

1.

STATE OF SOUTH CAROLINA IN THE COURT
OF APPEALS

APPEAL FROM BEAUFORT COUNTY JUDGE
THOMAS COOPER CIRCUIT COURT JUDGE

THE STATE

VS.

RESPONDENT

RECEIVED

DEC 11 2019

SC Court of Appeals

TYRONE LORENZA ROBINSON

APPELLANT

Appellate case NO: 2017-002233

MOTION TO ACCEPT AN AMENDED PROSE RESPONSE MERITORIOUS BRIEF

FACTS

ON December 12, 2018 I FILED A ANDERS
PROSE RESPONSE BRIEF WITH THIS COURT
OF APPEALS, TO PROVE TO THIS COURT THAT
I HAVE MERITS IN MY CASE.
I NOW WOULD LIKE TO AMEND MY ANDERS
PROSE RESPONSE BRIEF, ONE OF THE FOUR
ISSUES THAT I WOULD LIKE TO AMEND IN MY
PROSE RESPONSE BRIEF, IS THE ISSUE OF
LACK OF SUBJECT MATTER JURISDICTION

THE AMENDED ISSUE OF LACK OF SUBJECT MATTER
JURISDICTION ALONG WITH ALL OTHER ISSUES
AMENDED TO MY PROSE RESPONSE BRIEF. IS

Amended to my PROSE RESPONSE BRIEF. TO ARGUE THE CORRECT LEGISLATIVE CONTROLLING CASE LAW MERITS, THAT GOVERNS THE ISSUES ARGUED IN THIS CASE. SO THAT THIS APPEAL COURT CAN MAKE THE CORRECT DECISIONS ON THE ISSUES ARGUED IN THIS CASE. BECAUSE THE ISSUES ARGUED INSIDE OF THIS AMENDED PROSE RESPONSE BRIEF, INVOLVE ISSUES THAT ARE RELATED TO LACK OF SUBJECT MATTER JURISDICTION.

AS A MATTER OF LAW THIS APPEAL COURT MUST DECIDE ON THIS AMENDED PROSE RESPONSE BRIEF. BECAUSE ISSUES INVOLVING LACK OF SUBJECT MATTER JURISDICTION CAN BE ARGUED AT ANYTIME INCLUDING FOR THE FIRST TIME ON APPEAL. AS DECIDED BY THE SOUTH CAROLINA COURT OF APPEALS FOR PROOF REVIEW

CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS CASE LAW OF STATE VS. PARKER 543 S.E.2d 255 "QUOTE" ISSUES INVOLVING SUBJECT MATTER JURISDICTION MAY BE RAISED AT ANYTIME, INCLUDING FOR THE FIRST TIME ON APPEAL

ALSO I AM A PROSE LITIGANT WHO DOES NOT HAVE A DEGREE IN LAW.

ALSO I AM A INMATE WHO IS CURRENTLY BEING HELD INCARCERATED AT SOUTH CAROLINA DEPARTMENT OF CORRECTIONS. THEREFORE I HAVE LITTLE MEANS THAT ARE AFFORDED TO ME TO LITIGATE MY CASE, AND DO TO MY POVERTY AS A INDEPENDENT INMATE I AM NOT ABLE TO AFFORD A PAID ATTORNEY TO ASSIST ME. THEREFORE AFTER RESEARCHING MY CASE BY THE LITTLE MEANS THAT ARE AFFORDED TO ME, I HAVE BEEN ABLE TO FIND MERITORIOUS CASE LAWS, TO SUPPORT MY CASE AND ARGUMENTS THAT I AM BEING HELD UNLAWFULLY RESTRAINED ON A INDICTMENT THAT I WAS "ACQUITTED" ON. THEREFORE IT WOULD BE A

MISCARRIAGE OF JUSTICE AND A INJUSTICE FOR THIS COURT TO NOT DECIDE ON THIS AMENDED PROSE RESPONSE BRIEF. THE PURPOSE FOR FILING A PROSE RESPONSE BRIEF PURSUANT TO ANDERS, IS TO ENSURE THE MERITS OF THE APPEAL ARE NOT OVERLOOKED, THIS APPELLATE

COURT HAS TO CONCLUDE INDEPENDENTLY, REGARDLESS OF COUNSEL'S CONCLUSION, WHETHER OR NOT MY APPEAL CASE HAS MERITS BEFORE THIS APPEALS COURT CAN DETERMINE MY APPEAL CASE. AS DECIDED BY THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA. IN THE CASE OF STATE VS. MCKENNEY 559 S.E.2d 850.

HOWEVER IN ORDER FOR THIS APPEALS COURT TO MAKE A FAIR DETERMINATION OF WHETHER MY APPEAL CASE HAS MERITS OR NOT. OUT OF ALL FAIRNESS THIS COURT SHOULD DECIDE ON THE AMENDED PROSE MERITORIOUS BRIEF, BECAUSE THE AMENDED PROSE MERITORIOUS BRIEF, CITES THE CORRECT CASE LAW MERITS, CITES THE CORRECT ARGUMENTS AND CORRECTS THE MISTAKES IN MY CASE. THAT ARE REQUIRED IN ORDER TO PROVE TO THIS COURT THAT THIS CASE HAS MERITS PURSUANT TO ANDERS VS. CALIFORNIA 738 S.Ct 1390.

FINALLY BECAUSE ALL OF THE ISSUES THAT ARE BEING ARGUED INSIDE OF MY AMENDED PROSE RESPONSE BRIEF. INVOLVE ISSUES OF LACK OF SUBJECT MATTER JURISDICTION THAT ARE ALSO BEING

ARGUED INSIDE OF THEM. AS A MATTER OF LAW THIS COURT OF APPEALS MUST DECIDE ON MY AMENDED PROSE RESPONSE BRIEF. BECAUSE ISSUES INVOLVING SUBJECT MATTER JURISDICTION MAY BE RAISED AT ANYTIME INCLUDING FOR THE FIRST TIME ON APPEAL. AS DECIDED BY THE SOUTH CAROLINA COURT OF APPEALS. FOR PROOF REVIEW

CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS CASE LAW OF STATE VS. PARKER 543 S.E.2d 225 "QUOTE"
ISSUES INVOLVING SUBJECT MATTER JURISDICTION
MAY BE RAISED AT ANYTIME, INCLUDING
FOR THE FIRST TIME ON APPEAL

SIGNATURE: *Tyrone L. Robinson*
 PRINT: TYRONE L. ROBINSON
 DATE: DECEMBER, 9TH, 2019

1.
STATE OF SOUTH CAROLINA IN THE
COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY JUDGE
THOMAS COOPER CIRCUIT COURT JUDGE

The State

VS.

Respondent

RECEIVED

TYRONE LORENZA ROBINSON

DEC 11 2019

SC Court of Appeals

Appellant

Appellate case NO: 2017-002233

THIS AMENDED PROSE MERITORIOUS
BRIEF CITES THE CORRECT ISSUES AND
ARGUES THE CORRECT LEGISLATIVE
CASE LAW MERITS AND ARGUES THE CORRECT
ARGUMENTS. THAT I WOULD LIKE THIS
APPEALS COURT TO DECIDE ON.
THEREFORE THIS AMENDED PROSE RESPONSE
BRIEF CITES THE ONLY ISSUES AND THE
ONLY ARGUMENTS THAT I WANT THIS
APPEALS COURT TO DECIDE ON

TYRONE LORENZA ROBINSON #235104
R-A-RM 232
LIEBER CORRECTIONAL INSTITUTION
P.O. BOX 205
RIDGEVILLE, S.C. 29472

2.

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STATEMENT OF ISSUE ON APPEAL

1ST ISSUE ARGUED ON APPEAL

was I entitled to my motion for directed verdict of acquittal on the crime of felony murder by the felony murder rule theory, because on motion for directed verdict of acquittal, the trial judge and trial court "dismissal" of the 1st element "alleging" TYRONE ROBINSON was in the commission of committing an ongoing gun battle an inherently dangerous felony

because the evidence the state of south carolina submitted at trial was insufficient to convict on, constitutes a "acquittal" on the 1st element "alleging"

TYRONE ROBINSON was in the commission of committing an ongoing gun battle an inherently dangerous felony

as a matter of law entitling me to a directed verdict of acquittal on the crime of felony murder by the felony murder rule theory, pursuant to south carolina court of appeals case law of, state v. JACKSON 527 S.E.2d 367 "quoting" were the facts of the case even if proved do not constitute the alleged criminal conduct a directed verdict must be granted

2ND ISSUE ARGUED ON APPEAL

was I entitled to my motion for directed verdict of acquittal on the crime of felony murder by the felony murder rule theory, because on motion for directed verdict of acquittal, the trial judge and trial court "dismissal" of the 2nd element "alleging" VICTIM KHALIL SINGLETON death is the proximate result of TYRONE ROBINSON committing an ongoing gun battle an inherently dangerous felony

because the evidence the state of south carolina submitted at trial, was insufficient to convict on, constitutes a "acquittal" on the 2nd element "alleging" VICTIM KHALIL SINGLETON death is the proximate result of TYRONE ROBINSON committing an ongoing gun battle an inherently dangerous felony

as a matter of law entitling me to a directed verdict of acquittal on the crime of felony murder by the felony murder rule theory pursuant to south carolina court of appeals case law of, state v. JACKSON 527 S.E.2d 367 "quoting" were the facts of the case even if proved do not constitute the alleged criminal conduct a directed verdict must be granted

3rd ISSUE ARGUED ON APPEAL

LACK OF JURISDICTION

DO THIS COURT OF APPEALS LACK JURISDICTION TO DECIDE ON ARGUMENTS FROM THE STATE OF SOUTH CAROLINA. ON THE "ACQUITTAL" THAT I OBTAINED IN THIS CASE. ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER THE 21ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT I CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012 - GS - 07 - 01935. THAT I WAS INDICTED ON, THE JURY AT TRIAL WAS SWORN IN ON TO DECIDE ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL, PURSUANT TO THE SUPREME COURT OF APPEALS OF THE UNITED STATES OF THE UNITED STATES OF AMERICA CASE LAW OF.

SENABRIA VS. U.S. 985 CT 2170 "QUOTE" "UNQUOTE"

THE DOUBLE JEOPARDY CLAUSE ABSOLUTELY BARS A SECOND TRIAL IN SUCH CIRCUMSTANCES THE COURT OF APPEALS THUS LACKED JURISDICTION OF THE GOVERNMENT APPEAL

4th ISSUE ARGUED ON APPEAL

LACK OF SUBJECT MATTER JURISDICTION

DID THE TRIAL JUDGE AND TRIAL COURT LACK SUBJECT MATTER JURISDICTION, TO CONVICT SENTENCE TO PRISON TIME OF LIFE IMPRISONMENT AND UNLAWFULLY RESTRAIN ME. ON THE "THIRD" UNINDICTED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT IS NOT A LESSER INCLUDED DEGREE CRIME AND OFFENSE, OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD ON HILTON HEAD ISLAND AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT

There of

That charged and alleged inside of the written
 write up of indictment #2012-GS-07-01935 that
 I was tried on before the jury at trial.
 Pursuant to the '2,009' case law of the Supreme
 Court of Appeals of State of South Carolina in the
 2,008 case law of Ricky Pelzer vs. State of South
 Carolina 672 S.E.2d 790 (2,008) "Vote No"
 The trial court lacks subject matter jurisdiction
 to convict the defendant of a crime that is
 not a lesser included of the offense charged
 in the indictment, for an offense to be a lesser
 included of another the greater offense must
 include all the elements of the lesser offense.
 If the lesser offense includes an element not
 included in the greater offense, then the lesser
 offense is not included in the greater.

STATEMENT OF THE CASE

APPELLANT TYRONE LORENZA ROBINSON WAS INDICTED DURING OCTOBER 18th 2,012 TERM OF THE BEAUFORT COUNTY GRAND JURY FOR CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. APPELLANT WAS TRIED BEFORE JUDGE THOMAS COOPER AND A JURY ON SEPTEMBER 15th 2,014. ON SEPTEMBER 19th 2,014 THE JURY AT TRIAL FOUND APPELLANT GUILTY OF A "THIRD UNINDICTED" FIRST DEGREE MURDER CRIME. THAT IS NOT A LESSER INCLUDED DEGREE CRIME AND OFFENSE OF THE CRIME AND OFFENSE, THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-65-07-01935

STATEMENT OF FACTS

AFTER THE STATE OF SOUTH CAROLINA RESTED THERE CASE, ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL. THE TRIAL JUDGE AND TRIAL COURT (DISMISSAL) OF THE 1ST ELEMENT

"ALLEGEDLY"

TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL. ON INDICTMENT #2012-65-07-01935. BECAUSE THE EVIDENCE THAT THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT TO CONVICT ON.

