse Mc. Duffie Stone Confession of Notice that I
did not have to defend against UNINDICTED CRIME
and theory. page 1053 paragraph 5, 6 and 7 of TRIAL
TRANSCRIPT FROM PRETRIAL HEARING ON FEBRUARY 27TH
2014 "QUOTEING"
The actual shooter, so to speak, the one that discharged
the fatal bullet, under that scenario, is while
relevant, not controlling

3rd Notice

Notice that the State of South Carolina and its
Solicitor Jesse Mc. Duffie Stone were not
switching up their theory of the felony murder
rule theory that they were prosecuting me on
at trial for the death of victim K. S.

At pretrial hearing the State of South Carolina and its
Solicitor Jesse Mc. Duffie Stone put me on notice that
the State of South Carolina, and its Solicitor Jesse
Mc. Duffie Stone, was absolutely not switching up
their theory of felony murder by the felony murder rule
theory. That the State of South Carolina and its Solicitor
Jesse Mc. Duffie Stone was prosecuting me on at trial
for the death of victim K. S. because the State
of South Carolina and its Solicitor Jesse Mc. Duffie Stone
stated that they felt like all three of us were involved
in inherently dangerous felonies.
by doing so the State of South Carolina and its Solicitor
Jesse Mc. Duffie Stone put me on notice that the crime
and theory of felony murder by the felony murder rule theory
is the one and only crime and theory that I had to
prepare a defense for and defend against for proof I
quote the following from the trial transcript
STATE OF SOUTH CAROLINA

TYRONE VS. ROBINSON

"QUOTEING" The State of South Carolina and its Solicitor
Jesse Mc. Duffie Stone Confession of Notice that they
were not switching up their felony murder rule theory
that they were prosecuting me on for the death of victim
KHALIL JENKINSON. page 1053 paragraph 12, 13, 14 and 15 of
TRIAL TRANSCRIPT FROM PRETRIAL HEARING ON FEBRUARY 27TH
2014 "QUOTEING"
we're not switching up our theories, depending on
which defendant we're talking about

ELEMENTS

ELEMENT FOR THE CRIME OF FELONY MURDER by
THE FELONY MURDER RULE THEORY IS AS FOLLOWS

The crime of felony murder by the felony
murder rule theory consists of two elements
which are the following

1st ELEMENT to CRIME OF FELONY
murder by the felony murder rule

THEORY IS:

THE DEFENDANT WAS IN THE COMMISSION
OF COMMITTING A INHERANTLY DANGEROUS
FELONY

THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-
07-01935 CHARGES AND ALLEGE. THAT TYRONE
ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE
AN INHERANTLY DANGEROUS FELONY

THEREFORE AS A MATTER OF LAW INDICTMENT #
2012-GS-07-01935. CHARGES TYRONE ROBINSON
WITH THE 1ST ELEMENT "ALLEGING"
THE DEFENDANT WAS IN THE COMMISSION OF
COMMITTING A INHERANTLY DANGEROUS FELONY
FROM THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY

CONFESION

ON PAGE 1052 PARAGRAPHS 2, 3 AND 4 THE STATE
OF SOUTH CAROLINA AND ITS SOLICITOR JESSE
MC. DUFFIE STONE. CONFESSED TO THE TRIAL
JUDGE AND TRIAL COURT. THAT THEY HAD INDICT-
ED ME ON AND WERE TRYING ME BEFORE THE
JURY AT TRIAL. ON THE 1ST ELEMENT REQUIRED
TO CONSTITUTE THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY. WHEN THE
STATE OF SOUTH CAROLINA AND ITS SOLICITOR
JESSE MC. DUFFIE STONE. CONFESSED TO THE
TRIAL JUDGE AND TRIAL COURT AT PRE TRIAL
HEARING ON FEBRUARY 27TH, 2014 ON PAGE 1053.
PARAGRAPHS 2, 3 AND 4 OF TRIAL TRANSCRIPT
"QUOTEING" ✓

OUR THEORY IS THE FELONY MURDER RULE
THEORY THAT YOU HAVE THREE PEOPLE COMM-
ITTING INHERANTLY DANGEROUS FELONIES

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF
SOUTH CAROLINA CASE LAW OF.
GORE V. LEEKE 1995, F.2d 755 "QUOTEING"
IF SEVERAL PERSON AGREE OR CONSPIRE TO
COMMIT A FELONY SUCH AS GRAND LARCENY
OR ROBBERY OR BURGLARY EACH OF THOSE PERSON
ARE CRIMINALLY RESPONSIBLE FOR THE
ACTS OF ASSOCIATES OR CONFEDERATES WHICH
ARE DONE IN FURTHERANCE OR IN PROSECUTION
OF THE COMMON PURPOSE FOR WHICH THEY COM-
BINED

1950

14

2ND ELEMENT TO CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS: DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANT'S CONDUCT IN COMMITTING THAT CRIME

THE WRITTEN WRITE UP OF INDICTMENT #2012-65-07-01935 CHARGES AND "ALLEGED"

THAT VICTIM [REDACTED] DEATH IS A PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

AS A MATTER OF LAW INDICTMENT #2012-65-07-01935, CHARGES TYRONE ROBINSON WITH THE 2ND ELEMENT "ALLEGED"

DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANT'S CONDUCT IN COMMITTING THAT CRIME FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY.

CONFESSION

ON PAGE 1053 PARAGRAPH 4, AND 5 THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT THAT THEY HAD INDICTED ME ON AND WERE TRYING ME BEFORE THE JURY AT TRIAL. ON THE 2ND ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. WHEN THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT AT PRE TRIAL HEARING ON FEBRUARY 27TH, 2014 ON PAGE 1053 PARAGRAPH 4 AND 5 OF TRIAL TRANSCRIPT "QUOTE"ING AND AS A RESULT OF THOSE INHERENTLY DANGEROUS FELONIES, A CHILD DIES

CASE LAW MERTS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF GORE V. LEEKE 199 S.E.2d 755 "QUOTE"ING THE COMMON PURPOSES LADIES AND GENTLEMAN MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANYONE IF IT WAS UNLAWFUL THIS COMMON DESIGN AND PURPOSE AND STEALING AND IN THE AS FOR INSTANCE, BREAKING IN AND STEALING AND COMMITTED EXECUTION OF THE COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THIS COMMON DESIGN THEN LADIES AND GENTLEMAN, ALL WHO ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY, AND PARTICIPATING IN THE UNLAWFUL COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

TO PROVE THAT I WAS TRIED BEFORE THE JURY AT TRIAL ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THATS CHARGED AND ALLEGED INSIDE OF

THE WRITTEN WRITE UP OF INDICTMENT# 2012-65-07-01935.
 I QUOTE THE TRIAL JUDGE AND TRIAL COURT READING
 OF INDICTMENT# 2012-65-07-01935 TO THE JURY AT TRIAL.
STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

"QUOTING" FROM PAGE 3 OF TRIAL TRANSCRIPT MR. STONE
 (AKA) SOLICITOR ISSAC MC. PUFFE STONE STATED "QUOTING"
 YOUR HONOR INDICTMENT# 2012-65-07-01935 CHARGING THE
 DEFENDANT TYRONE ROBINSON WITH THE OFFENSE OF MURDER
 ILL HAND THAT INDICTMENT TO YOU

"QUOTING PAGE 2, 3 AND 4 OF TRIAL TRANSCRIPT THE COURT (AKA)
 TRIAL JUDGE THOMAS COOPER STATED "QUOTING"
 LADIES AND GENTLEMEN AS YOU HAVE HEARD THE SOLICITOR HAS CALLED
 THE CASE OF THE STATE VERSUS TYRONE ROBINSON MR. ROBINSON
 HAS BEEN INDICTED BY THE GRAND JURY OF BEAUFORT COUNTY AND
 CHARGED WITH THE CRIME OF MURDER. THE INDICTMENT ALLEGES
 THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER THE 21ST 2012
 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS
 FELONY, TYRONE ROBINSON DID WILLFULLY UNLAWFULLY AND WITH
 MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. TO BE
 SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD
 ON HILTON HEAD ISLAND AND THAT K. S. DID DIE IN
 BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF ON SEPTEMBER
 THE 21ST 2012 IN VIOLATION OF THE LAW

WHICH IS THE ALLEGED CRIME OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY. THAT THE JURY AT MY TRIAL WAS SWORN
 IN ON THE DEFENSE OF DOUBLE JEOPARDY ATTACHES TO, I WAS TRIED
 ON BEFORE THE JURY AND I WAS PUT IN JEOPARDY AT TRIAL OF
 BEING PUNISHED AND RECEIVING PRISON TIME OF LIFE IMPRISON-
 -MENT FOR.

JURY CHARGE FOR CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

AS A MATTER OF LAW THE INHERANTLY DANGEROUS
 FELONY CALLED A ONGOING GUN BATTLE AN INHERANTLY
 DANGEROUS FELONY. IS THE ONE AND ONLY CRIMINAL ACT.
 THAT INDICTMENT# 2012-65-07-01935 CHARGE AND ALLEGE
 VICTIM K. S. DEATH IS A PROXIMATE RESULT THERE OF.
 THEREFORE BECAUSE THE GRAND JURY INDICTED ME ON, THE JURY
 AT TRIAL WAS SWORN IN TO DECIDE ON AND I WAS TRIED
 BEFORE THE JURY AT TRIAL ON INDICTMENT# 2012-65-07-01935.
 AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL COURT WAS REQUIRED
 TO CHARGE AND INSTRUCT THE JURY ON EACH AND EVERY ELEMENT THAT
 IS REQUIRED. TO CONSTITUTE THE INHERANTLY DANGEROUS FELONY
 CALLED A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY.
 THAT THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO
 PROVE THAT I WAS GUILTY OF BEYOND A REASONABLE DOUBT. BEFORE
 THE STATE OF SOUTH CAROLINA COULD CONVICT AND SENTENCE ME TO
 PRISON TIME OF LIFE IMPRISONMENT FOR THE DEATH OF VICTIM
K. S. AS REQUIRED BY MY FEDERAL 5TH AND 14TH AMEND-
 -MENT RIGHT OF DUE PROCESS OF LAW THAT I AM PROTECTED BY.
 FAILURE OF TRIAL JUDGE THOMAS COOPER TO INSTRUCT THE JURY ON
 EACH AND EVERY ELEMENT THATS REQUIRED TO CONSTITUTE THE INHER-
 -ANTLY DANGEROUS FELONY CALLED A ONGOING GUN BATTLE AN
 INHERANTLY DANGEROUS FELONY. CONSTITUTES REVERSABLE ERROR
 AND WOULD REQUIRE THE COURT OF APPEALS TO REVERSE MY
 CONVICTION AND PRISON SENTENCE OF LIFE IMPRISONMENT. FOR

1952

16

PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF FLORIDA
 CASE LAW OF
 STATE OF FLORIDA VS. WILEY JONES, JR 377 S.O. 2d 1163 "QUOTEING"
 THE DISTRICT COURT OF APPEALS, REVERSED AND REMANDED AND
 PETITION OF STATE FOR CERTIORARI WAS GRANTED. THE SUPREME COURT
 OF ALABAMA, J. HELD THAT REFUSAL IN FELONY MURDER CASE TO GIVE
 ANY INSTRUCTION ON ELEMENT OF UNDERLYING FELONY OF ROBBERY
 WAS FUNDAMENTAL ERROR WHICH WAS NOT WAIVED BY DEFEND-
 -ANTS FAILURE TO OBJECT "FURTHER QUOTEING"
 IN THIS CASE, THE CRIME OF ROBBERY WAS AN ESSENTIAL PARTY
 OF THE FELONY MURDER THEORY UPON WHICH THE JURY WAS INSTRUCTED
 TO DECIDE THE DEFENDANTS GUILT. ALTHOUGH THE ELEMENTS OF THE
 UNDERLYING FELONY NEED NOT BE EXPLAINED WITH THE SAME PARTIC-
 -ULARITY THAT WOULD HAVE BEEN REQUIRED IF IT HAD BEEN THE
 PRIMARY CRIME CHARGED, IT IS ESSENTIAL THAT IT BE DEFINED
 SUFFICIENTLY TO ENSURE THE ACCUSED A FAIR TRIAL. ROBERTS VS. STATE.
 SINCE PROOF OF THE ELEMENTS OF ROBBERY WAS NECESSARY IN ORDER
 TO CONVICT THE DEFENDANT UNDER THE FELONY MURDER THEORY,
 THE COURT WAS OBLIGED AT LEAST TO GIVE SOME MINIMUM INSTRUCTION
 ON THE ELEMENTS.
 IN THE PRESENT CASE, THERE WAS A COMPLETE FAILURE TO GIVE
 AN INSTRUCTION ON THE ELEMENTS OF THE UNDERLYING FELONY OF ROBBERY.
 THIS WAS FUNDAMENTAL ERROR. IT IS ESSENTIAL TO A FAIR TRIAL
 THE JURY BE ABLE TO REACH A VERDICT BASED UPON THE LAW AND
 NOT BE LEFT TO ITS OWN DEVICES TO DETERMINE WHAT CONSTITUTES
 THE UNDERLYING FELONY ROBERTS VS. STATE.

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA
 CASE LAW OF
 WHALEN VS. UNITED STATES 100 S. CT 1435 "QUOTEING"
 A CONVICTION FOR KILLING IN THE COURSE OF RAPE CAN NOT
 BE HAD WITHOUT PROVING ALL THE ELEMENTS OF THE OFFENSE OF
 RAPE "FURTHER QUOTEING"
 IN THE PRESENT CASE HOWEVER PROOF OF RAPE IS A NECESSARY
 ELEMENT OF PROOF OF THE FELONY MURDER

BURDEN OF PROOF

AS A MATTER OF LAW THE INHERENTLY DANGEROUS FELONY CALLED
 A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY.
 IS THE ONE AND ONLY INHERENTLY DANGEROUS FELONY. THAT
 INDICTMENT # 2012-65-07-01935 CHARGE AND ALLEGED VICTIM
 K.S. [REDACTED] DEATH IS A PROXIMATE RESULT THERE OF.
 THEREFORE THE STATE OF SOUTH CAROLINA HAD THE BURDEN
 OF PROOF, TO PROVE THAT VICTIM K.S. [REDACTED] DEATH
 IS A NATURAL OR PROBABLE CONSEQUENCE OF A ONGOING GUN
 BATTLE AN INHERENTLY DANGEROUS FELONY. BEFORE THE STATE
 OF SOUTH CAROLINA COULD CONVICT AND SENTENCE ME TO PRISON
 TIME OF LIFE IMPRISONMENT. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
 CASE LAW OF
 GORE W. LEEKE 199 S.E. 2d 755 "QUOTEING"
 IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A
 FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY
 EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE
 FOR THE ACTS OF ASSOCIATES OR CONFEDERATES
 WHICH ARE DONE IN FURTHERANCE OR IN PROSEC-
 -UTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED.
 THE COMMON PURPOSE LADIES AND GENTLEMAN, MAY
 HAVE NOT INCLUDED OR NOT HAVE BEEN INVOLVED IN
 THE KILLING AND THE MURDER OF ANY ONE BUT IF IN
 EXECUTION OF THIS COMMON DESIGN AND PURPOSE AND
 IF IT WAS UNLAWFUL AS FOR INSTANCE BREAKING
 IN AND STEALING, AND IN THE EXECUTION OF THE

common purpose a homicide is committed by one of the confederates, or one of the associates, and you the jury determine from the proof beyond a reasonable doubt the homicide was a probable or natural consequence of the acts which were done in pursuance of this common design then each and every gentleman all who are present either actually or constructively, and participate in the unlawful common design are as guilty as the slayer himself.

However if I obtain a "ACQUITTAL" on the inherently dangerous felony called a ongoing gun battle an inherently dangerous felony. Then it would constitute a ACQUITTAL on the crime of felony murder by the felony murder rule theory "allegedly" that in Beaufort County on or about September 1st, 2, 012 while engaged in a ongoing gun battle an inherently dangerous felony, Tyrone Robinson did willfully, unlawfully and with malice aforethought cause the victim K. S. [REDACTED] to be shot and killed in the area of Marshland Drive and Allen Road, Hilton Head Island, S.C. and that K. S. [REDACTED] did die in Beaufort County as a proximate result thereof on September 1st, 2, 012, in violation of section 16-3-10 of the South Carolina Code of Law (1976), as amended. The grand jury indicted me on, the jury at trial was sworn in to decide on and I was tried on before the jury at trial. For proof review

CASE LAW MERITS

DISTRICT COURT OF APPEALS OF FLORIDA, FIFTH DISTRICT
CASE LAW OF.

GIANNI SPAGNOTO VS. STATE OF FLORIDA 11650.3d 599
"QUOTEING"

IF THE DEFENDANT IS ACQUITTED OF THE UNDERLYING FELONY, THE DEFENDANT CANNOT BE CONVICTED OF THIRD DEGREE FELONY MURDER

THEREFORE IN ORDER FOR THE DEFENDANT TO CONVICT ME FOR THE DEATH OF VICTIM K. S. [REDACTED] THE STATE OF SOUTH CAROLINA AND THE DEFENDANT HAD THE BURDEN OF PROOF TO PROVE, THAT I ACTED WITH THE INTENT TO COMMIT A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF GEORGIA CASE LAW OF.

