

The State of South Carolina  
IN The Court of Appeals  
IN The Supreme

RE: Curly Odell Keenon V. State  
Appellate Case No. 2016-000326

MARCH 3, 2016

Dear Clerk of Court

This is Explanation that contain sufficient facts, Argument and citation to legal authority to show that there is AN Arguable basis for asserting that the determination by the lower court WAS improper. Please send copy of Explanation AND Order of the lower court to show it was filed. Also enclose are the AFFIDAVIT OF The Solicitor's service AND A Notice of Pursuant Life Sentence under 17-25-45 under the prior conviction of Criminal Sexual Conduct 2nd degree conviction in 8-5-80...

RECEIVED

MAR 09 2016

S.C. SUPREME COURT

Very truly yours Respectful Submitted  
S. Curly Odell Keenon Jr. 204551  
Curly Odell Keenon JR. 204551  
Percy Correctional Inst. Q-3-B 204  
430 OAK LAWN Rd  
Pelzer SC. 29669

RECEIVED

MAR 03 2016

P.C.I. MAILROOM

The State OF South Carolina  
In The Court OF Appeals  
IN The Supreme Court

Appellate Case NO. # 2016-000326

RECEIVED

MAR 09 2016

EXPLANATION  
S.C. SUPREME COURT

Curly Odell KeenON JR appellant

V.  
The Stat OF South Carolina

I

RECEIVED

MAR 03 2016

P.C.I. MAILROOM

The South Carolina legislature, in 1986, enacted the Omnibus Crime Bill. One portion of that Bill, Section 16-1-60 code of LAWS of South Carolina 1976 effective June 3, 1986 Classified AS ~~extra~~ a second degree criminal sexual conduct AS A violent crime. Prior to the enactment of the Bill, second degree criminal criminal sexual conduct was not classified AS either A violent or A non-violent offense because, until then, no such classification existed such AS A strike 1 or strike 2 or strike 3 LAW.

Any criminal act committed prior to this Bill is unclassified AND such a classification amounts to a violation of the ex post facto clause AND is a violation of due process AS set fourth in Griffin V State 433 S.E. 2d 862 (S.C. 1993) AND Roller V. Cavanaugh, 984 F.2d 120 (4th cir. 1993) Such classification also violates S.C. code ANN, section 16-1-60, effective January 1, 1994. The South Carolina Supreme Court has held that the Omnibus Crime Bill violate the EX POST FACTO right of those who committed what are now classified AS violate crimes before the passage of the Bill.

II

The Classification of A violent crime For A 1980 conviction For 2<sup>nd</sup> degree criminal sexual conduct violates the ex post facto clause AND due process

rights, Fifth and Fourteenth Amendment of the United States Constitution and S.C. Code ANN. section 16-1-60. The Constitution prohibits states from enacting ex post facto laws. U.S. Const. Art. I, § 10. Cl.

III  
1.) AN EX Post facto LAW is ANY LAW which imposes A punishment for AN ACT which was not punishable at the it was committed; or imposes additional punishment to that than prescribed" Weaver V. Graham, 450 U.S. 24, 28, 101 S.Ct. 960; 964, 67 L.Ed. 2d 17 (1981) (quoting Cummings V Missouri, 4 WALL. 277 325-26, 18 L.Ed 356 (1867)); see also Morales... U.S. At ... n. 3, 115 S.Ct At 1602 n. 3 ("the focus of the ex post facto inquiry is not on whether a legislative change produces some ambiguous sort of "disadvantage" [to cover offenders]... but on whether ANY such change alters the definition of criminal conduct or increases the penalty by which a crime is "punishable"; Collins V. Youngblood, 497 U.S. 37, 43, 110 S.Ct. 2715, 2719-20, 111 L.Ed.2d 30 (1990) (same).

