

S.C. Supreme Court

RECEIVED

MAR 19 2015

S.C. SUPREME COURT

Robert Knox

v.

STATE

2015-445

JUROR MISCONDUCT

OBJECTION TO DENIAL OF STATUTORY
RIGHT TO FILE APPEAL OF P.C.R. /
TRANSFER OF VENUE MOTION PCR

The Prose Petitioner would RESPECTFULLY PETITION
THIS COURT TO RECONSIDER³⁻⁴⁻¹⁵ the DENIAL OF
THE STATUTORY RIGHT 17-27-100 TO APPEAL
A Meritorious MCCOY V. STATE. 737 S.E.2d. 623 (2013)
JUROR MISCONDUCT, that was AFFIRMED ~~at~~ under oath
to have been DISCOVERED within the last year
per 17-27-45(c) AND has ~~not~~ not been subject
to ANY of the previous litigation upon the 1998
LWOP TRIAL STATE V. KNOX 2000 up 291 (Ct. App 200)

Clearly established case law Leamy v. State
Cited in MCCOY addresses the "Material Factual Dispute"
Rule 56 need for evidentiary hearing.

WHOLE HENSON TESTIMONY WENT TO FINGERPRINT EVIDENCE THAT WAS CRUX OF THE ENTIRE CASE.

ESPECIALLY IN LIGHT OF JUDICIAL MISCONDUCT CLAIM

PER TO RE: WILDER

WHERE NEITHER DID JUDGE JOHN C. HATES III DISCLOSE

HIS OWN MASONIC MEMBERSHIP TO THE STATES KEY WITNESS

JIMMY HENSON, AND THE JURY MISCONDUCT CLAIM IS

PARTICULARLY RELEVANT AS TRIAL COUNSEL MITCH SLADE

(ESQ) ASKED THE JUDGE TO JOIN DURE THE JURY

AS TO SIGNALS BEING MADE BY CAPT PHILLIP MEDDET TO JURORS, MEDDET WILL BE

SHOWN TO ALSO BE A MASON, OF THE SAME LODGE. . . .

AND JUDGE HATES DENIED THE MOTION. THE MASONIC

CONNECTION WAS NOT KNOWN OR DISCLOSED AND

PER TO MCCOY (ALSO A SEVENTH CIRCUIT CASE)

THE JURY MISCONDUCT. LIKE MCCOY THIS SHOULD

BE SUBJECT TO A EVIDENTIARY HEARING AND

VENUE CHANGE TO RICHLAND CO. AS A

THREE CIRCUIT COURT JUDGES ARE BEING SUED

IN STATE AND FEDERAL COURT ON CONSPIRACY W/

ATTORNEY GENERAL TO DENY ACCESS TO THE COURTS

(SEE ATTACHED)

The SC Attorney General office is also named
'AS DEFENDANT', AND IN CLEAR VIOLATION OF
US V. EL PASO NATURAL GAS, U.S. (1957)

The Attorney General CONDUCTED ORDER @ PCN WAS
SIGNED BY JUDGE COLE, WHO HAD PREVIOUSLY
RECUSED HIMSELF FROM AN KOON CASES, ALONG
W/ ~~HATES AND~~ ^{JUDGE} COUCH? THIS THE SUPREME COURT
SHOULD REMAND TO RICHMOND COUNTY FOR FURTHER
PROCEEDINGS ON THE MASONIC JUNON MISCONDUCT
CLAIMS W/ APPOINTMENT OF COUNSEL BY RICHMOND
COUNTY AS CHANCELLER CO CLERK OF COURT IS ALSO
NAMED IN STATE/ FEDERAL COURT. ~~AS A 18'~~
A REMAND WILL LIKELY TO BE DISPOSITIVE AS TO
ALL DEFENDANTS ON 1998 CIVIL SUITS.

IT MUST BE NOTED ALL ATTORNEYS APPOINTED TO
PETITIONER OUT OF CHANCELLER CO. HAS BEEN FORMER
ASST. SOLICITORS/ DEPUTY SOLICITORS TRIAL, PCN, (ETC) 29 (B) (86)

PETITIONER HAS A DISTINCT ISSUE THAT SHOULD
BE AMENDED UNDER

TO REQUIRE RESENTENCING PUN. to "Double Enhancement"
AS A EQUITABLE SOLUTION TO A THIS CASE.

(1997)
PETITIONER WOULD WANT THIS COURT CONSIDER THE 18 YEARS
SERVED UPON AND DEGREE BURGLARY WITH PRIORS CLEARLY
IN QUESTION AS TO NIGHTTIME ELEMENT AND TEMPER
JUSTICE w/ MERCY SO I CAN BEGIN MY LIFE FAR AWAY

FROM SOUTH CAROLINA, IT MUST BE NOTED FACTS OF MY

PROSECUTORIAL MISCONDUCT CLAIMS RIDDLE v. OZMINT 631

SENT TO (2006) AND SAME YEAR, SAME SHELTER, SAME
COUNTY AS RIDDLE WHO WILL BE RELEASED IN AUGUST
WHILE PETITIONER HAS TO SERVE NEXT 30-50 YRS
IN PRISON

CHIEF JUSTICE TOL, IF IT PLEASE THE COURT I WOULD
LIKE TO REFER YOU BACK TO PROSE WRIT OF CERT ON
1998 CONDUCTIVE FIRST PCR, WOULD YOU LOOK AT THAT
PCR, ON ISSUE OF STATE WITNESS HAVING TWO
PRIORS FOR GIVING FALSE INFORMATION TO POLICE AND
FINJERMENT ISSUES, IN FACT, IT IS MY PRIMARY
BELIEF THAT MASONIC CHANCEE OR POLICE / CAPTAIN
S CITY POLICE FABRICATED THE PRINT EVIDENCE


AND STACKED MY JURORS W/ MASONS IN
FRONT OF A MASONIC JUDGE HAYES W/ MY
LAWYER A ~~ET~~ Deputy Solicitor IN RETALIATION
FOR SEVERAL SUCCESS CIVIL RIGHTS ACTIONS AND
A PENDING CIVIL RIGHTS ACTION 42 USC 1983
(ALSO KNOWN AS K.K.K. ACT OF 1871)

AND IN THE PENDING FEDERAL CLAIM I
BRING THIS ENTIRE MATTER INTO FEDERAL
COURT AS A DECLARATORY JUDGEMENT TO
DECLARE S.C. JUDICIAL SYSTEM IS ENGAGED
W/ CHEYENNE CO. (ETAL) TO DENY ME ~~©~~ CLEARLY
ESTABLISHED FEDERAL LAW, TO INCLUDE
A BLANKET DENIAL OF ACCESS TO THE COURTS.