HOLLMAN VS. THE STATE 356 S.E. 2d 886 "QUOTEING"
THE PRIMARY DIFFERENCE BETWEEN THE OFFENSES OF MALICE MURDER AND FELONY MURDER IS THAT FELONY MURDER DOES NOT REQUIRE MALICE OR THE INTENT TO KILL BYRKE VS. STATE, 234 GA. 512, 514 (216 S.E. 2d 812) (1975) FELONY MURDER DOES, HOWEVER, REQUIRE THAT THE DEFENDANT POSSESS THE REQUISITE CRIMINAL INTENT TO COMMIT THE UNDERLYING FELONY. FOR THE CONVICTION IN THIS CASE TO STAND, THE JURY MUST HAVE FOUND THAT THE DEFENDANT POSSESSED THE CRIMINAL INTENT TO COMMIT AGGRAVATED ASSAULT

BLACKS LAW DICTIONARY
DEFINITION FOR THE CRIME OF FELONY MURDER
STATES "QUOTEING"
MURDER THAT OCCURS DURING COMMISSION

OF A DANGEROUS FELONY (OFTEN LIMITED TO RAPE, KIDNAPPING, ROBBERY, BURGLARY)

INSIDE OF A CASE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THE ISSUE OF WHO FIRED THE FATAL SHOT THAT KILLED THE VICTIM. IS NOT THE CONTROLLING LAW TO HOLD A PERSON RESPONSIBLE FOR THE DEATH OF THE VICTIM. AS THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL ISAC MC. DUFFIE STONE CONFESSED AT MY PRE TRIAL HEARING ON FEBRUARY 27TH 2014. FOR PROOF I QUOTE THE FOLLOWING CONFESSION FROM THE TRIAL TRANSCRIPT.

CONFESSIO

"I QUOTE" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL ISAC MC. DUFFIE STONE CONFESSION FROM PAGE 1053 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, AND 24 AND PAGE 1053 PARAGRAPH 1 AND 2 OF TRIAL TRANSCRIPT FROM PRE TRIAL HEARING OF FEBRUARY 27TH 2014 "I QUOTE"

THE FELONY MURDER RULE THEORY THAT YOU HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS FELONIES AND AS A RESULT OF THERE INHERENTLY DANGEROUS FELONIES A CHILD DIES. THE ACTUAL SHOOTER, AS TO SPEAK THE ONE THAT DISCHARGED THE FATAL BULLET, UNDER THAT SCENARIO IS WHILE RELEVANT NOT CONTROLLING

TO FURTHER PROVE THAT IN A CASE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THE ISSUE OF WHO FIRED THE FATAL SHOT THAT KILLED THE VICTIM IS NOT CONTROLLING LAW, TO HOLD A PERSON RESPONSIBLE FOR THE DEATH OF THE VICTIM. I QUOTE THE FOLLOWING CASE LAW MERITS

CASE LAW MERITS
SUPREME COURT OF APPEALS OF THE STATE OF MISSOURI
CASE LAW OF
STATE OF MISSOURI VS. DWIGHT BAKER 607 S.W. 2d 157,
1980 MO. CASE NO. 62190 "I QUOTE"
IT WAS REASONABLY FORESEEABLE THAT THE ROBBERY ATTEMPT WOULD MEET RESISTANCE. THIS SENT INTO MOTION A CHAIN OF EVENTS WHICH CAUSED THE DEATH OF THE BYSTANDER. WHETHER THE FATAL ACT WAS DONE BY THE DEFENDANT, AN ACCOMPLICE, ANOTHER VICTIM, OR A BYSTANDER IS UNDER THE FACTS HERE NOT CONTROLLING. THE SIGNIFICANT FACTOR IS WHETHER THE DEATH WAS THE NATURAL AND PROXIMATE RESULT OF THE ACTS OF THE APPELLANT OR OF AN ACCOMPLICE

CASE LAW MERITS
SUPREME COURT OF APPEALS OF THE STATE OF MISSOURI
CASE LAW OF
STATE OF MISSOURI VS. BRIAN KEITH MOORE 580 S.W. 2d 747, 1979 MO. CASE NO. 60867 "I QUOTE"
WHETHER THE FATAL ACT WAS DONE BY THE DEFENDANT AN ACCOMPLICE, ANOTHER VICTIM, OR A BYSTANDER IS, UNDER THE FACTS HERE, NOT CONTROLLING. THE SIGNIFICANT FACTOR IS WHETHER THE DEATH WAS THE NATURAL AND PROXIMATE RESULT OF THE ACTS OF THE APPELLANT OR OF AN ACCOMPLICE

ACQUITTAL ON CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

AS A MATTER OF LAW THE DIRECT EVIDENCE AND CIRCUM-
STANTIAL EVIDENCE IN THIS CASE, PROVES THAT VICTIM
KHALIL SINGLETON DEATH IS THE NATURAL OR PROBABLE
CONSEQUENCE OF THE INHERENTLY DANGEROUS FELONY OF
ATTEMPT TO MURDER I VICTIM TYRONE ROBINSON. FOR
PROOF I QUOTE THE FOLLOWING

CONFESSION

AT TRIAL POLICE OFFICER LAUREL ALBERTIN TESTIFIED
THAT ATTACKER AARON SCOTT YOUNG JUNIOR CONFESSED TO HER
THAT AFTER TYRONE ROBINSON FLED AND LEFT FROM THERE
HOUSE ON [REDACTED] OLD WILD HORSE ROAD. HE AARON SCOTT YOUNG
JUNIOR AND HIS FATHER AARON SCOTT YOUNG SENIOR. GOT
IN THERE TRUCK WITH THERE GUNS AND WENT LOOKING
FOR TYRONE ROBINSON WITH THERE GUNS ON OAKVIEW
ROAD, MARSHLAND ROAD AND IN TYRONE ROBINSON
NEIGHBORHOOD ON ALLEN ROAD WERE TYRONE ROBINSON
LIVED AT.

POLICE OFFICER LAUREL ALBERTIN TESTIFIED AT TRIAL
THAT AARON SCOTT YOUNG JUNIOR CONFESSED TO HER THAT HE
AARON SCOTT YOUNG JUNIOR AND HIS FATHER AARON SCOTT
YOUNG SENIOR. CAUGHT UP WITH TYRONE ROBINSON WHILE
TYRONE ROBINSON WAS RIDING INSIDE OF HIS CAR ON
OAKVIEW ROAD. WERE HE AARON SCOTT YOUNG JUNIOR AND
AARON SCOTT YOUNG SENIOR PULLED OUT A GUN AND ATTEMPTED
TO MURDER I TYRONE ROBINSON WHILE I TYRONE ROBINSON
WAS RIDING INSIDE OF MY CAR ON OAKVIEW ROAD.

POLICE OFFICER SGT. LAUREL ALBERTIN TESTIFIED AT TRIAL
AFTER AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR
ATTEMPTED TO MURDER TYRONE ROBINSON IN TYRONE ROBIN-
SON CAR WHILE TYRONE ROBINSON WAS RIDING INSIDE
OF HIS CAR ON OAKVIEW ROAD. HE AARON SCOTT YOUNG JUNIOR
AND AARON SCOTT YOUNG SENIOR DROVE BACK TO THERE HOUSE ON
17 OLD WILD HORSE ROAD WERE HE AARON SCOTT YOUNG JUNIOR
AND AARON SCOTT YOUNG SENIOR LIVED AT. AFTER RETURNING
TO THERE HOUSE HE AARON SCOTT YOUNG JUNIOR AND AARON SCOTT
YOUNG SENIOR GOT BACK INSIDE OF THERE TRUCK AND WENT
FROM [REDACTED] OLD WILD HORSE ROAD WITH THERE GUNS AND WENT
LOOKING FOR TYRONE ROBINSON WITH THERE GUNS. AT TYRONE
ROBINSON NEIGHBORHOOD ON ALLEN ROAD. WERE TYRONE
ROBINSON LIVED AT. FOR PROOF REVIEW

PAGE 760 PARAGRAPHS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
21, 22, 23, 24 AND 25 AND PAGE 761 PARAGRAPHS 1, 2, 3, 4,
5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 AND
25 AND PAGE 762 PARAGRAPHS 1, AND PAGE 764 PARAGRAPHS
12, 13, 14, 15, 16, 17 AND 18, AND PAGE 766 PARAGRAPH 4, 5, 6, 7,
8, 9, 10, 11, 12, 13, 19, 20, 21, 22, 23, 24 AND 25 AND PAGE 767
PARAGRAPH 1, OF TRIAL TRANSCRIPT

CONFESSIO

AT TRIAL POLICE OFFICER BOB BROMAGE TESTIFIED THAT AARON SCOTT YOUNG SENIOR CONFESSED TO HIM THAT AFTER TYRONE ROBINSON LEFT THEIR HOUSE ON [REDACTED] OLD WILD HORSE ROAD, HE AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR, GOT INTO THEIR TRUCK WITH THEIR GUN AND WENT LOOKING FOR TYRONE ROBINSON. AT TRIAL POLICE OFFICER BOB BROMAGE TESTIFIED THAT AARON SCOTT YOUNG SENIOR CONFESSED TO HIM THAT THEY MEANT HE AARON SCOTT YOUNG SENIOR AND HIS SON AARON SCOTT YOUNG JUNIOR WANTED TO KILL TYRONE ROBINSON. AT TRIAL POLICE OFFICER BOB BROMAGE TESTIFIED THAT AARON SCOTT YOUNG SENIOR CONFESSED TO HIM THAT IF HE (AKA) AARON SCOTT YOUNG SENIOR HAD THE CHANCE TO KILL TYRONE THAT DAY HE WOULD HAVE DONE IT. FOR PROOF REVIEW PAGE 794 PARAGRAPHS 14, 15, 16, 17, 18, 19, 24 AND 25 AND PAGE 795 PARAGRAPHS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25 AND PAGE 796 PARAGRAPHS 4, 5, AND 6 AND PAGE 667, PARAGRAPHS 13, 14, 15, 16, 17 AND 18 OF TRIAL TRANSCRIPT

CONFESSIO

AT TRIAL ATTORNEY JESSICA SAXON READ AARON SCOTT YOUNG SENIOR CONFESSIO HE MADE TO SOLICITOR JESSE MC. DUFFIE STONE WERE AARON SCOTT YOUNG SENIOR CONFESSED TO PROSECUTING SOLICITOR JESSE MC. DUFFIE STONE THAT IF HE HAD GOT THE CHANCE TO HE WAS GONE KILL TYRONE ROBINSON. PAGE 809 PARAGRAPHS 3, 4, 5, 6, 7, 8, 9, 10, 11 AND 12 OF TRIAL TRANSCRIPT

CONFESSIO

AT TRIAL JONTY SINGLETON SENIOR TESTIFIED THAT AFTER HE JONTY SINGLETON SENIOR, AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR, RODE AROUND WITH A GUN LOOKING FOR TYRONE ROBINSON IN HIS NEIGHBORHOOD ON ALLEN ROAD, SPANISH WELLS ROAD, AND MARSHLAND ROAD HE JONTY SINGLETON SENIOR AND AARON SCOTT YOUNG JUNIOR WENT BACK TO THEIR NEIGHBORHOOD AT [REDACTED] OLD WILD HORSE ROAD AND AFTER DOING SO, THEY GOT OUT OF THE TRUCK AND WERE TALKING. THEN AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR GOT BACK INTO THEIR TRUCK AND WITH THE GUN THEY HAD INSIDE OF THE TRUCK, THEY WENT OUT AGAIN. FOR PROOF REVIEW PAGE 468, 469, 470, 471, 472, 473, 474, 475, 478, 479, 480, 481, 482, 483, 484 AND 485 OF TRIAL TRANSCRIPT

CONFESSIO

AT TRIAL CHARLES JACKSON TESTIFIED THAT SHE HEARD GUN SHOOTING GOING ON. THEN TYRONE ROBINSON CAME TO HER HOUSE AND SAID THOSE MOTHERFUCKERS TRIED TO KILL ME I'M SORRY WAS SHOOTING AT ME FOR PROOF REVIEW

✓ page 190 paragraphs 5 and 6 and page 195, paragraphs 18, 19 and 20 of TRIAL TRANSCRIPT

CONFESSIO

✓ AT TRIAL TYRONE DELANEY TESTIFIED THAT TYRONE TOLD HIM SOME PEOPLE IN A TRUCK WERE SHOOTING AT HIM FOR PROOF REVIEW PAGE 352 PARAGRAPHS 19, 20 AND 21 AND PAGE 355 PARAGRAPH 10 OF TRIAL TRANSCRIPT

CONFESSIO

✓ AT TRIAL BENNY HAMILTON TESTIFIED THAT ITYRONE TOLD HIM, SOME PEOPLE WERE SHOOTING AT HIM TRYEN TO KILL HIM AND THEY SHOT AN LIL BOY FOR PROOF REVIEW PAGE 407 PARAGRAPH 25 AND PAGE 408 PARAGRAPHS 1, 2, 3, 4, 5 AND 6 OF TRIAL TRANSCRIPT

CONFESSIO

✓ AT TRIAL POLICE SGT. LAUREL ALBERTIN TESTIFIED THAT AARON SCOTT YOUNG JUNIOR CONFESSED TO HER, THAT HE SHOT TYRONE ROBINSON CAR UP WITH THE MASTER PEECE ARMS NINE MILLIMETER 9MM FOR PROOF REVIEW PAGE 761 PARAGRAPH 22, 23, 24, AND 25 PAGE 762 PARAGRAPH 2, OF TRIAL TRANSCRIPT

10.

CONFESSIO

✓ AT TRIAL POLICE OFFICER BOB BROMAGE TESTIFIED. THAT HE RETRIEVED A MASTER PEECE ARMS NINE MILLIMETER GUN WITH A THIRTY TWO ROUND CLIP AND SUPPRESSOR, FROM AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR, WERE TRYEN TO SHOOT AND KILL TYRONE ROBINSON WITH THE MASTER PEECE ARMS NINE MILLIMETER GUN. FOR PROOF REVIEW PAGE 794 PARAGRAPH 24 AND 25 AND PAGE 795 PARAGRAPHS 1, 2, 3, 4, 5, 6, 7, 8, AND 25 PAGE 796 PARAGRAPHS 1, 2, 3, 4, 5 AND 6 AND 798 PARAGRAPHS 13, 14, 15, 16, 17, AND 18 OF TRIAL TRANSCRIPT

CONFESSIO

✓ AT TRIAL POLICE OFFICER DERICK NELSON FOR BEAUFORT COUNTY SHERIFF DEPARTMENT TESTIFIED THAT THEY FOUND AT LEAST NINE BULLET HOLES IN TYRONE ROBINSON CAR PAGE 545 PARAGRAPHS 17, 18, 19, 20, 21, 22, 23, 24, AND 25 AND PAGE 546 PARAGRAPHS 1, 5, 6, 7, 8, 9, 10, 11, AND 12 AND PAGE 547 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, AND 13 OF TRIAL TRANSCRIPT

CONFESSIOIN

AT TRIAL TYRONE LORENZA ROBINSON testified that after he left Aaron Scott Young Senior and Aaron Scott Young Junior house on [redacted] old wild horse road, he went to his cousin MELVIN house. where he hid out at for a round to minutes to hide from Aaron Scott Young Senior and Aaron Scott Young Junior. UNTIL he felt it was safe to leave. FOR PROOF REVIEW page 838 PARAGRAPH 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17 OF TRIAL TRANSCR - 7 PT.

11.

