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THE STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT  
IN THE COURT OF APPEALS

APPEAL FROM DORCHESTER COUNTY  
COURT OF COMMON PLEAS

The Honorable Kristi L. Harrington

Case No: 2014-CP-18-00406

John B Robinson  
State of South Carolina  
Appellant,  
Respondent.

RECEIVED  
MAR 14 2018  
SC Court of Appeals

OBJECTION TO FINAL ORDER OF DISMISSAL.

Herein I will supply the factual evidence of why a final order of dismissal is improper.

The ruling of this court is improper because this court has a duty to the fundamentals of Justice in assuring Due process. My constitutional right to Due process is violated. The state freely admits that this issue of a BATSON violation was raised in the first PCR Application under ineffective assistance of counsel. Batson has been established and held by the Supreme Court as requiring reversal and/or relief.

SEE ST. VS. INMAN 409 S.C. 19, 760 S.E.2D. 105


In Inman The Trial court Inappropriately left the Burden of Persuasion on defendant as The party opposing STATE'S BATSON motion. TRIAL COURT, NOT The STATE challenged the sufficiency of defendant's explanation. As in this present case The Judge challenged The sufficiency of defendant's explanation on all strikes. Even going as far as to ask why trial counsel didn't like certain people (Pg. 62 W 14-17) (Te Pg. 62 W 24-25). After counsel gives Demeanor as an explanation which is an established race neutral reason. Trial court even grilled counsel for 22 lines of transcript. Judge asks for another strike "you don't want any preachers' wives" (Pg 65 W 4-5). The Trial court is forcing The Burden of Persuasion on the defendant. This Grilling of Trial counsel on his strikes lasts for five pages (Pg. 60-65) of transcript, by The Trial court and NOT The STATE. The burden of persuasion is forced on the defendant

As The Party OPPOSING STATE'S BATSON motion.  
After This There is A Second Jury selection  
in which one of the challenged strikes that was  
struck the first time was seated on the Jury.  
Juror #159. This Tainted the Jury giving rise to  
Presumed Prejudice as there is NO way to  
determine with any degree of Certainty whether  
defendant's right to A fair trial by impartial  
Jury was Abridged. U.S. C.A. Const. Amend. 6.

Also Trial counsel testified that I did NOT get A  
Preliminary Hearing because he got the case after the  
10 day limit. In EXT. 1 which is his first  
communication as my counsel, IT clearly Proves  
that his testimony is FALSE.

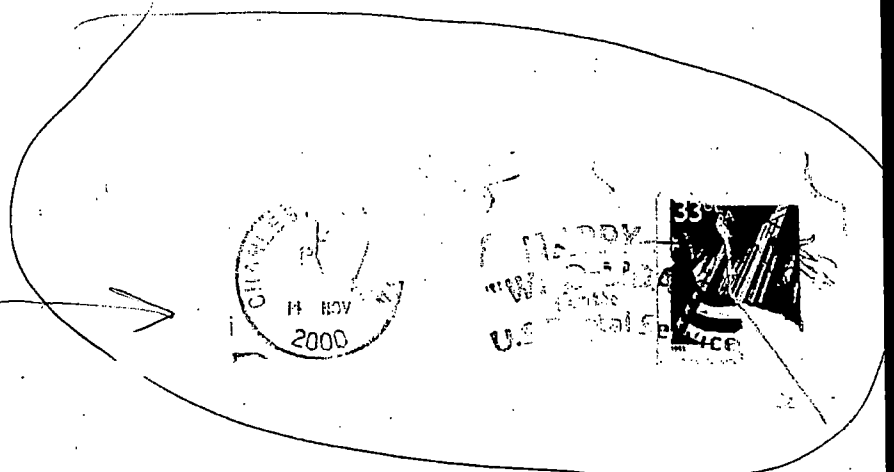
THE BATSON violation STANDS AS A Gross miscarriage  
of Justice and Requires Reversal and/or Redress. Just  
Because I Am Poor and BLACK does not mean  
I should be vulnerable to Injustice. I Am supposed  
to have "one bite" of an apple. If you bite an Apple Juice will  
flow. I want my Juice and Justice. I want my Constitutional  
Right to Due process.