TO POSSIBLY INCLUDE THIS COURT DEPENDING ON THE
MOTION, PER SCHE 406 AND IF SC CID
TO R. R. DELC REFUSES TO FILE THE APPEAL
MOT WILL ALSO BE NAMED W/ R. PACHAK AND
29@COUNSEL ET - SOLICITORS RUSS NINE
WHO EVASIONED PROSECUTORIAL MISCONDUCT ISSUE
IN 6/27/11 29@

ITS A HABIT, RATHER FOR SCDE 406
FROM 1986 - TO PRESENT A ONGOING
RUCCO CONSPIRACY CASE

I ASK THIS COURT TO STOP DENYING EVENT
SINCE THAT I FILED IN THIS CASE AND
BREAK THIS MADONIC CHOKER HOLD UPON ME
I HAVE SAVED MY TIME, I APOLOGIZE ^{TO} AND
I HAVE OFFENDED AND I ONLY WISH TO
GO IN PEACE FAR FAR AWAY

Respectful Defendant


3/13/15

Robert Koon
PO Box 205 UCI
Rockville SC 29472

Robert Ader
Chief Attorney
S.C. Commission on Inherent Defense.
PO Box 11589
Columbia SC 29211

3/9/15

PLEASE FIND ENCLOSED A NOTICE OF INTENT
TO APPEAL A SUMMARY DISMISSAL OF JUDICIAL
MISCONDUCT ISSUE, INTER ALIA, per to MCCOY v.
STATE 1737 S2d 623 (2013) AND SUPPORTIVE
DOCUMENTATION (ORDER AND Rule 59 (E) -)
BASED ON SEPT 2, 2014 ORDER BY SC
SUPREME COURT, JEAN TOAL (ETAL) I CANNOT
FILE ANY PRO SE PLEADINGS AND ANY PLEADING
MUST BE FILED BY COUNSEL - SO I ASK
YOUR OFFICE TO FORMALLY FILE MY NOTICE OF
APPEAL AND Rule 243

PLEASE ADVISE AS TO WHETHER YOUR OFFICE
WILL REPRESENT ME TO ENSURE FILING OF
NOTICE OF APPEAL

[Signature]
Kert

CC: JEAN TOAL (SC SUPREME COURT)
J. Emory Smith JR.
Deputy Solicitor General

STATE OF SOUTH CAROLINA

COUNTY OF CHEROKEE

IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO: 2015CP1100151

Robert Holland Koon #00227826 vs. State Of South Carolina

CHECK ONE:

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**
 - Rule 12(b), SCRPC;
 - Rule 41(a), SCRPC (Vol. Nonsuit);
 - Rule 43(k), SCRPC (Settled);
 - Other: _____
- ACTION STRICKEN (CHECK REASON):**
 - Rule 40(j) SCRPC;
 - Bankruptcy;
 - Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;
 - Other: _____
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 - Affirmed;
 - Reversed;
 - Remanded;
 - Other: _____

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Rule 59(e) Motion to Alter or Amend Judgment

Dated at Gaffney, South Carolina, this the 19th day of February, 2015.

RECEIVED
CLERK OF COURT
FEB 20 2015
CHEROKEE COUNTY

Court Reporter:

This judgment was entered on the the 19th day of February, 2015, and a copy mailed first class this the 20th day of February, 2015, to attorneys of record or to parties (when appearing pro se) as follows:

Robert Holland Koon #00227826, LCI
PO Box 205
Ridgeville, SC 29475

Alan McCrory Wilson PO Box 11549 Columbia,
SC 29211-1549

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Brandy W. McBee

Brandy W. McBee - Clerk of Court

CLERK OF COURT

2-14-15

BRANDY W. MCBEE

FILED IN OFFICE OF
CLERK OF COURT
2015 FEB 19 AM 11 34
S.C.

KOON V. STATE OIS - CP - 11 - 0151
Rule 59 (E)

PLEASE FWD ENCLOSED Rule 59 (E)
to JUDGE COLE AND SEND ME
A CLOCK STAMP COPY FOR THE APPEAL

Robert Koon
@227826 LCF
PO Box 205
Ridgeway SC 29472

CC: SUZANNE WHITE
(AE)

STATE OF S.C.
COUNTY OF CHESTER

015-CP-11-0151

1st COURT OF COMMON PLEAS

ROBERT HOLLAND KOON)

v. APPLICANT)

STATE)

RESPONDENT)

Rule 59 (E)

MOTION TO AMEND OR

AMEND JUDGMENT

FILED IN OFFICE OF
CLERK OF COURT
CHESTER COUNTY, S.C.
2015 FEB 19 AM 11:34
BRADY W. MOORE

The ORDER DISMISSING PCR WAS
ON 2-13-15 (SEE ATTACHED)

THIS COURT HON. J. DERHAM COLE HAS
SUMMARILY DENIED THE PCR APPLICATION ON
MISCONDUCT. PUR. TO RULE 59 (E) THE APPLICANT ASSENTS

THE ORDER SHOULD BE AMENDED TO SHOW

① JUDGE COLE HAS PREVIOUSLY RECUSED HIMSELF
FROM ALL MATTER INVOLVING PLAINTIFF AND SHOULD
NOT HAVE RULED UPON THIS CASE

② JUDGE COLE IS A MEMBER OF THE "SAME" MASONIC
ORGANIZATION AS IS MADE PART OF APPLICANTS CAUSE OF
ACTION AND SHOULD DISCLOSE THIS FACT PUR. TO
RE: WILDEK, 516 S.E.2d. 927 (SC 1999)

③ COLE STATED PCR DID NOT COMPLY WITH MAXTON
ORDER BY FAILURE TO SUBMIT THE FILING FEES
WITH HIS DOCUMENTS YET WITHIN THE ORDER ITSELF
THE COURT FINDS THAT A \$2500 CHECK WAS ENCLOSED
TO PAY THE FILING FEE

④ THE PCR ACT SPECIFICALLY STATES A PCR MAY
BE FILED WITHOUT PAYMENT OF A FILING FEE
17-27-20 (a)6) Thompson v. State 479 S2d 808
(SC 1997) (NO FILING FEE IS REQUIRED FOR PCR)
LALES v. STATE 333 SC 282 (SC 1998) (same)

⑤ IN PRESENT APPLICATION, THE COURT RULES, THE
PETITIONER MAKES ONLY CONCLUSORY ALLEGATIONS. AND
HAS FAILED TO MAKE A PRIMA FACIE SHOWING OF
RELIABILITY OR CREDIBILITY BY AFFIDAVIT BY A PERSON
OTHER THAN HIMSELF (OF JUROR @ MISCONDUCT)
CLEARLY THE COURT MUST AMEND THE ORDER AS
CONTRARY TO MCCOY v. STATE 737 S2d. 623 (2013)
WHICH NOTED EVALUATING THE MERITS OF A JUROR
MISCONDUCT CLAIM IS FACT INTENSIVE WHICH IS
MOST APPROPRIATELY CONTACTED AFTER A HEARING
MCCOY @ 737 S2d @ 628.

17-27-70 (c) THE PCR JUDGE MUST ASSUME
FACTS PRESENTED BY APPLICANT AS TRUE AND
VIEW THOSE FACTS IN THE LIGHT MOST FAVORABLE
TO APPLICANT LEAMON v. STATE 611 S2d 494, 495
(2005)

JUDICIAL MISCONDUCT
THIS PCR RAISED JUROR MISCONDUCT ALLEGATIONS
THAT IF TRUE WOULD WARRANT RELIEF
ANDERSON v. CUBERTT COBB US (1986)

AND THIS COURT LIKE MCCOY ERRED in
THE SUMMARY DISMISSAL, IN FACT PETITIONER
CASE IS DIRECTLY ON POINT WITH MCCOY.

BASED ON THE ALLEGATIONS MADE WHICH
MUST BE ASSUMED BY COURT TO BE TRUE,
INCLUDING THE DISCOVERY WITHIN THE PAST
YEAR PUR TO LEAMON V. STATE, 17-27-70(C)
THIS COURT SHOULD APPOINT COUNSEL AND
CONDUCT A EVIDENTIARY HEARING AS WAS
DONE IN MCCOY V. STATE.