CONFESSIOIN

AT TRIAL TYRONE LORENZA ROBINSON testified that while he was at MELVIN house. he called his cousin CEDRIC and told CEDRIC some people were tryen to kill him. TYRONE LORENZA ROBINSON testified that he was going to park his car and get in the car with his cousin CEDRIC to hide out from Aaron Scott Young Senior and Aaron Scott Young Junior. FOR PROOF REVIEW page 837 PARAGRAPH 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 OF TRIAL TRANSCRIPT

COLABORTEING TESTIMONY and FIRST RETURN TO 17 OLD WILD HORSE ROAD BEFORE KHALIL WAS SHOT AND KILLED

AT TRIAL JONTY SINGLETON SENIOR testified that after he JONTY SINGLETON SENIOR and Aaron Scott Young Senior and Aaron Scott Young Junior left from [redacted] old wild horse road the first time. he JONTY SINGLETON SENIOR, Aaron Scott Young Senior and Aaron Scott Young Junior had a gun and were riding a round with a gun. Looking for TYRONE ROBINSON on oak view road, MARSHLAND ROAD and ALLEN Road at LIL mac house were TYRONE ROBINSON but TYRONE was not there so he JONTY SINGLETON SENIOR and Aaron Scott Young Senior and Aaron Scott Young Junior returned back to Aaron Scott Young Senior and Aaron Scott Young Junior house on 17 old wild horse road were he JONTY SINGLETON SENIOR, and Aaron Scott Young Senior and Aaron Scott Young Junior all got out of the truck and were talking for a while then Aaron Scott Young Senior and Aaron Scott Young Junior got back into there truck and left again. THIS IS THE FIRST TIME THAT Aaron Scott Young Junior and Aaron Scott Young Senior returned home, back to there home on 17 old wild horse road before VICTIM K. S.

was shot and killed.
 FOR PROOF REVIEW PAGE 468 PARAGRAPHS 10, 11, 12, 13, 14, 15
 AND 16 AND PAGE 473 PARAGRAPHS 19, 20, 21, 22, 23, 24,
 AND 25 AND PAGE 474 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9, 10,
 11, 12, 13, 14, 15, 16, 17 AND 18 OF TRIAL TRANSCRIPT

COLLABORATING TESTIMONY AND SECOND RETURN TO OLD WILD HORSE ROAD BEFORE KHALIL WAS SHOT AND KILLED

✓ AT TRIAL ARRESTING OFFICER LAUREL ALBERTIN,
 TESTIFIED IN TYRONE ROBINSON DEFENSE.
 THAT AARON SCOTT YOUNG JUNIOR CONFESSED TO HER.
 THAT AFTER HE AARON SCOTT YOUNG JUNIOR AND
 AARON SCOTT YOUNG SENIOR ENCOUNTERED TYRONE
 ROBINSON ON OAKVIEW ROAD AND TRIED TO
 SHOOT AND KILL TYRONE ROBINSON BUT THE GUN
 JAMMED. HE AARON SCOTT YOUNG JUNIOR AND AARON
 SCOTT YOUNG SENIOR WENT BACK HOME AND RETURNED
 TO THERE HOME ON OLD WILD HORSE ROAD A
 SECOND TIME, WHICH THIS IS THE SECOND TIME
 THAT AARON SCOTT YOUNG JUNIOR AND AARON SCOTT
 YOUNG SENIOR RETURNED TO THERE HOME ON OLD
 WILD HORSE ROAD, BEFORE VICTIM K.S. [REDACTED]

764
 12-18

766
 4-25

767
 1-2

1 [REDACTED] was shot and killed. FOR PROOF REVIEW
 PAGE 764 PARAGRAPHS 12, 13, 14, 15, 16, 17 AND 18 AND 12.
 PAGE 766 PARAGRAPHS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
 17, 18, 19, 20, 21, 22, 23, 24, AND 25 AND PAGE 767 PARAGRA-
 -PHS 1 AND 2 OF TRIAL TRANSCRIPT

CONFESS I O N

✓ AT TRIAL TYRONE LORENZA ROBINSON TESTIFIED
 THAT WHEN HE WENT TO ALLEN ROAD HE HAD
 HIS CAR AT SAVOYA HOUSE ON ALLEN ROAD.
 TO HIDE THE CAR FROM THE F-150 THAT AARON
 SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG
 JUNIOR WERE RIDING IN. FOR PROOF REVIEW
 PAGE 849 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, AND 25

CONFESS I O N

✓ AT TRIAL TYRONE LORENZA ROBINSON TESTIFIED
 THAT AFTER HE PARKED HIS CAR AT SAVOYA HOUSE.
 HE WALKED OVER TO CHARLESE HOUSE AND
 CALLED HIS COUSIN PATRICK WHO WAS IN
 SAVANNAH GEORGIA AT THE TIME. THEN

he called his cousin EARNEST BRYANT who was also in Savannah Georgia at the time. TYRONE testified that he told his cousin PATRICK and his cousin EARNEST BRYANT that somebody was trying to kill him. TYRONE testified that his call with his cousin PATRICK lasted for about ten minutes.

TYRONE testified that he was trying to find some place to go hide because Aaron Senior and Aaron Junior were trying to kill him. TYRONE testified that his cousin EARNEST BRYANT told him to come meet him in Savannah Georgia and he was going to meet him there. FOR PROOF REVIEW page 852 paragraph 2 and 3 and page 853 paragraphs 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23

CONFESS I O N

13.

AT TRIAL TYRONE testified that he was about to go to Savannah Georgia to meet his cousin EARNEST BRYANT, because he told him to meet him in Savannah Georgia, and that is how he was going to get off the island away from Aaron Senior and Aaron Junior.

TYRONE ROBINSON testified that while he was standing in the yard about to go, he was staring at Marshland Road about to leave and at that time the F-150 pulled up and as soon as he seen that truck he ran and heard gun shots.

TYRONE testified that he was behind Charles's house looking at Allen Road and the truck that was directly across from where he was hiding was shooting at him.

TYRONE testified that when he looked up again the truck was backing up from shooting up his car. FOR PROOF REVIEW page 857 paragraphs 3, 4, 5, and 6 and paragraphs 18, 19, 20, 21, 22, 23, 24, and 25 and page 858 paragraphs 1, 2, 3 and 4 and page 859 paragraphs 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 and page 860 paragraphs 2 and 2

COLLABORATING TESTIMONY
AND THIRD TIME AARON SENIOR
AND AARON JUNIOR LEFT FROM THERE
HOME ON [REDACTED] OLD WILD HORSE ROAD
TO GO ATTEMPT TO MURDER TYRONE
ROBINSON ON ALLEN ROAD, WHEN
K. S. [REDACTED] WAS SHOT AND KILLED

AT TRIAL ARRESTING OFFICER LAUREL
ALBERTIN TESTIFIED IN TYRONE ROBIN-
-SON DEFENSE. THAT AARON SCOTT YOUNG
JUNIOR CONFESSED TO HER THAT HE AARON
SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG
SENIOR LEFT FROM THERE HOUSE ON [REDACTED] OLD WILD
HORSE ROAD WITH THERE GUN, AND DROVE TO
ALLEN ROAD LOOKING FOR TYRONE ROBINSON.
ARRESTING OFFICER LAUREL ALBERTIN TESTIFIED
THAT AARON SCOTT YOUNG JUNIOR CONFESSED TO HER, THAT
HE AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR
SHOT TYRONE ROBINSON CAR UP ON ALLEN ROAD.
ARRESTING POLICE OFFICER LAUREL ALBERTIN TESTIFIED 19.
AT TRIAL. THAT AARON SCOTT YOUNG JUNIOR CONFESSED

IF HE AARON SCOTT YOUNG JUNIOR AND AARON SCOTT
YOUNG SENIOR WOULD OF NEVER WENT TO ALLEN
ROAD, AS HE EXPLAINED THEY DID NOT
K. S. [REDACTED] WOULD NOT BE DEAD NOW.

VIEWING THE EVIDENCE IN THE LIGHT OF THE STATE OF
SOUTH CAROLINA. THE CONCLUSIVE EVIDENCE IN THIS
CASE PROVES THAT THIS IS THE THIRD TIME AARON SCOTT
YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR LEFT FROM
THEIR HOUSE ON 17 OLD WILD HORSE ROAD. TO GO ATTEMPT
TO MURDER TYRONE ROBINSON ON ALLEN ROAD FOR THE
THIRD SEPARATE INDIVIDUAL TIME, WHICH VICTIM
K. S. [REDACTED] WAS SHOT AND KILLED AS A NATURAL
AND PROBABLE CONSEQUENCE OF. FOR PROOF REVIEW
PAGE 760 PARAGRAPHS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
23, 24 AND 25 AND PAGE 761 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9,
10, 11, 12, 13, 4, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25 AND
PAGE 762 PARAGRAPHS 15, 16, 17, 18, AND 19

CONFESS ION

AT TRIAL TYRONE ROBINSON TESTIFIED THAT HE FLED FROM
AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG
SENIOR ON OAKVIEW ROAD, AND HE FLED FROM THEM ON [REDACTED] OLD WILD HORSE
ROAD, AND HE FLED FROM THEM AGAIN AARON SCOTT YOUNG SENIOR 881
YARD. IF AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR 1-5
WOULD OF PUT ENOUGH EFFORT INTO AVOIDING THEM, K. S. [REDACTED]
EFFORT INTO FLEEING FROM THEM AND AVOIDING THEM, K. S. [REDACTED]
WOULD OF STILL BE ALIVE TODAY. FOR PROOF REVIEW
PAGE 845 PARAGRAPHS 22, 23, 24 AND 25 PAGE 881 PARAGRAPHS
22, 23, 24 AND 25 AND PAGE 881 PARAGRAPHS 1, 2, 3, 4, 5,
6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25
OF TRIAL TRANSCRIPT

TESTIMONY

OF FORENSIC EXPERT DANA FREESE

INSIDE OF THIS CASE STATES EXHIBIT 34 IS A
GREY PLAIN LEAD BULLET THAT WAS RETRIEVED
FROM OUT OF THE BODY OF VICTIM [REDACTED] K.S.

ALSO INSIDE OF THIS CASE STATES EXHIBIT 30 IS
A FULL METAL JACKETED BULLET THAT WAS
ALLEGEDLY RECOVERED FROM A HOUSE ON WILD
HORSE ROAD, THAT THE STATE OF SOUTH CAROLINA
IS ALLEGING WAS FIRED THRU THE GUN BARREL
OF TYRONE ROBINSON GUN.

AT TRIAL ON CROSS EXAMINATION FORENSIC
EXPERT DANA FREESE CONFESSED TO ATTORNEY
ARTE DAVID BAX THAT HE (AKA) FORENSIC EXPERT
DANA FREESE **COULD NOT** CONCLUSIVELY

DETERMINE IF THE PLAIN LEAD GREY BULLET
STATES EXHIBIT 34 THAT WAS RETRIEVED FROM OUT
OF THE BODY OF VICTIM [REDACTED] K.S.
WAS FIRED THRU THE SAME GUN BARREL OF THE
GUN BARREL OF THE FULL METAL JACKETED
BULLET STATES EXHIBIT 30 THAT WAS RETRIEVED
FROM OUT OF A HOUSE ON WILD HORSE ROAD.
THAT THE STATE OF SOUTH CAROLINA IS ALLEGING
WAS FIRED THRU THE GUN BARREL OF TYRONE
ROBINSON GUN.

AT TRIAL ON CROSS EXAMINATION FORENSIC
EXPERT DANA FREESE CONFESSED TO ATTORNEY
ARTE DAVID BAX THAT EVEN IF HE (AKA) FORENSIC
EXPERT DANA FREESE HAD THE GUN THAT VICTIM
[REDACTED] K.S. WAS SHOT AND KILLED WITH.

HE STILL **COULD NOT** GUARANTEE

THAT HE WOULD GET A MATCH BETWEEN
THE GREY PLAIN LEAD BULLET STATES EXHIBIT 34
AND THE FULL METAL JACKETED BULLET STATES
EXHIBIT 30

THEFORE AS A MATTER OF LAW THE CONCLUSIVE
TESTIMONY FROM FORENSIC EXPERT DANA
FREESE TESTIMONY REVEALS THAT FORENSIC
EXPERT DANA FREESE WAS ABSOLUTELY UNABLE
TO DETERMINE IF THE GREY PLAIN LEAD BULLET
FROM STATES EXHIBIT 34 MATCHED THE SAME GUN
BARREL OF THE FULL METAL JACKETED BULLET FROM
STATES EXHIBIT 30. FOR PROOF I QUOTE THE TESTIMONY

FROM TRIAL ON CROSS EXAMINATION OF
FORENSIC EXPERT DAN DA FREESE. "QUOTEING"

STATE OF SOUTH CAROLINA

V.S.

TYRONE ROBINSON

"QUOTEING" FROM PAGE 642 PARAGRAPHS 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22, 23, 24, AND 25 AND
PAGE 643 PARAGRAPHS 1, 2, 3, 4, 5 AND 6 OF TRIAL
TRANSCRIPT
ATTORNEY ARTE DATED
BOX QUESTION "QUOTEING"

THERE IS A COMBINATION OF THINGS HERE
THAT I WANT TO TALK ABOUT. OBVIOUSLY
AS YOU'VE SAID THERE IS DIFFERANT
CONSTRUCTION ON THESE TWO BULLETS. ONE HAS THE
JACKET AND ONE IS PLAIN LEAD AND THAT
AFFECTS HOW THE OUTSIDE SURFACE IS AFFECTED
BY THE BARREL IS THAT CORRECT?

ANSWER FROM
FORENSIC EXPERT
DAN DA FREESE

IT DOES, ONE IS HARDER THAN THE OTHER.

QUESTION FROM
ATTORNEY ARTE
DATED BOX

OKAY. BUT IN THE END THOSE DIFFERENCES AND THE
DAMAGE WERE PART OF THE REASON WHY YOU CAN'T
CONCLUSIVELY SAY THEY WERE FIRED FROM THE
SAME GUN, CORRECT?

ANSWER FROM
FORENSIC EXPERT
DAN DA FREESE

THAT'S CORRECT

QUESTION FROM
ATTORNEY ARTE
DATED BOX

ANOTHER REASON OBVIOUSLY YOU DON'T HAVE A GUN
TO COMPARE CORRECT

ANSWER FROM
FORENSIC EXPERT
DAN DA FREESE

IT WOULD BE SOMEWHAT EASIER IF WE HAD THE CORRECT
GUN IN THAT IF WE HAD THE CORRECT GUN WE COULD
TEST FIRE IT WITH BOTH JACKETED TEST AMMUNITION

and with plain lead test ammunition where we might have an increased chance of achieving a match -

QUESTION FROM
ATTORNEY ARTE
DAVID BOX

BUT IS NOT GUARANTEED THAT YOU WOULD GET
A MATCH EVEN WITH THE FIRE ARM PRESENT?

ANSWER FROM
FORENSIC EXPERT
DAN DA FREESE
ABSOLUTELY

QUOTEING FROM PAGE 646 PARAGRAPHS 24
AND 25 AND PAGE 647 PARAGRAPHS 1, 2, 3, 4,
5, AND 6 OF TRIAL TRANSCRIPT "QUOTEING"

QUESTION FROM
ATTORNEY ARTE
DAVID BOX

OKAY. NOW AS A RESULT OF THAT, AND LIKE I
SAID BEFORE THEY HAVE BASICALLY THE SAME
RIFLING CHARACTERISTICS EIGHT LANDS AND GROOVES
A RIGHT TWIST BUT YOU CAN NOT SAY FOR CERTAIN
THEY WERE FIRED FROM THE SAME GUN. AND IT IS
POSSIBLE THAT THEY COULD HAVE BEEN FIRED FROM
TWO DIFFERANT 38 CALIBER REVOLVERS MADE
BY ANY OF THESE MANUFACTURERS ISN'T THAT TRUE?

ANSWER FROM
FORENSIC EXPERT
DAN DA FREESE

YES SIR THAT IS TRUE

TESTIMONY OF CHARLESE MITCHELL

AT TRIAL CHARLESE JACKSON TESTIFIED THAT WHEN
SHE HEARD THE GUN SHOTS SHE TOLD THE KIDS TO COME
INSIDE OF THE HOUSE. TVRONE, [REDACTED] and
[REDACTED] RAN THE OTHER WAY
TOWARD AUNT VERA HOUSE TOWARDS THE DIRECTION

THAT IDENTIFIED AS ALLEN ROAD ON THE MODEL
SUBMITTED AT TRIAL BY THE STATE OF SOUTH CAROLINA.
FOR PROOF REVIEW PAGE 332 PARAGRAPHS 21,
22, 23, 24 AND 25 AND PAGE 333 PARAGRAPHS
1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 AND 16 AND
PAGE 343 PARAGRAPHS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, AND 25
AND PAGE 344 PARAGRAPHS 1, 2 AND 3 OF
TRIAL TRANSCRIPT

TESTIMONY OF TYRONE DELANEY

AT TRIAL TYRONE DELANEY TESTIFIED THAT AFTER
HE HEARD GUN SHOTS, HE YELLED AT THE KIDS AND
TOLD THEM TO COME INSIDE OF THE HOUSE. HIS SON
X. D. [REDACTED] HIS SON RAN TO THE HOUSE, BUT THE
OTHER TWO J. S. [REDACTED] AND K. S. [REDACTED]
RAN THE OTHER WAY TOWARDS WHERE THEY LIVED
AT, WHICH IS IDENTIFIED AS ALLEN ROAD DIRECTION
ON THE MODEL THAT THE STATE OF SOUTH CAROLINA
SUBMITTED AT TRIAL, FOR PROOF REVIEW PAGE 359
PARAGRAPHS 21, 22, 23, 24, AND 25 AND PAGE
360 PARAGRAPHS 1, 2, 3, 4, 5, 6, 7, AND 8 AND
PAGE 365 PARAGRAPHS 17, 18, 19, 20, 21, 22, 23, 24,
AND 25 AND PAGE 366 PARAGRAPHS 1, 2, 24 AND 25
AND PAGE 367 PARAGRAPHS 1 AND 2 OF TRIAL TRANSCRIPT

TESTIMONY OF BRITNEY BRINSON

AT TRIAL BRITNEY BRINSON TESTIFIED, THAT SHE
SAW TYRONE ROBINSON POSITIONED IN A AREA
BEHIND HER HOUSE WALKING WITH TWO 40 OZ
BOTTLES OF BEER INSIDE OF HIS HAND. AT THE
IMMEDIATE TIME SHE SAW K. S. [REDACTED]
RUNNING AND FALL WHEN HE WAS SHOT AND
KILLED. BRITNEY BRINSON TESTIFIED

That [redacted] K. S. and [redacted] J. S. were running towards her direction and she could have seen their face.

