

THE Supreme Court
of South Carolina

July 30, 2018

Daniel E. Shearouse
Clerk of Court
P.O. Box 11330
Columbia, S.C. 29211.

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AUG 02 2018

S.C. SUPREME COURT

RE: James P. Robinson V. State
of South Carolina, Appellate Case
No: 2018-001315
P.C.R Case No: 2016-CP-41-00077

Dear Mr. Shearouse,

I'm filing an AFFIDAVIT
to "AVer" my claim is not Frivolous
an my reasons why such a prohibit
should not be imposed on future
filings in Circuit Court. This AFFIDAVIT
is pursuant to S.C. CODE ANN. § 14-3-
320 (2)(A) and Lake V. State, 510, S.E.2d
228, 333, S.C. 382. Will you please be so
kindly an send me a stamped clocked copy
back, I'm Thanking you in advance For your
assistane.

Thank you

cc: Sherrie Butterbaugh
Attorney General Office

Sincerely,

James P. Robinson



Saluda County Clerk of Court

Sheri C Coleman

100 East Church Street; Suite 6 - Courthouse
Saluda, South Carolina 29138
Phone (864) 445-4500 – Fax (864) 445-3772

July 25, 2018

James P Robinson #250720
Kirkland Correctional Inst
B2-22
4344 Broad River Rd
Columbia, SC 29210

RECEIVED

AUG 02 2018

S.C. SUPREME COURT

Dear Mr. Robinson,

In response to your letter dated 7-22-18, enclosed you will find copies of the letters you sent to this office. You will need to contact the court reporter at the address below for a copy of the transcript.

Steve LeBlanc
P. O. Box 184
Lexington, SC 29071

Thank you,

Sheri C. Coleman
Saluda County
Clerk of Court

MR. Steve LeBlanc
P.O. Box 184
Lexington, S.C. 29021

July 30, 2018

RE: I need to order Transcript
of the proceeding on Feb 23,
2018 at the Lexington County
Court of Common Pleas in
Lexington, S.C.
Case number: 2016-CP-41-
00677

Dear MR. LeBlanc,

I need to order
The Transcript of the proceeding
on the above date. I agree to
pay for this transcript as
provided by Rule 607 S.C.A.C.R

cc. Sherrie Bullerbaugh
Attorney General
S.C. Supreme Court of S.C.
S.C. Appellate Defense

Sincerely,
James P.
Robinson

July 22, 2018

IN THE COURT OF Common Pleas
ELEVENTH JUDICIAL CIRCUIT
SALUDA COUNTY ~~100~~ E. Church St.
Saluda, S.C. 29138.

FILED
2018 JUL 25 AM 11:19
CLERK OF COURT
SALUDA CO. S.C.

RE: COURT REPORTER OF THE ELEVENTH
JUDICIAL CIRCUIT, James P. Robinson V.
State of South Carolina, Case No: 2016
-CP-41-00077

Dear Court Reporter,

on Feb, 23, 2018

The above case was tried before
The Honorable Derham J. Cole, Circuit
Court Judge in Lexington S.C. Lexington
County.

I request that you provide me with
a Transcript of the proceedings.
Please Transcribe The entire Record.

I agree to pay for This Transcript as
provided by Rule 607 SCACR

cc: Sherrie Butterbaugh
Attorney General

S.C. Supreme Court
S.C. Appellate Defense

Sincerely
James P.
Robinson

July 22, 2018

Sheri C. Coleman, Clerk
Saluda County Clerk of
Court 100 E. Church St.
Saluda, S.C. 29138

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JUL 23 2018

KIRKLAND R&E CENTER
MAILROOM

RE: Ordering Transcript of The
proceedings on Feb 23, 2018 at
the Lexington County Court of
Common Pleas in Lexington, S.C.
Case no: 2016-CP-41-00077
Rule 607 SCACR

CLERK OF COURT
SALUDA CO. S.C.

2018 JUL 25 AM 11:19

FILED

Dear Clerk Coleman,

I don't know the information
concerning who the Court Reporter was
on that day of the proceedings, hopefully
you can provide that information and
forward my request to Court Reporter.
Will you please be so kindly and send me
a stamped clocked copy back. I'm
Thanking you in advance for your
assistance.

Thank you

Sincerely
James P. Robinson

THE Supreme Court of South Carolina

THE Supreme Court of
South Carolina County
of Richland

James P. Robinson # 250720
Appellant

V.

