

The Hon. J. Mark Hayes, II
180 Magnolia Street
Spartanburg, SC 29306

Harry M. Lovelace
PO Box 71
Gaffney, SC 29342
(864) 838-1381

May 20, 2014

Re: Robert Holland Koon

Dear Judge Hayes,

I am enclosing the information related to Mr. Koon's PCR filing which I attempted to file on his behalf with the Cherokee County Clerk of Court's office, and was advised that all such filings must be directed to your office. I have also enclosed a blank check for \$25.00 to pay the filing fee; please have add the proper payee added accordingly.

Please let me know if you have any questions or if I need to be aware of anything.

Respectfully,

A handwritten signature in black ink, appearing to read "Harry M. Lovelace", written over a horizontal line.

Harry M. Lovelace

AFFIDAVIT

I, Harry M. Lovelace, hereby give the following statement freely and voluntarily that is true and correct, under oath:

On the afternoon of May 12, 2014, I went to the Cherokee County Clerk of Court's office and attempted to submit a PCR filing on behalf of Robert H. Koon and pay the filing fee. I was advised by one of the office staff that I could not file the petition as Mr. Koon had been "banned" from filing any documents directly with the Clerk of Court's office; that any filings from Mr. Koon must be submitted directly to Judge J. Mark Hayes. The PCR filing in question made allegations of judicial improprieties from Judge Hayes, so I felt a conflict of interest may result. Nevertheless, I then mailed the documents to Judge Hayes and later received a letter from him dated May 22, 2014 in which he stated that he had forwarded the information to the Chief Administrative Judge for the Common Pleas Court (attached).

I request to be provided with a copy of the court ruling that prohibits Mr. Koon from filing *any* legal documents directly through the Cherokee County Clerk of Courts office.

Further AFFIDAVIT sayeth not

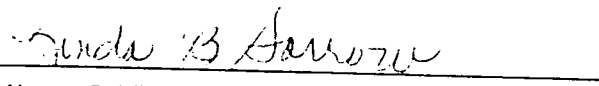


Harry M. Lovelace

Daytime Phone: 864-838-1381

Sworn and Subscribed to me on this 9th day of June, 2014.

My Commission expires:



Notary Public

11-28-2017



State of South Carolina
Circuit Court Judge, At-Large, Seat 5

J. MARK HAYES, II
JUDGE

180 MAGNOLIA STREET, 2ND FLOOR
SPARTANBURG, SOUTH CAROLINA 29308
TELEPHONE: (864) 562-4144
FAX: (864) 562-4142
E-MAIL: mhayesj@sccourts.org

May 22, 2014

Harry Lovelace
Post Office Box 71
Gaffney, South Carolina 29342

Re: Robert Holland Koon

Dear Mr. Lovelace:

Please be advised that your May 20, 2014 letter to me and the attachments thereto have been forwarded onto the Chief Administrative Judge for the Common Pleas Court.

Respectfully,


J. Mark Hayes, II

JMHII/smw

CC: Honorable Derham Cole w/enclosures

includes an applicant's right to appeal the denial of a post-conviction relief application, and the right to assistance of counsel in that appeal. Matthews v. Evatt, 105 F.3d 907, 916 (1997), Gamble v. State, 298 S.C. 176, 379 S.E.2d 118, 119 (1989), Odom v. State, 337 S.C. 256, 523 S.E.2d 753 (1999).

The Applicant has filed six (6) PCR Applications on his 1998 convictions. Of the three (3) final Orders of Dismissal, the Applicant has appealed one (1) of them.⁶ A new application was filed on January 3, 2008. The Applicant has had his full bite on that conviction. The Applicant has also filed seven (7) PCR Applications on the 1986 conviction alone and he has appealed the dismissals of those Applications five (5) times. One is currently pending in the lower court.

REMEDY

a. Filing Fee

Due to the repetitive and frivolous nature of Applicant's numerous applications, the Court directs the Cherokee County Clerk of Court not to accept any further PCR applications from the Applicant unless he pays the normal filing fee generally required for the filing of a summons and complaint. The United States Supreme Court has denied litigants who have filed repetitive, frivolous petitions the right to proceed *in forma pauperis*, resulting in the litigants having to pay the required filing fee with that Court. In re Whitaker, 513 U.S. 1, 115 S.Ct. 2, 130 L.Ed.2d 1 (1994); In re Anderson, 511 U.S. 364, 114 S.Ct. 1606, 128 L.Ed.2d 332 (1994); In re Demos, 500 U.S. 16, 111 S.Ct. 1569, 114 L.Ed.2d 20 (1991); In re Sindram, 498 U.S. 177, 111 S.Ct. 596, 112 L.Ed.2d 599 (1991); In re McDonald, 489 U.S. 180, 109 S.Ct. 993, 103 L.Ed.2d 158 (1989).

