

In SC COUNT OF APPEALS

RECEIVED

APPEAL ALC Decision
Hou Shirely Robinson

AUG 18 2014

SC Court of Appeals

Robert Koonl -vs- SC D P P P S (ETOL)
(Appellant) (Respondent)

2014-000803

FINAL ~~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 COHORTS W/ SC D P P P S COUNSEL TO "SABOTAGE" 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. (L)

BHH-Inmate, CHARLESTON, CLOSED

U.S. District Court
District of South Carolina (Anderson/Greenwood)
CIVIL DOCKET FOR CASE #: 8:05-cv-02523-RBH

Koon v. Rushton et al
Assigned to: Honorable R Bryan Harwell
Case in other court: 4CCA, 07-06239
4CCA, 07-07462
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 09/29/2005
Date Terminated: 09/30/2007
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner**Robert Holland Koon**

represented by **Robert Holland Koon**
227826
Broad River Correctional Institution
4460 Broad River Road
Columbia, SC 29210
PRO SE

V.

Respondent

Colie Rushton
*Warden of McCormick Correctional
Institution*

represented by **Donald John Zelenka**
SC Attorney General's Office
PO Box 11549
Columbia, SC 29211
803-734-6305
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Edgar Salter, III
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PO Box 11549
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

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
- "ENTIRE FILES"
NOT DELETED
- IN ORDER TO PREPARE FINAL BRIEF

ON FOLLOWING ISSUES:

- ISSUES -

- (1) ALC COMMITTED AN ERROR OF LAW¹¹ WHEN SHE RULED APPELLANT DID NOT "COMPLY WITH THE PROCESS"¹¹ 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)

Henry Dargan McMaster
*Attorney General of the State of South
 Carolina*

represented by **Donald John Zelenka**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William Edgar Salter , III
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/29/2005	<u>1</u>	PETITION for Writ of Habeas Corpus, Houston v. Lack date 8/22/2005, filed by Robert Holland Koon.(ssan,) (Entered: 09/30/2005)
09/29/2005	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Robert Holland Koon. No proposed order(ssan,) (Entered: 09/30/2005)
09/30/2005	<u>4</u>	ORDER granting <u>2</u> Motion for Leave to Proceed in forma pauperis Signed by Judge Bruce Howe Hendricks on 9/30/05. There is no document for this entry.(kmca) Modified on 2/15/2007: added "no document" (kmca). (Entered: 10/03/2005)
09/30/2005	<u>5</u>	ORDER authorizing service of process by clerk, apprising the respondents of deadline for filing dispositive motions and directing petitioners to notify the clerk in writing of any change of address.Acknowledgment of Service of 2254 Petition due by 10/17/2005. Signed by Judge Bruce Howe Hendricks on 9/30/05. (Attachments: #(1) petition)(kmca) (Entered: 10/03/2005)
10/07/2005	<u>6</u>	Letter from Robert Koon; re: receipt of Habeas Petition (kmca) (Entered: 10/07/2005)
10/07/2005	<u>7</u>	MOTION to Appoint Counsel, MOTION for Hearing, MOTION for clock copy of Habeas Petition/Notification of Filing by Robert Holland Koon. No proposed order(kmca) (Entered: 10/07/2005)
10/14/2005	<u>8</u>	MOTION to be provided with copy of writ of habeas corpus application re <u>1</u> Petition for Writ of Habeas Corpus, MOTION for Evidentiary Hearing, MOTION to Consolidate Cases (case 8-05-2523 and 2nd Habeas filed 10/4/05-not in system), MOTION to Appoint Counsel by Robert Holland Koon. Response to Motion due by 11/1/2005 No proposed order(kmca) (Entered: 10/14/2005)
10/17/2005	<u>9</u>	ACKNOWLEDGEMENT OF SERVICE Executed Acknowledgement filed by Colie Rushton, Henry Dargan McMaster. (Zelenka, Donald) (Entered: 10/17/2005)
10/18/2005	<u>10</u>	Letter from Robert Holland Koon; re: doc #3 deleted from docket sheet. (kmca) (Entered: 10/18/2005)
10/18/2005	<u>11</u>	MOTION to Appoint John Blume as Federal Habeas Counsel, MOTION for Discovery and/or MOTION for State to provide complete lower court

③ ACC COMMITTED "ERROR OF LAW" WHEN SHE
REFUSED TO RULE ON ISSUE THAT SINCE
SCOPPPS IS APPELLANT'S "CRIME VICTIM"
ON HIS 1998 CONVICTION SCOPPPS CANNOT
"OBJECTIVELY AND IMPARTIALLY" DECIDE WHETHER

APPELLANT HAS MADE A PRIMA FACIE SHOWING OF
MOST ~~OF A~~ EXTRAORDINARY CIRCUMSTANCES PRU 17-25-45 (E).
SINCE ISSUE FOUR

④ ~~SCOPPPS~~ SCOPPPS COUNSEL DESTROYED AND DELETED "MOST
EXTRAORDINARY CIRCUMSTANCES" MATERIAL
IN SCOPPPS 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 SCOPPPS OFFICE
CHEROKEE CO. THE ENTIRE SCOPPPS 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)

		records with return by Robert Holland Koon. Response to Motion due by 11/7/2005. No proposed order.(kmca) (Entered: 10/18/2005)
10/24/2005	<u>12</u>	MOTION for Disclosure of Entire Lower Court Records Material to Writ of Habeas Corpus, MOTION for Discovery, MOTION for Access to Law Books and Legal Material by Robert Holland Koon. Response to Motion due by 11/14/2005. No proposed order(kmca) (Entered: 10/24/2005)
11/07/2005	<u>13</u>	RESPONSE in Opposition re <u>11</u> MOTION to Appoint Counsel MOTION for Discovery MOTION for State to provide complete lower court records with return, <u>12</u> MOTION for Disclosure MOTION for Discovery MOTION for Access to Law Books and Legal Material: Response filed by Colie Rushton, Henry Dargan McMaster.Reply to Response to Motion due by 11/18/2005 (Salter, William) (Entered: 11/07/2005)
11/07/2005	<u>14</u>	CERTIFICATE OF SERVICE by Colie Rushton, Henry Dargan McMaster (Salter, William) (Entered: 11/07/2005)
11/14/2005	<u>15</u>	REPLY to Respondents' <u>13</u> Response in Opposition to Motion re <u>11</u> MOTION to Appoint Counsel, MOTION for Discovery, MOTION for State to provide complete lower court records with return, and <u>12</u> MOTION for Disclosure, MOTION for Discovery, MOTION for Access to Law Books and Legal Material. Response filed by Robert Holland Koon. (Attachments: #(1) Exhibit 1, #(2) envelope)(kmca) (Entered: 11/14/2005)
11/16/2005	<u>16</u>	MOTION for Evidentiary Hearing OR Motion for Oral Deposition of Trial Counsel, AND MOTION to Appoint Counsel by Robert Holland Koon. Response to Motion due by 12/5/2005. (Attachments: #(1) Exhibit, #(2) envelope)No proposed order(kmca) (Entered: 11/16/2005)
11/21/2005	<u>17</u>	MOTION for Extension of Time to File Answer by Colie Rushton, Henry Dargan McMaster. Response to Motion due by 12/9/2005 Proposed order is being emailed to chambers with copy to opposing counsel(Salter, William) (Entered: 11/21/2005)
11/21/2005	<u>19</u>	CERTIFICATE OF SERVICE by Colie Rushton, Henry Dargan McMaster (Salter, William) (Entered: 11/21/2005)
11/21/2005		ENTRY DELETED: 18 Certificate of Service for entry <u>17</u> filed 11/21/05: Certificate was not signed, attorney caught error the same day and refiled as entry <u>19</u> Certificate of Service. (kmca) (Entered: 11/22/2005)
12/05/2005	<u>20</u>	RESPONSE in Opposition.re <u>16</u> MOTION for Hearing MOTION to Appoint Counsel Response filed by Colie Rushton, Henry Dargan McMaster.Reply to Response to Motion due by 12/15/2005 (Salter, William) (Entered: 12/05/2005)
12/05/2005	<u>21</u>	CERTIFICATE OF SERVICE by Colie Rushton, Henry Dargan McMaster (Salter, William) (Entered: 12/05/2005)
12/12/2005	<u>22</u>	ORDER granting <u>17</u> Motion for Extension of Time to Answer. Colie Rushton answer due 12/21/2005; Henry Dargan McMaster answer due 12/21/2005. Signed by Judge Bruce Howe Hendricks on 12/12/05. There is