State of South Carolina
Respondant

AFFIDAVIT IN
Support of Appellant
motion for petition
to be reviewed and not
prohibited from further
future review by court.
Appellant Case NO. 2018-001315

James P. Robinson, Being duly sworn, deposes
and says:

1. I am the appellant in the above entitled case.
I make this Affidavit in support of my motion
for my case to be reviewed and not prohibited
from further future filing in court.
2. The complaint in this case is not frivolous,
appellant case at hand will show that his Sixth
Amendment was violated and due process was
not afforded, Appellant is unlawfully
convicted by a jury that had a bias juror
that sat and served on jury, Appellant states
that the dismissal is not unwarranted in

the case because a genuine issue of material fact exist whether or not the seating of Juror number #119, Tainted the Jury violated appellant right to a Fair Trial, Appellant Furthermore argues that the particular claim is not barred by the Doctrine of Laches or Res Judicata because the claim is Based upon "After Discovered Evidence and was not previously presented or Ruled upon by any Court. So as to bar Litigation, Therefore likewise it is not successive.

3) A substantial Constitutional Right 6th Amendment Right of the appellant was violated where a miscarriage of Justice took place which denied appellant the right to an impartial Jury. There were never an inquiry done on Juror once Juror admitted to being related to Chief witness for the state, Blood related to Coroner. Former Attorney, Thomas D. Broadwater, presiding Judge Edward B. Cottingham, Solicitor Lake Eric Summers Failed to do an inquiry, Failed to dismiss, strike, and object to Juror that was bias by her

present of being blood Related to Chief witness at trial. Juror sat and served, Juror's uncle testified for the state. Juror's uncle is a County official, the Coroner for Saluda County. The matter at hand, Appellant was denied his right to Due process as granted by the six 6th Amendment to an impartial Jury.

4, According to S.C. Code of Laws Title 14 Chapter 7 Article 9 section 14-7-1020

Jurors may be examine By Courts if Juror is not indifferent, HE/SHE should be set aside, the Court on motion of either party in suit, examine on oath any person who is called as a Juror to know whether he/she is related to either party, has any interest in the case, has expressed or formed any opinion, or is sensible of any bias or prejudice therein, and the party objecting to the Juror may introduce any other competent evidence in support of the objection, if it appears to the Court that the Juror is not indifferent in the cause, he/she must be placed aside as to the trial of that

Cause and another must be called. Presiding Judge Edward B. Cottingham committed an error of law by failing to do an inquiry individually on Juror which Juror was a possible interest in the Cause, to wit that her uncle was a witness in chief for the state, Juror uncle testified for the state at trial. The presence of a bias Juror cannot be harmless, the error requires a new trial without a showing of actual prejudice Dyer, 151, F3d at 973, United States v. Martinez Salazar, 120 S.Ct 774, 782 (Jan. 19, 2000)

5) Appellant conviction is in violation according to S.C. Code of laws title 14 Chapter 7 Article 9 section 14-7-1020

6) The appellant allegations, if proved, clearly would establish a constitutional violation to wit six^{6th} Amendment

Appellant argues that this allegation is not frivolous and that he's not wasting the Courts time and resources, and that he ask this Court to review his claim and not to prohibit his case from

This Court or any other court for further review.

Appellate should not be held accountable for his former Attorney Thomas D. Broadwater nonfeasance ways, Failure to perform an act, legal requirement. Attorney Failure, to do a legal requirement prohibited appellate from filing a belated appeal, nothing in past or present records that indicate that appellate refuses Counsel's advisement or assistance at conclusion of trial, Attorney gave false testimony at appellant First P.C.R. Hearing to save his career, which he said that appellate curse him badly at the conclusion of trial and refuse his assistance, At the time of Appellate First P.C.R. Hearing Attorney Thomas D. Broadwater law license were revoked for failing to represent a client which he took client funds.

Attorney Broadwater testified that Appellate did not want his assistance, Appellant provided a letter from Attorney Broadwater at the P.C.R. which the P.C.R. did not except as exhibit to refute Attorney Broadwater credibility. Appellant

filed two other P.C.R. applications not on the same issues, which they should have reflected back to the original application 17-27-90 which those grounds should have been consolidated into one application, the original. Appellant argues that a convicted person has a right to a post conviction relief hearing. The purpose of post-conviction relief in South Carolina is to provide convicted persons with a comprehensive mechanism to raise any unresolved and previously unmentioned questions of fact or law relevant to their convictions or sentences. S.C. Code ANN. 17-27-20 (A) (2003) see also YACKLE, supra note 6, at 3 (discussing the purpose of state habeas).