This Court also requires the Applicant to pay the normal civil filing fee for any subsequent motions filed in the case. This includes a filing fee for letters which include arguments for the Court

⁶ The State appealed the Court's finding in State v. Koon, (04-CP-11-214). See entry "L" below.

to consider.

Documents submitted to the Clerk's Office which are not accompanied by the proper filing fee will be returned to the Applicant.

b. Notarized Affidavit

This Court requires the Applicant to provide a properly notarized affidavit certifying that the Applicant believes in good faith that the matter raised is not frivolous in any further PCR applications. In In re Theron Maxton, 325 S.C. 3, 478 S.E.2d 679 (1996), the South Carolina Supreme Court required Maxton, who had filed numerous meritless petitions with the Court, to pay a filing fee and accompany any future filings with a properly notarized affidavit by Maxton certifying that he in good faith believed that the matters he was raising were non-frivolous and proper for the Court to consider. Id. Other courts have required that the abusive litigant file an affidavit certifying that he believes the petition raises an original claim or is non-frivolous before accepting filings from the litigant. In the Matter of Verdone, 73 F.3d 669 (7th Cir.1995); Abdul-Akbar v. Watson, 901 F.2d 329 (3d Cir.1990); Green v. Warden, 699 F.2d 364 (7th Cir.), *cert. denied*, 461 U.S. 960, 103 S.Ct. 2436, 77 L.Ed.2d 1321 (1983).

Once the Applicant submits an Application that is accompanied by the required filing fee and a notarized affidavit, this Court directs the Clerk's office to submit the Application to the Chief Administrative Judge before filing. The Administrative Judge will then make a finding on whether the issues raised in the Application are non-frivolous and proper for the Court to consider. If the Administrative Judge finds the Application proper, it will then be submitted to the Clerk's office for filing. No Application would be filed without a proper finding from the Chief Administrative Judge.

c. Procedure

Each application will be assigned its own civil action number. When the Clerk's office receives an application, it will be filed as customary PCR filing procedure. The Clerk's office will then forward

it to the Chief Administrative Judge for the Seventh Judicial Circuit. The Chief Administrative Judge will make a ruling on whether the issues raised in the Application are non-frivolous, are not untimely or barred as successive, and proper for the Court to consider.

The Applicant must provide with his Application an explanation as to why it is not barred as successive or being untimely under the statute of limitations. This explanation must contain sufficient facts, arguments and citation to legal authority to show that there is an arguable allegation that is not barred as successive or untimely, and is not based on mere speculation or unfounded accusations. If the Applicant fails to make a sufficient showing, the Application will be summarily dismissed by written order of the Chief Administrative Judge.

No response is required from the State unless the Chief Administrative Judge makes a finding that the Applicant made a sufficient showing. The State will then treat the Application as is customary with all PCR applications. The State does not waive the right to raise defenses of untimeliness and successive at a future hearing.

d. Procedural History Outline

When forwarding the Application to the Chief Administrative Judge, the Clerk's Office should include a document explaining the procedural history of the Applicant. This document is to be maintained by the State. After the Chief Administrative Judge makes a finding by written order, the Clerk's office will forward this Order to the State. The State will then update the procedural history document and forward it back to the Clerk's Office.