THAT SET FORTH INC "MOST EXTRAORDINARY CIRCUMSTANCES"
PUR 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 KNOW U-STATE ABOVE), POLICE MISCONDUCT
RAISED BUT NOT RULED UPON IN 2013-UP-216, 2014-126
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 PUR 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 PUR 17-25-45(E) AND
WHETHER SCDPPPS SHOULD BE RECUSED FROM

		no document for this entry.(kmca) (Entered: 12/12/2005)
12/13/2005	<u>23</u>	ORDER denying <u>7</u> Motion to Appoint Counsel, denying <u>7</u> Motion for Hearing, denying <u>7</u> Motion for clocked copy of Habeas Petition/Notification of Filing, denying <u>8</u> Motion to be provided with copy of writ of habeas corpus application re <u>1</u> petition, denying <u>8</u> Motion for Hearing, denying <u>8</u> Motion to Consolidate Cases, denying <u>8</u> Motion to Appoint Counsel, denying <u>11</u> Motion to Appoint Counsel, denying <u>11</u> Motion for Discovery, denying <u>11</u> Motion for State to provide complete lower court records with return, denying <u>12</u> Motion for Disclosure, denying <u>12</u> Motion for Discovery, denying <u>12</u> Motion for Access to Law Books and Legal Material, denying <u>16</u> Motion for Hearing, denying <u>16</u> Motion to Appoint Counsel. Signed by Judge Bruce Howe Hendricks on 12/13/05.(kmca) (Entered: 12/13/2005)
12/14/2005	<u>24</u>	REPLY to respondents' <u>20</u> Response in Opposition to petitioner's <u>16</u> MOTION for Hearing, MOTION to Appoint Counsel. Response filed by Robert Holland Koon. (kmca) (Entered: 12/14/2005)
12/21/2005	<u>25</u>	MOTION for Extension of Time to File Answer by Colie Rushton, Henry Dargan McMaster. Response to Motion due by 1/9/2006 Proposed order is being emailed to chambers with copy to opposing counsel(Salter, William) (Entered: 12/21/2005)
12/21/2005	<u>26</u>	CERTIFICATE OF SERVICE by Colie Rushton, Henry Dargan McMaster (Salter, William) (Entered: 12/21/2005)
12/22/2005	<u>28</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Robert Holland Koon re <u>23</u> Order on Motion to Appoint Counsel, Order on Motion for Hearing, Order on Motion for Miscellaneous Relief, Order on Motion to Consolidate Cases, Order on Motion for Discovery, Order on Motion for Disclosure. (Attachments: # <u>1</u> Envelope)(awil) Modified on 1/3/2006: See <u>32</u> Additional Attachments: #1 letter regarding copies, #2 in re: motion for full disclosure w/exhibits 2, A-K, #3 in re: motion for full disclosure, exhibit 3) (kmca). (Entered: 12/22/2005)
12/22/2005		ENTRY DELETED # <u>27</u> 12/22/05 Notice of Interlocutory Appeal. Document was refiled as an appeal of Magistrate Judge Decision. (awil) (Entered: 12/22/2005)
12/27/2005	<u>29</u>	Letter from Robert Koon re: Appeal of Magistrate's Decision (kcam,) (Entered: 12/27/2005)
12/28/2005	<u>30</u>	ORDER granting <u>25</u> Motion for Extension of Time to Answer. Colie Rushton answer due 1/20/2006; Henry Dargan McMaster answer due 1/20/2006. Signed by Judge Bruce Howe Hendricks on 12/28/05.(jtho,) (Entered: 12/28/2005)
01/03/2006	<u>31</u>	MOTION to Produce by Robert Holland Koon. Response to Motion due by 1/23/2006 (Attachments: # <u>1</u> Exhibit Letter)No proposed order(dnap,) (Entered: 01/04/2006)
01/03/2006	<u>32</u>	Additional Attachments to Main Document <u>28</u> Appeal of Magistrate Judge Decision to District Court. (Attachments: #(1) letter regarding copies, #(2)

