

1.
SOUTH CAROLINA COURT OF
APPEALS

TYRONE LORENZA ROBINSON

CASE NO:
2014-002138

VS.

STATE OF SOUTH CAROLINA

PRO SE
BRIEF

ISSUES THAT
ATTORNEY THIS
COURT APPOINTS
MUST ARGUE ON
THIS DIRECT APPEAL

RECEIVED

JUN 09 2015

SC Court of Appeals

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF AUTHORITIES

STATEMENT OF ISSUES
ON APPEAL

STATEMENT OF THE
CASE

STATEMENT OF FACTS

ARGUMENT

CONCLUSION

TABLE OF AUTHORITIES

LUCAS BAILEY BAILEY VS. STATE OF SOUTH CARO-
LINA OPINION NO: 26975

THE STATE VS. TED LEE HEATH 635 S.E. 2d 18

STATE VS. CROWE, 188 S.E. 2d 379

STATE VS. PATERSON 335 S.E. 2d 800

STATE VS. MCFADDEN 539 S.E. 2d 387

GORE VS. LEEKE 199 S.E. 2d 755

LIVINGTON VS. MURDAUGH 183 S.E. 2d 300

GREEN VS. U.S. 78 S.Ct 221

STATE VS. TAYLOR 589 S.E. 2d 2

SPANNELL VS. STATE, 83 TEX CRIM 418,
203 W. 357 (1918)

WILLIE LEE DOUGLAS VS. STATE OF
SOUTH CAROLINA OPINION NO: 24828

SMART VS. LEEK 677 S.E. 2d

THE STATE VS. LOUIS ENGLISH FULLER
552 S.E. 2d 282

U.S. V. HITT, 249 F.3d 1010

STATE V. JAMES LYNCH 545 S.E. 2d 511

U.S. V. CHAMBERS, 408 F.3d 237 (5TH CIR. 2005)

U.S. V. FARR 536 F.3d 1174 (10TH CIR 2008)

STATUTES

5TH AMENDMENT VIOLATION OF
RIGHT TO DUE PROCESS

5TH AMENDMENT VIOLATION OF DOUBLE
JEOPARDY

5TH AMENDMENT VIOLATION WHICH
STATES "QUOTE" NO PERSON SHALL BE
HELD TO ANSWER FOR A CAPITAL OR
OTHER WISE INFAMOUS CRIME UNLESS
ON A PRESENTMENT OR INDICTMENT
OF GRAND JURY

5TH AMENDMENT VIOLATION OF RIGHT
TO BE TRIED ONLY ON THE PARTICULAR
CRIME AND THEORY OF FELONY MURDER
BY THE FELONY MURDER RULE THATS
CHARGED AND ALLEGED INSIDE OF
THE WRITTEN WRITE UP OF INDICTM-
-ENT # 2012-GS-07-1935

3.

STATEMENT OF ISSUES ON APPEAL

1ST ISSUE APPEALED

AT PRE TRIAL HEARING WHILE
ATTORNEY ARTE DAVID BAX WAS
ARGUING TO DISMISS INDICTMENT#
2012-GS-07-1935 FOR INSUFFICIENCY
OF INDICTMENT. THE TRIAL JUDGE
COMMITTED FATAL ERROR BY
DECIDING AND DETERMINING
THAT. THE STATE OF SOUTH CAROLINA
COULD USE A UNINDICTED FELONY
TO CONVICT TYRONE ROBINSON ON
INDICTMENT# 2012-GS-07-1935.
THAT RESULTED AND LEAD TO TYRONE
ROBINSON BEING CONVICTED ON THE
UNINDICTED THEORY AND CRIME
OF COMMON LAW MURDER BY THE
UNINDICTED THEORY OF THE DOCTRINE
OF TRANSFERRED INTENT, THAT THE
GRAND JURY DID NOT INDICT TYRONE
ROBINSON ON, THAT THE GRAND JURY DID
NOT ISSUE A INDICTMENT CHARGING
TYRONE ROBINSON WITH AND THATS
"NOT" CHARGED OR ALLEGED INSIDE
OF THE WRITTEN WRITE UP OF INDICT-
MENT# 2012-GS-07-1935

2ND ISSUE APPEALED

TRIAL JUDGE COMMITTED FATAL
ERROR BY FAILING TO DISMISS INDICT-
MENT# 2012-GS-07-1935 FOR
INSUFFICIENCY OF INDICTMENT.

3rd ISSUE APPEALED

TRIAL JUDGE COMMITTED FATAL ERROR by FAILING to AWARD TYRONE LORENZA ROBINSON A REDIRECTED VERDICT OF NOT GUILTY ON INDICTMENT # 2012-65-07-1935 BECAUSE THE JURY VERDICT IS INCONSISTENT WITH THE SCIENCE OF THE EVIDENCE

4TH ISSUE APPEALED

TRIAL JUDGE COMMITTED FATAL ERROR by FAILING to AWARD TYRONE LORENZA ROBINSON A DIRECTED VERDICT OF NOT GUILTY AND OR A REDIRECTED VERDICT OF NOT GUILTY, ON JURY CHARGE FOR SELF DEFENSE, BECAUSE THE STATE OF SOUTH CAROLINA FAILED TO DISPROVE AT LEAST ONE ELEMENT TO THE JURY CHARGE OF SELF DEFENSE AS A MATTER OF LAW

STATEMENT OF THE CASE

APPELLANT TYRONE LORENZA ROBINSON WAS INDICTED DURING THE OCTOBER 18TH, 2012 TERM OF THE BEAUFORT

5

COUNTY GRAND JURY FOR THE THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE. APPELLANT TYRONE ROBINSON WAS TRIED BEFORE JUDGE COOPER AND A JURY ON SEPTEMBER 15TH THRU TO 19TH 2014. THE JURY DID NOT FIND TYRONE ROBINSON GUILTY OF FELONY MURDER BY THE FELONY MURDER RULE, THAT TYRONE ROBINSON WAS ARRESTED ON/ INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL, ON INDICTMENT # 2012-GS-07-1935. HOWEVER THE JURY FOUND TYRONE ROBINSON GUILTY OF THE UNINDICTED THEORY OFFENSE OF COMMON LAW MURDER BY THE UNINDICTED THEORY OF THE DOCTRINE OF TRANSFERRED INTENT. THAT IS NOT CHARGED OR ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935, ALSO THAT THE GRAND JURY DID NOT HEAR EVIDENCE OF AND THE GRAND JURY DID NOT ISSUE A INDICTMENT AGAINST TYRONE ROBINSON FOR.

STATEMENT OF FACTS

ARON SCOTT YOUNG SENIOR, ARON SCOTT YOUNG JUNIOR AND TYRONE L. ROBINSON WERE ALL ARRESTED ON AND INDICTED ON THE THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE, FOR THE DEATH OF KHAZIL SINGLETON. ARON SCOTT YOUNG SENIOR AND ARON SCOTT YOUNG JUNIOR CONSPIRING TOGETHER AND ACTING TOGETHER, COMMITTED THE ONGOING DANGEROUS FELONY AND CRIME OF CONSPIRACY TO MURDER VICTIM TYRONE

ROBINSON AGAINST VICTIM TYRONE ROBINSON. THAT KHALIL SINGLETON DEATH IS A PROBABLE OR NATURAL CONSEQUENCE OF. THAT THE STATE OF SOUTH CAROLINA CHARGED AND INDICTED ON INDICTMENT AS THE ONGOING DANGEROUS FELONY THAT CAUSED KHALIL SINGLETON TO BE SHOT AND KILLED AND KHALIL SINGLETON DEATH IS A PROXIMATE RESULT THEREOF.

ON FEBRUARY OF 2015 A JURY AT TRIAL FOUND AARON SCOTT YOUNG JUNIOR GUILTY OF CONSPIRACY TO MURDER TYRONE LORENZA ROBINSON. AT THE IMMEDIATE TIME AND SAME LOCATION KHALIL SINGLETON WAS SHOT AND KILLED AT. IN ADDITION THE JURY FOUND THAT AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR FELONY OF CONSPIRACY TO MURDER TYRONE LORENZA ROBINSON WITH A DEADLY WEAPON IS THE ONGOING FELONY THAT KHALIL SINGLETON DEATH IS A PROBABLE AND NATURAL CONSEQUENCE OF, THAT CAUSED KHALIL SINGLETON TO BE SHOT AND KILLED AND KHALIL SINGLETON DIED AS A PROXIMATE RESULT THEREOF.

AS A MATTER OF LAW PROVEING THAT AS THE VICTIM WHO AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WERE CONSPIRING TO MURDER WITH A DEADLY WEAPON, THAT IS THE ONGOING DANGEROUS FELONY THE STATE OF SOUTH CAROLINA CHARGED AND INDICTED. AS THE ONGOING

DANGEROUS FELONY KHALIL SINGLETON
 DEATH IS A PROBABLE OR NATURAL
 CONSEQUENCE OF. AS A MATTER OF LAW
 TYRONE LORENZA ROBINSON IS NOT
 GUILTY OF FELONY MURDER BY THE
 FELONY MURDER RULE, THAT TYRONE
 LORENZA ROBINSON WAS ARRESTED ON/
 INDICTED ON AND TRIED ON BEFORE
 THE JURY AT TRIAL ON INDICTMENT
 # 2012-GS-07-1935.

IN ADDITION THE JURY ALSO FOUND
 AARON SCOTT YOUNG GUILTY OF MURDER
 OF KHALIL SINGLETON, BECAUSE THE
 JURY FOUND THAT AARON SCOTT YOUNG
 JUNIOR AND AARON SCOTT YOUNG SENIOR,
 FELONY THEY WERE COMMITTING
 A GAINST VICTIM TYRONE LORENZA
 ROBINSON, WHICH IS THE FELONY
 OF CONSPIRACY TO MURDER VICTIM
 TYRONE ROBINSON WITH A DEADLY
 WEAPON. IS THE ONGOING DANGEROUS
 FELONY THAT KHALIL SINGLETON
 DEATH IS A PROBABLE AND NATURAL
 CONSEQUENCE OF THAT AS A PROXIMATE
 RESULT CAUSED KHALIL SINGLETON
 TO BE SHOT AND KILLED. AS A MATTER
 OF LAW PROVING THAT AS THE VICTIM
 WHO AARON SENIOR AND AARON JUNIOR
 WERE CONSPIRING TO MURDER WITH
 A DEADLY WEAPON. TYRONE LORENZA
 ROBINSON IS NOT GUILTY OF FELONY
 MURDER BY THE FELONY MURDER
 RULE HE WAS ARRESTED ON/ INDICTED
 ON/ AND TRIED ON BEFORE THE JURY
 AT TRIAL.

ARGUMENTS

1st ISSUE APPEALED

AT PRETRIAL HEARING WHILE ATTORNEY ARTHUR DAVID BAX WAS ARGUING TO DISMISS INDICTMENT # 2012-GS-07-1935 FOR INSUFFICIENCY OF INDICTMENT. THE TRIAL JUDGE COMMITTED "FATAL ERROR" BY DECIDING AND DETERMINING THAT THE STATE OF SOUTH CAROLINA COULD USE A UNINDICTED FELONY TO CONVICT TYRONE ROBINSON ON INDICTMENT # 2012-GS-07-1935. THAT RESULTED AND LEAD TO TYRONE ROBINSON BEING CONVICTED ON THE UNINDICTED THEORY AND CRIME OF COMMON LAW MURDER BY THE UNINDICTED THEORY OF THE DOCTRINE OF TRANSFERRED INTENT. THAT THE GRAND JURY DID NOT INDICT TYRONE ROBINSON ON, THAT THE GRAND JURY DID NOT ISSUE A INDICTMENT CHARGING TYRONE ROBINSON WITH AND THATS "NOT" CHARGED OR ALLEGED INSIDE OF THE WRITTEN WRITUP OF INDICTMENT # 2012-GS-07-1935

2ND ISSUE APPEALED

TRIAL JUDGE COMMITTED FATAL ERROR BY FAILING TO DISMISS INDICTMENT # 2012-GS-07-1935 FOR INSUFFICIENCY OF INDICTMENT

ARGUMENT PRE TRIAL HEARING

TRIAL IN THIS CASE BEGAN IN BEAUFORT COUNTY GENERAL SESSION COURT ROOM IN SOUTH CAROLINA ON SEPTEMBER 15TH 2014 THRU SEPTEMBER 16TH, 17TH, 18TH UNTIL SEPTEMBER 19TH OF 2014. AFTER THE JURY WAS SEATED AND PICKED INSIDE THIS CASE. THE TRIAL JUDGE HELD PRE TRIAL HEARING OUTSIDE THE PRESENCE OF THE JURY. INSIDE PRETRIAL HEARING ATTORNEY ARIE DAVID BAX AND THE PUBLIC DEFENDER OFFICE. MOTIONED THE TRIAL COURT AND TRIAL JUDGE. TO DISMISS INDICTMENT # 2012-GS-07-1935 FOR INSUFFICIENCY OF INDICTMENT BECAUSE THE STATE OF SOUTH CAROLINA COULD NOT TRY TYRONE LORENZA ROBINSON AT TRIAL BEFORE A JURY, ON THE PARTICULAR THEORY AND CRIME AND OFFENSE. OF FELONY MURDER BY THE FELONY MURDER RULE THAT TYRONE LORENZA ROBINSON, WAS ARRESTED ON INDICTED ON AND CHARGED WITH THATS ALLEGED IN THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935. BECAUSE THE WHILE ENGAGED IN AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY THATS INSUFFICIENTLY ALLEGED. IN THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935. IS NOT CLASSIFIED AS A FELONY BY S.C. STATUTE CODE OF LAWS FOR PURPOSES OF THE THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE. THAT TYRONE ROBINSON WAS ARRESTED ON INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GS-07-1935

2ND REASON
TO DISMISS INDICTMENT
FOR INSUFFICIENCY OF INDICTMENT

IN his motion to dismiss the indictment # 2012-65-07-1935 FOR INSUFFICIENCY OF indictment. Attorney Arie David Box ALSO Argued. That indictment # 2012-65-07-1935 should be dismissed. because Aaron Scott Young Senior, Aaron Scott Young Junior and Tyrone Lorenza Robinson. ALL were charged on SEPERATE indictments. FOR THE THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE. FOR THE death OF KHALIL SINGLETON. ALSO because THE STATE OF SOUTH CAROLINA charged Aaron Scott Young Senior and Aaron Scott Young Junior with THE ONGOING DANGEROUS FELONY OF. CONSPIRACY TO MURDER VICTIM TYRONE LORENZA ROBINSON WITH A DEADLY WEAPON. AS THE ONGOING DANGEROUS FELONY THAT Aaron Scott Young Senior and Aaron Scott Young Junior. were IN THE PROCESS AND COMMISSION OF COMMITTING AGAINST VICTIM TYRONE LORENZA ROBINSON AT THE SAME LOCATION AND IMMEDIATE TIME. KHALIL SINGLETON WAS SHOT AND KILLED. ALSO BECAUSE THE STATE OF SOUTH CAROLINA, SOLICITOR ISSAC McDUFFRIE STONE, BEAUFORT COUNTY SHERIFF DEPARTMENT AND INVESTIGATOR SGT. LAUREL ALBERTIN. charged and indicted on indictment That THE ONGOING DANGEROUS FELONY OF CONSPIRACY TO MURDER TYRONE LORENZA ROBINSON WITH A DEADLY WEAPON. IS THE ONGOING DANGEROUS FELONY THAT CAUSED KHALIL SINGLETON TO BE SHOT AND KILLED AS A PROXIMATE RESULT OF AND IS THE ONGOING DANGEROUS FELONY, THAT KHALIL SINGLETON DEATH IS A PROBABLE OR NATURAL CONSEQUENCE OF. AS A MATTER OF LAW TYRONE LORENZA

Robinson can not be tried before the jury on the theory and crime of felony murder by the felony murder rule that's charged and alleged in the written write up of indictment # 2012-GS-07-1935. Also Tyrone Lorenzo Robinson can not be tried and convicted on indictment # 2012-GS-07-1935 and the theory and crime of felony murder by the felony murder rule offense. That's charged and alleged in the written write up of indictment # 2012-GS-07-1935. Because as a matter of law Tyrone Lorenzo Robinson was not acting in agreement conspiring along with Aaron Scott Young Senior and Aaron Scott Young Junior, to commit the ongoing dangerous felony of conspiracy to murder Tyrone Robinson with a deadly weapon against himself Tyrone Robinson. Therefore Tyrone Lorenzo Robinson was not committing the ongoing dangerous felony of conspiracy to murder Tyrone Robinson with a deadly weapon that Khalil Singleton death is a probable or natural consequence of. That also is the ongoing dangerous felony that caused Khalil Singleton to be shot and killed and Khalil Singleton did die as a proximate result of the attorney Arie David Bax argued because the felony murder rule is similar to the hands of one is the hands of all theory, which because the state of South Carolina,

indicted Tyrone Robinson, Aaron Scott Young Senior and Aaron Scott Young Junior on felony murder by the felony murder rule, for the death of Khalil Singleton. In order to prove Tyrone Lorenzo Robin-

- SON IS GUILTY OF FELONY MURDER BY THE FELONY MURDER RULE THAT TYRONE LORENZA ROBINSON WAS ARRESTED AND INDICTED ON AND BEING TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GS-07-1935. TYRONE LORENZA ROBINSON WOULD OF HAD TO BEEN ACTING IN AGREEMENT ALONG WITH AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR - CONSPIRING TO MURDER HIMSELF TYRONE ROBINSON WITH A DEADLY WEAPON. THAT MEANS IN ORDER FOR THE STATE OF SOUTH CAROLINA TO TRY TYRONE ROBINSON BEFORE THE JURY ON INDICTMENT # 2012-GS-07-1935 FOR THE THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THATS CHARGED AND ALLEGED IN THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935. TYRONE ROBINSON WOULD OF HAD TO OF BEEN HELPING AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR CONSPIRE TO MURDER HIMSELF TYRONE ROBINSON WITH A DEADLY WEAPON. THAT WOULD MEAN TYRONE ROBINSON WOULD OF HAD TO BEEN SUICIDAL TRYEN TO COMMITTE SUICIDE AND THERE IS NO EVIDENCE THAT TYRONE ROBINSON IS SUICIDAL OR WAS TRYEN TO COMMITTE SUICIDE, AND THERE IS NO EVIDENCE THAT TYRONE ROBINSON WAS CONSPIRING ALONG WITH AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR TO CONSPIRE TO MURDER HIMSELF TYRONE ROBINSON WITH A DEADLY WEAPON. ALSO THIS SOUTH CAROLINA APPEALS COURT SHOULD TAKE NOTICE; THAT BECAUSE TYRONE LORENZA ROBINSON IS THE "VICTIM" WHO AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WERE FOR THE PROCESS AND COMMISSION OF COMMITTEING

The ongoing dangerous felony of conspiracy to murder Tyrone Robinson against, which the State of South Carolina indicted as the ongoing dangerous felony. That caused Khalil Singleton to be shot and killed and Khalil Singleton did die as a proximate result thereof and Khalil Singleton's death is a probable or natural consequence of.

As a matter of law the theory crime and offense of felony murder by the felony murder rule. That Tyrone Robinson was indicted on and tried on before the jury at trial. Does not apply to the victim Tyrone Lorenza Robinson, who the ongoing dangerous felony is being committed against, that the person who is killed death is a natural or probable consequence of and that causes a person to be killed as a proximate result thereof.

The way the theory crime and offense of felony murder by the felony murder rule operates and is applied.

As a matter of law the crime theory and offense of felony murder by the felony murder rule in this particular case, only applies against Aaron Scott Young Senior and Aaron Scott Young Junior, who the State of South Carolina, Solicitor Isaac McDuffie Stone, Beaufort County Sheriff Department and Investigator Sgt. Laurel Albertin. Arrested, indicted and charged on arrest warrant and indictment, with being in the process and commission of committing. The ongoing dangerous felony of, conspiracy to murder victim Tyrone Robinson with a deadly weapon.

Against TYRONE LORENZA ROBINSON at the immediate time and same location KHALIL SIMPLETON was shot and killed. That caused KHALIL SIMPLETON to be shot and killed and that KHALIL SIMPLETON death is a proximate result thereof and is a probable or natural consequence of. ARONSCOTT YOUNG senior and ARONSCOTT YOUNG junior committing the ongoing dangerous felony of conspiracy to murder TYRONE LORENZA ROBINSON with a deadly weapon.

Because as a matter of law the theory crime and offense of felony murder by the felony murder rule only applies against the persons acting together who are in the process and commission of committing the dangerous felony that the death is a probable or natural consequence of.

As a result the theory, crime and offense of felony murder by the felony murder rule does not apply to or against the victim such as I TYRONE LORENZA ROBINSON, who the ongoing dangerous felony of conspiracy to murder I victim TYRONE ROBINSON, was being committed against, that KHALIL SIMPLETON death is a probable or natural consequence of. For proof of this claim I cite the following two cases for controlling law merits.

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA case law merits.

GORE VS. LEEKE 1995.E.2d 755 quote -

- IN NOW LADIES AND GENTLEMEN OF THE JURY, IF SEVERAL PERSONS AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSONS ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF HIS ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED. The common purpose, ladies and gentlemen, may have not included or may not have been INVOLVED IN THE KILLING AND THE MURDER OF ANYONE, BUT IF IN EXECUTING THIS COMMON DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL AS, FOR INSTANCE, BREAKING IN AND STEALING, AND IN THE EXECUTION OF THIS COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU, THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THAT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THIS COMMON DESIGN THEN, LADIES AND GENTLEMEN, ALL WHO ARE PRESENT, EITHER ACTUALLY OR CONSTRUCTIVELY, AND PARTICIPATING IN THE UNLAWFUL, COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF.

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA
CASE LAW MERITS.

STATE VS. PATERSON 335 S.E.2d 800 (1985)
"Quoting"

had it further concluded that the state failed to establish beyond a reasonable doubt that a homicide was the natural or probable conseq-

- ENCE OF A PLAN TO STEAL THE VICTIMS
CAR THE APPELLANT WOULD HAVE BEEN
ENTITLED TO AN ACQUITTAL ON THE CHARGE
OF MURDER. IT WAS THEREFORE ESSENTIAL
UNDER THE FACTS AND CIRCUMSTANCES
OF THIS CASE THAT THE JURY BE INSTRUCTED
THAT IT HAD TO FIND THAT THE HOMICIDE
WAS A NATURAL OR PROBABLE CONSEQUENCE
OF THE ACTS ACTUALLY AGREED
ON BY THE APPELLANTS BEFORE THE LAW
WOULD HOLD HIM RESPONSIBLE FOR SUCH
A HOMICIDE.

THE FAILURE OF THE TRIAL JUDGE TO
INSTRUCT WAS ERROR.

AT PRE TRIAL HEARING THE STATE OF SOUTH CAROLINA SOLICITOR ISSAC MC DUFFIE STONE. did not object to the fact that the SOLICITOR ISSAC MC DUFFIE STONE and the state of SOUTH CAROLINA. did indict on indictment and charge on indictment. AARON SCOTT YOUNG SENIOR and AARON SCOTT YOUNG JUNIOR with being in the process and commission of committing the ongoing dangerous felony of CONSPIRACY to murder VICTIM TYRONE ROBINSON with a deadly weapon against VICTIM TYRONE ROBINSON at the immediate time and same location KHALIL SINGLETON was shot and killed. That is the ongoing dangerous felony SOLICITOR ISSAC MC DUFFIE STONE and the state of SOUTH CAROLINA did charge on indictment. As the ongoing dangerous felony KHALIL SINGLETON death is a probable or natural consequence of that caused KHALIL SINGLETON to be shot and killed and KHALIL SINGLETON death is a proximate result thereof.

because the state of south carolina failed to object to these facts these facts are undisputable.

However the state of south carolina did object that they should be able to try TYRONE ROBINSON ON indictment # 2012-GS-07-1935. for the theory crime and offense of felony murder by the felony murder rule. that is charged and alleged inside of the written write up of indictment # 2012-GS-07-1935.

The trial judge incorrectly decided that the state of south carolina could use a UNINDICTED FELONY if they wanted to, to try to CONVICT TYRONE LORENZA ROBINSON ON THAT THE GRAND JURY DID NOT INDICT TYRONE ROBINSON ON THAT RESULTED IN TYRONE ROBINSON BEING CONVICTED ON THE UNINDICTED THEORY AND CRIME OF COMMON LAW MURDER BY THE UNINDICTED THEORY OF THE DOCTRINE OF TRANSFERRED INTENT, which is a violation of TYRONE LORENZA ROBINSON 5th Amendment Right to be tried only on charges presented in a indictment by the GRAND JURY, and is a violation of TYRONE ROBINSON 5th Amendment Right to due process and double jeopardy. Attorney Arie David Bax Arrived in return on TYRONE ROBINSON behalf. That by allowing the state of south carolina to use a UNINDICTED FELONY, to try to CONVICT TYRONE ROBINSON ON indictment # 2012-GS-07-1935 would "PREJUDICE" his client TYRONE ROBINSON, by KETCHING his client by surprise and depriving his client TYRONE ROBINSON out of "NOTICE" of what particular felony he is called upon to defend himself against and by depriving his client TYRONE ROBINSON

OUT OF THE RIGHT AND ABILITY TO BE ABLE
 TO PREPARE A AMPLE DEFENSE TO DEFEND
 HIMSELF AGAINST THE UNINDICTED FELONY.
 THIS SOUTH CAROLINA COURT OF APPEALS
 SHOULD TAKE NOTICE: THAT AS A RESULT
 OF THE TRIAL JUDGE DECISION THAT TYRONE
 LORENZA ROBINSON COULD BE CONVICTED ON
 A UNINDICTED FELONY. AT THE CLOSING
 OF THE STATE AND DEFENSE CASE. THE TRIAL
 JUDGE DID CHARGE THE JURY ON A UNIND-
 ICTED THEORY CRIME AND FELONY OFFENSE
 OF COMMON LAW MURDER BY THE UNIND-
 ICTED THEORY OF THE DOCTRINE OF
 TRANSFERRED INTENT THAT THE JURY
 DID CONVICT TYRONE ROBINSON ON. THAT
THE GRAND JURY DID NOT INDICT TYRONE
ROBINSON ON. THE GRAND JURY DID NOT
ISSUE A INDICTMENT AGAINST TYRONE
ROBINSON FOR AND THAT IS NOT CHARGED OR
ALLEGED INSIDE OF THE WRITTEN WRITE
UP OF INDICTMENT # 2012-GS-07-1935.
THAT THE JURY CONVICTED TYRONE ROBINSON
ON. IN VIOLATION OF HIS 5TH AMENDMENT
RIGHT TO BE TRIED ONLY ON CHARGES PRESE-
NTED IN A INDICTMENT, AND IN VIOLATION
OF TYRONE ROBINSON 5TH AMENDMENT RIGHT
TO DUE PROCESS AND DOUBLE JEOPARDY.
 HOWEVER BECAUSE TYRONE LORENZA ROBINSON
 APPEALED AGAINST THE TRIAL JUDGE DECISION
 TO CONVICT TYRONE ROBINSON ON A UNINDICTED
 FELONY AND BECAUSE TYRONE ROBINSON PRESERVED
 HIS APPEALMENT MADE AT PRETRIAL HEARING
 FOR DIRECT APPEAL AND REINSTATED HIS MOTION
 AND APPEALMENTS MADE AT PRETRIAL HEARING
 EVEN AFTER THE JURY VERDICT WAS READ.
 THE ISSUE OF THE TRIAL JUDGE DECIDING

That TYRONE ROBINSON COULD UNCONSTITUTIONALLY
 BE CONVICTED ON A UNINDICTED FELONY AND
 CRIME IS PRESERVED IN THIS COURT RECORD
 BY ATTORNEY ARIE DAVID BAX AND MUST
 BE DECIDED ON AND CORRECTED ON THIS APPEAL.
 WHICH TYRONE ROBINSON ALSO ARGUES AND
 ADDRESSES IN THIS ARGUMENT ON DIRECT
 APPEAL.

FELONY MURDER BY THE FELONY MURDER RULE THEORY ONLY

BECAUSE THE STATE OF SOUTH CAROLINA
 CHARGED AND ALLEGED THAT KHALIL SINGLE-
 TON'S DEATH OCCURRED BY THE FELONY
 MURDER RULE THEORY ONLY, THATS CHARGED
 AND ALLEGED INSIDE OF THE WRITTEN
 WRITE UP ON ARREST WARRANT # 2012 A0-
 720300114 AND INDICTMENT # 2012-GS-07-
 1935, THAT TYRONE ROBINSON WAS ARRESTED
 ON AND INDICTED ON AND TRIED ON BEFORE THE
 JURY AT TRIAL.

AS A MATTER OF LAW THE STATE OF SOUTH
 CAROLINA MUST PROVE EACH AND EVERY
 ELEMENT TO THE FELONY MURDER RULE
 THEORY CRIME AND OFFENSE ONLY. IN ORDER
 TO PROSECUTE AND CONVICT TYRONE ROBINSON
 FOR THE DEATH OF KHALIL SINGLETON,
 THEREFORE THE STATE OF SOUTH CAROLINA
 HAS THE BURDEN OF PROOF TO PROVE BEYOND
 A REASONABLE DOUBT, THAT TYRONE
 ROBINSON IS RESPONSIBLE FOR KHALIL
 SINGLETON DEATH: BY THE FELONY
 MURDER RULE THEORY ONLY.
 THAT IS CHARGED AND ALLEGED IN
 THE ARREST WARRANT # 2012 A07203114

and Indictment # 2012-GS-07-1935.
 That TYRONE ROBINSON was arrested on
 indicted on and tried on before the
 jury at trial. In order to prosecute
 convict and sentence TYRONE ROBINSON
 to prison time for the death of KHALIL
 SINGLETON. As decided by South Carolina
 Supreme Court in the case of LUCAS
 BAILEY vs. The State of South Carolina
 Opinion No. 26975 FOR PROOF REVIEW
CASE LAW MERITS

South Carolina Supreme Court Case Law
 OF
 LUCAS BAILEY vs. The State of South
 Carolina Opinion No. 26975 "Quoting"
 by including a more specific descrip-
 -tion, the state under took the burden
 of proving the specific allegations
 to obtain a conviction. The Texas
 Court of Appeals agreed with Castillo's
 argument, finding trial court erred
 in enlarging the indictment by add-
 -ing "shaking" as an additional manner
 and means of committing the charged
 offense. In so ruling the court recog-
 -nized that a defendant may only
 be tried and convicted of the crimes
 alleged in the indictment and
 the state is bound by the theory al-
 -leged in the indictment we agree
 with the reasoning in Castillo and
 apply its analysis to the facts of the
 instant case. We conclude that the
 trial judges instructions in prop-
 -erly "enlarged" the indictment
 by instructing the jury that it could
 convict Bailey of a crime not alleged
 in the indictment.