This Court also warns the Applicant that the PCR court has the authority to issue Rule 11 sanctions against a post-conviction applicant pursuant to the South Carolina Rules of Civil Procedure. Rule 11 provides: "The signature of an attorney or party [on a pleading, motion, or other paper] constitutes a certificate by him that he has read the pleading, motion or other paper; that to the best of

his knowledge, information and belief there is a good ground to support it; and that it is not interposed for delay. If a pleading, motion or other paper is signed in violation of this Rule, the court...may impose upon the person who signed it, a represented party, or both, an appropriate sanction." Hiott v. State, 375 S.C. 354, 652 S.E.2d 436 (S.C. App. 2008)

IV. CONCLUSION

The Applicant's allegations and accusations have become increasingly frivolous and meritless. His only successes have been to vacate one of his four burglary, second-degree charges,⁷ and a re-sentencing which was later overturned by the Supreme Court.⁸ Each case is accompanied with constant letters from the Applicant, many times when he is represented by counsel, to the Judges, the Clerk's Office, and the State. There are continued requests to be heard out of turn, to recuse Judges, to recuse Assistant Attorney Generals, and general accusations of bias and conspiracy. The Applicant continues to waste the time and resources of the Cherokee County Clerk of Court's Office, the Chief Administrative and Presiding Judges in the Seventh Circuit, the South Carolina Attorney General's Office, numerous appointed attorneys of the Cherokee and Spartanburg County and surrounding Bars, Court Personnel, and the South Carolina Supreme Court.

IT IS THEREFORE ORDERED:

For these reasons, this Court orders the following:

1. The Clerk of Court is directed to refuse to accept further petitions and applications from the Applicant asking the Court to entertain matters unless he pays a filing fee generally required for filing motions and petitions with this Court.
2. The Applicant is prohibited from filing any legal actions in any

Koon v. State, 00-CP-11-623. This vacated sentence is now inconsistent with the Court's new ruling in Gentry 363 S.C. 93, 610 S.E.2d 494 (2005). See entry "L" above.

Koon v. State, (04-CP-11-214). See entry "N" above.

jurisdiction in South Carolina without submitting the requisite filing fees' and providing a properly notarized affidavit certifying that the Applicant believes in good faith that the matter raised is not frivolous. The requisite filing fee must also be submitted with any subsequent filings.

3. Any Applications submitted with properly notarized affidavits be submitted to the Chief Administrative Judge with the procedural history document to make a finding on whether the allegations are non-frivolous and proper for the Court before they are filed; and
4. The Clerk of Courts should be instructed to return all documents that do not comply with this order.

AND IT IS SO ORDERED this 5 day of August, 2009.

J. MARK HAYES, II
Presiding Judge
Seventh Judicial Circuit

Gaffney, South Carolina.

STATE OF SOUTH CAROLINA

County of ~~Williamsburg~~ Cherokee

In the Court of Common Pleas

ROBERT KOON

Full name and prison number (if any) of Applicant,

vs.

STATE

Name of Respondent.

APPLICATION FOR
POST-CONVICTION RELIEF

BRIEF EXPLANATION & GOOD
FAITH AFFIDAVIT IS ATTACHED

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.

- Place of detention L.I.C.I. PO BOX 205 Ridgeville SC 29472
- Name and location of Court which imposed sentence GENERAL SESSIONS
- The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
 - AND DEECE BURGLARY - GRAND LARCENY
 -
 -
- The date upon which sentence was imposed and the terms of the sentence:
 - MAY 29, 1985 LUCP + 5 yrs.
 -
 -

5. Check whether a finding of guilty was made

- (a) after a plea of guilty _____
- (b) after a plea of 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. COURT OF APPEALS
- ii. _____
- iii. _____

(b) the result in each such Court to which you appealed:

- i. AFFIRMED
- ii. _____
- iii. _____

(c) the date of each such result:

- i. APRIL 2000
- ii. _____
- iii. _____

(d) if known, citations of any written opinion or orders entered pursuant to such results:

- i. STATE V. KOON
- ii. _____
- iii. _____

8. If you answered "no" to (6), state your reasons for not so appealing:

- (a) N/A
- (b) _____
- (c) _____

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) SEE ATTACHED
- (b) _____
- (c) _____

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) SEE ATTACHED
- (b) _____
- (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? NOT RELEVANT
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? ''
- (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. NOT RELEVANT
- ii. _____
- iii. _____
- iv. _____

(b) the name and location of the Court in which each was filed:

- i. NOT RELEVANT
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. NOT RELEVANT
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. NOT RELEVANT
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. NOT RELEVANT
- ii. _____
- iii. _____
- 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?