BRITNEY BRINSON testified that when she heard the gun shots, and saw [redacted] K. S. running and fall when he was shot and killed. She looked out of the window of her back door. She saw TYRONE ROBINSON walking between the two buildings behind her house which is identified as 10 ALLEN ROAD ON THE MODEL THAT THE STATE OF SOUTH CAROLINA submitted at TRIAL.

BRITNEY BRINSON testified that she did not see TYRONE ROBINSON with a gun. FOR PROOF REVIEW page 385 paragraphs 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 and page 386 paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 and page 387 paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 and page 388 paragraphs 9, 10 and 11 OF TRIAL TRANSCRIPT

COLLABORATING TESTIMONY OF TYRONE ROBINSON

✓ AT TRIAL TYRONE ROBINSON testified that he did see BRITNEY BRINSON stand on the porch in back of her house, when he was walking between the two buildings behind BRITNEY BRINSON house with two 40 oz bottle of beers in all both of her hands.

AT TRIAL TYRONE ROBINSON testified that the two buildings that BRITNEY BRINSON saw him walking between behind her house is the address of TEN ALLEN ROAD. FOR PROOF REVIEW page 860 paragraphs 19, 20, 21, 22, 23, 24, and 25 and page 861 paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 OF TRIAL TRANSCRIPT

TABLE SIZE MODEL OF ALLEN ROAD

AT TRIAL THE STATE OF SOUTH CAROLINA SUBMITTED A TABLE SIZED MODEL OF THE ALLEN ROAD AREA AND MARSHLAND ROAD AREA. THAT K. S. [REDACTED] WAS SHOT AND KILLED AT [REDACTED] ON THE STATE OF SOUTH CAROLINA VERY OWN TABLE SIZE MODEL OF THE ALLEN ROAD AREA IT SHOW

AND PROVES THAT THE 10 ALLEN ROAD AREA THAT BRITANY BRINSON SAW TYRONE ROBINSON POSITIONED AT, AT THE IMMEDIATE TIME K. S. [REDACTED] WAS SHOT AND KILLED. WHILE RUNNING AWAY FROM THE TRAMPALINE TOWARDS HOME TOWARDS THE ALLEN ROAD DIRECTION. IS POSITIONED OVER TO THE FAR RIGHT OF THE RIGHT SIDE OF K. S. [REDACTED] body. THAT K. S. [REDACTED] WAS NOT SHOT

AND KILLED ON. THEREFORE THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE THE STATE OF SOUTH CAROLINA PRESENTED AT TRIAL. PROVES THAT TYRONE ROBINSON WAS POSITIONED TO THE FAR RIGHT SIDE OF THE RIGHT SIDE OF K. S. [REDACTED] body THAT K. S. [REDACTED] WAS NOT SHOT AND KILLED ON. AT THE IMMEDIATE TIME K. S. [REDACTED] WAS SHOT AND KILLED, WHILE K. S. [REDACTED] WAS SHOT AND KILLED, WHILE RUNNING AWAY FROM THE TRAMPALINE, TOWARDS HIS HOME TOWARDS THE ALLEN ROAD DIRECTION.

TESTIMONY OF DR. LEE MARIE TORMOS

✓ AT TRIAL DR. LEE MARIE TORMOS THE FORENSIC pathologist testified that K. S. [REDACTED] WAS SHOT AND KILLED WHILE HE WAS IN A UPRIGHT STANDING RUNNING POSITION. AT TRIAL DR. LEE MARIE TORMOS TESTIFIED. THAT THE BULLET ENTRANCE WOUND IS POSITIONED DIRECTLY ON THE LEFT SIDE OF K. S. [REDACTED] body AND THE BULLET TRAVELED THE PATHWAY IN K. S. [REDACTED] body. OF FROM THE LEFT SIDE OF K. S. [REDACTED] body. DIRECTLY ACROSS TO THE RIGHT SIDE OF K. S. [REDACTED] body, AND THE BULLET WENT STRAIGHT ACROSS TO THE RIGHT SIDE OF K. S. [REDACTED] body AND THE BULLET WENT STRAIGHT ACROSS FROM LEFT TO THE RIGHT SIDE OF K. S. [REDACTED] body, SLIGHTLY UPWARDS. FOR PROOF I QUOTE THE TESTIMONY FROM

TRIAL ON DIRECT EXAMINATION OF DOCTOR
LEE MARIE TORMOS "QUOTEING"
STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

"QUOTEING" FROM PAGE 574 PARAGRAPHS 23, 24,
AND 25 OF TRIAL TRANSCRIPT
QUOTEING FROM
SOLICITOR ISSAC

MC. DUFFIE STONE "QUOTEING"

NOW I'M GOING TO HAND YOU THIS POINTER. SHOW
THE JURY THE TRAJECTORY OF THAT BULLET. I'M NOT
SURE WHERE I WAS. THIS ANGLE I GUESS, YES MA'AM

"QUOTEING" FROM PAGE 575 PARAGRAPHS 4, 2, 3, 4, AND
5 OF TRIAL TRANSCRIPT

ANSWER FROM
FORENSIC PATHOLOGIST
DR. LEE MARIE TORMOS

SO LEFT TO RIGHT AT THE MID CHEST

QUOTEING FROM
SOLICITOR ISSAC
MC. DUFFIE STONE

MAKE SURE EVERYBODY ON THE JURY CAN SEE IT.

ANSWER FROM
FORENSIC PATHOLOGIST
DR. LEE MARIE TORMOS

THE TRAJECTORY OF THE BULLET IS LIKE THIS.

IT IS LEFT TO RIGHT SLIGHTLY UPWARDS AND
IT DOESN'T HAVE A SIGNIFICANT FORWARD OR
BACKWARD DEVIATION

"QUOTEING" FROM PAGE 577 PARAGRAPHS 15, 16, AND
17 OF TRIAL TRANSCRIPT

ANSWER FROM
FORENSIC PATHOLOGIST
DR. LEE MARIE TORMOS

SO I CAN SAY THAT THE CHILD WAS STANDING OR
UPRIGHT AND THE SHOT CAME FROM THE LEFT SIDE
OF HIS BODY. NOW WHICH WAY HIS BODY WAS
FACING I DON'T KNOW

TESTIMONY OF FORENSIC EXPERT DAN DAFREESE

✓ AT TRIAL FORENSIC EXPERT DAN DAFREESE TESTIFIED THAT, STATES EXHIBIT 34 THE PLAIN LEAD PROJECTILE DID NOT HAVE ANY INDICATION THAT IT HIT A ROCK OR A TREE OR ANYTHING BEFORE IT STRUCK VICTIM K. S. [REDACTED] FOR PROOF REVIEW PAGE 649, PARAGRAPHS 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 AND 23 OF TRIAL TRANSCRIPT - EPT

CLOSING ARGUMENT OF ATTORNEY ARLE DAVID BAX

AT TRIAL ATTORNEY ARLE DAVID BAX IN HIS CLOSING ARGUMENT, EX PLAINED TO THE JURY, THAT ALL THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED IN THE CASE POINTS TO ONE FACT. THAT WHEN K. S. [REDACTED] WAS SHOT AND KILLED HE WAS RUNNING HOME, WHICH MEANS THAT TYRONE ROBINSON DID NOT SHOOT AND KILL VICTIM K. S. [REDACTED] BECAUSE K. S. [REDACTED] LEFT SIDE THAT HE WAS SHOT AND KILLED ON, WAS FACING TOWARDS THE ROAD WHEN HE WAS RUNNING AWAY FROM THE TRAMPALINE, TOWARDS HOME IN ALLEN ROAD DIRECTION. AND EVERY WITNESS THAT THE STATE OF SOUTH CAROLINA PUT UP IN THIS CASE PUTS TYRONE ROBINSON ON THE RIGHT SIDE OF K. S. [REDACTED] WHEN HE WAS RUNNING AWAY FROM THE TRAMPALINE TOWARDS ALLEN ROAD DIRECTION. FOR PROOF I QUOTE THE CLOSING ARGUMENT FROM ATTORNEY ARLE DAVID BAX "QUOTING"

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

✓ "QUOTING" FROM PAGE 949, PARAGRAPHS 21, 22, 23, 24 AND 25 AND PAGE 950 PARAGRAPHS 1, 2, 3 AND 4 OF TRIAL TRANSCRIPT CLOSING ARGUMENT OF ATTORNEY ARLE DAVID BAX

THE EVIDENCE ALL POINTS TO THE FACT THAT WHEN VICTIM K. S. [REDACTED] WAS STRUCK HE WAS

Running home. What does that mean? Ladies and gentleman I submit to you that it means absolutely TYRONE ROBINSON did not shoot [REDACTED] because his left side would have been facing the road if he is running in this direction his left side would have been facing the road. And every witness that has been put up puts TYRONE ROBINSON on the right side of where he was running.

CONFESSION

FROM SOLICITOR ISAAC MC. DUFFIE STONE AND THE STATE OF SOUTH CAROLINA ON CLOSING ARGUMENT

1ST CONFESSION

At trial the state of South Carolina and its solicitor ISAAC MC. DUFFIE STONE, confessed to the jury at trial, that victim [REDACTED] was shot and killed on his left side that the bullet entrance wound is on, for proof I quote the following from the trial transcript "quoting"

State of South Carolina

VS.

TYRONE ROBINSON

"quoting" from page 968 paragraphs 19 and 20 of solicitor ISAAC MC. DUFFIE STONE closing argument "quoting"
now that brings up two points, [REDACTED] was shot in his left side. That's absolutely true

2ND CONFESSION

At trial the state of South Carolina and its solicitor ISAAC MC. DUFFIE STONE, confessed that Marshland road that the truck attackers Aaron Scott Young senior and Aaron Scott Young junior [REDACTED] was traveling on at the immediate time victim [REDACTED] was shot and killed, is positioned over to the

LEFT SIDE OF ~~K. S.~~ body, THAT VICTIM
~~KHALIL SIMPLETON~~ WAS SHOT AND KILLED ON. FOR
 PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANS-
 -SCRIPT

STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

"QUOTING" FROM PAGE 968 PARAGRAPHS 23, 24 AND
 25 OF SOLICITOR ISAC MC. DUFFIE STONE
 CLOSING ARGUMENT "QUOTING"
 AND THE HIGHWAY, MARSHLAND ROAD, THIS ROAD
 HERE IS TO HIS LEFT, THATS CORRECT

SPECULATION

OF FALSE LIES

THE DIRECT EVIDENCE AND CIRCUMSTANTIAL
 - EVIDENCE DISPROVES

AT TRIAL SOLICITOR ISAC MC. DUFFIE STONE, TRICKED AND
 DECEIVED THE JURY INTO SPECULATING ON FALSE LIES
 THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL
 EVIDENCE IN THIS CASE DISPROVES AND PROVES DID
 NOT OCCUR IN THIS CASE. BY SOLICITOR ISAC
 MC. DUFFIE STATE STATING TO THE JURY ON
 PAGE 968 PARAGRAPHS 25 AND PAGE 969, PARAGR-
 -APHS 1, 2, 3, 4, 5, 6, 7, AND 8 OF TRIAL TRANSCRIPT
 "QUOTING"

ASSUMING THAT AN EIGHT YEAR OLD DOES ONE
 DIRECTION AND ONE DIRECTION ONLY. AND I DON'T
 KNOW HOW MANY EIGHT YEAR OLDS YOU'VE BEEN
 AROUND BUT GENERALLY THEY DON'T. AND EVEN
 IF THEY DID, EVEN IF THEY DID, HE FORGOT HIS
 FOUR-WHEELER. HE WAS ON THE TRAMPALINE WHEN
 CHARLESE SAID GO HOME, GO OUT, GO. HE RUNS THIS
 WAY. HE LEFT HIS FOUR WHEELER. ADULTS MAY NOT
 STOP TO TURN AROUND AND GO BACK AND GET IT BUT

a child would.

every witness that the state of south carolina put on the stand in this case, testified that victim K.S. ran away from the trampoline, towards his home, towards allen road direction only at all times in this case.

every witness that the state of south carolina put on the stand in this case, testified that victim K.S. was running away from the trampoline, towards his home towards allen road direction at the immediate time victim K.S. was shot and killed and fell.

The direct evidence and circumstantial evidence that the state of south carolina submitted at trial, proves that when victim K.S. was running away from the trampoline towards his home towards allen road direction, when he was shot and killed and fell, victim K.S. absolutely **"did NOT"** turn around and ran back towards the trampoline for his four wheeler.

The direct evidence and circumstantial evidence in this case, proves that solicitor Isaac Mc. Duffie stone speculated false, lies to the jury and tricked and deceived the jury into deliberating on and deciding on speculated false lies. That resulted in the jury finding me guilty on **"SPECULATION"** LIES and FALSE ACCUSATIONS. That the direct evidence and circumstantial evidence in this case proves **"did NOT OCCUR"**.

ALSO THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE DISPROVES, AS A MATTER OF LAW A PERSON CAN NOT BE FOUND GUILTY ON SPECULATION AND ASSUMPTION. FOR PROOF REVIEW

CASE LAW OF

THE STATE OF VIRGINIA COURT OF APPEALS

LITTLE JOHN VS. COMMONWEALTH QUOTING

THE STATE OF VIRGINIA COURT OF APPEALS

THE STATE OF VIRGINIA COURT OF APPEALS

THE STATE OF VIRGINIA COURT OF APPEALS

THE STATE OF VIRGINIA COURT OF APPEALS

THE STATE OF VIRGINIA COURT OF APPEALS

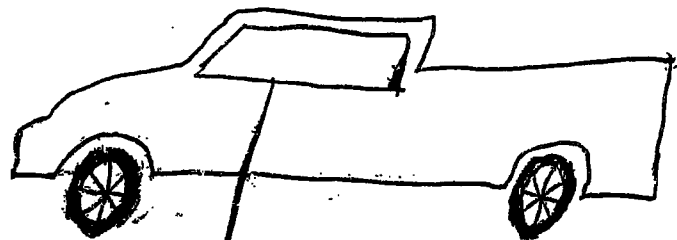
THE STATE OF VIRGINIA COURT OF APPEALS

THE STATE OF VIRGINIA COURT OF APPEALS

THE STATE OF VIRGINIA COURT OF APPEALS

THE STATE OF VIRGINIA COURT OF APPEALS

THE STATE OF VIRGINIA COURT OF APPEALS



MARSHLAND ROAD THAT TRUCK AARON SENIOR
AND AARON JUVOR WAS RIDING IN WAS
TRAVELING ON

DIRECTION
OF BULLET

AS A MATTER OF LAW THIS DIAGRAM SHOW AND PROVE.
THAT IF SOMEONE WOULD OF SHOT A BULLET FROM OUT
OF THE TRUCK OR FROM THE MARSHLAND ROAD AREA
INTO THE ALLEN ROAD AREA TOWARDS F TYRONE ROBIN-
SON DIRECTION AND TOWARDS VICTIM K. S. [REDACTED]
DIRECTION. WHILE VICTIM K. S. [REDACTED] WAS
RUNNING AWAY FROM THE TRAMPALINE, TOWARDS HOME
TOWARDS THE ALLEN ROAD DIRECTION. AS ALL OF THE
STATE OF SOUTH CAROLINA WITNESSES AT TRIAL. TESTIFIED
IS THE ONLY DIRECTION VICTIM K. S. [REDACTED] WAS
RUNNING IN AT THE IMMEDIATE TIME VICTIM K. S. [REDACTED]
WAS SHOT AND KILLED.

THE BULLET WOULD OF SLACK VICTIM K. S. [REDACTED]
ON THE LEFT SIDE OF K. S. [REDACTED] BODY, AND THE
TRAJECTORY OF THE BULLET WOULD OF TRAVELED THE
PATHWAY OF. FROM "LEFT TOWARDS RIGHT" IN K. S. [REDACTED]

K. S. [REDACTED] BODY TOWARDS F TYRONE
ROBINSON DIRECTION.

LEFT SIDE OF BODY THAT K. S. [REDACTED]
WAS SHOT AND KILLED
ON. AS FORENSIC PATHOLOGIST
DR. LEE MARIE TORMO TESTIFIED TO

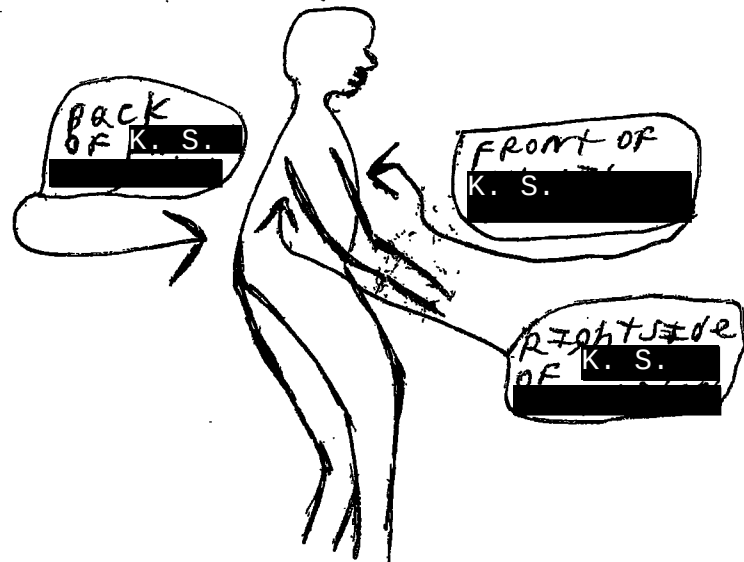
THEREFORE AS A MATTER OF LAW THE
DIRECT EVIDENCE AND CIRCUMSTANTIAL
EVIDENCE. THAT THE STATE OF SOUTH CAROLINA
SUBMITTED AGAINST ME AT TRIAL. PROVES THAT
IT IS LITERALLY IMPOSSIBLE FOR F TYRONE
ROBINSON TO SHOOT AND KILL VICTIM
K. S. [REDACTED].