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

08/12/2008.	● 189	ORDER finding as moot petitioner's 186 Motion to Require District Court to Rule on 176 COA and 179 Rule 59(e). Signed by Honorable R Bryan Harwell on 8/12/08.(kmca) (Entered: 08/12/2008)
08/12/2008	●	***DOCUMENT MAILED 189 Order, placed in U.S. Mail to Robert Koon (kmca) (Entered: 08/12/2008)
11/25/2008	●	ASSEMBLED ELECTRONIC RECORD RE-TRANSMITTED TO FOURTH CIRCUIT COURT OF APPEALS Per Request re 177 Notice of Appeal, Electronic record successfully transmitted (in 3 parts). (kmca) (Entered: 11/25/2008)
07/01/2009	● 190	ORDER of USCA as to 177 Notice of Appeal, filed by Robert Holland Koon, appointing Richard D. Dietz to represent appellant. (kmca) (Entered: 07/01/2009)
02/05/2010	● 191	USCA OPINION for 177 Notice of Appeal, filed by Robert Holland Koon. (ncha,) (Entered: 02/05/2010)
02/05/2010	● 192	USCA JUDGMENT as to 177 Notice of Appeal, filed by Robert Holland Koon. (ncha,) (Entered: 02/05/2010)
03/15/2010	● 193	USCA MANDATE as to 177 Notice of Appeal filed by Robert Holland Koon. (ncha,) (Entered: 03/15/2010)
05/14/2014	① ● 194	MOTION for Relief from Judgment FRCP 60B6, MOTION to Show Cause for Appointment of Counsel, Evidentiary Hearing, Disclosure of Recusal Evidence, and Federal Pleadings and State Pleadings by Robert Holland Koon. Response to Motion due by 6/2/2014. (Attachments: # 1 Cover Letter, # 2 Envelopes)(ssam,) (Entered: 05/14/2014)
05/15/2014	② ● 196	SUPPLEMENT by Robert Holland Koon to 194 MOTION for Relief from Judgment FRCP 60B6, MOTION to Show Cause for Appointment of Counsel, Evidentiary Hearing, Disclosure of Recusal Evidence, and Federal Pleadings and State Pleadings (Attachments: # 1 Supporting Documents, # 2 Envelope)(ssam,) (Entered: 05/15/2014)
05/20/2014	● 197	Letter from Robert Koon. (Attachments: # 1 Envelope)(ssam,) (Entered: 05/20/2014)
05/21/2014	③ ● 198	MOTION to Reactivate Appointed Counsel Richard Dietz by Robert Holland Koon. Response to Motion due by 6/9/2014. (Attachments: # 1 Exhibit Supreme Court Petition for Writ of Certiorari, # 2 Cover Letter, # 3 Envelope)(ssam,) (Entered: 05/21/2014)
05/21/2014	● 199	MOTION for Recusal 28 USC 455, MOTION for Disclosure of Masonic Membership by Robert Holland Koon. Response to Motion due by 6/9/2014. (Attachments: # 1 Cover Letter, # 2 Envelope)(ssam,) (Entered: 05/21/2014)
05/21/2014	● 200	SUPPLEMENTAL MOTION for Relief from Judgment Rule 60(B)6 by Robert Holland Koon. Response to Motion due by 6/9/2014. (Attachments: # 1 Affidavit of Petitioner, # 2 Cover Letter, # 3 Envelope)(ssam,) (Entered: 05/21/2014)

CHANGE APPELLANT ^{5/}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/
COURT OF APPEALS W/ A SET OF DOCUMENTS
V. CLAIRE 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.

10/10/2007	●	***DOCUMENT MAILED <u>176</u> MOTION for Certificate of Appealability, and docket sheet, per cover letter placed in U.S. Mail to Robert Koon (kmca) (Entered: 10/10/2007)
10/15/2007	● <u>179</u>	MOTION to Alter or Amend Judgment per Rule 59(e) by Robert Holland Koon. Response to Motion due by 11/2/2007 (Attachments: #(1) envelope) No proposed order (kric,) Modified on 10/17/2007: added Rule 59(e) (kmca). (Entered: 10/15/2007)
10/16/2007	● <u>180</u>	Letter from Robert Koon; status of Rule 59(e). (kmca) (Entered: 10/17/2007)
10/17/2007	●	***DOCUMENT MAILED: last page of docket sheet per <u>180</u> Letter, placed in U.S. Mail to Robert Koon (kmca) (Entered: 10/17/2007)
10/26/2007	● <u>182</u>	Letter from Robert Koon; 4th Circuit says no active appeal. (Attachments: #(1) Exhibit 1, #(2) Exhibit 2, #(3) Exhibit 3, #(4) Exhibit 4, #(5) Envelope) (kmca) (Entered: 10/26/2007)
10/26/2007	●	***DOCUMENT MAILED: last page of docket sheet per <u>182</u> Letter, placed in U.S. Mail to Robert Koon (kmca) (Entered: 10/26/2007)
11/19/2007	● <u>184</u>	NOTICE of Change of Address by Robert Holland Koon to Broad River Correctional Institution, 4460 Broad River Road, Columbia, SC 29210 (record updated) (Attachments: #(1) Envelope) (kmca) (Entered: 11/19/2007)
01/09/2008	● <u>185</u>	Letter from Robert Koon, requesting docket sheet and status of Rule 59(e) motion. (kmca) (Entered: 01/09/2008)
01/09/2008	●	***DOCUMENT MAILED: docket sheet per <u>185</u> Letter, placed in U.S. Mail to Robert Koon (kmca) (Entered: 01/09/2008)
03/04/2008	● <u>186</u>	MOTION to Require District Court to Rule on <u>176</u> COA and <u>179</u> Rule 59(e), by Robert Holland Koon. Response to Motion due by 3/24/2008. (Attachments: # <u>1</u> Supplement to COA motion, # <u>2</u> Envelope) No proposed order. (kmca) (Additional attachment(s) added on 3/28/2008: # <u>3</u> Supplemental Motion to have District Court Rule on C.O.A, Issues; # <u>4</u> Envelope) (kmca). (Entered: 03/04/2008)
03/04/2008	●	***DOCUMENT MAILED: petitioner's copy of <u>186</u> MOTION to Require District Court to Rule on <u>176</u> COA and <u>179</u> Rule 59(e), placed in U.S. Mail to Robert Koon (kmca) (Entered: 03/04/2008)
03/28/2008	● <u>187</u>	ORDER denying <u>179</u> Motion to Alter Judgment. Signed by Honorable R Bryan Harwell on 3/28/2008. (mwel,) (Entered: 03/28/2008)
03/28/2008	●	***DOCUMENT MAILED <u>187</u> Order on Motion to Alter Judgment, Order on Motion for Miscellaneous Relief, placed in U.S. Mail to Robert Koon (kmca) (Entered: 03/28/2008)
08/11/2008	● <u>188</u>	ORDER of USCA as to <u>177</u> Notice of Appeal, filed by Robert Holland Koon, that the Court grants a certificate of appealability. (kmca) (Entered: 08/11/2008)

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 FOR 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 FILE WILL SHOW VICTIM HARRY LOWELACE AND APPELLANT SENT VOLUMES OF DOCUMENTS TO SCOPPPS