NO

(a) which grounds have been presented:

- i. N/A
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. N/A
- 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) NEWLY DISCOVERED EVIDENCE 17-27-45(C) MCCOY V
- (b) STATE 737 SEd6 623 SC (2013) OF JUROR MISCONDUCT
- (c) _____

16. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea?
- (b) your trial, if any?
- (c) your sentencing?
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence?
- (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. MITCH STADE (ESQ)
- ii. ALIKON CLARK (ESQ)
- iii. _____

(b) the proceedings at which each such attorney represented you:

- i. TRIAL
- ii. APPEAL
- iii. _____

18. State clearly the relief you seek in filing this application.

NEW TRIAL

Are you now under sentence from any other court that you have not challenged?

(D)

County of Ridgeway

I, Robert Koon, 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.

Paul Koon

SWORN to and subscribed before me this 20th

day of May, 2014

Ludman Bryant (L.S.)
Notary Public

My Commission Expires: May 26, 2020

APPLICATION TO PROCEED WITHOUT PREPAYMENT OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF

I, Robert Koon

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.

Paul Koon
Applicant



NOTARIZED AFFIDAVIT OF COOPERATION

I, Robert Koon do hereby CERTIFY THIS PCL IS MADE IN GOOD FAITH AND IS NOT FRIVOLOUS BUT IS OF SUBSTANTIAL MERIT BASED UPON THE FOLLOWING EVIDENCE: LEGAL COUNSEL AFFIDAVIT

SWORN or affirmed to and subscribed before me this

20th day of May, 2014

Ludman Bryant

My Commission Expires: May 26, 2020

LAW IN SUPPORT

The Sixth Amendment of the United States Constitution guarantees a criminal defendant the right to trial by an impartial jury. The right to a trial by an impartial jury lies at the very heart of due process. Irvin v. Dowd, 366 U.S. 717, 721-722, 81 S.Ct. 1639, 1641-1642, 6 L.Ed.2d 751 (1961). "[our common-law heritage, our Constitution, and our experience in applying that Constitution have committed us irrevocably to the position that the criminal trial has one well-defined purpose--to provide a fair and reliable determination of guilt." Estes v. Texas, 381 U.S. 532, 565, 85 S.Ct. 1628, 1644, 14 L.Ed.2d 543 (1965) (Warren, C.J., with whom Douglas and Goldberg, JJ., joined, concurring). That purpose simply cannot be achieved if the jury's deliberations are tainted by bias and prejudice. Therefore, a defendant is entitled to a jury that will decide the charge according to the evidence presented in court and a jury that is ^{it} free of outside influences. State v. Kelly, 331 S.C. 132, 502 S.E.2d 99 (1998).

The United States Supreme Court requires that a jury's verdict be based on evidence received in open court, not from outside sources. Sheppard v. Maxwell, 384 U.S. 333, 351, 86 S.Ct. 1507, 1516, 16 L.Ed.2d 600, 613 (1966). Trial courts have been required to protect jurors and their deliberations from outside influences that threaten to taint the verdict. State v. Salters, 273 S.C. 301, 257 S.E.2d 502 (1979).

2000 MCCOY v STATE 737 S.E.2d 62 (2003)
2000 S.C. 132, 257 S.E.2d 502 (1998)

JUROR MISCONDUCT

I. IT HAS BEEN DISCOVERED IN THE PAST YEAR
PUR. TO 17-27-45(C) THAT SEVERAL JURORS CONCEALED
THE FACT THAT THEY WERE MEMBERS OF SAME MASONIC LODGE #136
AS THE STATE KEY WITNESS DETECTIVE J. HENSON, AND THIS
WAS RELEVANT/MATERIAL TO A STRIKE FOR CAUSE OR PEREMPTORY
CHALLENGE - PUR. TO MCCOY V. STATE, 737 S.E.2d. 623 (SC 2013)
- THIS ESTABLISHES "JUROR MISCONDUCT"

JUDICIAL MISCONDUCT, BIAS OF TRIAL JUDGE

TRIAL JUDGE JOHN C. HATES III CONCEALED THE FACT
AS IT WAS DISCOVERED WITHIN LAST YEAR PUR. TO 17-27-45(C)
THAT HE WAS A MEMBER OF GRAND LODGE OF MASONIC
ORDER SMITH V. SMITH, 3 DES. 557, 1813 WL 373
(SC APP EQ 1813) WHEN IT WAS KNOWN TO HIM SEVERAL
PROSECUTION WITNESSES WERE MASONS, IN FACT, TRIAL
COUNSEL ACCUSED CAPT. PHILLIP MEDLEY (WHO, LIKE HENSON,
SPORTED GOLD MASONIC RING) ON "SIGNING AND GESTURING"
TO JURY MEMBERS - YET WHEN TRIAL COUNSEL ASKED
JUDGE TO VOIL PIRE JURORS JUDGE HATES REFUSED TO
DO SO. IN RE: WILDER, 516 S.E.2d 927 SC (1999)
HELD "FAILURE OF JUDGE TO DISCLOSE ON THE RECORD
THAT MCFANDEN WAS A FELLOW MASONIC MEMBER WARRANT
JUDICIAL REPRIMAND" E3.