ALSO THE TRIAL JUDGE AND TRIAL COURT (DISMISSAL) OF THE 2ND ELEMENT "ALLEGEDLY"

VICTIM KHALIL SINGLETON DEATH IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT I WAS INDICTED

ON AND TRIED ON BEFORE THE JURY AT TRIAL ON
 INDICTMENT # 2012-GS-07-01935.
 BECAUSE THE EVIDENCE THE STATE OF SOUTH CAROLINA
 SUBMITTED AT TRIAL, WAS INSUFFICIENT TO
 CONVICT ON.

CONSTITUTED A "ACQUITTAL" ON THE 2ND ELEMENT
 "ALLEGEDLY"

TYRONE ROBINSON WAS IN THE COMMISSION
OF COMMITTING A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY, THAT I WAS INDICTED ON
 AND TRIED ON BEFORE THE JURY AT TRIAL ON
 INDICTMENT # 2012-GS-07-01935

ALSO CONSTITUTED A "ACQUITTAL"
 ON THE 2ND ELEMENT "ALLEGEDLY"

VICTIM KHALIL SINGLETON DEATH IS THE
PROXIMATE RESULT OF TYRONE ROBINSON
COMMITTING A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE
 FELONY MURDER RULE THEORY, THAT I WAS
 INDICTED ON AND TRIED ON BEFORE THE JURY
 AT TRIAL ON INDICTMENT # 2012-GS-07-
 - 01935

AS A MATTER OF LAW ENTITLING ME TO A
 DIRECTED VERDICT OF ACQUITTAL ON THE CRIME
 OF FELONY MURDER BY THE FELONY MURDER RULE
 THEORY, THAT I WAS INDICTED ON AND TRIED
 ON BEFORE THE JURY AT TRIAL ON INDICTMENT #
 2012-GS-07-01935. AS DECIDED BY SOUTH CAROLINA
 COURT OF APPEALS INSIDE OF THE FOLLOWING CASE
 LAW MERITS.

CASE LAW MERITS
SOUTH CAROLINA COURT OF APPEALS CASE LAW
OF

STATE VS. JACKSON 527 S.E. 2d 367 "QUOTE"
BECAUSE THE STATE FAILED TO PROVE AN

ESSENTIAL ELEMENT OF THE CRIME CHARGED,
NAMELY THE EXISTENCE OF A TRUST JACKSON

CONVICTION IS REVERSED AND THE CASE
REMANDED FOR THE ENTRY OF A JUDGEMENT

OF ACQUITTAL REVERSED

ALSO THE TRIAL JUDGE AND TRIAL COURT LACKED
 SUBJECT MATTER JURISDICTION TO CONVICT
 AND SENTENCE ME TO PRISON TIME OF LIFE

IMPRISONMENT AND UNLAWFULLY RESTRAINED ME.
ON THE THIRD UNINDICTED ALLEGED FIRST DEGREE
MURDER CRIME, THAT IS NOT A LESSER INCLUDED
DEGREE CRIME AND OFFENSE, OF THE CRIME AND
OFFENSE, THATS CHARGED AND ALLEGED INSIDE OF
THE WRITTEN WRITE UP OF INDICTMENT # 2012-GJ-
-07-01935 THAT I WAS TRIED ON BEFORE THE
JURY AT TRIAL. PURSUANT TO SUPREME COURT OF
APPEAL OF THE STATE OF SOUTH CAROLINA FOLLOW-
-ING 2,009 CASE LAW MERITS

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH
CAROLINA CASE LAW OF,

RICKY PELZER V. STATE OF SOUTH CAROLINA
672 S.E.2D 790 (2,009) "QUOTE END"

THE TRIAL COURT LACKS SUBJECT MATTER

JURISDICTION TO CONVICT THE DEFENDANT

OF A CRIME THAT IS NOT A LESSER INCLUDED

OF THE OFFENSE CHARGED IN THE INDICTMENT.

FOR AN OFFENSE TO BE A LESSER INCLUDED OF

ANOTHER, THE GREATER OFFENSE MUST INCLUDE

ALL THE ELEMENTS OF THE LESSER OFFENSE.

IF THE LESSER OFFENSE INCLUDES AN ELEMENT

NOT INCLUDED IN THE GREATER OFFENSE, THEN

THE LESSER OFFENSE IS NOT INCLUDED IN

THE GREATER

ARGUMENT

AS A MATTER OF LAW I AM ENTITLED TO MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT I WAS INDICTED AND TRIED ON BEFORE THE JURY AT TRIAL INDICTMENT # 2012-GS-07-01935. BECAUSE ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL AS A MATTER OF LAW THE STATE OF SOUTH CAROLINA FAILED TO PROVE THAT I WAS GUILTY BEYOND A REASONABLE DOUBT OF COMMITTING THE 2ND ELEMENT "ALLEGEDLY"

TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

ALSO AS A MATTER OF LAW THE STATE OF SOUTH CAROLINA FAILED TO PROVE THAT I WAS GUILTY BEYOND A REASONABLE DOUBT OF COMMITTING THE 2ND ELEMENT "ALLEGEDLY"

VICTIM KHALIL SINGLETON DEATH IS THE PROXIMATE RESULT OF I TYRONE ROBINSON COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

BECAUSE SO AS A MATTER OF LAW I AM ENTITLED TO MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

WHILE ENGAGED IN AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DIED WILLFULLY UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED

THAT CHARGED AND ALLEGED INSIDE OF THE WRITE UP OF INDICTMENT # 2012-GS-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL PURSUANT TO SOUTH CAROLINA COURT OF APPEALS CASE LAW OF STATE VS. JACKSON 527 S.E.2D 367 "QUOTED"

BECAUSE THE STATE FAILED TO PROVE AN ESSENTIAL ELEMENT OF THE CRIME CHARGED INAMELY THE EXISTENCE OF A TRUTH JACKSON CONVICTION IT REVERSED AND THE CASE REMANDED FOR THE ENTRY OF A JUDGEMENT OF ACQUITTAL REVERSED

ELEMENTS

ELEMENTS FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS AS FOLLOWS.

THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY CONSISTS OF TWO ELEMENTS WHICH ARE THE FOLLOWING

1ST ELEMENT TO CRIME OF FELONY MURDER BY THE FELONY MURDER RULE

THEORY IS:

THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING AN INHERENTLY DANGEROUS FELONY

THE WRITTEN WRITE UP OF INDICTMENT #2012-65-07-01935 CHARGES AND ALLEGES THAT TYRONE ROBINSON WAS ENGAGED IN AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THEREFORE AS A MATTER OF LAW INDICTMENT #2012-65-07-01935 CHARGES TYRONE ROBINSON WITH THE 7TH ELEMENT "ALLEGEDLY" THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING AN INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

CONFESSION

ON PAGE 1052 PARAGRAPHS 2, 3 AND 4 THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFEE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT THAT THEY HAD INDICTED ME ON AND WERE TRYING ME BEFORE THE JURY AT TRIAL ON THE 7TH ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. WHEN THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSAC MC. DUFFEE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT AT PRE TRIAL HEARING ON FEBRUARY 27TH 2014 ON PAGE 1052 PARAGRAPHS 2, 3, AND 4 OF TRIAL TRANSCRIPT

"QUOTE#ND"

OUR THEORY IS THE FELONY MURDER RULE THEORY THAT YOU HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS FELONIES

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF,

GORE VS. LEEKE 1995.E.20755 "QUOTE#ND"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY

OR ROBBERY OR BURGLARY EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE FOR THE

ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED

CASE LAW MERITS

STATE OF MONTANA VS. MICHAEL VERNON BILLEDEAUX
 CASE NO. 99-434 "QUOTE" END

TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE
FELONY MURDER RULE 45-5-102(b) MCA

THE STATE MUST SHOW THAT
 THE PERSON ATTEMPTS TO COMMITTE, COMMITTS
 OR IS LEGALLY ACCOUNTABLE FOR THE ATTEMPT
 OR COMMISSION OF FELONY ASSAULT, AGGRAVATED
 ASSAULT, OR ANY OTHER FORCIBLE FELONY

2ND ELEMENT TO CRIME OF
 FELONY MURDER BY THE FELONY MURDER RULE
 THEORY IS:

DEATH TO THE VICTIM AS A CONSEQUENCE
 OF THE DEFENDANTS CONDUCT IN COMMITTING
 THAT CRIME

THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-
 07-01935 CHARGES AND "ALLEGES" THAT VICTIM
 KHALIL SINGLETON DEATH IS A PROXIMATE RESULT,
 OF TYRONE ROBINSON COMMITTING A GUNPOINT
 GUN BATTLE AN INHERENTLY DANGEROUS
 FELONY

AS A MATTER OF LAW INDICTMENT # 2012-GS-07-
 01935, CHARGES TYRONE ROBINSON WITH THE

2ND ELEMENT "ALLEGED" DEATH TO THE VICTIM AS A CONSEQUENCE
 OF THE DEFENDANTS CONDUCT IN COMMITTING
 THAT CRIME

FROM THE CRIME OF FELONY MURDER BY THE
 FELONY MURDER RULE THEORY

CONFESSION

ON PAGE 1052 PARAGRAPHS 4 AND 5 THE STATE OF SOUTH
 CAROLINA AND ITS SOLICITOR GENERAL MC. DUFFIE STONE.
 CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT. THAT
 THEY HAD INDICTED ME ON AND WERE TRYING ME BEFORE
 THE JURY AT TRIAL. ON THE 2ND ELEMENT REQUIRED
 TO CONSTITUTE THE CRIME OF FELONY MURDER BY
 THE FELONY MURDER RULE THEORY. WHEN THE STATE
 OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL
 MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND
 TRIAL COURT AT PRE TRIAL HEARING ON FEBRUARY

14.
27th 2,014 on page 1052 paragraphs 4 and 5 of
TRIAL TRANSCRIPT "QUOTE"
AND AS A RESULT OF THOSE INHERANTLY DANGEROUS
FELONY, A CHILD DIES

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CARO-
LINA CASE LAW OF.

GORE V. LEEKE 1995 E.2d 755 "QUOTE"

THE COMMON PURPOSE LADIES AND GENTLEMAN
MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN
INVOLVED IN THE KILLING AND THE MURDER
OF ANYONE BUT IF IN EXECUTION THE COMMON
DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL
AS FOR INSTANCE BREAKING IN AND STEALING
AND IN THE EXECUTION OF THE COMMON PURPOSE
A HOMICIDE IS COMMITTED BY ONE OF THE
CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU
THE JURY DETERMINE FROM THE PROOF BEYOND A
REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE
OR NATURAL CONSEQUENCE OF THE ACTS WHICH
WERE DONE IN PURSUANCE OF THIS COMMON DESIGN
THEIR LADIES AND GENTLEMAN, ALL WHO ARE PRESENT
EITHER ACTUALLY OR CONSTRUCTIVELY AND PARTICIP-
-PATING IN THE UNLAWFUL COMMON DESIGN
ARE AS GUILTY AS THE SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA
CASE LAW OF.

STATE OF MONTANA V. MICHAEL VERNON BILLED EAU
CASE NO. 99-434 "QUOTE"

TO CONVICT OF DELIBERATE HOMICIDE UNDER THE FELONY
MURDER RULE 45-5-102(b) MCA, THE STATE MUST SHOW
THAT
IN THE COURSE OF THE FORCEFUL FELONY THE PERSON
OR ANY OTHER PERSON LEGALLY ACCOUNTABLE FOR THE
CRIME CAUSES THE DEATH OF ANOTHER HUMAN BEING.