AS A MATTER OF LAW PROVING THAT BASED ON
THE DIRECT EVIDENCE AND CIRCUMSTANTIAL
EVIDENCE THAT THE STATE OF SOUTH CAROLINA
SUBMITTED AGAINST ME AT TRIAL. THE
STATE OF SOUTH CAROLINA FAILED TO PROVE
THEIR BURDEN OF PROOF ENTITLING ME TO
A DIRECTED VERDICT OF ACQUITTAL AS A
MATTER OF LAW.

BACK
OF K. S. [REDACTED]

FRONT OF
K. S. [REDACTED]

RIGHT SIDE
OF K. S. [REDACTED]



CONCLUSIVE TESTIMONY

AT TRIAL the state of south carolina very own forensic expert DAN DAFFRESE testified that all of the fired bullets retrieved from out of the bullet holes on TYRONE ROBINSON car. were determined to be positively matched to and fired thru. The barrel of the master piece arms nine millimeter gun with the thirty two round clip and suppressor that police officer BOB BROMAGE retrieved from Aaron Scott Young Senior and Aaron Scott Young Junior for proof review page 636 paragraph 10, 11, 12, 13, 14, 15, 16, 17 and 18, 22, 23, 24 and 25 and page 637 paragraph 1. of TRIAL TRANSCRIPT

CONFESSSION OF RESPONSIBILITY

AT TRIAL police Sgt. LAUREL ALBERTIN testified in the TYRONE ROBINSON defense. That Aaron Scott Young Junior confessed to her "quote" "I did it" "unquote" if we would of never went down there the LFL boy would of never died

by Aaron Scott Young Junior very own confession. Aaron Scott Young Junior confessed and explained that he Aaron Scott Young Junior and Aaron Scott Young Senior very own actions. of driving back and fourth from there neighborhood on 17 old wild horse road, to go attack try to shoot and kill and attempt to murder TYRONE ROBINSON with a deadly weapon. one of which a master piece arms nine millimeter gun. equipped with a thirty two round clip and a suppressor and what ever else gun they had. is responsible for [REDACTED] being shot and killed and by Aaron Scott Young Junior very own confession. That "quote" "I did it" "unquote" if we would of never went down there the LFL boy would of never died

proves that by Aaron Scott Young Junior very own confession. The victim [REDACTED] death is a natural or probable consequence of Aaron Scott Young Junior, and Aaron Scott Young Senior [REDACTED] dangerous felony of attempt to murder a victim TYRONE ROBINSON. in TYRONE ROBINSON neighborhood that TYRONE ROBINSON lived at on Allen Road. for proof review page 762 paragraphs 15, 16, 17, 18 and 19 of TRIAL TRANSCRIPT

ATTEMPTED MURDER

OF VICTIM TYRONE ROBINSON, SOUTH CAROLINA CODE OF LAW 16-03-29 VIOLENT CRIME AS DEFINED IN SECTION 16-03-60 COMMITTED BY ATTACKERS AARON SCOTT YOUNG JUNIOR

ON INDICTMENT # 2012-65-07-01940 THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISRAEL MC. DUFFIE STONE, CHARGED AARON SCOTT YOUNG JUNIOR WITH THE CRIME AND FELONY OF ATTEMPTED MURDER OF VICTIM TYRONE ROBINSON. INDICTMENT # 2014-65-07-01940 STATES "QUOTING"

"THAT IN BEAUFORT COUNTY SOUTH CAROLINA, ON OR ABOUT SEPTEMBER 25, 2012 THE DEFENDANT, AARON YOUNG JUNIOR WITH INTENT TO KILL AND MALICE AFORETHOUGHT EITHER EXPRESS OR IMPLIED, ATTEMPTED TO MURDER THE VICTIM, TYRONE ROBINSON IN VIOLATION OF SECTION 16-03-29 OF THE CODE OF LAWS OF SOUTH CAROLINA (2010, AS AMENDED

ON FEBRUARY 2ND OF 2015 THE JURY AT TRIAL FOUND AARON SCOTT YOUNG JUNIOR GUILTY OF COMMITTING THE CRIME OF ATTEMPTED MURDER S.C. CODE OF LAW 16-03-29 AGAINST VICTIM TYRONE ROBINSON AT THE IMMEDIATE TIME VICTIM K. S. WAS SHOT AND KILLED. AS A RESULT TRIAL JUDGE THOMAS COOPER SENTENCED AARON SCOTT YOUNG JUNIOR TO THIRTY YEARS IMPRISONMENT FOR COMMITTING THE CRIME OF ATTEMPTED MURDER S.C. CODE OF LAW 16-03-29 AGAINST VICTIM TYRONE ROBINSON AT THE IMMEDIATE TIME VICTIM K. S. WAS SHOT AND KILLED 16.

MURDER

OF VICTIM K. S. SOUTH CAROLINA CODE OF LAW 16-3-10

ON FEBRUARY 2ND 2015 THE JURY AT TRIAL FOUND AARON SCOTT YOUNG JUNIOR GUILTY OF MURDER OF VICTIM K. S.

ATTEMPTED MURDER

OF VICTIM TYRONE ROBINSON, SOUTH CAROLINA CODE OF LAW 16-03-29 VIOLENT CRIME AS DEFINED IN SECTION 16-1-60 COMMITTED BY ATTACKERS AARON SCOTT YOUNG SENIOR

ON INDICTMENT # 2014 65 07 01941 THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISRAEL MC. DUFFIE STONE, CHARGED AARON SCOTT YOUNG SENIOR WITH THE CRIME AND FELONY OF ATTEMPTED MURDER OF VICTIM

TYRONE ROBINSON INDICTMENT # 2014-65-07-1941
 "QUOTE" THAT IN BEAUFORT COUNTY SOUTH CAROLINA, ON OR ABOUT
 SEPTEMBER 25TH 2012 THE DEFENDANT AARON YOUNG
 SENIOR WITH INTENT TO KILL AND MALICE AFORE-
 THOUGHT EITHER EXPRESS OR IMPLIED, ATTEMPTED TO
 MURDER THE VICTIM, TYRONE ROBINSON, IN VIOLATION
 OF SECTION 16-03-29 OF THE CODE OF LAWS OF SOUTH
 CAROLINA (2,010 AS AMENDED)

ON AUGUST 8TH OF 2015 THE JURY AT TRIAL FOUND
 AARON SCOTT YOUNG SENIOR GUILTY OF COMMITTING
 THE CRIME OF ATTEMPTED MURDER S.C. CODE OF LAWS
 16-03-29 AGAINST VICTIM [REDACTED] WAS SHOT
 IMMEDIATE TIME VICTIM [REDACTED] AND KILLED. AS A RESULT TRIAL JUDGE THOMAS COOPER
 SENTENCED AARON SCOTT YOUNG SENIOR TO TWENTY YEARS
 IMPRISONMENT FOR COMMITTING THE CRIME OF ATTEMPTED
 MURDER S.C. CODE OF LAW 16-03-29 AGAINST VICTIM [REDACTED]
 TYRONE ROBINSON AT THE IMMEDIATE TIME VICTIM [REDACTED]
 [REDACTED] WAS SHOT AND KILLED

MURDER SOUTH
 OF VICTIM [REDACTED] CAROLINA CODE OF LAW 16-3-10
 ON AUGUST 8TH 2015 THE JURY AT TRIAL FOUND
 AARON SCOTT YOUNG JUNIOR GUILTY OF MURDER
 OF VICTIM [REDACTED]

RESPONSIBILITY

OF GUILT, FOR VICTIM
 DEATH

AS A MATTER OF LAW THE DIRECT EVIDENCE AND CIRCUM-
 STANTIAL EVIDENCE THAT WAS SUBMITTED AGAINST
 ME AT TRIAL, PROVES THAT ATTACKERS AARON
 SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WERE
 IN THE COMMISSION OF COMMITTING THE INHERENTLY
 DANGEROUS FELONY OF ATTEMPT TO MURDER VICTIM
 TYRONE ROBINSON, AGAINST VICTIM TYRONE ROBIN-
 SON

AS A MATTER OF LAW PROVEING THAT THE DIRECT EVIDENCE
 AND CIRCUMSTANTIAL EVIDENCE THAT WAS SUBMITTED AT
 MY TRIAL INSIDE OF THIS CASE, PROVES THAT ATTACKERS
 AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR
 ARE GUILTY OF COMMITTING THE 2ND ELEMENT
 "ALLEGED" THE DEFENDANT WAS IN THE COMMISSION OF
 COMMITTING A INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA
CASE LAW OF:

FORE V. LEEKE 1995 E.2d 755 "QUOTEING"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT
A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY
EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE
FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH
ARE DONE IN FURTHERANCE OR IN PROSECUTION OF
THE COMMON PURPOSE FOR WHICH THEY COMBINED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA
CASE LAW OF:

STATE OF MONTANA V. MICHAEL VERNON BILLEDGEUX

JR. CASE NO. 99-434 "QUOTEING"

TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE
UNDER THE FELONY MURDER RULE 45-5-102(b) MCA, THE
STATE MUST SHOW THAT

THE PERSON ATTEMPTS TO COMMIT, COMMIT OR IS
LEGALLY ACCOUNTABLE FOR THE ATTEMPT OR COMMITTI-
ON OF FELONY ASSAULT, AGGRAVATED ASSAULT,
OR ANY OTHER FORESEEABLE FELONY

AT TRIAL POLICE SGT. LAUREL ALBERTIN TESTIFIED
IN TYRONE ROBINSON DEFENSE. THAT AARON SCOTT
YOUNG JUNIOR "CONFESSED" TO HER "QUOTEING"

IF WE WOULD OF NEVER WENT DOWN THERE THE
THE BOY WOULD OF NEVER DIED FOR PROOF REVIEW

PAGE 762 PARAGRAPHS 15, 16, 17, 18 AND 19 OF TRIAL
TRANSCRIPT.

AS A MATTER OF LAW THE DIRECT EVIDENCE AND
CIRCUMSTANTIAL EVIDENCE SUBMITTED IN THIS CASE.
PROVES THAT VICTIM K.S. DEATH
IS THE NATURAL OR PROBABLE CONSEQUENCE. OF
THE ATTACKERS AARON SCOTT YOUNG SENIOR AND
AARON SCOTT YOUNG JUNIOR, COMMITTING THE INHERENT-
LY DANGEROUS FELONY OF ATTEMPT TO MURDER
VICTIM TYRONE ROBINSON, AGAINST VICTIM

TYRONE ROBINSON.

AS A MATTER OF LAW PROVEING THAT THE DIRECT EVID-
ENCE AND CIRCUMSTANTIAL EVIDENCE SUBMITTED
AT TRIAL IN THIS CASE. PROVES THAT ATTACKERS
AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG
JUNIOR. ARE GUILTY OF COMMITTING THE

2ND ELEMENT "ALLEGEDING"

DEATH TO THE VICTIM AS A CONSEQUENCE
OF THE DEFENDANTS CONDUCT IN COMMITTING
THAT CRIME

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY FOR PROOF REVIEW CASE LAW MERITS

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA CASE LAW OF.

UNITED STATES OF AMERICA EX REL DAVID ALMEIDA VS. ALFRED T. RUNDLE, WARDEN STATE CORRECTIONAL INSTITUTION, PHILADELPHIA, PENNSYLVANIA 255

F.SUPP 936, 1966 U.S. DIST CASE NO. M-2677 "QUOTE IMP"

THE PENNSYLVANIA SUPREME COURT IN A UNANIMOUS OPINION HELD THAT "WHEN ALMEIDA WAS CONVICTED OF THE CRIME INVOLVED, THE LAW OF THIS COMMONWEALTH WAS THAT WHERE, IN THE COMMISSION OF A FELONY, SUCH AS ROBBERY, A THIRD PERSON IS KILLED BY ONE RESISTING THE FELON OR WHO IS ENDEAVORING TO PREVENT HIS ESCAPE FROM THE SCENE OF THE CRIME, THE FELON IS GUILTY OF MURDER IN THE FIRST DEGREE

ALSO AS A MATTER OF LAW AS THE VICTIM WHO ATTACKED ARON SCOTT YOUNG SENIOR AND ARON SCOTT YOUNG JUNIOR, WERE IN THE COMMISSION OF COMMITTING THE INHERENTLY DANGEROUS FELONY OF ATTEMPT TO MURDER VICTIM TYRONE ROBINSON, AGAINST THAT IS THE INHERENTLY DANGEROUS FELONY, THAT VICTIM K.S. DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF.

AS A MATTER OF LAW IF TYRONE ROBINSON WAS NOT HELPING ARON SCOTT YOUNG SENIOR AND ARON SCOTT YOUNG JUNIOR, COMMITTE THE INHERENTLY DANGEROUS FELONY OF ATTEMPT TO MURDER VICTIM TYRONE ROBINSON, AGAINST VICTIM TYRONE ROBINSON, THAT IS THE INHERENTLY DANGEROUS FELONY, THAT VICTIM K.S. DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF.

AS A MATTER OF LAW PROVING THAT IF TYRONE ROBINSON AM ACTUALLY INNOCENT OF COMMITTING THE

2ND ELEMENT "ALLEGEDLY" death to the victim as a consequence of the defendant's conduct in committing that crime

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY FOR PROOF REVIEW CASE LAW MERITS

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA CASE LAW OF.

UNITED STATES OF AMERICA EX REL DAVID ALMEIDA VS. ALFRED T. RUNDLE, WARDEN STATE CORRECTIONAL INSTITUTION, PHILADELPHIA, PENNSYLVANIA 255

F.SUPP 936, 1966 U.S. DIST CASE NO. M-2677 "QUOTE

IMP" THE PENNSYLVANIA SUPREME COURT IN A UNANIMOUS

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY FOR PROOF REVIEW CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF:

GORE VS. LEEKE 1995 E. 20755 "QUOTEING"

THE COMMON PURPOSE LADIES AND GENTLEMAN MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANYONE BUT IF IN EXECUTING THE COMMON DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL AS FOR INSTANCE, BREAKING IN AND STEALING AND IN THE EXECUTION OF THE COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU / THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THIS COMMON DESIGN THEN LADIES AND GENTLEMAN ALL WHO ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY, AND PARTICIPATING IN THE UNLAWFUL, COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA CASE LAW OF:

STATE OF MONTANA VS. MICHAEL VERNON BILLED EAVX JR. CASE NO. 99-434 "QUOTEING"

TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE UNDER THE FELONY MURDER RULE 45-5-102(b) MCA. THE STATE MUST SHOW THAT:

IN THE COURSE OF THE FORCIBLE FELONY THE PERSON OR ANY OTHER PERSON LEGALLY ACCOUNTABLE FOR THE CRIME CAUSES THE DEATH OF ANOTHER HUMAN BEING

AS A MATTER OF LAW AS THE VICTIM WHO ATTACKERS AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR WERE IN THE COMMISSION OF COMMITTING THE INHERENTLY DANGEROUS FELONY OF ATTEMPT TO MURDER THE VICTIM TYRONE ROBINSON AGAINST.

AS A MATTER OF LAW TYRONE ROBINSON WAS NOT HELPING AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR COMMITTE THE INHERENTLY DANGEROUS FELONY OF ATTEMPT TO MURDER THE VICTIM TYRONE ROBINSON

AGAINST THE VICTIM TYRONE ROBINSON. AS A MATTER OF LAW PROVEING THAT TYRONE ROBINSON AM ACTUALLY INNOCENT OF COMMITTING THE

THE **1ST ELEMENT** "ALLEGING" THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING A INHERENTLY DANGEROUS FELONY

OPINION held that "when ALMEIDA was CONVICTED OF THE CRIME INVOLVED, THE LAW OF THIS COMMON WEALTH WAS THAT WHERE, IN THE COMMISSION OF A FELONY, SUCH AS ROBBERY, A THIRD PERSON IS KILLED BY ONE RESISTING THE FELONY OR WHO IS ENDEAVORING TO PREVENT HIS ESCAPE FROM THE SCENE OF THE CRIME, THE FELON IS GUILTY OF MURDER IN THE FIRST DEGREE

ELEMENTS

REQUIRED TO PROVE CRIMINAL LIABILITY FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GJ-07-01935

IN ORDER TO PROVE THAT A DEFENDANT IS CRIMINALLY LIABLE FOR THE CRIME CHARGED AND ALLEGED IN THE INDICTMENT THAT THEY ARE TRIED ON BEFORE THE JURY AT TRIAL. TWO ELEMENTS MUST BE PROVEN WHICH FIRST ELEMENT REQUIRED TO PROVE CRIMINAL LIABILITY IS: THE DEFENDANT'S CRIMINAL INTENT. AND THE SECOND ELEMENT REQUIRED TO PROVE CRIMINAL LIABILITY IS: THE ACTUAL PHYSICAL ACT CONSTITUTING THE OFFENSE

1ST ELEMENT

1ST ELEMENT REQUIRED TO PROVE CRIMINAL LIABILITY FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GJ-07-01935 IS:

THE DEFENDANT'S CRIMINAL INTENT

AS A MATTER OF LAW A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. IS THE ONE AND ONLY CRIMINAL ACT THAT INDICTMENT # 2012-GJ-07-01935. CHARGE AND ALLEGE VICTIM K.S. [REDACTED] DEATH IS A PROXIMATE RESULT THERE OF.