THE JUDICIAL MISCONDUCT MANIFESTED IN BIAS
AND PARTIALITY EXHIBITED TOWARDS MEDLEY IN
RELATION TO ALLEGATIONS OF JURY TAMPERING - THIS WAS
ESPECIALLY PREJUDICIAL AS THERE WERE SEVERAL MASONS
ON THE JURY AND COUNSEL'S MOTION TO VOIL PIRE
JURY WERE PROPER MOTIONS, BUT DENIED BY MASONIC
AFFILIATED TRIAL JUDGE.

SUMMARY

THIS NEWLY DISCOVERED EVIDENCE PUR 17-27-45(C) OF MASONIC TIES BETWEEN TRIAL JUDGE, STATE WITNESSES, ALLEGED JURY TAMPERERS (MERLEY) AND THAT JUROR MEMBERS WERE ALSO MASONS SHOWS DEFENDANT DENIED A IMPARTIAL JUDGE AND JURY PUR 6th AMENDMENT - IRVIN V. ROSS, POWD, 366 US 717, 721 (1961) (SEE PG 3)

~~CONCLUSION~~

CONCLUSION PUR. TO MCCOY V. STATE, SUPRA, APPLICANT HAS SET FORTH ALLEGATIONS, THAT IF PROVEN, WOULD WARRANT RELIEF, AND THESE FACTS WERE DISCOVERED WITHIN PAST YEAR PUR 17-27-45(C) AND THUS HE IS ENTITLED TO APPOINTMENT OF COUNSEL PUR 71.1(U) SCRPC AND A EVIDENTIARY HEARING - PUR. TO LEAMON V. STATE 611 S.E.2D. (2005)

I VERIFY UNDER OATH.

Relief

NEW TRIAL

② St Robert Hallal Koon
EXPLANATION AS TO
TIME BAR - SUCCESSIVENESS

5-21-14

THIS IS TO BE CONSTRUED AS A EXPLANATION OF FACTS AND LAW AS TO WHY THIS PCR IS NOT EVEN SUCCESSIVE OR TIME BARRED BUT IS PROPER PUR NEWLY DISCOVERED EVIDENCE 17-25-45(C) UNDER M.SCOF AND WILDER CASES.

2 PUR TO MAXTON ORDER

2062

UNDER OATH (RHK)

-BY FAX -

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

MR. ROBERT HOLLAND KOON^①

[Enter the full name of the plaintiff in this action]

Civil Action No. _____
(to be assigned by Clerk)

COMPLAINT
State Prisoner

v.

BRANDY WALKER McBEe

J. MARK HATES II

Desiree Allen

Enter above the full name of defendant(s) in this action

I. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise related to your imprisonment? Yes _____ No
- B. If your answer to A is Yes, describe the lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuits on another piece of paper using the same outline.

1. Parties to this previous lawsuit:

Plaintiff: _____

Defendant(s): _____

2. Court:

(If federal court, name the district; if state court, name the county)

3. Docket Number: _____

4. Name(s) of Judge(s) to whom case was assigned: _____

5. Disposition: _____

(For example, was the case dismissed? Appealed? Pending?)

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

① BASED UPON Rule 60(B)(6) in KOON v. POSITION 8:052523
PLAINTIFF moves to RECALL JUDGE R. BRYAN HARWELL per to
28 USC 455 AND seeks JUDGE ELAINE CHILDS to be ASSIGNED

II. PLACE OF PRESENT CONFINEMENT

A. Name of Prison/Jail/Institution: Lieber CI PO Box 205 Ridgeville SC

B. What are the issues that you are attempting to litigate in the above-captioned case? _____

DENIAL OF ACCESS TO COURTS / SEPARATION OF POWERS

C. (1) Is there a prisoner grievance procedure in this institution? Yes _____ No _____

(2) Did you file a grievance concerning the claims you are raising in this matter? Yes _____ No _____

When _____ Grievance Number (if available) _____

D. Have you received a final agency/departamental/institutional answer or determination concerning this matter (i.e., your grievance)? Yes _____ No _____

E. When was the final agency/departamental/institutional answer or determination received by you? _____

If possible, please attach a copy of your grievance and a copy of the highest level decision concerning your grievance that you have received.