08/21/2007	● <u>171</u>	OBJECTION to <u>169</u> Report and Recommendations by Robert Holland Koon. (Attachments: #(1) Envelope)(kmca) (Entered: 08/21/2007)
08/21/2007	● <u>172</u>	SUPPLEMENTAL OBJECTIONS by Robert Holland Koon to <u>169</u> REPORT AND RECOMMENDATIONS. (Attachments: #(1) Envelope) (kmca) (Entered: 08/21/2007)
08/21/2007	●	***DOCUMENT MAILED <u>171</u> Objection to Report and Recommendations, <u>172</u> Supplement, last 2 pages of docket sheet and address for 4th Circuit (requirements for filing COA), placed in U.S. Mail to Robert H Koon per cover letter request (kmca) (Entered: 08/21/2007)
08/24/2007	● <u>173</u>	OBJECTION to <u>169</u> Report and Recommendations by Colie Rushton, Henry Dargan McMaster. (Attachments: # <u>1</u> Certificate of Service)(Salter, William) (Entered: 08/24/2007)
09/30/2007	● <u>174</u>	ORDER adopting in part and respectfully rejecting in part <u>169</u> Report and Recommendation and granting <u>48</u> Motion for Summary Judgment. Signed by Judge R Bryan Harwell on 9/30/2007.(mwel,) (Entered: 10/01/2007)
09/30/2007	● <u>175</u>	SUMMARY JUDGMENT in favor of Respondents Colie Rushton, Warden of McCormick Correctional Institution and Henry D McMaster, Attorney General of SC against Petitioner Robert Holland Koon. (entered by the clerk) (kmca) (Entered: 10/01/2007)
10/01/2007	●	***DOCUMENT MAILED <u>175</u> Summary Judgment, <u>174</u> Order, placed in U.S. Mail to Robert Koon (kmca) (Entered: 10/01/2007)
10/09/2007	● <u>176</u>	MOTION for Certificate of Appealability by Robert Holland Koon. (Attachments: # <u>1</u> Envelope)No proposed order(kcam,) Modified on 3/4/2008: see <u>186</u> attachment #1 Supplement to COA motion (kmca). (Entered: 10/09/2007)
10/09/2007	● <u>177</u>	NOTICE OF APPEAL re <u>174</u> Order on Motion for Summary Judgment, Order on Report and Recommendations - The Docketing Statement form, Transcript Order form and CJA 24 form may be obtained from the Fourth Circuit website at www.ca4.uscourts.gov (Attachments: # <u>1</u> Envelope) (kcam,) (Entered: 10/09/2007)
10/09/2007	●	MOTION FOR CERTIFICATE OF APPEALABILITY UNDER REVIEW by District Court re <u>177</u> Notice of Appeal, (kcam,) (Entered: 10/09/2007)
10/09/2007	● <u>178</u>	Transmittal Sheet for Notice of Appeal to USCA re <u>177</u> Notice of Appeal, The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. (kcam,) (Entered: 10/09/2007)
10/09/2007	●	ASSEMBLED INITIAL ELECTRONIC RECORD TRANSMITTED TO FOURTH CIRCUIT COURT OF APPEALS re <u>177</u> Notice of Appeal, (kcam,) (Entered: 10/09/2007)
10/10/2007	●	MOTION FOR CERTIFICATE OF APPEALABILITY UNDER REVIEW by 4CCA Court (kmca) (Entered: 10/10/2007)

In Support of a showing of EXTRAORDINARY CIRCUMSTANCES TO WARRANT PAROLE CONSIDERATION. THE ENTIRE SCOPPPS FILE IS BEING INCORPORATED HEREIN. APPELLANT AND VICTIM SUBMISSION TO DIRECTOR BAXTER, KELA THOMAS AND COV. MIKKI. HALEY OF "MOST EXTRAORDINARY REASONS" TO CONSIDER APPELLANT FOR PAROLE SATISFIES AIN 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: LANGRANIS 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 SCOPPP OR ACC.

(7)

		in re: motion for full disclosure w/exhibits 2, A-K, # 3 in re: motion for full disclosure, exhibit 3)(kmca) (Entered: 01/04/2006)
01/12/2006	● <u>33</u>	ORDER overruling objections or appeal [28-1] and recommitting case to magistrate judge for further proceedings consistent with this order. Signed by Judge R Bryan Harwell on 01/12/2006. (mwel,) (Entered: 01/12/2006)
01/17/2006	● <u>34</u>	MOTION to Amend/Correct <u>1</u> Petition for Writ of Habeas Corpus by Robert Holland Koon. Response to Motion due by 2/6/2006. (Attachments: #(1) Proposed Amendment to Habeas Corpus)No proposed order.(kmca) (Entered: 01/17/2006)
01/20/2006	● <u>35</u>	MOTION for Extension of Time to File Answer by Colie Rushton, Henry Dargan McMaster. Response to Motion due by 2/7/2006 Proposed order is being emailed to chambers with copy to opposing counsel(Salter, William) (Entered: 01/20/2006)
01/20/2006	● <u>36</u>	CERTIFICATE OF SERVICE by Colie Rushton, Henry Dargan McMaster (Salter, William) (Entered: 01/20/2006)
01/23/2006	● <u>37</u>	ORDER granting <u>35</u> Motion for Extension of Time to Answer re <u>35</u> MOTION for Extension of Time to File Answer; Colie Rushton answer due 2/21/2006; Henry Dargan McMaster answer due 2/21/2006. Signed by Judge Bruce Howe Hendricks on 1/23/06.(kmca) Modified on 1/24/2006: typo, date answer due 2/21/06 (kmca). (Entered: 01/23/2006)
01/24/2006	● <u>38</u>	ORDER granting <u>34</u> Motion to Amend/Correct Habeas Corpus Petition. Petitioner must file amended petition by February 7, 2006. Signed by Judge Bruce Howe Hendricks on 1/24/06. There is no document for this entry(jtho,) (Entered: 01/24/2006)
01/24/2006	●	DOCKET ANNOTATION: <u>37</u> Order granting <u>35</u> Motion for Extension of Time to Answer. Answer due date 2/21/06 for both respondents, Colie Rushton and Henry Dargan McMaster. (kmca) (Entered: 01/24/2006)
01/27/2006	● <u>39</u>	Letter from Robert Koon; re: requesting docket sheet and copy of the "amended" habeas petition sent with motion to amend habeas corpus. (kmca) (Entered: 01/30/2006)
01/30/2006	● <u>40</u>	AMENDED PETITION for Writ of Habeas Corpus, filed by Robert Holland Koon. (Attachments: #(1) Exhibits)(kmca) (Entered: 01/30/2006)
02/02/2006	● <u>41</u>	NOTICE of Change of Address by Robert Holland Koon to Lee Correctional Institution, SMU 177, 1204 E Church Street, Bishopville, SC 29010 (record updated) (kmca) (Entered: 02/02/2006)
02/13/2006	● <u>42</u>	NOTICE of Privacy Rights (Warning to Pro Se Litigants) (kmca) (Entered: 02/13/2006)
02/13/2006	●	***DOCUMENT MAILED <u>42</u> Notice of Privacy Rights (Warning to Pro Se Litigants) placed in U.S. Mail to Robert Holland Koon (kmca) (Entered: 02/13/2006)

AS MANDATED BY 17-25-45 (2)

THE ACC ~~ATTEMPTED~~ REFUSED TO ADDRESS THE ISSUE BEFORE THE COURT, THAT BEING, WAS SCOPPPS POSITION THAT APPELLANT WAS ONLY ELIGIBLE FOR A PARPON AND NOT PAROLE CONTRARY TO 17-25-45(E) WHICH ~~BEING~~, 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. RAINET, 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 BUOP PERSONS WHO COULD SHOW THE "MOST EXTRAORDINARY CIRCUMSTANCES" yet SCOPPPS 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)