IT IS CLEAR THE ATTORNEY GENERAL CONCOCTED
THIS ORDER TO DENY A HEARING AND
SAID ORDER IS CONTRARY TO STATE LAW
MCCOY V. STATE, WHICH ITSELF WAS A
SUCCESSIVE PCR.

THE ORDER MUST BE ALTERED / AMENDED.

do move
BRANDY W. MCBEE
2015 FEB 19 AM 11 35
FEB 14, 2015
L. CI
PO BOX 205
RIDEVILLE SC 29472

Proof of Service

A TRUE COPY WAS SERVED UPON
SUZANNE WHITE PO BOX 11549
COLUMBIA SC 29211

this 16th DAY FEBRUARY 2015
BY US MAIL

under oath
128 USC 1746
Awt/C

FILED IN OFFICE OF
CLERK OF COURT
SHERBORN COUNTY, S.C.
2015 FEB 19 AM 11 35
BRANDY W. MCBEE

BRANDY W. MCBEE
CLERK OF COURT, CHEROKEE COUNTY
POST OFFICE DRAWER 2289
125 E. FLOYD BAKER BOULEVARD
GAFFNEY, SC 29342

RECEIVED

FEB 13 2015

MAILS
LIEBERG

MA-109

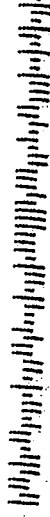
11 FEB '15
PM 11

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02/10/2015
US POSTAGE
FIRST-CLASS MAIL
\$00.48⁰⁰
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Robert Holland Koon #00227826
Lieber Correctional Institution
Po Box 205
Ridgeville, SC 29475

29472020505





COURT
EXHIBIT
ON CIVIL
SUITS

ALAN WILSON
ATTORNEY GENERAL

February 6, 2015

Mr. Robert Koon
227826
Lieber Correctional Institution
P.O. Box 205
Ridgeville, SC 29472

Re: Koon v. Cherokee County 2014-CP-40-4635

Dear Mr. Koon:

Enclosed and served upon you is the Motion to Dismiss the Defendants Cole, Couch and Hayes together with a cover sheet.

Sincerely,

J. Emory Smith, Jr.
Deputy Solicitor General

cc: Mr. Robert Koon



SPARTANBURG COUNTY SHERIFF'S OFFICE
CHUCK WRIGHT SHERIFF
PO BOX 771 SPARTANBURG SC 29304
TEL: (864) 503-4514

DOCKET NO. 2014-CP-42-04635 88818 JC

State of South Carolina
SPARTANBURG COUNTY

AFFIDAVIT OF SERVICE
 AFFIDAVIT OF NON-SERVICE

STATE OF SOUTH CAROLINA, COUNTY OF RICHLAND

RE: ROBERT KOON

-vs.-
CHEROKEE COUNTY BRANDY MCBEE, J. DERHAM COLE, ROGER COUCH, J. MARK HAYES,
JR., STATE OF SOUTH CAROLINA
ADDRESS: 180 MAGNOLIA STREET, SPARTANBURG, SC 29304

APPEARED BEFORE ME, Joseph A. Cashour, DEPUTY SHERIFF OF THE
SPARTANBURG COUNTY SHERIFF'S OFFICE, DULY SWORN, SAYS THAT HE/SHE SERVED OR ATTEMPTED TO SERVE
THE FOLLOWING CIVIL PAPER(S):

SUMMONS, CIVIL ACTION COMPLAINT SEEKING DECLARTORY JUDGMENT
AND INJUNCTIVE RELIEF

BY DELIVERING TO _____ PERSONALLY
 BY DELIVERING TO Lori Crooke Admin. Assist A PERSON OF AGE AND DISCRETION
(Lori Crooke)

RESIDING AT THE RESIDENCE OF THE DEFENDANT (S)

BY DELIVERING TO _____ AT THE PLACE OF BUSINESS AND
LEAVING WITH HIM/HER COPIES OF THE SAME

180 Magnolia St, Spartanburg, SC 29304
PAPER(S) SERVED AT: ADDRESS ABOVE OTHER

SERVED ON 23rd DAY OF January, 2015 @ 1220 HOURS

DEPUTY J. H. A. Gully (SIGNATURE)

SWORN TO BEFORE ME THIS 23rd DAY OF January 2015

NOTARY PUBLIC FOR SOUTH CAROLINA Jolene Anderson

MY COMMISSION EXPIRES July 13th, 2020

NON-SERVICE RETURN

- WAS UNABLE TO LOCATE AND SERVICE ON THE DEFENDANT(S) AFTER DILIGENT EFFORTS BY CHECKING ALL RESOURCES AVAILABLE TO SHERIFF'S OFFICE.
- MOVED VACANT DECEASED INCARCERATED REFUSED ANSWER DOOR
- NO SUCH ADDRESS NOT EMPLOYED OUT OF COUNTY/STATE
- OTHER COMMENTS _____

DEPUTY'S SIGNATURE



SPARTANBURG COUNTY SHERIFF'S OFFICE
CHUCK WRIGHT SHERIFF
PO BOX 771 SPARTANBURG SC 29304
TEL: (864) 503-4514

DOCKET NO. 2014-CP-42-04635 88818 JC

State of South Carolina
SPARTANBURG COUNTY

AFFIDAVIT OF SERVICE
 AFFIDAVIT OF NON-SERVICE

STATE OF SOUTH CAROLINA, COUNTY OF RICHLAND

RE: ROBERT KOON

-vs.-
CHEROKEE COUNTY BRANDY MCBEE, J. DERHAM COLE, ROGER COUCH, J. MARK HAYES, JR., STATE OF SOUTH CAROLINA
ADDRESS: 180 MAGNOLIA STREET, SPARTANBURG, SC 29304

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BY DELIVERING TO _____ PERSONALLY
 BY DELIVERING TO Lori Crooke Admin Assist A PERSON OF AGE AND DISCRETION
(Lori Crooke)

RESIDING AT THE RESIDENCE OF THE DEFENDANT (S)
 BY DELIVERING TO _____ AT THE PLACE OF BUSINESS AND LEAVING WITH HIM/HER COPIES OF THE SAME
180 Magnolia St, Spartanburg, SC 29304
(PAPER(S) SERVED AT: ADDRESS ABOVE OTHER)

SERVED ON 23rd DAY OF January, 2015 @ 1221 HOURS

DEPUTY JH Acule (SIGNATURE)

SWORN TO BEFORE ME THIS 23rd DAY OF January 2015

NOTARY PUBLIC FOR SOUTH CAROLINA Bureau A. Lindgren

MY COMMISSION EXPIRES July 13th 2020

NON-SERVICE RETURN

- WAS UNABLE TO LOCATE AND SERVICE ON THE DEFENDANT(S) AFTER DILIGENT EFFORTS BY CHECKING ALL RESOURCES AVAILABLE TO SHERIFF'S OFFICE.
- MOVED VACANT DECEASED INCARCERATED REFUSED ANSWER DOOR
- NO SUCH ADDRESS NOT EMPLOYED OUT OF COUNTY/STATE
- OTHER COMMENTS _____