F. If there is no prison grievance procedures in this institution, did you complain to prison, jail, or institutional authorities? Yes _____ No _____

G. If your answer is YES:

1. What steps did you take? _____

2. What was the result? _____

III. PARTIES

THIS IS NOT A SCDC LAWSUIT

In Item A below, place your name, inmate number, and address in the space provided. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff: Robert Holland Cain Inmate No.: _____

Address: PO Box 205 Ridgeville SC

In Item B below, place the full name of the defendant, his official position, and place of employment in the space provided. Use Item C for additional defendants, if any.

B. Name of Defendant: BRANDY MEBER Position: CLERK OF COURT

Place of Employment: Cherokee Co.

C. Additional Defendants (provide the same information for each defendant as listed in Item B above):

J. MARIL HAYES (Circuit Court Judge)

Desiree Allen SC COURT Admin.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

ROBERT HOLLAND KOON)
)
V.)
)
BRANDY WALKER MCBEE)
)
J. MARK HAYES JR. (II))
)
~~ROBERT HAYES JR.~~)
)
DESIREE ALLEN)
)
)
DEFENDANTS

- 1.) THE PLAINTIFF, AT ALL TIMES MATERIAL HEREIN IS A U.S. CITIZEN RESIDENT OF SOUTH CAROLINA, CONFINED WITHIN S.C.D.C. COLUMBIA, SC @ Lieber CI Ridgville SC (KOON)
- 2.) THE DEFENDANT BRANDY WALKER MCBEE (MCBEE) IS CLERK OF COURT CHEROKEE CO. @ GAFFNEY SC
- 3.) DEFENDANTS J. MARK HAYES JR (II) (HAYES) ~~ALSO JUDGE~~ ~~ALSO~~ ~~JUDGE~~ ~~ALSO~~ ~~JUDGE~~ ~~ALSO~~ ~~JUDGE~~ ARE CIRCUIT COURT JUDGES
- 4.) ~~DEFENDANT~~ DEFENDANT DESIREE ALLEN (ALLEN) IS DIRECTOR OF SC COURT ADMINISTRATION IN COLUMBIA SC.
- 5.) (A) THE DEFENDANTS, ACTING, "INDIVIDUALLY AND IN CONSPIRACY", ARE DENYING KOON ACCESS TO THE COURTS IN VIOLATION OF THE FIRST AMENDMENT OF U.S. CONSTITUTION, FIFTH AMENDMENT U.S. CONSTITUTION EQUAL PROTECTION CLAUSE AND FOURTEENTH AMENDMENT DUE PROCESS CLAUSE AND 17-27-10 ~~ET. SEQ~~ SC CODE OF LAWS (PCR) (B) AND COMMITTED ACTS "IN VIOLATION OF SEPARATION OF POWERS ACT// U.S.C.A.

(6) THIS COURT HAS JURISDICTION OF "Ku Klux Klan Act OF 1871" AKA 42 USC 1983, 1985, 1986 FOR DEPRIVATION OF U.S. CONSTITUTIONAL RIGHTS WHILE ACTIVE UNDER COLOR OF STATE LAW, AND CONSPIRACY TO VIOLATE CIVIL RIGHTS;

AS WELL AS UNDER 18. U.S.C. 241, 242 VIOLATION OF CIVIL RIGHTS, CONSPIRACY TO VIOLATE CIVIL RIGHTS (INTER ALIA).

(7) THE "ACTS" OF DEFENDANTS WERE DONE WITH THE MALICIOUS - DELIBERATE INTENT (MENS REA) TO DEPRIVE KOON OF HIS RIGHT TO ACCESS TO THE COURTS

(8) ~~THE~~ KOON HAS NO OTHER MEANS TO SECURE JUST AND EQUITABLE RELIEF.