MARCH 12, 2018

  
John Robinson  
PRO-SE

Gene W. Dukes  
Attorney at Law  
P. O. Box 622  
100 Ridge Street  
St. George, S. C. 29477

THIS POST MARKED LETTER  
TO ME FROM COUNSEL PROVES  
THAT HE HAD THE CASE  
BEFORE 10 DAYS HAD  
EXPIRED.



John Robinson  
Dorchester County Detention Center  
100 Sears Street  
St. George SC 29477

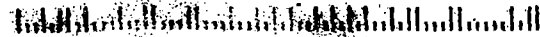


*Mag*

*30*

*11/11*

29477-2438 01



*EXH 1*

4153

NOVEMBER 11 2001

COPY 640

To whom it may concern: *Judge Goodstein*

I have been incarcerated for over one year. Despite my constant inquiries, I have received not one piece of information concerning the case against me. I understand that this may be an "on going" investigation, but to my astute knowledge "on going", is the "continuance of", and to this day there has been no information or evidence given to support the charges against me. I have just spoken with my attorney, Mr. Gene Dukes, on 11/12/01. He has conformed to the prosecution has no evidence to support their charges.

On 09/04/01, I requested that Mr. Dukes file two motions on my behalf, which he has thus far refused to do. Unfortunately, I am inclined to believe that Mr. Dukes will not honor my request. Therefore, I would like to move before the court, by notice and motion to have the charge of murder against me dismissed. If that motion is denied, then I would like to move before the court, by notice and motion, for an Order prohibiting the prosecution from introducing at trial any and all evidence that has not been disclosed, as stated in section "F" of the Motion for Discovery and Inspection.

If this can not be accepted as legal filing of these motions, please instruct me on how to formalize and present said motions before the court properly.

Thank you,

*[Signature]*  
JOHN ROBINSON

2014 JUN 17 AM 10:08  
E-RECORDED

CLERK OF COURT  
DORCHESTER COUNTY

*[Signature]*  
CLERK OF COURT  
DORCHESTER COUNTY

2014 JUN 17 AM 10:16  
CERTIFIED COPY

CERTIFIED COPY

11-13-01

*[Signature]*  
Clerk of Court  
Dorchester County

EXH # 2

Lowcountry Law Office

4000 Faber Place Drive, Suite 300  
Charleston, SC 29405  
Phone: 843-323-4353 Fax: 877-866-9820  
E-Mail: Davis@LowcountryLawOffice.com

February 21, 2018

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

RE: John B. Robinson v. State of South Carolina, Appellate Case No.: 2018-000199

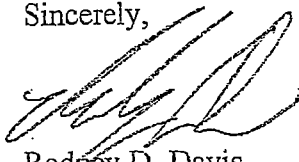
Dear Mr. Shearhouse:

I received a letter from your office dated February 12, 2018, requesting a response from me pursuant to Rule 243(c) of the South Carolina Appellate Court Rules. Mr. Robinson's Post Conviction Relief Application was dismissed based on this being a successive application and/or untimely under the statute of limitations. We argued against the dismissal at the hearing on December 17, 2017.

After reviewing the file, my notes, my research, communications with Mr. Robinson, the presentation of his case in court and the Order of Dismissal, I have determined that I do not have a good faith argument for appeal beyond what was presented at the Post Conviction Relief (PCR) evidentiary hearing. By sending a copy of this letter to Mr. Robinson, I am informing him that he has twenty (20) days from the date of this letter to file a pro se explanation as to why the he believes that the dismissal of his PCR was improper.

