

In SC COUNT OF APPEALS

Appeal ALC Decision
Hou Shirley Robinson

Robert Koonl -vs- SC D P P P S (E+O)
(Appellant) (Respondent)

2014-000803

SECOND INITIAL BRIEF OF APPELLANT ①

The PROSE APPEAL INITIAL BRIEF WAS FILED WITH SC COUNT OF APPEALS ON 6/19/14 (SEE ATTACHED Debit FORM). AND COPY SENT TO SC D P P P S BUT V. CLAIR ALLEN STATED NO INITIAL BRIEF IS ON FILE ON JULY 14, 2014 (ATTACHED LETTER) AND SHE "INTERCEPTED" MOTIONS COMING TO THE COURT TO "ORDER" ALC AND SC D P P P S TO PROVIDE THE "RECORD ON APPEAL MATERIAL" AND SENT (ATTACHED) NON-RESPONSIVE LETTER ATTEMPTING TO CHARGE ME FOR 2013-OP-216 FILE WHICH I STATED I NEEDED FOR ROA. AND DISREGARDED MY OTHER REQUESTS TO ALC / SC D P P P S. SHE IS OBVIOUSLY IN "WHOOITS" W/ SC D P P P S COUNSEL TO "SABOTOGUE MY APPEAL" (E) M. BUCHANAN DELETED THE ENTIRE SC D P P P S FILE

① FIRST BRIEF WAS LOST OR DESTROYED BY V. CLAIR ALLEN SC COUNT OF APPEALS. ①

BEFORE SUBMITTING DELETED FILE to ALC.
(SEE MOTION TO EXPAND ROA @ ALC) APPELLANT
HAS FILED A SEPARATE (ATTACHED MOTION) FOR
THE ENTIRE FILES TO PREPARE R.O.A.?

- 1) ALC FILE in THIS CASE
 - 2) SCOPPPS in THIS CASE
 - 3) 2013-up-216 FILE
 - 4) 2014-1266 Supreme Ct. FILE
- IN ORDER TO PREPARE FINAL BRIEF
- " ENTIRE FILES "
NOT DELETED

ON FOLLOWING ISSUES:

- ISSUES -

- (1) ALC COMMITTED AN ERROR OF LAW¹¹ WHEN SHE
RULED APPELLANT DID NOT¹¹ COMPLY WITH THE PROCESS¹¹
OUTLINED IN 17-25-45 TO BE CONSIDERED FOR
PAROLE AS 17-25-45 SETS FORTH NO PROCESS. AND
THAT ISSUE WAS NOT EVEN BEFORE THE ALC.
- (2) ALC COMMITTED AN ERROR OF LAW¹¹ WHEN SHE FAILED
TO ADDRESS FINAL AGENCY DECISION THAT STATED
" BECAUSE THE APPELLANT WAS SENTENCED TO LWOP
THE ONLY REMEDY AVAILABLE IS A PARDON WHICH
IS CONTRARY TO 17-25-45(E) AND APPELLANT
SUBMISSION OF A 'EXTRAORDINARY CIRCUMSTANCES' THAT
WOULD WARRANT PAROLE CONSIDERATION WERE NOT
EVEN CONSIDERED BY SCOPPPS OR ALC. AS
REQUIRED BY 17-25-45(E)

(2)

- ③ ACC COMMITTED "ERROR OF LAW" WHEN SHE
REFUSED TO RULE ON ISSUE THAT SINCE
 SCOPPS IS APPELLANT'S "CRIME VICTIM"
 ON HIS 1998 CONVICTION SCOPPS CANNOT
 "OBJECTIVELY AND IMPARTIALLY" DECIDE WHETHER
 APPELLANT HAS MADE A PRIMA FACIE SHOWING OF
 MOST ~~OF A~~ EXTRAORDINARY CIRCUMSTANCES ISSUE FOUR ^{17-25-45 (E)}.
 SINCE
- (B) ~~(A)~~ SCOPPS COUNSEL DESTROYED AND DELETED "MOST
 EXTRAORDINARY CIRCUMSTANCES" MATERIAL
 IN SCOPPS FILE FROM ACC APPEAL TO
 PREVENT ACC REVIEW THAT WARRANT EXPANDING ACC
 * STATEMENT OF CASE * RECORD ON APPEAL.