CONFESSIO

THE TRIAL TRANSCRIPT FROM THE PRE-TRIAL HEARING
ON FEBRUARY 27TH 2014 WERE I REPRESENTED MYSELF
PROSE REVEALS THAT THE STATE OF SOUTH CAROLINA AND
ITS SOLICITOR TSTAC MC. DUFFIE STONE "CONFESSED" THAT
THE CRIME THATS CHARGED AND ALLEGED INSIDE OF THE
WRITTEN WRITEUP OF INDICTMENT # 2012-65-07-01935.
IS THE CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY ONLY. THAT IS THE ONE AND ONLY CRIME
AND THEORY THAT THEY TRIED ME ON BEFORE THE JURY
AT TRIAL AND HAD THE BURDON OF PROOF TO PROVE ONLY
FOR PROOF I QUOTE THE CONFESSES OF THE STATE OF
SOUTH CAROLINA AND ITS SOLICITOR TSTAC MC. DUFFIE
STONE. FROM THE TRIAL TRANSCRIPT OF THE PRE-TRIAL HEARING

That took place on February 27th 2014 at Beaufort County General Session Court House were I represented myself pro-se "quote"

STATE OF SOUTH CAROLINA

VS

TYRONE ROBINSON

"quote" the State of South Carolina and its Solicitor Isaac Mc. Duffee Stone confessed from page 1052 paragraph 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 and page 1053 paragraph 2 and 2 of trial transcript from pretrial hearing on February 24th, 2014 "quote" our theory is the felony murder rule, theory, that you have three people committing inherently dangerous felonies, and as a result of there actual shooter, as to speak, the one that discharged the fatal bullet, under that scenario, I while relevant, not controlling, so that is the position that the state is going under, that the theory that the state goes under, and that is a constant theory among all the defendants, that is the theory. We were not switching up that the theory, depending on which defendant were our theories, we feel like all three of these people were involved in an inherently dangerous felony, which is a shoot out that basically went from the right as you go to Hilton Head, all the way down into marshland road, along the cross island express way, and I don't know if your neighborhood with the area, but it involves three neighborhood first at head, and then was a shoot out that took place first at where horse road, and then at another road, area, between and then at a third at Allen Road, line which I were the child was playing on the trampoline and killed, our theory is all three of them are culpable under that scenario and that the theory were proceeding for trial

As a matter of law proving that the crime that charged and alleged inside of the written write up of indictment # 2012-GS-07-01935 and arrest warrant # 2012-A022030014, that I was arrested and restrained on, is the crime of felony murder by the felony murder rule theory, to prove that I was tried before the jury at trial on the crime that charged and alleged inside of the written write up of indictment # 2012-GS-07-01935, I quote the trial judge and trial court confession from the trial transcript,

STATE OF SOUTH CAROLINA

VS

TYRONE ROBINSON

"quote" from page 3 of trial transcript Mr. Stone, (AKA) Solicitor Isaac Mc. Duffee Stone stated "quote" your honor, indictment # 2012-GS-07-01935 charging the defendant TYRONE ROBINSON with the offense of murder I'll hand that indictment to you. "quote" page 3 and 4 of trial transcript the court (AKA) trial judge Thomas Cooper state "quote" ladies and gentlemen as you have heard the solicitor has called the case of the state versus TYRONE ROBINSON.

MR. ROBINSON has been indicted by the GRAND JURY OF BEAUFORT COUNTY and charged with the CRIME OF MURDER. THE INDICTMENT ALLEGES THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER THE 21ST 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND OLIVER ROAD ON HILTON HEAD ISLAND AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THEREOF ON SEPTEMBER THE 21ST 2012 IN VIOLATION OF THE LAW

WHICH IS THE ALLEGED CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT THE JURY AT MY TRIAL WAS SWORN IN ON THE DEFENSE OF DOUBLE JEOPARDY ATTACHES TO, I WAS TRIED ON BEFORE THE JURY AND I WAS PUT IN JEOPARDY AT TRIAL OF BEING PUNISHED AND RECEIVING PRISON TIME OF LIFE IMPRISONMENT FOR

CRIMINAL CONDUCT

INDICTMENT# 2012-65-07-01935 CHARGE AND ALLEGES THAT THE CRIMINAL CONDUCT ALLEGEDLY WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. IS THE ONE AND ONLY CRIMINAL CONDUCT

THAT CAUSED THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED. THEREFORE INDICTMENT# 2012-65-07-01935 CHARGE AND ALLEGES THAT THE VICTIM KHALIL SINGLETON DEATH RESULTED FROM THE ALLEGED CRIMINAL CONDUCT ALLEGEDLY WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY ONLY

ESSENTIAL ELEMENT TO CRIME OF FELONY MURDER

THE ESSENTIAL AND FACTUAL ELEMENT ALLEGEDLY WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ALLEGEDLY WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT# 2012-65-07-01935 AND ARREST WARRANT# 2012 A0720300114. IS THE ESSENTIAL AND FACTUAL ELEMENT THAT IS REQUIRED IN ORDER TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT THE STATE OF SOUTH CAROLINA HAS THE BURDEN OF PROOF TO PROVE THAT I AM GUILTY OF BEYOND A REASONABLE DOUBT. IN ORDER TO CONVICT AND SENTENCE ME TO PRISON TIME OF LIFE IN PRISONMENT FOR THE DEATH OF VICTIM KHALIL SINGLETON.

17.
CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF PAUL SIMMONS V. STATE OF SOUTH CAROLINA 215 S.E.2d 883 "QUOTED AND"

THIS CASE POSES A DIFFICULT QUESTION WHETHER AN ESSENTIAL ELEMENT OF A FELONY CAN BE CONSTITUTED FORMALLY FOUNDED UPON AN INFERENCE DRAWN FROM THE COMMISSION OF A MISDEMEANOR EVEN IN A CASE WHERE THE FELONY MURDER RULE WAS IMPLIED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF WHALEN V. UNITED STATES 100 S.Ct. 1435 "QUOTED AND" A CONVICTION FOR KILLING IN THE COURSE OF RAPE CAN NOT BE HAD WITHOUT PROVING ALL THE ELEMENTS OF THE OFFENSE OF RAPE FURTHER AVERTING IN THE PRESENT CASE HOWEVER PROOF OF RAPE IS A NECESSARY ELEMENT OF PROOF OF THE FELONY MURDER

BURDEN OF PROOF

BECAUSE THE STATE OF SOUTH CAROLINA DEPRIVED TRIAL AGAINST TYRONE ROBINSON, ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ONLY

WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY, WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GJ-07-19935 THAT IT WAS TRIED ON BEFORE THE JURY AT TRIAL THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR HAD THE BURDEN OF PROOF TO PROVE THAT VICTIM KHALIL SINGLETON DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY BEFORE THE STATE OF SOUTH CAROLINA AND THE DEFENDANTS COULD CONVECT SENTENCE TO PRISON TIME OF LIFE IMPRISONMENT AND CONTINUE TO HOLD TYRONE ROBINSON DEPRIVED OUT OF MY LIBERTY FOR THE DEATH OF VICTIM KHALIL SINGLETON FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF FORE V. LEEKE 199 S.E.2d 755 "QUOTED AND"

IF SEVERAL PERSONS PLOT OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSONS ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ACRATATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED

THE COMMON PURPOSE LATTER AND GENTLEMAN MAY HAVE NOT INCLUDED OR NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANY ONE BUT IF IN EXECUTING THIS COMMON DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL AS FOR INSTANCE BREAKING IN AND STEALING AND IN THE EXECUTION OF THE

common purpose a homicide is committed by one of the confederates or one of the associates and you the jury determine from the proof beyond a reasonable doubt the homicide was a probable or natural consequence of the acts which were done in pursuance of this common design then ladies and gentlemen all who are present either actually or constructively and participating in the unlawful common design are as guilty as the slayer himself

However if the state of South Carolina failed to prove that the victim death was the natural or probable consequence of a ongoing gun battle an inherently dangerous felony, then I would be entitled to a ~~acquittal~~ acquittal on the crime of felony murder by the felony murder rule theory of ~~malice~~ malice while engaged in a ongoing gun battle an inherently dangerous felony, Tyrone Robinson did willfully, unlawfully and with malice aforethought cause the victim Khalil Singleton to be shot and killed

that charged and alleged inside of the written write up of indictment # 2012-65-07-01935 and arrest warrant # 2012 A072030014 that I was arrested on, indicted on and tried on before the jury at trial for proof review

CASE LAW MERITS

Supreme Court of Appeals of the State of South Carolina - no case law of, The State vs. Peterson III and Craig Anthony Stubbs 335 S.E.2d 800 quote end

had it further concluded that the state failed to establish beyond a reasonable doubt that a homicide was the natural or probable consequence of a plan to steal the victim car. The appellant would have been entitled to an acquittal on the charge of murder

Therefore in order for the defendants to convict me for the death of victim Khalil Singleton, the state of South Carolina and the defendants had the burden of proof to prove that I acted with the intent to commit a ongoing gun battle an inherently dangerous felony

CASE LAW MERITS

Supreme Court of State of Georgia case law of, Holloman vs. The State 356 S.E.2d 886 quote end the primary difference between the offenses of malice murder and felony murder is that felony murder does not require malice or the intent to kill. Burke v. State 234 Ga. 512 1512 (216 S.E.2d 812) (1975). Felony murder does, however, require that the defendant possess the requisite criminal intent to commit the underlying felony. For the conviction in this case to stand, the jury must have found that the defendant possessed the criminal intent to commit aggravated assault

BLACKS LAW DICTIONARY
DEFINITION FOR THE CRIME OF FELONY
MURDER STATES QUOTE
MURDER THAT OCCURS DURING THE

COMMISSION OF A DANGEROUS FELONY [OFTEN LIMITED TO RAPE, KIDNAPPING, ROBBERY, BURGLARY

INSIDE OF A CASE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THE ISSUE OF WHO FIRED THE FATAL SHOT THAT KILLED THE VICTIM, IS NOT THE CONTROLLING LAW TO HOLD A PERSON RESPONSIBLE FOR THE DEATH OF THE VICTIM. AS THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ERIC MC. DUFFIE STONE CONFESSED AT MY PRE TRIAL HEARING ON FEBRUARY 27TH 2014. FOR PROOF I QUOTE THE FOLLOWING CONFESSION FROM THE TRIAL TRANSCRIPT:

CONFESS I O N

"QUOTING" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ERIC MC. DUFFIE STONE CONFESSION FROM PAGE 1052 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, AND 24 AND PAGE 1053 PARAGRAPH 1 AND 2 OF TRIAL TRANSCRIPT FROM PRE TRIAL HEARING OF FEBRUARY 27TH, 2014 "QUOTING" YOUR THEORY IS THE FELONY MURDER RULE THEORY THAT YOU HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS FELONIES AND AS A RESULT OF THERE INHERENTLY DANGEROUS FELONIES A CHILD DIES. THE ACTUAL SHOOTER, AS TO SPEAK THE ONE THAT DISCHARGED THE FATAL BULLET, UNDER THAT SCENARIO IS WHILE RELEVANT NOT CONTROLLING

TO FURTHER PROVE THAT IN A CASE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THE ISSUE OF WHO FIRED THE FATAL SHOT THAT KILLED THE VICTIM IS NOT CONTROLLING LAW, TO HOLD A PERSON RESPONSIBLE FOR THE DEATH OF THE VICTIM. I QUOTE THE FOLLOWING CASE LAW MERITS

CASE LAW MERITS
SUPREME COURT OF APPEALS OF THE STATE OF MISSOURI
CASE LAW OF
STATE OF MISSOURI VS. DWIGHT BAKER 607 S.W. 2d 157,
1980 MO. CASE NO. 62199 "QUOTING"
IT WAS REASONABLY FORESEEABLE THAT THE ROBBERY ATTEMPT
WOULD MEET RESISTANCE. THIS SENT INTO MOTION A CHAIN
OF EVENTS WHICH CAUSED THE DEATH OF THE BYSTANDER
WHETHER THE FATAL ACT WAS DONE BY THE DEFENDANT,
AN ACCOMPLICE, ANOTHER VICTIM, OR A BYSTANDER
IS UNDER THE FACTS HERE NOT CONTROLLING. THE
SIGNIFICANT FACTOR IS WHETHER THE DEATH WAS THE
NATURAL AND PROXIMATE RESULT OF THE ACTS OF THE
APPELLANT OR OF AN ACCOMPLICE

CASE LAW MERITS
SUPREME COURT OF APPEALS OF THE STATE OF MISSOURI
CASE LAW OF
STATE OF MISSOURI VS. BRIAN KETH MOORE 580 S.W. 2d
747, 1979 MO. CASE NO. 60867 "QUOTING"
WHETHER THE FATAL ACT WAS DONE BY THE DEFENDANT
AN ACCOMPLICE, ANOTHER VICTIM, OR A BYSTANDER
IS, UNDER THE FACTS HERE, NOT CONTROLLING.
THE SIGNIFICANT FACTOR IS WHETHER THE
DEATH WAS THE NATURAL AND PROXIMATE RESULT
OF THE ACTS OF THE APPELLANT OR OF AN ACCOMPLICE

INSUFFICIENT EVIDENCE TO CONVICT

AS A MATTER OF LAW THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE PROVES THAT VICTIM KHALIL SINGLETON DEATH IS THE NATURAL OR PROBABLE CONSEQUENCE OF THE INHERENTLY DANGEROUS FELONY OF ATTEMPT TO MURDER I VICTIM TYRONE ROBINSON FOR PROOF I QUOTE THE FOLLOWING

CONFESION

AT TRIAL POLICE OFFICER LAUREL ALBERTIN TESTIFIED THAT ATTACKER AARON SCOTT YOUNG JUNIOR CONFESSED TO HER THAT AFTER TYRONE ROBINSON FLED AND LEFT FROM THERE HOUSE ON 17 OLD WILD HORSE ROAD, HE AARON SCOTT YOUNG JUNIOR AND HIS FATHER AARON SCOTT YOUNG SENIOR GOT IN THERE TRUCK WITH THERE GUNS AND WENT LOOKING FOR TYRONE ROBINSON WITH THERE GUNS ON OAKVIEW ROAD, MARSHLAND ROAD AND IN TYRONE ROBINSON NEIGHBORHOOD ON ALLEN ROAD WERE TYRONE ROBINSON LIVED AT.