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA CASE
 LAW OF:

LUCAS BAILEY VS. STATE OF SOUTH CAROLINA

OPINION NO: 26975 "Quoting"

~~IN~~ SOUTH CAROLINA IT IS A RULE OF UNIVER-
 -SAL OBSERVANCE IN ADMINISTERING THE
 CRIMINAL LAW THAT A DEFENDANT MUST BE
 CONVICTED, IF CONVICTED AT ALL, OF THE
 PARTICULAR OFFENSE CHARGED IN THE BILL
 OF INDICTMENT. A MATERIAL VARIANCE
 BETWEEN CHARGE AND PROOF ENTITLES THE
 DEFENDANT TO A DIRECT VERDICT.

ONE OF THE TWO WAYS AN INDICTMENT CAN
 BE IMPROPERLY MODIFIED IS THROUGH A VARIA-
 -NCE, WHEREBY THE CHARGING TERMS OF
 THE INDICTMENT ARE LEFT UNALTERED,
 BUT THE EVIDENCE AT TRIAL PROVE FACTS
 MATERIALLY DIFFERENT FROM THOSE ALLEGED
 IN THE INDICTMENT."

WHEN THE INDICTMENT FACIALLY CHAR-
 -GETS A COMPLETE OFFENSE AND THE STATE
 PRESENTS EVIDENCE WHICH CONVICTS UNDER
 A DIFFERENT THEORY THAN THAT ALLEGED,
 A CONVICTION UNDER LATTER CIRCUMSTA-
 -NCES VIOLATES PRINCIPLES OF DUE PROCESS

BECAUSE THE STATE HAS FAILED TO PROVE
 BEYOND A REASONABLE DOUBT EVERY
 FACT NECESSARY TO CONSTITUTE THE CRIME
 WITH WHICH A DEFENDANT WAS CHARGED.

A MATERIAL VARIANCE THAT VIOLATES
 A DEFENDANT'S SUBSTANTIAL RIGHT TO BE
 TRIED ONLY ON CHARGES PRESENTED IN AN
 INDICTMENT CONSTITUTES FATAL ERROR.
 AND WARRANTS A REVERSAL ON AN
 APPEAL OF A JUDGEMENT OF CONVICTION
 OF THE OFFENSE NOT CHARGED IN THE
 INDICTMENT.

22.
CASE LAW MERITS

State vs. McFadden, 342 S.C. 629, 539 S.E.2d 387 (2000) See also State vs. Roof, 298 S.C. 351, 380 S.E.2d 828 (1989) "quoting", defendant can not be convicted of crime for which he is not indicted if it is not lesser included offense to that charged in indictment.

ON GOING DANGEROUS FELONY KILL STYLTON DEATH IS A PROBABLE AND NATURAL CONSEQUENCE OF

in the written write up of the Affidavit of Arrest warrant # 2012 A0720300116 and Arrest warrant # 2012 A0720300115

That Aaron Scott Young Senior and Aaron Scott Young Junior were indicted on for conspiracy to murder Tyrone Robinson with a deadly weapon. It states "quote"

That on 09-01-12 at approximately

1648 hours the defendant, Aaron Scott Young Senior and Aaron Scott Young Junior

did willfully and unlawfully conspire to murder "VICTIM" TYRONE Robinson. The defendant and co-def-

endant did travel, while armed with a deadly weapon, to many locations on Hilton Head Island, S.C.

looking for the "VICTIM". This incident occurred near Allen Road, Hilton Head Island, Beaufort County S.C. The affiant and others are witness to prove same

AARON SCOTT YOUNG JUNIOR
Charge of felony murder by the
felony murder rule

IN THE WRITTEN WRITE UP OF THE AFFIDAVIT OF ARREST WARRANT # 2012 A07-20300113 THAT CHARGES AARONSCOTT YOUNG JUNIOR WITH THE THEORY CRIME AND OFFENSE OF FELONY MURDER BY THE FELONY MURDER RULE. THAT AARONSCOTT YOUNG JUNIOR WAS INDICTED ON. IT STATES "QUOTE"

THAT ON 09-01-12 AT APPROXIMATELY 1648 HOURS, THE DEFENDANT, AARONSCOTT YOUNG JUNIOR WHILE ENGAGED IN AN ONGOING GUN BATTLE, AN INHERENTLY DANGEROUS FELONY, DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT, CAUSE THE VICTIM "KHALIL SINGLETON, TO BE SHOT AND KILLED. THIS INCIDENT OCCURRED NEAR ALLEN ROAD, HILTON HEAD ISLAND, BEAUFORT COUNTY, S.C. THE AFFIANT AND OTHERS ARE WITNESS TO PROVE SAME

AS A RESULT AARONSCOTT YOUNG SENIOR WAS INDICTED AND CHARGED WITH FELONY MURDER BY THE FELONY MURDER RULE ALSO THE SAME AS AARONSCOTT YOUNG JUNIOR AND TYRONE ROBINSON WERE ARRESTED ON, INDICTED ON AND CHARGED WITH

INDICTMENT # 2012-GS-07-1935 THAT TYRONE ROBINSON WAS INDICTED ON FOR THE THEORY CRIME AND OFFENSE OF FELONY MURDER BY THE FELONY MURDER RULE. THAT TYRONE ROBINSON WAS TRIED ON BEFORE THE JURY AT TRIAL, STATES "QUOTE" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1, 2012, WHILE ENGAGED IN AN ONGOING GUN BATTLE, AN INHERENTLY

29.
DANGEROUS FELONY, TYRONE ROBINSON
DID WILLFULLY, UNLAWFULLY AND WITH
MALICE AFORETHOUGHT CAUSE THE VICTIM
KHALIL SINGLETON TO BE SHOT AND KILLED
IN THE AREA OF MARSHLAND DRIVE
AND ALLEN ROAD, HILTON HEAD ISLAND,
S.C. AND THAT KHALIL SINGLETON DID DIE
IN BEAUFORT COUNTY AS A PROXIMATE
RESULT THEREOF ON SEPTEMBER 7, 2012
IN VIOLATION OF SECTION 16-3-10 OF
THE SOUTH CAROLINA CODE OF LAWS (1976)
AS AMENDED.

LAW AND ANYLYS FOR
ELEMENTS THE EVIDENCE IN
THIS CASE SUBMITTED TO THE
GRAND JURY MUST PROVE IN ORD-
-ER TO PROVE THERE IS PROBABLE
CAUSE FOR THE GRAND JURY TO
ISSUE INDICTMENT # 2012-GS-07-
-1935 AGAINST TYRONE ROBINSON
FOR THEORY AND CRIME OF FELONY
MURDER BY THE FELONY MURDER
RULE, PROVEING INDICTMENT #
2012-GS-07-1935 IS INVALID AND
INSUFFICIENT TO PROSECUTE AND
CONVICT TYRONE ROBINSON ON

IN ORDER FOR THE STATE OF SOUTH
CAROLINA TO OBTAIN A VALTD Ind-
-ictment AGAINST TYRONE ROBINSON

charge in the offense of felony murder by the felony murder rule, and in order for the grand jury to issue a valid indictment against Tyrone Robinson for the offense of felony murder by the felony murder rule. The evidence presented to the grand jury must prove that there is probable cause to believe that Tyrone Robinson committed the elements explained in the jury charge for felony murder by the felony murder rule. Supreme court case law of *Gore v. Leeke* 1995.E.2d 755 for proof review

CASE LAW MERITS

south carolina supreme court case law of *Gore vs. Leeke* 1995.E.2d 755 "quoting" now ladies and gentlemen of the jury if several persons agree or conspire to commit a felony such as grand larceny or robbery or burglary each of those persons are criminally responsible for the acts of his associates or confederates which are done in furtherance or in prosecution of the common purpose for which they combined. The common purpose, ladies and gentlemen, may have not included or may not have been involved in the killing and the murder of anyone but if in executing this common design and purpose and if it was unlawful as, for instance, breaking in and stealing, and in the execution of this common purpose a homicide is committed by one of the confederates or one of the associates and you, the jury determine from proof beyond a

Reasonable doubt That The homicide was a probable and natural consequence of the acts which were done in pursuance of this common design then, ladies and gentlemen, all who are present, either actually or constructively, and participating in the unlawful, common design are as guilty as the slayer himself.

5th AMENDMENT VIOLATION OF RIGHT TO DUE PROCESS BY UNCONSTITUTIONALLY SHIFTING THE STATE OF SOUTH CAROLINA BURDEN OF PROOF CAUSING TYRONE ROBINSON TO BE UNCONSTITUTIONALLY CONVICTED ON THE UNINTENDED CRIME AND THEORY OF COMMON LAW MURDER BY THE DOCTRINE OF TRANSFERRED INTENT THAT THE GRAND JURY DID NOT INDICT TYRONE ROBINSON ON, THE GRAND JURY DID NOT ISSUE A INDICTMENT CHARGING TYRONE ROBINSON WITH AND THATS NOT CHARGED OR ALLEGED INSIDE THE WRITTEN WRITE UP OF INDICTMENT #2012-GS-07-1935

AT PRE TRIAL HEARING WHILE ATTORNEY ARIE DAVID BOX WAS ARGUING TO DISMISS THE INDICTMENT FOR INSUFFICIENCY OF THE INDICTMENT. THE TRIAL JUDGE INCORRECTLY DECIDED THAT THE STATE OF SOUTH CAROLINA COULD USE A UNINDICTED FELONY TO CONVICT TYRONE ROBINSON ON WHICH CHANGED THE ELEMENTS AND NATURE & THEORY OF THE CHARGE ALLEGED INSIDE OF INDICTMENT #2012-GS-07-1935, AND IN VIOLATION OF TYRONE ROBINSON 5th AMENDMENT RIGHT TO DUE PROCESS, DOUBLE JEOPARDY AND RIGHT TO BE TRIED ONLY

ON CHARGE OF FELONY MURDER BY THE FELONY
 MURDER RULE. THATS CHARGED AND ALLEDGED.
 INSIDE THE WRITTEN WRITE UP OF INDICTMENT#
 2012-GS-07-1935. SHFT THE STATE OF
 SOUTH CAROLINA BURDON OF PROOF DEPRIVE
 TYRONE ROBINSON OUT OF RIGHT TO BE GIVEN
 NOTICE OF OFFENSE HE HAS TO ANSWER TO AND
 DEPRIVE TYRONE ROBINSON OUT OF RIGHT TO
 PREPARE A DEFENSE AGAINST UNINDICTED
 THEORY, AND CRIME BY KETCHING TYRONE ROB-
 INSON BY SURPRISE BEFORE TYRONE ROBINSON
 COULD PREPARE A DEFENSE TO DEFEND HIMSELF
 AGAINST UNINDICTED CRIME. ATTORNEY
 ARIE DAVID BAX RESERVED THIS ARGUMENT
 AT PRETRIAL HEARING FOR THE SOUTH CAROLINA
 APPEAL COURT TO REVIEW AND DECIDE ON.
 THE TRIAL JUDGE DECISION AT PRETRIAL
 HEARING FOR MOTION TO DISMISS INDICTM-
 ENT #2012-GS-07-1935 FOR INSUFFICIENCY
 OF INDICTMENT, WERE THE TRIAL JUDGE
 DECIDED THAT TYRONE ROBINSON COULD
 BE UNCONSTITUTIONALLY CONVICTED ON
 A UNINDICTED FELONY THAT IS NOT CHAR-
 GED OR ALLEDGED INSIDE THE WRITTEN
 WRITE UP OF INDICTMENT# 2012-GS-07-
 1935. ULTIMATELY RESULTED IN THE
 TRIAL JUDGE MISLEADING THE JURY
 TO CONVICT TYRONE LORENZA ROBINSON
 ON THE UNINDICTED THEORY AND CRIME
 OF COMMON LAW MURDER BY THE UNIND-
 ICTED THEORY OF THE DOCTRINE OF TRAN-
 SFERRED INTENT. THAT THE GRAND
 JURY DID NOT INDICT TYRONE ROBINSON
 ON, AND THE GRAND JURY DID NOT ISSUE
 A INDICTMENT AGAINST TYRONE ROBINSON
 CHARGEING HIM WITH, AND THATS NOT CHARGED
 OR ALLEDGED INSIDE OF THE WRITTEN
 WRITE UP OF INDICTMENT# 2012-GS-
 07-1935.

28.

However The UNINDICTED Theory OF THE DOCTRINE OF TRANSFERRED INTENT INVOLVES DETERMINATION OF STATE OF MIND. The defendant WAS IN, IN ORDER TO PROSECUTE AND CONVICT A PERSON ON. FOR PROOF REVIEW

CASE LAW MERITS

ROBERT DE LA ROSA VS. JAMES A. LYNAGH
817 F.2d 259 "Quoting"

The state prosecuted de la Rosa for the murder of Rodriguez under the theory of transferred intent and concluded during oral argument that the jury necessarily based its verdict on transferred intent.
"Further quoting p. 262"

The court also instructed the jury on all included offenses under a theory of transferred intent. Under the states transferred intent theory, the jury's inquiry was de la Rosas conduct and intent towards Lee when both shots were fired. The fact that de la Rosa missed and struck a bystander with one shot allows his state of mind towards his intended victim to be transferred to the actual victim.

Further quoting p. 263

The relevant inquiry in both cases, due to the states use of transferred intent, is what de la Rosas state of mind was toward Lee at two different points in time. In other words did de la Rosa fire at Lee with intent to kill Lee once with adequate cause for sudden passion and once without adequate cause for sudden passion "Further quoting p. 268"

In light of the pleadings, evidence, charge to the jury, and arguments of counsel, we have determined that the jury verdict in the Rodriguez case, under a theory of transferred intent, necessarily determined that de la Rosa was acting as a result of sudden passion arising from an adequate cause of firing the volley of shots which killed both victims

NOT GUILTY AS MATTER OF LAW
ON INDICTMENT # 2012-65-07-1935
AND THE THEORY AND CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THATS CHARGED
AND ALLEGED INSIDE THE WRITTEN WRITE
UP OF INDICTMENT # 2012-65-07-1935

29.

BECAUSE THE GRAND JURY INDICTED TYRONE WRENZA ROBINSON ON THE PARTICULAR CRIME AND OFFENSE, OF FELONY MURDER BY THE FELONY MURDER RULE ONLY. THATS CHARGED AND ALLEDGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935 THAT TYRONE ROBINSON WAS TRIED BEFORE THE JURY AT TRIAL ON.

ALSO BECAUSE THE TRIAL JUDGE DECISION AT PRE TRIAL HEARING, THAT TYRONE ROBINSON COULD BE CONVICTED ON A UNINDICTED FELONY. RESULTED IN TYRONE ROBINSON BEING UNCONSTITUTIONALLY CONVICTED. ON THE UNINDICTED THEORY AND CRIME OF COMMON LAW MURDER BY THE UNINDICTED THEORY OF THE DOCTRINE OF TRANSFERRED INTENT. THAT THE GRAND JURY DID NOT ISSUE A INDICTMENT AGAINST TYRONE CHARGEING HIM WITH AND THE GRAND JURY DID NOT INDICT TYRONE ROBINSON ON. THAT IS NOT CHARGED OR ALLEDGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935, AND IS NOT A LESSER INCLUDED OFFENSE TO THE CRIME AND THEORY OF FELONY MURDER BY THE FELONY MURDER RULE THATS CHARGED AND ALLEDGED INSIDE THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935.

BECAUSE THE JURY UNCONSTITUTIONALLY FOUND TYRONE WRENZA ROBINSON GUILTY ON THE UNINDICTED THEORY AND CRIME OF COMMON LAW MURDER BY THE UNINDICTED THEORY OF THE DOCTRINE OF TRANSFERRED INTENT. THAT THE GRAND JURY DID NOT INDICT TYRONE ROBINSON ON AND THATS NOT CHARGED OR ALLEDGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935.

AS A MATTER OF LAW THE JURY FOUND TYRONE ROBINSON "NOT GUILTY" OF THE THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE AND

AS MATTER OF LAW THE JURY FOUND TYRONE ROBINSON NOT GUILTY ON INDICTMENT # 2012-GS-07-1935.

BECAUSE AS A MATTER OF LAW THE JURY FAILURE TO DECIDE ON THE THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE, AGAINST TYRONE THATS CHARGED AND ALLEDGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935. CONSTITUTES "IMPLIED ACQUITTAL" IN TYRONE ROBINSON FAVOR ON THE THEORY AND CRIME OF FELONY

MURDER BY THE FELONY MURDER RULE FOR THE DEATH OF KHALIL SINGLETON AND THE JURY FAILURE TO DECIDE ON THE THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE FOR THE DEATH OF KHALIL SINGLETON. IS THE EQUIVALENT TO A FINDING OF "NOT GUILTY" IN TYRONE ROBINSON FAVOR ON INDICTMENT # 2012-GS-07-1935 AND THE THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE. THATS CHARGED AND ALLEDGED INSIDE OF THE WRITTEN WRITE

UP OF INDICTMENT # 2012-GS-07-1935 THAT TYRONE LORENZA ROBINSON WAS TRIED ON BEFORE THE JURY AT TRIAL. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA
CASE LAW OF.
THE STATE VS. LOUIS ENGLISH FULLER
552 S.E.2d 282 CASE NO: 25334

"QUOTEING"

IF ACCESSORY AFTER THE FACT IS NOT CHARGED IN THE INDICTMENT A FINDING OF ACCESSORY AFTER THE FACT IS THE EQUIVALENT TO A FINDING OF NOT GUILTY. THE REAL IMPACT OF THE INSTRUCTION IS THAT IT PERMITS THE JURY TO REACH A COMPROMISE VERDICT ON A NON-CHARGED OFFENSE. MORE OVER, TO REQUIRE AN ACCESSORY INSTRUCTION ON THESE FACTS OPENS THE DOOR FOR EVERY CRIMINAL DEFENDANT TO CREATE A LESSER-INCLUDED OFFENSE FOR WHICH THEY COULD NOT BE CONVICTED. APPELLANT WAS NOT ENTITLED TO A CHARGE ON ACCESSORY AFTER THE FACT. FIRST HE WAS NOT ENTITLED TO THE CHARGE BECAUSE HE WAS NOT INDICTED AS AN ACCESSORY AND ACCESSORY AFTER THE FACT IS NOT A LESSOR INCLUDED OFFENSE TO MURDER

CASE LAW MERITS

4TH CIRCUIT COURT OF APPEALS CASE LAW OF.
LEVINSON VS. MURDAUGH 183 F.3d

300,301 (4TH CIR. 1999) "QUOTEING"

DOUBLE JEOPARDY BAR TO RETRIAL FOR RECKLESS HOMICIDE CHARGE AFTER JURY CONVICTED DEFENDANT FOR FELONY DUI BECAUSE JURY SILENCE ON RECKLESS HOMICIDE WAS IMPLIED ACQUITTAL.

CASE LAW MERITS

GREEN VS. U.S. 285. CT 221 "QUOTEING"

GREEN WAS IN DIRECT PERIL OF BEING CONVICTED AND PUNISHED FOR FIRST DEGREE MURDER AT HIS FIRST TRIAL. HE WAS FORCED TO RUN THE GAUNTLET ONCE ON THAT CHARGE AND THE JURY REFUSED TO CONVICT HIM. WHEN GIVING THE CHOICE BETWEEN FINDING HIM GUILTY OF EITHER FIRST OR SECOND DEGREE MURDER, IT CHOSE THE LATTER. IN THIS SITUATION THE

GREAT MAJORITY OF CASES IN THIS COUNTRY HAVE REGARDED THE JURY'S VERDICT AS AN IMPLICIT ACQUITTAL ON THE CHARGE OF FIRST DEGREE MURDER. BUT THE RESULT IN THIS CASE NEED NOT REST AL-

ONE ON THE ASSUMPTION, WHICH WE BELIEVE LEGITIMATE, THAT THE JURY FOR ONE REASON OR ANOTHER ACQUITTED GREEN OF MURDER IN THE FIRST DEGREE. FOR HERE THE JURY WAS DISMISSED WITHOUT RETURN-

ING ANY EXPRESS VERDICT ON THAT CHARGE AND WITHOUT GREEN'S CONSENT. YET IT WAS GIVEN A FULL OPPORTUNITY TO RETURN A VERDICT AND NO EXTRAORDINARY CIRCUMSTANCE APPEARED WHICH PREVENTED IT FROM DOING SO. THEREFORE IT SEEMS CLEAR, UNDER ESTABLISHED PRINCIP-

LES OF FORMER JEOPARDY, THAT GREEN'S JEOPARDY FOR FIRST DEGREE MURDER CAME TO AN END WHEN THE JURY WAS DISCHARGED SO THAT HE COULD NOT BE RETRIED FOR THAT OFFENSE IN

BRIEF, WE BELIEVE THIS CASE CAN BE TREATED NO DIFFERENTLY FOR PURPOSES OF FORMER JEOPARDY, THAN IF THE JURY HAD RETURNED A VERDICT WHICH EXPRESSLY READ-

WE FIND THE DEFENDANT NOT GUILTY OF MURDER IN THE FIRST DEGREE BUT GUILTY OF MURDER IN THE SECOND DEGREE.

THE VERDICT OF ACQUITTAL WAS FINAL, AND COULD NOT BE REVIEWED, ON ERROR OR OTHERWISE, WITHOUT PUTTING THE DEFENDANT TWICE IN JEOPARDY, AND THEREBY VIOLATING THE CONSTITUTION.

INDICTMENT # 2012-GS-07-1935 IS INSUFFICIENT TO CONVICT TYRONE LORENZA ROBINSON ON THE UNINDICTED THEORY AND CRIME OF COMMON LAW MURDER BY THE UNINDICTED THEORY OF DOCTRINE OF TRANSFERRED INTENT

Indictment # 2012-GS-07-1935 That Tyrone Robinson was indicted on charges Tyrone Robinson with the theory and crime of felony murder by the felony murder rule as follows "quoting" that in Beaufort County on or about September 1st, 2012, while engaged in an ongoing gun battle, an inherently dangerous felony, Tyrone Robinson did willfully, unlawfully and with malice aforethought cause the victim Khalil Singleton to be shot and killed in the area of Marshland Drive and Allen Road, Hilton Head Island, S.C. and that Khalil Singleton did die in Beaufort County as a proximate result thereof on September 2, 2012 in violation of section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

At the beginning of trial the trial judge got a copy of Indictment # 2012-GS-07-1935 and read a copy of the description of the offense charged to the jury. While the trial judge had a copy of Indictment # 2012-GS-07-1935 in his hand reading a copy of Indictment # 2012-GS-07-1935 to the jury, the trial judge intentionally, knowingly and willfully lied to the jury by stating to the jury that Indictment # 2012-GS-07-1935 states "quoting"

TYRONE ROBINSON did WILLFULLY
UNLAWFULLY AND WITH MALICE AFORE
THOUGHT SHOOT AND KILL THE VICTIM
KHALIL STANLEYTON.

HOWEVER AS A MATTER OF LAW THIS PARTICULAR CRIME AND OFFENSE IS NOT ALLEGED OR CHARGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935 THAT THE GRAND JURY INDICTED TYRONE ROBINSON ON AND IS A UNINDICTED ELEMENT, THEORY, CRIME AND OFFENSE. THAT THE TRIAL JUDGE READ TO THE JURY, THAT THE GRAND JURY DID NOT INDICT TYRONE ROBINSON ON, THE GRAND JURY DID NOT GIVE A INDICTMENT CHARGING TYRONE ROBINSON WITH AND THAT IS NOT CHARGED OR ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935 "CONSTITUTE A CONSTRUCTIVE AMENDMENT AND OR A MATERIAL VARIANCE TO THE INDICTMENT" THAT DEPRIVES TYRONE ROBINSON OUT OF HIS 5TH AMENDMENT RIGHT TO BE TRIED ONLY ON THE PARTICULAR CHARGE, THEORY AND OFFENSE. THATS CHARGED AND ALLEGED INSIDE THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935. THE TRIAL JUDGE CONSTRUCTIVE AMENDMENT AND OR MATERIAL VARIANCE TO THE DESCRIPTION OF THE PARTICULAR OFFENSE. THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935. CHANGED THE ELEMENTS OF THE FELONY MURDER BY THE FELONY MURDER RULE OFFENSE CHARGED IN THE INDICTMENT. WHILE READ FOR A COPY OF INDICTMENT 2012-GS-07-1935 TO THE JURY. THE TRIAL JUDGE LIED, TRICKED AND DECEIVE AND KNOWINGLY AND WILLFULLY MISLEAD THE

34.

JURY INTO THINKING THAT THE WRITTEN DESCRIPTION OF THE OFFENSE CHARGED IN INDICTMENT # 2012-GS-07-1935 STATES "QUOTE" TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY, AND WITH MALICE AFORETHOUGHT SHOOT AND KILL KHALIL SINGLETON.

HOWEVER CONTRADICTORY TO WHAT THE TRIAL JUDGE LIED AND TRICKED AND DECIEVED THE JURY INTO THINKING THE WRITTEN WRITE UP OF THE CHARGE TYRONE ROBINSON WAS BEING TRIED ON ON INDICTMENT # 2012-GS-07-1935 STATES.

A COPY OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935 REVEALS THAT THE WRITTEN WRITE UP OF THE OFFENSE CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935 ACTUALLY STATES "QUOTE" WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF ON SEPTEMBER 2, 2012 IN VIOLATION OF SECTION 16-3-10 OF THE SOUTH CAROLINA CODE OF LAWS (1976) AS AMENDED

BY THE TRIAL JUDGE LIEING TO THE JURY BY TRICKING AND DECIEVEING THE JURY INTO THINKING. THE INDICTMENT # 2012-GS-07-1935 HE WAS READING TO THE JURY STATED "QUOTE"

TYRONE ROBINSON WILLFULLY, UNLAWFULLY

and with malice aforethought
shoot and kill KHALIL SINGLETON.

THE TRIAL JUDGE TRICKED AND DECEIVED
THE JURY INTO THINKING THAT TYRONE
ROBINSON WAS CHARGED, INDICTED
AND BEING TRIED BEFORE THE JURY ON
A UNINDICTED CHARGE THAT THE
GRAND JURY DID NOT INDICT TYRONE ROB-
INSON ON AND THE GRAND JURY DID
NOT HEAR EVIDENCE OF.
BY THE TRIAL JUDGE CHANGING THE THEORY
ELEMENTS AND NATURE OF THE OFFENSE
CHARGED IN INDICTMENT # 2012-65-
07-1935" FROM "VOTING"
WHILE ENGAGED IN A ONGOING GUN
BATTLE AN INHERENTLY DANGEROUS
FELONY TYRONE ROBINSON DID WILLF-
ULLY, UNLAWFULLY AND WITH MALICE
AFORETHOUGHT "CAUSE" THE VICTIM,
KHALIL SINGLETON TO BE SHOT AND
KILLED, IN THE AREA OF MARSHLAND
ROAD, HILTON HEAD ISLAND, S.C. AND
THAT KHALIL SINGLETON DID DIE IN
BEAUFORT COUNTY AS A PROXIMATE
RESULT THEREOF ON SEPTEMBER 2,
2,012

TO THE UNINDICTED THEORY
ELEMENTS, CRIME AND OFFENSE OF A
DIFFERANT NATURE OF COMMON LAW
MURDER BY THE UNINDICTED ELEMENT AND
THEORY OF DOCTRINE OF TRANSFERRED INTENT.
THAT REQUIRE AGGRAVATING CIRCUMSTANCES
AND DIFFERANT ACTS TO PROVE BY STATING "QUOTE"
TYRONE ROBINSON DID WILLFULLY,
UNLAWFULLY AND WITH MALICE
AFORETHOUGHT SHOOT AND KILL THE
VICTIM KHALIL SINGLETON

STATE OF SOUTH CAROLINA

BURDEN OF PROOF

by the written description of the offense charged in indictment #2012-GS-07-1935. The state of South Carolina has the burden of proof to prove to the jury beyond a reasonable doubt, that Aaron Scott Young Senior, and Aaron Scott Young Junior and Tyrone Robinson was acting in agreement together conspiring with each other to commit the same felony, and while acting together and conspiring together in agreement with each other, all did in the process and commission of a ongoing dangerous felony, did commit a ongoing dangerous felony that Khalil Singleton death is a probable or natural consequence of, that caused the victim Khalil Singleton to be shot. That Khalil Singleton did die as a proximate result of.

Therefore victim Tyrone Robinson only had to prove to the jury, that Khalil Singleton death was a probable or natural consequence of a ongoing felony. That Aaron Scott Young Junior and Aaron Scott Young Senior, were in the process and commission of committing against Tyrone Robinson at the immediate time Khalil Singleton was shot and killed, that caused Khalil Singleton to be shot and killed that Khalil Singleton did die as a proximate result thereof, in order for Tyrone Robinson, to obtain a direct verdict of Not Guilty and or a not guilty verdict from the jury, on the particular theory and crime of

FELONY MURDER BY THE FELONY MURDER
RULE. THATS CHARGED AND ALLEGED INSIDE
THE WRITTEN WRITE UP OF INDICTMENT #
2012-GS-07-1935 THAT TYNONE ROBINSON
WAS INDICTED ON AND TRIED ON BEFORE THE
JURY AT TRIAL. FOR PROOF REVIEW
CASE LAW MENTTS

SUPREME COURT OF SOUTH CAROLINA CASE
LAW OF.

STATE VS. PATERSON 335 S.E.2d 800 "QUOTE"

HAD IT FURTHER CONCLUDED THAT
THE STATE FAILED TO ESTABLISH BEYOND
A REASONABLE DOUBT THAT A HOMICIDE
WAS THE NATURAL OR PROBABLE CONSE-
-QUENCE OF A PLAN TO STEAL THE VICTIMS
CAR THE APPELLANT WOULD HAVE BEEN
ENTITLED TO AN ACQUITTAL ON THE
CHARGE OF MURDER. IT WAS THEREFORE
ESSENTIAL UNDER THE FACTS AND CIRCUM-
-STANCES OF THIS CASE THAT THE JURY
BE INSTRUCTED THAT IT HAD TO FIND
THAT THE HOMICIDE WAS A NATURAL
OR PROBABLE CONSEQUENCE OF THE ACTS
ACTUALLY AGREED ON BY THE APPELLANTS
BEFORE THE LAW WOULD HOLD HIM RESP-
-ONSIBLE FOR SUCH A HOMICIDE. THE
FAILURE OF THE TRIAL JUDGE TO INST-
-RUCT WAS ERROR.

CASE LAW MENTTS
FOR FELONY MURDER BY THE FELONY
MURDER RULE

SUPREME COURT OF SOUTH CAROLINA CASE
LAW OF.