THE APPELLANT WAS CONVICTED IN 1998 - ES-11-650
 OF SECOND DEGREE BURGLARY OF SCOPPS OFFICE
 CHEROKEE CO. THE ENTIRE SCOPPS OFFICE TESTIFIED
 AGAINST APPELLANT. BASED UPON A 1986 GUILTY PLEA
 PETITIONER WAS SENTENCED TO LWOP RATHER THAN
 MANDATORY 15 YEARS. KOON V. STATE 643 S.E.2D 680
 (2007) KOON V. STATE 595 S.E.2D 456 (2004)
 APPELLANT'S CRIME VICTIM IN KOON V. STATE (ABOVE) HARRY
 LOVELACE AND APPELLANT SUBMITTED VOLUMINIOUS AMOUNT
OF DOCUMENTS DIRECTLY TO MR. DAVID BAXTER,
 KELA A THOMAS AND GOV. NIKKI HALEY (ATTACHED)

THAT SET FORTH THE "MOST EXTRAORDINARY CIRCUMSTANCES"
PUN TO 17-25-45(E) AS TO WHY APPELLANT
SHOULD BE CONSIDERED FOR PAROLE, THESE
DOCUMENTS SET FORTH (ENTER ALIA) CHILDHOOD TORTURE
AND ABUSE AT SCDMHT THAT AFFECTED HIS DECISION
TO PLEAD GUILTY IN 1986 (AND RECEIVE TWO STRIKES
AT ONE PLEA KOOL U. STATE ABOVE), POLICE MISCONDUCT
RAISED BUT NOT RULED UPON IN 2013-UP-216, 2014-1266
AFFIDAVITS OF VICTIM THAT APPELLANT SECOND STRIKE
SHOULD NOT BE DEEMED A STRIKE AS OFFENSE
DID NOT OCCUR AT NIGHT TO BE CONSIDERED A
STRIKE PUN 17-25-45(B), SUPPORTED BY ASSERTIONS
MADE TO VICTIM BY POLICE DETECTIVE R. WEAVER.
(ENTER ALIA)

|| ||
ALL OF THESE DOCUMENTS SET FORTH IN SCDPPPS FILE
WERE DELETED FROM THE RECORD ON APPEAL
BY SCDPPPS COUNSEL, AND MOTIONS TO "EXPAND
THE ACC RECORD ON APPEAL" WERE DENIED BY ACC.
THE ACC DENIED THE APPEAL REFUSING TO RULE
WHETHER A "EXTRAORDINARY REASON" HAD BEEN STATED
TO REQUIRE A HEARING PUN 17-25-45(E) AND
WHETHER SCDPPPS SHOULD BE RECUSED FROM

(H)

DETERMINING IF A EXTRAORDINARY CIRCUMSTANCES
HAD BEEN ALLEGED SUFFICIENTLY TO WARRANT A
PAROLE HEARING UNDER 17-25-45 (E) AS SCOPPPS
IS APPELLANT VICTIM. ALC MISCONSTRUED 17-25-45
(E) TO STATE " HE HAS NOT COMPLIED WITH
PROCESS" SET FORTH IN 17-25-45(E) WHEN THAT
STATUTE SETS FORTH NO PROCESS.

APPELLANT HAS APPEALED TO SC COURT OF APPEALS
WHO DENIED APPOINTMENT OF COUNSEL ON "NOVEL
ISSUE" AFFECTING ALL LWOP SENTENCES, AND
FILED HIS INITIAL BRIEF ON 6/19/14 AND REQUESTED
ASSISTANCE OF COURT TO CONSTRUCT A COMPLETE
RECORD ON APPEAL. AND FILED INITIAL BRIEF
W/ PROOF OF SERVICE ON SCOPPPS ON 6/19/14.
THE CLERK OF COURT V. CLAIRE ALLEN, DEPT. CLERK
" LOST / DESTROYED" APPELLANT'S INITIAL BRIEF AND
" INTERCEPTED" MOTIONS TO THE COURT SEEKING ASSISTANCE
IN OBTAINING ALC, SCOPPPS ENTIRE FILES AND ON
JULY 14, 2014 RETURNED A NON RESPONSIVE LETTER THAT
DID NOT ADDRESS ALC / SCOPPPS FILES BEING
PROVIDED TO THE APPELLANT. AND ATTEMPTS TO