POLICE OFFICER LAUREL ALBERTIN TESTIFIED AT TRIAL THAT AARON SCOTT YOUNG JUNIOR CONFESSED TO HER THAT HE AARON SCOTT YOUNG JUNIOR AND HIS FATHER AARON SCOTT YOUNG SENIOR, CAUGHT UP WITH TYRONE ROBINSON WHILE TYRONE ROBINSON WAS RIDING INSIDE OF HIS CAR ON OAKVIEW ROAD, WERE HE AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR PULLED OUT A GUN AND ATTEMPTED TO MURDER I TYRONE ROBINSON WHILE I TYRONE ROBINSON WAS RIDING INSIDE OF MY CAR ON OAKVIEW ROAD.

POLICE OFFICER SGT. LAUREL ALBERTIN TESTIFIED AT TRIAL AFTER AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG ROBINSON IN TYRONE ROBINSON ATTEMPTED TO MURDER TYRONE ROBINSON WAS RIDING INSIDE OF HIS CAR WHILE TYRONE ROBINSON WAS RIDING INSIDE OF HIS CAR ON OAKVIEW ROAD. HE AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR DROVE BACK TO THERE HOUSE ON 17 OLD WILD HORSE ROAD WERE HE AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR LIVED AT. AFTER RETURNING TO THERE HOUSE HE AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR GOT BACK INSIDE OF THERE TRUCK AND LEFT FROM 17 OLD WILD HORSE ROAD WITH THERE GUNS, AND WENT LOOKING FOR TYRONE ROBINSON WITH THERE GUNS, AT TYRONE ROBINSON NEIGHBORHOOD ON ALLEN ROAD, WERE TYRONE ROBINSON LIVED AT. FOR PROOF REVIEW

PAGE 625 PARAGRAPHS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25 AND PAGE 626 PARAGRAPHS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25 AND PAGE 627 PARAGRAPHS 1, AND PAGE 629 PARAGRAPHS 12, 13, 14, 15, 16, 17 AND 18, AND PAGE 631 PARAGRAPH 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 19, 20, 21, 22, 23, 24 AND 25 AND PAGE 632 PARAGRAPH 1, OF TRIAL TRANSCRIPT

CONFESSIO

AT TRIAL POLICE OFFICER BOB BROMAGE TESTIFIED THAT AARON SCOTT YOUNG SENIOR CONFESSED TO HIM THAT AFTER TYRONE ROBINSON LEFT THEIR HOUSE ON 17 OLD WILD HORSE ROAD. HE AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR, GOT INTO THEIR TRUCK WITH THEIR GUN AND WENT LOOKING FOR TYRONE ROBINSON. AT TRIAL POLICE OFFICER BOB BROMAGE TESTIFIED THAT AARON SCOTT YOUNG SENIOR CONFESSED TO HIM THAT THEY MEANT HE AARON SCOTT YOUNG SENIOR AND HIS SON AARON SCOTT YOUNG JUNIOR WANTED TO KILL TYRONE ROBINSON. AT TRIAL POLICE OFFICER BOB BROMAGE TESTIFIED THAT AARON SCOTT YOUNG SENIOR CONFESSED TO HIM THAT IF HE (AKA) AARON SCOTT YOUNG SENIOR HAD THE CHANCE TO KILL TYRONE THAT DAY HE WOULD HAVE DONE IT. FOR PROOF REVIEW PAGE 794 PARAGRAPHS 14, 15, 16, 17, 18, 19, 24 AND 25 AND PAGE 795 PARAGRAPHS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25, AND PAGE 796 PARAGRAPHS 4, 5, AND 6 AND PAGE 667, PARAGRAPHS 13, 14, 15, 16, 17 AND 18 OF TRIAL TRANSCRIPT

CONFESSIO

AT TRIAL ATTORNEY JESSICA SAXON READ AARON SCOTT YOUNG SENIOR CONFESSIO HE MADE TO SOLICITOR FISTAL MC. DURRIE STONE WERE AARON SCOTT YOUNG SENIOR CONFESSED TO PROSECUTING SOLICITOR FISTAL MC. DURRIE STONE THAT IF HE HAD GOT THE CHANCE TO HE WAS GONE KILL TYRONE ROBINSON. PAGE 809 PARAGRAPHS 3, 4, 5, 6, 7, 8, 9, 10, 11 AND 12 OF TRIAL TRANSCRIPT

CONFESSIO

AT TRIAL JONTY SINGLETON SENIOR TESTIFIED THAT AFTER HE JONTY SINGLETON SENIOR, AARON SCOTT YOUNG SENIOR, AND AARON SCOTT YOUNG JUNIOR, RODE AROUND WITH A GUN LOOKING FOR TYRONE ROBINSON IN HIS NEIGHBORHOOD ON ALLEN ROAD, SPANISH WELLS ROAD, AND MARSH LANE ROAD. HE JONTY SINGLETON SENIOR, AND AARON SCOTT YOUNG JUNIOR, WENT BACK TO THEIR NEIGHBORHOOD AT 17 OLD WILD HORSE ROAD AND AFTER DOING SO, THEY GOT OUT OF THE TRUCK AND WAS TALKING. THEN AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR GOT BACK INTO THEIR TRUCK AND WITH THE GUN THEY HAD INSIDE OF THE TRUCK, THEY WENT OUT AGAIN. FOR PROOF REVIEW PAGE 468, 469, 470, 471, 472, 473, 474, 475, 478, 479, 480, 481, 482, 483, 484 AND 485 OF TRIAL TRANSCRIPT

CONFESSIO

AT TRIAL CHARLENE JACKSON TESTIFIED THAT SHE HEARD GUN SHOOTING GOING ON. THEN TYRONE ROBINSON CAME TO HER HOUSE AND SAID THOSE MOTHER FUCKERS TRIED TO KILL ME I'M SORRY WAS SHOOTING AT ME FOR PROOF REVIEW

page 185 paragraphs 18, 19 and 20 of TRIAL TRANSCRIPT
-TPT

CONFESSIO

AT TRIAL TYRONE DELANEY TESTIFIED THAT TYRONE TOLD HIM SOME PEOPLE IN A TRUCK WERE SHOOTING AT HIM. page 354 paragraphs 2, 3, 5 and 6 and page 355 paragraph 10 of TRIAL TRANSCRIPT

CONFESSIO

AT TRIAL BEARNY HAMILTON TESTIFIED THAT TYRONE TOLD HIM, SOME PEOPLE WERE SHOOTING AT HIM TRYEN TO KILL HIM AND THEY SHOT AN LTL BOY FOR PROOF REVIEW page 407 paragraph 25 and page 408 paragraph 1, 2, 3, and 4 of TRIAL TRANSCRIPT

CONFESSIO

AT TRIAL POLICE SGT. LAUREL ALBERTIN TESTIFIED THAT AARON SCOTT YOUNG JUNIOR CONFESSED TO HER, THAT HE SHOT TYRONE ROBINSON CAR UP WITH THE MASTER PEECE ARMS NINE MILLIMETER GUN FOR PROOF REVIEW page 761 paragraph 22, 23, 24, and 25 page 762 paragraph 2, of TRIAL TRANSCRIPT

CONFESSIO

AT TRIAL POLICE OFFICER BOB BROMAGE TESTIFIED. THAT HE RETRIEVED A MASTER PEECE ARMS NINE MILLIMETER GUN WITH A THIRTY TWO ROUND CLIP AND SUPPRESSOR, FROM AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR, WERE TRYEN TO SHOOT AND KILL TYRONE ROBINSON WITH THE MASTER PEECE ARMS NINE MILLIMETER GUN. FOR PROOF REVIEW page 794 paragraph 24 and 25 and page 795 paragraphs 1, 2, 3, 4, 5, 6, 7, 8, and 25 page 796 paragraphs 1, 2, 3, 4, 5 and 6 and 798 paragraph 13, 14, 15, 16, 17, and 18 of TRIAL TRANSCRIPT

CONFESSIO

AT TRIAL POLICE OFFICER DERICK NELSON FOR BEAUFORT COUNTY SHERIFF DEPARTMENT TESTIFIED THAT THEY FOUND ATLEAST NINE BULLET HOLES IN TYRONE ROBINSON CAR page 575 paragraphs 17, 18, 19, 20, 21, 22, 23, 24, and 25 and page 546 paragraphs 1, 5, 6, 7, 8, 9, 10, 11, and 12 and page 547 paragraphs 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of TRIAL TRANSCRIPT

CONFESS ION

AT TRIAL TYRONE LORENZA ROBINSON testified that after he left Aaron Scott Young Senior and Aaron Scott Young Junior house on 17 Old Wild Horse Road, he went to his cousin MELVIN house. where he hid out for a round to minutes to hide from Aaron Scott Young Senior and Aaron Scott Young Junior. UNTIL he felt it was safe to leave. FOR PROOF REVIEW page 838 PARAGRAPHS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, AND 17 OF TRIAL TRANSCRIPT - 7 PT

CONFESS ION

AT TRIAL TYRONE LORENZA ROBINSON testified that while he was at MELVIN house. he called his cousin CEDRIC and told CEDRIC some people were tryen to KILL him. TYRONE LORENZA ROBINSON testified that he was going to park his car and get in the car with his cousin CEDRIC to hide out from Aaron Scott Young Senior and Aaron Scott Young Junior. FOR PROOF REVIEW page 837 PARAGRAPHS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 OF TRIAL TRANSCRIPT

COLLABORATING TESTIMONY and FIRST RETURN TO 17 OLD WILD HORSE ROAD BEFORE KHALIL WAS SHOT AND KILLED

AT TRIAL JONTY SINGLETON SENIOR testified that after he JONTY SINGLETON SENIOR and Aaron Scott Young Senior and Aaron Scott Young Junior left from 17 Old Wild Horse Road the first time. he JONTY SINGLETON SENIOR, Aaron Scott Young Senior and Aaron Scott Young Junior had a gun and were riding a round with a gun. Looking for TYRONE ROBINSON on Oak View Road, MARSHLAND ROAD and ALLEN ROAD at LIL mac house were TYRONE usually be at. but TYRONE was not there so he JONTY SINGLETON SENIOR and Aaron Scott Young Senior and Aaron Scott Young Junior returned back to Aaron Scott Young Senior and Aaron Scott Young Junior house on 17 Old Wild Horse Road where he JONTY SINGLETON SENIOR, and Aaron Scott Young Senior and Aaron Scott Young Junior all got out of the truck and were talking for a while. Then Aaron Scott Young Senior and Aaron Scott Young Junior got back into there truck and left again. THIS IS THE FIRST TIME THAT Aaron Scott Young Junior and Aaron Scott Young Senior returned home, back to there home on 17 Old Wild Horse Road before victim KHALIL

STINGLETON WAS SHOT AND KILLED.
 FOR PROOF REVIEW PAGE 468 PARAGRAPHS 10, 11, 12, 13, 14,
 AND 15 AND PAGE 473 PARAGRAPHS 19, 20, 21, 22, 23, 24,
 AND 25 AND PAGE 474 PARAGRAPHS 2 AND 2

COLLABORATING TESTIMONY AND SECOND RETURN TO 17 OLD WILD HORSE ROAD BEFORE KHALIL WAS SHOT AND KILLED

AT TRIAL ARRESTING OFFICER LAUREL ALBERTIN,
 TESTIFIED IN TYRONE ROBINSON DEFENSE.
 THAT AARON SCOTT YOUNG JUNIOR CONFESSED TO HER.
 THAT AFTER HE AARON SCOTT YOUNG JUNIOR AND
 AARON SCOTT YOUNG SENIOR ENCOUNTERED TYRONE
 ROBINSON ON OAKVIEW ROAD AND TRIED TO
 SHOOT AND KILL TYRONE ROBINSON BUT THE GUN
 JAMMED. HE AARON SCOTT YOUNG JUNIOR AND AARON
 SCOTT YOUNG SENIOR WENT BACK HOME AND RETURNED
 TO THERE HOME ON 17 OLD WILD HORSE ROAD A
 SECOND TIME, WHICH THIS IS THE SECOND TIME
 THAT AARON SCOTT YOUNG JUNIOR AND AARON SCOTT
 YOUNG SENIOR RETURNED TO THERE HOME ON 17 OLD
 WILD HORSE ROAD, BEFORE VICTIM KHALIL
 STINGLETON WAS SHOT AND KILLED. FOR PROOF REVIEW
 PAGE 766 PARAGRAPHS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
 17, 18, 19, 20, 21, 22, 23, 24, AND 25 AND PAGE 767
 PARAGRAPH 2 AND 2 OF TRIAL TRANSCRIPT

CONFESS I O N

AT TRIAL TYRONE LORENZA ROBINSON TESTIFIED
 THAT WHEN HE WENT TO ALLEN ROAD HE HIDE
 HIS CAR AT SAVOYA HOUSE ON ALLEN ROAD.
 TO HIDE THE CAR FROM THE F-150 THAT AARON
 SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG
 JUNIOR WERE RIDING IN. FOR PROOF REVIEW
 PAGE 849 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,
 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, AND 25

CONFESS I O N

AT TRIAL TYRONE LORENZA ROBINSON TESTIFIED
 THAT AFTER HE PARKED HIS CAR AT SAVOYA HOUSE,
 HE WALKED OVER TO CHARLESE HOUSE AND
 CALLED HIS COUSIN PATRICK WHO WAS IN
 SAVANNAH GEORGIA AT THE TIME. THEN

he called his cousin EARNEST BRYANT who was also in SAVANNAH GEORGIA at the time. TYRONE testified that he told his cousin PATRICK and his cousin EARNEST BRYANT that somebody was TRYEN to KILL him. TYRONE testified that his call with his cousin PATRICK lasted for about ten minutes.

