

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL OF A.L.C.
HOW SHULET ROBINSON
2014-000803

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AUG 18 2014

SC Court of Appeals

Robert Koon
v.
SCDPPPS

Appellant.

Respondent

Reply Brief

FIRST, SCDPPPS HAS STATED 2011-17-25-45 (E) STATUTE, THE STATUTE IN EFFECT AT TIME OF ~~THE~~ APPELLANT'S OFFENSE 2-1-1997 IS 17-25-45 (E) ~~(2)d)~~ (1996) AS FIRST ENACTED IN 1996. THAT STATUTE PUR. TO ~~(E)~~ 17-25-45 (E) 2)d) ONLY REQUIRES SCDPPPS FIND 'THE PERSON CAN PRODUCE EVIDENCE COMprising THE MOST EXTRAORDINARY CIRCUMSTANCES. (AS APPELLANT HAS DONE).

UNDER 1996 VERSION OF STATUTE SCDC CAN MAKE A RECOMMENDATION ON REQUEST (E)1) AND (E)2)d.) SCDPPPS FINDS MOST EXTRAORDINARY CIRCUMSTANCES ①

SCDPPPS INTERPRETATION OF THE STATUTE VIOLATES

① THIS ISSUE WAS NOT BEFORE ALC WHO RULED SUA SPONTE.

the Rules of Lenity that statute be
CONSTRUED IN FAVOR OF THE ACCUSED

AT BOTTOM OF PAGE (2) OF RESPONDENTS INITIAL BRIEF.

1 THEN THE RESPONDENT MUST DETERMINE IF
DUE TO AGE OR HEALTH HE IS NO LONGER A THREAT
TO SOCIETY. OR IF THERE ARE EXTRAORDINARY
CIRCUMSTANCES PRESENT!

TO READ THE STATUTE AS SCOPPPS WOULD
HAVE THE COURT TO DO WOULD TOTALLY NEGATE
SECTION (E) (2) (D) MOST EXTRAORDINARY CIRCUMSTANCES
CLAUSE - AND REQUIRE OTHER CONSIDERATIONS.

APPELLANT HAS SERVED 17 1/2 YRS OF HIS SENTENCE
AND IS 48 YRS. OLD. HE HAS MAXED OUT HIS
SENTENCE ABSENT 17-25-45 ENHANCEMENTS.
SCOPPPS HAS EVIDENCED BIAS AS VICTIM OF
APPELLANTS CURRENT OFFENSE THAT THE MISINTERPRETATION
OF THE STATUTE AS VICTIM SCOPPPS MUST BE

RECUSED. SEE 28 USC 455(A) Citjeberg v. Health Services,
US SUPREME COURT.

THE ACC IMPROPERLY DERIVED EXPANSION OF
THE RECORD TO INCLUDE ENTIRE SCOPPPS
FILE ON THE ISSUE BEFORE THE COURT.

24-21-290 ALLOWS A COURT (ALC OR COURT OF APPEALS) TO ORDER SCOPPPS PROVIDE THE ENTIRE FILE. SCOPPPS POSITION THAT COURT RULE ON THIS CASE WITHOUT APT DESIGNATED MATTER ON APPEAL IS SIMPLY PREPOSTEROUS AND CONTRARY TO APPELLATE RULES.

THE ALC FILE AND SCOPPPS FILE MUST BE MADE PART OF RECORD ON APPEAL.

THE 2013-UP-216 STATE V. KOON FILE ARE EVIDENCE OF MOST EXTRAORDINARY CIRCUMSTANCES AND WERE MADE PART OF SCOPPPS FILE TO SHOW EXTRAORDINARY CIRCUMSTANCE AND SHOULD BE MADE PART OF R.O.A.

THIS BASED UPON 1996 17-25-45(E)2(d) Relief APPELLANT SHOULD BE GIVEN A PAROLE HEARING AS EVIDENCE OF MOST EXTRAORDINARY CIRCUMSTANCES HAS BEEN PRESENT AND SCOPPPS MUST BE RECUSSED AS THE VICTIM

8-11-14

Jo Jones
Walt Koon

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SC Court of Appeals

Proof of Service

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this 12th DAY OF AUG. 2014
BY US MAIL

WALTER OAKIN