GORE V. LEEKE 199 S.E.2d 725 "QUOTE"

NOW LADIES AND GENTLEMEN OF THE
JURY, IF SEVERAL PERSON AGREE OR
CONSPIRE TO COMMIT A FELONY
SUCH AS GRAND LARCENY OR ROBBERY

OR BURGLARY each OF THOSE PERSONS
 ARE CRIMINALLY RESPONSIBLE FOR THE
 ACTS OF HIS ASSOCIATES OR CONFEDERATES
 WHICH ARE DONE IN FURTHERANCE OR
 IN PROSECUTION OF THE COMMON PURPOSE
 FOR WHICH THEY COMBINED. THE COMMON
 PURPOSE, LADIES AND GENTLEMAN, MAY
 HAVE NOT INCLUDED OR MAY NOT HAVE
 BEEN INVOLVED IN THE KILLING AND
 THE MURDER OF ANYONE BUT IF IN
 THE EXECUTION OF THIS COMMON PURPOSE,
 A HOMICIDE IS COMMITTED BY ONE OF THE
 CONFEDERATES OR ONE OF THE ASSOCIATES
 AND YOU, THE JURY DETERMINE FROM
 THE PROOF BEYOND A REASONABLE DOUBT
 THAT THE HOMICIDE WAS A PROBABLE OR
 NATURAL CONSEQUENCE OF THE ACTS
 WHICH WERE DONE IN PURSUANCE OF
 THIS COMMON DESIGN THEN, LADIES AND
 GENTLEMAN, ALL WHO ARE PRESENT,
 EITHER ACTUALLY OR CONSTRUCTIVELY,
 AND PARTICIPATING IN THE UNLAWFUL
 COMMON DESIGN ARE AS GUILTY AS THE
 SLAYER HIMSELF.

CONTRADICTORY

UNINDICTED THEORY, CRIME AND
 OFFENSE

BY THE DESCRIPTION OF THE UNINDICTED
 THEORY, CRIME AND OFFENSE THE TRIAL
 JUDGE LIED, TRICKED AND DECIEVED AND
 FOOLED THE JURY INTO THINKING TYRONE
 ROBINSON WAS INDICTED ON, BEING TRYED
 BEFORE THE JURY ON AND WAS CHARGED WITH.
 THE JURY WAS MISLEAD INTO THINKING

That they had to determine rather or not TYRONE ROBINSON did - WILLFULLY, UNLAWFULLY, and WITH MALICE and AFORETHOUGHT SHOOT THE VICTIM KHALIL SINGLETON WHICH UNCONSTITUTIONALLY RELEAVED THE STATE OF SOUTH CAROLINA OUT OF THERE BURDEN OF PROOF. TO PROVE TO THE JURY RATHER OR NOT TYRONE ROBINSON WAS GUILTY BEYOND A REASONABLE DOUBT. OF COMMITTING each element ALLEGED IN INDICTMENT # 2012-GS-07-1935 TO THE PARTICULAR THEORY and CRIME OF FELONY MURDER by THE FELONY MURDER RULE THEORY. THATS CHARGED and ALLEGED IN THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935. WHICH ALSO CONSTITUTE A CONSTRUCTIVE AMENDMENT

and OR MATERIAL VARIANCE THAT UNCONSTITUTIONALLY DEPRIVED TYRONE LORENZA ROBINSON OUT OF HIS CONSTITUTIONAL RIGHT. TO BE TRIED ONLY ON THE PARTICULAR THEORY and CRIME. THATS CHARGED and ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935. IN VIOLATION OF TYRONE ROBINSON 5TH AMENDMENT RIGHT OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA. WHICH STATES "quote" NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL OR OTHERWISE INFAMOUS CRIME UNLESS ON PRESENTMENT OR INDICTMENT BY GRAND JURY ALSO NO PERSON SHALL BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW.

THE TRIAL JUDGE ACTIONS UNCONSTITUTIONALLY CAUSED TYRONE ROBINSON TO BE TRIED ON A UNINDICTED CRIME. THAT THE GRAND JURY DID NOT INDICT TYRONE ROBINSON ON AND THERE ARE NO INDICTMENTS

40.
CHARGEING TYRONE ROBINSON WITH,
OBVIOUSLY IN VIOLATION OF TYRONE
LORENZA ROBINSON FIFTH amendment
RIGHTS OF THE CONSTITUTION OF THE UNITED
STATES OF AMERICA. WHICH STATES "QUOTE",
NO PERSON SHALL BE HELD TO ANSWER FOR
A CAPITAL OR OTHERWISE INFAMOUS CRIME.
UNLESS ON PRESENTMENT OR INDICTMENT
OF GRAND JURY

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA CASE
LAW OF.

LUCAS BAILEY VS. STATE OF SOUTH CAROLINA
OPINION NO: 26975 "QUOTEING"

BY INCLUDING A MORE SPECIFIC DESCRIPTION, THE STATE UNDERTOOK THE BURDEN
OF PROVEING THE SPECIFIC ALLEGATIONS TO
OBTAIN A CONVICTION. "FURTHER QUOTEING",
ON APPEAL CASTILLO RAISED SEVERAL ISSUES,
INCLUDING AN ARGUMENT THAT THE TRIAL
JUDGE EXCESSIVELY ERRED BY ADDING, THROU-
GH A LESSER - INCLUDED OFFENSE CHARGE,
A THEORY OF PROSECUTION ("SHAKING") THAT WAS
NOT SUPPORTED BY THE INDICTMENT. THE TEXAS
COURT OF APPEALS AGREED WITH CASTILLO'S
ARGUMENT, FINDING THE TRIAL COURT ERRED
IN "ENLARGING" THE INDICTMENT BY ADDING
"SHAKING" AS AN ADDITIONAL MANNER AND
MEANS OF COMMITTING THE CHARGED OFFENSE.
IN SO RULING, THE COURT RECOGNIZED THAT A
DEFENDANT MAY ONLY BE TRIED AND CONVICTED
OF THE CRIMES ALLEGED IN THE INDICTMENT
AND THE STATE IS BOUND BY THE THEORY ALLEGED
IN THE INDICTMENT.
WE AGREE WITH THE REASONING IN CASTILLO
AND APPLY ITS ANALYSIS TO THE FACTS OF THE
INSTANT CASE. WE CONCLUDE THAT THE TRIAL
JUDGES INSTRUCTIONS IMPROPERLY "ENLAR-
GED" THE INDICTMENT BY INSTRUCTING THE
JURY THAT IT COULD CONVICT BAILEY OF A

41.

CRIME NOT ALLEGED IN THE INDICTMENT.
"FURTHER QUOTE IN"

THE JUDGES SUPPLEMENTAL INSTRUCTIONS,
WHICH WERE CONFUSING AND CONTRADICT-
-ORY, RESULTED IN THE ERRONEOUS DIRECTIVE
THAT THE JURY COULD FIND BAILEY GUILTY OF
HOMICIDE BY CHILD ABUSE IF IT FOUND AN
ACT OF "ABUSE OR NEGLECT." SUCH AN
INSTRUCTION WAS INDIRECT CONTRAVENTION
OF THE SPECIFIC ACT ALLEGED IN THE INDICT-
-MENT AND, THUS, CONSTITUTED A MATERIAL
VARIANCE OR A CONSTRUCTIVE AMEND-
-MENT TO THE INDICTMENT.

AS A MATTER OF LAW BECAUSE INDICTMENT
#2012-GS-07-1935 CHARGES TYRONE LORENZA
ROBINSON WITH THE "ELEMENTS" THAT
CONSTITUTE THE PARTICULAR CRIME AND
THEORY OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY ONLY THAT CHARGED
AND ALLEGED INSIDE OF THE WRITTEN WRITE
UP OF INDICTMENT #2012-GS-07-1935 THAT
TYRONE LORENZA ROBINSON WAS INDICTED ON
AND TRIED ON BEFORE THE JURY AT TRIAL.

AS A MATTER OF LAW INDICTMENT #2012-GS-
-07-1935 IS INSUFFICIENT TO CONVICT
TYRONE LORENZA ROBINSON, ON THE UNINDICTED
ELEMENTS THEORY AND CRIME OF COMMON
LAW MURDER BY THE UNINDICTED THEORY
OF THE DOCTRINE OF TRANSFERRED INTENT.
THAT TYRONE LORENZA ROBINSON WAS CONV-
-ICTED ON AT TRIAL. THAT THE GRAND JURY
DID NOT INDICT TYRONE ROBINSON ON.

AS A MATTER OF LAW THE UNINDICTED
THEORY AND CRIME OF COMMON LAW
MURDER BY THE DOCTRINE OF TRANSF-
-ERRED INTENT IS NOT A LESSER INCLV-
-DED OFFENSE TO FELONY MURDER BY
THE FELONY MURDER RULE

AS A MATTER OF LAW THE UNINDICTED THEORY AND CRIME OF COMMON LAW MURDER BY THE UNINDICTED THEORY OF THE DOCTRINE OF TRANSFERRED INTENT. IS NOT A LESSER INCLUDED OFFENSE TO THE THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE.

BECAUSE THE UNITED STATES SUPREME COURT HAS DECIDED THAT THE PARTICULAR THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE IS A DISTINCT OFFENSE THAT DOES NOT HAVE A LESSER INCLUDED OFFENSE TO IT. FOR PROOF REVIEW

CASE LAW MERITS

UNITED STATES SUPREME COURT OF AMERICA - CA CASE LAW OF

GREEN VS. U.S. 785 CT 221 "QUOTEING"

GREEN PLEA OF FORMER JEOPARDY DOES NOT REST ON THE FIRST JURY'S REFUSAL TO FIND HIM GUILTY OF FELONY MURDER. IT IS IMMATERIAL WHETHER SECOND DEGREE MURDER IS A LESSER OFFENSE INCLUDED IN A CHARGE OF FELONY MURDER OR NOT.

THE VITAL THING IS THAT IT IS A DISTINCT AND DIFFERANT OFFENSE. IF ANYTHING

THE FACT THAT IT CAN NOT BE CLASSIFIED AS A LESSER INCLUDED OFFENSE UNDER

THE CHARGE OF FELONY MURDER BUT PRESER

OUR CONCLUSION THAT GREEN WAS

UNCONSTITUTIONALLY TWICE PLACED IN JEOPARDY

. AMERICAN COURTS HAVE HELD WITH UNIFORMITY THAT WHERE A DEFENDANT IS CHARGED WITH TWO OFFENSES INCLUDED WITHIN THE OTHERS AND HAS BEEN FOUND GUILTY ON ONE BUT NOT THE SECOND HE CAN NOT BE TRIED AGAIN ON.

the second even though he secures reversal on the conviction and even though the two offenses are related offenses charged in the same indictment reversed.

proving as matter of law that the unindicted theory and crime of common law murder by the unindicted theory of the doctrine of transferred intent is not a lesser included offense to the distinct and particular theory and crime of felony murder by the felony murder rule.

also proving as a matter of law that, the 5th Amendment right of double jeopardy is a complete bar to the state of south carolina reindicting tyronne robinson on the theory and crime of felony murder by the felony murder rule or for the death of khalil singleton. due to implied acquittal on the theory and crime of felony murder by the felony murder rule.

therefore because the trial judge constructive amendment and/or material variance of the unindicted theory crime and elements with aggravating circumstances, of common law murder by the unindicted theory of the doctrine of transferred intent, changed the elements and nature of the particular theory and crime of felony murder by the felony murder rule. That's charged and alleged inside of the written write up of indictment # 2012-GJ-07-1935 that tyronne robinson was indicted on and tried on before the jury at trial. FROM

The ELEMENTS THEORY AND CRIME OF
 FELONY MURDER BY THE FELONY MURDER
 RULE. TO THE UNINDICTED ELEMENTS
 THEORY AND CRIME OF COMMON LAW
 MURDER BY THE UNINDICTED THEORY
 OF THE DOCTRINE OF TRANSFERRED
 INTENT. AS A MATTER OF LAW THE
 JUDGE COMMITTED FATAL ERROR
 AND VIOLATED TYRONE ROBINSON 5TH AMEND-
 MENT RIGHT TO BE TRIED ONLY ON CHARGE
 OF FELONY MURDER BY THE FELONY MURDER
 RULE THEORY. THATS CHARGED AND ALLEGED
 INSIDE OF THE WRITTEN WRITE UP OF
 INDICTMENT # 2012-65-07-1935.

IN SOUTH CAROLINA IT IS A RULE OF
 UNIVERSAL OBSERVANCE IN ADMINISTER-
 ING THE CRIMINAL LAW THAT A DEFENDANT
 MUST BE CONVICTED IF CONVICTED AT
 ALL, OF THE PARTICULAR OFFENSE CHARGED
 IN THE BILL OF INDICTMENT. A MATERIAL
 VARIANCE BETWEEN CHARGE AND PROOF
 ENTITLES THE DEFENDANT TO A DIRECTED
 VERDICT.

ONE OF THE TWO WAYS AN INDICTMENT
 CAN BE IMPROPERLY MODIFIED IS THROUGH
 A VARIANCE, WHEREBY THE CHARGING
 TERMS OF THE INDICTMENT ARE LEFT
 UNALTERED, BUT THE EVIDENCE OFFERED
 AT TRIAL PROVES FACTS MATERIALLY
 DIFFERENT FROM THOSE ALLEGED IN THE
 INDICTMENT.
 WHEN THE INDICTMENT FACTUALLY CHAR-
 GES A COMPLETE OFFENSE AND THE STATE
 PRESENTS EVIDENCE WHICH CONVEYS
 UNDER A DIFFERENT THEORY THAN
 THAT ALLEGED."

A CONVICTION UNDER THE LATTER CIRC-
 -UMSTANCES VIOLATES PRINCIPLES
 OF DUE PROCESS, BECAUSE THE STATE
 HAS FAILED TO PROVE BEYOND A REASON-

- b/c doubt every fact necessary to constitute the crime with which a defendant was charged. A material variance that violates a defendant's substantial right to be tried only on charges presented in an indictment constitutes fatal error and warrants a reversal on an appeal of a judgment of conviction of the offense not charged in the indictment.") As decided by the Supreme Court of South Carolina in the case of LUCAS BAILEY VS. STATE OF SOUTH CAROLINA OPINION NO: 26975

The United States Supreme Court case of "Bain" which has never been disproved, stands for the rule that a court can not permit a defendant such as TYRONE LORENZA ROBINSON, to be tried on the unindicted theory and crime of common law murder by the unindicted theory of the doctrine of transferred intent that are not charge and alleged in the indictment. The Grand Jury issued against me charging me with yet the trial judge and trial court did unconstitutionally permit TYRONE LORENZA ROBINSON to be convicted on the unindicted theory and crime of common law murder by the doctrine of transferred intent. That the Grand Jury did not issue a indictment against TYRONE ROBINSON for and the Grand Jury did not issue a indictment charging TYRONE ROBINSON with this particular theory and crime.

Indictment # 2012-GS-07-1935

charges TYRONE ROBINSON with the PART-
 - ICULAR THEORY and CRIME OF FELONY
 MURDER by the felony murder rule
 THEORY ONLY. WHICH THE ELEMENTS
 FOR FELONY MURDER by the felony
 MURDER RULE. ARE THE ELEMENTS THE
 STATE OF SOUTH CAROLINA HAVE THE BURDEN
 OF PROOF, TO PROVE TO THE JURY THRU
 THE EVIDENCE PRESENTED AT TRIAL
 BEFORE THE JURY. IN ORDER TO OBTAIN
 A CONVICTION AGAINST TYRONE ROB-
 - INSON FOR THE DEATH OF KHALIL SING-
 - LETON. WHICH ELEMENTS TO PROVE
 FELONY MURDER by the felony murder
 RULE ARE CITED by the SOUTH CAROLINA
 SUPREME COURT INSIDE OF THE CASE
 LAW OF GORE VS. LEEKE 1995.E.2d 755

"INDICTMENT # 2012-65-07-1935 absolutely
 DO NOT" CHARGE OR ALLEGE THE UNIN-
 - DICTED THEORY and CRIME OF COM-
 - MON LAW MURDER by the UNINDICTED
 THEORY OF THE DOCTRINE OF TRANSFER-
 - RED INTENT, THAT TYRONE ROBINSON
 WAS CONVICTED ON.
 THE GRAND JURY THAT ISSUED INDICT-
 - MENT # 2012-65-07-1935 AGAINST
 TYRONE ROBINSON. WAS SATISFIED TO CHARGE
 - GE TYRONE ROBINSON WITH THE PARTIC-
 - ULAR CRIME and THEORY. OF FELONY
 MURDER by the felony murder rule
 THEORY ONLY. WHICH ARE THE ELEMENTS
 THE STATE OF SOUTH CAROLINA HAS THE BURD-
 - ON OF PROOF TO PROVE EACH AND EVERY
 ELEMENT OF BEYOND A REASONABLE DOUBT.
 AS EXPLAINED BY THE SUPREME COURT
 OF SOUTH CAROLINA IN THE CASE OF GORE
 V. LEEKE 1995.E.2d 755

BUT NEITHER THIS COURT OR ANY OTHER
 COURT CAN KNOW RATHER OR NOT THE GRAND
 - AND JURY WOULD HAVE BEEN WILLING

TO ISSUE A INDICTMENT CHARGING
 TYRONE LORENZA ROBINSON, WITH THE
 UNINDICTED THEORY AND CRIME OF COM-
 -MON LAW MURDER BY THE UNINDICTED
 THEORY OF THE DOCTRINE OF TRANSFERRED
 INTENT THAT TYRONE ROBINSON WAS
 UNCONSTITUTIONALLY CONVICTED ON,
 AND IT IS OBVIOUS THAT BECAUSE TYRONE
 LORENZA ROBINSON WAS UNCONSTITUT-
 -IONALLY CONVICTED ON THE UNIND-
 -ICTED THEORY AND CRIME OF COM-
 -ON LAW MURDER BY THE UNINDICTED
 THEORY OF THE DOCTRINE OF TRANSFER-
 -RED INTENT THAT THE GRAND JURY
 DID NOT INDICT TYRONE ROBINSON ON
 AND THE GRAND JURY DID NOT ISSUE
 A INDICTMENT CHARGING TYRONE
 ROBINSON WITH TYRONE LORENZA
 ROBINSON ABSOLUTELY WAS NOT CONVICT-
 -ED ON THE PARTICULAR CRIME AND
 THEORY OF FELONY MURDER BY THE
 FELONY MURDER RULE THEORY. THAT IS
 CHARGED AND ALLEGED INSIDE OF
 THE WRITTEN WRITE UP OF INDICTMENT-
 -# 2012-GS-07-1935. THAT THE GRAND
 JURY INDICTED TYRONE LORENZA ROBIN-
 -SON ON.

THE TRIAL JUDGE UNCONSTITUTIONAL
 JURY CHARGE AND INSTRUCTION TO THE
 JURY, INSTRUCTING THE JURY TO DECIDE
 ON THE UNINDICTED THEORY AND CRIME
 OF COMMON LAW MURDER BY THE UNIN-
 -DICTED THEORY OF THE DOCTRINE OF TRAN-
 -SFERRED, CONSTITUTED A CONSTRUCTIVE
 AMENDMENT AND OR A MATERIAL
 VARIANCE, THAT DESTROYED TYRONE
 LORENZA ROBINSON SUBSTANTIAL RIGHT
 TO BE TRIED ONLY ON THE PARTICULAR
 -AR THEORY AND CRIME, OF FELONY
 MURDER BY THE FELONY MURDER RULE

THEORY. THATS CHARGED AND ALLEDGED
 AND PRESENTED INSIDE OF INDICTMENT#
 2012-GS-07-1935, THAT THE GRAND JURY
 INDICTED TYRONE ROBINSON ON. DEPRIVA-
 -TION OF SUCH A BASIC SUBSTANTIAL RIGHT,
 IS FAR TO SERIOUS TO BE TREATED AS
 NOTHING MORE THAN A VARIANCE AND
 THEN DISMISSED AS HARMLESS ERROR.
 THE VERY PURPOSE OF THE REQUIREMENT
 THAT TYRONE LORENZO ROBINSON BE
 INDICTED BY THE GRAND JURY IS TO LIMIT
 TYRONE LORENZO ROBINSON JEOPARDY
 TO OFFENSES CHARGED BY A GROUP OF
 HIS FELLOW CITIZENS ACTING INDEP-
 -ENDANTLY OF EITHER PROSECUTING
 ATTORNEY OR JUDGE. THUS THE BASIC
 PROTECTION THE GRAND JURY WAS DESIR-
 -VED TO AFFORD TYRONE ROBINSON IS
 DEFEATED BY A DEVICE OR METHOD WHICH
 SUBJECTS TYRONE ROBINSON TO PROSECUT-
 -ION FOR THE UNINDICTED THEORY AND
 CRIME OF COMMON LAW MURDER BY THE
 UNINDICTED THEORY OF THE DOCTRINE
 OF TRANSFERRED INTENT. THAT THE
 GRAND JURY DID NOT INDICT TYRONE
 ROBINSON ON AND THE GRAND JURY
 DID NOT ISSUE A INDICTMENT CHAR-
 -GETING TYRONE ROBINSON WITH.
 THE RIGHT TO HAVE THE GRAND JURY
 MAKE THE CHARGE ON ITS JUDGEMENT
 IS A SUBSTANTIAL RIGHT THAT CAN
 NOT BE TAKEN AWAY WITH OR WITH-
 -OUT COURT AMENDMENT.

UNINDICTED THEORY
 OF THE DOCTRINE OF TRANS-
 -FERRED INTENT THAT TYRONE
 ROBINSON WAS UNCONSTIT-
 -UTIONALLY CONVICTED ON.

REQUIRES THE JURY TO
 DETERMINE A PERSON STATE
 OF MIND IN ORDER TO CON-
 -VICT THEM ON WHICH IS
 A DIFFERANT THEORY TO CON-
 -VICT A PERSON FOR MURDER
 ON

HERE IN THIS CASE AS IN THE
 UNITED STATES SUPREME COURT CASE
 LAW OF "BAIN!"

THIS COURT AND NO OTHER COURT CAN
 KNOW WHETHER THE GRAND JURY WOULD
 HAVE INCLUDED IN ITS INDICTMENT
 KHALIL SINGLETON DEATH OCCURED BY
 -ICTED THEORY OF THE DOCTRINE OF
 TRANSFERRED INTENT. BECAUSE THE
 THEORY OF THE DOCTRINE OF TRANSF-
 -ERRED INTENT INVOLVES THE DETERM-
 -INATION OF THE STATE OF MIND THE
 DEFENDANT IS IN WHICH IS A TOTALLY
 DIFFERANT UNINDICTED THEORY TO
 PROVE AND CONVICT TYRONE LOREN-
 -ZO ROBINSON ON. THAT REQUIRES
 TOTALLY DIFFERANT ELEMENTS TO
 PROVE AND REQUIRES TOTALLY DIFFER-
 -ANT AGGRAVATING CIRCUMSTANCES
 TO PROVE AND TOTALLY DIFFERANT ACTS
 TO PROVE. THAT THE GRAND JURY DID
 NOT HEAR EVIDENCE OF, AND THE GRAND
 JURY DID NOT INDICT TYRONE ROBIN-
 -SON ON, THAT THE GRAND JURY DID
 NOT ISSUE A INDICTMENT AGAINST
 TYRONE. CHARGING HIM WITH. THAT
INVOLVES THE UNINDICTED THEORY
AND ELEMENTS OF TRANSFERRED
INTENT THAT IS ABSOLUTELY NOT

A ELEMENT TO THE ELEMENTS REQUIRED TO PROVE THE PARTICULAR THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. MURDER BY THE THEORY OF THE DOCTRINE OF TRANSFERRED INTENT REQUIRES TOTALLY DIFFERENT AGGRAVATING CIRCUMSTANCES TO PROVE AND IS A DIFFERENT NATURE OF OFFENSE THAT REQUIRES A WHOLE TOTALLY DIFFERENT THEORY OF TRANSFERRED INTENT TO PROVE.

THAT ARE TOTALLY DIFFERENT FROM THE FELONY MURDER RULE THEORY THAT REQUIRED TO PROVE FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT TYRONE ROBINSON WAS ARRESTED, ON INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GS-07-1935. FOR PROOF REVIEW CASE LAW MEETS

ROBERT DELA ROSA VS. JAMES A. LYNAN - GH 817 F.2d 259 (5TH CIR. 1987) "QUOTE
-ING"
THE STATE PROSECUTED DELA ROSA FOR THE MURDER OF RODRIGUEZ UNDER A THEORY OF TRANSFERRED INTENT AND CONCLUDED DURING ORAL ARGUMENT THAT THE JURY NECESSARILY BASED ITS VERDICT ON TRANSFERRED INTENT. FURTHER "QUOTEING" P. 9, 262 THE COURT ALSO INSTRUCTED THE JURY ON ALL INCLUDED OFFENSES UNDER A THEORY OF TRANSFERRED INTENT. UNDER THE STATES TRANSFERRED INTENT THEORY, THE JURY'S INQUIRY WAS DELA ROSA'S CONDUCT AND INTENT TOWARD LEE WHEN BOTH SHOTS WERE FIRED. THE FACT THAT DELA ROSA MISSED AND

struck a bystander with one shot
allows his state of mind towards
his intended victim to be trans-
ferred to the actual victim.

- further quoting p. 9263

- The relevant inquiry in both
cases, due to the state's use of trans-
ferred intent, is what de la Rosa
state of mind was towards Lee at
two different points in time. In

other words did de la Rosa fired at
Lee with the intent to kill Lee once
with adequate cause for sudden

passion further quoting p. 9268

- In light of the pleadings, evidence
charge to the jury, and argument
of counsel, we have determined

that the jury verdict in the Rodri-
guez case, under a theory of

transferred intent, necessarily

determined that de la Rosa was

acting as a result of sudden

passion arising from an adequate

cause in firing the volley of shots

which killed both victims.

FELONY MURDER RULE
THEORY ELEMENTS. THE STATE
OF SOUTH CAROLINA HAS BURDEN
OF PROOF TO PROVE BEYOND A
REASONABLE DOUBT, IN ORDER
TO CONVICT TYRONE ROBINSON
FOR THE DEATH OF KHALIL
SINGLETON

The Elements And aggravating circumstances. Required to prove The felony murder Rule Theory are totally different elements and aggravating circumstances to prove that is a totally different and Theory and crime and acts required to be proved by The state of South Carolina, Thru The state of South Carolina Burdon of proof. That are totally different from The Theory of The doctrine of transferred intent. For proof review

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA CASE LAW OF

GORE VS. LEEKE 1995.E.2d 755 "QUOTEING"

NOW LADIES AND GENTLEMEN OF THE JURY, IF SEVERAL PERSONS AGREE OR CONSPIRE TO COMMIT A FELONY

SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSONS ARE CRIMINALLY RESPONSIBLE FOR THE

ACTS OR HIS ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE, FOR WHICH THEY

COMBINED. THE COMMON PURPOSE, LADIES AND GENTLEMEN, MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND

THE MURDER OF ANYONE BUT IF IN THE EXECUTION OF THIS COMMON PURPOSE A HOMICIDE IS COMMITTED BY

ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU, THE JURY DETERMINE FROM THE PROOF BEYOND

A REASONABLE DOUBT THAT THE HOMICIDE

ICIDE WAS A PROBABLE OR NATU-
RAL CONSEQUENCE OF THE ACTS
WHICH WERE DONE IN PURSUANCE
OF THIS COMMON DESIGN THEN, LADIES
AND GENTLEMEN ALL WHO ARE PRESENT,
EITHER ACTUALLY OR CONSTRUCTIVELY,
AND PARTICIPATING IN THE UNLAW-
FUL, COMMON DESIGN ARE A GUILTY
AS THE SLAYER HIMSELF.

THEREFORE BECAUSE THE TRIAL JUDGE
 UNCONSTITUTIONALLY CHARGED AND
 INSTRUCTED THE JURY TO DECIDE ON
 THE UNINDICTED THEORY AND CRIME
 OF COMMON LAW MURDER BY THE
 UNINDICTED THEORY OF THE DOCTRINE
 OF TRANSFERRED INTENT, THAT THE
 GRAND JURY DID NOT INDICT TYRONE
 ROBINSON ON AND THE GRAND JURY
 DID NOT ISSUE A INDICTMENT CHARGE-
 -ING TYRONE ROBINSON WITH.
 THE TRIAL COURT CONVICTED TYRONE
 ROBINSON ON THE UNINDICTED THEORY
 AND CRIME OF COMMON LAW MURDER
 BY THE UNINDICTED THEORY OF THE
 DOCTRINE OF TRANSFERRED INTENT.
 THAT THE GRAND JURY DID NOT INDICT
 TYRONE LORENZA ROBINSON OR AND THAT
 THE GRAND JURY DID NOT ISSUE A
 INDICTMENT AGAINST TYRONE LORENZA
 ROBINSON FOR, AND THE GRAND JURY
 DID NOT ISSUE A INDICTMENT CHARGE-
 -ING TYRONE ROBINSON WITH. CONSTIT-
 -UTING A CONSTRUCTIVE AMENDMENT
 AND OR A MATERIAL VARIANCE THAT
 VITIATED TYRONE ROBINSON 5TH AMEND-
 -MENT SUBSTANTIAL RIGHT. TO BE
 TRIED ONLY ON THE PARTICULAR CRIME

and offense of felony murder by
 the felony murder rule. That's char-
 -ged and alleged inside of the
 written write up of indictment #
 2012-65-07-1935 That Tyrone Loren-
 -za Robinson was indicted on and
 tried on before the jury at trial.
 "CONSTITUTEING FATAL ERROR" WAR-
 -RANTING THIS COURT TO REVERSE
 and vacate TYRONE LORENZA ROBINSON
 CONVICTION AND PRISON SENTENCE.
 He recieved for the UNINDICTED
 theory and crime of common law
 murder by the UNINDICTED theory
 of the doctrine of transferred
 intent. That the Grand jury did
 not indict him on and the Grand
 jury did not issue a indictment
 against him for, That is not
 charged or alleged inside of
 the written write up of indictm-
 ent # 2012-65-07-1935. For proof
 review

CASE LAW MERITS

United States Supreme Court case
 law merits

STERONE VS. U.S. PA. 1960, 805-Ct 270

"Quoting"

The Bain case which has never been
 disproved stands for the rule that
 a court can not permit a defend-
 -ant to be tried on charges that
 are not made in the indictment
 against him. yet the court did per-
 -mit that in this case. The indict-
 -ment here can not fairly be
 read as charging interference

WITH MOVEMENTS OF STEEL FROM PENNSYLVANIA TO OTHER STATES NOR DOES THE COURT OF APPEALS APPEAR TO SO READ IT. THE GRAND JURY WHICH FOUND THE INDICTMENT WAS SATISFIED TO CHARGE THAT STIRONE'S CONDUCT INTERFERED WITH INTERSTATE IMPORTATION OF SAND. BUT NEITHER THIS NOR ANY OTHER COURT CAN KNOW THAT THE GRAND JURY WOULD HAVE BEEN WILLING TO CHARGE THAT STIRONE'S CONDUCT WOULD INTERFERE WITH INTERSTATE EXPORTATION OF STEEL FROM A MILL WHER TO BE BUILT WITH REINFORCING CONCRETE AND IT CAN NOT BE SAID WITH CERTAINTY THAT WITH A KNOWN BASIS FOR CONVICTION ADDED, STIRONE WAS CONVICTED SOLELY ON THE CHARGE MADE IN THE INDICTMENT THE GRAND JURY RETURNED. ALTHOUGH THE TRIAL COURT DID NOT PERMIT A FORMAL AMENDMENT OF THE INDICTMENT, THE EFFECT OF WHAT IT DID WAS THE SAME, AND THE ADDITION CHARGING INTERFERENCE WITH STEEL EXPORTS HERE IS NEITHER TRIVIAL, USELESS, NOR INNOCUOUS.