CHANGE APPELLANT'S SS 90 FOR 2013-UP-216
NEEDED FOR ROA W/ ENTIRE ACC / SCOPPS FILES

THIS SECOND INITIAL BRIEF FOLLOWS. (★)

★ IF FIRST INITIAL BRIEF IS EVER LOCATED
BY V. CLARE ALLEN THE APPELLANT ASKS THAT
IT BE CONSIDERED W/ THIS SECOND BRIEF AS
A SUPPLEMENT HERETO.

PLEASE SEE ATTACHED CCI MAILROOM DEBIT SHEET
THAT SHOWS INITIAL BRIEF (ROA) WAS FILED W/
COUNT OF APPEALS W/ A SET OF DOCUMENTS
V. CLARE ALLEN IS ATTEMPTING TO SABOTAGE THIS
APPEAL.

2013 UP 216 - 2014 - 1266 APPELLATE &
SUPREME COURT FILES PUBLIC RECORDS
AND ACC / SCOPPS FILES ARE
CRUCIAL TO MATTER ON APPEAL AND
ARE TO BE APPELLANTS R.O.A.

ISSUE ONE

ACC COMMITTED A "ERROR OF LAW" WHEN SHE RULED APPELLANT DID NOT COMPLY WITH THE PROCESS OUTLINED IN 17-25-45 (E) TO BE CONSIDERED FOR PAROLE AS 17-25-45 SETS FORTH NO "PROCESS" AND THAT ISSUE WAS NOT EVEN BEFORE THE COURT.

ON A ISSUE NOT BEFORE THE ACC SHE RULED APPELLANT DID NOT COMPLY WITH THE PROCESS TO BE CONSIDERED FOR PAROLE. APPELLANT SUBMITS 17-25-45 OUTLINES NO PROCESS TO BE FOLLOWED TO BE CONSIDERED FOR PAROLE, AND CONFUSES THE PROCESS TO BE FOLLOWED IN A PARDON APPLICATION PUR 24-21-950 (ET. SEQ.) IN ADDITION, BASED UPON "ACTS" OF SCOPPPS COUNSEL IN DELETING THE SCOPPPS FILE PRIOR TO SUBMISSION TO ACC AS RECORD ON APPEAL IT WAS IMPOSSIBLE TO DIVINE THE PROCESS TAKEN, BUT A REVIEW OF THE ENTIRE ~~ACC~~ ~~SCOPPPS~~ FILE WILL SHOW VICTIM HARRY LOWELACE AND APPELLANT SENT VOLUMES OF DOCUMENTS TO SCOPPPS

In support of a showing of extraordinary
circumstances to warrant parole
consideration. The entire SCOPPS file
is being incorporated herein. Appellant
and victim submitted to Director Baxter,
Kela Thomas and Co-Mikki Haley of "most
extraordinary reasons" to consider appellant
for parole satisfies all so called process.

Statutes are read for plain and ordinary
language and meaning. 17-25-45 sets forth
no process. And even if it did ACC addressed
this SUA sponte without issue being raised:
LANGRISH v. STATE, 554 S.E.2d. 681, 683 (App 2001)
~~ISSUE TWO~~

ACC committed a "ERROR OF LAW" when she
failed to address Final Agency Decision
that stated "BECAUSE APPELLANT WAS SENTENCED
to LWOP the only remedy available is a
pardon." which is contrary to 17-25-45(e). AND
Appellant submission of extraordinary circumstances
that would warrant parole consideration were
NOT EVEN CONSIDERED by SCOPPS OR ACC.

(7)

AS MANDATED BY 17-25-45 (E).