According to the South Carolina Supreme Court, the P.C.R. Act was "designed to incorporate all rights available under federal habeas corpus. *Finkle v. State*, 255 S.E.2d 447, 447-48 (S.C. 1979) see also *Harvey v. South Carolina*, 310 F. Supp. 83, 85 (D.S.C. 1970)

The P.C.R. Act affords all the protections contemplated by our founding fathers. It is designed to afford post-conviction relief of a scope sufficiently broad to comply with the mandates and holdings of United States Supreme Court relating to Federal review of state convictions. It was intended to be an exclusive remedy displacing "All other common law, statutory or other remedies." 40, S.C. CODE ANN. 17-27-20 (B) (2003). For the most part, P.C.R. has replaced the various forms of common law collateral relief, but some exceptions remain.

Appellant argues that any applicant can begin a P.C.R. proceeding by submitting a claim on a standard P.C.R. application, the Attorney General's see S.C. CODE ANN. 17-27-100 (2003) (A) Final Judgment entered under this chapter may be reviewed by a writ of Certiorari as provided by the South Carolina Appellate Court Rules.

The 1999 act No. 55, 324 added the Court of Appeals to the prior language of the Rule that stated "[A] Final Judgment entered under this chapter may be reviewed by the supreme court of this state on appeal brought either by the appellant or the state in accordance with laws governing appeals from circuit court in civil cases." S.C. Code ANN. § 17-27-100 (1997). The South Carolina Appellate Court Rules provide that Final P.C.R. decisions shall be reviewed by the supreme court upon petition of either party for a writ of certiorari, but the supreme court has discretion to transfer any such case to the court of appeals, S.C. App. Ct. R. 243. (S.C. App. Ct. R. 227 was renumbered to S.C. App. Ct. R. 243, effective April 29, 2009).

Appellant argues that the lower denied his application on July 2, 2018 as successive in error. Appellant filed his

Notice of Appeal to this Court. Appellant now seeks a writ of certiorari to review this Dismissal.

Conclusion

For the reasons stated, Appellant ask this Court to grant Appellant case to be reviewed and not prohibited from further future review by Circuit Court, S.C. CODE ANN.

§ 14-3-320(2)(A) LAKE V. STATE,
510, S.E. 2d 228, 333, S.C.
382

Respectfully
submitted,

Sworn before me
this 31ST DAY OF
JULY

Sylvia Old

Notary Public of South
Carolina

my Commission expires
MARCH E, 2026

x James P. Robinson

#250780
James P. Robinson
Kirkland, Conn, Inst. B2-22
4344 Broad River Rd.
Columbia, S.C. 29210

BROADWATER ASSOCIATES, P.C.
A Professional Law Corporation
6317 MONTICELLO ROAD
COLUMBIA, SOUTH CAROLINA 29203-2537

THOMAS D. BROADWATER, SR.
MARY J. BROADWATER

10/12/98

TELEPHONE (803) 786-6798
FACSIMILE (803) 786-2219

DEAR MR. ROBINSON,

IF YOU REMEMBER YOU AND I DISCUSS THE SERIOUSNESS OF YOUR DECISION, AFTER THE TRIAL JUDGE ALLOWED YOUR CONFESSION IN. I TOLD YOU THEN IF THE OFFICER WHO TOOK YOUR STATEMENT DID NOT FORCE YOU TO GIVE IT, YOU WOULD HAVE NO BASIS TO APPEAL A CONVICTION. IN ANSWER TO YOUR QUESTION, I DID NOT APPEAL YOUR CASE, BECAUSE WHEN WE HAD THE ABOVE DISCUSSION YOU SAID YOU UNDERSTOOD AND YOU DID NOT WANT TO TAKE THE PLEA TO MAN-SLAUGHTER, WHICH CARRIED A MUCH SHORTER TIME, AND YOU SAID TO ME THAT YOU KNEW THAT WITH YOUR CONFESSION AND APPEAL WOULD NOT HELP!

AGAIN I MUST TELL YOU YOU MADE A BIG MISTAKE WHEN YOU TURNED DOWN THE OFFER THAT WAS MADE TO YOU,

IF YOU REMEMBER YOUR DEAR MOTHER
BEGGED YOU TO TAKE THE OFFER AND
YOU REFUSED, AS YOU REMEMBER
I TOLD YOU THAT IT IS NOT MY JOB TO TELL
A CLIENT WHETHER HE SHOULD ACCEPT
OR REJECT AN OFFER OF COMPROMISE
THAT IS STRICTLY YOUR DECISION, AND ONCE
MADE YOU MUST LIVE OR DIE BY YOUR
CHOICE. I GAVE YOU THE CHANCE
TO MAKE A CHOICE AND YOU DO. SO YOU
MUST LIVE WITH YOUR CHOICE, GOOD
LUCK TO YOU.