FIRST CAUSE OF ACTION

ON SEVERAL DIFFERENT OCCASSIONS SINCE FEBRUARY 2014 KOON SENT TO MCBEE NOTARIZED (PCR) APPLICATIONS WITH EXPLANATIONS AS TO "WHY" (PCR) WAS NOT TIME BARRED OR SUCCESSIVE AND A NOTARIZED AFFIDAVIT OF GOOD FAITH THAT ACTION HAS SUBSTANTIAL MERIT BASED UPON AFTER DISCOVERED EVIDENCE PUN. TO MCCOY V. STATE 737 S.E2d 623 (SC 2013) OF JUROR MISCONDUCT AND JUDICIAL MISCONDUCT PUN RE. WILDER 516 S.E2d 927 (SC 1999) ALONG WITH MOTIONS TO PROCEED WITHOUT THE "JUDICALLY CREATED FILING-FEE" CREATED BY FIAT OF HAYES ON AUG. 5, 2009.

CUMMULATIVE ON MAY 12, 2014 WHEN PRIVATE CITIZEN HARRY LOVELACE, THE VICTIM OF Koon "SECOND STRIKE" Koon II 643 SEd 680 (2007) ATTEMPTIVE TO PAY THE illegal FILING FEE (SEE LAKES V. STATE, 333 SC 282 (SC 1998) WHICH CLEARLY STATES PCR REQUIRE NO FILING FEE OR IN FORMA PAUPERIS STATUS AS SC LEGISLATURE DID NOT CREATE A FILING FEE) AND FILE THE PCR, AFFIDAVIT/ EXPLANATION (ETC).

MCBEE INFORMED MR. LOVELACE Koon WAS BANNED FROM FILING ANY DOCUMENTS DIRECTLY WITH THE CLERK OFFICE AND MUST SUBMIT DOCUMENTS DIRECTLY TO HAYES (SEE EXHIBIT A AFFIDAVIT OF LOVELACE)

LOVELACE FORWARDED PCR/ FILING FEE TO HAYES WHO FORWARDED THEM TO ~~COLE~~ Hon. J. Denham Cole

All OF THE ABOVE ACTS ARE IN DIRECT CONTRAVENTION OF 8/5/09 MAXTON ORDER @ PG 14, 15, 16 SECTION (C) WHICH REQUIRES EACH ACTION BE ASSIGNED A CIVIL ACTION NUMBER, THEN FORWARDED TO CHIEF ADMIN JUDGE AND THEN THE CHIEF ADMIN JUDGE MUST BY WRITTEN ORDER DECIDE WHETHER (OR NOT) TO ALLOW PCR TO PROCEED.

C THIS @ WOULD ALLOW Koon "ACCESS TO COURT" TO APPEAL THIS FINDING.) EXHIBIT (A)

SINCE FEBRUARY 2014 MCBEE HAS PURPOSELY VIOLATED THE ATTACHED ORDER AND HAYES AND COLE PURPOSELY REFUSE TO ISSUE A WRITTEN ORDER AS TO WHETHER KOON CAN PROCEED ON HIS PCR SET FORTH IN EXHIBIT (B) ATTACHED.

EXHIBIT (B) WAS FILED 6/20/14 TO DESIREE ALLEN, J. DENHAM COLE, BRANDY MCBEE AND TO THE US DISTRICT COURT IN KOON V. RUSHKOFF 8:05-2523 C IN SUPPORT OF A RULE 60 (b) (6) ON MASONIC AFFILIATION OF DISTRICT COURT JUDGE HARWELL, CHIEF JUDGE TRAYLER IN 07-7462, AND TRIAL JUDGE JOHN C. HAYES III AND STATE WITNESS JIMMY HANSON) SEE ATTACHED DEBIT FORM FOR \$17.28 POSTAGE (1.86 X 4)

MCBEE, ALLEN HAVE BEEN CONTACTED ATLEAST (7) TIMES IN THE ATTEMPT OF KOON TO ACCESS THE COUNTS AND BOTH REFUSE TO ADHERE TO 8/5/09 ORDER, AND COLE, HAYES REFUSE TO REQUIRE THEM TO ADHERE TO THE ORDER 8/5/09 ON ISSUE A WRITTEN ORDER ON EXHIBIT (A) PCR OR PCR REFERENCED IN LOVELACE AFFIDAVIT CONTAINING IDENTICAL ISSUES

THUS, IT IS PROOF OF MCBEE, HAYES, COLE, ALLEN ACTING IN CONCERT TO DENY KOON ACCESS TO THE COUNTS (SEE EXHIBIT C) LETTERS.