WHILE THERE WAS A VARIANCE IN THE SENSE OF VARIATION BETWEEN PLEADING AND PROOF, THAT VARIATION HAS DESTROYED THE DEFENDANT'S SUBSTANTIAL RIGHT TO BE TRIED ONLY ON CHARGES PRESENTED IN AN INDICTMENT BY GRAND JURY.

DEPRIVATION OF SUCH A BASIC RIGHT IS FAR TOO SERIOUS TO BE TREATED AS NOTHING MORE THAN A VARIANCE AND

Then dismissed as harmless error. The very purpose of the requirement that a man be indicted by grand jury is to limit his jeopardy to offenses charged by a group of his fellow citizens acting independently of either prosecuting attorney or judge. Thus the basic protection the grand jury was designed to afford is defeated by a device or method which subjects the defendant to prosecution for interference with interstate commerce which the grand jury did not charge. Here as the trial court charged the jury there are two essential elements of Hobbs Act crime, interference with commerce, and extortion. Both elements have to be charged "further quoting"

The right to have the grand jury make the charge on its own judgment is a substantial right which cannot be taken away with or without court amendment. Here as in the *Baugh* case, we can not know whether the grand jury would have included in its indictment a charge that commerce in steel from a non-existent steel mill had been interfered with. Yet because of the court admission of evidence and under its charge this might have been the basis upon which the trial jury convicted petitioner. If so he was convicted on a charge the grand jury never made against him. This was fatal error reversed.

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA
CASE LAW OF.

LUCAS BAILEY VS. STATE OF SOUTH
CAROLINA OPINION NO. 26975

"QUOTE IN"

IN SOUTH CAROLINA IT IS A RULE
OF UNIVERSAL OBSERVANCE IN
ADMINISTERING THE CRIMINAL
LAW THAT A DEFENDANT MUST BE
CONVICTED IF CONVICTED AT ALL
OF THE PARTICULAR OFFENSE CHARGED
IN THE BILL OF INDICTMENT.

A MATERIAL VARIANCE BETWEEN
CHARGE AND PROOF ENTITLES THE
DEFENDANT TO A DIRECT VERDICT.

ONE OF THE TWO WAYS AN INDICTMENT
CAN BE IMPROPERLY MODIFIED
IS THROUGH A VARIANCE WHEREBY
THE CHARGE IN TERMS OF THE INDICTMENT
ARE LEFT UNALTERED, BUT,
THE EVIDENCE OFFERED AT TRIAL
PROVE FACTS MATERIALLY DIFFERENT
FROM THOSE ALLEGED IN THE
INDICTMENT."

WHEN THE INDICTMENT FACTUALLY
CHARGES A COMPLETE OFFENSE AND
THE STATE PRESENTS EVIDENCE
WHICH CONVICTS UNDER A DIFFERENT
THEORY THAN THAT ALLEGED.

A CONVICTION UNDER LATTER
CIRCUMSTANCES VIOLATES PRINCIPLES
OF DUE PROCESS, BECAUSE

THE STATE HAS FAILED TO PROVE

beyond a reasonable doubt every fact necessary to constitute the crime with which a defendant was charged.

A material variance that violates a defendant's substantial right to be tried only on charges presented in an indictment constitutes fatal error and warrants a reversal on appeal of a judgment of conviction of the offense not charged in the indictment.

CASE LAW MERITS

U.S. V. Chambers, 408 F.3d 237 (5th Cir. 2005) "Quoting"

Amendment to change term "ROUNDS" in indictment to "component of the complete rounds" in jury instructions impermissible because term essential elements of indictment.")

CASE LAW MERITS

U.S. V. FARR 536 F.3d 1174 (10th Cir. 2008) "Quoting"

Impermissible amendment when government sought to change tax fraud theory from specific employment tax theory in indictment to trust fund recovery penalty theory at trial.)

CASE LAW MERITS

SOUTH CAROLINA SUPREME COURT CASE
LAW OF.

THE STATE VS. JAMES LYNCH 545 S.E.2d

511 "Quoting"

BECAUSE THE AMENDMENT TO THE FIRST
DEGREE BURGLARY INDICTMENT
CHANGED THE NATURE OF THE OFFENSE
CHARGED, APPELLANT'S BURGLARY
CONVICTION IS REVERSED

CASE LAW MERITS

U.S. V. HITT, 249 F.3d 1010 (D.C. Cir. 2001)

INDICTMENT FOR CONSPIRACY
THAT CHARGED CONSPIRACY DIFFER-
ENT IN PURPOSE FROM CHARGE
BROUGHT TO TRIAL PROPERLY
DISMISSED BECAUSE NOTICE
INSUFFICIENT TO PREVENT DOUBLE
JEOPARDY

CASE LAW MERITS

U.S. V. MURPHY, 406 F.3d 857, 860-
61 (7th Cir. 2005) CONSTRUCTIVE AMEND-
MENT BY IMPROPER JURY INSTRUCT-
ION VIOLATED 5TH AMENDMENT
GRAND JURY CLAUSE

CASE LAW MERITS

UNITED STATES OF AMERICA CASE LAW
MERITS.

STIRONE VS. U.S. 80 S.Ct 270 "Quoting"
AMENDMENT OF INDICTMENT VIOLATES
5TH AMENDMENT GRAND JURY CLAUSE.

ISSUE APPEALED

The TRIAL JUDGE committed
 FATAL ERROR by refusing to
 AWARD TYRONE ROBINSON his motion
 and request for a redirected
 VERDICT OF NOT GUILTY
 because the JURY VERDICT IS
 INCONSISTENT WITH THE SCIENCE
 OF THE EVIDENCE. WHICH THE
 SCIENCE OF THE EVIDENCE IN
 THIS CASE IS THE FACTS OF THIS
 CASE. WHICH PROVES THAT AS A
 MATTER OF LAW THE STATE OF SOUTH
 CAROLINA FAILED TO PROVE TO THE
 JURY THAT TYRONE ROBINSON
 IS GUILTY beyond a reasonable
 doubt. OF THE PARTICULAR CRIME
 AND THEORY OF FELONY MURDER
 BY THE FELONY MURDER RULE
 THEORY ONLY. THATS CHARGED AND
 ALLEGED INSIDE OF THE WRITT-
 -EN WRITE UP OF INDICTMENT #
 2012-GS-07-1935 THAT TYRONE
 ROBINSON WAS INDICTED ON-entire-
 -ing TYRONE ROBINSON TO A REDI-
 -RECTED VERDICT OF NOT GUILTY
 AS A MATTER OF LAW ON INDICTM-
 -ENT # 2012-GS-07-1935 AND THE
 PARTICULAR THEORY AND CRIME OF
 FELONY MURDER BY THE FELONY MURDER
 RULE THEORY ONLY.

61.
**FELONY MURDER RULE
THEORY ONLY**

BECAUSE THE STATE OF SOUTH CAROLINA CHARGED AND ALLEGED THAT KHALIL SINGLETON DEATH OCCURED BY THE FELONY MURDER RULE THEORY ONLY. THAT THE STATE OF SOUTH CAROLINA, SOLICITOR ~~ESSIA~~ MC-DUFFIE STONE, SGT. LAUREL ALBERTIN AND BEAUFORT COUNTY SHERIFF DEPARTMENT CHARGED AND ALLEGED IN THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935 AND ARREST WARRANT # 2012 A0720300114. THAT TYRONE ROBINSON WAS ARRESTED ON AND INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL.

AS A MATTER OF LAW THE STATE OF SOUTH CAROLINA MUST PROVE EACH AND EVERY ELEMENT TO THE FELONY MURDER RULE ONLY. IN ORDER TO PROSECUTE AND CONVICT TYRONE ROBINSON FOR THE DEATH OF KHALIL SINGLETON. THEREFORE THE STATE OF SOUTH CAROLINA HAS THE BURDEN OF PROOF. TO PROVE BEYOND A REASONABLE DOUBT. THAT TYRONE ROBINSON IS RESPONSIBLE FOR KHALIL SINGLETON DEATH. BY THE FELONY MURDER RULE THEORY ONLY. THAT IS CHARGED AND ALLEGED IN THE ARREST WARRANT # 2012 A0720300114 AND INDICTMENT # 2012-GS-07-1935 THAT TYRONE ROBINSON WAS ARRESTED ON, INDICTED ON, AND TRIED ON BEFORE THE JURY AT TRIAL. IN ORDER TO PROSECUTE, CONVICT AND SENTENCE TYRONE ROBINSON TO PRISON TIME FOR THE DEATH OF KHALIL SINGLETON. AS DECIDED BY THE SOUTH CAROLINA SUPREME COURT IN THE CASE OF LUCAS BAILEY VS. THE STATE OF SOUTH CAROLINA OPINION NO: 26975 FOR PROOF REVIEW

CASE LAW MERITS

**SOUTH CAROLINA SUPREME COURT CASE
LAW OF**

LUCAS BAILEY VS. THE STATE OF SOUTH CAROLINA OPINION NO: 26975 "QUOTEING" BY INCLUDING A MORE SPECIFIC DESCRIPTION, THE STATE UNDERTOOK THE BURDEN OF PROVING THE SPECIFIC ALLEGATIONS TO OBTAIN A CONVICTION. THE TEXAS COURT OF APPEALS AGREED

With CASTILLOS argument, Finding Trial Court erred in enlarging the Indictment by adding "shaking" as an additional manner and means of committing the charged offense. In so ruling the court recognized that a defendant may only be tried and convicted of the crimes alleged in the indictment and the state is bound by the theory alleged in the indictment we agree with the reasoning in Castillo and apply its analysis to the facts of the instant case. We concluded that the trial judges instructions improperly "enlarged" the indictment by instructing the jury that it could convict Bailey of a crime not alleged in the indictment

TRIAL JUDGE COOPER JURY CHARGE AND INSTRUCTION TO THE JURY, ON THE UNINDICTED CRIME AND OFFENSE OF COMMON LAW MURDER BY THE DOCTRINE OF TRANSFERRED INTENT THAT THE GRAND JURY DID NOT ISSUE A INDICTMENT CHARGING TYRONE ROBINSON WITH

ON SEPTEMBER 19TH 2014 INSIDE OF BEAUFORT COUNTY GENERAL SESSION COURT HOUSE BEFORE JUDGE COOPER. AFTER THE STATE OF SOUTH CAROLINA AND THE DEFENSE FINISHED THERE CLOSING ARGUMENT. TRIAL JUDGE COOPER SPECIFICALLY STATED ON COURT RECORD THAT HE WAS CHARGING THE JURY ON THE PARTICULAR CRIME AND OFFENSE OF "COMMON LAW MURDER". AFTER DOING SO TRIAL JUDGE COOPER THEN CALLED THE JURY INSIDE THE COURT ROOM AND INSTRUCTED THE JURY AND CHARGED THE JURY TO DECIDE ON THE PARTICULAR UNINDICTED CRIME AND OFFENSE OF COMMON LAW MURDER AND THE DOCTRINE OF TRANSFERRED INTENT. THAT THE GRAND JURY DID NOT ISSUE A INDICTMENT

ONLY
MAIL
LEGAL

AGAINST TYRONE LORENZO ROBINSON CHARGE-
-ING him with.

THE TRIAL JUDGE THEN INSTRUCTED THE
JURY ON THE ELEMENTS TO THE UNINDICTED
THEORY AND CRIME OF COMMON LAW MURDER
BY THE UNINDICTED THEORY OF THE DOCTRINE
OF TRANSFERRED INTENT. THAT THE GRAND
JURY DID NOT ISSUE A INDICTMENT AGAINST
TYRONE LORENZO ROBINSON CHARGING him with.
AS A RESULT TYRONE ROBINSON WAS UNCONSTIT-
-UTIONALLY ILLEGALLY AND UNLAWFULLY CON-
-VICTED AND SENTENCED TO PRISON TIME. ON
THE UNINDICTED THEORY AND CRIME OF
OF COMMON LAW MURDER BY THE UNINDICTED
THEORY OF THE DOCTRINE OF TRANSFERRED INTENT.
THAT THE GRAND JURY DID NOT ISSUE A INDICT-
-MENT AGAINST TYRONE ROBINSON FOR AND THE
GRAND JURY DID NOT ISSUE A INDICTMENT
CHARGING TYRONE ROBINSON WITH.

ELEMENTS THE STATE OF SOUTH
CAROLINA HAS THE BURDEN OF PROOF TO
PROVE IN ORDER TO PROVE A PERSON IS
GUILTY OF FELONY MURDER BY THE
FELONY MURDER RULE.

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA CASE LAW

OF.
STATE VS. CROWE, 258 S.C. 258, 265, 188 S.E. 2d
379, 382 (1972) "QUOTE" IN

TWO OR MORE COMBINE TOGETHER TO COMMIT
AN UNLAWFUL ACT, SUCH AS ROBBERY, AND
IN THE EXECUTION OF THAT CRIMINAL ACT,
A HOMICIDE IS COMMITTED BY ONE OF THE
ACTORS, AS A PROBABLE OR NATURAL CONSEQ-
-UENCE OF THE ACTS DONE IN PURSUANCE
OF THE COMMON DESIGN, ALL PRESENT
PARTICIPATING IN THE UNLAWFUL UNDER-
-TAKING ARE AS GUILTY AS THE ONE WHO
COMMITTED THE FATAL ACT.

1ST ELEMENT

THE STATE OF SOUTH CAROLINA MUST
PROVE FELONY MURDER BY THE FELONY MURD-
-ER RULE. THE STATE OF SOUTH CAROLINA
INDICTED AND TRIED TYRONE ROBINSON

before the JURY on IS.

THE STATE OF SOUTH CAROLINA MUST PROVE THAT TYRONE LORENZA ROBINSON AARONSCOTT YOUNG SENIOR AND AARONSCOTT YOUNG JUNIOR. ALL DID CONSPIRE TOGETHER AND ACT TOGETHER AND COMBINE TOGETHER IN AN AGREEMENT WITH EACH OTHER WITH THE SAME COMMON DESIGN. TO HELP EACH OTHER COMMIT AN ONGOING DANGEROUS FELONY TOGETHER THAT CAUSED KHALIL SINGLETON TO BE SHOT AND KILLED, THAT KHALIL SINGLETON DID DIE AS A PROXIMATE RESULT THEREOF AS IS CHARGED AND ALLED-

ED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-1935. THEREFORE ACTING TOGETHER IN AN AGREEMENT WITH EACH OTHER AND CONSPIRING TOGETHER TO HELP EACH OTHER COMMIT AN ONGOING DANGEROUS FELONY IS A ELEMENT THE STATE OF SOUTH CAROLINA MUST PROVE IN ORDER TO CONVICT TYRONE ROBINSON OF MURDER OF KHALIL SINGLETON ON INDICTMENT # 2012-GS-07-1935

25+

DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE "DISPROVES" THE FIRST ELEMENT TO THE THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE

AS A MATTER OF LAW THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE, PROVES THAT TYRONE ROBINSON DID NOT WILLFULLY, INTENTIONALLY AND UNLAWFULLY, ACT TOGETHER ALONG WITH AARON SENIOR, AND AARON JUNIOR. TO CONSPIRE TO MURDER HIMSELF TYRONE ROBINSON WITH A DEADLY WEAPON AT THE IMMEDIATE TIME KHALIL SINGLETON WAS SHOT AND KILLED.

AS A MATTER OF LAW THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE PROVES THAT AARONSCOTT YOUNG SENIOR AND AARONSCOTT YOUNG JUNIOR. WILLFULLY, INTENTIONALLY, AND UNLAWFULLY, ACTED TOGETHER AGAINST TYRONE ROBINSON. TO CONSPIRE TO MURDER TYRONE ROBINSON AT THE IMMEDIATE TIME KHALIL SINGLETON WAS SHOT AND KILLED, WITHOUT ANY HELP FROM TYRONE ROBINSON TO COMMIT THE FELONY OF CONSPIRACY TO MURDER TYRONE ROBINSON WITH A DEADLY WEAPON. THAT THE

65
State of South Carolina and Investigator Sgt. LAUREL ALBERTIN and Beaufort County Sheriff Department and Solicitor ISSIAC MC. DUFFIE STONE. determined and charged is the ongoing dangerous felony that caused KHALIL SINGLETON to be shot and killed and is the ongoing dangerous felony that KHALIL SINGLETON death is a proximate result thereof. Therefore as a matter of law the direct evidence and circumstantial evidence in this case disproves the first element to the felony murder rule. PROVEING TYRONE ROBINSON IS NOT GUILTY OF FELONY MURDER BY THE FELONY MURDER RULE THATS CHARGED IN INDICTMENT # 2012-65-07-1935

2ND ELEMENT

The State of South Carolina must prove in order to prove felony murder by the felony murder rule. The state of South Carolina indicted and tried TYRONE ROBINSON before the jury is:

The state of South Carolina must prove that TYRONE ROBINSON, AARON SCOTT YOUNG SENIOR, and AARON SCOTT YOUNG JUNIOR came to a agreement they all were going to murder himself TYRONE ROBINSON with a deadly weapon. because the state of South Carolina charged in indictment and arrest warrant. That the felony of conspiracy to murder TYRONE ROBINSON with a deadly weapon is the ongoing dangerous felony that caused KHALIL SINGLETON to be shot and killed that KHALIL SINGLETON did die as a proximate result thereof

Also because the element to prove the felony of conspiracy to murder is. two or more people came to a agreement to commit a crime. The element of came to a agreement to commit the crime of murder of TYRONE ROBINSON. is a element that the state of South Carolina must prove by the evidence in order for the state of South Carolina to indict and try TYRONE ROBINSON before the jury on the felony murder rule. TYRONE was indicted and tried before the jury on.

2nd 66.

direct evidence and circumstantial evidence disproving the second element to the crime and offense of felony murder by the felony murder rule

As a matter of law the direct evidence in this case proves that Aaron Scott Young Senior and Aaron Scott Young Junior came to a agreement to conspire to murder Tyrone Robinson without Tyrone Robinson agreeing with Aaron Scott Young Senior and Aaron Scott Young Junior to conspire to murder himself with a deadly weapon and without Tyrone Robinson helping Aaron Senior and Aaron Junior conspire to murder himself with a deadly weapon and without Tyrone Robinson helping Aaron Senior and Aaron Junior conspire to murder himself with a deadly weapon. As a matter of law the direct evidence and circumstantial evidence in this case proves Aaron Senior and Aaron Junior confessed that there intentions were to kill Tyrone Robinson & they were tryen to kill Tyrone Robinson, first chance they got. However the direct evidence and circumstantial evidence in this case proves. Tyrone Robinson was fleeing, running and hiding from Aaron Scott Young Senior and Aaron Scott Young Junior to avoid from being shot and killed by Aaron Scott Young Senior and Aaron Scott Young Junior, and Tyrone Robinson did not try to murder himself. Therefore as a matter of law the direct evidence and circumstantial evidence in this case "disproves" the second element to the felony murder rule. proving Tyrone Robinson is not guilty of felony murder by the felony murder rule.

3rd ELEMENT

THE STATE OF SOUTH CAROLINA MUST PROVE
IN ORDER TO PROVE FELONY MURDER BY
THE FELONY MURDER RULE. THE STATE OF
SOUTH CAROLINA INDICTED AND TRIED TYRONE
ROBINSON BEFORE THE JURY IS.
TYRONE LORENZA ROBINSON, AARON SCOTT
YOUNG SENIOR, AND AARON SCOTT YOUNG JUNIOR.
WERE IN THE PROCESS AND COMMISSION OF
CONSPIRING TO MURDER HIMSELF TYRONE
LORENZA ROBINSON WITH A DEADLY WEAPON
IN AN ONGOING FELONY OF CONSPIRACY TO
MURDER HIMSELF TYRONE LORENZA ROBIN-
SON WITH A DEADLY WEAPON

AS A MATTER OF LAW THE DIRECT EVIDENCE
AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE
PROVE. THAT AARON SCOTT YOUNG SENIOR, AARON
SCOTT YOUNG JUNIOR AND JONTA SINGLETON
SENIOR. WERE RIDING AROUND WITH A GUN
LOOKING FOR TYRONE ROBINSON. THEN AARON
SENIOR AND AARON JUNIOR DROPPED JONTA
SENIOR OFF ON 17 OLD WILD HORSE ROAD
AND AARON SENIOR AND AARON JUNIOR DROVE
OFF AND WENT LOOKING FOR TYRONE TO SHOOT
KILL AND MURDER TYRONE ROBINSON AGAIN.
THEN AARON SCOTT YOUNG SENIOR AND AARON SCOTT
YOUNG JUNIOR CAME BACK TO 17 OLD WILD
HORSE ROAD AFTER TRYEN TO SHOOT AND KILL
TYRONE ROBINSON ON OAKVIEW ROAD. THEN
AARON SCOTT YOUNG SENIOR AND AARON SCOTT
YOUNG JUNIOR GOT BACK IN THERE GREY 1995
F-150 TRUCK, AND DROVE TO ALLEN ROAD
AND ATTACKED AND TRYED TO SHOOT AND KILL
TYRONE ROBINSON IN HIS NIEGHBORHOOD ON
ALLEN ROAD AND AARON SCOTT YOUNG SENIOR
AND AARON SCOTT YOUNG JUNIOR WERE IN THE
PROCESS AND COMMISSION OF RIDING TOGETHER
WITH THERE GUNS. CONSPIRING AND TRYEN
TO MURDER TYRONE ROBINSON WITH A DEADLY
WEAPON. AT THE IMMEDIATE TIME KHALIL
SINGLETON WAS SHOT AND KILLED.
AS A MATTER OF LAW THE DIRECT EVIDENCE
AND CIRCUMSTANTIAL EVIDENCE PROVE.
THAT TYRONE WAS NOT IN THE PROCESS AND
COMMISSION OF COMMITTEING THE ONGOING

FELONY OF CONSPIRACY TO MURDER HIMSELF TYRONE ROBINSON WITH A DEADLY WEAPON AT THE IMMEDIATE TIME KHALIL SINGLETON WAS SHOT AND KILLED AND TYRONE ROBINSON WAS NOT IN THE PROCESS AND COMMISSION OF COMMITTING A ONGOING FELONY ALONG WITH AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR AT THE IMMEDIATE TIME KHALIL SINGLETON WAS SHOT AND KILLED.

AS A MATTER OF LAW THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE PROVES THAT TYRONE ROBINSON IS THE "VICTIM" WHO AARON SCOTT YOUNG SENIOR

AND AARON SCOTT YOUNG JUNIOR, WERE IN THE PROCESS AND COMMISSION OF COMMITTING THE ONGOING CONSPIRACY TO MURDER TYRONE ROBINSON WITH A DEADLY WEAPON AGAINST TYRONE ROBINSON AT THE IMMEDIATE TIME KHALIL SINGLETON WAS SHOT AND KILLED. AS SGT LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT, THE STATE OF SOUTH CAROLINA AND SOLICITOR ISSAC MC. DUFFIE STONE. ARRESTED AND INDICTED AND CHARGED AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WITH DOING ON ARREST WARRANT AND INDICTMENT. ALSO AS THE EVIDENCE AT TRIAL IN THIS CASE PROVES, AS A MATTER OF LAW THE DIRECT EVIDENCE IN THIS CASE, "DISPROVES" THE THIRD ELEMENT TO THE FELONY MURDER RULE. PROVEING TYRONE ROBINSON IS NOT GUILTY OF FELONY MURDER BY THE FELONY MURDER RULE

4TH ELEMENT

STATE OF SOUTH CAROLINA MUST PROVE IN ORDER TO PROVE FELONY MURDER BY THE FELONY MURDER RULE. THE STATE OF SOUTH CAROLINA INDICTED AND TRIED TYRONE ROBINSON ON IS.

THE STATE OF SOUTH CAROLINA MUST PROVE THAT KHALIL SINGLETON WAS SHOT AND KILLED, AT THE IMMEDIATE TIME AND SAME LOCATION TYRONE ROBINSON, AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR, WERE ALLEGEDLY ACTING TOGETHER

and conspiring together in process and commission of a ongoing felony conspiracy to murder himself TYRONE LORENZA ROBINSON with a deadly weapon at the immediate time and same location KHALIL SINGLETON was shot and killed.

4th

direct evidence and circumstantial evidence disproves the fourth element to the crime and offense of felony murder by the felony murder rule. The state of South Carolina indicted and tried TYRONE ROBINSON ON

The direct evidence and circumstantial evidence in this case proves that AARON SCOTT YOUNG SENIOR and AARON SCOTT YOUNG JUNIOR were in the process and commission of conspiring the ongoing dangerous felony of conspiracy to murder TYRONE ROBINSON with a deadly weapon at ALLEN ROAD in TYRONE ROBINSON neighborhood against TYRONE ROBINSON without any help from TYRONE ROBINSON. conspiring to murder himself with a deadly weapon. Along with AARON SCOTT YOUNG JUNIOR and AARON SCOTT YOUNG SENIOR at the immediate time and same location KHALIL SINGLETON was shot and killed at.

As a matter of law the direct evidence and circumstantial evidence in this case disproves the fourth element to the felony murder rule. Proving TYRONE ROBINSON is not guilty of felony murder by the felony murder rule.

5th ELEMENT

The state of South Carolina must prove in order to prove felony murder by the felony murder rule. The state of South Carolina indicted and tried TYRONE ROBINSON ON before the jury is: The state of South Carolina must prove that TYRONE ROBINSON, AARON SCOTT YOUNG SENIOR, and AARON SCOTT YOUNG JUNIOR were conspiring to murder himself TYRONE ROBINSON with a deadly weapon. That KHALIL SINGLETON death

70
IS a PROBABLE AND NATURAL CONSEQUENCE
OF

5th
direct evidence and circumstantial evidence "DISPROVES" The Fifth element TO the CRIME and OFFENSE OF FELONY MURDER by the FELONY MURDER RULE. The State of SOUTH CAROLINA INDICTED AND TRIED TYRONE ROBINSON ON.

The direct evidence and circumstantial evidence IN THIS CASE PROVE. That if AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WOULD NOT HAVE DROVE FROM THERE NEIGHBORHOOD ON 17 OLD WILD HORSE ROAD, AND WOULD NOT HAD BEEN CONSPIRING AND TRYEN TO SHOOT KILL AND MURDER TYRONE ROBINSON WITH A DEADLY WEAPON. IN TYRONE ROBINSON NEIGHBORHOOD AT THE TIME KHALIL SINGLETON WAS SHOT AND KILLED, THEN KHALIL SINGLETON WOULD OF NOT GOTTEN SHOT AND KILLED AND KHALIL SINGLETON WOULD OF HAD STILL BEEN ALIVE TODAY.

CONFESSIOIN

AT TRIAL POLICE INVESTIGATOR LAUREL ALBERTIN TESTIFIED THAT AARON SCOTT YOUNG JUNIOR CONFESSED TO HER THAT "QUOTEING" IF WE WOULD OF NEVER WENT DOWN THERE THE LIL BOY WOULD OF NEVER DIED

AS A MATTER OF LAW THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE "DISPROVES" THE FIFTH ELEMENT TO THE FELONY MURDER RULE. PROVEING TYRONE ROBINSON IS NOT GUILTY OF FELONY MURDER BY THE FELONY MURDER RULE.

6th ELEMENT
THE STATE OF SOUTH CAROLINA MUST PROVE IN ORDER TO PROVE FELONY MURDER BY THE FELONY MURDER RULE. THE STATE OF SOUTH CAROLINA INDICTED AND TRIED TYRONE ROBINSON BEFORE THE JURY ON IS.

7th
The state of south carolina must prove
that TYRONE ROBINSON WAS ACTING TOGETH-
-ER and conspiring along with ARRON
SCOTT YOUNG SENIOR and ARRON SCOTT
YOUNG JUNIOR, to conspire to murder
himself TYRONE ROBINSON, WITH a
deadly weapon THAT DID 'CAUSE'
KHALIL SINGLETON to be shot and killed

6th
DIRECT evidence and circum-
-STANTIAL evidence "DISPROVES"
The SIXTH element TO The crime
and offense of felony murder by
The felony murder rule. The state
of south carolina indicted and
TRIED TYRONE ROBINSON ON.

AS A matter of law The direct evid-
-ence and circumstantial evid-
-ence IN THIS case proves. That while
TYRONE ROBINSON WAS ON ALLEN ROAD
before KHALIL SINGLETON WAS SHOT AND
-KILLED, TYRONE ROBINSON WAS NOT COMMIT-
-TING any crimes OR acts OR RECONIES
That proximately caused KHALIL SINGLETON
to be shot and killed. The direct evid-
-ence and circumstantial evidence
IN THIS case proves.

That ~~7F~~ ARRON SCOTT YOUNG SENIOR and
ARRON SCOTT YOUNG JUNIOR would of never
drove from there neighborhood on
17 OLD WILD HORSE ROAD, and went
and attacked conspired and tried
to shoot and murder TYRONE ROBINSON
IN TYRONE neighborhood he lived in

ON ALLEN ROAD. KHALIL SINGLETON WOULD
OR NOT GOT SHOT AND KILLED. AS AARON
SCOTT YOUNG JUNIOR CONFESSED.

AS A MATTER OF LAW THE DIRECT EVIDENCE
AND CIRCUMSTANTIAL EVIDENCE PROVES.
THAT AARON SCOTT YOUNG SENIOR AND
AARON SCOTT YOUNG JUNIOR FELONY THEY
WERE COMMITTING AGAINST VICTIM
TYRONE ROBINSON AS THE ONLY ONE DANG-
EROUS FELONY THAT CAUSED KHALIL
SINGLETON TO BE SHOT AND KILLED. THAT
KHALIL SINGLETON DEATH IS A PROXIMATE
RESULT THEREOF. AS POLICE SGT.