VERY TRULY YOURS.

Tom BROADWATER
P.S. BY THE WAY I HAVE NEVER ANSWERED
LETTERS THAT CONTAINED PROFANITY.

BROADWATER ASSOCIATES, P. C.
A Professional Law Corporation
6317 MONTICELLO ROAD
COLUMBIA, SOUTH CAROLINA 29203-2537

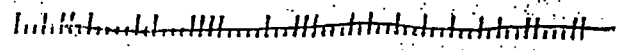
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MR. JAMES P. ROBINSON SCDC# 250720
KIRKLAND CORRECTIONAL INST. C-2 Rm 11
4344 Broad River Rd.

COLUMBIA, SC



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FindLaw Caselaw South Carolina SC Supreme Ct IN RE: Thomas D. BROADWATER

IN RE: Thomas D. BROADWATER

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Supreme Court of South Carolina.

IN RE: Thomas D. BROADWATER, Petitioner.

Decided: October 31, 2007

ORDER

On November 17, 1999, petitioner was placed on interim suspension. In the Matter of Broadwater, 337 S.C. 59, 522 S.E.2d 816 (1999). On June 12, 2000, the Court suspended petitioner from the practice of law for two years. In the Matter of Broadwater, 341 S.C. 101, 533 S.E.2d 589 (2000).

In January 2007, petitioner filed a Petition for Reinstatement and the matter was referred to the Committee on Character and Fitness (CCF). The CCF has filed a Report and Recommendation in which it recommends the Court grant the petition subject to the condition that petitioner's financial recordkeeping methods are approved by the Office of Disciplinary Counsel (ODC). Neither petitioner nor ODC filed any exceptions to the CCF's Report and Recommendation.

The Court grants the Petition for Reinstatement subject to the condition that ODC approves petitioner's financial recordkeeping methods. Before he practices law petitioner shall submit a written description of his financial recordkeeping plans to ODC. The description shall include an explanation of petitioner's receipt and disbursement methods to and from his law office accounts and all other recordkeeping requirements set forth in Rule 417, SCACR, and Rule 407, SCACR. ODC shall review the submitted plan and determine if the proposal meets the requirements of Rule 417, SCACR, and Rule 407, SCACR. Once ODC approves petitioner's financial recordkeeping methods, petitioner shall thereafter submit a compliance report with supporting documentation to ODC on a quarterly basis for a two year period.

Further, prior to practicing law, petitioner shall insure that he is in full compliance with the 2006-2007 Mandatory Continuing Legal Education & Specialization reporting requirements.

IT IS SO ORDERED.

/s/ Jean H. Toal, C.J.

/s/ James E. Moore, J.

/s/ John H. Waller, Jr., J.

/s/ Costa M. Pleicones, J.

/s/ Donald W. Beatty, J.

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97-GS-41-39, 40 VOIR DIRE

Date: 6-15-98

County: Saluda

Case No: 97-GS-41-323, 325, 326

Judge: Cottingham

Pl./State State

Pl./State Atty: Lake Summers

vs -

Julius H. Baggett

Defendant: James Paul Robinson

Defense Atty: Thomas H. Broadwater, Jr.

Court Reporter: Sharon L. Vizer

Juror No.	Name	Sex	Race	Strikes			
				Court	Plaintiff	Defense	Accept
70	Patricia K. Knight	F	W			X-1	
29	John H. Corley	M	W		X-1		
127	Constance J. Cameron	F	W				(1)
114	Jennie M. Temples	F	W				(2)
66	Michele B. Jumper	F	W			X-2	
5	Ronnie W. Anderson	M	W			X-3	
74	Molly B. Martin	F	W			X-4	
97	Glenda H. Rushton	F	W			X-5	
56	James R. Hendrix	M	W			X-6	
113	Mary T. Taylor	F	W				(3)
89	William D. Powell	M	W				(4)
112	Grady C. Tarlton	M	W			X-7	
133	Steven L. Wash	M	W				(5)
39	Billie B. Ellis	F	W			X-8	
32	Mae L. Culbreath	F	B		X-2		
36	Dean A. Derrick	M	W				(6)
11	Janice C. Berry	F	W				(7)
✓ 119	Javy T. Hendrix	F	W				(8)
14	Steven V. Black	M	W			X-9	
101	John D. Schumpert	M	W			X-10	
55	Ronald E. Hartley	M	W				(9)
25	Arthur R. Casterline, Jr.	M	W				(10)

←
←

1 THE COURT: Juror number 95. Thank you.

2 Yes, ma'am, come forward, please.

✓ 3 POTENTIAL JUROR: My name is Tavy Turner Hendrix,

✓ 4 and Keith Turner is my uncle.