SECOND CAUSE OF ACTION

By "JUDICIAL FIAT" MCBEE AND HATES HAVE
~~CONSIDERED~~ ACTED IN CONCERT TO "CREATE" AND
"ENFORCE" A JUDICIALLY CREATED FILING FEE FOR
PCR (SEE EXHIBIT A) PG 14 SECTION (A)
THAT IS SAME FOR FILING A LAWSUIT \$150.00
IN VIOLATION OF SEPARATION OF POWERS PART OF
U.S. CONSTITUTION WITH SOLE PURPOSE TO DENY
INDIGENT KNOW ACCESS TO THE COURTS.

The SC LEGISLATURE IS THE ONLY BODY THAT CAN
"CREATE, REQUIRE OR ENACT A FILING FEE FOR
PCR" AND THEY HAVE NOT DONE SO. HATES
AS A MEMBER OF JUDICIAL BRANCH OF GOVERNMENT
CANNOT "BY FIAT" CREATE A FILING FEE TO
CHILL KNOW ACCESS TO COURTS

The INTENT TO DENY KNOW ACCESS TO COURTS
THRU AN ILLEGAL FILING FEE IS MANIFESTED IN
MCBEE REFUSAL TO ACCEPT ~~THE~~ THE (ILLEGAL)
FILING FEE

THIRD CAUSE OF ACTION

BRANDY MCBEE A ORDER OF EASTERN STAR member (A SISTER ORGANIZATION TO THE MASONS to which her husband is a member) HAS PURPOSELY ACTED TO DENY ACCESS TO THE COUNTS AS KORN AS RAISED SUBSTANTIAL JUROR MISCONDUCT OF MASONIC ORDER in Cherokee CO. THAT STATE WITNESSES AND JURORS ARE MEMBERS OF THE SAME MASONIC LODGE (INTER ALIA) AND ~~AND~~ JURORS CONCEALED THIS FACT, DURING VOIR DIRE AND SAME WAS RELEVANT TO STRIKE JUROR MCCOY U-STATE SUPRA.

AND THAT MASONIC BROTHERS OF HER HUSBAND MCBEE COMMITTED JURY TAMPERING TO WHICH MASONIC TRIAL JUDGE ALLOWED (SEE EXHIBIT A)

PCR FORWARDED TO HATES W/ FILING FEE AND FORWARDED TO COLE SETS FORTH THESE ALLEGATIONS IN DETAIL.

* PER TO LEAMON U-STATE 611 S22d 494 (2005) ALLEGATIONS IN PCR MUST BE TREATED AS TRUE FOR SUMMARY DISMISSAL PURPOSES.

SEE ALSO MCCOY U-STATE CITING LEAMON U-STATE

V. RELIEF

State briefly and exactly what you want the court to do for you.

I) ORDER REQUIRING CLERK OF COURT TO
ALLOW ROOM ACCESS TO COUNTS IN ACCORD
W/ 8/5/09 ORDER W/OUT JUDICIALLY CREATED
FILING FEE

II) ORDER CHIEF ADMIN JUDGE ISSUE A ORDER
AS TO WHETHER ROOM CAN PROCEED.

III) PCR BE REMOVED TO FEDERAL COURT
OF EQUITY UNDER SUPPLEMENTAL JURISDICTION
CLAUSE AND PCR HEARING HELD IN FEDERAL
COURT

I declare under penalty of perjury that the foregoing is true and correct.

Signed this

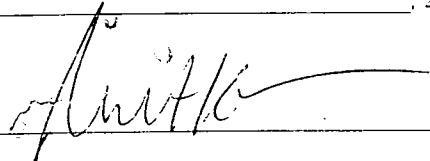
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day of

June

20

14



Signature of Plaintiff

MR. ROBERT HOLLAND KOWY
@ 227826 L.C.I. MAILBOX
PO Box 205
Ridgewille S.C. 29947a

RECEIVED

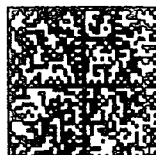
NOV 03 2014

MAIL ROOM
LIEBER C.I.

SC COURT OF APPEALS

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Columbia SC 29921

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