I believe this satisfies my obligations to my client, Mr. Robinson, and to the Court. I appreciate your cooperation in this matter. If I am incorrect and you need anything further from me, please contact me. Otherwise, it is Mr. Robinson's obligation to contact your office and continue forward.

Sincerely,



Rodney D. Davis  
South Carolina Bar #: 12396

CC: John B. Robinson

Megan Jameson  
Assistant Attorney General

Kimberly McCall  
Appellate Division, SCCID

STATE OF SOUTH CAROLINA  
COUNTY OF DORCHESTER

John Bernard Robinson, #280311,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF COMMON PLEAS  
FIRST JUDICIAL CIRCUIT

2014-CP-18-0406

**RECEIVED**  
MAR 14 2018  
SC Court of Appeals  
FINAL ORDER OF DISMISSAL  
CLERK OF COURT  
DORCHESTER COUNTY  
2017 DEC 27 PM 4:01  
CERTIFIED

This matter comes before the Court by way of an application for post-conviction relief (PCR) filed March 7, 2014. Respondent made its return on or about May 20, 2014, requesting the application be summarily dismissed based upon expiration of the statute of limitations and the presumption against successive PCR applications. A hearing into this matter was held on December 11, 2017 at the Dorchester County Courthouse. Applicant was represented by Rodney Davis, Esquire. The State was represented by Ruston W. Neely, Esquire, of the Attorney General's Office.

Pursuant to this request, and after reviewing the pleadings in this matter and all of the records attached thereto, the Court issued a Conditional Order of Dismissal signed June 19, 2014 and filed July 2, 2014, provisionally denying and dismissing this action, while giving the Applicant 20 days from the date of service in which to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated July 18, 2014, serving the above-mentioned Conditional Order of Dismissal on the Applicant.

Applicant filed a *pro se* response captioned "Objection to Respondent's Conditional Order of Dismissal," dated June 10, 2014, in which Applicant asserts, the original "PCR judge

overstepped his authority by twisting the actual, factual record to fit his ruling, which is an erroneous application of the law.”

Applicant also filed a document titled, “Objection to Conditional Order of Dismissal,” dated July 28, 2014, in which Applicant argues that trial counsel was ineffective and the issues were never fully adjudicated at his first PCR because the PCR judge based his ruling on statements that weren’t made during the hearing.

At the hearing, Applicant was unable to establish any reason why his successive and statute of limitations barred application should not be dismissed. Accordingly, this Court finds that Applicant’s claim of ineffective assistance of PCR counsel is dismissed, as it is not a cognizable claim for relief. Once a PCR Applicant obtains a complete adjudication on the merits of his original application, including an appeal, he may not make successive applications based on ineffective assistance of PCR counsel. Aice v. State, 305 S.C. 448, 452, 409 S.E.2d 392, 395 (1991). Further, Kelly v. State explicitly states, “the holding in *Martinez*<sup>1</sup> is limited to federal habeas corpus review and is not applicable to state post-conviction relief actions.” Kelly v. State, 404 S.C. 365, 365, 745 S.E.2d 377 (2013). Consequently, pursuant to Rule 12(b)(6), SCRPC, Applicant’s contention that he received ineffective assistance of PCR counsel is not a cognizable claim for relief, nor does it raise any genuine issue of material fact for this Court to consider in evaluating the application.

This Court has reviewed Applicant’s responses to the Conditional Order of Dismissal in their entirety, in conjunction with the original pleadings, and finds a sufficient reason has not been shown why the Conditional Order of Dismissal should not become final.

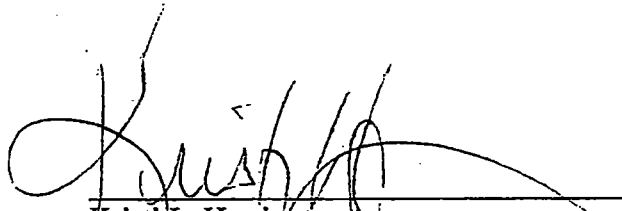
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<sup>1</sup> Martinez v. Ryan, 132 S.Ct. 1309 (2012) (holding ineffective assistance of collateral counsel may constitute “cause” to excuse procedural default in federal habeas corpus actions under the federal “cause and prejudice” standard)

**IT IS THEREFORE ORDERED** that for the reasons set forth in the Court's Conditional Order of Dismissal, the Application for post-conviction relief is hereby **DENIED AND DISMISSED WITH PREJUDICE**.