DEPUTY'S SIGNATURE



SPARTANBURG COUNTY SHERIFF'S OFFICE
CHUCK WRIGHT SHERIFF
PO BOX 771 SPARTANBURG SC 29304
TEL: (864) 503-4514

DOCKET NO. 2014-CP-42-04635 88818 JC

State of South Carolina
SPARTANBURG COUNTY

AFFIDAVIT OF SERVICE
 AFFIDAVIT OF NON-SERVICE

STATE OF SOUTH CAROLINA, COUNTY OF RICHLAND

RE: ROBERT KOON

-vs.-
CHEROKEE COUNTY BRANDY MCBEE, J. DERHAM COLE, ROGER COUCH, J. MARK HAYES, JR., STATE OF SOUTH CAROLINA
ADDRESS: 180 MAGNOLIA STREET, SPARTANBURG, SC 29304

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SUMMONS, CIVIL ACTION COMPLAINT SEEKING DECLARTORY JUDGMENT AND INJUNCTIVE RELIEF

BY DELIVERING TO _____ PERSONALLY
 BY DELIVERING TO Lori Crooke Admin. Assit A PERSON OF AGE AND DISCRETION
(Lori Crooke)

RESIDING AT THE RESIDENCE OF THE DEFENDANT (S)
 BY DELIVERING TO _____ AT THE PLACE OF BUSINESS AND LEAVING WITH HIM/HER COPIES OF THE SAME
180 Magnolia St Spartanburg SC 29304
PAPER(S) SERVED AT: ADDRESS ABOVE OTHER

SERVED ON 23rd DAY OF January, 2015 @ 1222 HOURS
DEPUTY [Signature] (SIGNATURE)

SWORN TO BEFORE ME THIS 23rd DAY OF January 2015
NOTARY PUBLIC FOR SOUTH CAROLINA [Signature]

MY COMMISSION EXPIRES July 13th 2020

NON-SERVICE RETURN

WAS UNABLE TO LOCATE AND SERVICE ON THE DEFENDANT(S) AFTER DILIGENT EFFORTS BY CHECKING ALL RESOURCES AVAILABLE TO SHERIFF'S OFFICE.
 MOVED VACANT DECEASED INCARCERATED REFUSED ANSWER DOOR
 NO SUCH ADDRESS NOT EMPLOYED OUT OF COUNTY/STATE
 OTHER COMMENTS _____

DEPUTY'S SIGNATURE

Civil process Division
SPANTAUBURG CO. Sheriff DEPT.
950 CALIFORNIA AVE.
SPANTAUBURG SC 29306

88818 JC
Robert Kook
PO Box 205
Ridgewood SC
29472

12-15-14

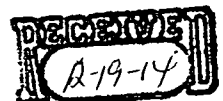
Hoon v. Cherokee Co. 2014-CP-40-04635

PLEASE FIND ENCLOSED A SUMMONS AND
COMPLAINT THAT NEEDS TO BE SERVED
PUR. TO SCRPC UPON JUDGES COURT,
ROGER COUCH, AND J. MARK HATCH
@ 180 MAGNOLIA ST SPANTAUBURG SC 29306
PLEASE SEND ME A AFFIDAVIT OF SERVICE

Thank you



cc: Richard W. Clerk of Court



STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

THE COMMON PLEAS COURT
2014 CP 4004635

ROBERT KOON
PLAINTIFF

v.
CHEOKEE COUNTY

BRANDY McBEE

J. DENHAM COLE

KEVIN COCH

J. MARIL HATEJJA

STATE OF SC
(DEFENDANTS)

SUMMONS

RICHLAND COUNTY
FILED
2014 JUL 25 PM 1:55
JEANNETTE W. MCBRIDE
C.C.P. & G.S.

A CIVIL ACTION FOR DECLARATORY JUDGMENT
HAS BEEN FILED AGAINST YOU TO "DECLARE"
YOUR ACTIONS TO BE IN VIOLATION OF U.S.
CONSTITUTION

YOU HAVE 30 DAYS TO ANSWER OR
A DEFAULT ~~JUDGMENT~~ JUDGMENT WILL BE SOUGHT
AGAINST YOU - RESPOND AT.

MR. ROBERT KOON
@227826LCI MA109
PO BOX 205
RIDGEVILLE SC 29472

5/21/16

PRISONER,PROSE

**U.S. District Court
 District of South Carolina (Charleston)
 CIVIL DOCKET FOR CASE #: 2:14-cv-02663-RBH**

Koon v. McBee et al
 Assigned to: Honorable R Bryan Harwell
 Cause: 42:1983 Prisoner Civil Rights, State Filers

Date Filed: 07/01/2014
 Jury Demand: None
 Nature of Suit: 550 Prisoner: Civil Rights
 Jurisdiction: Federal Question

Plaintiff

Robert Holland Koon
also known as
 Robert Koon
also known as
 Robert H Koon

represented by **Robert Holland Koon**
 227826
 Lieber Correctional Institution
 PO Box 205
 Ridgeville, SC 29472
 PRO SE

V.

Defendant

Brandy Walker McBee

Defendant

J Mark Hayes

Defendant

Desiree Allen

Defendant

Donald Zelenka

Defendant

Alan Wilson

Defendant

Jean Toal

Date Filed	#	Docket Text
07/01/2014	<u>1</u>	COMPLAINT against Desiree Allen, J Mark Hayes, Brandy Walker McBee, filed by Robert Holland Koon. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Envelope, # <u>3</u>

STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Robert Koon,)

Plaintiff,)

v.)

Cherokee County, Brandy McBee,)
J. Derham Cole, Roger Couch, J. Mark)
Hayes, Jr., State of SC,)

Defendants.)

IN THE COURT OF COMMON PLEAS

C/A No. 2014-CP-40-4635

CERTIFICATE OF SERVICE

I hereby certify that I have served the Plaintiff with the State's Motion to Dismiss by mailing a copy to the Plaintiff at the address below via the United States Mail this January 6, 2015. To the knowledge of the State, the other Defendants have not been served with the Summons and Complaint.

Mr. Robert Koon
227826
Lieber Correctional Institution
P.O. Box 205
Ridgeville, SC 29472



J. EMORY SMITH, JR.
Deputy Solicitor General
Bar No. 5262

Double Enhancement /
~~RE~~ Resentence to 15 yrs
OR 1986 prior reduced
643 SE2d 680

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

IN COURT OF COMMON PLEAS

ROBERT KOON
PLAINTIFF

CIVIL ACTION COMPLAINT

Cherokee County
BRANDY MCBEE

~~* DECLARATORY ACTION *~~

J. Denham COLE

SEEKING DECLARATORY

RUEER COUCH

JUDGMENT AND

J. MARK HAYES JR.

INJUNCTIVE RELIEF.

STATE OF SC. DEFENDANTS

RICHLAND COUNTY
FILED
2014 JUL 25 PM 1:58
JEANNETTE WENIGBRIDE
CLERK, P. & H.S.

- ① The PLAINTIFF AT ALL TIMES MATERIAL HEREIN IS A PRISONER UNDER ~~ARREST~~ CUSTODY OF SCDC @ 4444 BROAD RV. RD. COLUMBIA SC 29210 (RICHLAND)
- ② The DEFENDANTS ARE Cherokee County, BRANDY MCBEE, J. DENHAM COLE, RUEER 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.

