

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN COURT OF COMMON PLEAS

ROBERT KOON
PLAINTIFF

CIVIL ACTION COMPLAINT

Cherokee County
BRANDY McBEE

~~* DECLARATORY ACT~~

SEEKING DECLARATORY

J. Denham Cole

JUDGEMENT AND

ROGER COUCH

INJUNCTIVE RELIEF.

J. MARK HAYES JR.

STATE OF SC. DEFENDANTS

2014 JUL 25 PM 1:58
JEANNETTE McBRIDE
RICHLAND COUNTY
FILED
S.C.P. & D.S.

- ① The PLAINTIFF AT ALL TIMES MATERIAL HEREIN IS PRISONER UNDER ~~ARREST~~ CUSTODY OF SCDC @ 4444 BROAD RV. RD. COLUMBIA SC 29210 (Richland County)
- ② The DEFENDANTS ARE Cherokee County, BRANDY McBEE, J. Denham Cole, ROGER COUCH, J. MARK HAYES AND STATE OF S.C. (ACTING OUT OF Cherokee County SC)
- ③ The DEFENDANTS ARE BEING ~~SEVERELY~~ SUED IN THEIR INDIVIDUAL AND OFFICIAL CAPACITIES FOR VIOLATION OF 1st. AMENDMENT, SEPARATION OF POWERS CLAUSE AND DUE PROCESS OF LAW PER US CONSTITUTION. AND BARRATRY AT LAW.
- ④ This COURT HAS JURISDICTION UNDER THE COMMON LAW AND U.S. CONST. AND 15-78-10. etc, 18 USC 241, 242
- ⑤ The DEFENDANTS ACTS WERE INTENTIONAL, DELIBERATE ACTS TO DEPRIVE THE PLAINTIFF ACCESS TO THE COURTS, OUTSIDE THE SCOPE OF ANY OFFICIAL DUTIES, IN VIOLATION OF STATE AND FEDERAL LAW, TO DEPRIVE PLAINTIFF OF HIS CONSTITUTIONAL RIGHTS THRU FRAUD AND BARRATRY AND JUDICIAL MISCONDUCT. AND CONSPIRACY TO DO SO.

①

COMES NOW PLAINTIFF INTO COURT OF EQUITY
AND WOULD SHOW
* FIRST CAUSE OF ACTION *

THE DEFENDANT(S) MCBEE, HAYES, COUCH AND COLE
HAVE ACTED BOTH INDIVIDUALLY AND COLLECTIVELY TO RENY
PLAINTIFF ACCESS TO THE COURTS IN VIOLATION OF HIS 1ST,
AMENDMENT RIGHTS TO PETITION THE COURTS FOR REDRESS OF
GRIEVANCES ON THE ISSUE OF JUROR MISCONDUCT AND
JUDICIAL MISCONDUCT @ HIS 1998 TRIAL, AND HIS 2003
P.C.R. HEARING (AND ASSOCIATED 6th AND 14th AMENDMENT
VIOLATIONS THEREIN) AS (A) ^{F. MCBEE AS} CLERK OF COURT REFUSES TO ADHERE
TO A MAXTON ORDER THAT WAS CONDUCTED BY ^{F. BARRATRY OF} S. PRENTISS COURTS
OF THE ATTORNEY GENERAL OFFICE TO "RESTRICT" but NOT
PROHIBIT FILING OF P.C.R. ACTIONS - THIS ORDER REQUIRES
(1) A FILING FEE BE PAID AND IN FORMA PAUPERIS STATUS DENIED
ON ALL CIVIL ACTIONS REQUIRING A PAYMENT OF FEES: ①
(2) A NOTARIZED AFFIDAVIT OF GOOD FAITH ACTION IS NOT
FRIVOLOUS (Rule 11): " " " "
(3) A EXPLANATION AS TO FACTS AND LAW WHY SAID PCR
IS NOT TIME BARRED OR SUCCESSIVE:

PLAINTIFF SINCE FEBRUARY 2014 HAS SENT TO EACH DEFENDANT
① PCR APPLICATION, ② NOTARIZED AFFIDAVIT AND ③ EXPLANATION
AS TO "FACTS AND LAW" AS TO WHY P.C.R. IS NOT
SUCCESSIVE OR TIME BARRED TO COMPLY WITH MAXTON ORDER.

① SEE FOURTH CAUSE OF ACTION PLAINTIFF HAS NEVER FILED A FRIVOLOUS LAWSUIT

(A)

NO "FILING Fee" WAS SENT TO MCBEE FOR
P.C.R. AS per TO LAKES U. STATE 333 SC 282 (SC 1998)
NO FILING FEE IS REQUIRED IN S.C. FOR P.C.R.
Thus there is NO NEED FOR IN FORMA PAUPERIS STATUS
DENIED by MAXTON ORDER - A LEGAL DEMAND FOR A PCR
FILING Fee IS VOID AB INITO - LAKES U. STATE 333 SC 282 (1998)
~~THE~~ MCBEE HAS SINCE FEBRUARY 2014 REFUSED TO
APHERE TO MAXTON procedure which is (A) ASSIGN
A CIVIL ACTION NUMBER (B) FILED AS CUSTOMARY
PCR FILING PROCEDURE (C) FORWARD TO CHIEF ADMINISTRATIVE
JUDGE SO THE COURT CAN MAKE "RULING" (IE) "ORDER"
THAT ISSUES ARE NOT FRIVOLOUS, NOT UNTIMELY OR
BARRED AS SUCCESSIVE AND PROPER FOR THE COURT
TO CONSIDER - AND MOTION TO PROCEED W/O (ILLEGAL) FILING Fee.