BIFUNCO V. US 100 SCT. (1980)

(9)

02/13/2006	<u>43</u>	MOTION for copies of pro se pleadings filed by petitioner, MOTION to Show Cause, Designation of Amended Habeas, Change of Address by Robert Holland Koon. Response to Motion due by 3/3/2006. (Attachments: #(1) Exhibit)No proposed order.(kmca) (Entered: 02/13/2006)
02/14/2006	<u>44</u>	NOTICE of Change of Address by Robert Holland Koon to Lee CI ASU 177, 990 Wisacky Hwy, Bishopville, SC 29010 (record updated) (kmca) (Entered: 02/14/2006)
02/14/2006	<u>45</u>	MOTION to Strike <u>40</u> Petition for Writ of Habeas Corpus and to Proceed on Original Writ of Habeas Corpus (filed on 8/22/06) by Robert Holland Koon. Response to Motion due by 3/6/2006. No proposed order.(kmca) (Entered: 02/14/2006)
02/14/2006	<u>46</u>	MOTION to Compel Production of Transcripts and Audio of Sept 10, 2003 and Oct 13, 2003 PCR by Robert Holland Koon. Response to Motion due by 3/6/2006.No proposed order.(kmca) (Entered: 02/14/2006)
02/21/2006	<u>47</u>	RETURN and MEMORANDUM to Petition for Writ of Habeas Corpus by Colie Rushton, Henry Dargan McMaster. (Attachments: #(1) Exhibit misc documents from state court proceedings, #(2) Exhibit misc documents from state court proceedings, #(3) Exhibit misc documents from state court proceedings, #(4) Exhibit miscellaneous documents from state court proceedings, #(5) Exhibit misc documents from state court proceedings, #(6) Exhibit misc documents from state court proceedings, #(7) Exhibit misc documents from state court proceedings, #(8) Exhibit misc documents from state court proceedings, #(9) Exhibit misc docs from state court proceedings)(Salter, William) Additional attachment(s) added on 2/22/2006: attachments replaced, not bookmarked per Judge's Preferences (kmca). (Entered: 02/21/2006)
02/21/2006	<u>48</u>	MOTION for Summary Judgment by Colie Rushton, Henry Dargan McMaster. Response to Motion due by 3/13/2006 No proposed order(Salter, William) Modified on 8/9/2007: State Court Records added (kmca).Additional Attachment(s): #(1) Appendix Volume I part 1, #(2) Appendix Volume I part 2, added on 8/9/2007 (sjam). #(3) Appendix Volume II part 1, #(4) Appendix Volume II part 2, added on 8/10/2007 (sjam). #(5) Appendix Volume III part 1, #(6) Appendix Volume III part 2, added on 8/10/2007 (sjam). #(7) Appendix Volume IV part 1, #(8) Appendix Volume IV part 2, #(9) Appendix Volume V part 1, #(10) Appendix Volume V part 2, #(11) Supplemental Appendix part 1, #(12) Supplemental Appendix part 2, added on 8/16/2007 (kmca). (Entered: 02/21/2006)
02/21/2006	<u>49</u>	CERTIFICATE OF SERVICE by Colie Rushton, Henry Dargan McMaster (Salter, William) (Entered: 02/21/2006)
02/22/2006	<u>50</u>	ROSEBORO ORDER directing clerk to forward summary judgment explanation to the opposing party and directing that party to respond in 34 days. Response due to <u>48</u> MOTION for Summary Judgment. Response to Motion due by 3/28/2006. Signed by Judge Bruce Howe Hendricks on 2/22/06. (kmca) (Entered: 02/22/2006)

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

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

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

Clearly SCOPPPS COMMITTED A "ERROR OF LAW"
in STATING Appellant could NOT be considered for
PAROLE AND ALC REFUSED TO ADDRESS this MATTER.

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

02/22/2006	●	***DOCUMENT MAILED <u>50</u> Roseboro Order, placed in U.S. Mail to Robert Holland Koon (kmca) (Entered: 02/22/2006)
02/22/2006	● <u>51</u>	Letter from Robert Holland Koon; re: Interrogatories (Attachments: #(1) Exhibit 4) (kmca) (Entered: 02/23/2006)
02/22/2006	● <u>52</u>	INTERROGATORIES Propounded to Trial Counsel Mitch Slade by Robert Holland Koon. (Attachments: #(1) Exhibit: letter to Mr Saiter, #(2) envelope)(kmca) (Entered: 02/23/2006)
02/28/2006	● <u>53</u>	RESPONSE in Opposition re <u>48</u> MOTION for Summary Judgment Response filed by Robert Holland Koon.Reply to Response to Motion due by 3/7/2006 plus 3 calendar days per FRCvP 6(e) (Attachments: #(1) Exhibit A, #(2) Exhibit B, #(3) Exhibit C, #(4) Exhibit D, #(5) Exhibit E, #(6) Exhibit F, #(7) Exhibit G, #(8) Exhibit H, #(9) Exhibit I, #(10) Exhibit J, #(11) Exhibit K, #(12) Exhibit L, #(13) Exhibit M, #(14) Exhibit N, #(15) Exhibit O, #(16) Exhibit P, #(17) Exhibit Q, #(18) Exhibit R, #(19) Exhibit S)(dnap,) Modified on 3/6/2006: See <u>56</u> Petitioner's Brief in Opposition and <u>59</u> Petitioner's Exhibit 6 (kmca). Modified on 2/16/2007: put exhibits in order (kmca). (Entered: 02/28/2006)
02/28/2006	● <u>54</u>	Letter from Robert Holland Koon (dnap,) (Entered: 02/28/2006)
03/03/2006	● <u>55</u>	SECOND MOTION for Evidentiary Hearing and/or MOTION for Discovery and Oral Depositions by Robert Holland Koon. Response to Motion due by 3/21/2006 No proposed order(kric,) (Entered: 03/03/2006)
03/03/2006	● <u>56</u>	Petitioner's Brief in opposition to Procedural Bar re respondent's <u>48</u> motion for summary judgment. Brief filed by Robert Holland Koon. (kric,) Modified on 3/6/2006: See <u>59</u> additional attachment: Petitioner's Exhibit 6 (kmca). Modified on 3/16/2006: see <u>68</u> additional attachment: Petitioner's Exhibit 7 (kmca). Modified on 3/21/2006: see <u>69</u> additional attachment: missing transcripts (kmca). Modified on 3/24/2006: see <u>72</u> additional attachment: clarification of exhibits (kmca). Modified on 3/28/2006: see <u>73</u> additional attachment: exhibit 9 (kmca). Modified on 3/31/2006: see <u>74</u> additional attachment: exhibit 10 (kmca). Modified on 4/4/2006: see <u>76</u> additional attachment: De Novo Review of Issue #9 (kmca). Modified on 4/10/2006: see <u>77</u> additional attachment: Petition to Reinstate Issues One, Two and Three (kmca). (Entered: 03/03/2006)
03/03/2006	● <u>57</u>	RESPONSE in Opposition re <u>43</u> MOTION for Order to Show Cause MOTION for copies of pro se pleadings filed by petitioner, <u>46</u> MOTION to Compel Response filed by Colie Rushton, Henry Dargan McMaster.Reply to Response to Motion due by 3/10/2006 plus 3 calendar days per FRCvP 6(e) (Salter, William) (Entered: 03/03/2006)
03/03/2006	● <u>58</u>	CERTIFICATE OF SERVICE by Colie Rushton, Henry Dargan McMaster (Salter, William) (Entered: 03/03/2006)
03/06/2006	● <u>59</u>	Additional Attachments to Main Document <u>56</u> Petitioner's Brief in Opposition to respondents' <u>48</u> Motion for summary judgment. Filed by Robert Holland Koon. (Attachments: #(1) Exhibit 6, #(2) envelope)(kmca)