This Court hereby advises the Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR., for the procedures following the filing and service of the notice of appeal.

**AND IT IS SO ORDERED** this 19<sup>th</sup> day of December, 2017.



Kristi L. Harrington  
Presiding Judge  
First Judicial Circuit

Moncks Corner, South Carolina.

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

The Honorable Kristi L. Harrington

Case #: 2014-CP-18-00406

CLERK OF THE COUNTY  
DORCHESTER COUNTY  
CERTIFIED COPY  
2018 JAN 26 PM 5:02

John B. Robinson,

Appellant.

v.

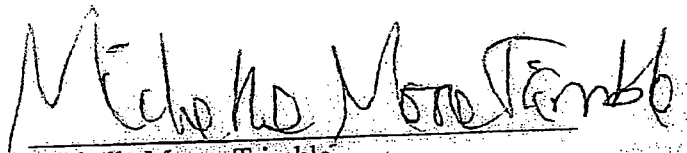
State of South Carolina,

Respondent.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State by mailing a copy, via US Mail, to the address of record, Ruston W. Neely, Assistant Attorney General, Office of the Attorney General, State of South Carolina, P.O. Box 11549, Columbia, South Carolina 29211-1549, on January 24, 2018.

January 24, 2018



Michelle Moore Trimble  
Paralegal to Rodney D. Davis  
4000 Faber Place Drive, Suite 300  
Charleston, SC 29405  
(843) 323-4353  
Davis@LowcountryLawOffice.com  
Attorney for Appellant

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

APPEAL FROM DORCHESTER COUNTY  
Court of Common Pleas

The Honorable Kristi L. Harrington

Case #: 2014-CP-18-00406

John B. Robinson,

Appellant

v.

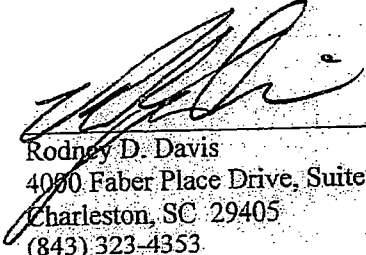
State of South Carolina,

Respondent

NOTICE OF APPEAL

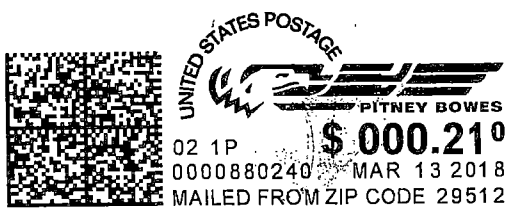
John B. Robinson appeals the denial of his Post Conviction Relief application in this case. The Application for relief was denied, following an evidentiary hearing before the Honorable Kristi L. Harrington on December 11, 2017. Counsel for the Appellant received the filed Order of Dismissal on or about January 3, 2018.

January 23, 2018

  
Rodney D. Davis  
4000 Faber Place Drive, Suite 300  
Charleston, SC 29405  
(843) 323-4353  
Davis@LowcountryLawOffice.com  
Attorney for Appellant

CERTIFIED COPY  
2018 JAN 26 PM 5:02  
DORCHESTER COUNTY

Mr. John Robinson (280311)  
Inns Cr. F.S.A-159  
60 Hwy 9 west  
Bennettville SC 29512



WIKI OF APPEALS

1220 Senate Street  
Columbia SC 29201

**RECEIVED**

MAR 14 2018  
SC Court of Appeals

SCDC  
Christmas  
Packet