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 DENY
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. S. PRENTISS'S 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
(A) PCR APPLICATION, (B) NOTARIZED AFFIDAVIT AND (C) EXPLANATION
AS TO "FACTS AND LAW" AS TO WHY P.C.R. IS NOT
SUCCESSIVE OR TIME BARRED TO COMPLY WITH MAXTON ORDER.

SEE (1) FOURTH CAUSE OF ACTION PLAINTIFF HAS NEVER FILED A FRIVOLOUS COMPLAINT

(A)

NO "FILING FEE" WAS SENT TO MCBEE FOR P.C.R. AS per TO LAKE'S V. 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 INITIO - LAKE'S V. STATE 333 SC 282 (1998)
~~THE~~ MCBEE HAS SINCE FEBRUARY 2014 REFUSED TO ADHERE 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 PLAINTIFF 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 S.E.2d 623 (SC 2013) RE WILDER 516 S.E.2d 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) MSCOY 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 "FILE FEE" FOR P.C.R. that has not been ENACTED BY the SC LEGISLATURE, by ATTEMPTING to IMPOSE the FILE 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 JUDICIALLY CREATED ('by FIAT') FILE 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 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 PCIR, 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, AN ACT OF FRAUD (ACTIONABLE AT ANY TIME) 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

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

~~RELIEF~~ (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 LAKE 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 P.C.R. 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 516 S.E.2d 927 (SC 1998) 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 CODE, CODE AND HATES WOULD NOT ISSUE A APPEALABLE ORDER!

I VERIFY THESE FACTS
AS TRUE UNDER PENALTY
OF PERJURY
Court Koehn

5/21/14

(9)

UNITED STATES DISTRICT COURT

for the District of South Carolina

Robert Koon Plaintiff v. BRANDY McBee Defendant Civil Action No.

SUMMONS IN A CIVIL ACTION

To: BRANDY McBEE J. MARIC HAYES Desinee Allen

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

ROBERT KOON 327826 LCI PO Box 205 RIDGEVILLE SC 29472

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

ROBIN L. BLUME, CLERK OF COURT

Date:

Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT

District of

Robert Kooy
Plaintiff

APPLICATION TO PROCEED
WITHOUT PREPAYMENT OF
FEES AND AFFIDAVIT

v.

BRANDY MS. BEE

CASE NUMBER:

Defendant

I, Robert Kooy declare that I am the (check appropriate box)

petitioner/plaintiff/movant other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC §1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "No," go to Part 2)

If "Yes," state the place of your incarceration L. F. Beck CI

Are you employed at the institution? Do you receive any payment from the institution?

Attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. Are you currently employed? Yes No

a. If the answer is "Yes," state the amount of your take-home salary or wages and pay period and give the name and address of your employer.

b. If the answer is "No," state the date of your last employment, the amount of your take-home salary or wages and pay period and the name and address of your last employer.

3. In the past 12 twelve months have you received any money from any of the following sources?

- a. Business, profession or other self-employment Yes No
- b. Rent payments, interest or dividends Yes No
- c. Pensions, annuities or life insurance payments Yes No
- d. Disability or workers compensation payments Yes No
- e. Gifts or inheritances Yes No
- f. Any other sources Yes No

If the answer to any of the above is "Yes," describe, on the following page, each source of money and state the amount received and what you expect you will continue to receive.

6

4. Do you have **any** cash or checking or savings accounts? Yes No

If "Yes," state the total amount. _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other thing of value? Yes No

If "Yes," describe the property and state its value.

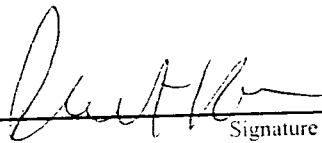
Ø

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

(

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

6/20/14
Date


Signature of Applicant

NOTICE TO PRISONER: A Prisoner seeking to proceed without prepayment of fees shall submit an affidavit stating all assets. In addition, a prisoner must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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) N/A

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 M. SHER 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 HOLMANN KOON)
)
 v.)
 BRANDY WALKER MCBEE)
 J. MARK HAYES JR. (II))
~~FRANK COLE~~)
 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 Ridgeway SC (KOON)
- 2.) THE DEFENDANT BRANDY WALKER MCBEE (MCBEE) IS CLERK OF COURT CHENDEEE CO. @ GAFFNEY SC
- 3.) DEFENDANTS J. MARK HAYES JR (II) (HAYES) ~~AND FRANK COLE~~ ~~(COLE)~~ ARE CIRCUIT COURT JUDGES
- 4.) ~~DESIREE ALLEN~~ 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. CONSTITUTIONAL EQUAL PROTECTION CLAUSE AND FOURTEENTH AMENDMENT PRO-PROCESS CLAUSE AND 17-27-10 ~~ET-SSD~~ SC CODE OF LAWS (PCR), (B) AND COMMITTED ACTS IN VIOLATION OF VARIOUS LAWS AND RULES OF U.S. DISTRICT COURT.

(6) THIS COURT HAS JURISDICTION OF "KU KLUX KLAN ACT OF 1871" A/K/A 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 OCCASIONS SINCE FEBRUARY 2014 KOON SENT TO MEBEE 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 PER. TO MCCOY V. STATE 737 S.E2d 623 (SC 2013) OF JUDICIAL MISCONDUCT AND JUDICIAL MISCONDUCT PER RE. WILSON 516 S.E2d 927 (SC 1998) ALONG WITH MOTIONS TO PROCEED WITHOUT THE "JUDICIAL/COURT'S FINE- FEE" CREATED BY FLAT OF TAXES ON ALL S. JUDGES.

CUMULATIVE ON MAY 12, 2014 WHEN PRIVATE CITIZEN HARRY LOVELACE, THE VICTIM OF KOON "SECOND STRIKE" KOON II 643 SE2d 680 (2007) ATTEMPTING TO PAY THE ILLEGAL FILING FEE (SEE LAKES V. STATE, 333 SC 282 (SC 1998) WHICH CLEARLY STATES PCR REQUIRE NO FILING FEE ON 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 HATES AND COLE PURPOSELY REFUSE TO ISSUE A WRITTEN ORDER AS TO WHETHER KOON CAN PROCEED ON HIS PCN SET FORTH IN EXHIBIT (B) ATTACHED.

EXHIBIT (B) WAS FILED 6/20/14 TO DESIMEE ALLEN, J. DENHAM COLE, BRANDY MCBEE AND TO THE US DISTRICT COURT IN KOON V. RUSHFORD 8:05-2523 (IN SUPPORT OF A RULE 60 (b) (6) ON MASONIC AFFILIATIONS OF DISTRICT COURT JUDGE HARWELL, CHIEF JUDGE TRAYLER IN 07-7462, AND TRIAL JUDGE JOHN C. HATES 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 COURTS AND BOTH REFUSE TO ADHERE TO 8/5/09 ORDER, AND COLE, HATES REFUSE TO REQUIRE THEM TO ADHERE TO THE ORDER 8/5/09 OR ISSUE A WRITTEN ORDER ON EXHIBIT (A) PCN OR PCN REFERENCED IN COULACE AFFIDAVIT CONTAINING IDENTICAL ISSUES

THUS, IT IS PROOF OF MCBEE, HATES, COLE, ALLEN ACTING IN CONCERT TO DENY KOON ACCESS TO THE COURTS (SEE EXHIBIT A & 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)
WHAT IS SAME FOR FILING A LAWSUIT \$15000
IN VIOLATION OF SEPARATION OF POWERS ART OF
U.S. CONSTITUTION WITH SOLE PURPOSE TO DENY
IMPUDENT 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 A ILLEGAL FILING FEE IS MANIFESTED IN
MCBEE REFUSAL TO ACCEPT @ THE (ILLEGAL)
FILING FEE

THIRD CAUSE OF ACTION

BRIANNE 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 COURTS AS KORN AS RAISED SUBSTANTIAL JUROR / JUDICIAL 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 MSCOT 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.