TYRONE testified that he was TRYEN to find some place to go hide because AARON SENIOR and AARON JUNIOR were TRYEN to KILL him. TYRONE testified that his cousin EARNEST BRYANT told him to come meet him in SAVANNAH GEORGIA and he was going to meet him there. FOR PROOF REVIEW page 852 paragraph 2 and 3 and page 853 paragraphs 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23

CONFESS I O N

AT TRIAL TYRONE testified that he was about to go to SAVANNAH GEORGIA to meet his cousin EARNEST BRYANT, because he told him to meet him in SAVANNAH GEORGIA, and that is how he was going to get off the island away from AARON SENIOR and AARON JUNIOR.

TYRONE ROBINSON testified that while he was standing in the yard about to go, he was staring at mainland road about to leave and at that time the F-150 pulled up and as soon as he seen that truck he ran and heard gun shots.

TYRONE testified that he was behind CHARLESE house looking at ALLEN ROAD and the TRUCK that was directly across from where he was hiding was shooting at him.

TYRONE testified that when he looked up again the TRUCK was backing up from shooting up his car. FOR PROOF REVIEW page 857 paragraphs 1, 3, 4, 5, and 6 and paragraphs 18, 19, 20, 21, 22, 23, 24, and 25 and page 858 paragraphs 1, 2, 3 and 4 and page 859 paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 and page 860 paragraphs 1 and 2

COLLABORATING TESTIMONY
AND THIRD TIME AARON SENIOR
AND AARON JUNIOR LEFT FROM THERE
HOME ON 17 OLD WILD HORSE ROAD
TO GO ATTEMPT TO MURDER TYRONE
ROBINSON ON ALLEN ROAD, WHEN
KHALIL WAS SHOT AND KILLED

AT TRIAL ARRESTING OFFICER LAUREL
ALBERTIN TESTIFIED IN TYRONE ROBIN-
SON DEFENSE THAT AARON SCOTT YOUNG
JUNIOR CONFESSED TO HER THAT HE AARON
SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG
SENIOR LEFT FROM THERE HOME ON 17 OLD WILD
HORSE ROAD WITH THERE GUN, AND DROVE TO
ALLEN ROAD LOOKING FOR TYRONE ROBINSON.
ARRESTING OFFICER LAUREL ALBERTIN TESTIFIED
THAT AARON SCOTT YOUNG JUNIOR CONFESSED TO HER, THAT
HE AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR
SHOT TYRONE ROBINSON CAR UP ON ALLEN ROAD.
ARRESTING POLICE OFFICER LAUREL ALBERTIN TESTIFIED
AT TRIAL THAT AARON SCOTT YOUNG JUNIOR CONFESSED

IF HE AARON SCOTT YOUNG JUNIOR AND AARON SCOTT
YOUNG SENIOR WOULD OF NEVER WENT TO ALLEN
ROAD AS HE EXPLAINED THEY DID VICTIM
KHALIL SINGLETON WOULD NOT BE DEAD NOW.
VIEWING THE EVIDENCE IN THE LIGHT OF THE STATE OF
SOUTH CAROLINA. THE CONCLUSIVE EVIDENCE IN THIS
CASE PROVES THAT THIS IS THE THIRD TIME AARON SCOTT
YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR LEFT FROM
THERE HOME ON 17 OLD WILD HORSE ROAD TO GO ATTEMPT
TO MURDER TYRONE ROBINSON ON ALLEN ROAD FOR THE
THIRD SEPERATE INDIVIDUAL TIME, WHICH VICTIM
KHALIL SINGLETON WAS SHOT AND KILLED AS A NATURAL
AND PROBABLE CONSEQUENCE OF. FOR PROOF REVIEW
PAGE 760 PARAGRAPHS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22,
23, 24 AND 25 AND PAGE 761 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9,
10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 AND 25 AND
PAGE 762 PARAGRAPHS 15, 16, 17, 18, AND 19

CONFESS ION

AT TRIAL TYRONE ROBINSON TESTIFIED THAT HE FLED FROM
AARON SCOTT YOUNG JUNIOR AND AARON SCOTT
SENIOR ON OAKVIEW ROAD, AND HE FLED FROM THEM ON 17 OLD WILD HORSE
ROAD AND HE FLED FROM THEM AGAIN IN FRONT OF CHARLESE
YARD. IF AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR
WOULD OF PUT ENUFF EFFORT INTO AVOIDING THEM, KHALIL
SINGLETON WOULD OF STILL BE ALIVE TODAY. FOR PROOF REVIEW
PAGE 745 PARAGRAPHS 22, 23, 24 AND 25 AND PAGE 381
PARAGRAPHS 1, 2, 3, 4 AND 5

TESTIMONY

OF FORENSIC EXPERT DANDAFREESE

INSIDE OF THIS CASE STATES EXHIBIT 34 IS A GREY PLAIN LEAD BULLET THAT WAS RETRIEVED FROM OUT OF THE BODY OF VICTIM KHALIL SINGLETON.

ALSO INSIDE OF THIS CASE STATES EXHIBIT 30 IS A FULL METAL JACKETED BULLET THAT WAS ALLEGEDLY RECOVERED FROM A HOUSE ON WILD HORSE ROAD, THAT THE STATE OF SOUTH CAROLINA IS ALLEGING WAS FIRED THRU THE GUN BARREL OF TYRONE ROBINSON GUN. AT TRIAL ON CROSS EXAMINATION FORENSIC EXPERT DAN DAFREESE CONFESSED TO ATTORNEY ARIZ DAVID BAX, THAT HE (AKA) FORENSIC EXPERT DAN DAFREESE. COULD NOT CONCLUSIVELY

DETERMINE IF THE PLAIN LEAD GREY BULLET STATES EXHIBIT 34 THAT WAS RETRIEVED FROM OUT OF THE BODY OF VICTIM KHALIL SINGLETON. WAS FIRED THRU THE SAME GUN BARREL OF THE GUN BARREL OF THE FULL METAL JACKETED BULLET STATES EXHIBIT 30 THAT WAS RETRIEVED FROM OUT OF A HOUSE ON 17 OLD WILD HORSE ROAD. THAT THE STATE OF SOUTH CAROLINA IS ALLEGING WAS FIRED THRU THE GUN BARREL OF TYRONE ROBINSON GUN.

AT TRIAL ON CROSS EXAMINATION FORENSIC EXPERT DAN DAFREESE CONFESSED TO ATTORNEY ARIZ DAVID BAX, THAT EVEN IF HE (AKA) FORENSIC EXPERT DAN DAFREESE, HAD THE GUN THAT VICTIM KHALIL SINGLETON WAS SHOT AND KILLED WITH. HE STILL COULD NOT GUARANTEE

THAT HE WOULD GET A MATCH BETWEEN THE GREY PLAIN LEAD BULLET STATES EXHIBIT 34 AND THE FULL METAL JACKETED BULLET STATES EXHIBIT 30.

THEREFORE AS A MATTER OF LAW THE CONCLUSIVE TESTIMONY FROM FORENSIC EXPERT DAN DAFREESE TESTIMONY REVEALS, THAT FORENSIC EXPERT DAN DAFREESE WAS ABSOLUTELY UNABLE TO DETERMINE IF THE GREY PLAIN LEAD BULLET FROM STATES EXHIBIT 34 MATCHED THE SAME GUN BARREL OF THE FULL METAL JACKETED BULLET FROM STATES EXHIBIT 30. FOR PROOF I QUOTE THE TESTIMONY

FROM TRIAL ON CROSS EXAMINATION OF
FORENSIC EXPERT DAN DAFRESE. "QUOTEING"

STATE OF SOUTH CAROLINA

V.S.

TYRONE ROBINSON

"QUOTEING" FROM PAGE 642 PARAGRAPHS 12, 13, 14,
15, 16, 17, 18, 19, 20, 21, 22, 23, 24, AND 25 AND
PAGE 643 PARAGRAPHS 1, 2, 3, 4, 5 AND 6 OF TRIAL
TRANSCRIPT
ATTORNEY ARTE DAVIS
DAX QUESTION "QUOTEING"

THERE IS A COMBINATION OF THINGS HERE
THAT I WANT TO TALK ABOUT. OBVIOUSLY
AS YOU'VE SAID THERE IS DIFFERANT
CONSTRUCTION ON THESE TWO BULLETS, ONE HAS THE
JACKET AND ONE IS PLAIN LEAD AND THAT
AFFECTS HOW THE OUTSIDE SURFACE IS AFFECTED
BY THE BARREL IS THAT CORRECT?

ANSWER FROM
FORENSIC EXPERT
DAN DAFRESE

IT DOES, ONE IS HARDER THAN THE OTHER.

QUESTION FROM
ATTORNEY ARTE
DAVIS DAX

OKAY. BUT IN THE END THOSE DIFFERENCES AND THE
DAMAGE WERE PART OF THE REASON WHY YOU CAN'T
CONCLUSIVELY SAY THEY WERE FIRED FROM THE
SAME GUN, CORRECT?

ANSWER FROM
FORENSIC EXPERT
DAN DAFRESE
THAT'S CORRECT

QUESTION FROM
ATTORNEY ARTE
DAVIS DAX

ANOTHER REASON OBVIOUSLY YOU DON'T HAVE A GUN
TO COMPARE CORRECT

ANSWER FROM
FORENSIC EXPERT
DAN DAFRESE

IT WOULD BE SOMEWHAT EASIER IF WE HAD THE CORRECT
GUN IN THAT IF WE HAD THE CORRECT GUN WE COULD
TEST FIRE IT WITH BOTH JACKETED TEST AMMUNITION

and with plain lead test ammunition where we might have an increased chance of achieving a match -

QUESTION FROM
ATTORNEY ARTE
DAVID BAX

BUT IS NOT GUARANTEED THAT YOU WOULD GET
A MATCH EVEN WITH THE FIRE ARM PRESENT?

ANSWER FROM
FORENSIC EXPERT
DAN DA FRESE
ABSOLUTELY

QUOTING FROM PAGE 646 PARAGRAPHS 24
AND 25 AND PAGE 647 PARAGRAPHS 1, 2, 3, 4,
5, AND 6 OF TRIAL TRANSCRIPT "QUOTING"

QUESTION FROM
ATTORNEY ARTE
DAVID BAX

OKAY. NOW AS A RESULT OF THAT, AND LIKE I
SAID BEFORE THEY HAVE BASICALLY THE SAME
RIFLING CHARACTERISTICS EIGHT LANDS AND GROOVES
A RIGHT TWIST BUT YOU CAN NOT SAY FOR CERTAIN
THEY WERE FIRED FROM THE SAME GUN. AND IT IS
POSSIBLE THAT THEY COULD HAVE BEEN FIRED FROM
TWO DIFFERENT 38 CALIBER REVOLVERS MADE
BY ANY OF THESE MANUFACTURERS ISN'T THAT TRUE?

