

THE STATE OF SOUTH CAROLINA)
COUNTY OF YORK)
John Thomas Robinson,)
Petitioner,)
V.)
State of South Carolina,)
Respondent.)
-----)

IN THE STATE OF SOUTH CAROLINA (1)
In THE SUPREME COURT
EXPLANATION REQUIRED PURSUANT TO
RULE 243 (c), SCACR
APPELLATE CASE No. 2015-000207

February 16th, 2015

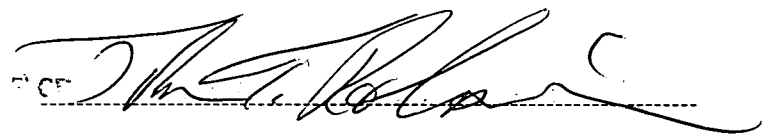
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S.C. Supreme Court

TO: THE HONORABLE DANIEL E. SHEAROUSE, CLERK, SUPREME COURT FOR SOUTH CAROLINA

DEAR SIR:

PLEASE FIND HERewith THE EXPLANATION REQUIRED FOR RULE 243 (c), SCACR RESPECTIVELY OF THE ABOVE APPELLATE CASE NUMBER AND PROOF OF SERVICE FOR FILING IN YOUR SUPREME COURT.

RESPECTFULLY SUBMITTED,



JOHN THOMAS ROBINSON – PRO-SE

hearing, the court shall promptly appoint counsel to assist the applicant if he is indigent. Counsel shall be given a reasonable time to confer with the applicant. Counsel shall insure that all available grounds for relief are included in the application and shall amend the application if necessary.

And, S.C. Code Annotated Section 17-27-45 (C), which provides:

If the applicant contends that there is evidence of material facts not previously presented and heard that requires vacation of the conviction or sentence, the application must be filed under this chapter within one year of actual discovery of the facts by the applicant or after the date when the facts could have been ascertained by the exercise of reasonable diligence.

Also, having alleged the question in his application for post-conviction relief (PCR): Did trial court lack subject matter jurisdiction?

Robinson believes counsel should have been appointed and a post-conviction relief hearing scheduled pursuant to RULE 71.1 (d), SCRPC, AND Opinion No. 25989, State v. Dudley, 354 S.C. 514, 581 S.E. 2d 171, that court held:

Extraterritorial jurisdictional is a component of subject matter jurisdiction such that the issue could be raised and considered for the first time on appeal.

In the instant matter, Robinson was convicted by trial in the circuit court for shoplifting, 2nd. offense, Sixteenth Judicial Circuit, York, South Carolina, and sentenced to an imprisonment term of one (1) year in the State Penitentiary.

S.C. Code Ann. Section 16-13-110. Shoplifting provides:

(A) A person is guilty of shoplifting if he:

(1) (2) or (3).

(B) A person who violates the provisions of this section is guilty of a:

(1) misdemeanor triable in magistrates court or municipal court ... and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days if the value of the shoplifted merchandise is two thousand dollars or less;

In State v. Dudley, 354 S.C. 514, 581 S.E. 2d 171, that court said: The circuit court has original jurisdiction in all criminal matters except those where an inferior court is given exclusive jurisdiction.

Also, that court held: magistrates and municipal courts have exclusive jurisdiction over all state criminal charges where the punishment does not exceed a fine of one hundred dollars or imprisonment for thirty days.

In State v. Brown, Opinion No. 3549 (S.C. Ct. App. Filed Sept. 9, 2002) that court held: The lack of subject matter jurisdiction can be raised at any time, can be raised for the first time on appeal, and can be raised sua sponte by the court.

In Jackson v. State (S.C.2003), 355 S.C. 568, 586 S.E. 2d 562, that court held:

Findings of a post-conviction relief (PCR) judge will be upheld by the Supreme Court when they are supported by any competent evidence in the record; however, the Supreme Court will not uphold the findings of the PCR court if no probative evidence supports the findings.

CONCLUSION

Based on the above argument and provided laws, Robinson "APPEALS" the circuit court's "FINAL ORDER OF DISMISSAL" to the Supreme Court.

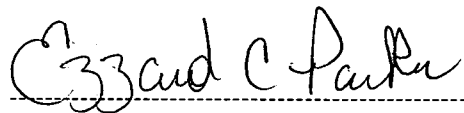
Respectfully submitted,



John Thomas Robinson – pro-se

Sworn to and subscribed before me this

16 day of Feb, 2015.

 (LS) Notary Public for South Carolina

My Commission Expires: April 24, 2019

All herein mentioned documents have been sent ahead to the clerk of supreme court for filing.

IN THE STATE OF SOUTH CAROLINA
In THE SUPREME COURT

EXPLANATION REQUIRED BY RULE 243 (c), SCACR

APPELLATE CASE No. 2015-000207

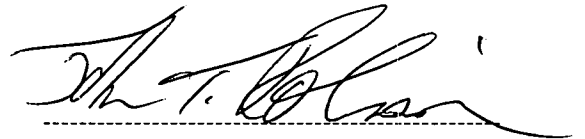
JOHN THOMAS ROBINSON ----- PETITIONER,

V.

STATE OF SOUTH CAROLINA ----- RESPONDENT.

PROOF OF SERVICE

I CERTIFY THAT I HAVE SERVED A COPY OF THE EXPLANATION REQUIRED BY RULE 243 (c) ON JAMES RUTLEDGE JOHNSON BY DEPOSITING A COPY OF IT IN THE UNITED STATES MAIL, POSTAGE PREPAID, ON FEBRUARY 16, 2015 ADDRESSED TO ITS ATTORNEY OF RECORD, JAMES RUTLEDGE JOHNSON, POST OFFICE BOX 11549, COLUMBIA, SOUTH CAROLINA 29211.



FEBRUARY 16, 2015

JOHN THOMAS ROBINSON – PRO-SE

P.O. BOX 10535

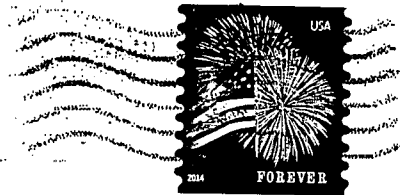
CC: JAMES RUTLEDGE JOHNSON

ROCK HILL, SC 29731

John Thomas Robinson
P.O. Box 10535
Rock Hill, SC 29731

CHARLOTTE NC 282

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The Supreme Court of South Carolina
Daniel E. Shearouse, Clerk of Court
P.O. Box 11330
Columbia, SC 29211

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