* PCR TO (EMMONG STATE CO) 2011 494 (2015) ALLEGATIONS IN PCR MUST BE TREATED AS TRUE FOR SUMMARY JUDICIAL PURPOSES.

SEE ALSO MCBEE U-STATE COLE (EMMONG STATE

V. RELIEF

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

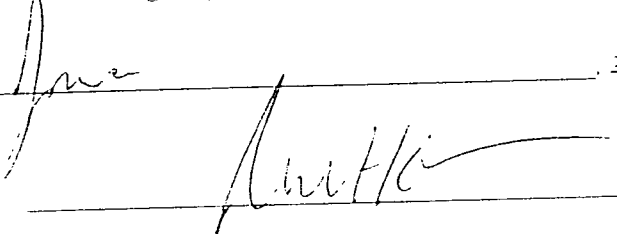
I) ORDER REQUIRING CLERK OF COURT TO
ALLOW ROOM ACCESS TO COUNTS IN ACCORD
W/ 8/5/07 ORDER W/OUT JUDICIALLY CREATED
FILING FEE

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

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

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

Signed this 20 day of June, 2014



Signature of Plaintiff

Robin C. Blume
CLERK OF COURT
US DISTRICT COURT

Robert Holland Koon
227826
Lieber Correctional Institution
PO Box 205
Ridgeville, SC 29472

Koon v. Mc Bee 2:14-2663

PLEASE FIND MOTION TO AMEND COMPLAINT AND
RELIEF SECTION - AMENDED RELIEF.

AND OBJECTIONS TO MAJESTATE REPORT
ALL WANTS ACT MOTION

(RHK) Removal ACTION OF PCR.

SEPARATE CASE ↓

NOTICE OF REMOVAL OF STATE
COURT PCR ENCLOSED W/
PROOF OF SERVICE ON STATE.
PLEASE PROVIDE FEDERAL CASE NUMBER

(RHK)

US DISTRICT
DISTRICT OF SC

2:14-2663 RBH

ROBERT KEON
v.
ARAND McBEE (ETAL)
+
DONALD ZELENIKA
SEAN TOAL

I

* MOTION TO AMEND Relief Section
AND COMPLAINT SECTION *

The Pro se Plaintiff would strictly

AMEND his as follows, that his ACTION
is ONLY under FEDERAL Declaratory ACT, 18 USC

OF 1871 (42 USC 1983, 1985, 1986) FOR VIOLATION
OF CIVIL RIGHTS TO DECLARE STATE ACTION
CONDUCT UNDER ~~LAW~~ STATE LAW AND (1983)

CONSPIRACY TO VIOLATE CIVIL RIGHTS (1985, 1986)

AND TO DECLARE ACTIONS 1983, 1985, 1986 IN
VIOLATION OF USCA. (INTER ALIA) TO DECLARE ACTS
AND VIOLATION

OF CRIMINAL STATUTE 18 USC 241, 242
IN

AND COURT IS DUTY BOUND TO FORWARD EVIDENCE

OF CRIMINAL ACT TO DEPT OF JUSTICE ^{BY} ROBERT KEON

FWO: DOT

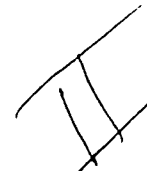
--12/14 [Signature]

US DISTRICT COURT
DISTRICT OF SC

Robert Kow

BRANDY McBEE (ETAL)

2:14 - 2663



NOTION TO AMEND
Relief SECTION of Complaint
AMENDED Relief

* MOTION TO AMEND Relief SECTION *

(A) PLAINTIFF WOULD MOVE TO STRIKE THE ENTIRE Relief SECTION AND SUBSTITUTE Relief AS FOLLOWS:

* AMENDED Relief *

(B) (1) FEDERAL COURTS DECLARE "ACTIONS OF SC STATE COURT JUDGE TO CREATE A FILING FEE FOR PLAINTIFFS PER AS SAME AS STATUTORY FILING FEE FOR LAWSUITS" IS A VIOLATION OF SEPARATION OF POWERS PROVISION OF US CONSTITUTION AND DECLARE ORDER CREATING A FILING FEE BY EXECUTIVE BRANCH HAS NO FORCE OF LAW VOID AB INITIO. FEDERAL DECLARATORY RELIEF ACT:

(2) DECLARE "ACTIONS OF MCBEE, ALLEN HAYES PER TO FIRST AMENDMENT AND IN VIOLATION OF STATE COURT OWN ORDER AND IS A CONSPIRACY TO VIOLATE CIVIL RIGHTS PER 18 USC 241, 242 KKK ACT OF 1871 REMOVAL STATUTE

(3) BASED UPON ONE AND TWO ABOVE THE FEDERAL COURT REMOVE THE PER ACTION

FOR JUROR MISCONDUCT / JUDICIAL MISCONDUCT
TO FEDERAL COURT (to allow U.S. Citizen
Access to Courts) [As it seems Federal
Court cannot provide Injunctive Relief.]
✓ FEDERAL STATUTE PROVIDES FOR REMOVAL OF
DEFENDING STATE ACTIONS TO FEDERAL COURT UNDER
K.K.K. ACT OF 1871 (E.G.) IF KIANS ARE
DEFENDING BLACK CITIZENS ACCESS TO COURT OR CREATE
VOTER TAX SUCH IS ACTIONABLE, thus it is
ACTIONABLE when MASONIC ORDER BANDS TOGETHER
TO DENY ACCESS TO COURTS, OR (CREATE) A ILLEGAL
FILING FEE AS A PREREQUISITE TO ACCESS TO COURTS.

④ TO DECLARE procedures to restrict plaintiff
access to per NOT BEING FOLLOWED CONSTITUTE
A DE FACTO ACCESS TO THE COURTS.

⑤ ONCE FEDERAL COURT DECLARES 1-4 AS IN
VIOLATION OF US CONSTITUTIONAL TO TAKE
NECESSARY ACTION TO PROVIDE US CITIZEN ACCESS
TO COURTS, INCLUDING REMOVAL TO FEDERAL COURT
IF STATE CONTINUES TO VIOLATE US CONSTITUTIONAL
ON ANY OTHER ACTION IN EQUITY THIS COURT
DEEMS JUST. ONE THRU FILE CONSTITUTE ALL
EXAMPLES FOR RELIEF.

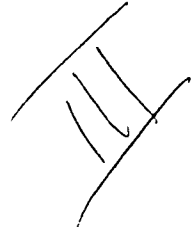
I verify / under oath
plaintiff -

7/5/14

US DISTRICT
DISTRICT SC

ROBERT KOON (PLAINTIFF)
v.
BRANDY MS BEE
+
DONALD ZELENKA
JERRI TOAL

2:14 - 2663 RBH



DEFENDANTS

* AMENDED Relief *

(1) That this ACTION, is at all times herein,
REL. TO "FEDERAL DECLARATORY ACT", FOR

A 'FEDERAL DECLARATORY ACTION' TO 'DECLARE'

SOUTH CAROLINA DEFENDANTS ACTING UNDER COLOR

OF STATE LAW, IN VIOLATION OF US CONST.
18 USC 241, 242, TITLE 42 USC 1983, 1985, 1986.