ISSUE Three

ACC COMMITTED A "ERROR OF LAW" WHEN SHE REFUSED TO RULE UPON THE ISSUE THAT SINCE SCOPPPS IS APPELLANT'S CRIME VICTIM ON HIS 1998 CONVICTION SCOPPPS 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 SCOPPPS ALONE ON THIS APPEAL, IT IS "CLEAR" THAT SINCE SCOPPPS 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 SCOPPPS 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)

		(Entered: 03/06/2006)
03/07/2006	60	MOTION to supplement petitioner's <u>53</u> opposition to respondents' <u>48</u> motion for summary judgment with affidavit/interrogatories of trial counsel, by Robert Holland Koon. Response to Motion due by 3/27/2006. (Attachments: #(1) interrogatories/affidavit, #(2) envelope)No proposed order.(kmca) (Entered: 03/07/2006)
03/07/2006	61	AFFIDAVIT of Petitioner in Opposition to respondent's <u>48</u> MOTION for Summary Judgment. (Attachments: #(1) Exhibit A, #(2) B, #(3) envelope) (kmca) (Entered: 03/07/2006)
03/08/2006	62	AMENDED ANSWER/Supplemental Return and Memorandum of Law in Support of <u>48</u> Motion for Summary Judgment to by Colie Rushton, Henry Dargan McMaster. (Attachments: # <u>1</u> Exhibit Order of SC Sup Ct stating that denial of certiorari in 04-CP-11-214 was afer review by court)(Salter, William) (Entered: 03/08/2006)
03/08/2006	63	CERTIFICATE OF SERVICE by Colie Rushton, Henry Dargan McMaster (Salter, William) (Entered: 03/08/2006)
03/09/2006	64	ROSEBORO ORDER directing clerk to forward summary judgment explanation to the opposing party and directing that party to respond in 34 days. Response due to respondents' <u>62</u> Amended Answer to Complaint/Supplemental Return and Memorandum of Law in Support of <u>48</u> Motion for Summary Judgment. Response to Motion due by 4/12/2006. Signed by Judge Bruce Howe Hendricks on 3/9/06. (kmca) (Entered: 03/09/2006)
03/09/2006		***DOCUMENT MAILED <u>64</u> Roseboro Order, placed in U.S. Mail to Robert H Koon (kmca) (Entered: 03/09/2006)
03/10/2006	65	REPLY to Response to Motion re <u>55</u> MOTION for Hearing MOTION for Discovery Response filed by Robert Holland Koon. (Attachments: # <u>1</u> Envelope)(dnap,) (Entered: 03/13/2006)
03/13/2006	66	Letter from Robert Holland Koon; re: exhibit 8, brief of Tommy Lee James in State v James. (Attachments: #(1) Exhibit 8 (a)-(b), #(2) envelope) (kmca) (Entered: 03/14/2006)
03/14/2006	67	SUPPLEMENTAL REPLY/RESPONSE to respondent's <u>62</u> AMENDED ANSWER/SUPPLEMENTAL RETURN AND MEMORANDUM OF LAW IN SUPPORT OF <u>48</u> MOTION for Summary Judgment. Response filed by Robert Holland Koon.Reply to Response to Motion due by 3/21/2006 plus 3 calendar days per FRCvP 6(e). (Attachments: #(1) brief, #(2) Affidavit, #(3) clarification of exhibits 1-8, #(4) envelope)(kmca) (Entered: 03/14/2006)
03/14/2006		DOCKET ANNOTATION: petitioner's <u>67</u> SUPPLEMENTAL REPLY/RESPONSE is either missing page 20 or is numbered incorrectly. (kmca) (Entered: 03/14/2006)
03/16/2006	68	Additional Attachments to Main Document <u>56</u> Petitioner's Brief in Opposition to respondents' <u>48</u> Motion for summary judgment. (Attachments:

(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 U. CLARE ALLEN TO DESTROY THE INITIAL BRIEF AND DENY APPELLANT ACC / SCOPPPS COMPLETE FILES TO CONSTRUCT THE R.O.A.

(E) U. CLARE ALLEN 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. CARROLL, 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 REQUIRE RECUAL OF FACT FINPER)