5 THE COURT: All right, I accept that as

6 information. Thank you.

7 Jermaine Cullem, Timothy Erving. Please come
8 forward if you have any special connections. Hammond Glover,

9 Hammond Glover, Jr. Please come forward. Howard Glover,

10 Tyron Hartley, Curtis Holmes, Alex Kinard, Mr. Frederick

11 Robinson, Special Agent Kelvin Crimminger of SLED, Special

12 Agent Dan DeFreese of SLED, Dr. Carolyn Harris of SLED,

13 Special Agent Paul LaRosa of SLED, Lieutenant Joseph Powell

14 of SLED.

15 (There was no response.)

16 All right, Mr. Broadwater, any further inquiry,

17 sir?

18 MR. BROADWATER: No, sir, Your Honor.

19 THE COURT: How about it, Counsel?

20 MR. SUMMERS: Nothing further from the State, sir.

21 THE COURT: All right, give us a jury.

22 MR. BROADWATER: Your Honor, I have a list of

23 witnesses that may be called.

24 THE COURT: I'm now going to name some potential

25 witnesses who may or may not be called. My inquiry is as

BRIAN KEITH TURNER - DIRECT EXAMINATION BY MR. SUMMERS

1 rounded, and the disfigurement showed some of those
2 characteristics and it struck two ribs. Plus it struck, as I
3 mentioned, a vertebral body or one of the building blocks of
4 your spine.

5 MR. BROADWATER: All right. Thank you very much.

6 THE WITNESS: You're welcome.

7 MR. BAGGETT: Your Honor, may the witness be
8 excused?

9 THE COURT: Yes, sir.

10 Doctor, you may be excused.

11 MR. BROADWATER: Without objection.

12 MR. BAGGETT: Thank you, Doctor, so much,
13 appreciate you coming.

14 MR. SUMMERS: May it please the Court?

15 THE COURT: Yes, sir.

16 MR. SUMMERS: The State at this time would call
17 Coroner Keith Turner to the stand.

18 BRIAN KEITH TURNER,

19 after having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. SUMMERS:

22 Q. Good afternoon, sir.

23 A. Good afternoon.

24 Q. If you can speak up just as loud as you can, that
25 way the folks in the jury can hear you and the court reporter

BRIAN KEITH TURNER - DIRECT EXAMINATION BY MR. SUMMERS

1 can hear you, too, okay? Please introduce yourself to the
2 jury.

3 A. My name is Brian Keith Turner. I'm Saluda County
4 Coroner, have been since January of '93.

5 Q. Do you have another job beside from being --

6 A. Yeah. I also own a floor covering business on
7 Greenwood Highway.

8 Q. How long have you owned that floor covering
9 business, sir?

10 A. Since '91.

11 Q. And how long have you lived in Saluda County?

12 A. All my life.

13 Q. Do you have a family, sir?

14 A. Yes, sir. I have a wife and three daughters.

15 Q. Coroner Turner, let's turn our attention to the
16 events of December the 15th, 1996. Did you have an occasion
17 to go to the H and H Club that night?

18 A. Yes, sir, I did.

19 Q. Describe for the jury where the H and H Club is
20 located here in Saluda County.

21 A. It's on highway 39 South toward Ridge Spring. Go a
22 couple miles out of Ridge Spring and turn left on -- I can't
23 remember the name of that road right now.

24 Q. I believe I may have said Ward before, but it's
25 towards Ridge Spring, correct?

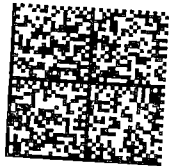
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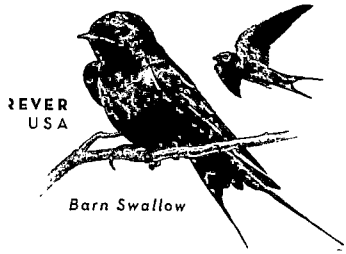
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