THE ACC ~~ATTEMPTED~~ REFUSED TO ADDRESS THE ISSUE BEFORE THE COURT, THAT BEING, WAS SCOPPS POSITION THAT APPELLANT WAS ONLY ELIGIBLE FOR A PARDON AND NOT PAROLE CONTRARY TO 17-25-45(E) WHICH ~~EVER~~, STATES CLEARLY.

|| A PERSON SENTENCED PURSUANT TO THIS SECTION MAY BE PAROLED IF (d) THE PERSON CAN PRODUCE EVIDENCE COMPRISING OF THE MOST EXTRAORDINARY CIRCUMSTANCES || SC CODE OF LAWS (1997)

CITING HODGES V. RAINEY, 533 S.E.2D 578, 581 (2000)

|| IT IS CARDINAL RULE OF STATUTORY CONSTRUCTION THAT THE PRIMARY PURPOSE IN INTERPRETING STATUTES IS TO ASCERTAIN THE INTENT OF LEGISLATURE IF

IT WAS TO THE INTENT OF LEGISLATURE TO PROVIDE A "SAFETY VALVE" FOR LWOP PERSONS WHO COULD SHOW THE "MOST EXTRAORDINARY CIRCUMSTANCES" yet SCOPPS REFUSES TO ACKNOWLEDGE THE CLEAR UNAMBIGUOUS STATUTORY LANGUAGE, WHICH MUST, AS A PENAL STATUTE, BE CONSTRUED IN FAVOR OF ACCUSED.

STATE V. BLACKMON 403 S.E.2D 660 (SC 1991)

BIFILCO V. US 100 S.C.T. (1980)

(9)

Clearly, SCDPPPS Position to Appellant based on
"VOLUMES OF DOCUMENTS" SENT TO SCDPPPS TO
SET FORTH A ~~EXTREME~~ "MOST EXTRAORDINARY CIRCUMSTANCE"
he could NOT be CONSIDERED FOR PAROLE BUT
ONLY FOR A PARDON.

NOT ONLY DID SCDPPPS "DELETE" the MAJORITY OF
the SCDPPPS FILE FROM ALC THAT COMPRISED
"EVIDENCE" AND "REPRESENTATIONS OF FACTS"
to COMPRISE the MOST EXTRAORDINARY CIRCUMSTANCES
pua 17-25-45(E) SCDPPPS DID NOT EVEN CONSIDER
this EVIDENCE -

NOR, SINCE the SCDPPPS FILE WAS "SANITIZED"
before submission to ALC DID ALC CONSIDER
the ~~EXTREME~~ "MOST EXTRAORDINARY CIRCUMSTANCES"
MATERIAL.

Clearly SCDPPPS COMMITTED A "ERROR OF LAW"
in STATING Appellant could NOT be CONSIDERED FOR
PAROLE AND ALC REFUSED TO ADDRESS this MATTER.

IT IS SCDPPPS POSITIONAL Appellant IS NOT ELIGIBLE
FOR PAROLE EVEN IF he SUBMITS the "MOST
EXTRAORDINARY MEANINGS"

ISSUE THREE

ACC COMMITTED A "ERROR OF LAW" WHEN SHE REFUSED TO RULE UPON THE ISSUE THAT SINCE SCOPPS IS APPELLANT'S CRIME VICTIM ON HIS 1998 CONVICTION SCOPPS CANNOT "OBJECTIVELY AND IMPARTIALLY" DECIDE WHETHER APPELLANT HAS MADE A PRIMA FACIE SHOWING OF

MOST EXTRAORDINARY CIRCUMSTANCES PUR 17-25-45(E) TO WARRANT CONSIDERATION FOR PAROLE

BASED ON THE CONDUCT OF SCOPPS ALONE ON THIS APPEAL, IT IS "CLEAR" THAT SINCE SCOPPS IS APPELLANT'S "CRIME VICTIM" ON HIS CURRENT 1998 CHARGE 98-ES-11-650 SHE CANNOT ACT OBJECTIVELY AND IMPARTIALLY TO DECIDE IF APPELLANT HAS MADE A PRIMA FACIE SHOWING OF MOST EXTRAORDINARY CIRCUMSTANCES TO WARRANT PAROLE CONSIDERATIONS UNDER 17-25-45(E) AND BIAS IS MANIFESTED IN

① SCOPPS HAS PURPOSELY WITH BIAS 1

→ (A) MISCONSTRUED THE STATUTE 17-25-45(E) TO ERRONEOUSLY DETERMINE APPELLANT IS NOT EVEN ELIGIBLE FOR PAROLE.