ANSWER FROM
FORENSIC EXPERT
DAN DA FRESE

YES SIR THAT IS TRUE

TESTIMONY OF CHARLESE MITCHELL

AT TRIAL CHARLESE JACKSON TESTIFIED THAT WHEN
SHE HEARD THE GUN SHOTS, SHE TOLD THE KIDS TO COME
INSIDE OF THE HOUSE. TYRONE'S SON CAME INSIDE
OF THE HOUSE. BUT KHALIL SINGLETON AND
JUNNY SINGLETON JUNIOR RAN THE OTHER WAY
TOWARD AUNT VERA HOUSE TOWARD THE DIRECTION

That is identified as ALLEN ROAD ON THE MODEL
 SUBMITTED AT TRIAL BY THE STATE OF SOUTH CAROLINA.
 FOR PROOF REVIEW PAGE 332 PARAGRAPHS 21,
 22, 23, 24 AND 25 AND PAGE 333 PARAGRAPHS
 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 AND 16 AND
 PAGE 343 PARAGRAPHS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13,
 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, AND 25
 AND PAGE 344 PARAGRAPHS 1, 2 AND 3 OF
 TRIAL TRANSCRIPT

TESTIMONY OF TYRONE DELANEY

AT TRIAL TYRONE DELANEY TESTIFIED THAT AFTER
 HE HEARD GUN SHOTS. HE YELLED AT THE KIDS AND
 TOLD THEM TO COME INSIDE OF THE HOUSE. HIS SON
 XAVIER HIS SON RAN TO THE HOUSE. BUT THE
 OTHER TWO JONTV SINGLETON AND KHALIL SINGLETON
 RAN THE OTHER WAY TOWARDS WHERE THEY LIVED
 AT. WHICH IS IDENTIFIED AS ALLEN ROAD DIRECTION
 ON THE MODEL THAT THE STATE OF SOUTH CAROLINA
 SUBMITTED AT TRIAL. FOR PROOF REVIEW PAGE 359
 PARAGRAPHS 21, 22, 23, 24, AND 25 AND PAGE
 360 PARAGRAPHS 1, 2, 3, 4, 5, 6, 7, AND 8 AND
 PAGE 365 PARAGRAPHS 17, 18, 19, 20, 21, 22, 23, 24,
 AND 25 AND PAGE 366 PARAGRAPHS 1, 2, 24 AND 25
 OF TRIAL TRANSCRIPT

TESTIMONY OF BRITANY BRINSON

AT TRIAL BRITNEY BRINSON TESTIFIED, THAT SHE
 SAW TYRONE ROBINSON POSITIONED IN A AREA
 BEHIND HER HOUSE WALKING WITH TWO 40 OZ
 BOTTLES OF BEER INSIDE OF HIS HAND. AT THE
 IMMEDIATE TIME SHE SAW KHALIL SINGLETON
 RUNNING AND FALL WHEN HE WAS SHOT AND
 KILLED. BRITNEY BRINSON TESTIFIED

That KHALIL SINGLETON and JONATHAN SINGLETON JUNIOR WERE RUNNING TOWARDS HER DIRECTION and she could have seen their Face.

BRITNEY BRINSON testified that when she heard the gun shots, and saw KHALIL SINGLETON RUNNING, and fall when he was shot and killed. She looked out of the window of her back door. She saw TYRONE ROBINSON walking between the two buildings behind her house which is identified as 10 ALLEN ROAD ON the model that the state of SOUTH CAROLINA submitted at TRIAL.

BRITNEY BRINSON testified that she did not see TYRONE ROBINSON with a gun. FOR PROOF REVIEW page 385 paragraphs 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 and page 386 paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 and page 387 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 and page 388 paragraphs 9 and 10, OF TRIAL TRANSCRIPT

COLLABORATING TESTIMONY OF TYRONE ROBINSON

AT TRIAL TYRONE ROBINSON testified that he did see BRITNEY BRINSON stand on the porch in back of her house, when he was walking between the two buildings behind BRITNEY BRINSON house with two 40 oz bottle of beers in all both of her hands.

AT TRIAL TYRONE ROBINSON testified that the two buildings that BRITNEY BRINSON saw him walking between behind her house. is the address of TEN ALLEN ROAD. FOR PROOF REVIEW page 860 paragraphs 19, 20, 21, 22, 23, 24, and 25 and page 861 paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 OF TRIAL TRANSCRIPT

TABLE SIZE MODEL OF ALLEN ROAD

AT TRIAL THE STATE OF SOUTH CAROLINA SUBMITTED A TABLE SIZED MODEL OF THE ALLEN ROAD AREA AND MARSHLAND ROAD AREA. THAT KHALIL SINGLETON WAS SHOT AND KILLED AT:
ON THE STATE OF SOUTH CAROLINA VERY OWN TABLE SIZE MODEL OF THE ALLEN ROAD AREA IT SHOW

AND PROVES THAT THE 10 ALLEN ROAD AREA THAT BRITANY BRINSON SAW TYRONE ROBINSON POSITIONED AT, AT THE IMMEDIATE TIME KHALIL SINGLETON WAS SHOT AND KILLED. WHILE RUNNING AWAY FROM THE TRAMPALINE TOWARDS HOME TOWARDS THE ALLEN ROAD DIRECTION. IS POSITIONED OVER TO THE FAR RIGHT OF THE RIGHT SIDE OF KHALIL SINGLETON BODY. THAT KHALIL SINGLETON WAS NOT SHOT AND KILLED ON. THEREFORE THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE THE STATE OF SOUTH CAROLINA PRESENTED AT TRIAL, PROVES THAT TYRONE ROBINSON WAS POSITIONED TO THE FAR RIGHT SIDE OF THE RIGHT SIDE OF KHALIL SINGLETON BODY THAT KHALIL SINGLETON WAS NOT SHOT AND KILLED ON. AT THE IMMEDIATE TIME KHALIL SINGLETON WAS SHOT AND KILLED, WHILE KHALIL SINGLETON WAS SHOT AND KILLED, WHILE RUNNING AWAY FROM THE TRAMPALINE, TOWARDS HIS HOME TOWARDS THE ALLEN ROAD DIRECTION.

TESTIMONY OF DR. LEE MARIE TORMOS

AT TRIAL DR. LEE MARIE TORMOS THE FORENSIC PATHOLOGIST TESTIFIED THAT KHALIL SINGLETON WAS SHOT AND KILLED WHILE HE WAS IN A UPRIGHT STANDING RUNNING POSITION. AT TRIAL DR. LEE MARIE TORMOS TESTIFIED THAT THE BULLET ENTRANCE WOUND IS POSITIONED DIRECTLY ON THE LEFT SIDE OF KHALIL SINGLETON BODY AND THE BULLET TRAVELED THE PATHWAY IN KHALIL SINGLETON BODY, OF FROM THE LEFT SIDE OF KHALIL SINGLETON BODY, DIRECTLY ACROSS TO THE RIGHT SIDE OF KHALIL SINGLETON BODY, AND THE BULLET WENT STRAIGHT ACROSS TO THE RIGHT SIDE OF KHALIL SINGLETON BODY AND THE BULLET WENT STRAIGHT ACROSS FROM LEFT TO THE RIGHT SIDE OF KHALIL SINGLETON BODY, SLIGHTLY UPWARDS. FOR PROOF I QUOTE THE TESTIMONY FROM

33.
TRIAL ON DIRECT EXAMINATION OF DOCTOR
LEE MARIE TORMOS "QUOTEING"
STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

"QUOTEING" FROM PAGE 574 PARAGRAPHS 23, 24,
AND 25 OF TRIAL TRANSCRIPT

QUOTEING FROM
SOLICITOR ISSAC
MC. DUFFIE STONE "QUOTEING"

NOW I'M GOING TO HAND YOU THIS POINTER. SHOW
THE JURY THE TRAJECTORY OF THAT BULLET. I'M NOT
SURE WHERE I WAS. THIS ANGLE I GUESS, YES MA'AM

"QUOTEING" FROM PAGE 440 PARAGRAPHS 4, 2, 3, 4, AND
5 OF TRIAL TRANSCRIPT

ANSWER FROM
FORENSIC PATHOLOGIST
DR. LEE MARIE TORMOS

SO LEFT TO RIGHT AT THE MID CHEST

QUOTEING FROM
SOLICITOR ISSAC
MC. DUFFIE STONE

MAKE SURE EVERYBODY ON THE JURY CAN SEE IT.

ANSWER FROM
FORENSIC PATHOLOGIST
DR. LEE MARIE TORMOS

THE TRAJECTORY OF THE BULLET IS LIKE THIS.

IT IS LEFT TO RIGHT SLIGHTLY UPWARDS AND
IT DOESN'T HAVE A SIGNIFICANT FORWARD OR
BACKWARD DEVIATION

"QUOTEING" FROM PAGE 577 PARAGRAPHS 15, 16, AND
17 OF TRIAL TRANSCRIPT

ANSWER FROM
FORENSIC PATHOLOGIST
DR. LEE MARIE TORMOS

SO I CAN SAY THAT THE CHICD WAS STANDING OR
UPRIGHT AND THE SHOT CAME FROM THE LEFT SIDE
OF HIS BODY. NOW WHICH WAY HIS BODY WAS
FACING I DON'T KNOW

TESTIMONY OF FORENSIC EXPERT DAN DAFREESE

AT TRIAL FORENSIC EXPERT DAN DAFREESE TESTIFIED THAT. STATES EXHIBIT 34 THE PLAIN LEAD PROJECTILE. DID NOT HAVE ANY INDICATION THAT IT HIT A ROCK OR A TREE OR ANYTHING BEFORE IT STRUCK VICTIM KHALIL SINGLETON FOR PROOF REVIEW PAGE 649. PARAGRAPHS 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 AND 23 OF TRIAL TRANSCRIPT

CLOSING ARGUMENT OF ATTORNEY ARLE DAVID BAX

AT TRIAL ATTORNEY ARLE DAVID BAX IN HIS CLOSING ARGUMENT. EXPLAINED TO THE JURY, THAT ALL THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED IN THIS CASE POINTS TO ONE FACT. THAT WHEN KHALIL SINGLETON WAS SHOT AND KILLED HE WAS RUNNING HOME. WHICH MEANS THAT TYRONE ROBINSON DID NOT SHOOT AND KILL VICTIM KHALIL SINGLETON. BECAUSE KHALIL SINGLETON LEFT SIDE THAT HE WAS SHOT AND KILLED ON. WAS FACING TOWARDS THE ROAD WHEN HE WAS RUNNING AWAY FROM THE TRAMPALINE, TOWARDS HOME IN ALLEN ROAD DIRECTION. AND EVERY WITNESS THAT THE STATE OF SOUTH CAROLINA PUT UP IN THIS CASE PUTS TYRONE ROBINSON ON THE RIGHT SIDE OF KHALIL SINGLETON, WHEN HE WAS RUNNING AWAY FROM THE TRAMPALINE TOWARDS ALLEN ROAD DIRECTION. FOR PROOF I QUOTE THE CLOSING ARGUMENT FROM ATTORNEY ARLE DAVID BAX "QUOTING"

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTING" FROM PAGE 949 PARAGRAPHS 21, 22, 23, 24 AND 25 AND PAGE 950 PARAGRAPHS 1, 2, 3 AND 4 OF TRIAL TRANSCRIPT
CLOSING ARGUMENT OF
ATTORNEY ARLE DAVID BAX

THE EVIDENCE ALL POINTS TO THE FACT THAT WHEN VICTIM KHALIL SINGLETON WAS STRUCK HE WAS

RUNNING home. what does that mean? Ladies and gentleman I submit to you that it means absolutely TYRONE ROBINSON did not shoot KHALIL SINGLETON, because his left side would have been facing the road if he is running in this direction his left side would have been facing the road, and every witness that has been put up puts TYRONE ROBINSON on the right side of where he was running.

CONFESSION

FROM SOLICITOR ISAAC MC. DUFFIE STONE AND THE STATE OF SOUTH CAROLINA ON CLOSING ARGUMENT

1ST CONFESSION

AT TRIAL THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISAAC MC. DUFFIE STONE, CONFESSED TO THE JURY AT TRIAL, THAT VICTIM KHALIL SINGLETON WAS SHOT AND KILLED ON HIS LEFT SIDE THAT THE BULLET ENTRANCE WOUND IS ON, FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT "QUOTED"

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTED" FROM PAGE 968, PARAGRAPHS 19 AND 20 OF SOLICITOR ISAAC MC. DUFFIE STONE CLOSING ARGUMENT "QUOTED"
NOW THAT BRINGS UP TWO POINTS, KHALIL WAS SHOT IN HIS LEFT SIDE, THAT'S ABSOLUTELY TRUE

2ND CONFESSION

AT TRIAL THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISAAC MC. DUFFIE STONE, CONFESSED THAT MARSHLAND ROAD THAT THE TRUCK ATTACKERS AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR WAS TRAVELING ON AT THE IMMEDIATE TIME VICTIM KHALIL SINGLETON WAS SHOT AND KILLED, IS POSITIONED OVER TO THE

LEFT SIDE OF KHALIL SINGLETON body, THAT VICTIM
KHALIL SINGLETON WAS SHOT AND KILLED ON. FOR
PROOF & QUOTE THE FOLLOWING FROM THE TRIAL TRANS-
-SCRIPT

STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

"QUOTE" FROM PAGE 968: PARAGRAPHS 23, 24 AND
25 OF SOLICITOR ISIAH MC. DUFFIE STONE
CLOSING ARGUMENT "QUOTE"
AND THE HIGHWAY, MARSHLAND ROAD, THIS ROAD
HERE IS TO HIS LEFT, THATS CORRECT

SPECULATION

OF FALSE LIES

THE DIRECT EVIDENCE AND CIRCUMSTANTIAL
-TIAL EVIDENCE DISPROVES

AT TRIAL SOLICITOR ISIAH MC. DUFFIE STONE, TRICKED AND
DECEIVED THE JURY INTO SPECULATING ON FALSE LIES
THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL
EVIDENCE IN THIS CASE DISPROVES AND PROVES DID
NOT OCCUR IN THIS CASE. BY SOLICITOR ISIAH
MC. DUFFIE STONE STATING TO THE JURY ON
PAGE 968 PARAGRAPHS 25 AND PAGE 969, PARAGR-
-APHS 1, 2, 3, 4, 5, 6, 7, AND 8 OF TRIAL TRANSCRIPT
"QUOTE"

ASSUMING THAT AN EIGHT YEAR OLD DOES ONE
DIRECTION AND ONE DIRECTION ONLY. AND I DON'T
KNOW HOW MANY EIGHT YEAR OLDS YOU'VE BEEN
AROUND BUT GENERALLY THEY DON'T. AND EVEN
IF THEY DID, EVEN IF THEY DID, HE FORGOT HIS
FOUR-WHEELER. HE WAS ON THE TRAMPOLINE WHEN
CHARLESE SAID GO HOME, GO OUT, GO. HE RUNS THIS
WAY. HE LEFT HIS FOUR WHEELER. ADULTS MAY NOT
STOP TO TURN AROUND AND GO BACK AND GET IT BUT

a child would

37.

every witness that the state of south carolina put on the stand in this case. testified that victim KHALIL SINGLETON ran away from the trampoline, towards his home, towards ALLEN ROAD DIRECTION ONLY AT ALL TIMES IN THIS CASE.

every witness that the state of south carolina put on the stand in this case. testified that victim KHALIL SINGLETON was RUNNING away from the trampoline, towards his home towards ALLEN ROAD DIRECTION AT THE immediate time victim KHALIL SINGLETON was shot and killed and fell.

THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE THAT THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL. PROVES THAT WHEN VICTIM KHALIL SINGLETON WAS RUNNING AWAY FROM THE TRAMPOLINE, TOWARDS HIS HOME TOWARDS ALLEN ROAD DIRECTION, WHEN HE WAS SHOT AND KILLED AND FELL. VICTIM KHALIL SINGLETON ABSOLUTELY "DID NOT" TURN AROUND AND RUN TOWARDS THE TRAMPOLINE FOR HIS FOUR WHEELER.

THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE. PROVES THAT SOLICITOR INSTAL MC. DUFFLESTONE SPECULATED FALSE LIES TO THE JURY AND TRICKED AND DECEIVED THE JURY INTO DELIBERATING ON AND DECIDING ON SPECULATED FALSE LIES. THAT RESULTED IN THE JURY FINDING ME GUILTY ON "SPECULATION" LIES AND FALSE ACCUSATIONS. THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE PROVES "DID NOT

OCCURE". ALSO THAT THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE IN THIS CASE DISPROVES. AS A MATTER OF LAW A PERSON CAN NOT BE FOUND GUILTY ON "SUSPECTION". FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA
CASE LAW OF.

STATE V. SCHROCK 322 S.E.2d 450 "QUOTE" IN THE INSTANT

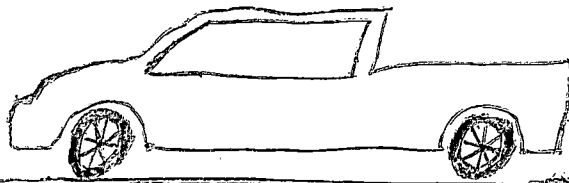
THE EVIDENCE PRESENTED BY THE STATE IN THE INSTANT CASE, MAY RAISE A SUSPECTION OF SCHROCKS GUILT

BUT IT DOES NOT POINT CONCLUSIVELY, NOR TO A MORAL CERTAINTY, NOR BEYOND A REASONABLE

DOUBT, TO HIS GUILT. FROM THE RECORD BEFORE US WE CAN REACH NO OTHER CONCLUSION BUT

THAT SCHROCK WAS ENTITLED TO A DIRECTED

VERDICT OF NOT GUILTY BASED ON THE LACK OF EVIDENCE



MARSHLAND ROAD TRUCK ARON SENIOR
AND ARON TUNOR WAS RIDING IN WAS TRAVELING ON

LEFT SIDE OF BODY THAT KHALIL SINGLETON WAS SHOT AND KILLED ON. AS FORENSIC PATHOLOGIST DR. LEE MARIE TORMOI TESTIFIED TO

AS A MATTER OF LAW THIS DIAGRAM SHOWS AND PROVE IF I WOULD OF SHOT TOWARDS ARON SCOTT YOUNG SENIOR AND ARON SCOTT YOUNG TUNOR TRUCK, ON MARSHLAND ROAD, AND TOWARDS VICTIM KHALIL SINGLETON WHILE VICTIM KHALIL SINGLETON WAS RUNNING AWAY FROM THE TRAMPALINE TOWARDS HIS HOME TOWARDS ALLEN ROAD DIRECTION. WHEN KHALIL SINGLETON WAS SHOT AND KILLED. AS ALL OF THE STATE OF SOUTH CAROLINA WITNESSES AT TRIAL TESTIFIED IF THE ONLY DIRECTION VICTIM KHALIL SINGLETON WAS RUNNING IN AT THE IMMEDIATE TIME VICTIM KHALIL SINGLETON WAS SHOT AND KILLED. AS A MATTER OF LAW THE BULLET WOULD OF HAD HIT KHALIL SINGLETON ON HER RIGHT SIDE, AND THE TRAJECTORY OF THE BULLET WOULD OF TRAVELED THE PATHWAY OF, FROM RIGHT TOWARDS LEFT IN KHALIL SINGLETON BODY. AS SHOWN AND PROVEN IN THIS DIAGRAM.

THEFORE THIS DIAGRAM SHOW AND PROVES THAT IT IS LITERALLY IMPOSSIBLE FOR TYRONE ROBINSON TO SHOOT TOWARDS ATTACKERS ARON SCOTT YOUNG SENIOR AND ARON SCOTT YOUNG TUNOR TRUCK, AND TOWARDS VICTIM KHALIL SINGLETON DIRECTION. WHILE I WAS

POSITION IN THE ALLEN ROAD AREA, ON THE RIGHT SIDE OF VICTIM KHALIL SINGLETON RIGHT SIDE THAT VICTIM KHALIL SINGLETON WAS NOT SHOT AND KILLED ON. AND WHILE DOING SO CAUSE THE BULLET TO HIT VICTIM KHALIL SINGLETON ON HER LEFT SIDE AND CAUSE THE BULLET TO TRAVEL THE TRAJECTORY OF FROM LEFT TOWARDS RIGHT IN VICTIM KHALIL SINGLETON BODY TOWARDS MY DIRECTION I WAS POSITION ON IN ALLEN ROAD AREA AS THE STATE OF SOUTH CAROLINA WITNESSES POSITIONED ME ON, AT THE IMMEDIATE TIME VICTIM KHALIL SINGLETON WAS SHOT AND KILLED.

THEFORE AS A MATTER OF LAW THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE THAT THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, PROVES THAT IT IS LITERALLY IMPOSSIBLE FOR TYRONE ROBINSON TO SHOOT AND KILL VICTIM KHALIL SINGLETON AS A MATTER OF LAW PROVEING THAT BASED ON THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AGAINST ME AT TRIAL, THE STATE OF SOUTH CAROLINA FAILED TO PROVE THERE BURDEN OF PROOF ENTITLING ME TO A DIRECTED VERDICT OF ACQUITTAL AS A MATTER OF LAW.

BACK OF KHALIL SINGLETON

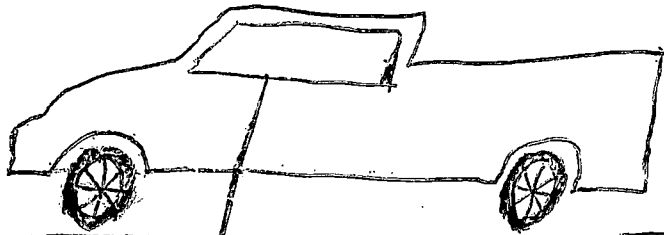
FRONT OF KHALIL SINGLETON

DIRECTION KHALIL SINGLETON WAS RUNNING AWAY FROM THE TRAMPALINE TOWARDS HIS HOME, TOWARDS ALLEN ROAD DIRECTION WHEN HE WAS SHOT AND KILLED AND FELL AS WITNESSES TESTIFIED TO AT TRIAL

RIGHT SIDE OF KHALIL SINGLETON

DIRECTION OF BULLET

PERSON



MARSHLAND ROAD THAT TRUCK AARON SENIOR AND AARON JUNIOR WAS RIDING IN WAS TRAVELING ON

DIRECTION OF BULLET

AS A MATTER OF LAW THIS DIAGRAM SHOW AND PROVE, THAT IF SOMEONE WOULD OF SHOT A BULLET FROM OUT OF THE TRUCK OR FROM THE MARSHLAND ROAD AREA INTO THE ALLEN ROAD AREA TOWARDS TYRONE ROBINSON DIRECTION AND TOWARDS VICTIM KHALIL SINGLETON DIRECTION. WHILE VICTIM KHALIL SINGLETON WAS RUNNING AWAY FROM THE TRAMPALINE TOWARDS HOME TOWARDS THE ALLEN ROAD DIRECTION. AS ALL OF THE STATE OF SOUTH CAROLINA WITNESSES AT TRIAL. TESTIFIED AS THE ONLY DIRECTION VICTIM KHALIL SINGLETON WAS RUNNING IN AT THE IMMEDIATE TIME VICTIM KHALIL SINGLETON WAS SHOT AND KILLED. THE BULLET WOULD OF STRUCK VICTIM KHALIL SINGLETON ON THE LEFT SIDE OF KHALIL SINGLETON BODY, AND THE TRAJECTORY OF THE BULLET WOULD OF TRAVELED THE PATHWAY OF. FROM LEFT TOWARDS RIGHT IN KHALIL SINGLETON BODY TOWARDS TYRONE ROBINSON DIRECTION.

LEFT SIDE OF BODY THAT KHALIL SINGLETON WAS SHOT AND KILLED ON. AS FORENSIC PATHOLOGIST DR. LEE MARIE TORMO TESTIFIED TO

THEREFORE AS A MATTER OF LAW THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE. THAT THE STATE OF SOUTH CAROLINA SUBMITTED AGAINST ME AT TRIAL. PROVES THAT IT IS LITERALLY IMPOSSIBLE FOR TYRONE ROBINSON TO SHOOT AND KILL VICTIM KHALIL SINGLETON.

AS A MATTER OF LAW PROVING THAT BASED ON THE DIRECT EVIDENCE AND CIRCUMSTANTIAL EVIDENCE THAT THE STATE OF SOUTH CAROLINA SUBMITTED AGAINST ME AT TRIAL. THE STATE OF SOUTH CAROLINA FAILED TO PROVE THERE BURDON OF PROOF ENTITLING ME TO A DIRECTED VERDICT OF ACQUITTAL AS A MATTER OF LAW.