AS A MATTER OF LAW A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. IS THE ONE AND ONLY CRIMINAL ACT THAT INDICTMENT # 2012-GJ-07-01935. CHARGE AND ALLEGE IS THE CRIMINAL ACT THAT CAUSED VICTIM K.S. [REDACTED] TO BE SHOT AND KILLED. THEREFORE IN ORDER TO PROVE THAT I AM GUILTY BEYOND A REASONABLE DOUBT OF COMMITTING THE FIRST ELEMENT REQUIRED TO PROVE CRIMINAL LIABILITY. IN THIS CASE FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

IT WAS TRIED ON BEFORE THE JURY AT TRIAL - AS A MATTER OF LAW THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE THAT TYRONE ROBINSON ACTED WITH THE CRIMINAL INTENT TO COMMIT A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF MONTANA CASE LAW OF.

STATE OF MONTANA V. RICHARD EARL BURKHART 325 MONT. 27, 103 P. 3d 1037 "QUOTING"

UNDER THE FELONY MURDER RULE, THE STATE WAS NOT RELIEVED OF HAVING TO PROVE A SPECIAL MENTAL STATE SO AS TO CREATE A DUE PROCESS VIOLATION, BUT RATHER, THE STATE WAS ENTITLED TO SUBSTITUTE PROOF OF THE MENTAL STATE NECESSARY TO COMMIT HOMICIDE WITH PROOF OF THE MENTAL STATE REQUIRED TO COMMIT THE UNDERLYING FELONY, THEREFORE THE STATE WAS NOT REQUIRED TO PROVE THAT THE DEFENDANT INTENDED TO KILL THE VICTIM, BUT ONLY THAT HE INTENDED TO COMMIT THE UNDERLYING FELONY OF ASSAULT WITH A WEAPON

AS A MATTER OF LAW THE DIRECT EVIDENCE AND THE CIRCUMSTANTIAL EVIDENCE SUBMITTED IN THIS CASE PROVES THAT ATTACKERS AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WERE ACTING WITH THE CRIMINAL INTENT TO COMMIT THE INHERENTLY DANGEROUS FELONY OF ATTEMPT TO MURDER VICTIM TYRONE ROBINSON AGAINST VICTIM TYRONE ROBINSON. THAT IS THE INHERENTLY DANGEROUS FELONY THAT VICTIM K. S. [REDACTED] DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF. AS A MATTER OF LAW PROVING THAT ATTACKERS AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR ARE THE ONLY ONES WHO ARE GUILTY OF COMMITTING THE 1ST ELEMENT THAT IS REQUIRED TO PROVE CRIMINAL LIABILITY WHICH IS. THE DEFENDANTS CRIMINAL INTENT

2ND ELEMENT

2ND ELEMENT REQUIRED TO PROVE CRIMINAL LIABILITY FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRIT UP OF INDICTMENT #2012-GS-07-01935

IS THE ACTUAL PHYSICAL ACT CONSTITUTING THE OFFENSE

AS A MATTER OF LAW INDICTMENT #2012-GJ-07-01935 CHARGES AND ALLEGES, THAT THE CRIMINAL ACT OF A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. IS THE ONE AND ONLY PHYSICAL ACT THAT INDICTMENT # 2012-GJ-07-01935 CHARGE AND ALLEGE VICTIM K. S. [REDACTED] DEATH IS A PROXIMATE RESULT THERE OF.

AS A MATTER OF LAW INDICTMENT #2012-GJ-07-01935 ALSO CHARGES AND ALLEGE, THAT THE CRIMINAL ACT OF A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. IS THE ONE AND ONLY PHYSICAL ACT THAT CAUSED VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED.

* THEREFORE IN ORDER TO PROVE THAT TYRONE ROBINSON AM GUILTY BEYOND A REASONABLE DOUBT, OF COMMITTING THE SECOND ELEMENT, REQUIRED TO PROVE CRIMINAL LIABILITY IN THIS CASE FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. AS A MATTER OF LAW THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE, THAT TYRONE ROBINSON COMMITTED THE CRIMINAL ACT OF A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, THAT IS THE ONE AND ONLY "PHYSICAL ACT" THAT INDICTMENT # 2012-GJ-07-01935 CHARGE AND ALLEGE VICTIM K. S. [REDACTED] TO BE ACT THAT CAUSED VICTIM K. S. [REDACTED] SHOT AND KILLED AND VICTIM K. S. [REDACTED] DEATH IS A PROXIMATE RESULT THERE OF.

CASE LAW MERITS
SUPREME COURT OF APPEALS OF THE STATE OF ILLINOIS
CASE LAW OF THE PEOPLE OF THE STATE OF ILLINOIS V. GREGORY SHAW
713 N.E.2d 1161 "QUOTE"
ACCOUNTABILITY FOR FELONY MURDER, IN TURN
EXIST ONLY IF DEFENDANT MAY BE DEEMED LEGALLY
RESPONSIBLE FOR THE FELONY THAT ACCOMPANIES
THE MURDER

AS A MATTER OF LAW THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE, PROVES THAT IF AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WOULD OF NOT HAD COMMITTED, THE INHERENTLY DANGEROUS FELONY OF ATTEMPT TO MURDER VICTIM TYRONE ROBINSON, AGAINST VICTIM TYRONE ROBINSON, THEN VICTIM K. S. [REDACTED] WOULD OF NOT HAD GOTTEN SHOT

and killed.

As a matter of law proving that the direct evidence and circumstantial evidence submitted in this case, proves that victim K. S. [REDACTED] death is the natural or probable consequence of, the inherently dangerous felony of attempt to murder victim TYRONE ROBINSON. That is the inherently dangerous felony that attackers AARON SCOTT YOUNG SENIOR and AARON SCOTT YOUNG JUNIOR were in the commission of committing against victim TYRONE ROBINSON.

As a matter of law proving that the inherently dangerous felony of, attempt to murder victim TYRONE ROBINSON, is the inherently dangerous felony that victim K. S. [REDACTED] death is a natural or probable consequence of.

As a matter of law proving that attackers AARON SCOTT YOUNG SENIOR and AARON SCOTT YOUNG JUNIOR, are the only ones who are guilty of committing the 2nd element that is required to prove criminal liability which is:

THE ACTUAL PHYSICAL ACT CONSTITUTING THE OFFENSE

FOR PROOF REVIEW

CASE LAW MERTZ

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

THE STATE VS. JOHN BENNETT FENNEL 591 S.E.2d 512 "QUOTING"

CRIMINAL LIABILITY NORMALLY IS BASED UPON THE CONCURRENCE OF TWO FACTORS.
THE DEFENDANT'S CRIMINAL INTENT AND THE ACTUAL, PHYSICAL ACT CONSTITUTING THE OFFENSE. A
DEFENDANT MAY NOT BE CONVICTED OF A CRIMINAL OFFENSE UNLESS THE STATE PROVES BEYOND A REASONABLE DOUBT THAT HE ACTED WITH THE CRIMINAL INTENT, OR MENTAL STATE, REQUIRED FOR A PARTICULAR OFFENSE

As a matter of law because TYRONE ROBINSON was not helping AARON SCOTT YOUNG SENIOR and AARON SCOTT YOUNG JUNIOR, commit the inherently dangerous felony of attempt to murder victim TYRONE ROBINSON against victim TYRONE ROBINSON. That is the inherently dangerous felony that victim K. S. [REDACTED] death is a natural or probable consequence of. As a matter of law TYRONE ROBINSON can not be held accountable for the crime of murder of victim K. S. [REDACTED], that occurred as a natural and probable consequence, of the inherently dangerous felony of attempt to

MURDER & VICTIM TYRONE ROBINSON. BECAUSE AS A MATTER OF LAW I AM NOT ACCOUNTABLE FOR THE INHERENTLY DANGEROUS FELONY OF ATTEMPT TO MURDER & VICTIM TYRONE ROBINSON THAT VICTIM K.S. [REDACTED] DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF. FOR PROOF REVIEW CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF ILLINOIS
CASE LAW OF
THE PEOPLE OF THE STATE OF ILLINOIS V. GREGORY SHAW
713 N.E.2d 1161 QUOTING

ACCOUNTABILITY FOR FELONY MURDER, IN TURN, EXISTS ONLY IF DEFENDANT MAY BE DEEMED LEGALLY RESPONSIBLE FOR THE FELONY THAT ACCOMPANIES THE MURDER. FURTHER QUOTING IT IS TO THE CRIME CHARGED ACCOUNTABILITY, TIED AS IT IS TO THE CRIME (MURDER) MUST COMPORT WITH THE REQUIREMENTS OF THAT CRIME BECAUSE DEFENDANT IS NOT ACCOUNTABLE FOR THE ARMED ROBBERY OF CHANEY, HE MAY NOT BE HELD ACCOUNTABLE FOR ANY MURDER OCCURRING DURING THE ROBBERY, WE THEREFORE ALSO REVERSE DEFENDANT'S FELONY MURDER CONVICTION.

ALSO BECAUSE SINCE TYRONE ROBINSON AM THE VICTIM WHO AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WERE IN THE COMMISSION OF COMMITTING. THE INHERENTLY DANGEROUS FELONY OF ATTEMPT TO MURDER & VICTIM TYRONE ROBINSON AGAINST, THAT IS THE INHERENTLY DANGEROUS FELONY THAT VICTIM K.S. [REDACTED] DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF. AS A MATTER OF LAW ATTACKERS AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR ARE THE ONLY PERSONS WHO ARE CRIMINALLY RESPONSIBLE FOR THE DEATH OF VICTIM K.S. [REDACTED] FOR PROOF REVIEW CASE LAW MERITS

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA CASE LAW OF.

UNITED STATES OF AMERICA EX REL DAVID ALMEIDA V. ALFRED T. RUNDLE, WARDEN STATE CORRECTIONAL INSTITUTION, PHILADELPHIA, PENNSYLVANIA 255 F. SUPP 936 QUOTING

THE SUPREME COURT WENT ON TO SAY OUR DECISION IN THE MOYER-BYRON CASE WAS AN APPLICATION OF THE LONG ESTABLISHED PRINCIPLE THAT HE WHOSE FELONIOUS ACT IS THE PROXIMATE CAUSE OF ANOTHER'S DEATH IS CRIMINALLY RESPONSIBLE FOR THAT DEATH AND MUST ANSWER TO SOCIETY FOR IT EXACTLY AS HE WHO IS NEGLIGENTLY THE PROXIMATE CAUSE OF ANOTHER'S DEATH IS CIVILLY RESPONSIBLE FOR THAT DEATH AND MUST ANSWER IN DAMAGES FOR IT. FURTHER QUOTING

THAT THE 1949 ALMEIDA OPINION HELD THAT IT HAD BEEN THE LONG ESTABLISHED PRINCIPLE IN PENNSYLVANIA (THUS INCLUDING) THE TIME WHEN ALMEIDA COMMITTED THE ACT IN ISSUE THAT THE FELONY MURDER RULE WAS APPLICABLE IF IN THE COMMISSION OF ROBBERY AN INNOCENT THIRD PARTY WAS KILLED BY A SHOT FIRE BY SOMEONE OTHER THAN THE FELON FURTHER QUOTING

THE PENNSYLVANIA SUPREME COURT IN A UNANIMOUS OPINION HELD THAT "WHEN ALMEIDA WAS CONVICTED OF THE CRIME INVOLVED, THE LAW OF THIS COMMONWEALTH WAS THAT WHERE, IN THE COMMISSION OF A FELONY, SUCH AS ROBBERY, A THIRD PERSON IS KILLED BY ONE RESISTING THE FELONY OR WHO IS ENDEAVORING TO PREVENT HIS ESCAPE FROM THE SCENE OF THE CRIME, THE FELON IS GUILTY OF MURDER IN THE FIRST DEGREE

ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL ATTORNEY ARIE DAVID BAX ARGUED THAT I WAS ENTITLED TO A DIRECTED VERDICT OF ACQUITTAL, ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. BECAUSE THE STATE OF SOUTH CAROLINA FAILED TO MEET THEIR BURDEN OF PROOF, TO PROVE THAT I WAS GUILTY OF COMMITTING AN INHERENTLY DANGEROUS FELONY, WHICH IS THE ESSENTIAL AND FACTUAL ELEMENT THAT INDICTMENT #2012-65-07-01935 CHARGE AND ALLEGES IS

THE ESSENTIAL AND FACTUAL ELEMENT AND THE ONE AND ONLY "CRIMINAL CONDUCT" THAT VICTIM K. S. [REDACTED] DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF, FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT.

STATE OF SOUTH CAROLINA

V.S.

TYRONE ROBINSON

"QUOTING" FROM PAGE 667 PARAGRAPH 1, 2, 3, AND 4 OF TRIAL TRANSCRIPT OF TRIAL ATTORNEY ARIE DAVID BAX STATING "QUOTING"

AND THE INDICTMENT AS WE ARGUED AT THE BEGINNING OF THIS CASE ALLEGES FELONY MURDER; ALLEGES THAT HE WAS IN THE COMMISSION OF AN INHERENTLY DANGEROUS FELONY THAT THEY LABELED AN ONGOING GUN BATTLE

"QUOTING" FROM PAGE 667 PARAGRAPH 22, AND 23 OF TRIAL TRANSCRIPT OF TRIAL ATTORNEY ARIE DAVID BAX STATING "QUOTING" AND I THINK WITHOUT THAT HE IS ENTITLED TO A DIRECTED VERDICT "QUOTING" FROM PAGE 668 PARAGRAPH 3, 4, 5, 6, 7 AND 8 OF TRIAL TRANSCRIPT OF TRIAL ATTORNEY ARIE DAVID BAX STATING "QUOTING"

BECAUSE UNDER THEIR INDICTMENT THEY HAVE NOT MET THEIR BURDEN TO MEET THE LANGUAGE OF THE INDICTMENT THAT THEY HAVE GONE FORWARD ON. THEY HAVE NOT BEEN ABLE TO PROVE ANY INHERENTLY DANGEROUS FELONY OF ANY KIND THAT WAS OCCURRING AT THE TIME THE CHILD DIED THAT MR. ROBINSON WAS INVOLVED IN

AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL COURT DID NOT DISAGREE WITH ATTORNEY ARIE DAVID BAX THAT THE EVIDENCE THE STATE SUBMITTED AT TRIAL, WAS INSUFFICIENT TO PROVE THAT I WAS GUILTY, OF COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

AFTER CONSIDERING THE EVIDENCE ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL, IN RESPONSE TO ATTORNEY ARIE DAVID BAX ARGUMENT FOR MOTION FOR DIRECTED VERDICT OF ACQUITTAL, THE TRIAL JUDGE AND TRIAL COURT DETERMINED THAT THE CASE COULD BE SUBMITTED TO THE JURY ON THE SECOND UNINDICTED FALSE MURDER CHARGE "ALLEGING"

ON OR ABOUT SEPTEMBER 15, 2, 012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT DOES NOT CONSTITUTE AND DOES NOT CLASSIFY AS THE CRIME OF FELONY MURDER OR MURDER BY THE LAWS OF THE STATE OF SOUTH CAROLINA UNDER THE ELEMENTS TEST. FOR PROOF I STATE THE FOLLOWING

ELEMENTS TEST

PROVING THAT THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE IS NOT CLASSIFIED AS THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. ALSO IS NOT CLASSIFIED AS A VIOLATION OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER

RULE THEORY

AS A MATTER OF LAW THE 2ND ELEMENT "ALLEGEDLY"
 TYRONE ROBINSON WAS IN THE COMMISSION OF
 COMMITTING A DANGEROUS GUN BATTLE AN INHERENTLY
 DANGEROUS FELONY
 FROM THE CRIME OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY, THAT IS CHARGED AND ALLEGED
 INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #
 2012-65-07-01935 THAT I WAS TRIED ON BEFORE
 THE JURY AT TRIAL.
 IS NOT INCLUDED INTO THE ELEMENTS OF THE SECOND
 UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY"
 ON OR ABOUT SEPTEMBER THE 2ND 2012 TYRONE ROBINSON
 DID WILLFULLY AND WITH MALICE CAUSE HIM TO
 BE SHOT AND KILLED AND HE DIED