~~UNUSUAL~~ SEPARATION OF POWERS ACT (SPA) AND 1st, 5th
~~AMENDMENT~~

AND 14th AMENDMENT, DENIAL OF ACCESS TO

COURTS, ANY CLAIM OF INJUNCTIVE RELIEF IS

NOT AT THIS TIME REQUESTED, HOWEVER FEDERAL

COURT HAS POWER 'IN EQUITY' TO ENTER RULING

TO 'AFFECT JUSTICE' UNDER 42 USC 1983, 1985, 1986

(KKK ACT OF 1871), 18 USC 241 CRIMINAL STATUTE

7/10/14

SC MOVES AWAK

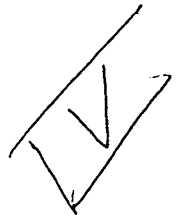
US DISTRICT COURT
DIST. OF SC

2:14-2663

ROBERT KOWN

v.
BRANDY W. MCBEE
(ETA)

OBJECTIONS OF
PLANTIFF



PLANTIFF DOES OBJECT TO MAG. REPORT
& RECOMMENDATION AS FOLLOWS

① THAT DISTRICT JUDGE R. BRYAN HARWELL
HAS VIOLATED LOCAL RULE ON RANDOM APPOINTMENT
TO CASES AND HAS SENINE (2005) ASSIGNED HIMSELF
TO ALL PLAINTIFF CASES (FNU COMPLAINT PG 1)
AND IN VIOLATION OF US v EL PASO NATURAL GAS CO
US SUP. CT. MIRANDA v BENNETT 322 F3d. (2-10-06)
ALTHOUGH STATE POSITIVE VERBATIM PLAINTIFF SEEKS
~~RE~~ RANDOM APPOINTMENT OF NEUTRAL UNBIASED JUDGE

DECLARATORY ACTION

② ~~REPTITION~~
(A) PLAINTIFF OBJECTS TO COMPLAINT NOT BEING SERVED ①
AS IT SETS FORTH A "DECLARATORY ACTION" TO HOLD,

① "CREATION OF FILING FEE" BY EXECUTIVE BRANCH OF
GOVERNMENT IS A VIOLATION OF SEPARATION OF POWERS
AND FEDERAL COURT MUST DECLARE THAT TO BE
UNCONSTITUTIONAL AND NOT ENFORCEABLE
LOTT AB INITIO

① SEE MOTION TO AMEND RELIEF TO PLAINTIFF
ONLY DECLARATORY RELIEF (RE THE PLAINTIFF)

② COMPLAINT SEEKING TO "DECLARE" MAJ Declaratory ACTION
that ACTS OF MCBEE, ALLEN, HATES ARE A
CONSPIRACY PUR 42 USC 1983, 1985, 1986 to
DEPRIVE PLAINTIFF ACCESS TO COURTS IN VIOLATION OF
HIS FIRST AMENDMENT RIGHTS. AND IS A ILLEGAL
ACT.
PLAINTIFF OBJECTS,

③ DEFENDANTS DO NOT HAVE IMMUNITY TO
DENY A US CITIZEN ACCESS TO COURTS
1ST AMENDMENT FOR BOTH DECLARATORY AND
SUBSEQUENTLY INJUNCTIVE RELIEF OR TO CREATE
BY FIAT A FILING FEE PUR WILLIAM J. ALLEN
466 USC 522 (1984) CREATION OF FILING FEE
IS A ILLEGAL ACT WHEN DONE BY A BRANCH
OF GOVERNMENT NOT AUTHORIZED BY US CONST.
PLAINTIFF OBJECTS.

④ MAJESTRATE DID NOT RULE ON REMOVAL OF
PCR TO FEDERAL COURT UNDER THE "REMOVAL
STATUTE" AS SC IS DENYING A CITIZEN ACCESS
TO ITS COURTS AND RATHER THAN ORDER
INJUNCTIVE RELIEF PUR WILLIAM J. ALLEN SUPRA
THE FEDERAL COURT HAS THE OPTION TO
ASSUME JURISDICTION OF PCR 17-27 TO RUN
A FEDERAL PROCEEDING.

PLAINTIFF OBJECTS,
⑤ UNDER FEDERAL DECLARATORY ACT THIS COURT
HAS POWER TO DECLARE ACTS OF STATE
OFFICIALS ACTIVE UNDER COLOR OF STATE
LAW TO BE IN VIOLATION OF THE US CONSTIT,
AS SET FORTH IN THE ATTACHED MOTION
TO STRIKE AMEND AND STRIKE ENTIRE
RELIEF SECTION AND AMENDED RELIEF 1-5
ATTACHED HERETO THAT SEEKS STRAIGHT
DECLARATORY ACTION FOR RELIEF AND REMOVES
INJUNCTIVE RELIEF. ||
AND TO ALLOW REMOVAL OF ACTION TO
FEDERAL COURT UNCE FEDERAL COURT DECLARES
STATE ACTION TO BE UNCONSTITUTIONAL

|| PLAINTIFF ASSENTS, NOW THAT
⑥ ⑨ AS AMENDED RELIEF SEEKS ONLY A
DECLARATORY ACTION AND STRIKES MOTION
FOR ANY KIND OF INJUNCTIVE RELIEF THE
FEDERAL DECLARATORY ACT HAS JURISDICTION AND
DEFENDANTS HAVE NO CLAIM FOR IMMUNITY
WHATSOEVER, IF THEY EVEN DID. AND SERVICE
OF PROCESS AUTHORIZED
PLAINTIFF SEEKS FEDERAL DECLARATORY ACT TO
ENFORCED TO DECLARE DEFENDANTS ACTION A

BE A VIOLATION OF SEPARATION OF POWERS
ACT IN RE: TO JUDICIALLY CREATED FILING
FEE AND TO DECLARE ACTIONS OF
DEFENDANTS DENY KOOI ACCESS TO COURTS
IN VIOLATION OF FIRST - FOURTEENTH AMENDMENTS

⑦ TO DECLARE ACTIONS OF McBee, Allen, Hayes
CONSTITUTE A CONSPIRACY TO VIOLATE CIVIL
RIGHTS 18 USC 241, 242 AND PUNISHABLE
OF UP TO ~~10~~ 10 YEARS IN PRISON AND
REFER ACTION TO US JUSTICE DEPARTMENT,

⑧ PLAINTIFF OBJECTS TO FEDERAL COURT
NOT REFERRING MATTER TO US JUSTICE
DEPARTMENT FOR CIVIL RIGHTS VIOLATIONS
18 USC 241, 242

⑨ PLAINTIFF ASKS COURT TO STRIKE MAGISTRATE
REPORT AS HE HAS AMENDED HIS RELIEF
SECTION TO REQUEST ONLY DECLARATORY RELIEF
UNDER FEDERAL DECLARATORY ACT, KKK ACT 1871,
AND COMPLAINT B2 SEVERED

Robert Kowl

7/9/14 ⑩ AMENDMENT AS F.D.A. REQUIRES
REPORT & RECOMMENDATION

US DISTRICT COURT
DISTRICT OF SC

Robert Kow

2:14-2663 REBH
V

BRAID McBECK (ETAL)

MOTION
ALL WRITS ACTS

All WRITS ACT TRANSFER TO
* US SUPREME COURT FOR MANDAMUS
FOLLOWING DECLARATION BY US DISTRICT CT.