LAWRENCE ALBERTIN, BEAUFORT COUNTY
SHERIFF DEPARTMENT, THE STATE OF SOUTH
CAROLINA AND JIMMAC MC. DUFFIE STONE
ARRESTED, CHARGED AND INDICTED AARON
SCOTT YOUNG SENIOR AND AARON SCOTT
YOUNG JUNIOR WITH DOING. ALSO AS THE
EVIDENCE IN THIS CASE PROVES, PROVE-
ING TYRONE ROBINSON ABSOLUTELY WAS
NOT COMMITTING THE FELONY ALONG WITH
AARON SCOTT YOUNG SENIOR AND AARON
SCOTT YOUNG JUNIOR THAT PROXIMATELY
CAUSED KHALIL SINGLETON TO BE SHOT AND
KILLED.

AS A MATTER OF LAW THE DIRECT EVIDEN-
CE AND CIRCUMSTANTIAL EVIDENCE
IN THIS CASE "DISPROVES" THE 5TH
ELEMENT TO THE FELONY MURDER RULE,
PROVEING TYRONE ROBINSON IS NOT GUILTY
OF FELONY MURDER BY THE FELONY MURDER
RULE. AS A MATTER OF LAW.

7th Element

The 7th element The state of South Carolina must prove. In order to prove felony murder by the felony murder rule. The state of South Carolina indicted and tried Tyrone Robinson on before the jury 5; The state of South Carolina must prove that Tyrone Robinson was acting in agreement and conspire - along with Aaron Scott Young senior and Aaron Scott Young junior to commit the ongoing dangerous felony of. conspiracy to murder himself Tyrone Robinson with a deadly weapon against himself. The state of South Carolina charged and alleged on arrest warrant and indictment.

7th

direct evidence and circumstantial evidence disproves the fourth element to the crime and offense of felony murder by the felony murder rule. The state of South Carolina Carolina indicted and tried Tyrone Robinson on

CONFESION

AT TRIAL police Sgt. LAUREL ALBERTIN testified that Aaron Scott

YOUNG SENIOR and AARON SCOTT YOUNG JUNIOR - CONFESSED TO HER THAT THEY WERE RIDING AROUND TRYING TO FIND TYRONE ROBINSON IN HIS NEIGHBORHOOD HE LIVE IN ON ALLEN ROAD AND NEIGHBORHOODS TYRONE ROBINSON IS KNOWN TO HANG OUT IN. FOR THE PURPOSE OF KILLING TYRONE ROBINSON

CONFESSIOIN

AT TRIAL POLICE SGT. LAUREL ALBERTIN TESTIFIED THAT AARON SCOTT YOUNG SENIOR and AARON SCOTT YOUNG JUNIOR CONFESSED TO HER THAT ~~there~~ intentions WERE TO KILL TYRONE ROBINSON

CONFESSIOIN

AT TRIAL POLICE SGT. LAUREL ALBERTIN TESTIFIED THAT AARON SCOTT YOUNG SENIOR and AARON SCOTT YOUNG JUNIOR CONFESSED TO HER THAT HE PULLED AND AIMED A GUN AT TYRONE ROBINSON, WHILE TYRONE ROBINSON WAS RIDEN IN HIS CAR ON OAKVIEW ROAD, and TRIED TO SHOOT AND KILL TYRONE IN HIS CAR ON OAKVIEW ROAD, BUT THE GUN JAMMED.

CONFESSIOIN

AT TRIAL ATTORNEY JESSICA SAXON READ AARON SCOTT YOUNG SENIOR CONFESSIOIN HE MADE TO SOLICITOR JESSIE MC. DUFFIE STONE WERE AARON SCOTT YOUNG SENIOR CONFESSED TO SOLICITOR JESSIE MC. DUFFIE STONE THAT IF HE HAD GOT THE CHANCE TO HE WAS GONE KILL TYRONE ROBINSON

CONFESSON

AT TRIAL JONTY STANLEY testified that he JONTY STANLEY, ARON SCOTT YOUNG SENIOR AND ARON SCOTT YOUNG JUNIOR ALL WERE RIDING AROUND TOGETHER WITH A GUN TRYEN TO FIND TYRONE ROBINSON TO SHOOT TYRONE ROBINSON

CONFESSON

AT TRIAL CHARLESE JACKSON testified that she heard gun shooting going on. Then TYRONE ROBINSON came to her house and said man they shooting at me

CONFESSON

AT TRIAL TYRONE DELANEY testified that TYRONE told him some people in a truck were shooting at him

CONFESSON

AT TRIAL BENNY HAMILTON testified that TYRONE told him some people were shooting at him tryen to kill him and they shot ah lil boy

CONFESSON

AT TRIAL POLICE OFFICER BOB BROMAGE testified that he retrieved a master piece ARMS nine millimeter gun with a thirty two round clip suppressor from ARON SCOTT YOUNG SENIOR AND ARON SCOTT YOUNG JUNIOR. ARON SCOTT YOUNG SENIOR confessed that he ARON SCOTT YOUNG SENIOR AND ARON SCOTT YOUNG JUNIOR were tryen to shoot and kill TYRONE ROBINSON with the master piece ARMS nine millimeter gun that he retrieved from ARON SCOTT YOUNG SENIOR AND ARON SCOTT YOUNG JUNIOR.

CONFESSION

AT TRIAL POLICE OFFICER FOR BEAUFORT COUNTY SHERIFF DEPARTMENT, testified that they found at least nine bullet holes in TYRONE ROBINSON CAR.

CONCLUSIVE FORENSIC EVIDENCE

AT TRIAL THE STATE OF SOUTH CAROLINA FORENSIC EXPERT DAN DAFRESE testified that all of the bullet holes on TYRONE ROBINSON CAR, were determined to be positively matched to and fired thru, the barrel of the master piece ARMS nine millimeter gun with the thirty two round clip and suppressor that police officer BOB BROMAGE retrieved from AARON SCOTT YOUNG SENIOR and AARON SCOTT YOUNG JUNIOR.

CONCLUSIVE FORENSIC EVIDENCE

AT TRIAL THE STATE OF SOUTH CAROLINA FORENSIC SCIENTIST DAN DAFRESE testified that, the kind of bullet KHALIL SINGLETON was shot and killed with did not match the kind of bullet retrieved from TYRONE ROBINSON GUN. FORENSIC SCIENTIST DAN DAFRESE testified that the kind of bullet KHALIL SINGLETON was shot and killed with is a plain lead round nose grey bullet, that is constructed out of grey

plain lead, and is the color of grey. However contradictory to this, forensic scientist Dan Darreese testified that the bullet retrieved from Tyrone Robinson gun, is a bullet that ~~he~~ determined to be a full metal jacketed copper coated bullet. That is constructed with copper coating over it and is the color of copper and in comparison. The plain lead round nose grey bullet that Khalil Singleton was shot and killed with. is a totally different kind of bullet from the kind of bullet Khalil Singleton was shot and killed with.

The conclusive forensic scientist evidence in this case, proves that the bullets fired from Tyrone Robinson gun were full metal jacketed copper alloy bullets only. The conclusive evidence and forensic scientific evidence in this case, proves that the bullets being fired from the gun that Khalil Singleton was shot and killed with, were plain lead round nose grey bullets only. There is absolutely no direct evidence or circumstantial evidence to prove otherwise. As a matter of law the conclusive scientific evidence proves Tyrone Robinson did not shoot and kill Khalil Singleton.

IN CONCLUSIVE
FORENSIC EVIDENCE

AT TRINITY THE STATE OF SOUTH CAROLINA

FORENSIC EXPERT TESTIFIED ON CROSS EXAMINATION. THAT THE PLAIN LEAD ROUND NOSE BULLET KHALIL SINGLETON WAS SHOT AND KILLED WITH. COULD OF HAD BEEN FIRED THRU THE BARREL OF A 357 MAGNUM AND NAMED ABOUT 18 DIFFERENT KIND OF GUNS THAT MAKE THE KIND OF GUN THAT THE PLAIN LEAD ROUND NOSE BULLET COULD OF BEEN FIRED FROM.

INCONCLUSIVE FORENSIC EVIDENCE

AT TRIAL THE STATE OF SOUTH CAROLINA FORENSIC EXPERT DAN DAFRESE TESTIFIED THAT, THE GUN BARREL MARKINGS ON THE PLAIN LEAD ROUND NOSE GREY BULLET KHALIL SINGLETON WAS SHOT AND KILLED WITH, WERE SO UNNOTICABLE UNTIL HE NEEDED A MICROSCOPE TO VIEW THEM. CONTRADICTORY TO THIS, FORENSIC DAN DAFRESE TESTIFIED THAT THE GUN BARREL MARKINGS FROM THE FULL METAL JACKETED COPPER COATED ALLOY BULLET, WAS SO NOTICABLE YOU COULD VIEW THEM WITH YOUR EYES IN PLAIN VIEW. FORENSIC DAN DAFRESE TESTIFIED THAT BECAUSE THE GUN BARREL MARKINGS ON THE PLAIN LEAD ROUND NOSE GREY BULLET THAT KHALIL SINGLETON WAS SHOT AND KILLED WITH WAS NOT A EXACT IDENTICAL MATCH IN COMPARISON TO THE GUN BARREL MARKINGS ON THE FULL METAL JACKETED COPPER ALLOY BULLET. THAT IT WAS FIRED THRU THE BARREL OF TYRONE ROBINSON GUN, HE COULD

NOT CONCLUSIVELY determine if
 the plain lead round nose grey bullet
 kill singleton was shot and killed
 with. was fired thru the same gun
 barrel ~~that~~ the full metal jacketed
 copper alloy bullet was fired thru.
 from tyronne robinson gun.
 forensic expert dan dafreese testified
 that he needed the gun Khalil singleton
 was shot and killed with, so he could
 test it to determine what kind of gun
 Khalil singleton was shot and killed with.
 forensic expert dan dafreese explained
 in his testimony at trial. That his
 test result ~~on~~ comparison of the
 plain lead round nose grey bullet
 Khalil singleton was shot and killed with
 to the full metal jacketed copper
 alloy bullet that was fired thru the
 gun barrel of tyronne robinson gun
 was inconclusive. Because forensic
 dan dafreese testified that he could
 not make a conclusive determinat-
 ion which means his test result were
 inconclusive. For proof review

BLACKS LAW DICTIONARY
 DEFINITION FOR INCONCLUSIVE
 "Quoting" INCONCLUSIVE:
of evidence not leading to a
CONCLUSION OR definite Result

Britney Brinson Testimony

AT TRIAL BRITNEY BRINSON testified that she saw TYRONE ROBINSON positioned between the utility house and TRAILOR located at 10 ALLEN ROAD walking with two 400Z BOTTLE OF BEERS in all both of his hands. at the immediate time she saw KHALIL SINGLETON running and fall when KHALIL SINGLETON was shot and killed. BRITNEY BRINSON testified that KHALIL was running towards the direction her house was located, which positioned TYRONE ROBINSON to the far right side of the right side of KHALIL SINGLETON body at the immediate time KHALIL SINGLETON was shot and killed.

TABLE SIZE MODEL OF ALLEN ROAD AREA

AT TRIAL THE STATE OF SOUTH CAROLINA submitted a table sized model of the ALLEN ROAD AREA and marsh land road area. That KHALIL SINGLETON was shot and killed at. on the state of south carolina very own table sized model of the ALLEN ROAD AREA. It show and proves that the 10 ALLEN ROAD AREA that BRITNEY BRINSON saw TYRONE ROBINSON positioned at, at the immediate time KHALIL SINGLETON was shot and killed. while running away from the TRAMPOLINE. It positioned over to the far right of the right side of KHALIL SINGLETON

body. That KHALIL SINGLETON was not shot and killed on.

Therefore the direct evidence and circumstantial evidence the state of South Carolina presented at trial proves that TYRONE ROBINSON was positioned to the far right side of the right side of KHALIL SINGLETON body. That KHALIL SINGLETON was not shot and killed on. At the immediate time KHALIL SINGLETON was shot and killed, while running away from the trampline.

PATHOLOGIST TESTIMONY

AT TRIAL THE PATHOLOGIST TESTIFIED THAT KHALIL SINGLETON WAS SHOT AND KILLED WHILE HE WAS IN AN UPRIGHT STANDING RUNNING POSITION.

AT TRIAL THE PATHOLOGIST TESTIFIED THAT THE BULLET ENTRANCE WOUND IS POSITIONED DIRECTLY ON THE LEFT SIDE OF OF KHALIL SINGLETON BODY AND THE BULLET TRAVELED THE PATHWAY FOR KHALIL SINGLETON BODY. OF FROM THE LEFT SIDE OF KHALIL SINGLETON BODY. DIRECTLY ACROSS TO THE RIGHT SIDE OF KHALIL SINGLETON BODY AND THE BULLET WENT STRAIGHT ACROSS FROM LEFT TO THE RIGHT SIDE OF KHALIL SINGLETON BODY, SLIGHTLY UPWARDS AND DID NOT HIT HIS FRONT CHEST BONE OR BACK BONE AREA. THE BULLET WENT STRAIGHT ACROSS DIRECTLY FROM THE LEFT SIDE OF KHALIL BODY, DIRECTLY ACROSS TO THE RIGHT SIDE OF KHALIL SINGLETON BODY.

FORENSIC SCIENCE EVIDENCE

AT TRIAL THE STATE OF SOUTH CAROLINA FORENSIC EXPERT DAN DAFREERE. TESTIFIED THAT THE GREY PLAIN LEAD ROUND NOSE BULLET, THAT KHALIL SINGLETON WAS SHOT AND KILLED WITH, DID NOT HIT ANYTHING AND DID NOT HAVE ANY MARKINGS ON IT THAT WOULD INDICATE, IT RICKERSHAYED OFF OR SOMETHING BEFORE IT STRUCK KHALIL SINGLETON.

FORENSIC SCIENCE EVIDENCE

AT TRIAL FORENSIC EXPERT DAN DAFREERE TESTIFIED. THAT BULLETS TRAVEL A STRAIGHT PATH AND GRAVITY EVENTUALLY PULLS THEM DOWN BUT BULLETS GO STRAIGHT, AND BULLETS DO NOT MAKE U TURNS IN MIDDATA AND BULLETS DO NOT MAKE LEFT AND RIGHT TURNS IN MID AIR.

CONCLUSIVE EVIDENCE

THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE PROVES THAT TYRONE ROBINSON, WAS POSITIONED TO THE FAR RIGHT SIDE OF THE RIGHT SIDE OF KHALIL SINGLETON BODY THAT KHALIL SINGLETON WAS NOT SHOT AND KILLED ON THAT THE BULLET ENTRANCE WOUND IS NOT POSITIONED ON AT THE IMMEDIATE TIME KHALIL SINGLETON WAS SHOT AND KILLED.

The direct evidence and the circumstantial evidence in this case proves that the person who shot and killed Khalil Singleton was positioned over to the left side of the left side of Khalil Singleton body that the bullet entrance wound is positioned on, that Khalil Singleton was shot and killed on, and the bullet traveled the pathway of from left towards right in Khalil body towards Tyrone Robinson direction as the conclusive evidence proves.

The direct evidence and circumstantial evidence from witnesses testimony prove. Khalil Singleton was running towards Britney Robinson residence and the Allen Road area direction, at all times during the time Khalil Singleton was shot and killed.

The direct evidence and circumstantial evidence in this case, proves as a matter of law that it is scientifically impossible for Tyrone Lorenza Robinson to shoot and kill Khalil Singleton from the far right side of the right side of Khalil Singleton body that Khalil Singleton was not shot and killed on that the bullet entrance wound is not positioned on as a matter of law proving Tyrone Lorenza Robinson did not shoot and kill Khalil Singleton and is not guilty of murder of Khalil Singleton.



LEFT side OF BODY KHALIL WAS SHOT AND KILLED ON AUTOPSY REPORT SAID BULLET WENT LEFT TOWARDS LIGHT IN KHALIL BODY

BACK OF KHALIL

FRONT OF KHALIL

NOT GUILTY AS A MATTER OF LAW

RIGHT side OF KHALIL

DIRECTION OF BULLET

PERSON

DIRECTION KHALIL WAS RUNNING TOWARDS BRITNEY BRINSON RESIDENCE AND THE ALLEN ROAD DIRECTION

AS A MATTER OF LAW THIS DIAGRAM SHOW AND PROVE THAT IF SOMEONE IN THE ALLEN ROAD SIDE OF THE ROAD KHALIL SINGLETON WAS FOUND SHOT AND KILLED ON. WOULD OF SHOT TOWARDS THE TRUCK ON MARSHLAND ROAD AND TOWARDS KHALIL SINGLETON WHILE DOING SO. AS SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT AND THE STATE OF SOUTH CAROLINA CHARGED AND ALLEDGE I DID IN THE WRITTEN WRITE UP OF THERE VERY OWN POLICE INCAD-

ent REPORT. THIS DIAGRAM PROVES AS A MATTER OF LAW. THE BULLET WOULD OF HIT KHALIL IN HIS RIGHT SIDE AND TRAVEL THE PATHWAY OF RIGHT TO LEFT IN KHALIL BODY AS SHOWN AND PROVEN IN THE DIAGRAM. THEREFORE AS MATTER OF LAW. THIS DIAGRAM SHOWS AND PROVES THAT IT IS LITERALLY IMPOSSIBLE FOR SOMEONE TO SHOOT FROM THE 8 AND 10 ALLEN ROAD AREA. TOWARDS AARON SENIOR AND AARON JUNIOR TRUCK ON MARSHLAND ROAD. AS SGT. LAUREL ALBERTIN, BEAUFORT COUNTY SHERIFF DEPARTMENT AND THE STATE OF SOUTH CAROLINA CHARGED AND ALLEDGE I DID IN THE WRITTEN WRITE UP OF THERE POLICE REPORT. AND WHILE DOING SO THE SAME BULLET SHOT AND FIRED TOWARDS THE TRUCK AND TOWARDS KHALIL SINGLETON. HIT KHALIL SINGLETON IN HIS LEFT SIDE AND TRAVEL THE PATHWAY OF LEFT TO RIGHT IN KHALIL SINGLETON BODY AS THE CORONER DECIDED IN HIS AUTOPSY REPORT THE BULLET TRAVELED THE PATHWAY OF WHILE KHALIL SINGLETON WAS SHOT AND KILLED IN THE 8 AND 10 ALLEN ROAD AREA WHILE RUNNING TOWARDS BRITNEY BRINSON RESIDENCE AND TOWARDS THE ALLEN ROAD DIRECTION. AS MATTER OF LAW PROVEING I AM NOT GUILTY OF THE CHARGE OF

marshland road that the truck was traveling on.

Bullet traveled left towards right in KHALIL Body

DIRECTION KHALIL WAS RUNNING TOWARDS BRITNEY BRINSON RESIDENCE

Left side of KHALIL he was shot and killed on

DIRECTION KHALIL WAS RUNNING IN TOWARDS ALLEN ROAD

DIRECTION OF BULLET

FRONT OF KHALIL

BACK OF KHALIL

IF TYRONE ROBINSON OR IF SOME ONE FROM ALLEN ROAD AREA SIDE OF THE ROAD KHALIL WAS FOUND SHOT AND KILLED ON. WOULD OF BEEN DIRECTLY IN FRONT OF KHALIL SHOOTING AT THE TRUCK BEFORE KHALIL REACHED THERE LOCATION. THOSE BULLETS WOULD OF BEEN SHOT AWAY FROM KHALIL DIRECTION AND WOULD OF AVOIDED KHALIL COMPLETELY AS SHOWN IN THE DIAGRAM

NOT GUILTY AS A MATTER OF LAW

RIGHT side OF KHALIL



marshland road that the truck was traveling on

Left side of KHALIL
he was shot and killed on

Bullet traveled left
towards right in body

Direction KHALIL was
running in towards
Britney Brinson
residence

Front of
KHALIL

Direction KHALIL was
running in
towards
Allen Road

Back of
KHALIL

Direction
of
Bullet

PERSON

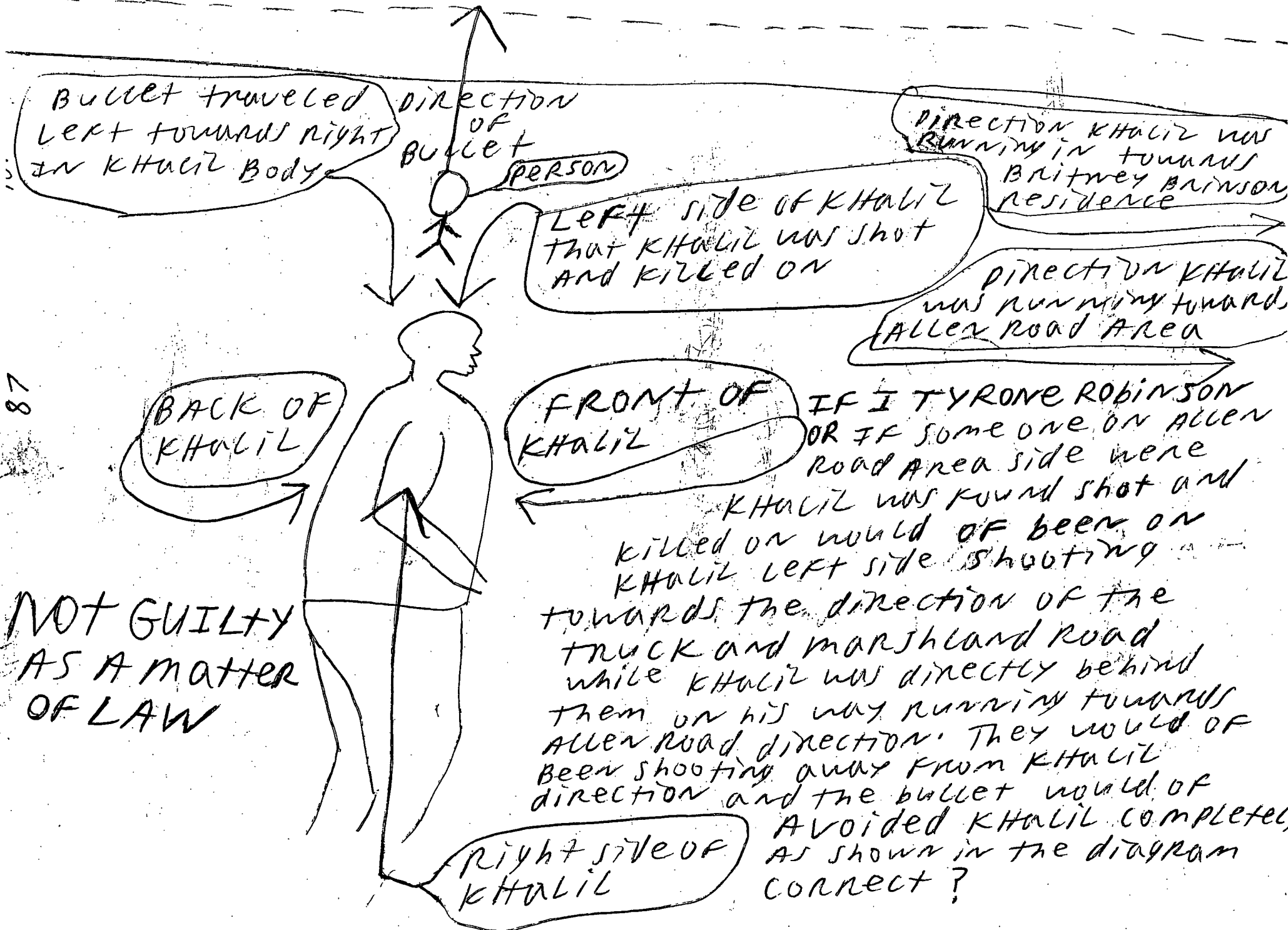
Right side of
KHALIL

NOT GUILTY
AS A MATTER
OF LAW

IF TYRONE ROBINSON OR
IF SOMEONE ON ALLEN ROAD
side of the road KHALIL was shot and
killed on would of been directly
behind KHALIL shooting at the truck
towards the truck and marshland
road. As KHALIL was running away
from them towards Allen road di-
-ction KHALIL was from shot and
killed in. The straight bullet
would of missed KHALIL
completely as shown in
diagram correct?

87

NOT GUILTY
AS A MATTER
OF LAW



marshland road truck was traveling on



Left side of Body
KHALIL was shot and killed on

Bullet traveled
left towards right
in Khalil Body

BACK OF
KHALIL

FRONT OF
KHALIL

NOT GUILTY
AS A MATTER OF
LAW

DIRECTION KHALIL
was running towards
Allen road

DIRECTION KHALIL was
running towards Britney
Brinson residence

RIGHT SIDE OF
KHALIL

DIRECTION
OF
BULLET
PERSON

IF I TYRONE ROBINSON OR
IF SOMEONE ON ALLEN ROAD side of the
road KHALIL was shot and killed on would
of shot at the truck from KHALIL right side
while they were behind KHALIL while KHALIL was
running in direction towards Allen road direction.
the bullet would of missed KHALIL completely
correct?

marshland road the truck was traveling on

Left side of
KHALIL he was
shot and killed on

direction KHALIL
was running in
towards Allen road

IF I TYRONE ROBINSON OR
IF SOMEONE ON ALLEN

road side of the road KHALIL
was shot and killed on
would of shot at the truck
from KHALIL right side
while they were in
front of KHALIL while
KHALIL was running from
gunfire towards Allen
road direction the bullet
would of missed KHALIL
completely as shown
in the diagram

NOT GUILTY
AS A MATTER OF
LAW

direction
of bullet

(PERSON)



Right side
of KHALIL

FRONT OF
KHALIL

BACK
OF
KHALIL

marshland road truck was traveling on

DIRECTION KHALIL WAS
RUNNING IN TOWARDS ALLEN ROAD

DIRECTION KHALIL WAS RUNNING
IN TOWARDS BRITNEY BRINSON RESIDENCE

DIRECTION
OF
BULLET

PERSON

BULLET TRAVELED
LEFT TO RIGHT IN
KHALIL BODY

LEFT SIDE OF
KHALIL, KHALIL
WAS SHOT AND
KILLED ON

FRONT OF
KHALIL

NOT GUILTY
AS MATTER
OF LAW

RIGHT SIDE
OF KHALIL

IF TYRONE ROBINSON
OR IF SOMEONE ON
ALLEN ROAD AREA
SIDE WERE KHALIL
WAS FOUND SHOT AND
KILLED ON WOULD
OF BEEN ON KHALIL
LEFT SIDE TO THE LEFT
OF KHALIL SHOOTING
TOWARDS THE TRUCK AND
MARSHLAND ROAD WHILE
KHALIL WAS BEHIND THEM
RUNNING AWAY FROM THEM
TOWARDS ALLEN ROAD AREA.
THEY WOULD OF BEEN
SHOOTING AWAY FROM KHALIL
DIRECTION AND THE BULLET
WOULD OF AVOIDED KHALIL
COMPLETELY AS SHOWN
IN THE DIAGRAM

BACK
OF
KHALIL



marshland road the truck was traveling on

NOT GUILTY
AS A MATTER OF
LAW

IF TYRONE ROBINSON OR
IF SOMEONE ON ALLEN
ROAD AREA SIDE WERE KHALIL
WAS FOUND SHOT AND KILLED
ON WOULD OF BEEN ON
KHALIL LEFT SIDE
OVER TO THE RIGHT
OF KHALIL SHOOTING
TOWARDS THE TRUCK AND
MARSHLAND ROAD WHILE KHALIL
WAS BEHIND THEM RUNNING
PAST THEM TOWARDS ALLEN
ROAD AREA. THEY WOULD OF
BEEN SHOOTING AWAY FROM
KHALIL DIRECTION AND THE
BULLET WOULD OF AVOIDED
KHALIL COMPLETELY AS SHOWN
IN THE DIAGRAM CORRECT?

NOT GUILTY AS A
MATTER OF LAW

BULLET TRAVELED LEFT
TOWARDS RIGHT IN KHALIL
BODY

DIRECTION

BULLET



PERSON

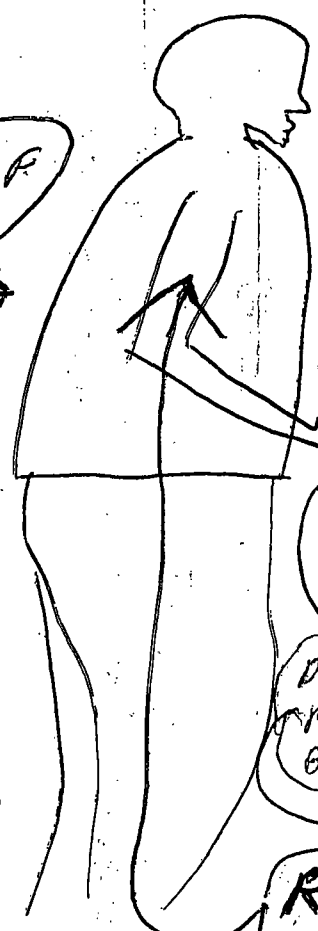
LEFT SIDE OF
KHALIL THAT KHALIL
WAS SHOT AND KILLED
ON

FRONT OF
KHALIL

DIRECTION KHALIL
WAS RUNNING
TOWARDS ALLEN
ROAD AREA

DIRECTION KHALIL WAS
RUNNING TOWARDS TYRONE
ROBINSON RESIDENCE

RIGHT SIDE OF KHALIL
SIMPLETON



BACK OF
KHALIL

A hand-drawn diagram illustrating a crime scene layout. The central figure is a person labeled 'KHALIL'. Arrows point to different parts of their body: 'BACK OF KHALIL', 'FRONT OF KHALIL', and 'RIGHT SIDE OF KHALIL'. Several stick figures are labeled 'PERSON'. Arrows indicate the 'DIRECTION OF BULLET' from various points. A vertical line on the right is labeled 'L. KH. SH. ON. TR. TO. IN. THE. KHO. RUN. TOW. BRI. AND. ROA. IN. ALL. AR. d. AS. S. her. OF. dia.'