ALSO AS A MATTER OF LAW THE 2ND ELEMENT "ALLEGEDLY"
 VICTIM K.S. [REDACTED] DEATH IS THE PROXIMATE
 RESULT OF TYRONE ROBINSON COMMITTING A
 DANGEROUS GUN BATTLE AN INHERENTLY DANGEROUS
 FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY, THAT IS CHARGED AND ALLEGED
 INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #
 2012-65-07-01935 THAT I WAS TRIED ON BEFORE
 THE JURY AT TRIAL.
 IS NOT INCLUDED INTO THE ELEMENTS OF THE
 SECOND UNINDICTED ALLEGED FALSE MURDER
 CHARGE "ALLEGEDLY"
 ON OR ABOUT SEPTEMBER THE 2ND 2012 TYRONE
 ROBINSON DID WILLFULLY AND WITH MALICE
 CAUSE HIM TO BE SHOT AND KILLED AND HE
 DIED

BECAUSE THE 1ST AND 2ND ELEMENT THATS REQUIRED
 IN ORDER TO CONSTITUTE THE CRIME OF FELONY MURDER
 BY THE FELONY MURDER RULE THEORY, THATS CHARGED AND
 ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT
 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL.
 IS NOT INCLUDED INTO THE SECOND UNINDICTED
 ALLEGED FALSE MURDER CHARGE "ALLEGEDLY"
 ON OR ABOUT SEPTEMBER THE 2ND 2012 TYRONE
 ROBINSON DID WILLFULLY AND WITH MALICE
 CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

PROVES THAT AS A MATTER OF LAW THE SECOND UNINDICTED
 ALLEGED FALSE MURDER CHARGE "ALLEGEDLY"
 ON OR ABOUT SEPTEMBER THE 2ND 2012 TYRONE
 ROBINSON DID WILLFULLY AND WITH MALICE
 CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

DOES NOT CLASSIFY AS THE CRIME OF FELONY MURDER
 BY THE FELONY MURDER THEORY BY THE LAWS OF THE
 STATE OF SOUTH CAROLINA.
 ALSO DOES NOT CLASSIFY AS A VIOLATION OF SOUTH CAROLINA
 LAWS FOR THE CRIME OF FELONY MURDER BY THE
 FELONY MURDER RULE THEORY FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

GORE VS. LEEKE 1995.E.2d 755 "QUOTE"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINE THE COMMON PURPOSE LATTER AND GENTLEMAN MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANY ONE BUT IF IN EXECUTING THIS COMMON DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL AS FOR INSTANCE BREAKING IN AND STEALING AND IN THE EXECUTION OF THE COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THIS COMMON DESIGN THEN LATTER AND GENTLEMAN ALL WHO IS PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY, AND PARTICIPATING IN THE UNLAWFUL COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

THE LAW DICTIONARY DEFINITION FOR THE WORD MURDER MEANS THE FOLLOWING MEANING "QUOTE"

MURDER A COMMON LAW OFFENSE OF UNLAWFUL HOMICIDE, UNLAWFUL KILLING OF ANOTHER HUMAN BEING WITH MALICE AFORETHOUGHT. THIS REQUIRES A PREMEDITATED INTENT TO KILL PLUS AN ELEMENT OF HATRED

AS A MATTER OF LAW THERE IS ABSOLUTELY NOT ANY INDICEMENT THAT CHARGES TYRONE ROBINSON WITH THE CRIME OF MURDER BY THE CRIME "ALLEGED" HE KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THE NECESSARY ELEMENTS REQUIRED IN ORDER TO CONSTITUTE THE CRIME OF MURDER 16-3-10 BY THE LAWS OF THE STATE OF SOUTH CAROLINA

INSIDE OF THE STATE OF SOUTH CAROLINA THE CRIME OF MURDER IS THE KILLING OF ANY HUMAN BEING WITH MALICE AFORETHOUGHT EITHER EXPRESS OR IMPLIED FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

THE STATE OF SOUTH CAROLINA VS. WATSON 5635.E.2d 336 "QUOTE"

16-3-10 MURDER IS THE KILLING OF ANY PERSON

with malice aforethought either expressed or implied

IN ORDER TO CONSTITUTE THE CRIME OF MURDER IN VIOLATION OF SOUTH CAROLINA CODE OF LAWS 16-3-10, INSIDE OF THE STATE OF SOUTH CAROLINA, TWO ELEMENTS MUST BE ESTABLISHED THE FIRST ELEMENT THAT MUST BE ESTABLISHED IS THE ELEMENT "ALLEGEDLY" THE DEFENDANT UNLAWFULLY KILLED ANOTHER PERSON

THE SECOND ELEMENT THAT MUST BE ESTABLISHED IS THE ELEMENT "ALLEGEDLY" THE KILLING WAS COMMITTED WITH MALICE AND AFORETHOUGHT FOR PROOF REVIEW THE ELEMENTS REQUIRED TO CONSTITUTE THE CRIME OF MURDER UNDER SOUTH CAROLINA CODE OF LAWS 16-3-10

2ND ELEMENTS TEST

PROVEN AS A MATTER OF LAW THAT THE SECOND UNINDICTED FALSE MURDER CHARGE IS NOT CLASSIFIED AS THE CRIME OF MURDER 16-3-10 BY THE LAWS OF THE STATE OF SOUTH CAROLINA. ALSO IS NOT CLASSIFIED AS A VIOLATION OF SOUTH CAROLINA CODE OF LAWS 16-3-10 FOR THE CRIME OF MURDER INSIDE OF THE STATE OF SOUTH CAROLINA 17.

1ST ELEMENT REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE LAWS OF THE STATE OF SOUTH CAROLINA IS

1ST ELEMENT REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT IS:

THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER, WHICH DEFINED BY THE WEBSTER DICTIONARY DEFINITION MEANS TO ALLEGE THAT THE ACCUSED UNLAWFULLY DEPRIVED ANOTHER PERSON OUT OF THEIR LIFE. THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION FOR THE WORD KILL MEANS THE FOLLOWING MEANING "TO DEPRIVE OF LIFE"

1ST ELEMENT FOR SECOND UNINDICTED ALLEGE FALSE MURDER CHARGE

1ST ELEMENT FOR SECOND UNINDICTED ALLEGE FALSE MURDER CHARGE BY THE CRIME "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 1ST 21012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED IS

ON OR ABOUT SEPTEMBER THE 1ST 2,012 TYRONE ROBINSON DID WILLFULLY CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGE

ON OR ABOUT SEPTEMBER THE 1ST 2,012 TYRONE ROBINSON DID WILLFULLY CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM K. S. BEING SHOT AND DEPRIVED OUT OF HIS LIFE

THIS IS BECAUSE THE LAW BOOK DICTIONARY DEFINITION FOR THE WORD CAUSE MEANS THE FOLLOWING MEANING ALLEGEDLY

CAUSE THAT WHICH EFFECTS A RESULT DIRECT CAUSE THE ACTIVE, EFFICIENT CAUSE THAT SET IN MOTION A TRAIN OF EVENTS THAT BRINGS ABOUT A RESULT WITHOUT INTERVENTION OF ANY OTHER INDEPENDANT SOURCE

AS A MATTER OF LAW THE FIRST ELEMENT TO THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 1ST 2,012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED WHICH IS

ON OR ABOUT SEPTEMBER THE 1ST 2,012 TYRONE ROBINSON DID WILLFULLY CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGE. 28.

ON OR ABOUT SEPTEMBER THE 1ST 2,012 TYRONE ROBINSON DID WILLFULLY CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM K. S. BEING SHOT AND DEPRIVED OUT OF HIS LIFE

IS NOT INCLUDED INTO AND DOES NOT CONSTITUTE THE FIRST ELEMENT REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED ANOTHER WITH MALICE AND AFORETHOUGHT

WHICH HAS THE 1ST ELEMENT OF "ALLEGEDLY" THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER PERSON

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGE THAT THE ACCUSED UNLAWFULLY DEPRIVED ANOTHER PERSON OUT OF THEIR LIFE

2ND ELEMENT

REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT IS

THAT THE KILLING WAS COMMITTED WITH MALICE AND AFORETHOUGHT

WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION

-ITION means to allege that the deprivation of life was committed with malice aforethought
 This is because the Webster dictionary definition for the word KILL means the following "meaning" to deprive of life

2ND ELEMENT

FOR SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE

2ND element for second unindicted alleged false murder charge by the crime "alleging" on or about September the 25TH 2,012 TYRONE ROBINSON did willfully with malice cause him to be shot and killed and he died

which defined by its dictionary definition means to "allege" on or about September 25TH 2,012 TYRONE ROBINSON did with malice cause a train of events that resulted in the victim K.S. [REDACTED] being shot and deprived out of his life

This is because the law book dictionary definition for the word cause means the following meaning "alleging" cause that which effects a direct result direct cause the active efficient cause that set in motion a train of events that brings about a result without intervention of any other independent source

As a matter of law the second element to the second unindicted alleged false murder charge "alleging" on or about September the 25TH 2,012 TYRONE ROBINSON did willfully and with malice cause him to be shot and killed and he died

which defined by its dictionary definition means to "allege" on or about September the 25TH 2,012 TYRONE ROBINSON did with malice cause a train of events that resulted in the victim K.S. [REDACTED] being shot and deprived out of his life

is not included into and does not constitute the 2ND element required to constitute the unindicted crime of murder 16-3-10 by the crime "alleging" the defendant killed the victim with malice and aforethought

which has the 2ND element of "alleging" the killing was committed with malice and aforethought

which defined by its dictionary definition means to "allege" that the deprivation of life was committed with

malice and aforethought

AS A MATTER OF LAW PROVEING THAT THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE ALLEGING ON OR ABOUT SEPTEMBER THE 25TH, 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

IS A NONEXISTENT SECOND UNINDICTED FALSE MURDER CHARGE THAT IS NOT DEFINED AS A CRIME BY THE LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA IN S.C. CODE OF LAW 16-3-10 FOR PROOF REVIEW

STATUTORY MERITS

SOUTH CAROLINA CODE OF LAW 17-19-30

ALLEGATIONS SUFFICIENT FOR INDICTMENT FOR MURDER "QUOTEING"

EVERY INDICTMENT FOR MURDER SHALL BE DEEMED AND ADJUDGED SUFFICIENT AND GOOD IN LAW WHICH IN ADDITION TO SETTING FORTH THE

TIME AND PLACE, TOGETHER WITH A PLAIN STATEMENT, DIVESTED OF ALL USELESS PHRASEOLOGY, OF THE MANNER IN WHICH THE DEATH OF THE DECEASED WAS CAUSED, CHARGES THAT THE DEFENDANT DID FELONIOUSLY, WILLFULLY AND OF HIS MALICE AFORETHOUGHT KILLED AND MURDERED THE DECEASED

AS A MATTER OF LAW ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL. TRIAL JUDGE THOMAS COOPER ACTING WITHOUT MY CONSENT, TOOK OUT THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. FROM OUT OF INDICTMENT #2012-65-07-01935. TO PROVE THAT TRIAL JUDGE THOMAS COOPER TOOK OUT THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY FROM OUT OF INDICTMENT #2012-65-07-01935 THAT THE GRAND JURY INDICTED ME ON. I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT.

STATE OF SOUTH CAROLINA

VS. ROBINSON

"QUOTEING" FROM PAGE 672 PARAGRAPH 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 AND 20 OF TRIAL JUDGE THOMAS COOPER DECISION FROM TRIAL TRANSCRIPT "QUOTEING"

MY POINT WAS THAT FROM THE STAND POINT OF A MOTION FOR DIRECTED VERDICT, THAT THE INCLUSION OF THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY WHICH I THOUGHT WAS PUT THERE MORE APPROPRIATELY WHEN THEY WERE DEALING WITH THREE DEFENDANTS IN THAT PARTICULAR CASE. THAT THOSE WORDS COULD BE TAKEN OUT OF THIS PARTICULAR

1992

56

CHARGE AS INDICTED AND THERE WOULD BE NO QUESTION ABOUT WHETHER OR NOT THEY WOULD HAVE A RIGHT TO A JURY ON THE CHARGE OF MURDER AGAINST MR. ROBINSON

AS A MATTER OF LAW THERE ARE TWO ELEMENTS THAT ARE REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT CHARGED ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-65-07-01935 THAT THE GRAND JURY INDICTED ME ON.

1ST ELEMENT VOLUNTARY DISMISSED WITHOUT MY CONSENT AND TERMINATED MY JEOPARDY

THE FIRST ELEMENT THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS:
THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING A INHERENTLY DANGEROUS FELONY

AS A MATTER OF LAW INDICTMENT # 2012-65-07-01935. CHARGE AND ALLEGED THAT TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

AS A MATTER OF LAW PROVING THAT INDICTMENT # 2012-65-07-01935 PUTS TYRONE ROBINSON IN "JEOPARDY" OF BEING CONVICTED ON THE FIRST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT THE GRAND JURY INDICTED ME ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935. BECAUSE AS A MATTER OF LAW TRIAL JUDGE THOMAS COOPER TOOK OUT THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY FROM OUT OF INDICTMENT # 2012-65-07-01935. AS A MATTER OF LAW IT CONSTITUTED A VOLUNTARY DISMISSAL WITHOUT MY CONSENT, THAT TERMINATED MY JEOPARDY ON THE ONE AND ONLY "INHERENTLY DANGEROUS FELONY" CHARGED IN THE INDICTMENT.

AS A MATTER OF LAW PROVING THAT BECAUSE TRIAL JUDGE THOMAS COOPER TOOK OUT THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY FROM OUT OF INDICTMENT # 2012-65-07-01935 THAT THE GRAND JURY INDICTED ME ON. AS A MATTER OF LAW IT CONSTITUTES A VOLUNTARY DISMISSAL WITHOUT MY CONSENT, THAT TERMINATED MY JEOPARDY ON THE 1ST ELEMENT "ALLEGEDLY" TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

AS A MATTER OF LAW THE SECOND UNINDICTED
NONEXISTENT FALSE MURDER CHARGE "ALLEGEDLY"
ON OR ABOUT SEPTEMBER 25, 2012 TYRONE ROBINSON
DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT
AND KILLED AND HE DIED

THAT A NONEXISTENT FALSE MURDER CHARGE THAT IS
NOT DEFINED AS A CRIME BY THE LAWS THAT
GOVERN THE STATE OF SOUTH CAROLINA AND THERE
IS NOT ANY INDICTMENT PUTTING ME ON NOTICE
I HAD TO DEFEND AGAINST. "DOES NOT" PUT ME IN
"JEOPARDY" OF BEING CONVICTED ON THE
1ST ELEMENT "ALLEGEDLY"
I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN
BATTLE AN INHERENTLY DANGEROUS FELONY

THAT THE GRAND JURY INDICTED ME ON AND THE STATE
OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE
THAT I WAS GUILTY OF BEYOND A REASONABLE DOUBT.
BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT
ME FOR THE DEATH OF VICTIM K. S. AS
A MATTER OF LAW PROVING THAT WITHOUT MY CONSENT
TRIAL JUDGE THOMAS COOPER VOLUNTARILY DISMISSED
AND TERMINATED MY JEOPARDY ON THE 1ST ELEMENT
"ALLEGEDLY"
I TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN
BATTLE AN INHERENTLY DANGEROUS FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT # 2012-GJ-07-01935, THE GRAND JURY
INDICTED ME ON, AND THE STATE OF SOUTH CAROLINA
HAD THE BURDEN OF PROOF TO PROVE THAT I WAS GUILTY
OF BEYOND A REASONABLE DOUBT BEFORE THE STATE OF
SOUTH CAROLINA COULD CONVICT ME FOR THE DEATH OF
VICTIM K. S.

2ND ELEMENT

VOLUNTARILY DISMISSED WITHOUT
MY CONSENT AND TERMINATED MY
JEOPARDY ON

THE "SECOND" ELEMENT REQUIRED TO CONSTITUTE
THE CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY IS "QUOTEDLY"
DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEF-
ENDANT CONDUCT IN COMMITTING THAT CRIME

AS A MATTER OF LAW INDICTMENT # 2012-GJ-07-01935.
CHARGE AND ALLEGE THAT VICTIM K. S.
DID DIE AS A PROXIMATE RESULT OF I TYRONE ROBIN-
SON BEING ENGAGED IN A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY

1994

58

AS A MATTER OF LAW PROVEING THAT INDICTMENT #2012-65-07-01935 PUT T TYRONE ROBINSON IN "JEOPARDY" OF BEING CONVICTED ON THE SECOND ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT THE GRAND JURY INDICTED ME ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-65-07-01935.