FURTHER MCBEE IS REQUIRED TO 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 WILL THEN
FORWARD THIS ORDER TO THE STATE.

MCBEE HAS REFUSED TO COMPLY WITH MAXTON ORDER
(AND per SCRE 406 HAS EXHIBITED A HABIT / ROUTINE
SINCE 2009 TO DISREGARD MAXTON ORDER) ON JUROR
MISCONDUCT / JUDICIAL MISCONDUCT ISSUES TO DENY
PLANTIFF ACCESS TO THE COURTS

MCBEE HAS ONLY RECEIVED P.C.R. AND FORWARDED SAME TO CHIEF ADMIN. JUDGE, SHE DOES NOT PROVIDE A CASE NUMBER, SHE DOES NOT CLOCK STAMP FILE THIS PUBLIC RECORD (AS REQUIRED BY SC LAW) SHE DOES NOT PROVIDE A DOCUMENT, AS IS HER HABIT, OR ROUTINE SINCE 2009 (AND COURT DOES NOT ISSUE A ORDER.)

THESE NON ACTIONS DENY A U.S. CITIZEN PLAINTIFF HIS FIRST AMENDMENT RIGHTS TO ACCESS THE COURTS U.S.C.A 1st. AND DENIES A USCITIZEN PLAINTIFF HIS DUE PROCESS RIGHT TO APPEAL HIS CRIMINAL CONVICTION BASED UPON EVIDENCE DISCOVERED WITHIN LAST YEAR OF JUROR MISCONDUCT AND JUDICIAL MISCONDUCT per 17-27-45 (C) MCCOY V. STATE 737 SE2d 623 (SC 2013) RE WILDER 516 SE2d 927 (SC 1999) * SECOND CAUSE OF ACTION *

DEFENDANTS COLE, HAYES, AND COUCH REFUSE TO REQUIRE MCBEE TO FOLLOW THE MAXTON PROCEDURES AS SET FORTH IN MAXTON ORDER ON JUROR MISCONDUCT AND JUDICIAL MISCONDUCT CLAIMS SET FORTH IN PCR, (AND AS EVIDENCE OF A HABIT OR ROUTINE HAVE REFUSED TO DO SO SINCE 2009)

DEFENDANTS COLE, HAYES, AND COUCH HAVE ON JUROR MISCONDUCT ISSUE SIMPLY RECEIVED THE DOCUMENTS FILED AS PCR AND RETURNED THEM WITH A

'FORM LETTER' that repeatedly states PCR is NOT IN COMPLIANCE WITH MAXTON ORDER, but CLEARLY the 'FORM LETTER' IS NOT A ORDER REQUIRED BY MAXTON AND thus CANNOT be APPEALED to a higher COURT. THIS DENIES A US CITIZEN PLAINTIFF ACCESS TO COURTS IN VIOLATION OF HIS FIRST AMENDMENT AND DENIES PLAINTIFF HIS 14th AMEND. RIGHT TO APPEAL HIS CONVICTION per 17-27-45 (C) MSCOT V. STATE 737 S.E.2d 623 (SC 2013) AND DENIES him HIS RIGHT TO APPEAL that DECISION to a HIGHER COURT.
* THIRD CAUSE OF ACTION *

DEFENDANTS COLE, HATES AND COUCH HAVE IN VIOLATION OF the "SEPARATION OF POWERS ACT" OF the UNITED STATES CONSTITUTION HAVE BY "JUDICIAL FIAT", (IN CONSPIRACY WITH SC ATTORNEY GENERAL'S OFFICE) IMPOSED A "FILING FEE" FOR P.C.R. THAT HAS NOT BEEN ENACTED BY the SC LEGISLATURE, BY ATTEMPTING to IMPOSE the FILING FEE FOR A CIVIL ACTION UNTO A PCR IN CLEAR VIOLATION OF LAKES V. STATE 333 SC 282 (SC 1998) AND DENIED A US CITIZEN PLAINTIFF ACCESS TO COURTS IN VIOLATION OF the FIRST AMENDMENT BY this JUDICALLY CREATED ('BY FIAT') FILING FEE, THAT HAS NO FORCE OF LAW AND CANNOT BE JUSTIFIED AS A MEANS TO DENY PLAINTIFF ACCESS TO P.C.R. REMEDY AT LAW ON JUROR/JUDICIAL MISCONDUCT CLAIMS.