Left side of
KHALIL he was
shot and killed
on and bullet
traveled left
towards right
in his body as
the autopsy
report
reveals

THIS DIAGRAM PROVES THERE
IS NO WAY POSSIBLE
I TYRONE ROBINSON OR
SOMEONE ON THE ALLEN
ROAD SIDE OF THE ROAD WERE
KHALIL SINGLETON WAS FOUND
SHOT AND KILLED ON. COULD
OF SHOT KHALIL IN HIS LEFT
SIDE AND THE BULLET TRAVEL
IN KHALIL FROM LEFT TO
RIGHT IN KHALIL BODY AS
THE AUTOPSY REPORT REVEALS
IF THAT PERSON ON ALLEN
ROAD SIDE OF THE ROAD
WOULD OF BEEN SHOOTING
AT THE TRUCK WHILE THE
TRUCK WAS TRAVELING
ON MARSHLAND ROAD.
WHILE KHALIL WAS RUNNING
TOWARDS BRITNEY ROBINSON
RESIDENCE AND ALLEN ROAD

direction in the 8 and 10 Allen Road location
as Sgt. Laurel Albertin determined in
her police report. Proving as a matter
of law that F TYRONE LORENZA ROBINSON
did not shoot and kill KHALIL SINGLETON
and F TYRONE LORENZA ROBINSON am
actually innocent and not guilty
of the charge of murder of KHALIL
Singleton as a matter of law
therefore this court must
agree I am entitled to a
directed verdict of not
guilty as a matter of law.

CONCLUSION

PATHWAY OF BULLET

DIRECTION BULLET TRAVELED FROM TRUCK TOWARDS KHALIL SINGLETON LEFT SIDE THAT KHALIL WAS SHOT AND KILLED ON WHILE RUNNING TOWARDS BRITNEY BRINSON RESIDENCE AND ALLEN ROAD DIRECTION AS THE EVIDENCE PROVES VIEWED IN LIGHT AND FAVOR OF THE STATE OF SOUTH CAROLINA

VIEWING THE EVIDENCE IN THIS CASE IN LIGHT AND FAVOR OF THE STATE OF SOUTH CAROLINA AS MATTER OF LAW THE EVIDENCE PROVES THAT THE BULLET THAT KHALIL SINGLETON WAS SHOT AND KILLED WITH - WAS SHOT AND FIRED BY SOMEONE IN THE TRUCK AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WAS DRIVING, WHO SHOT A BULLET TOWARDS THE DIRECTION

LEFT SIDE OF KHALIL HE WAS SHOT AND KILLED ON AND THE BULLET PATHWAY WENT LEFT TO RIGHT IN KHALIL BODY

TION OF KHALIL SINGLETON LEFT SIDE, AND SHOT KHALIL IN HIS LEFT SIDE THAT KHALIL WAS SHOT AND KILLED ON AND THE BULLET TRAVELED THE PATHWAY OF LEFT TO RIGHT IN KHALIL BODY AS THE AUTOPSY REPORT REVEALS WAS DETERMINED AT AUTOPSY. WHILE KHALIL WAS RUNNING TOWARDS BRITNEY BRINSON RESIDENCE AND ALLEN ROAD DIRECTION

DIRECTION KHALIL WAS RUNNING IN TOWARDS BRITNEY BRINSON RESIDENCE AND ALLEN ROAD DIRECTION

WHILE KHALIL SINGLETON LEFT SIDE WAS

FACING TOWARDS THE DIRECTION OF THE TRUCK

AARON SENIOR AND AARON JUNIOR

WAS DRIVING AND MARSHALL ROAD. WHILE KHALIL SINGLETON WAS RUNNING TOWARDS DIRECTION OF BRITNEY BRINSON RESIDENCE AND ALLEN ROAD. PROVEING AS MATTER OF LAW THAT T. TYRONE LORENZO ROBINSON DID NOT SHOOT AND KILL KHALIL SINGLETON AND I AM

ACTUALLY INNOCENT AND NOT GUILTY AS A MATTER OF LAW THERE

BACK OF KHALIL

FRONT OF KHALIL

RIGHT OF KHALIL

93.

42

CONFESSON

AT TRIAL POLICE SGT. LAUREL ALBERTI-
 -N testified that ARONSCOTT YOUNG
 JUNIOR confessed to her "quoteing"
IF we would OF never went down
there the LIL boy would OF never
died by ARON SCOTT YOUNG JUNIOR
 VERY OWN CONFESSON. ARONSCOTT
 YOUNG JUNIOR CONFESSED, THAT HE AND
 ARONSCOTT YOUNG SENIOR VERY OWN
 actions. OF DRIVING FROM THERE NEI-
 -GHBORHOOD ON 17 OLD WILD HORSE ROAD.
 to go ACT AGAINST ATTACK CONSPIRE
 and TRY to shoot KILL and MURDER
 TYRONE ROBINSON WITH a deadly
 WEAPON ON ALLEN ROAD. IS THE
 ONGOING FELONY OF CONSPIRACY to
 MURDER TYRONE ROBINSON. THAT KHAL-
 -IL SINGLETON death IS a PROXIMATE
 RESULT THERE OF.

1ST ACT OF RETREAT FROM BEING ATTACKED BY ATTACKERS

THE CONCLUSIVE EVIDENCE IN THIS CASE
 PROVES. THAT TYRONE ROBINSON RETREAT-
 -ED FROM ARONSCOTT YOUNG JUNIOR,
 and ARONSCOTT YOUNG SENIOR ON 17
 OLD WILD HORSE ROAD. TO AVOID AN
 ALTERCATION and TO AVOID FROM BEING
 SHOT and KILLED by ARONSCOTT YOUNG
 SENIOR and ARONSCOTT YOUNG JUNIOR who
 WERE ACTING AGAINST TYRONE ROBINSON
 and ATTACKING TYRONE ROBINSON AS THE
 CONCLUSIVE EVIDENCE PROVES.

2nd Act 95
OF RETREAT FROM BEING ATTACKED
BY ATTACKERS

THE CONCLUSIVE EVIDENCE IN THIS CASE PROVES THAT TYRONE ROBINSON RETREATED FROM AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR ON OAKVIEW ROAD, TO AVOID FROM BEING SHOT AND KILLED IN HIS CAR BY ATTACKERS AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, WHO WERE ACTING AGAINST, AND ATTACKING AND CONSPIRING AND TRYING TO SHOOT KILL AND MURDER TYRONE ROBINSON

3rd Act
OF RETREAT FROM BEING ATTACKED
BY ATTACKERS

THE CONCLUSIVE EVIDENCE IN THIS CASE PROVES, THAT TYRONE ROBINSON RETREATED FROM AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR ON ALLEN ROAD, TO AVOID FROM BEING SHOT AND KILLED BY AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR, WHO WERE ACTING AGAINST TYRONE ROBINSON. THE CONCLUSIVE EVIDENCE IN THIS CASE PROVES,

4th Act
OF RETREAT FROM BEING ATTACKED
BY ATTACKERS

AT TRIAL WITNESS CHARLESE JACKSON TESTIFIED, THAT SHE HEARD GUN SHOOTING AND THEN TYRONE ROBINSON CAME TO HER HOUSE AND SAID MAN THEY SHOOTING AT ME.

CONCLUSIVE
EVIDENCE

THE CONCLUSIVE EVIDENCE IN THIS CASE PROVES THAT TYRONE LORENZA ROBINSON WAS HIDING AND RUNNING AWAY FROM AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR, TO AVOID FROM BEING SHOT AND KILLED. PROVEING, THAT TYRONE ROBINSON WAS NOT CONSPIRING AND TRYEN TO MURDER HIMSELF AS THE CONCLUSIVE EVIDENCE PROVES.

THEREFORE AS A MATTER OF LAW THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE PROVES THAT KHALIL SINGLETON DEATH IS A PROXIMATE RESULT OF THE ONGOING DANGEROUS FELONY, OF CONSPIRACY TO MURDER TYRONE ROBINSON WITH A DEADLY WEAPON. THAT AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR WERE COMMITTING AGAINST TYRONE ROBINSON. PROVEING THAT KHALIL SINGLETON DEATH IS A PROXIMATE RESULT OF AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR ACTIONS. THEREFORE THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE DISPROVES THE 2TH ELEMENT TO THE FELONY MURDER RULE. PROVEING TYRONE ROBINSON IS NOT GUILTY OF FELONY MURDER BY THE FELONY MURDER RULE.

AT TRIAL THE JUDGE CHARGED AND INSTRUCTED THE JURY ON THE UNINTENDED THEORY AND CRIME OF COMMON LAW MURDER BY THE UNINTENDED

Theory of the doctrine of Transferred Intent That The Grand Jury did not indict Tyrone Robinson on.

However ~~AS A~~ matter of law the direct evidence and circumstantial evidence in this case proves that Tyrone Lorenza Robinson was not in the process and commission of committing a ongoing dangerous felony along with Aaron Scott Young senior and Aaron Scott Young junior that caused Khalil Singleton to be shot and killed that Khalil Singleton death is a proximate result thereof, as charged and alleged inside of the written write up of Indictment # 2012-GS-07-1935. Therefore as a matter of law the direct evidence and circumstantial evidence in this case proves that Tyrone Robinson is not guilty of the particular description and charge of murder. That is charged and alleged against Tyrone Robinson inside of the written write up of Indictment # 2012-GS-1935 that Tyrone Robinson was indicted on and tried on before the jury at trial. Therefore Tyrone Robinson is entitled to his redirected ~~verdict~~ verdict of not guilty as a matter of law based on these facts. For proof review case law merits

The State vs. Ted Lee Heath 635

S.E. 2d 18 "Quoting" 98.

A defendant is entitled to a directed verdict when the state fails to present evidence of the offense charged. In determining whether the trial court erred in denying a motion for directed verdict the appellate court must view the evidence in light most favorable to the state.

CONCLUSION
Accordingly, we reverse appellant's conviction because the state failed to establish an essential element of the crime charged.

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA
OPINION NO. 26975 "Quoting"
IN SOUTH CAROLINA IT IS A RULE OF
UNIVERSAL OBSERVANCE IN ADMINIST-
-ERING THE CRIMINAL LAW THAT A
DEFENDANT MUST BE CONVICTED OF
CONVICTED AT ALL, OR THE PARTICULAR
OFFENSE CHARGED IN THE BILL OF
INDICTMENT. A MATERIAL VARIANCE
BETWEEN CHARGE AND PROOF ENTITLES
THE DEFENDANT TO A DIRECT VERDICT.

CASE LAW MERITS

STATE VS. PATTERSON 335 S.E. 2d 800 (1985)
"Quoting"

HAD IT FURTHER CONCLUDED THAT
THE STATE FAILED TO ESTABLISH BEYOND
A REASONABLE DOUBT THAT A HOMICIDE
WAS A NATURAL OR PROBABLE CONSEQUENCE
- OF A PLAN TO STEAL THE VICTIM
CAR. THE APPELLANT WOULD HAVE

been entitled to an acquittal on the charge of murder. It was therefore essential under the facts and circumstances of this case that the jury be instructed that it had to find that the homicide was a natural or probable consequence of the acts actually agreed on by the appellant, before the law would hold him responsible for such a homicide. The failure of the trial judge to instruct was error.

SPECULATION

At trial the judge charged the jury and instructed the jury that the jury must decide this case on the direct evidence that is presented to them in this case.

The trajectory of the bullet and direct evidence and circumstantial evidence in this case, proves that it is literally impossible for Tyrone Robinson to shoot and kill Khalil Singleton and prove Tyrone Robinson is not guilty of murder of Khalil Singleton that is charged in the written write up of indictment # 2012-GS-07-1935 as a matter of law.

At closing argument the state of South Carolina prosecuting solicitor T. J. Stone confessed to the

JURY. That the direct evidence and circumstantial evidence in this case do prove that it would of been impossible for TYRONE ROBINSON to shoot and kill KHALIL SINGLETON solicitor ISSAC MC-DUFFIE stone stated "quote" IT WOULD OF BEEN IMPOSSIBLE FOR TYRONE ROBINSON to shoot and kill KHALIL SINGLETON

Then solicitor ISSAC MC-DUFFIE stone speculated his own opinion and unindicted theory and false material fact to the jury. That the direct evidence and circumstantial evidence in this case proves did not occur. by solicitor MC-DUFFIE stone speculating to the jury "quote" A grown up will go in one direction but a child will go in two ways what if KHALIL SINGLETON might of been thinking I left my four wheeler and went back for his four wheeler and got shot and killed like that.

As a matter of law the direct evidence and circumstantial evidence in this case proves. That KHALIL SINGLETON ran away from the trampaline in one direction only in one way only towards the direction of Allen road and BRITNEY BRINSON residence. As a matter of law the direct evidence and circumstantial evidence proves. That when KHALIL SINGLETON ran

away from the trampoline Khalil Singleton absolutely did not turn around and come back to the trampoline for his four wheeler, or for any other reason at all.

As a matter of law witness Britney Brinson testimony and the direct evidence and circumstantial evidence in this case proves that Tyrone Robinson was positioned in the 8 and 10 Allen Road Area. To the

far right side of the right side of Khalil Singleton body that Khalil Singleton was not shot and killed on, at the immediate time Khalil Singleton was shot and killed, while running away from the trampoline towards Allen Road and Britney Brinson House direction only as the state of South Carolina very

on witnesses testified to at trial. As a matter of law the direct evidence and circumstantial evidence in this case proves that it is literally impossible for Tyrone Lorenzo Robinson to shoot and kill Khalil Singleton, as the state of South Carolina very own

Solicitor Mc. Duffie Stone Confessed to At Trial in his closing Argument to the Jury.

As a matter of law proving by the state of South Carolina Solicitor Mc. Duffie Stone very own Confess-

- ION. That if solicitor Mc. Puffie Stone would or not had speculated to the jury at trial in his closing argument and mislead the jury to speculate - on his personal **OPINION** and false material fact. That the direct evidence and the circumstantial evidence in this case prove never occurred. The jury would or had to find TYRONE LORENZ ROBINSON not guilty of murder or

KHALIL SINGLETON. Because as matter of law the direct evidence and circumstantial evidence in this case proves that it is literally impossible for TYRONE ROBINSON to shoot and kill KHALIL SINGLETON and TYRONE is not guilty as a matter of law.

However in the state of South Carolina the law is. That a person can **NOT** be found guilty on speculation. However it is obvious that the solicitor got the jury to speculate on his speculated false material fact and got the jury to find TYRONE ROBINSON guilty on his speculated false material fact after the state of South Carolina solicitor ISSAC Mc. Puffie Stone confessed to the jury himself "Quote" It would of been impossible for TYRONE ROBINSON to shoot and kill KHALIL SINGLETON

therefore because the state of South Carolina solicitor ISSAC Mc. Puffie Stone speculated to the jury and got the jury to find TYRONE ROBINSON guilty on speculation

ON A FALSE MATERIAL FACT. THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE PROVES NEVER DID OCCURED.

AS A MATTER OF LAW THE STATE OF SOUTH CAROLINA AND SOLICITOR TSWIAK MC. DUFFIE STONE, HAS FAILED TO PROVE THERE CASE BEYOND A REASONABLE DOUBT.

ALSO BECAUSE THE JURY FOUND TYRONE ROBINSON GUILTY ON SPECULATION AND A FALSE MATERIAL FACT THE STATE OF SOUTH CAROLINA SOLICITOR TSWIAK MC. DUFFIE STONE SPECULATED TO THEM.

AS A MATTER OF LAW THIS COURT MUST GRANT TYRONE LORENZO ROBINSON HIS MOTION FOR A REDIRECTED VERDICT OF NOT GUILTY AND VACATE TYRONE ROBINSON CONVICTION AND PRISON SENTENCE. FOR PROOF REVIEW

CASE LAW MERITS

VIRGINIA COURT OF APPEALS CASE LAW OF
MONTRQUE LITTLE JOHN VS. COMMONWEALTH
OF VIRGINIA "QUOTE" CONVICTION CAN NOT
REST ON SPECULATION AND CONJECTURE ACC-
ORDINELY WE REVERSE THE CONVICTIONS

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA CASE LAW
OF
STATE VS. SCHROCK 322 S.E.2D 450 "QUOTE"
THE EVIDENCE PRESENTED MAY RAISE A SUSPICION
OF SCHROCKS GUILTY BUT IT DOES NOT POINT CONCLUS-
IVELY, NOR TO A MORAL CERTAINTY, NOR BEYOND
A REASONABLE DOUBT, TO HIS GUILT. FROM THE
RECORD BEFORE US WE CAN REACH NO OTHER
CONCLUSION BUT THAT SCHROCK WAS
ENTITLED TO A DIRECTED VERDICT OF NOT
GUILTY BASED ON THE LACK OF EVIDENCE

UNINDICTED THEORY AND CRIME OF COMMON LAW MURDER by UNINDICTED THEORY OF THE DOCTRINE OF TRANSFERRED INTENT

IN ORDER TO PROSECUTE AND CONVICT
A PERSON FOR MURDER BY THE UNIND-
-ICTED THEORY OF THE DOCTRINE OF
TRANSFERRED INTENT. THE JURY MUST
DETERMINE THE STATE OF MIND THE PER-
-SON IS IN WHICH REQUIRE THE ELE-
-MENT OF TRANSFERRED INTENT. THAT
IS NOT A ELEMENT TO THE THEORY OF
THE FELONY MURDER RULE TYRONE ROBINSON
WAS INDICTED ON.

IN ORDER TO TRY MURDER BY THE UNINDICTED
THEORY OF THE DOCTRINE OF TRANSFERRED
INTENT. THE STATE OF SOUTH CAROLINA MUST
ALLEGED THE DEFENDANT ACTUALLY SHOT AND
KILLED SOMEBODY IN THE INDICTMENT THE DEF-
-ENDANT IS INDICTED ON.

HOWEVER IN ORDER TO TRY A DEFENDANT
ON FELONY MURDER BY THE FELONY MURDER
RULE. THE INDICTMENT MUST ALLEGED
THAT THE DEFENDANT ACTING ALONG WITH
SOMEONE ELSE OR MORE PEOPLE. WHILE CONSP-
-IRING TOGETHER IN THE PLOT AND COMMIT-
-SION OF A DANGEROUS FELONY. DID CAUSE
SOMEONE TO BE KILLED AND THE PERSON
DEATH IS A PROBABLE OR NATURAL CONSEQU-
-ENCE OF THE FELONY THE DEFENDANTS WERE
CONSPIRING TOGETHER TO COMMIT.

THEREFORE AS A MATTER OF LAW THE UNIND-
-ICTED THEORY AND CRIME OF COMMON LAW
MURDER BY THE UNINDICTED THEORY OF THE
DOCTRINE OF TRANSFERRED INTENT. IS A
TOTALLY DIFFERENT THEORY, CRIME AND OFFENSE

That requires totally different elements and aggravating circumstances to prove, in order to convict a person on. That are totally different from the theory and crime of FELONY murder by the felony murder rule - for proof review case law merits

ROBERT DELA ROSA VS. JAMES A. LYNAGH
817 F.2d 259 (5th Cir. 1987) "Quoting"
The state prosecuted de la Rosa for the murder of Rodriguez under a theory of transferred intent and concluded during oral argument that the jury necessarily based its verdict on transferred intent. Further quoting p. 9, 262
The court also instructed the jury on all included offenses under a theory of transferred intent. Under the states transferred intent theory, the jury's inquiry was de la Rosa's conduct and intent toward Lee when both shots were fired. The fact that de la Rosa missed and struck a bystander with one shot allows his state of mind towards his intended victim to be transferred to the actual victim. Further quoting p. 9, 263.

The relevant inquiry in both cases, due to the states use of transferred intent, is what de la Rosa's state of mind was towards Lee at two different points in time. In other words did de la Rosa fire at Lee with intent to kill Lee once with adequate cause for sudden passion further "quoting" p. 9, 268

In light of the pleadings, evidence, charge to the jury, and argument of counsel we have determined that the jury verdict in the Rodriguez case, under a theory of transferred intent, necessarily determined that de la Rosa was acting

as a result of sudden passion arising from an adequate cause in firing the volley of shots which killed both victims.

AS A MATTER OF LAW THE UNINDICTED THEORY AND CRIME OF COMMON LAW MURDER BY THE UNINDICTED THEORY OF DOCTRINE OF TRANSFERRED INTENT IS NOT A LESSER INCLUDED OFFENSE TO FELONY MURDER BY THE FELONY MURDER RULE.

AS A MATTER OF LAW THE UNINDICTED THEORY AND CRIME OF COMMON LAW MURDER BY THE UNINDICTED THEORY OF THE DOCTRINE OF TRANSFERRED INTENT IS NOT A LESSER INCLUDED OFFENSE TO THE THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE.

BECAUSE THE UNITED STATES SUPREME COURT HAS DECIDED, THAT THE PARTICULAR THEORY AND CRIME OF FELONY MURDER BY THE FELONY MURDER RULE, IS A DISTINCT OFFENSE THAT DOES NOT HAVE A LESSER INCLUDED OFFENSE TO IT, FOR PROOF REVIEW

CASE LAW MERITS

UNITED STATES SUPREME COURT OF AMERICA CASE LAW OF

GREEN VS. U.S. 78 S. CT 221 "QUOTEING"

GREEN PLEA OF FORMER JEOPARDY DOES NOT REST ON THE FIRST TRY'S REFUSAL TO FIND HIM GUILTY OF FELONY MURDER. IT IS IMMATERIAL WHETHER SECOND DEGREE MURDER IS A LESSER OFFENSE INCLUDED IN A CHARGE OF FELONY MURDER

OR NOT.

THE VITAL THING IS THAT IT IS A
DISTINCT AND DIFFERANT OFFENSE.
IF ANYTHING THE FACT THAT IT CAN
NOT BE CLASSIFIED AS A LESSER
INCLUDED OFFENSE UNDER THE
CHARGE OF FELONY MURDER BUTTNESES
OUR CONCLUSION THAT GREEN WAS
UNCONSTITUTIONALLY TWICE PLACED
IN JEOPARDY.

AMERICAN COURTS
 have held with uniformity that where
 a defendant is charged with two
 offenses included within the others
 and has been found guilty on one
 but not the second he can not be
 tried again on the second even
 though he secures reversal on the
 conviction and even though the
 two offenses are related offenses
 charged in the same indictment
 reversed.

NOT GUILTY AS
 A MATTER OF LAW ON
 INDICTMENT # 2012-GS-07-1935
 AND THEORY AND CRIME OF FELONY
 MURDER BY THE FELONY MURDER
 RULE. THAT TYRONE ROBINSON WAS
 INDICTED ON AND TRIED BEFORE THE
 JURY ON INDICTMENT # 2012-
 -GS-07-1935

Because The JURY FOUND TYRONE ROBIN-
 -SON GUILTY ON THE UNINDICTED
 THEORY AND CRIME OF COMMON LAW
 MURDER BY THE UNINDICTED THEORY
 OF THE DOCTRINE OF TRANSFERRED
 INTENT. THAT THE GRAND JURY DID NOT
 INDICT TYRONE ROBINSON ON, AND THE
 GRAND JURY DID NOT ISSUE AN INDICTM-
 -ENT CHARGING TYRONE ROBINSON WITH
 AS A MATTER OF LAW THE JURY FOUND
 TYRONE ROBINSON "NOT GUILTY"
 ON INDICTMENT # 2012-GS-07-1935 AND
 AS MATTER OF LAW THE JURY FOUND TYRONE
 ROBINSON NOT GUILTY ON THE PARTIC-
 -ULAR CRIME AND OFFENSE OF FELONY
 MURDER BY THE FELONY MURDER RULE THEORY
 THAT TYRONE ROBINSON WAS TRIED ON
 BEFORE THE JURY AT TRIAL ON INDICTMENT
 # 2012-GS-07-1935

Because AS A MATTER OF LAW THE VERDICT
 OF GUILTY ON THE UNINDICTED THEORY
 AND CRIME OF COMMON LAW MURDER
 BY THE UNINDICTED THEORY OF THE
 DOCTRINE OF TRANSFERRED INTENT. THAT THE
 GRAND JURY DID NOT INDICT TYRONE ROBIN-
 -SON ON AND THE GRAND JURY DID NOT ISSUE
 A INDICTMENT AGAINST TYRONE ROBINSON
 FOR IS THE EQUIVALENT TO A FINDING
 OF NOT GUILTY BY THE JURY ON INDICTM-
 -ENT # 2012-GS-07-1935 AND THE PARTIC-
 -ULAR CRIME AND OFFENSE OF FELONY
 MURDER BY THE FELONY MURDER RULE
 THEORY ONLY. THAT TYRONE ROBINSON

was tried on before the jury at trial on indictment # 2012-GS-07-1935.

Because the jury silence and failure to decide on the particular crime and offense and theory of felony murder by the felony murder rule theory. That Tyrone Robinson was arrested on, indicted on and tried before the jury at trial on, on indictment # 2012-GS-07-1935. It implied as and constitutes implied "ACQUITTAL" for Tyrone Robinson on indictment # 2012-GS-07-1935 and the statutory 16-03-0010 felony murder by the felony murder rule theory. That's charged and alleged inside of the written write up of indictment # 2012-GS-07-1935 that Tyrone Robinson was indicted on and tried on before a jury at trial. FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA
CASE LAW OF.
THE STATE VS. LOUIS ENGLISH FULLER
552 S.E.2d 282 CASE NO: 25334 "QUOTING"
IF ACCESSORY AFTER THE FACT IS NOT
CHARGED IN THE INDICTMENT, BUT IS
INSTRUCTED TO CLARIFY mere PRESENCE,
A FINDING OF ACCESSORY AFTER THE FACT
IS THE "EQUIVALENT TO A FINDING OF NOT
GUilty"

THE REAL IMPACT OF THE INSTRUCTION IS THAT IT PERMITS THE JURY TO REACH A COMPROMISE VERDICT ON A NON-CHARGED OFFENSE. MORE-OVER, TO REQUIRE AN ACCESSORY INSTRUCTION OF THESE FACTS OPENS THE DOOR FOR EVERY CRIMINAL DEFEND-

- ant to create a lesser-included offense for which they could not be convicted.
Appellant was not entitled to a charge on Accessory after the fact. First he was not entitled to the charge because he was not indicted as an accessory and accessory after the fact is not a lesser-included offense to murder.

CASE LAW MERITS

4th CIRCUIT COURT OF APPEALS CASE LAW OF.
LIVINGSTON VS. MURDAUGH 183 S.E.2d 300, 301 (4th CIR. 1999). "QUOTE IN"
DOUBLE JEOPARDY - BAR TO RETRIAL FOR RECKLESS HOMICIDE CHARGE AFTER JURY CONVICTED DEFENDANT FOR FELONY DUE BECAUSE JURY SILENCE ON RECKLESS HOMICIDE WAS IMPLIED
AQUITTAL

Based on the facts explained the trial judge erred by refusing to award Thorne Robinson a redirected verdict of NOT GUILTY.

IN SOUTH CAROLINA IT IS A RULE OF UNIVERSAL OBSERVANCE IN ADMINISTERING THE CRIMINAL LAW THAT A DEFENDANT MUST BE CONVICTED IF CONVICTED AT ALL OF THE PARTICULAR CHARGE ACCUSED IN THE BILL OF INDICTMENT.
A MATERIAL VARIANCE BETWEEN CHARGE AND PROOF ENTITLES THE DEFENDANT TO A DIRECTED VERDICT OF NOT GUILTY.
WHEN AN INDICTMENT FACIALLY CHARGES A COMPLETE OFFENSE AND THE STATE PRESENTS EVIDENCE WHICH CONVICTS UNDER

a different Theory than that alleged in the indictment. A conviction under latter circumstances violates principles of due process because the state has failed to prove beyond a reasonable doubt every fact necessary to constitute the crime with which a defendant was charged. A material variance that violates a defendant's substantial right to be tried only on charges presented in an indictment constitutes a fatal error and warrants a reversal on an appeal of a judgment of conviction of the offense not alleged in the indictment. For proof review case law of. LUCAS BAILEY vs. state of south carolina opinion no. 26975

Based on the facts explained & tyronne Robinson am entitled to my request for a redirected verdict of NOT GUILTY on indictment # 2012-GS-07-1935 and the particular theory and offense of felony murder by the felony murder rule # was indicted on and tried on before the jury at trial on indictment # 2012-GS-07-1935 and this court must vacate my conviction and prison sentence I received for the unindicted theory and crime of common law murder by the unindicted theory of the doctrine of transferred intent. That the grand jury did not indict me on and that's "NOT" charged or alleged inside of the written write up of indictment # 2012-GS-07-1935 therefore this court at this time must -

GRANT & THORNE LORENZA ROBINSON my request
and motion for a redirected verdict of
NOT GUILTY and vacate my conviction
and prison sentence I received for
the unfelicted theory and crime of
common law murder by the doctrine
of transferred intent that the grand
jury did not indict me on and the grand
jury did not issue a indictment charge-
ing me with. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA

CASE LAW MERITS OF.

LUCAS BAILEY VS. STATE OF SOUTH CAROLINA
OPINION NO. 26975 "QUOTING"

IN SOUTH CAROLINA IT IS A RULE OF UNIVERSAL
OBSERVANCE FOR ADMINISTERING THE CRIMINAL
LAW THAT A DEFENDANT MUST BE CONVICTED
IF CONVICTED AT ALL, OF THE PARTICULAR OFF-
ENSE CHARGED IN THE BILL OF INDICTMENT
A MATERIAL VARIANCE BETWEEN CHARGE AND
PROOF ENTITLES THE DEFENDANT TO A DIRECT
VERDICT.

ONE OF THE TWO WAYS AN INDICTMENT CAN BE
IMPROPERLY MODIFIED IS THROUGH A VARIANCE
WHEREBY THE CHARGING TERMS OF THE IND-
ICTMENT ARE LEFT UNALTERED BUT THE
EVIDENCE AT TRIAL PROVES FACTS MATERIALLY
DIFFERENT FROM THOSE ALLEGED IN THE
INDICTMENT."

WHEN THE INDICTMENT FACIALLY CHARGES A
COMPLETE OFFENSE AND THE STATE PRESENTS
EVIDENCE WHICH CONVICTS UNDER A DIFF-
FERENT THEORY THAN THAT ALLEGED, A
CONVICTION UNDER LATTER CIRCUMSTANCES
VIOLATES PRINCIPLES OF DUE PROCESS

BECAUSE THE STATE HAS FAILED TO PROVE BEYOND
A REASONABLE DOUBT EVERY FACT NECESSARY
TO CONSTITUTE THE CRIME WITH WHICH A DEFEN-
DANT WAS CHARGED, A MATERIAL VARIANCE
THAT VIOLATES A DEFENDANT'S SUBSTANTIAL
RIGHT TO BE TRIED ONLY ON CHARGES PRESE-
NTED IN AN INDICTMENT CONSTITUTES

FATAL ERROR AND WARRANTS A REVERSAL
ON AN APPEAL OF A JUDGEMENT OF CON-
-VICTION OF THE OFFENSE NOT ALLEGED
IN THE INDICTMENT.