BECAUSE AS A MATTER OF LAW. TRIAL JUDGE THOMAS COOPER TOOK OUT THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM OUT OF INDICTMENT #2012-65-07-01935 THAT THE GRAND JURY INDICTED ME ON. AS A MATTER OF LAW IT CONSTITUTES A VOLUNTARY DISMISSAL WITHOUT MY CONSENT. THAT TERMINATED MY JEOPARDY ON THE ONE AND ONLY "CRIME". THAT INDICTMENT #2012-65-07-01935 CHARGE AND ALLEGE IS THE "CRIME" THAT VICTIM

K.S. [REDACTED] DID DIE AS A PROXIMATE RESULT THEREOF. AS A MATTER OF LAW PROVEING THAT BECAUSE TRIAL JUDGE THOMAS COOPER TOOK OUT THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM OUT OF INDICTMENT #2012-65-07-01935 THAT THE GRAND JURY INDICTED ME ON. AS A MATTER OF LAW IT CONSTITUTES A VOLUNTARY DISMISSAL WITHOUT MY CONSENT THAT TERMINATED MY JEOPARDY ON THE 2ND ELEMENT "ALLEGING"

VICTIM K.S. [REDACTED] DID DIE AS A PROXIMATE RESULT OF T TYRONE ROBINSON BEING ENGAGED IN AN ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

AS A MATTER OF LAW THE SECOND UNINDICTED NONEXISTENT FALSE MURDER CHARGE "ALLEGING" ON OR ABOUT SEPTEMBER 11, 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT A NONEXISTENT FALSE MURDER CHARGE THAT IS NOT DEFINED AS A CRIME BY THE LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA AND THERE IS NOT ANY INDICTMENT PUTTING ME ON NOTICE I HAD TO PREPARE A DEFENSE FOR AND DEFEND AGAINST - "DOES NOT" PUT ME IN "JEOPARDY" OF BEING CONVICTED ON THE 2ND ELEMENT "ALLEGING"

VICTIM K.S. [REDACTED] DID DIE AS A PROXIMATE RESULT OF T TYRONE ROBINSON BEING ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

THAT THE GRAND JURY INDICTED ME ON. AND THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE THAT I WAS GUILTY OF BEYOND A REASONABLE DOUBT. BEFORE THE STATE OF SOUTH CAROLINA COULD

CONVICT me FOR THE DEATH OF VICTIM K. S. [REDACTED] AS A MATTER OF LAW PROVEING THAT WITHOUT MY CONSENT, TRIAL JUDGE THOMAS COOPER VOLUNTARILY DISMISSED AND TERMINATED MY JEOPARDY ON THE 2ND ELEMENT "ALLEGEDLY" VICTIM K. S. [REDACTED] DID DIE AS A PROXIMATE RESULT OF TYRONE ROBINSON BEING ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-GJ-07-01935, THE GRAND JURY INDICTED ME ON, AND THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE I WAS GUILTY OF BEYOND A REASONABLE DOUBT BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT ME FOR THE DEATH OF VICTIM K. S. [REDACTED]

AS A MATTER OF LAW PROVEING THAT WHEN TRIAL JUDGE THOMAS COOPER, VOLUNTARILY DISMISSED AND TERMINATED MY JEOPARDY ON THE 1ST ELEMENT "ALLEGEDLY" TYRONE ROBINSON WAS ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT THE GRAND JURY INDICTED ME ON, ON INDICTMENT #2012-GJ-07-01935. ALSO PROVEING THAT WHEN TRIAL JUDGE COOPER, VOLUNTARILY DISMISSED AND TERMINATED MY JEOPARDY ON THE 2ND ELEMENT "ALLEGEDLY" VICTIM K. S. [REDACTED] DID DIE AS A PROXIMATE RESULT OF TYRONE ROBINSON BEING ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT THE GRAND JURY INDICTED ME ON, ON INDICTMENT #2012-GJ-07-01935. AT A MATTER OF LAW TRIAL JUDGE JUDGE THOMAS COOPER ACTIONS EXPLAINED, CONSTITUTE A VOLUNTARY DISMISSAL WITHOUT MY CONSENT, THAT VOLUNTARILY DISMISSED WITHOUT MY CONSENT, THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM K. S. [REDACTED] TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND S.C.

and that K. S. [REDACTED] did die in Beaufort County as a proximate result thereof

that the grand jury indicted me and I was tried on before the jury at trial. And the state of South Carolina had the burden of proof to prove that I was guilty of beyond a reasonable doubt. before the state of South Carolina could convict and sentence me to prison time for the death of victim K. S. [REDACTED]

As a matter of law proving that because trial judge Thomas Cooper relied on the second unindicted nonexistent false murder charge

alleging on or about September 21st, 2012 Tyrone Robinson did willfully with malice cause him to be shot and killed and he died

that there is not any indictment putting me on notice I had to defend against and there is not any indictment charging me with to deny my motion for directed verdict of acquittal render judgement against me submit my case to the jury on and deprive me out of my liberty and wrongfully incarcerate me on. As a matter of law trial judge Thomas Cooper actions constitute a constructive amendment of indictment #2012-65-07-01935 that caused me to be held to answer in court for be deprived out of my liberty and be wrongfully incarcerated on. The second unindicted nonexistent false murder charge alleging on or about September 21st, 2012 Tyrone Robinson did willfully with malice cause him to be shot and killed and he died

that is a second unindicted nonexistent false murder charge. That is not defined as a crime of murder by the laws that govern the state of South Carolina. That there is not any indictment charging me with and there is not any indictment putting me on notice I had to defend against. That caused me to be unconstitutionally deprived out of my liberty and wrongfully incarcerated on. The second unindicted nonexistent false murder charge alleging on or about September 21st, 2012 Tyrone Robinson did willfully with malice cause him to be shot and killed and he died

in violation of my federal 5th and 14th Amendment right of due process of law which states: "No person shall be deprived of life, liberty or property without due process of law."

LIBERTY WITHOUT DUE PROCESS OF LAW

ALSO IN VIOLATION OF SOUTH CAROLINA CODE OF LAW 17-19-10 WHICH STATES "QUOTE"
NOR SHALL ANY PERSON BE HELD TO ANSWER IN COURT FOR A ALLEGED CRIME OR OFFENSE UNLESS UPON INDICTMENT BY A GRAND JURY

FOR PROOF REVIEW

CASE LAW MERTZ

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

NICHOLAS A. STIRONE VS. UNITED STATES 805 CT 270
"QUOTE"

EVER SINCE EX PARTE BAIN 121 U.S. 1 WAS DECIDED IN 1887 IT HAS BEEN THE RULE THAT AFTER AN INDICTMENT HAS BEEN RETURNED ITS CHARGES MAY NOT BE BROADENED THROUGH A AMENDMENT EXCEPT BY GRAND JURY ITSELF. IN THAT CASE, THE COURT ORDERED THAT SOME SPECIFIC AND RELEVANT ALLEGATIONS THE GRAND JURY HAD CHARGED BE STRICKEN FROM THE INDICTMENT SO THAT BAIN MIGHT BE CONVICTED WITHOUT PROOF OF THOSE PARTICULAR ALLEGATIONS. THE COURT WENT ON TO HOLD IN BAIN THAT AFTER THE INDICTMENT WAS CHANGED IT WAS NO LONGER THE INDICTMENT OF THE GRAND JURY WHO PRESENTED IT

CASE LAW MERTZ

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT CASE LAW OF.
LARRY S. LUCAS VS. MICHAEL J. O'DEA, WARDEN 179 F.3D 412 "QUOTE"

A MODIFICATION AT TRIAL ACT TO BROADEN THE CHARGE IN AN INDICTMENT CONSTITUTES REVERSIBLE ERROR. A AMENDMENT OF THE INDICTMENT OCCURS WHEN THE CHARGE OR TERMS OF THE INDICTMENT ARE ALTERED, EITHER LITERALLY OR IN EFFECT BY PROSECUTOR OR COURT AFTER THE GRAND JURY HAS LAST PASSED UPON THEM. IN FORD THE INDICTMENT CHARGED THE DEFENDANT WITH POSSESSION OF A FIREARM ON OR AROUND A CERTAIN DATE, BUT THE COURT GAVE A JURY INSTRUCTION PERMITTING CONVICTION IF THE JURY FOUND THAT HE POSSESSED THE FIREARM OVER A ONE YEAR PERIOD. THIS WAS HELD TO BE A CONSTRUCTIVE AMENDMENT. A CHANGE FROM THE INDICTMENT MATERIAL ENOUGH TO RESULT IN A CONSTRUCTIVE AMENDMENT IS ALSO CALLED A FATAL VARIANCE. "FURTHER QUOTE"
THE COURT IN FORD ALSO HELD THAT A CONSTRUCTIVE AMENDMENT IS PER SE PREJUDICIAL ERROR. FURTHER QUOTE
CONSTRUCTIVE AMENDMENTS ARE PER SE PREJUDICIAL BECAUSE THEY DENY THE DEFENDANT HIS RIGHT TO A GRAND JURY AND HAMPER THE ABILITY TO PREPARE ADEQUATELY FOR TRIAL. "FURTHER QUOTE"
BECAUSE IT EXPOSED LUCAS TO CHARGES FOR WHICH HE HAD NO NOTICE AND THUS NO OPPORTUNITY TO PLAN A DEFENSE, THE VARIANCE FROM THE INDICTMENT TO THE JURY INSTRUCTION CONSTITUTED A CONSTRUCTIVE AMENDMENT THAT DEPRIVED HIM OF HIS FOURTEENTH AMENDMENT RIGHT TO NOTICE OF THE CHARGE AGAINST HIM.

AFTER CONSIDERING THE EVIDENCE ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL. IN RESPONSE TO ATTORNEY ARIE DAVID BAX ARGUMENT. THAT HIS CLIENT TYRONE ROBINSON WAS ENTITLED TO A DIRECTED VERDICT OF ACQUITTAL. ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. BECAUSE THE STATE OF SOUTH CAROLINA FAILED TO MEET THEIR BURDEN OF PROOF. TO PROVE THAT I WAS GUILTY

OF COMMITTING AN INHERENTLY DANGEROUS FELONY. WHICH IS THE ESSENTIAL AND FACTUAL ELEMENT THAT INDICTMENT # 2012-GS-07-01935 CHARGE AND ALLEGE. IS THE ONE AND ONLY CRIMINAL CONDUCT THAT CAUSED THE VICTIM K.S. TO BE SHOT AND KILLED. THE TRIAL JUDGE AND TRIAL COURT DETERMINATION THAT THE CASE COULD BE SUBMITTED TO THE JURY ON THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 1ST TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED.

THAT DOES NOT CONSTITUTE AND DOES NOT CLASSIFY AS THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY AND DOES NOT CONSTITUTE AND DOES NOT CLASSIFY AS THE CRIME OF MURDER, BY THE LAWS OF THE STATE OF SOUTH CAROLINA. THAT ALSO DOES NOT CONSTITUTE AND THAT DOES NOT CLASSIFY AS A VIOLATION OF THE LAWS OF THE STATE OF SOUTH CAROLINA, FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY OR THE CRIME OF MURDER.

"IMPLIED" AND "CONFIRMED" THAT THE TRIAL JUDGE AND TRIAL COURT AGREED WITH ATTORNEY ARIZ DAVID BAX ARGUMENT, THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT ON THE ESSENTIAL AND FACTUAL ELEMENT AND "CRIMINAL CONDUCT" "ALLEGEDLY" WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY.

AS A RESULT THE TRIAL JUDGE AND TRIAL COURT RESOLUTION RATHER CORRECT OR NOT, WAS THAT THE CASE COULD BE SUBMITTED TO THE JURY ON THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED.

WHICH DISMISSED THE 1ST ELEMENT "ALLEGEDLY" TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY.

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935 THAT WAS TRIED ON BEFORE THE JURY AT TRIAL, BECAUSE THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT ON.

WHICH ALSO DISMISSED THE 2ND ELEMENT "ALLEGEDLY" VICTIM K.S. DEATH IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY.

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935 THAT WAS TRIED ON BEFORE THE JURY AT TRIAL, BECAUSE THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT ON.

THEREFORE AS A MATTER OF LAW AFTER REVIEWING THE PROCEEDINGS AS A WHOLE. THE TRIAL JUDGE AND TRIAL COURT RULING REPRESENTS A FINDING BY THE TRIAL JUDGE AND TRIAL COURT, THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT TO CONVICT ON THE 1ST ELEMENT ALLEGEDLY.

THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING A INHERENTLY DANGEROUS FELONY

THE TRIAL JUDGE AND TRIAL COURT RULING ALSO REPRESENTS A FINDING BY THE TRIAL JUDGE AND TRIAL COURT, THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT TO CONVICT ON THE 2ND ELEMENT ALLEGEDLY "DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANT'S CONDUCT IN COMMITTING THAT CRIME"

BOTH OF WHICH FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT IT WAS TRIED ON BEFORE THE JURY AT TRIAL. FOR PROOF QUOTE THE FOLLOWING PROCEEDINGS FROM THE TRANSCRIPT STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

✓ "QUOTE" FROM PAGE 669 PARAGRAPH 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 AND 14 OF TRIAL TRANSCRIPT OF TRIAL JUDGE THOMAS COOPER "QUOTE"

NOW THE INHERENTLY DANGEROUS FELONY MAY HAVE BEEN THERE TO TRY TO SHOW EVIDENCE OF MALICE IT MAY HAVE BEEN THERE FOR SOME OTHER PURPOSE, I REALLY CAN'T SPEAK TO THAT BUT IF THOSE WORDS WERE NOT THERE. IF THOSE WORDS WERE NOT THERE AND THE GUN BATTLE STUFF AND ALL THAT WAS NOT THERE AND IF IT JUST SAID THAT ON OR ABOUT SEPTEMBER THE 21ST 2, 012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THEN THOSE ISSUES WOULD BE PLAIN AND APPROPRIATE AND THE CHARGE WOULD BE AT LEAST SIMPLY MADE UNDER THESE CIRCUMSTANCES AND IF IT WAS EVIDENCE TO SUPPORT THOSE CHARGES THEN IT WOULD GO FORWARD AFTER ATTORNEY ARIE DAVID BAX ARGUED TO THE TRIAL JUDGE AND TRIAL COURT, THAT HIS CLIENT TYRONE ROBINSON WAS ENTITLED TO A DIRECTED VERDICT OF ACQUITTAL BECAUSE THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT TO CONVICT ON THE ESSENTIAL AND FACTUAL ELEMENT

AND CRIMINAL CONDUCT "ALLEGEDLY"
WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY
DANGEROUS FELONY

THE TRIAL JUDGE AND TRIAL COURT FURTHER RESPON-
DED WITH FURTHER RESOLUTION CORRECT OR NOT, BY THE
TRIAL COURT STATING THAT HE WAS TAKING OUT
THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE
AN INHERANTLY DANGEROUS FELONY.

FROM OUT OF THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY, THATS CHARGED AND
ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDIC-
CTMENT #2012-GS-07-01935, THAT I WAS TRIED ON
BEFORE THE JURY AT TRIAL. THE TRIAL JUDGE AND
TRIAL COURT RULING CONFIRMS AND IMPLIES. THAT
THE TRIAL JUDGE AND TRIAL COURT AGREED WITH
ATTORNEY ARIE DAVIS BAX ARGUMENT. THAT THE EVIDENCE
THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS
INSUFFICIENT TO CONVICT ON THE ESSENTIAL AND
FACTUAL ELEMENT AND CRIMINAL CONDUCT "ALLEGEDLY"
WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY
DANGEROUS FELONY.

OF THE WRITTEN WRITE UP OF INDICCTMENT #2012-GS-
07-01935, THATS CHARGED AND ALLEGED INSIDE

THEREFORE THE TRIAL JUDGE AND TRIAL COURT RESOLUT-
ION CORRECT OR NOT, OF THE TRIAL JUDGE AND TRIAL
COURT TAKING OUT THE WORDS AND "DISMISSING".
THE ESSENTIAL AND FACTUAL ELEMENT AND CRIMINAL
CONDUCT "ALLEGEDLY"
WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHER-
ANTLY DANGEROUS FELONY

IN RESPONSE TO ATTORNEY ARIE DAVIS BAX ARGUMENT.
THAT HIS CLIENT TYRONE ROBINSON IS ENTITLED TO A
DIRECTED VERDICT OR ACQUITTAL. BECAUSE THE
EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED
AT TRIAL, WAS INSUFFICIENT TO CONVICT, ON THE ESSE-
NTIAL AND FACTUAL ELEMENT AND CRIMINAL
CONDUCT "ALLEGEDLY"
WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHER-
ANTLY DANGEROUS FELONY

REPRESENTS A FINDING BY THE TRIAL JUDGE AND TRIAL
COURT. THAT THE EVIDENCE THE STATE OF SOUTH CARO-
LINA SUBMITTED AT TRIAL, WAS INSUFFICIENT
TO CONVICT, ON THE 1ST ELEMENT "ALLEGEDLY"
TYRONE ROBINSON WAS IN THE COMMISSION OF
COMMITTING A ONGOING GUN BATTLE AN INHERA-
NTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY THAT I WAS TRIED ON BEFORE
THE JURY AT TRIAL ON INDICCTMENT #2012-GS-07-01935.
AND ALSO REPRESENTS A FINDING BY THE TRIAL
JUDGE AND TRIAL COURT. THAT THE EVIDENCE THE
STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL,
WAS INSUFFICIENT TO CONVICT, ON THE