

JOHN THOMAS ROBINSON

P.O. BOX 10535

ROCK HILL, SC 29731

RECEIVED

JUN 11 2018 AT

S.C. SUPREME COURT

THE HONORABLE DANIEL E. SHEAROUSE

P.O. BOX 11330

COLUMBIA, SC 29211

JUNE 3RD. 2018

APPELLATE CASE No. 2018-000953

DEAR SIR:

HEREWITH IS MY EXPLANATION REQUIRED. PLEASE FILE AT YOUR EARLIEST.

RESPECTFULLY SUBMITTED,

A handwritten signature in black ink, appearing to read "John T. Robinson", written over a horizontal dashed line.

JOHN THOMAS ROBINSON

THE STATE OF SOUTH CAROLINA
In THE SUPREME COURT

APPEAL FROM YORK COUNTY
JOHN C. HAYES, III, CIRCUIT COURT JUDGE

RECEIVED
JUN 08 2018 AT
S.C. SUPREME COURT

JOHN THOMAS ROBINSON ----- APPELLANT

V.

STATE OF SOUTH CAROLINA ----- RESPONDENT.

APPELLATE CASE No. 2018-000953

LOWER COURT CASE No. 2017CP4600160

EXPLANATION REQUIRED: RULE 243(c) SCACR

THIS MATTER IS BEFORE THIS COURT WITH SUFFICIENT FACTS, ARGUMENT AND CITATIONS TO LEGAL AUTHORITY TO SHOW THERE IS AN ARGUABLE BASIS FOR ASSERTING THAT THE DETERMINATION BY THE LOWER COURT THAT THIS ACTION IS BARRED AS BEING SUCCESSIVE AND AS BEING UNTIMELY UNDER THE STATUTE OF LIMITATIONS WAS IMPROPER.

THE UNIFORM POST-CONVICTION PROCEDURE ACT – SC CODE ANN. SECTION 17-27-20. PERSONS WHO MAY INSTITUTE PROCEEDING; EXCLUSIVENESS OF REMEDY. PROVIDES THE FOLLOWING: (A) ANY PERSON WHO HAS BEEN CONVICTED OF, OR SENTENCED FOR, A CRIME AND WHO CLAIMS:

- (1) THAT THE CONVICTION OR THE SENTENCE WAS IN VIOLATION OF THE CONSTITUTION OF THE UNITED STATES OR THE CONSTITUTION OR THE LAWS OF THIS STATE;
- (2) THAT THE COURT WAS WITHOUT JURISDICTION TO IMPOSE SENTENCE;
- (3) THAT THE SENTENCE EXCEEDS THE MAXIMUM AUTHORIZED BY LAW;
- (4) THAT THERE EXISTS EVIDENCE OF MATERIAL FACTS, NOT PREVIOUSLY PRESENTED AND HEARD, THAT REQUIRES VACATION OF THE CONVICTION OR SENTENCE IN THE INTEREST OF JUSTICE;

SUCCESSIVE

SC CODE ANN SECTION 17-27-90 PROVIDES THE FOLLOWING: ALL GROUNDS FOR RELIEF AVAILABLE TO AN APPLICANT UNDER THIS CHAPTER MUST BE RAISED IN HIS ORIGINAL, SUPPLEMENTAL OR AMENDED APPLICATION. ANY GROUND FINALLY ADJUDICATED OR NOT SO RAISED, OR KNOWINGLY, VOLUNTARILY AND INTELLIGENTLY WAIVED IN THE PROCEEDING THAT RESULTED IN THE CONVICTION OR SENTENCE OR IN ANY OTHER PROCEEDING THE APPLICANT HAS TAKEN TO SECURE RELIEF, MAY NOT BE THE BASIS FOR A SUBSEQUENT APPLICATION, UNLESS THE COURT FINDS A GROUND FOR RELIEF ASSERTED WHICH FOR SUFFICIENT REASON WAS NOT ASSERTED OR WAS INADEQUATELY RAISED IN THE ORIGINAL, SUPPLEMENTAL OR AMENDED APPLICATION.

STATUTE OF LIMITATIONS

SC CODE ANN. SECTION 17-27-45. FILING PROCEDURES FOR POST-CONVICTION RELIEF APPLICATIONS. PROVIDES THE FOLLOWING: (C) IF THE APPLICANT CONTENDS THAT THERE IS EVIDENCE OF MATERIAL FACTS NOT PREVIOUSLY PRESENTED AND HEARD THAT REQUIRES VACATION OF THE CONVICTION OR SENTENCE, THE APPLICATION MUST BE FILED UNDER THIS CHAPTER WITHIN ONE YEAR AFTER THE DATE OF THE ACTUAL DISCOVERY OF THE FACTS BY THE APPLICANT OR AFTER THE DATE WHEN THE FACTS COULD HAVE BEEN ASCERTAINED BY THE EXERCISE OF REASONABLE DILIGENCE.

SC CODE ANN. SECTION 17-27-70 PROVIDES IN RELEVANT PART THE FOLLOWING:

(b) ... DISPOSITION ON THE PLEADINGS AND RECORD IS NOT PROPER IF THERE EXISTS A MATERIAL ISSUE OF FACT.



JOHN THOMAS ROBINSON – PRO-SE

SWORN TO AND SUBSCRIBED BEFORE ME THIS

4th DAY OF June, 2018
[Signature] (LS)

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES: Jan 23, 2028



STATE OF SOUTH CAROLINA
COUNTY OF YORK

APPELLATE CASE No. 2018-000953

JOHN THOMAS ROBINSON ----- APPELLANT

V.

STATE OF SOUTH CAROLINA ----- RESPONDENT.

CERTIFICATE OF SERVICE

THE UNDERSIGNED HEREBY CERTIFIES THAT A TRUE COPY OF THE " EXPLANATION REQUIRED" HAS BEEN SERVED UPON THE RESPONDENT BY MAILING ONE (1) COPY IN THE UNITED STATES MAIL, POSTAGE PREPAID, ADDRESSED TO:

JUSTIN J. HUNTER
ASSISTANT ATTORNEY GENERAL
P.O. BOX 11549
COLUMBIA, SC 29211