* FOURTH CAUSE OF ACTION *

AS DEFENDANTS HAVE COMMITTED ACTS OF BARRATRY,
THE MAXTON ORDER BE AMENDED TO DELETE
ANY RESTRICTIONS UPON THE FILING A CIVIL ACTION
COMPLAINT (OR DENIAL OF IN FORMA PAUPERIS STATUS THEREOF)
AS IT ~~WAS~~ PLAINTIFF HAS NEVER BEEN CITED IN ANY
COURT, (STATE OR FEDERAL) FROM FILING A 'FRIVOLOUS'
LAWSUIT (NOT PCR, APPEALS OR PETITIONS INCIDENT TO
A CRIMINAL CONVICTION) BUT LAWSUITS - THE STATE -
AND DEFENDANTS CANNOT PRODUCE EVEN ONE ORDER
NOT ONE, WHERE ANY OF LAWSUITS FILED BY PLAINTIFF
WAS RULED ON BY A COURT TO BE FRIVOLOUS - AND
THUS THE MAXTON ORDER WAS OBTAINED BY BARRATRY
BARRATRY OF S. PRENTIS COUNTS (ESQ) AGENT FOR THE
STATE WHO COMMITTED A ACT OF "FRAUD UPON THE
COURT" TO MAKE SUCH FALSE ALLEGATIONS W/ NO PROOF
TO SUPPORT THAT FALSE ASSERTION (E.G. BARRATRY)

DEFENDANT HATES ENTERED OPINION MAXTON ORDER
KNOWING ~~THAT~~ NO EVIDENCE SUPPORTED STATE CLAIM
PLAINTIFF HAD EVER FILED A FRIVOLOUS LAWSUIT,
STATING HE FOUND HER (EASTERN STAR) POSITION
AND ECSTASIES TO BE "ATTRACTIVE" (© MAXTON HEARING
THUS, A) ACT OF FRAUD (ACTIONABLE AT ANYTIME) CAUSED
FRIVOLOUS LAWSUIT PROVISION TO BE VOID AB INITO

HAZEL → ATLAS CLASS CO. 322 US 238, 246 (1964)

CHEWING v. FORD MOTOR CO. 529 S.2d (2000)

(FRAUD UPON THE COURT) (S)

*
RELIEF

11
① "FRIVOLOUS LAWSUIT CLAUSE" OF MAXTON ORDER BE STRIKEN FOR "FRAUD UPON COURT" BY DEFENDANTS AND FRAUD BY THE COURT AS VOID AB INITO.

~~2~~ ② DISCLOSURE OF MASONIC AFFILIATION ~~SEE~~ (5th CAUSE of ACTION)

③ TO "DECLARE" DEFENDANTS "CREATION" OF A P.C.R. FILING FEE IN VIOLATION OF SEPARATION OF POWERS CLAUSE OF US CONSTITUTION, AND IN VIOLATION OF ESTABLISHED SC SUPREME COURT PRECEDENT LAKES V. STATE 333 SC 282 (SC 1998)

④ FOR DEFENDANTS TO ADHERE TO THE "PRECISE PROCEDURAL REQUIREMENTS" OF MAXTON ORDER - MINUS THE ILLEGAL FILING FEE CLAUSE RELATING TO A PCR FILING FEE WHICH IS VOID AB INITO

⑤ TO BE ESTOPPED FROM DENYING PLAINTIFF HIS FIRST AMEND. RIGHT TO ACCESS TO THE COURTS IN RE: TO P.C.R. ONCE PLAINTIFF HAS SUBMITTED (A) AFFIDAVIT OF GOOD FAITH ACTION IS NOT FRIVOLOUS (B) EXPLANATION WHY P.C.R. IS NOT SUCCESSIVE OR TIME-BARRED (C) ~~BE~~ FROM CREATING A JUDICIALLY IMPOSED FILING FEE 'BY FIAT' ON P.C.R. ACTIONS

⑥ PCR ON JUROR MISCONDUCT / JUDICIAL MISCONDUCT PUR TO MCCOY V. STATE 737 S.E.2d 623 (SC 2013) AND RE: WILDER S16 S.E.2d 927 (SC 1978) BE PROCESSED, AS FILED, WITH NOTARIZED AFFIDAVIT OF GOOD FAITH AND EXPLANATION AS TO WHY PCR IS NOT TIME-BARRED OR SUCCESSIVE CONTAINED WITHIN THAT PLEADING AND A CHANGE OF VENUE TO

RICHLAND COUNTY TO INSURE A FAIR - IMPARTIAL HEARING NOT PRESIDED OVER BY ONE OF THE DEFENDANTS IN 7th CIRCUIT * PCR HAD TO BE FILED 'OUT OF VENUE' IN ORDER FOR ACTION TO EVEN BE PROCESSED AS MCBEE CONTINUED w/ COMPLICITY OF COURT TO VIOLATE MAXTON ORDER AND COLE, COUCH AND HATES WOULD NOT ISSUE A APPEALABLE ORDER!

I VERIFY ABOVE FACTS AS TRUE UNDER PENALTY OF PERJURY
Court Keen

5/21/14

② ⑨