→ (B) DID NOT ^{EVEN} CONSIDER THE "VOLUMES OF MATERIAL" SENT BY VICTIM HARRY LOVELACE (1986 OFFENSE) AND APPELLANT AS EVIDENCE COMPRISING THE MOST EXTRAORDINARY CIRCUMSTANCES PUR 17-25-45(E)

(C) DELETED AND SANITIZED THE SCOPPPS
FILE PRIOR TO SUBMISSION TO ACC TO
DELETE THE MATERIALS SENT AS "EVIDENCE
COMPRISING THE MOST EXTRAORDINARY CIRCUMSTANCES!!

(D) ACTED WITH V. CLARE ALLEGED TO DESTROY THE
INITIAL BRIEF AND DEPT APPELLANT ACC / SCOPPPS
COMPLETE FILES TO CONSTRUCT THE R.O.A.

(E) V. CLARE ALLEGED INTERCEPTED MOTIONS TO THE COURT
SEEKING TO ORDER ACC / SCOPPPS TO PROVIDE APPELLANT
W/ COMPLETE FILES AND DESTROYED APPELLANTS FIRST
INITIAL BRIEF AND SUPPORTIVE DOCUMENTS! AND
SENT A NON RESPONSIVE LETTER.

CLEARLY, THE ABOVE IS "EVIDENCE OF BIAS" AND
PUR. TO WINTHROW v. LARZINI (421 US 35, 47 (1975))
THE COURT RECOGNIZED "LIKELIHOOD OF BIAS OR
APPEARANCE OF BIAS" AS A CRIME VICTIM OF
APPELLANT SCOPPPS HAS A APPEARANCE OF BIAS"

"A FAIR TRIBUNAL IS A BASIC REQUIREMENT OF DUE
PROCESS. AND LEVEL OF BIAS MAKES A "FAIR
JUDGMENT IMPOSSIBLE" LITCKY v. US 510 US 540,
555 (1994) SEE: CILJEBERG v. HEALTH ACQUISITION CORP
108 SCT. 2194 (1988) AETNA LIFE v. LAVOIE
475 US 813, 821 (1986) (DUE PROCESS REQUIRING
RECUAL OF FACT FINDER) (12)

SCDPPPS HAS EVEN USED ITS INFLUENCE TO CORRUPT THE APPEAL PROCESS WHERE APPELLANT INITIAL BRIEF AND SUPPORTING DOCUMENTS HAVE BEEN DESTROYED (SEE ATTACHED PEBIT FORM) AND SCDPPPS DID NOT EVEN REVIEW THE EVIDENCE OF MOST EXTRAORDINARY CIRCUMSTANCES SUBMITTING AND DELETED THAT EVIDENCE FROM ACC FILE.

THAT "BIAS" PREVENTS A IMPARTIAL TRIBUNAL FROM DECIDING IF THE MOST, EXTRAORDINARY CIRCUMSTANCES EXIST. APPELLANT IS SEEKING STRICT STATUTORY COMPLIANCE "W/ 17-25-45(E)" TO HAVE A "FAIR AND IMPARTIAL TRIBUNAL" (NOT APPELLANT'S CRIME VICTIM) ③ TO DECIDE IF THE MOST EXTRAORDINARY CIRCUMSTANCES HAVE BEEN PRIMA FACIE SHOWN TO WARRANT A PAROLE HEARING PER 17-25-45(E)

* EVIDENCE OF MOST EXTRAORDINARY CIRCUMSTANCES WERE SENT W/ INITIAL BRIEF BUT DESTROYED BY V. CLAIRE ALLEN WHO IT SEEMS IS ACTIVE IN COLLUSION W/ SCDPPPS TO SABOTAGE THE APPEAL.