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA CASE
 LAW OF
 THE STATE VS. TED LEE HEATH 635 S.E.2d
 18 "QUOTEING"

A DEFENDANT IS ENTITLED TO A DIRECTED
 VERDICT WHEN THE STATE FAILS TO
 PRESENT EVIDENCE OF THE OFFENSE
 CHARGED. IN DETERMINING WHETHER
 THE TRIAL COURT ERRED IN DENYING
 A MOTION FOR DIRECTED VERDICT THE
 APPELLATE COURT MUST VIEW THE
 EVIDENCE IN THE LIGHT MOST FAVOR-
 ABLE TO THE STATE

CONCLUSION

ACCORDINGLY, WE REVERSE APPELL-
 -ANTS CONVICTION BECAUSE THE STATE
 FAILED TO ESTABLISH AN ESSENTIAL
 ELEMENT OF THE CRIME CHARGED

CASE LAW MERITS

SUPREME COURT OF SOUTH CAROLINA CASE
 LAW OF
 STATE VS. PATERSON 335 S.E.2d 800 (1985)
 "QUOTEING"

HAD IT FURTHER CONCLUDED THAT THE
 STATE FAILED TO ESTABLISH BEYOND A
 REASONABLE DOUBT THAT A HOMICIDE
 WAS A NATURAL OR PROBABLE CONSEQU-
 -ENCE OF A PLAN TO STEAL THE VICTIM'S
 CAR. THE APPELLANT WOULD HAVE BEEN
 ENTITLED TO AN ACQUITTAL ON THE CHAR-
 -GE OF MURDER. IT WAS THEREFORE
 ESSENTIAL UNDER THE FACTS AND CIRCUM-
 -STANCES OF THIS CASE THAT THE JURY

be instructed that it had to find that
the homicide was a natural proba-
-ble consequence of the acts actua-
-lly agreed on by the appellants
before the law would hold him
responsible for such a homicide.
The failure of the trial judge
to instruct was error.

ISSUE APPEARED

TRIAL JUDGE COMMITTED FATAL ERROR
 BY FAILING TO AWARD TYRONE ROBINSON
 A DIRECT VERDICT OF NOT GUILTY AND
 OR A REDIRECTED VERDICT OF NOT
 GUILTY. ON JURY CHARGE FOR SELF
 DEFENSE. BECAUSE THE STATE OF SOUTH
 CAROLINA FAILED TO DISPROVE
 AT LEAST ONE ELEMENT TO THE TRIAL
 JUDGE JURY CHARGE OF SELF DEFENSE
 AS A MATTER OF LAW

1ST ELEMENT
 PROVEING A CLAIM OF SELF DEFENSE
 AS A MATTER OF LAW IS:

TYRONE WAS WITHOUT FAULT IN
 BRINGING ON THE DIFFICULTY.
 IN THE CASE OF STATE VS. TAYLOR 589
 S.E. 2d 2 "QUOTEING" IF THE DEFEND-
 -ANT IS ENGAGED IN MUTUAL COMBAT
 SELF DEFENSE IS UNAVAILABLE
 UNLESS THE DEFENDANT WITHDRAWS
 FROM THE CONFLICT BEFORE THE
 KILLING OCCURES

1ST ACT OF WITHDRAWAL

THE UNDISPUTABLE EVIDENCE IN THIS
 CASE PROVES THAT TYRONE ROBINSON
 WITHDRAWN FROM THE SITUATION
 ON 17 OLD WILD HORSE ROAD, BY DOING
 SO TYRONE ROBINSON FLED FROM AARON
 SENIOR AND AARON JUNIOR ON 17 OLD WILD
 HORSE ROAD, AND FLED INTO HIDING AT
 HIS COUSIN MELVIN HOUSE ON OAKVIEW
 ROAD WHERE HE WAITED IN HIDING
 FOR 15 TO 20 MINUTES FOR THE DANGER
 AARON SENIOR AND AARON JUNIOR

posed to pass. Then TYRONE called his cousin cedrick and asked him if he could come hide out to his house to avoid and hide from Aaron senior and Aaron junior to avoid a altercation with Aaron senior and Aaron junior. Also to avoid from being shot and killed, and murdered by Aaron Scott Young junior. proving that thru his actions TYRONE had communicated that he had withdrawn from the situation on 17 Old Wild Horse Road. far before KHALIL SINGLETON was shot and killed. proving that TYRONE Robinson was without fault in bringing on the difficulty.

CONFESSION

proving Aaron Scott Young senior and Aaron Scott Young junior were at fault in bringing on the difficulty. AT TYRONE ROBINSON TRIAL POLICE INVESTIGATOR SGT. LAMAR ALBERTIN testified in TYRONE defense that Aaron Scott Young junior confessed to her "Quote"
IF we would of never went down there The lil boy would of never died

Aaron Scott Young junior through this confession confessed that he Aaron junior and his father Aaron Scott Young senior. Actions caused KHALIL SINGLETON to be shot and is responsible for KHALIL SINGLETON

being shot and killed and brought on the difficulty that Khalil Singleton death is a natural and probable consequence of by the conclusive evidence Aaron Scott Young Junior very own confession. Proves Tyrone Robinson is without fault in bringing on the difficulty. As a matter of law satisfying the first element for claim of self defense.

2nd AND 3rd
ELEMENT
proving a claim of self defense as a matter of law is:

2nd ELEMENT

The defendant must have been in actual imminent danger of losing his life or sustaining serious bodily injury or he must have actually believed he was in imminent danger of losing his life or sustaining serious bodily injury. AND THE

3rd ELEMENT

A reasonable prudent person of ordinary firmness and courage would have entertained the same

CONFESSION

At trial police investigator Sgt. Lawrence Albertin testified. That Aaron

SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR CONFESSED TO HER THAT THERE INTENTIONS WERE TO KILL TYRONE ROBINSON.

CONFESSTION

AT TRIAL POLICE INVESTIGATOR SGT. LAUREL ALBERTIN TESTIFIED THAT AARON SCOTT YOUNG JUNIOR CONFESSED TO HER, THAT HE PULLED AND AIMED A GUN AT TYRONE ROBINSON WHILE TYRONE ROBINSON WAS RIDEN IN HIS CAR ON OAKVIEW ROAD AND TRYED TO SHOOT AND KILL TYRONE ROBINSON BUT THE GUN JAMMED.

CONFESSTION

AT TRIAL ATTORNEY JESSICA SAX-ON READ AARON SCOTT YOUNG SENIOR CONFESSTION HE MADE TO SOLICITOR ISSTAC MC. DUFFIE STONE WERE AARON SCOTT YOUNG SENIOR CONFESSED TO PROSECUTING SOLICITOR ISSTAC MC. DUFFIE STONE. THAT IF HE HAD GOT THE CHANCE TO HE WAS GONE KILL TYRONE ROBINSON.

CONFESSTION

AT TRIAL POLICE SGT. LAUREL ALBERTIN TESTIFIED THAT AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR CONFESSED TO HER THAT THEY WERE RIDING AROUND TRYING TO FIND TYRONE ROBINSON FOR THE PURPOSE OF KILLING TYRONE ROBINSON.

CONFESSIO

AT TRIAL JONTY STAMPLETON JUNIOR testified that he AARONSCOTT YOUNG SENIOR and AARONSCOTT YOUNG JUNIOR went Riden AROUND WITH A GUN TRYEN TO FIND TYRONE ROBINSON TO SHOOT AND KILL TYRONE ROBINSON

CONFESSIO

AT TRIAL CHARLESE JACKSON testified that she heard gun shooting going on. Then TYRONE ROBINSON came to her house and said man they shooting at me.

CONFESSIO

AT TRIAL TYRONE DELANEY testified that TYRONE told him some people in a truck were shooting at him

CONFESSIO

AT TRIAL BENNY HAMILTON testified that TYRONE told him some people were shooting at him tryen to kill him and they shot an lil boy

CONFESSIO

AT TRIAL POLICE SGT. LAUREL ALBERTIN testified that AARONSCOTT YOUNG JUNIOR confessed to her. That he shot TYRONE ROBINSON CAR UP WITH THE MASTER PIECE ARMS NINE MILLIMETER GUN

CONFESSIO

AT TRIAL POLICE OFFICER BOB BRUMAGE testified. That he retrieved a master piece ARMS NINE

millimeter gun with a thirty two round clip and suppressor. From Aaron Scott Young Senior and Aaron Scott Young Junior and Aaron Scott Young Senior confessed that he Aaron Senior and Aaron Junior were trying to shoot and kill Tyrone Robinson with the master piece Arms nine millimeter gun.

CONCLUSIVE testimony

At trial police officer for Beaufort County Sheriff department testified that they found at least nine bullet holes in Tyrone Robinson car.

CONCLUSIVE testimony

At trial the state of South Carolina very own forensic expert Dan DaFreese testified that all of the fired bullets, retrieved from out of the bullet holes on Tyrone Robinson car, were determined to be positively matched to and fired thru the barrel of the master piece Arms nine millimeter gun with the thirty two round clip and suppressor that police officer Bob Bromage retrieved from Aaron Scott Young Senior and Aaron Scott Young Junior.

REPEATED ATTEMPTS TO MURDER TYRONE ROBINSON

AT TRIAL JONTV SINGLETON SENIOR testified. That AFTER he JONTV SINGLETON SENIOR, AARON SCOTT YOUNG JUNIOR and AARON SCOTT YOUNG SENIOR. Rode around with a gun looking FOR TYRONE ROBINSON IN his neighborhood ON ALLEN ROAD and in surrounding neighborhoods TYRONE IS KNOWN to be IN. Then They went back to There neighborhood AT 17 OLD WILD HORSE ROAD and AARON SCOTT YOUNG SENIOR and AARON SCOTT YOUNG JUNIOR. Left and went looking FOR TYRONE again a second time.

REPEATED ATTEMPTS TO MURDER TYRONE ROBINSON

AT TRIAL POLICE SGT. LAUREL ALBERTIN testified. That AARON SCOTT YOUNG JUNIOR confessed to her. That AFTER he AARON SCOTT YOUNG JUNIOR and AARON SCOTT YOUNG SENIOR pointed and aimed a gun at TYRONE ROBINSON and tried to shoot kill and murder TYRONE ROBINSON ON OAKVIEW ROAD. he AARON JUNIOR and AARON SENIOR went back to There neighborhood ON 17 OLD WILD HORSE ROAD and decided to go back looking FOR TYRONE ROBINSON again at his neighborhood ON ALLEN ROAD which would be the Third time AARON SCOTT YOUNG SENIOR and AARON SCOTT YOUNG JUNIOR.

Left from there neighborhood on 17 Old Wild Horse Road and drove to go attack try to shoot kill and murder TYRONE ROBINSON in his car and in his neighborhood he lived in and be in

REPEATED ATTEMPTS TO MURDER TYRONE ROBINSON

CHARLESE JACKSON testified that she heard multiple gun shots. Then after she heard the gun shots TYRONE came to her house and said man they shooting at me and then TYRONE left and she heard more gun shots. Then she saw AARON SCOTT YOUNG SENIOR and AARON SCOTT YOUNG JUNIOR drive past her house in a grey truck. This was on ALLEN ROAD.

REPEATED ATTEMPTS TO MURDER TYRONE ROBINSON

TYRONE DELANEY testified at trial that TYRONE ROBINSON told him that the people in the grey truck were shooting at him trying to shoot him. This was before TYRONE ROBINSON came to ALLEN ROAD.

REPEATED ATTEMPTS

BENNY HAMILTON testified at trial that TYRONE ROBINSON told him some people were shooting at him trying to kill him and they shot an LFL boy

CONFESSION OF RESPONSABILITY

AT TRIAL POLICE SGT. LAUREL ALBERTIN testified IN TYRONE ROBINSON defense. That AARON SCOTT YOUNG JUNIOR confessed to her "quote" IF we would of never went down there the lil boy would of never died

by AARON SCOTT YOUNG JUNIOR VERY OWN CONFESSION. AARON SCOTT YOUNG JUNIOR CONFESSED AND EXPLAINED. That he AARON SCOTT YOUNG JUNIOR and AARON SCOTT YOUNG SENIOR VERY OWN ACTIONS. OF DRIVING BACK AND FORTH FROM THERE NIEGHBORHOOD ON 17 OLD WILD HORSE ROAD. TO GO ATTACK CONSPIRE AND TRY TO SHOOT KILL AND MURDER TYRONE ROBINSON WITH A DEADLY WEAPON ONE OF WHICH A MASTER PIECE ARMS NINE MILLA-TER GUN. EQUIPED WITH A THIRTY TWO ROUND CLIP AND A SUPPRESSOR AND WHAT EVER ELSE GUN THEY HAD. IS RESPON-SIBLE FOR KHALIL SINGLETON BEING SHOT AND KILLED AND BY AARON SCOTT YOUNG JUNIOR VERY OWN CONFESSION. That "quote" IF we would of never went down there the lil boy would of never died.

PROVES BY AARON SCOTT YOUNG JUNIOR VERY OWN CONFESSION. THAT KHALIL SINGLETON DEATH IS A PROBABLE

AND NATURAL CONSEQUENCE OF AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR ACTIONS OF ATTACKING CONSPIRING AND TRYING TO SHOOT KILL AND MURDER TYRONE ROBINSON IN TYRONE ROBINSON NEIGHBORHOOD THAT TYRONE LIVED AT ON ALLEN ROAD.

AS A MATTER OF LAW THE CONCLUSIVE EVIDENCE IN THIS CASE SATISFIES THE SECOND AND THIRD ELEMENT FOR CLAIM OF SELF DEFENSE AS A MATTER OF LAW

4TH ELEMENT

PROVING A CLAIM OF SELF DEFENSE AS A MATTER OF LAW IS:

THE DEFENDANT HAD NO OTHER PROBABLE MEANS OF AVOIDING THE DANGER

REVIEW SOUTH CAROLINA SUPREME COURT CASE LAW OF STATE VS. CHATMAN (S.C. 1999) 336 S.C. 199, 519 S.E. 2d-

-100

1ST ACT OF RETREAT FROM ATTACKERS

THE CONCLUSIVE EVIDENCE IN HIS CASE, PROVES THAT TYRONE ROBINSON "RETREATED" FROM AARON SCOTT YOUNG JUNIOR. FROM 1701 WILD HORSE ROAD, AND WHILE TYRONE WAS RETREATING FROM AARON SENIOR AND AARON JUNIOR. AARON JUNIOR AND AARON SENIOR SHOT A BULLET INTO

TYRONE CAR AT TYRONE AND TRIED TO SHOOT TYRONE IN HIS BACK. WHILE TYRONE WAS DRIVING AWAY DOWN THE ROAD LEAVING 17 OLD WILD HORSE ROAD.

TYRONE CONTINUED TO RETREAT FROM AARON SENIOR AND AARON JUNIOR ON 17 OLD WILD HORSE ROAD AND BY DOING SO. TYRONE FLED AND WENT INTO HIDING AT HIS COUSIN MELVIN HOUSE ON OAKVIEW ROAD. WHERE TYRONE WAITED FOR FIFTEEN TO TWENTY MINUTES UNTIL HE FELT IT WAS SAFE TO LEAVE. TO AVOID A ALTERCATION AND AVOID BEING SHOT AND KILLED BY AARON SENIOR AND AARON JUNIOR. PROVEING TYRONE RETREATED BEFORE KHALIL SINGLETON WAS SHOT AND KILLED. AS A MATTER OF LAW SATISFYING THE 4TH ELEMENT FOR CLAIM OF SELF DEFENSE.

2ND ACT OF RETREAT FROM ATTACKERS

THE CONCLUSIVE EVIDENCE IN THIS CASE PROVES. THAT WHEN AARON SENIOR AND AARON JUNIOR. SHOT MULTIPLE GUNSHOT BULLET ROUNDS INTO TYRONE CAR ON OAKVIEW ROAD, WHILE TYRONE WAS OCCUPIED HIS CAR AND RIDING INSIDE OF HIS CAR. AT THE IMMEDIATE TIME AARON SENIOR AND AARON JUNIOR WERE SHOOTING INTO TYRONE CAR AT TYRONE TRY-

- en to shoot kill and murder TYR-
 one, even though TYRONE was in the
 premises of his own motor vehicle
 he was occupying and had no duty
 to retreat. TYRONE ROBINSON still
 retreated and fled to his neighbor-
 hood he lived in on ALLEN ROAD.
 to avoid a ALTERCATION and to avoid
 being shot and killed by ARON SENIOR
 and ARON JUNIOR, proving TYRONE
 retreated for the second time before
 KHALIL SINGLETON was shot and killed,
 even though he was under no duty
 to do so. As a matter of law satis-
 fying the 4th element for the second
 time for claim of self defense.

3rd ACT OF RETREAT FROM ATTACKERS

CHARLESE testified that she heard
 gun shots on ALLEN ROAD and then
 TYRONE came to her house and said
 man they shooting at me. Then TYR-
 one went outside and she heard
 more gunshots. by CHARLESE ver-
 sion of events this would be the
 third time TYRONE retreated from
 being attacked and shot at by ARON
 SCOTT YOUNG SENIOR and ARON SCOTT
 YOUNG JUNIOR.

AS A MATTER OF LAW SATISFYING
 THE 4th ELEMENT FOR THE THIRD
 TIME FOR A CLAIM OF SELF DEFENSE

4th ACT OF RETREAT FROM ATTACKERS

THE CONCLUSIVE EVIDENCE IN THIS CASE PROVES - THAT AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR. DROVE DOWN MARSHLAND ROAD FROM SPANNISH WELLS ROAD WAY, AND ATTACKED TYRONE WHILE HE WAS AT HIS COUSIN CHARLES HOUSE STANDING IN THE FRONT YARD NEXT TO THE HOUSE.

AT WHICH TIME TYRONE ROBINSON RETREATED FOR THE FOURTH TIME FROM AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR ATTACK ON HIM.

UNDESPUTABLE FACT DETERMINED BY THE JURY AT AARON SCOTT YOUNG JUNIOR TRIAL IN FEBRUARY OF 2015

ON FEBRUARY OF 2015 A JURY AT TRIAL FOUND AARON SCOTT YOUNG JUNIOR GUILTY OF CONSPIRACY TO MURDER VICTIM TYRONE LORENZA ROBINSON WITH A DEADLY WEAPON. AT THE IMMEDIATE TIME AND SAME LOCATION KHALIL SING-

- Leton was shot and killed at. In addition The JURY found Aaron Scott Young JUNIOR GUILTY OF felony murder by the felony murder rule theory. Because The JURY determined that Aaron Scott Young JUNIOR and Aaron Scott Young SENIOR. ongoing dangerous felony of CONSPIRACY to murder victim TYRONE LORENZA ROBINSON with a deadly weapon. at 1648 hours at the immediate time and same location KHALIL SINGLETON was shot and killed at. Is the ongoing dangerous felony that caused KHALIL SINGLETON to be shot and killed that KHALIL SINGLETON did die as a proximate result thereof, that KHALIL SINGLETON death is a probable or natural consequence of. As the state of South Carolina charged and Alledged on indictment and Argued to the JURY at Aaron Scott Young JURY trial.

1st Undesputable FACT

BECAUSE ON February 15th of 2015 at Aaron Scott Young JUNIOR TRIAL. The JURY Undesputably found Aaron Scott Young JUNIOR GUILTY OF CONSPIRACY to murder victim TYRONE ROBINSON with a deadly weapon at the immediate time and same location KHALIL SINGLETON was shot and killed at. This issue is a Undesputable fact that has Already been determined by The JURY at Aaron Scott Young JUNIOR trial in February of 2015.

129
2nd Undisputable
FACT

because on February 15th 2/015 at Aaron Scott Young Junior trial. A jury found Aaron Scott Young Junior Guilty of FELONY murder by The felony murder Rule Theory. Because the jury determined that Aaron Scott Young Junior and Aaron Scott Young Senior. ongoing dangerous felony of CONSPIRACY to murder victim Tyrone Robinson with a deadly weapon. Is the ongoing dangerous felony that caused Khaliz Singleton to be shot and killed that Khaliz Singleton did die as a proximate result thereof, that Khaliz Singleton death is a probable or natural consequence of. This issue is a undisputable fact that has already been determined by the jury at Aaron Scott Young Junior trial in February of 2/015. Proving that as a matter of law Tyrone Lorenza Robinson is entitled to a directed verdict of not guilty and on a redirected verdict of not guilty. on the trial judge jury charge of self defense as a matter of law. Therefore because the state of South Carolina failed to disprove at least one element to the claim of self defense for obvious reasons explained of undisputable facts, also because

130
CONCLUSIVE evidence and The
UNDISPUTABLE EVIDENCE and FACTS.
PROVE THAT VICTIM TYRONE LORENZA
ROBINSON IS ENTITLED TO A DIRECT
VERDICT OF NOT GUILTY AND OR REDIRECT-
ED VERDICT OF NOT GUILTY ON CLAIM
OF SELF DEFENSE AS A MATTER OF LAW.
AS A MATTER OF LAW THIS APPEALS COURT
MUST AWARD TYRONE LORENZA ROBIN-
SON HIS MOTION AND REQUEST FOR A
DIRECTED VERDICT OF NOT GUILTY AND
OR REDIRECTED VERDICT OF NOT GUILTY
ON CLAIM OF SELF DEFENSE AND
VACATE TYRONE LORENZA ROBINSON
CONVICTION AND PRISON SENTENCE
AT THIS TIME.

SUBMITTED UNDER PENALTY OF PERJURY
by TYRONE LORENZA ROBINSON TO BE TRUE EXACT
and CORRECT.
SIGNATURE: TYRONE LORENZA ROBINSON
PRINT: TYRONE LORENZA ROBINSON
DATE: MAY 13 07H / 2015

ARREST WARRANT

2012A0720300115

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

201209010707

THE STATE
against

Aaron Scott Young, Jr

Address: 17 Wildhorse Rd

Hilton Head Island, SC 29926

Phone: (843)681-8372 SSN: 295-93-5898

Sex: M Race: B Height: 5 9 Weight: 180

DL State: DL #:

DOB: 8/30/1993 Agency ORI #:

Prosecuting Agency: Beaufort County Sheriff Department

Prosecuting Officer: L. Albertin

Offense: Criminal Conspiracy

Offense Code: 00040

Code/Ordinance Sec: 16-17-0410

This warrant is CERTIFIED FOR SERVICE in the

☐ County/ ☐ Municipality ofto be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant

in

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions
101 Ribaut Road Suite 208
Beaufort, SC 29901

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Personally appeared before me the affiant L. Albertin

being duly sworn deposes and says that defendant Aaron Scott Young, Jr

did within this county and state on 09/01/2012

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of

in the following particulars.

DESCRIPTION OF OFFENSE:

Criminal Conspiracy

I further state that there is probable cause to believe that the defendant named above did
the crime set forth and that probable cause is based on the following factsThat on 09-01-12 at approximately 1648 hours the Defendant, Aaron Scott Young Jr and a Co-Defendant did willfull
and unlawfully conspire to murder the victim, Tyrone Robinson. The Defendant and Co-Defendant did travel, while
armed with a deadly weapon, to many locations on Hilton Head Island, SC looking for the Victim. This incident
occurred near Allen Road, Hilton Head Island, Beaufort County, SC. The affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

Affiant's Address: 2001 Duke St

Beaufort, SC 29902

Affiant's Telephone:

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe it

on 09/01/2012

defendant Aaron Scott Young, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of

Hilton Head Island

) as set forth below

DESCRIPTION OF OFFENSE:

Criminal Conspiracy

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or a
soon thereafter as is practicable.

Sworn to and subscribed before me

on 09/06/2012

Signature of Issuing Judge

Judge Code: 6522

Judge's Address: Municipal Court

Hilton Head Island, SC 29928

Judge's Telephone: (843)341-4670

Issuing Court: ☐ Magistrate☒ MunicipalI am Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Original
 copy to be
 with the
 Beaufort County Sheriff's Office

2012A0720300116

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of

Hilton Head Island

201209010707

THE STATE
against

Aaron Scott Young

Address: 17 Old Wild Horse Rd
Hilton Head Island, SC 29926-Phone: (843)298-0802 SSN: 249-73-6627
Sex: M Race: B Height: 5 9 Weight: 195DL State: SC DL #: 007381799
DOB: 5/21/1976 Agency ORI #:

Prosecuting Agency: Beaufort County Sheriff Department

Prosecuting Officer: L. Albertin

Offense: Criminal Conspiracy

Offense Code: 00049

Code/Ordinance Sec: 16-17-0410

This warrant is CERTIFIED FOR SERVICE in the
☐ County/ ☐ Municipality ofThe accused
is to be arrested and brought before me to be
dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant
on

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions
101 Ribaut Road Suite 208
Beaufort, SC 29901☐ County/ ☒ Municipality of
Hilton Head Island

AFFIDAVIT

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Personally appeared before me the affiant L. Albertin

being duly sworn deposes and says that defendant Aaron Scott Young

did within this county and state on 09/01/2012

State of South Carolina (or ordinance of ☐ County/ ☒ Municipality of Hilton Head Island)in the following particulars:
DESCRIPTION OF OFFENSE:

Criminal Conspiracy

I further state that there is probable cause to believe that the defendant named above did commit
the crime set forth and that probable cause is based on the following facts:That on 09-01-12 at approximately 1648 hours the Defendant, Aaron Scott Young Sr. and a Co-Defendant d
willfully and unlawfully conspire to murder the victim, Tyrone Robinson. The Defendant and Co-Defendant
while armed with a deadly weapon, to many locations on Hilton Head Island, SC looking for the victim. This
occurred near Allen Road, Hilton Head Island, Beaufort County, SC. The affiant and others are witness to pr

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/ ☒ Municipality of
Hilton Head IslandAffiant's Address 2001 Duke St
Beaufort, SC 29902-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to b

on 09/01/2012 defendant Aaron Scott Young

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/ ☒ Municipality of Hilton Head Island) as set forth below:

DESCRIPTION OF OFFENSE: Criminal Conspiracy

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and
her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its exec
soon thereafter as is practicable

Sworn to and subscribed before me

on 09/06/2012

Signature of Issuing Judge (L.S.)

Judge Code: 6522

Judge's Address Municipal Court
Hilton Head Island, SC 29928-

Judge's Telephone (843)341-4670

Issuing Court: ☐ Magistrate ☒ Municipal

ORIGINAL

With this original document of file
Beaufort County Sheriff's Office
Chief Deputy

132

2012A0720300113

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Hilton Head Island

20120901707

THE STATE

against

Aaron Scott Young, Jr

Address:

17 Wildhorse Rd

Hilton Head Island, SC 29926-

Phone: (843)681-8372

SSN: 295-93-5898

Sex: M

Race: B

Height: 5

Weight: 180

DL State:

DL #:

DOB: 8/30/1993

Agency ORI #:

Prosecuting Agency:

Beaufort County Sheriff Department

Prosecuting Officer:

L Albertin

Offense: Murder

Offense Code: 00116

Code/Ordinance Sec:

16-03-0010; 16-03-0020

This warrant is

CERTIFIED FOR SERVICE

in the

☐ County/☐ Municipality ofis to be arrested and brought before me
dealt with according to the law.The accused
to be

Signature of Judge

(L.S.)

Date:

RETURN

A copy of this arrest warrant was delivered to
defendant onAaron Scott Young Jr
9-6-2012

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

Beaufort County General Sessions
101 Ribaut Road Suite 208
Beaufort, SC 29901

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Hilton Head Island

Personally appeared before me the affiant L Albertin

being duly sworn deposes and says that defendant

did within this county and state on 09/01/2012

State of South Carolina (or ordinance of
in the following particulars:☐ County/☒ Municipality of

Hilton Head Island, Beaufort County, South Carolina

DESCRIPTION OF OFFENSE:

Murder

I further state that there is probable cause to believe that the defendant named Aaron Scott Young, Jr. did commit the crime set forth and that probable cause is based on the following facts:

That on 09-01-12 at approximately 1648 hrs, the Defendant, Aaron Scott Young Jr, was engaged in an ongoing battle, an inherently dangerous felony, did willfully, unlawfully and with malice aforethought, cause the victim, Singleton, to be shot and killed. This incident occurred near Allen Road, Hilton Head Island, Beaufort County. The affiant and others are witness to prove same.

Signature of Affiant

STATE OF SOUTH CAROLINA

☐ County/☒ Municipality of

Hilton Head Island

Affiant's Address 2001 Duke St

Beaufort, SC 29902-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe

on 09/01/2012

defendant Aaron Scott Young, Jr

did violate the criminal laws of the State of South Carolina (or ordinance of

☐ County/☒ Municipality of

Hilton Head Island

) as set forth below:

DESCRIPTION OF OFFENSE:

Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution soon thereafter as is practicable

Sworn to and subscribed before me

on 09/06/2012

Signature of Issuing Judge

Judge Code: 6522

Judge's Address Municipal Court

Hilton Head Island, SC 29928-

Judge's Telephone (843)341-4670

Issuing Court: ☐ Magistrate☒ Municipal

ORIGINAL

Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

Be a name and address
 copy of the original document in file
 with the Office of Sheriff for Beaufort County.
 Michael M. Haddad
 Chief Deputy, Beaufort County Sheriff's Office

133

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0701935

At a Court of General Sessions, convened on October 18, 2012, the Grand Jurors of Beaufort County present upon their oath:

Murder / Murder

That in Beaufort County on or about September 1, 2012, while engaged in an ongoing gun battle, an inherently dangerous felony, Tyrone Robinson did willfully, unlawfully and with malice aforethought cause the victim Khalil Singleton to be shot and killed in the area of Marshland Drive and Allen Road, Hilton Head Island, SC, and that Khalil Singleton did die in Beaufort County as a proximate result thereof on September 1, 2012; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Lawrence M. Shaw

WITNESSES

Inv. L. Albertin-BCSO

ARREST WARRANT NUMBER

2012A0720300114

ACTION OF GRAND JURY

Tim B

Melissa Bear
Foreperson of Grand Jury
Date:

OCT 18 2012

VERDICT

Foreperson of Petit Jury
Date:

INDICT

DOCKET NO. 2012GS0701935

The State of South Carolina

County of Beaufort

COURT OF GENERAL SESSIONS

October Term 2012

THE STATE

vs.