		#(1) Exhibit 7, (A)-(E), #(2) envelope)(kmca) (Entered: 03/16/2006)
03/21/2006	69	Additional Attachment (Missing Transcripts) to Main Document <u>56</u> Petitioner's Brief in Opposition to respondents' <u>48</u> Motion for summary judgment. (kmca) (Entered: 03/21/2006)
03/21/2006	70	RESPONSE in Opposition re <u>55</u> MOTION for Hearing MOTION for Discovery and <u>51</u> Interrogatories Response filed by Colie Rushton, Henry Dargan McMaster.Reply to Response to Motion due by 3/28/2006 plus 3 calendar days per FRCvP 6(e) (Salter, William) (Entered: 03/21/2006)
03/21/2006	71	CERTIFICATE OF SERVICE by Colie Rushton, Henry Dargan McMaster (Salter, William) (Entered: 03/21/2006)
03/24/2006	72	Additional Attachments (Clarification of Exhibits Submitted by Petitioner and Request for a Hearing on Content of Lower Court Records) to Main Document <u>56</u> Petitioner's Brief in Opposition to Respondent's <u>48</u> Motion for Summary Judgment. (kmca) (Entered: 03/24/2006)
03/28/2006	73	Additional Attachment (Exhibit 9) to Main Document <u>56</u> Petitioner's Brief in Opposition to Respondents' <u>48</u> Motion for Summmary Judgment. (Attachments: #(1) Exhibit 9 = Brief of Counsel)(kmca) Modified on 4/4/2006: see <u>76</u> additional attachment (De Novo Review of Issue #9) (kmca). (Entered: 03/28/2006)
03/31/2006	74	Additional Attachments (Exhibit 10) to Main Document <u>56</u> Petitioner's Brief in Opposition to Respondent's <u>48</u> Motion for Summary Judgment. (Attachments: #(1) lower court records, #(2) envelope)(kmca) (Entered: 03/31/2006)
03/31/2006	75	MOTION to Stay Proceedings by Robert Holland Koon. Response to Motion due by 4/18/2006. (Attachments: #(1) Exhibit, #(2) envelope)No proposed order.(kmca) Modified on 5/2/2006: see <u>83</u> additional attachment (Exhibit in Support) (kmca). Modified on 5/18/2006: see <u>87</u> additional attachment (Exhibit in Support) (kmca). Modified on 5/26/2006: see <u>91</u> additional attachments (kmca). Modified on 7/11/06: see <u>94</u> additional attachment (Order of P.C.R. Court) (kmca). (Entered: 03/31/2006)
04/04/2006	76	Additional Attachment (De Novo Review of Issue #9) to <u>73</u> Additional Attachment (Exhibit 9) to Main Document <u>56</u> Petitioner's Brief in Opposition to Respondent's <u>48</u> Motion for Summary Judgment. (kmca) (Entered: 04/04/2006)
04/10/2006	77	Additional Attachment (Petition to Reinstate Issues One, Two and Three) to Main Document <u>56</u> Petitioner's Brief in Opposition to Respondent's <u>48</u> Motion for Summary Judgment. (kmca) (Entered: 04/10/2006)
04/11/2006	78	Additional Attachments (exhibit 11) to Main Document <u>72</u> Additional Attachments (Request for a Hearing on Content of Lower Court Records). (Attachments: #(1) Exhibit 11, #(2) envelope)(kmca) (Entered: 04/12/2006)
04/18/2006	79	RESPONSE in Opposition re <u>75</u> MOTION to Stay. Response filed by Colie Rushton, Henry Dargan McMaster.Reply to Response to Motion due by

SCDPPTS 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 SCDPPTS DID NOT EVEN REVIEW THE EVIDENCE OF MOST EXTRAORDINARY CIRCUMSTANCES SUBMITTING AND DELETED THAT EVIDENCE FROM KC FILE.

- THE "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/ SCDPPTS TO SABOTAGE THE APPEAL.

(SEE ATTACHED) EXHIBIT (B)

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

		4/25/2006 plus 3 calendar days per FRCvP 6(e) (Attachments: # <u>1</u> Exhibit State court pleadings and Orders)(Salter, William) (Entered: 04/18/2006)
04/18/2006	<u>80</u>	CERTIFICATE OF SERVICE by Colie Rushton, Henry Dargan McMaster (Salter, William) (Entered: 04/18/2006)
04/25/2006	<u>81</u>	MOTION to Amend/Correct <u>40</u> Amended Petition for Writ of Habeas Corpus by Robert Holland Koon. Response to Motion due by 5/15/2006.No proposed order.(kmca) (Entered: 04/25/2006)
04/26/2006	<u>82</u>	REPLY to respondents' <u>79</u> Response to petitioner's <u>75</u> MOTION to Stay. Response filed by Robert Holland Koon. (kmca) (Entered: 04/26/2006)
05/02/2006	<u>83</u>	Additional Attachment (Exhibit in Support) to Main Document <u>75</u> MOTION to Stay. (Attachments: #(1) Exhibit, #(2) envelope)(kmca) (Entered: 05/02/2006)
05/12/2006	<u>84</u>	Letter from Robert Koon; re: wants copy of <u>81</u> Motion to Amend/Correct <u>40</u> Amended Petition for Writ of Habeas Corpus and docket sheet. (Attachments: #(1) envelope)(emailed from Columbia) (kmca) (Entered: 05/15/2006)
05/15/2006	<u>85</u>	RESPONSE in Opposition re <u>81</u> MOTION to Amend/Correct <u>40</u> Petition for Writ of Habeas Corpus Response filed by Colie Rushton, Henry Dargan McMaster.Reply to Response to Motion due by 5/22/2006 plus 3 calendar days per FRCvP 6(e) (Salter, William) (Entered: 05/15/2006)
05/15/2006	<u>86</u>	CERTIFICATE OF SERVICE by Colie Rushton, Henry Dargan McMaster (Salter, William) (Entered: 05/15/2006)
05/18/2006	<u>87</u>	Additional Attachment (Exhibit in Support of Stay of Proceedings Pending Hearing in State Court) to Main Document <u>75</u> MOTION to Stay. (Attachments: #(1) Exhibit, #(2) envelope)(kmca) (Entered: 05/18/2006)
05/24/2006	<u>88</u>	REPLY to Respondents' <u>85</u> Response in Opposition to Petitioner's <u>81</u> MOTION to Amend/Correct <u>40</u> Petition for Writ of Habeas Corpus. Response filed by Robert Holland Koon. (kmca) (Entered: 05/24/2006)
05/24/2006	<u>89</u>	SUPPLEMENTAL MOTION to Amend/Correct <u>40</u> Amended Petition for Writ of Habeas Corpus, to Strike previous <u>81</u> MOTION to Amend/Correct <u>40</u> Petition for Writ of Habeas Corpus, and to Restate <u>75</u> Motion to Stay Proceedings by Robert Holland Koon. Response to Motion due by 6/12/2006. No proposed order.(kmca) (Entered: 05/24/2006)
05/24/2006	<u>90</u>	MOTION to Compel State Court Transcripts, in re: <u>89</u> Supplemental motion to Amend, and <u>75</u> motion to stay proceedings by Robert Holland Koon. Response to Motion due by 6/12/2006. (Attachments: #(1) State Court Filing)No proposed.order.(kmca) (Entered: 05/24/2006)
05/26/2006	<u>91</u>	Additional Attachments to Main Document <u>75</u> MOTION to Stay Proceedings. (Attachments: #(1) Affidavit, #(2) Exhibit 1, #(3) Exhibit 2, #(4) envelope)(kmca) (Entered: 05/26/2006)

ISSUE FOUR

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

AT FOOT 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]