(SEE ATTACHED) EXHIBIT (A)

③ THE GOVERNOR CAN APPOINT A THREE SECTO PARTY EXECUTIVE PANEL TO DECIDE THIS ISSUE PER 17-25-45(E).

ISSUE FOUR

|| SINCE SCOPPPS COUNSEL DESTROYED AND DELETED ||
|| MOST EXTRAORDINARY CIRCUMSTANCES MATERIAL IN ||
SCOPPPS FILE FROM ALC APPEAL TO PREVENT
ACC REVIEW WARRANTED EXPANDING ACC
RECORD ON APPEAL.

AT FALL OF ACC ORDER THE ACC DENIED
APPELLANT'S MOTION TO EXPAND THE RECORD ON APPEAL
TO PROVIDE SCOPPPS FILE, IN ITS ENTIRETY,
BE MADE PART OF RECORD ON APPEAL ALONG WITH
2013 UP - 216 STATE V. KOON FILE BOTH OF WHICH
CONTAINED THE EVIDENCE (SUBMITTED TO SCOPPPS)
AS COMPRISING THE "MOST EXTRAORDINARY CIRCUMSTANCES"
AS REQUIRED BY 17-25-45. AND OUTLINED THE
"PROCESS" VICTIM AND APPELLANT FOLLOWED IN SUBMITTING
THIS EVIDENCE TO SCOPPPS - (SEE ISSUE ONE)

SCOPPPS COUNSEL "DELETED" THIS MATERIAL
FROM ACC ROA. AND IN ESSENCE "SANITIZED"
THE FILE WHICH SHOULD BE CONSIDERED
MISCONDUCT AND UNETHICAL [Rules of Prof. Conduct]

IT SEEMS ALSO SCOPPS COUNSEL AND V-CLAN AHEAD DESTROYED THE INITIAL BRIEF AND SUPPORTING DOCUMENTATION OF "EVIDENCE COMPRISING THE MOST EXTRAORDINARY CIRCUMSTANCES" THAT IS THE BASE OF THE APPEAL AND THAT SHOWS THE RELEVANCE OF 2013-UP-216, ALC AND SCOPPS FILES THAT ARE APPELLANT'S SUBMISSION AS "RECORD ON APPEAL."

ALC COMMITTED "ERROR OF LAW" IN REFUSING TO EXHAUST R.O.A TO COMPRISE ENTIRE SCOPPS FILE AND #2013 UP 216 FILE AS THIS WAS PROPER SCOPPS R.O.A

Relief

A FULL HEARING BY A "IMPARTIAL PANEL" APPOINTED BY GOV. HALEY TO DETERMINE IF APPELLANT HAS SUBMITTED EVIDENCE COMPRISING THE "MOST EXTRAORDINARY CIRCUMSTANCES" TO WARRANT PAROLE CONSIDERATION CONSIDERING ENTIRE SCOPPS FILE, ALC FILE AND 2013-UP 216 FILES 2014-1266 FILES. SO MOVES!

THE SC COUNT OF APPEALS

APPEAL FROM ACC COUNT

Robert KOON - v. SC PPPPS
2014-000803

DESIGNATION OF MATTER ON APPEAL

- ① ENTIRE SC PPPPS FILE OF APPELLANT
- ② ENTIRE ACC FILE ON APPELLANT
- ③ ENTIRE STATE v. KOON 2013 - ~~CO~~ UP - 216 FILE
- ④ KOON v. STATE - 2014 - 1266 FILE (SUPREME COURT)

THIS MATTER IS CRUCIAL TO DESIGNATION OF
MATTER IN APPEAL

7-17-14

Robert Koon

PROOF OF SERVICE

A TRUE COPY SENT TO
SC PPPPS GENERAL COUNSEL
PO BOX 50666
COLUMBIA SC 29205

THIS 20 DAY JULY 2014
BY US MAIL

UNDER OATH

①

Robert Koon