#### IV

The purpose of the Ex Post Facto Clause are to assure that legislative acts "give fair warning of their effect and permit individuals to rely on their meaning until explicitly changed" and to "restrict [ ] governmental power by restraining arbitrary and potentially vindictive legislation." Weaver, 450 U.S. At 28-29, 101 S.Ct. At 964 (footnote and citations omitted). A statute violates the Ex Post facto Clause even if it alters punitive conditions outside the sentence... [where the statute] substantially alters the consequences attached to a crime already completed, and therefore changes "the quantum of punishment." Any statute which punishes as a crime an act previously committed, which was innocent when done; which make more burdensome the punishment for a crime, after it's commission or which deprives one charged with a crime of any defenses available according to law at the time the act was committed, is prohibited **RECEIVED** Collins V. Youngblood, 110 S.Ct. 2715 (1990)

MAR 03 2016

I Curly Keenan <sup>204551</sup> certify AND verify under the penalty of Perjury that the foregoing is true AND correct, 28 USC § 1746.

Sworn of Affirmed to AND subscribed before me this

3<sup>rd</sup> day of March, 2016.

Nancy C. Merchant  
notary Public

my Commission Expires: 1-23-2027

RECEIVED  
MAR 03 2016  
P.C.I. MAILROOM

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF SPARTANBURG )

IN THE COURT OF GENERAL SESSIONS

INDICTMENT NOS: 01GS2234, 2235, 2236

WARRANT NOS:

THE STATE OF SOUTH CAROLINA )  
 )  
vs. )  
 )  
CURLY ODELL KEENON )  
DEFENDANT. )  
 )  
 )  
 )

SOLICITOR'S AFFIDAVIT OF SERVICE

PERSONALLY appeared before me the undersigned deponent, who being duly sworn, says that he served the following materials:

- |                                        |                            |
|----------------------------------------|----------------------------|
| 1. _____ Incident report               | 5. _____ Co-Def. Statement |
| 2. _____ Detective notes               | 6. _____ Rap sheet         |
| 3. _____ Defendant's written statement | 7. _____ Sol. Rule 5 req.  |
| 4. _____ SLED reports                  |                            |
8. Other :NOTICE OF LIFE SENTENCE

in this action on \_\_\_\_\_  
( ) by delivering Curly Keenon personally.  
( ) by delivering \_\_\_\_\_, a person of age and discretion residing at the residence of the defendant and being at said residence at the time of service.  
( ) by delivering to \_\_\_\_\_ at the place of business

and leaving with him/her copies of the same at Co. Jail  
P.O. DPH, Spartanburg, South Carolina, on the 12 day of sept, 2001, and that the deponent is not a party to this action and has no interest therein or connection therewith.



Seventh Judicial Circuit  
Office of the Solicitor

SWORN to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_.

(SEAL)

Notary Public for South Carolina  
My Commission expires: \_\_\_\_\_

RECEIVED  
MAR 03 2016  
P.C.I. MAILROOM

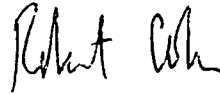
State of South Carolina )  
County of Spartanburg )  
The State of South Carolina )  
v. )  
Curly Odell Kennon )  
Defendant. )

In the court of General Sessions  
Seventh Judicial Circuit  
01-GS-42-2334  
Warrant # G694559

Notice of Life Sentence  
pursuant to Section 17-25-45

YOU WILL PLEASE TAKE NOTICE that pursuant to Section 17-25-45 of the South Carolina Code of Laws, 1976, as amended, the defendant will receive a life sentence if he is convicted of Burglary 1<sup>st</sup> Degree, on the above listed indictments, based upon his prior convictions including but not limited to; Criminal Sexual Conduct 2<sup>nd</sup> Degree (convicted 8/5/80).

Respectfully Submitted,



Robert Coler  
Assistant Solicitor

September 12, 2001.  
Spartanburg County

RECEIVED  
MAR 03 2016  
P.C.I. MAILROOM

url/y Kennon # 204551

P.C. I. Q-3-B-204

430 OAK LAWN RD

2/22/2016 SC. 29669

ANS

**RECEIVED**

MAR 09 2016

P.C.I. MAILROOM  
SCDC

MAR 17 '16

COMMISSARY

The Supreme Court of South Carolina

Daniel E. Shearouse, Clerk of Court

Post Office Box 11330

Columbia S.C. 29211