

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

RECEIVED

APR 19 2018

S.C. SUPREME COURT

APPEAL from Dorchester county
COURT of common Pleas

Case#: 2014-CP-18-00406 / 2018-000199

John Robinson

APPELLANT

v.

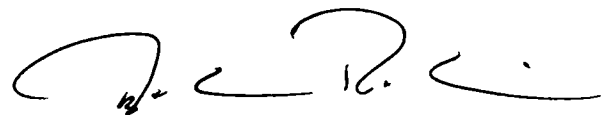
STATE of South Carolina

Respondent

Proof of Service

I certify that I have served the appeal to the court and to the state by mailing a copy to the office of the Atty. General, the Supreme Court, and the Dorchester County Clerk of Court. on April 16, 2018

April 16, 2018



John Robinson
Evans c.s. 5-A-159
610 Hwy 9 west
Sennettsville SC 29512

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THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

MEMORANDUM

- ① ST v. INMAN 409 S.C. 19, 760 S.E. 2d. 105
- ② BATSON v Kentucky
- ③ U.S. constitution
- ④ 6th Amendment

THE STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

CASE# 2018-000199

John Robinson

Appellant,

v.

THE STATE OF SOUTH CAROLINA

Respondent.

APPEAL OF ORDER OF DISMISSAL

This is not a claim of ineffective assistance of PCR counsel. This is an assertion of the violation of my constitutional rights and the established law.

THE STATE freely admits that the issue of a Batson violation was raised in the first PCR.

Here in I will prove that, that violation still exists and was NOT adjudicated.

The state made a Batson motion to challenge the strikes of the defense. As is clearly shown in the ROA THE JUDGE QUESTIONED the defense on all strikes making the defense prove and persuade the court as to why the strikes were made. The judge even was asking why the defense struck certain people and why the defense didn't like certain people. (ROA PG 60-65)

The burden of persuasion is removed from the state and forced on the defendant, as the party opposing the state's Batson motion. After the judge went through all strikes then he turns to the state and asks what it has to say about it.

After this there is A second Jury selection, in which one Of the challenged strikes juror #159 was now seated on the Jury. This Taints the Jury and gives 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. CA. const. Amend. 6. Defense even gave demeanor and deposition as A race neutral reason but was rejected. (ROA B 63 W 22-25 - P 64 W 1-22)

Also I did through counsel request a preliminary Hearing which is my right. I was refused. AT The PCE Hearing The counsel said he got the case after The 10 day limit had expired. I Have several times Presented the factual proof that He was lying But It has been overlooked deliberately like all issues. I will again supply The proof As ex. 1.

It is clear and precise that these issues have merit, and requires the court to address them in remand. Just because I am poor and black should not make me vulnerable to injustice.

The laws regarding the BATSON issue has already been established. Here in it is proven that the established laws have been overlooked and misapprehended by the state and to prevent a gross miscarriage of justice the issue should be redressed, and ruled according to the established standing laws.

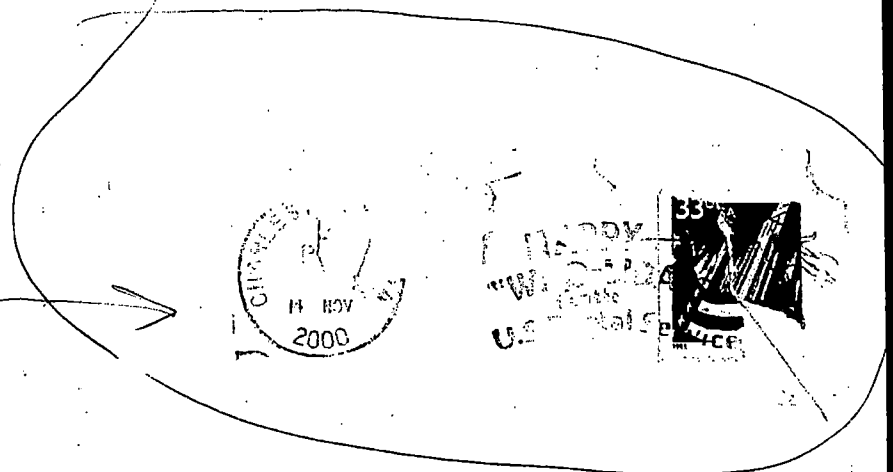
April 16, 2018



John Robinson
Evans C.I. S-A-159
610 Hwy 9 west
Bennettsville SC 29512

Gene W. Dukas
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.



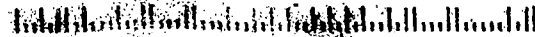
John Robinson
Dorchester County Detention Center
100 Sears Street
St. George SC 29477



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EXH 1

29477-2438 01



The Supreme Court of South Carolina

John Bernard Robinson, Petitioner,

v.

State of South Carolina, Respondent.

Appellate Case No. 2018-000199

Lower Court Case No. 2014CP1800406

ORDER

In the explanation required by Rule 243(c) of South Carolina Appellate Court Rules (SCACR), petitioner has failed to show that there is an arguable basis for asserting that the determination by the lower court was improper. Accordingly, this matter is dismissed. The remittitur will be sent as provided by Rule 221(b), SCACR.



FOR THE COURT C.J.

Columbia, South Carolina

March 22, 2018

cc: Rodney Duane Davis, Esquire
Christian Aaron Saville, Esquire