06/02/2006	92	Letter from Robert Koon; re: request docket sheet. (Attachments: #(1) envelope) (emailed from Columbia) (kmca) (Entered: 06/02/2006)
06/02/2006		***DOCUMENT MAILED: docket sheet and 1983 packet per 92 Letter requesting, and Notice to send all future filings to Greenville, placed in U.S. Mail to Robert Koon (kmca) (Entered: 06/02/2006)
06/19/2006	93	Letter from Robert Koon; re: respondent has not received a copy of the state reply to motion to stay proceedings that was due 6/12/06. (kmca) (Entered: 06/19/2006)
07/11/2006	94	Additional Attachment (Order of P.C.R. Court) to Main Document 75 MOTION to Stay Proceedings. (Attachments: #(1) Exhibit 13, #(2) envelope)(kmca) (Entered: 07/11/2006)
07/11/2006	95	Letter by Robert Holland Koon In Re: request copy of docket sheet and copy of P.C.R. Court Order filed 7/11/06. (kmca) (Entered: 07/11/2006)
07/11/2006		***DOCUMENT MAILED: docket sheet and copy of 94 P.C.R. Court Order per 95 request, placed in U.S. Mail to Robert H Koon (kmca) (Entered: 07/11/2006)
08/24/2006	96	ORDER Granting petitioner's 45 Motion to Strike, Denying petitioner's 75 Motion to Stay, Granting petitioner's 81 Motion to Amend/Correct, Granting petitioner's 89 Motion to Amend/Correct. Signed by Judge Bruce Howe Hendricks on 8/24/06.(kmca)There is no document for this entry (Entered: 08/24/2006)
08/24/2006		***DOCUMENT MAILED 96 Order on Motion to Strike, Order on Motion to Stay, Order on Motion to Amend/Correct, Order on Motion to Amend/Correct, placed in U.S. Mail to Robert H Koon (kmca) (Entered: 08/24/2006)
08/25/2006	97	REPORT AND RECOMMENDATIONS recommending respondents' 48 MOTION for Summary Judgment filed by Henry Dargan McMaster, Colie Rushton, be Granted and petitioner's 1 Petition for Writ of Habeas Corpus filed by Robert Holland Koon, be Dismissed without prejudice. If the District Court accepts this recommendation, the petitioner's remaining non-dispositive motions should be considered MOOT [Docs. 31, 43, 46, 55, 60, 90]. Objections to R&R due by 9/15/2006. Signed by Judge Bruce Howe Hendricks on 8/24/06. (Attachments: #(1) Objection Notice)(kmca) (Entered: 08/25/2006)
08/25/2006		***DOCUMENT MAILED 97 REPORT AND RECOMMENDATIONS, placed in U.S. Mail to Robert H Koon (kmca) (Entered: 08/25/2006)
08/28/2006	98	MOTION to Stay Federal proceedings pending resolution of State Court matters in 01-cp-11-202 and 05-cv-11-667, by Robert Holland Koon. Response to Motion due by 9/15/2006 (Attachments: # 1 Envelope)No proposed order(dnap,) Modified on 11/17/2006: see 104 Additional: Update on State Court Proceedings (kmca). Modified on 11/29/2006: see 106 additional attachments (kmca). Modified on 12/12/2006: see 108 status update (kmca). Modified on 1/25/2007: see 122 Supplemental Authority

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

ALC COMMITTED "ERROR OF LAW" IN REFUSING TO EXPAID R.O.A. TO COMPRISE ENTIRE SCOPPPS FILE AND 2013 UP 216 FILE AS THIS WAS PROPER SCOPPPS 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 SCOPPPS FILE, ALC FILE AND 2013-UP 216 FILES 2014-1266 FILES. SO MOVES,

8-13-14.

(15)

Reek Koon

		(kmca). (Entered: 08/28/2006)
08/29/2006	●	DOCKET ANNOTATION - NO Correction by attorney required. OBJECTIONS TO <u>97</u> Report and Recommendations due 9/14/06. (kmca) (Entered: 08/29/2006)
08/29/2006	●	***DOCUMENT MAILED: Docket Annotation, re: Objection date to R&R placed in U.S. Mail to Robert Holland Koon (kmca) (Entered: 08/29/2006)
09/05/2006	● <u>99</u>	NOTICE of Change of Address by Robert Holland Koon (still at Lee Correctional Institution) section changed to Ch(N)1143 (record updated) (kmca) (Entered: 09/05/2006)
09/05/2006	● <u>100</u>	OBJECTION to <u>97</u> Report and Recommendations by Robert Holland Koon. (Attachments: #(1) exhibits, #(2) Exhibit I, #(3) Exhibit II, #(4) Exhibit III, #(5) Exhibit IV, #(6) Exhibit V, #(7) Exhibit VI, #(8) Envelope)(kmca) (Entered: 09/05/2006)
09/06/2006	● <u>101</u>	OBJECTIONS to <u>97</u> Report and Recommendations by Robert Holland Koon. (Attachments: #(1) Envelope)(kmca) (Entered: 09/06/2006)
11/07/2006	● <u>102</u>	MOTION for Attorney General to provide expedited transcript of 10/24/06 hearing by Robert Holland Koon. Response to Motion due by 11/27/2006 (Attachments: # <u>1</u> Envelope) No proposed order(jtho,) Modified on 12/12/2006: see <u>108</u> status update (kmca). Modified on 1/22/2007: see <u>119</u> cost of transcript (kmca). (Entered: 11/07/2006)
11/16/2006	● <u>103</u>	RESPONSE in Opposition re <u>102</u> MOTION for Attorney General to provide expedited transcript of 10/24/06 hearing Response filed by Colie Rushton, Henry Dargan McMaster. Reply to Response to Motion due by 11/27/2006 (Attachments: # <u>1</u> Certificate of Service)(Salter, William) (Entered: 11/16/2006)
11/17/2006	● <u>104</u>	Additional Attachment (Update on State Court Proceedings) to Main Document <u>98</u> MOTION to Stay Federal Proceedings. (kmca) (Entered: 11/17/2006)
11/17/2006	● <u>105</u>	MOTION for Order to Show Cause by Robert Holland Koon. Response to Motion due by 12/7/2006. (Attachments: #(1) Envelope) No proposed order. (kmca) Modified on 11/29/2006: see <u>106</u> additional attachments (kmca). (Entered: 11/17/2006)
11/29/2006	● <u>106</u>	Additional Attachments to Main Document <u>105</u> MOTION for Order to Show Cause, and <u>98</u> MOTION to Stay. (Attachments: #(1) Envelope)(kmca) (Entered: 11/29/2006)
12/07/2006	● <u>107</u>	RESPONSE in Opposition re <u>105</u> MOTION for Order to Show Cause Response filed by Colie Rushton, Henry Dargan McMaster. Reply to Response to Motion due by 12/18/2006 (Attachments: # <u>1</u> Certificate of Service)(Salter, William) (Entered: 12/07/2006)
12/12/2006	● <u>108</u>	Additional Attachment (Status Update) to Main Documents: <u>98</u> MOTION to Stay and <u>102</u> MOTION for Attorney General to provide expedited transcript of 10/24/06 hearing, filed by Robert Holland Koon. (Attachments:

Proof of Service

RECEIVED

AUG 18 2014

SC Court of Appeals

A COPY OF FINAL BRIEF
WAS MAILED TO MATTHEW
C. BUCHANAN (ESQ)
PO BOX 50666
COLUMBIA SC 29205

Aug 13 DAT AVE. 2014

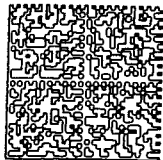
BY US MAIL

Under oath,

Paul Kow

Robert Koov
227826 UCI
PO Box 205
RDEEville SC
29472

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