PLAINTIFF MOVES PUR TO ALL WRITS ACT
ON EQUITY SIDE OF THE FEDERAL
JUDICIARY TO DECLARE PLAINTIFF 1986
GUILT PLEA IN VIOLATION OF BOYKIN V.

ALABAMA (1969) AND TRANSFER JURISDICTION
AFTER FINDING OF FACT TO U.S. SUPREME
COURT PUR ALL WRITS ACT V. (W) DECLARATION
AS EVIDENCE FOR A WRIT OF MANDAMUS TO
ISSUE PUR ALL WRITS ACT TO ORDER SC
TO COMPLY WITH BOYKIN V. ALABAMA AND
HOLD 1986 PLEA INVOLUNTARY

SO MOVES
KENT K

METHOD

TRANSFER CASE TO US SUPREME COURT
UNDER ALL WRITS ACT AFTER
DECLARATION PLEA IS INVOLUNTARY

US DISTRICT
DISTRICT SC

2014-2663 RBH

KOON, Robert
v.
MCBEE, BRAD P
HATES, J. MARK
ALLEN, Desenee
ZELENKA DON
TO ALL SEAL DEFENDANTS

VT
WEX (A)

* AMENDED COMPLAINT *

PLAINTIFF ASSERTS UNDER FEDERAL DECLARATORY ACT
42 USC 1983, 1985, 1986, THAT FEDERAL COURT
MUST DECLARE S.C. TREATMENT OF 5th, 6th
AMENDMENT WAIVER OF TRIAL RIGHTS PER TO
BOYKIN v. ALABAMA 395 US 235 (1969) NOT
WAIVED, Thus PLEA OF GUILTY IN 1986 WAS
INWOLUNTARY AS A MATTER OF LAW MOORE v. STATE
732 S.E.2d. 200 (2012) WAIVER OF TRIAL RIGHTS,
TO JURY TRIAL, CONFRONTATION AND SELF INCRIMINATION
MUST be on the RECORD AND WAIVER CANNOT
BE PRESUMED FROM SILENT RECORD JOHNSON v.
ZENBST US (1935)

AND TO FURTHER DECLARE THE SC STATE COURTS
HAVE DENIED PLAINTIFF A STATE CORRECTIVE PROCESS
TO VINDICATE THE DENIAL OF ABOVE U.S.C.A.
①

JAIL RE: TO 1986 INVOLUNTARY PLEA, AND
FURTHER DECLARE THE STATE CONNECTICUT PROCESS
WAS "EVADED AND ELUDED" BY RESPONDENT"
STATE OF SC WITH BAD FAITH, IN VIOLATION 5TH
AND 14TH AMEND RIGHT TO PROCEDURAL AND SUBSTANTIVE
DUE PROCESS AS ① RAISED AT PCR 87-103
PCR ORDER STATED PLEA WITHIN MANDATES OF
BOFKIN v. ALABAMA WHEN IT WAS NOT. ② ATTORNEY

GENERAL DID NOT PROVIDE GUILTY PLEA TRANSCRIBE @ PCR
(SEE COURT REPORTER CERTIFICATE 1986 PLEA STATING
TRANSCRIPT NOT MADE TIC JAIL 1992) IN VIOLATION
OF 17-27-70 AND 80. ③ S95 SEED. USE SPOKE OF
BUT REFUSED TO ADDRESS ④ KOON 2014-1266 STATE
HABEAS IN ORIGINAL JURISDICTION REFUSES TO ADDRESS
BOFKIN AND DENIAL OF STATE CONNECTICUT PROCESS. BEING
A MISCARRIAGE OF JUSTICE.

UNDER DECLARATORY (FEDERAL) ACT THIS COURT CAN
DECLARE, AND MAKE SHAME SC TO
REVERSE 1986 INVOLUNTARY PLEA AND RELEASE
PLAINTIFFS, BUT NOT COMPEL THEM TO DO SO.
ALL STATE APPEALS HAVE 6/26/14 BEEN
EXHAUSTED AND MAKES KOON v. STATE
②

2014-1266 A PART OF THIS ALLEGATION
PRO FORMA (verbatim) AND STATE COURT
REFUSAL TO APPLY US CONSTITUTIONAL
LAW AS DECIDED BY US SUPREME COURT IN
RE: ~~to~~ ^{both} AMEND VIOLATIONS PER BOYKIN
IS A VIOLATION OF CIVIL RIGHTS TO DECLARE
THAT IT IS A CONSPIRACY TO VIOLATE CIVIL
RIGHTS PER. TO BOTH

- ✓ KKK ACT OF 1871 (42 USC 1983, 1985, 1986)
- ✓ FEDERAL DECLARATORY ACT
- ✓ 18 USC 241, 242

IF STATE COURT ACTORS ACTIVE UNDER "COLOR OF STATE
LAW" WERE TO VIOLATE, BROWN V. BOARD EDUCATION,
OR ROE V. WADE, OR BOYKIN V. ALABAMA
THIS COURT CAN DECLARE THAT CONDUCT
TO BE UNCONSTITUTIONAL ESPECIALLY SINCE
THIS COURT VIOLATED ROSE V. LIND WHEN
IT DISMISSED 1988 FEDERAL HABEAS
ON BOYKIN V. ALABAMA ISSUE PRIOR TO
595 SE2D 456. (3)

THIS COURT PER DECLATORY ACT MUST DECLARE
ACTIONS OF STATE COURT IN VIOLATION OF
HIS US CONSTITUTIONAL RIGHTS BASED ON
1986 TRANSCRIPT AND ENTIRE STATE COURT PROCEEDINGS
TO ON 1980 CONVICTIONS TO 14-1266 HABEAS
THAT DONALD ZELENIKA AS DEFENDANT (ETAL)
AIDED AND ASSISTED IN COVER-UP OF CONSTITUTIONAL
VIOLATIONS W/ JEAN TOAL (ETAL) OF THE
SC SUPREME COURT. AS A VIOLATION OF CIVIL RIGHTS
AND CONSPIRACY TO VIOLATE CIVIL RIGHTS ?
TO DECLARE ZELENIKA AND TOAL (ATLEAST)
REFUSED TO APPLY BOYKIN V. ALABAMA TO
PLAINTIFF 1986 CONVICTIONS AND ACTED IN CONCERT
TO ENABLE TO SAME TO EVADE AND ELUDE
EQUAL PROTECTION UNDER LAW. 5, 14 USCA.

A TRUE TEST OF KKK ACT AND FED. DECLATORY ACT
| A CLASSIC CASE OF SC COURTS REVERSING
TO CORRECT US CONST. VIOLATIONS | IE
YATES V. AIKEN (US SUP CT) IN A CONSPIRACY
COVERED BY KKK ACT OF 1871

I VERIFY FACTS

7/10/14

(4)

Robert Koss
227826 LCI
PO BOX 205
RANDOLPH SC
29472

Clerk of COURT,

S.C. Supreme COURT

PO BOX 11330

Columbia SC 29201

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MAR 16 2015

MAJORITY
LIEBER CI