Tyrone Robinson

Indictment for

Murder / Murder

SC Code: 16-03-0010; 16-03-0020
CDR Code:0116

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I
Hereby appear in my own proper person and plead guilty to the within indictment or to

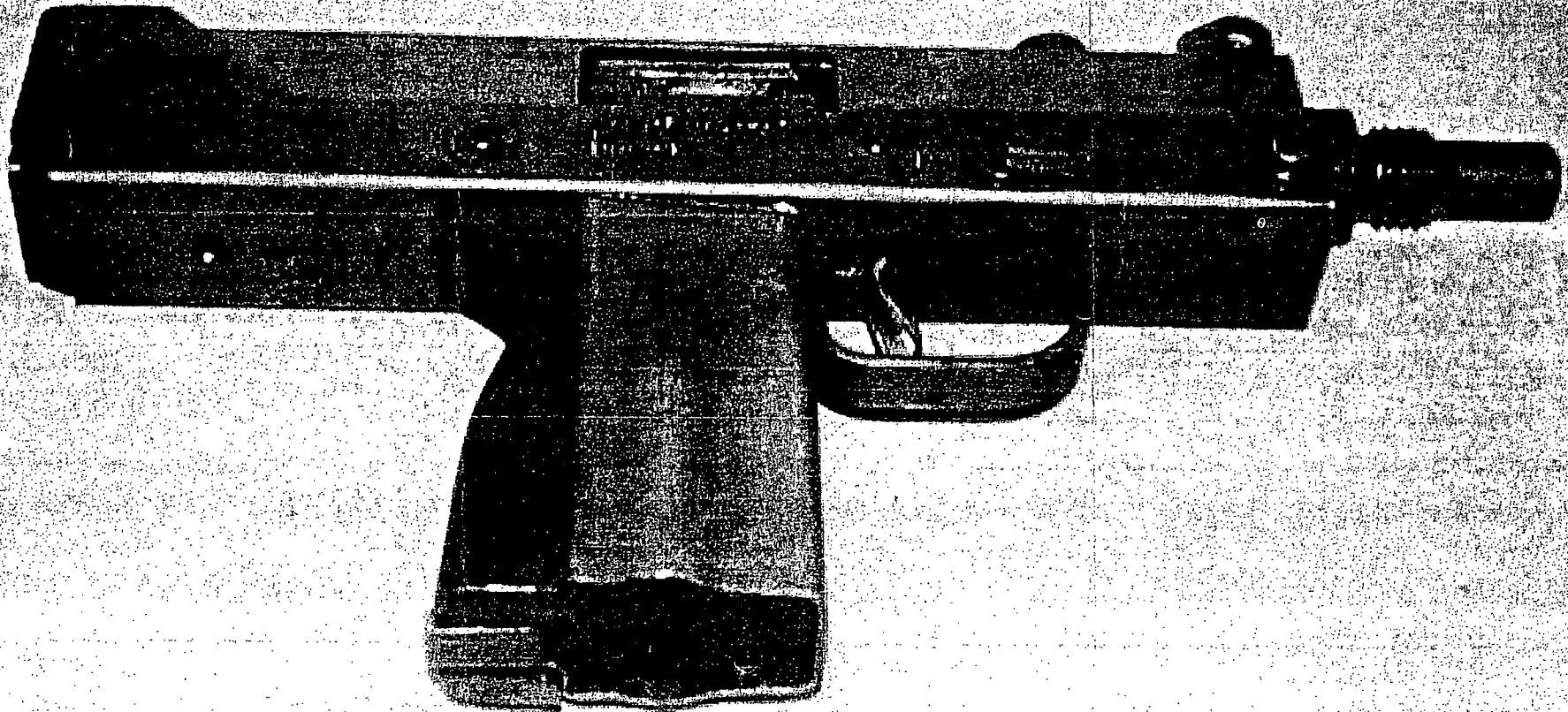
Defendant

Witness:

C.C.C. PLS. and G.S.

135

master piece ARMS 9mm GUN
ONE OF THE GUNS AARON SCOTT YOUNG SENIOR AND AARON
SCOTT YOUNG JUNIOR. WERE SHOOTING AT TYRONE LORENZA
ROBINSON WITH, ATTACKING [REDACTED] AND CONSPIRING
TO SHOOT KILL AND MURDER VICTIM TYRONE LORENZA
ROBINSON WITH AT THE IMMEDIATE TIME AND SAME
LOCATION KITALIL SINGLETON WAS SHOT AND KILLED AT
AS THE JURY AT TRIAL IN FEBRUARY OF 2015 FOUND AARON
SCOTT YOUNG GUILTY OF.



136

BULLET THAT GO TO MASTER PIECE
ARMS NINE MILLIMETER GUN. ARON
SCOTT YOUNG SENIOR AND ARON SCOTT
YOUNG JUNIOR WERE SHOOTING AT TYRON E
ROBINSON TRYEN TO SHOOT AND KILL HIM WITH



PICTURES
 OF TYRONE LORENZO ROBINSON
 BULLET RIDDLED CAR WITH
 BULLET HOLES FROM WHEN
 AARON SCOTT YOUNG JUNE AND
 AARON SCOTT YOUNG JUNE SHOT
 INTO CAR AT TYRONE LORENZO
 ROBINSON TRYING TO SHOOT AND
 KILL TYRONE LORENZO ROBINSON
 WHILE AARON SCOTT YOUNG JUNE
 AND AARON SCOTT YOUNG JUNE
 WERE IN THE PROCESS AND
 COMMISSION OF CONSPIRACY
 TO MURDER TYRONE LORENZO
 ROBINSON. IN A ONGOING DANG-
 -EROUS FELONY OF CONSPIRACY
 TO MURDER TYRONE LORENZO
 ROBINSON WITH A DEADLY
 WEAPON. THAT KHALIL STANLEYTON
 DEATH IS A PROBABLE AND NATU-
 -RAL CONSEQUENCE OF.

ACURA 3.5 RL

BULLET HOLE BULLET HOLE

BULLET HOLE BULLET HOLE

39

ACURA

IGV 954
TRAVEL2SC.COM

LEGACY MOTORS
OKATIE, SC

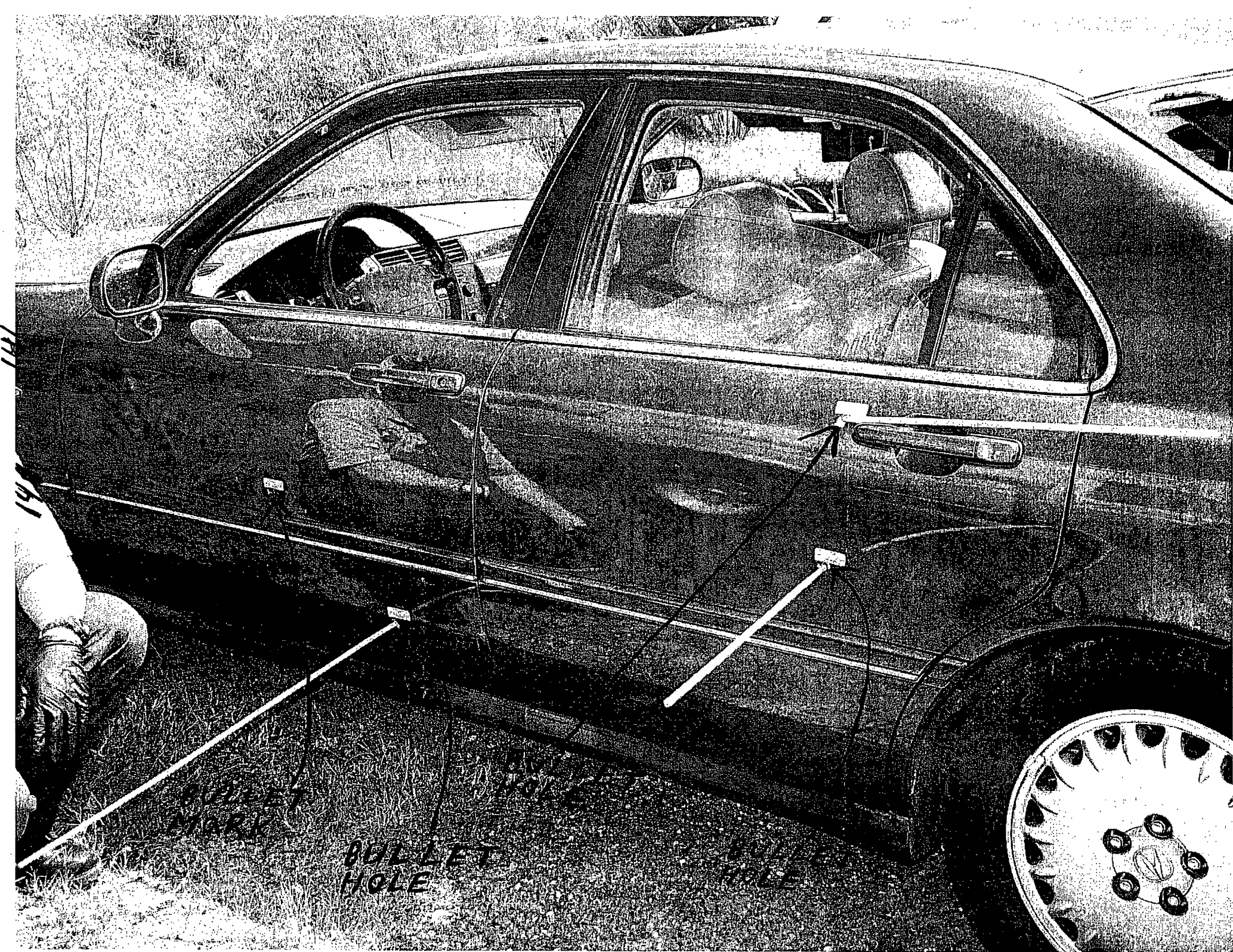
25PL



BULLET
HOLE

BULLET
HOLE BEHIND
DRIVER HEADREST OF
TYRONE ROBINSON

140



142

THE STATE OF SOUTH CAROLINA
In The Supreme Court

Lucas Bailey, Petitioner,

v.

State of South Carolina, Respondent.

ON WRIT OF CERTIORARI

Appeal From Aiken County
Doyet A. Early, III, Circuit Court Judge

Opinion No. 26975
Submitted March 16, 2011 - Filed May 9, 2011

REVERSED AND REMANDED

Tara Shurling, of Columbia, for Petitioner.

Attorney General Alan Wilson, Chief Deputy
Attorney General John W. McIntosh,
Assistant Deputy Attorney General Salley W.
Elliott and Assistant Attorney General Mary
S. Williams, of Columbia, for Respondent.

JUSTICE BEATTY: After his conviction for homicide by child abuse[1] was affirmed on direct appeal, Lucas Bailey filed an application for post-conviction relief (PCR). We granted a petition for a writ of certiorari to review the denial of PCR. Bailey contends the judge erred in denying PCR as trial counsel was ineffective in failing to object to supplemental jury instructions that allowed the jury to convict him for an act that was not alleged in the indictment. We reverse and remand for a new trial.

I. Factual/Procedural Background

This case arises from the tragic death of sixteen-month-old Charles Devon Allen ("Victim"). At the time of his death, Victim lived with his mother, Amy Hughes, her boyfriend, Bailey, and Victim's two sisters, who were then five and six years old, respectively.[2]

Around 6:00 p.m. on Thursday, April 26, 2001, Bailey called 9-1-1 and reported that Victim was not breathing. When Aiken County emergency personnel arrived, they found Victim lying face down on the bed. The coroner pronounced Victim dead as his body was "cool to the touch" and *rigor mortis* had begun to set in. Based on the history presented by Bailey and Hughes, investigators initially believed that Victim might have died from an accidental overdose of cold medications. However, upon examining Victim's body, the coroner noticed three "circular marks" or "discolorations" on the child's abdomen.

The next day, Dr. Joel Sexton, a forensic pathologist, performed an autopsy. Dr. Sexton noted visible bruises on Victim's abdomen. Upon further examination, he discovered "extensive internal injuries in the abdominal region and in the head region." Injuries to the intestines and the mesentery arteries and veins indicated multiple blows had torn the areas by compression against the spine. As to Victim's head, Dr. Sexton noted that "there were numerous small round contusions . . . in the front, on the top of the head, on the right side of the head and in the back," which resulted in swelling of the brain. According to Dr. Sexton, the contusions were consistent with a fist or a knuckle-sized object hitting the head. He believed the head injuries contributed to Victim's death and were consistent with some of the symptoms exhibited by Victim prior to his death. He explained that a head injury leads to swelling of the brain, which in turn causes vomiting, lethargy, a "limp" body, and eyes that "roll back" into the head.

Ultimately, Dr. Sexton opined the abdominal injuries were the primary cause of Victim's death. He believed that at least one of the abdominal injuries had occurred hours before death. He concluded that the later abdominal injuries could have caused Victim's death within minutes due to the loss of blood. The cause of death was "listed as blood loss which we refer to as exsanguination due to laceration of these mesentery arteries and veins . . . due to blunt force injury to the abdomen due to a beating." Although Dr. Sexton could not definitively pinpoint Victim's time of death, he opined that it occurred sometime after 2:30 p.m. on Thursday, April 26, 2001. Dr. Sexton believed Victim's injuries were inflicted by an adult as a child would not have had the "force" to cause these injuries. Finally, he did not believe the cold medications given to Victim prior to his death caused or contributed to the death.

Law enforcement interviewed Hughes and Bailey. Subsequently, an Aiken County grand jury indicted Bailey for homicide by child abuse.

At trial, Hughes testified for the State. Hughes testified that she had worked on the Monday and Tuesday preceding Victim's death. According to Hughes, Victim was cared for by Bailey on Monday and then went to daycare on Tuesday. Because Victim had a cold on Wednesday, Hughes stayed home from her job to care for him. Hughes recalled that she and Victim went to sleep in the same bed around 8:00 p.m. Around 12:00 or 12:30 a.m., Bailey took Victim into the kitchen to feed him. Hughes, who had remained in bed, heard a "loud noise" coming from the kitchen followed by Victim crying out. Although

Hughes did not get up to check on Victim, she asked Bailey what had happened, to which Bailey responded, "Nothing." When Bailey returned to bed around 12:50 a.m., he told Hughes that he had put Victim in the bed with his sisters.

Hughes stated that her oldest daughter came in the next morning and reported that Victim had thrown up. According to Hughes, Bailey got up and when he returned he told Hughes that Victim was fine and that he had cleaned him up and placed him in his crib. When Hughes checked on Victim later on Thursday morning, she observed that Victim was unusually quiet and did not stand up in his crib. After taking her daughter to school, Hughes returned and gave Victim some medicine for his cold, but Victim was unable to keep it down. Hughes stayed home from work to care for Victim and called a friend to bring additional cold medication. Hughes stated that Victim was unable to keep this medication down and that he was weak and "wasn't moving." She then took Victim into the bedroom where she laid down with him and Bailey. When Hughes's mother arrived around noon, Hughes left Victim with Bailey. While she was talking with her mother, Hughes heard a "loud sound" from her bedroom. Hughes then asked her daughter to get Victim, but her daughter reported that Bailey told her "no."

Approximately twenty or thirty minutes later, Hughes's daughter took Victim out of the bedroom and brought him to Hughes. Hughes described Victim as "droopy," unable to sit up on his own, and that his eyes rolled back into his head. Around 2:00 p.m., Hughes's friend returned with a different cold medication that Victim was able to tolerate. Hughes testified that Victim fell asleep and Bailey then put him to bed. After she laid down with Victim for approximately thirty minutes to an hour, she got up and checked that Victim was breathing normally.

Around 5:00 p.m., Hughes left the home to drive Bailey's mother to the store. When Hughes returned home around 6:00 or 6:30 p.m., she found emergency personnel at her home. At that time, she was informed that Victim was dead. Hughes ultimately claimed that Bailey had struck Victim, resulting in his death.

During his testimony, Bailey adamantly denied hitting Victim or causing his death. Although Bailey recounted essentially the same timeline as Hughes, he claimed that he and Hughes discussed taking Victim for medical treatment but decided to see if Victim felt better after taking medication on Thursday. He further testified that he checked on Victim after Hughes left on Thursday afternoon and discovered that Victim was not breathing.

In his jury charge, the judge instructed the jurors on the offense of homicide by child abuse by reading the applicable statutory language.[3]

Approximately one hour into deliberations, the jury sent a note to the judge with several questions concerning evidentiary issues. Additionally, the jury asked "the difference between the indictment and the last statement on the indictment form"[4] and "whether the neglect has to directly contribute to the death." In response to the notes, counsel believed that recharging the statute on the offense of homicide by child abuse would be appropriate.

When the jury returned to the courtroom, the foreman referenced the last sentence of the indictment and explained that the jury "wanted to get an understanding of the meaning of the indictment." After the judge read the last sentence of the indictment, the foreman

responded:

Well, the definition was the question we [were] asking for. Also, our verdict to . . . to say this person did that last statement . . . you're talking two different . . .

Before the foreman finished his statement, the judge explained the purpose of the indictment was to "state the charges with enough specificity so that the defendant knows what he has to defend against." The judge then re-read the applicable provisions of the homicide by child abuse statute and gave the jury a printed copy of the statute.

Approximately thirty minutes later, the jury sent out another note, stating:

Does the State have to prove beyond a reasonable doubt: that the defendant caused the death of the child and does the neglect or abuse have to have caused the death?

Counsel and the judge debated the meaning of the jury's question. When the jury returned to the courtroom, the judge explained that "in this case, the only allegations are that [the defendant] caused the death of the child by neglect and abuse," and that under the statute several acts qualified as "neglect and abuse," but the State was required to prove only one of them.

In response, the foreman stated:

We see . . . as a jury, total jury, we see the neglect in the parents, but we fail to see evidence that Lorenzo struck the child. There was no evidence to us that Lorenzo struck this child. There was neglect, yes, on both parties, but we fail to see that - - - and that's written in that document that we didn't see any evidence. We didn't see any evidence . . . And the definition of your homicide has a combination of both. I know [its] a part of that definition, but we fail to see any evidence that he did that.

The judge then instructed the jury to refer to the language of the homicide by child abuse statute.

Out of the presence of the jury, defense counsel indicated her concern over the "emphasis on the neglect to the possible exclusion of the rest of the statute;" however, she believed the jury understood the judge's explanation.

When the jury returned to the courtroom, the judge issued supplemental instructions that stated in part:

[I]f you are distinguishing some acts that you would call abuse and some that you would call neglect, that's up to you as long as you kind of go by the statute here. The statute doesn't really . . . It says it can be abuse or neglect, and it doesn't say which acts might be which, but it says that abuse or neglect is an act or omission which causes harm.

So if there is an act or omission which causes harm then that is abuse or neglect, by definition under this statute. Any act which causes, any act or omission, or failure to act, which causes harm to the child's health, that would be by this statute abuse or neglect,

without getting into the difference of which is which, it doesn't matter.

The judge further explained that:

So you have to find that [the defendant] either did something or failed to do something . . . that caused the death of the child. Either his doing something which is an act, or failing to do something which is an omission. And that that conduct on his part, either the act or the omission, caused the death of this child.

Moments later, a juror approached the bench and, in an off-the-record discussion, expressed her concern to the judge over the definition of the word "caused."^[5] The judge then gave an instruction on proximate cause. In part, the judge stated: "You must find that the State has convinced you beyond a reasonable doubt that either an act or failure to act on the part of this defendant is a proximate cause of the death of this child."

Nine minutes later, the jury returned with a guilty verdict. The judge denied counsel's motion for a new trial and sentenced Bailey to twenty-five years' imprisonment.

Bailey appealed his conviction and sentence to the Court of Appeals, alleging the trial judge erred in declining to direct a verdict of acquittal. The court affirmed Bailey's conviction and sentence, concluding that "substantial circumstantial evidence" supported a finding that Bailey abused Victim. State v. Bailey, Op. No. 2003-UP-744 (S.C. Ct. App. filed Dec. 17, 2003).

Subsequently, Bailey filed a timely PCR application. After a hearing, the PCR judge denied Bailey's application. As to trial counsel's performance, the PCR judge found, in part, that counsel was not ineffective for failing to object to certain jury instructions. In so ruling, the PCR judge concluded that counsel's decision constituted trial strategy and that even if counsel's performance was deficient, Bailey had not proven prejudice.

II. Discussion

A.

Bailey contends the judge erred in denying his PCR application as his trial counsel was ineffective in failing to object to the trial judge's supplemental jury instructions. In support of this contention, Bailey claims the instructions allowed the jury to convict him for "an act alternative to the one specified with particularity in the indictment." Because "the infliction of physical injuries was the specific act alleged in the indictment," Bailey asserts the jury was limited to a determination of whether he committed this act. Based on the foreman's statement that the jury found no evidence that Bailey struck the child, Bailey claims the jury found "a material variance between the act alleged in the indictment and the State's proof." Specifically, Bailey avers the jury convicted him of an unindicted crime as the jury found evidence of neglect rather than the specifically-alleged acts of abuse. Given that the judge's erroneous instructions precipitated this result, Bailey asserts his trial counsel was ineffective in failing to object to these supplemental instructions.

B.

* The Sixth Amendment to the United States Constitution guarantees a defendant the right to effective assistance of counsel. U.S. Const. amend. VI; Strickland v. Washington, 466 U.S. 668 (1984); Lomax v. State, 379 S.C. 93, 665 S.E.2d 164 (2008).

* The United States Supreme Court has established a two-pronged test to establish ineffective assistance of counsel by which a PCR applicant must show (1) counsel's performance was deficient, and (2) the deficient performance prejudiced the defendant. Strickland, 466 U.S. at 687; Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989). Under the second prong, the PCR applicant "must show that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Strickland, 466 U.S. at 694. "A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial." Simmons v. State, 331 S.C. 333, 338, 503 S.E.2d 164, 166 (1998).

This Court will uphold the findings of the PCR judge when there is any evidence of probative value to support them, and will reverse the decision of the PCR judge when it is controlled by an error of law. Suber v. State, 371 S.C. 554, 558-59, 640 S.E.2d 884, 886 (2007).

C.

As a threshold matter, the State claims Bailey's issue is not preserved for appellate review given it was not raised to and ruled upon by the PCR judge. We disagree.

In his PCR application, Bailey characterized the trial judge's instructions as erroneous and confusing because the jury was misled regarding the homicide by child abuse statute and the indictment. Additionally, Bailey argued that trial counsel was ineffective in failing to object to certain instructions.

During the PCR hearing, Bailey testified that his trial counsel failed to object to the improper jury instructions. In explaining this claim, Bailey referenced the trial judge's supplemental instructions and the judge's discussions with the jury regarding its questions. Trial counsel admitted that she did not object to these instructions and contended her decision constituted trial strategy. Finally, in his written order, the PCR judge addressed Bailey's allegation of "ineffective assistance of counsel for failing to object to jury charges."

Based on the foregoing, we find Bailey's argument was properly preserved for this Court's review. See State v. Moore, 357 S.C. 458, 593 S.E.2d 606 (2004) (holding an issue must be raised to and ruled upon by the trial court to be preserved for appellate review).

D.

Having found that Bailey's issue is properly before this Court, we turn to the merits.

* "In South Carolina, [i]t is a rule of universal observance in administering the criminal law that a defendant must be convicted, if convicted at all, of the particular offense charged in the bill of indictment." State v. Gumm, 313 S.C. 124, 136, 437 S.E.2d 75, 82 (1993) (quoting State v. Cody, 180 S.C. 417, 423, 186 S.E. 165, 167 (1936)). "A material variance between charge and proof entitles the defendant to a directed verdict; such a

variance is not material if it is not an element of the offense." Id. (citation omitted); see 41 Am. Jur. 2d Indictments & Informations § 252 (2005) (stating that one of the two ways an indictment can be improperly modified is through "a variance, whereby the charging terms of the indictment are left unaltered, but the evidence offered at trial proves facts materially different from those alleged in the indictment").

"[W]hile a conviction may be sustained under an indictment which is defective because it omits essential elements of the offense, such is not true when the indictment facially charges a complete offense and the State presents evidence which convicts under a different theory than that alleged." Thomason v. State, 892 S.W.2d 8, 11 (Tex. Crim. App. 1994) (citations omitted). "A conviction under the latter circumstance violates principles of due process . . . because the State has failed to prove beyond a reasonable doubt every fact necessary to constitute the crime with which a defendant was charged." Id. (citations omitted); see 41 Am. Jur. 2d Indictments & Informations § 256 (2005) ("A material variance that violates a defendant's substantial right to be tried only on charges presented in an indictment constitutes fatal error and warrants a reversal on an appeal of a judgment of conviction of the offense not charged in the indictment.").

In a case involving similar facts to the instant case, the Texas Court of Appeals found error in the trial judge's jury instructions that permitted the jury to convict the defendant of an act not alleged in the indictment. Castillo v. State, 7 S.W.3d 253 (Tex. Ct. App. 1999). In Castillo, the defendant was charged with the felony offense of intentionally and knowingly causing serious bodily injury to a child and convicted of the lesser-included offense of reckless injury to a child pursuant to section 22.04(a)(1) of the Texas Penal Code. Id.; Tex. Penal Code Ann. § 22.04(a)(1) (1994) ("A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes a child . . . serious bodily injury."). The one-count indictment charging Castillo with this offense provided that Castillo:

[d]id then and there intentionally and knowingly cause serious bodily injury to Triston Castillo, a child 14 years or younger by then and there striking the child with a deadly weapon, to wit: the defendant's hands or by striking the child's head against a deadly weapon, to wit: a wall or a floor.

Id. at 255. In prefacing its analysis, the Texas Court of Appeals noted that "[b]y including a more specific description, the State undertook the burden of proving the specific allegations to obtain a conviction." Id.

At trial, the child's mother testified that the morning the child was taken to the hospital, she was taking a shower when she heard the child "crying out loudly" while in Castillo's care. When she went to check on the child, she observed that he was "in a daze," "seizing," and "limp." Id. at 255. Although Castillo admitted to shaking the child because he was having difficulty breathing, he expressly denied that the child hit or struck a wall. Id. at 257.

On appeal, Castillo raised several issues, including an argument that the trial judge egregiously erred by adding, through a lesser-included offense charge, a theory of prosecution ("shaking") that was not supported by the indictment. Id. at 254. The Texas Court of Appeals agreed with Castillo's argument, finding the trial court erred in "enlarging" the indictment by adding "shaking" as an additional manner and means of committing the charged offense. Id. at 260. In so ruling, the court recognized that a defendant may only

be tried and convicted of the crimes alleged in the indictment and the State is bound by the theory alleged in the indictment. Id. at 258-59.[6]

In light of its holding, the court declined to reach Castillo's claim of ineffective assistance of counsel. The court, however, noted the claim would "loom large on the scene, given the failure to move for an instructed verdict and to object to the charge which enlarged the indictment." Id. at 262.

We agree with the reasoning in Castillo and apply its analysis to the facts of the instant case. We conclude that the trial judge's instructions improperly "enlarged" the indictment by instructing the jury that it could convict Bailey of a crime not alleged in the indictment.

Here, the indictment charging Bailey with homicide by child abuse specifically alleged that Bailey "inflicted upon [Victim] physical injuries to his abdomen resulting in exsanguination and consequently the death of the child." By its express terms, the indictment alleged that Bailey's "act" resulted in Victim's death. Significantly, it did not allege that Victim's death was the result of an "omission" on the part of Bailey.

Thus, the indictment apprised Bailey that he had to defend only against the allegation that he inflicted the physical injuries resulting in Victim's death. See Evans v. State, 363 S.C. 495, 508, 611 S.E.2d 510, 517 (2005) ("The primary purposes of an indictment are to put the defendant on notice of what he is called upon to answer, *i.e.*, to apprise him of the elements of the offense and to allow him to decide whether to plead guilty or stand trial, and to enable the circuit court to know what judgment to pronounce if the defendant is convicted."); State v. Gentry, 363 S.C. 93, 102, 610 S.E.2d 494, 500 (2005) ("The indictment is a notice document.").

A careful review of the jury's questions and the ensuing discussion with the judge reveals that the jury focused on the terms of the indictment and recognized the alternative elements in the homicide by child abuse statute, *i.e.*, an "act" versus an "omission." The foreman of the jury then stated the jury found "no evidence" that Bailey struck the Victim. [7] Based on this statement and the reference to the last line of the indictment, it is evident the jury was inquiring as to whether a finding of "neglect" on the part of Bailey was sufficient for a conviction under the statute.

The judge's supplemental instructions, which were confusing and contradictory, resulted in the erroneous directive that the jury could find Bailey guilty of homicide by child abuse if it found an act of "abuse or neglect." Such an instruction was in direct contravention of the specific act alleged in the indictment and, thus, constituted a material variance or a "constructive amendment" to the indictment.

We find that trial counsel not only failed to object to these jury instructions, but also acquiesced in the judge's erroneous interpretation. Thus, counsel's failure to object did not constitute a valid trial strategy. Cf. Padgett v. State, 324 S.C. 22, 484 S.E.2d 101 (1997) (finding trial counsel's failure to challenge first-degree burglary indictment did not constitute valid trial strategy where counsel did not recognize the distinction between a "barn" and a "dwelling" for the purposes of first-degree burglary).

Having found that trial counsel's performance was deficient, the question becomes whether Bailey was prejudiced by counsel's errors.[8] Because the supplemental

instructions created a material variance between the State's evidence and the allegations in the indictment, we conclude that Bailey was prejudiced by trial counsel's failure to object as this deficiency undermined confidence in the outcome of his trial. Accordingly, we hold trial counsel rendered ineffective assistance. See McKnight v. State, 378 S.C. 33, 48-49, 661 S.E.2d 354, 361-62 (2008) (finding trial counsel rendered ineffective assistance when she failed to object to the supplemental jury charge on the measure of criminal intent required for a conviction under the Homicide by Child Abuse statute; reasoning that the supplemental charge: (1) did not clarify the particular mental state and served to "further confuse the jury;" (2) "attained a special significance in the minds of the jurors;" and (3) was "prejudicial in fact" as the jury returned a guilty verdict five minutes after the supplemental charge).

III. Conclusion

In conclusion, we find Bailey's issue was preserved for appellate review as it was raised to and ruled upon by the PCR judge. In terms of the merits, we hold trial counsel was deficient in failing to object to the supplemental jury instructions as the judge perpetuated the jury's confusion that they could convict Bailey of homicide by child abuse based on an unindicted allegation of neglect. We find that a confluence of the lone specific allegation of physical abuse in the indictment and the jury's expressed confusion about the necessity of evidence of physical abuse by Bailey with the insufficient jury instructions created a structural due process defect that deprived Bailey of a fair trial. We conclude that Bailey was prejudiced by counsel's deficient performance. Accordingly, we reverse the order of the PCR judge and remand for a new trial.

REVERSED AND REMANDED.

TOAL, C.J., PLEICONES, KITTREDGE and HEARN, JJ., concur.

[1] S.C. Code Ann. § 16-3-85 (2003).

[2] Bailey was not the biological father of Victim or Hughes's other children; however, Hughes was pregnant with Bailey's child at the time of Victim's death.

[3] Specifically, the judge read the following provisions of section 16-3-85:

(A) A person is guilty of homicide by child abuse if the person:

(1) causes the death of a child under the age of eleven while committing child abuse or neglect, and the death occurs under circumstances manifesting an extreme indifference to human life;

(B) For purposes of this section, the following definitions apply:

(1) "child abuse or neglect" means an act or omission by any person which causes harm to the child's physical health or welfare;

Mr. Alon Wilson
S.C. Attorney General

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SC Court of Appeals

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