BACK OF KHALIL SINGLETON

FRONT OF KHALIL SINGLETON

RIGHT SIDE OF KHALIL SINGLETON



CONCLUSIVE TESTIMONY

AT TRIAL THE STATE OF SOUTH CAROLINA VERY OWN FORENSIC EXPERT DAN DAFRESE TESTIFIED THAT ALL OF THE FIRED BULLETS, RETRIEVED FROM OUT OF THE BULLET HOLES ON TYRONE ROBINSON CAR, WERE DETERMINED TO BE POSITIVELY MATCHED TO AND FIRED THRU THE BARREL OF THE MASTER PEECE ARMS NINE MICA METER GUN WITH THE THIRTY TWO ROUND CLIP AND SUPPRESSOR THAT POLICE OFFICER BOB BROMAGE RETRIEVED FROM AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR FOR PROOF REVIEW PAGE 636 PARAGRAPH 10, 11, 12, 13, 14, 15, 16, 17 AND 18, 22, 23, 24 AND 25 AND PAGE 637 PARAGRAPH 1 OF TRIAL TRANSCRIPT

CONFESSION OF RESPONSIBILITY

AT TRIAL POLICE SGT. LAUREL ALBERTIN TESTIFIED IN TYRONE ROBINSON DEFENSE, THAT AARON SCOTT YOUNG JUNIOR CONFESSED TO HER "QUOTE" "I'D IF WE WOULD OF NEVER WENT DOWN THERE THE LTL BOY WOULD OF NEVER DIED"

BY AARON SCOTT YOUNG JUNIOR VERY OWN CONFESSION. AARON SCOTT YOUNG JUNIOR CONFESSED AND EXPLAINED THAT HE AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR VERY OWN ACTIONS. OF DRIVING BACK AND FOURTH FROM THERE NEIGHBORHOOD ON 17 OLD WILD HORSE ROAD, TO GO ATTACK TRY TO SHOOT AND KILL AND ATTEMPT TO MURDER TYRONE ROBINSON WITH A DEADLY WEAPON. ONE OF WHICH A MASTER PEECE ARMS NINE MICA METER GUN. EQUIPPED WITH A THIRTY TWO ROUND CLIP AND A SUPPRESSOR AND WHAT EVER ELSE GUN THEY HAD. IS RESPONSIBLE FOR KHALIL SINGLETON BEING SHOT AND KILLED AND BY AARON SCOTT YOUNG JUNIOR VERY OWN CONFESSION. THAT "QUOTE"

IF WE WOULD OF NEVER WENT DOWN THERE THE LTL BOY WOULD OF NEVER DIED

PROVES THAT BY AARON SCOTT YOUNG JUNIOR VERY OWN CONFESSION. THE VICTIM KHALIL SINGLETON DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF AARON SCOTT YOUNG JUNIOR AND AARON SCOTT YOUNG SENIOR INHERENTLY DANGEROUS FELONY OR ATTEMPT TO MURDER A VICTIM TYRONE ROBINSON. IN TYRONE ROBINSON NEIGHBORHOOD THAT TYRONE ROBINSON LIVED AT ON ALLEN ROAD, FOR PROOF REVIEW PAGE 762 PARAGRAPHS 15, 16, 17, 18 AND 19 OF TRIAL TRANSCRIPT

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ACCEPTED MURDER

OF VICTIM TYRONE ROBINSON, SOUTH
CAROLINA CODE OF LAW 16-03-29 VIOLENT
CRIME AS DEFINED IN SECTION 16-03-60
COMMITTED BY ATTACKERS AARON SCOTT YOUNG
JUNIOR

ON INDICTMENT # 2012-65-07-01940 THE STATE OF
SOUTH CAROLINA AND ITS SOLICITOR ISRAEL MC. DUFFIE
STONE, CHARGED AARON SCOTT YOUNG JUNIOR WITH THE
CRIME AND FELONY OF ATTEMPTED MURDER OF VICTIM
TYRONE ROBINSON. INDICTMENT # 2014-65-07-01940
STATES "QUOTING"

THAT IN BEAUFORT COUNTY SOUTH CAROLINA, ON OR ABOUT
SEPTEMBER 21ST 2012 THE DEFENDANT, AARON YOUNG
JUNIOR WITH INTENT TO KILL AND MALICE AFORETHOUGHT
EITHER EXPRESS OR IMPLIED, ATTEMPTED TO MURDER
THE VICTIM, TYRONE ROBINSON IN VIOLATION OF SECTION
16-03-29 OF THE CODE OF LAWS OF SOUTH CAROLINA (2010,
AS AMENDED

ON FEBRUARY 2ND OF 2015 THE JURY AT TRIAL FOUND
AARON SCOTT YOUNG JUNIOR GUILTY OF COMMITTING THE
CRIME OF ATTEMPTED MURDER S.C. CODE OF LAW 16-03-
29 AGAINST VICTIM TYRONE ROBINSON AT THE
IMMEDIATE TIME VICTIM KHALIL SINGLETON WAS
SHOT AND KILLED. AS A RESULT TRIAL JUDGE THOMAS
COOPER SENTENCED AARON SCOTT YOUNG JUNIOR TO THIRTY
YEARS IMPRISONMENT FOR COMMITTING THE CRIME
OF ATTEMPTED MURDER S.C. CODE OF LAW 16-03-29
AGAINST VICTIM TYRONE ROBINSON AT THE IMMEDIATE
TIME VICTIM KHALIL SINGLETON WAS SHOT
AND KILLED

MURDER

OF VICTIM KHALIL SINGLETON SOUTH
CAROLINA CODE OF LAW 16-3-10

ON FEBRUARY 2ND 2015 THE JURY AT TRIAL FOUND
AARON SCOTT YOUNG JUNIOR GUILTY OF MURDER OF VICTIM
KHALIL SINGLETON. FOR CAUSING THE VICTIM KHALIL
SINGLETON TO BE SHOT AND KILLED ON INDICTMENT #
2012-65-07-01932

ATTEMPTED MURDER

OF VICTIM TYRONE ROBINSON, SOUTH CAROLINA
CODE OF LAW 16-03-29 VIOLENT CRIME AS
DEFINED IN SECTION 16-1-60. COMMITTED BY
ATTACKERS AARON SCOTT YOUNG JUNIOR

ON INDICTMENT # 2014 65 07 01941 THE STATE OF SOUTH
CAROLINA AND ITS SOLICITOR ISRAEL MC. DUFFIE STONE,
CHARGED AARON SCOTT YOUNG SENIOR WITH THE CRIME
AND FELONY OF ATTEMPTED MURDER OF VICTIM

TYRONE ROBINSON INDICTMENT # 2014-65-07-01935
"QUOTEING"

THAT IN BEAUFORT COUNTY SOUTH CAROLINA, ON OR ABOUT
SEPTEMBER 21ST 2012 THE DEFENDANT AARON YOUNG
SENIOR WITH INTENT TO KILL AND MALICE AFORE-
THOUGHT EITHER EXPRESS OR IMPLIED, ATTEMPTED
TO MURDER THE VICTIM, TYRONE ROBINSON, IN
VIOLATION OF SECTION 16-03-29 OF THE CODE OF
LAWS OF SOUTH CAROLINA (2,010 AS AMENDED

ON AUGUST 8TH OF 2015 THE JURY AT TRIAL FOUND
AARON SCOTT YOUNG SENIOR GUILTY OF COMMITTING
THE CRIME OF ATTEMPTED MURDER S.C. CODE OF
LAWS 16-03-29 AGAINST VICTIM TYRONE ROBINSON
AT THE IMMEDIATE TIME VICTIM KHALIL SINGLETON
WAS SHOT AND KILLED. AS A RESULT TRIAL JUDGE
THOMAS COOPER SENTENCED AARON SCOTT YOUNG SENIOR TO
TWENTY YEARS IMPRISONMENT FOR COMMITTING THE
CRIME OF ATTEMPTED MURDER S.C. CODE OF LAW 16-03-
29 AGAINST VICTIM TYRONE ROBINSON AT THE
IMMEDIATE TIME VICTIM KHALIL SINGLETON WAS
SHOT AND KILLED

MURDER OF VICTIM KHALIL SINGLETON SOUTH CAROLINA CODE OF LAW 16-3-10

ON AUGUST 8TH 2015 THE JURY AT TRIAL FOUND AARON
SCOTT YOUNG JUNIOR GUILTY OF MURDER OF VICTIM
KHALIL SINGLETON. FOR CAUSING THE VICTIM KHALIL
SINGLETON TO BE SHOT AND KILLED ON INDICTMENT
2012-65-07-01935

RESPONSIBILITY OF GUILT, FOR VICTIM KHALIL SINGLETON DEATH

AS A MATTER OF LAW THE DIRECT EVIDENCE AND
CIRCUMSTANTIAL EVIDENCE THAT WAS SUBMITTED
AGAINST ME AT TRIAL. PROVES THAT ATTACKERS
AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG
JUNIOR, WERE IN THE COMMISSION OF COMMITTE-
ING THE INHERANTLY DANGEROUS FELONY
OF ATTEMPT TO MURDER VICTIM TYRONE ROBE-
-NSON. AGAINST VICTIM TYRONE ROBINSON.

AS A MATTER OF LAW PROVEING THAT THE DIRECT
EVIDENCE AND CIRCUMSTANTIAL EVIDENCE
THAT WAS SUBMITTED AT MY TRIAL INSIDE OF
THIS CASE. PROVES THAT ATTACKERS AARON SCOTT
YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR ARE
GUILTY OF COMMITTING THE 2ND ELEMENT
"ALLEGING"

THE DEFENDANT WAS IN THE COMMISSION OF
COMMITTING A INHERANTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA
CASE LAW OF:

GORE V. LEEKE 1995 E. 2d 755 QUOTE IN //

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT
A FELONY SUCH AS GRAND LARCENY OR ROBBERY
OR BURGLARY EACH OF THOSE PERSON ARE
CRIMINALLY RESPONSIBLE FOR THE ACTS OF
A JOINDER OR CONFEDERATES WHICH ARE DONE
IN FURTHERANCE OR IN PROSECUTION OF THE
COMMON PURPOSE FOR WHICH THEY COMBINED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA CASE
LAW OF

STATE OF MONTANA V. MICHAEL VERNON BELLEDEAUX
IN CASE NO. 99-934 QUOTE IN //

TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE
UNDER THE FELONY MURDER RULE 45-5-102(B) MCA,
THE STATE MUST SHOW THAT
THE PERSON ATTEMPTED TO COMMIT, COMMITTED OR IS
LEGALLY ACCOUNTABLE FOR THE ATTEMPT OR COMMIT-
TION OF FELONY ASSAULT, AGGRAVATED ASSAULT,
OR ANY OTHER FORCIBLE FELONY

AT TRIAL POLICE SGT. LAUREL ALBERTIN TESTIFIED
IN TYRONE ROBINSON DEFENSE, THAT AARON SCOTT
YOUNG JUNIOR "CONFESSED" TO HER "QUOTE IN //
IF WE WOULD OF NEVER WENT DOWN THERE THE
LIL BOY WOULD OF NEVER DIED FOR PROOF REVIEW

PAGE 627 PARAGRAPHS 15, 16, 17, 18 AND 19 OF TRIAL
TRANSCRIPT.

AS A MATTER OF LAW THE DIRECT EVIDENCE AND
CIRCUMSTANTIAL EVIDENCE SUBMITTED IN THIS CASE
PROVES THAT VICTIM KHALIL SINGLETON DEATH
IS THE NATURAL OR PROBABLE CONSEQUENCE OF
THE ATTACKERS AARON SCOTT YOUNG SENIOR AND
AARON SCOTT YOUNG JUNIOR, COMMITTING THE
INHERENTLY DANGEROUS FELONY OF ATTEMPT
TO MURDER VICTIM TYRONE ROBINSON, AGAINST

VICTIM TYRONE ROBINSON.

AS A MATTER OF LAW PROVEING THAT THE DIRECT
EVIDENCE AND CIRCUMSTANTIAL EVIDENCE
SUBMITTED AT TRIAL IN THIS CASE, PROVES THAT
ATTACKERS AARON SCOTT YOUNG SENIOR AND
AARON SCOTT YOUNG JUNIOR, ARE GUILTY OF COMMIT-
TING THE

2ND ELEMENT

"ALLEGING"
DEATH TO THE VICTIM AS A CONSEQUENCE
OF THE DEFENDANTS CONDUCT IN COMMITTING
THAT CRIME

FROM THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA
CASE LAW OF

GORE VS. LEEKE 199 S.E. 2D 755 "QUOTE IN"

THE COMMON PURPOSE LADIES AND GENTLEMAN MAY
HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED
IN THE KILLING AND THE MURDER OF ANYONE BUT IF
IN EXECUTING THIS COMMON DESIGN AND PURPOSE AND
IF IT WAS UNLAWFUL AS FOR INSTANCE, BREAKING
IN AND STEALING AND IN THE EXECUTION OF THE
COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE OF
THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU,
THE JURY DETERMINE FROM THE PROOF BEYOND A REASON-
ABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL
CONSEQUENCE OF THE ACTS WHICH WERE DONE IN
PURSUANCE OF THIS COMMON DESIGN THEN LADIES AND
GENTLEMAN ALL WHO ARE PRESENT EITHER ACTUALLY
OR CONSTRUCTIVELY, AND PARTICIPATE IN THE
UNLAWFUL, COMMON DESIGN ARE AS GUILTY AS THE
SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA
CASE LAW OF

STATE OF MONTANA VS. MICHAEL VERNON BILLEDEAUX
IN CASE NO. 99-434 "QUOTE IN"

TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE
UNDER THE FELONY MURDER RULE 45-5-102(b) MCA.
THE STATE MUST SHOW THAT
IN THE COURSE OF THE FORCIBLE FELONY THE PERSON
OR ANY OTHER PERSON LEGALLY ACCOUNTABLE FOR
THE CRIME CAUSED THE DEATH OF ANOTHER HUMAN BEING

AS A MATTER OF LAW AS THE VICTIM WHO ATTACKERS
ARON SCOTT YOUNG JUNIOR AND ARON SCOTT YOUNG
SENIOR, WERE IN THE COMMISSION OF COMMITTING
THE INHERENTLY DANGEROUS FELONY OF ATTEMPT
TO MURDER THE VICTIM TYRONE ROBINSON AGAINST.

AS A MATTER OF LAW THE TYRONE ROBINSON WAS
NOT HELPING ARON SCOTT YOUNG SENIOR AND
ARON SCOTT YOUNG JUNIOR, COMMITTE THE INHE-
RANTLY DANGEROUS FELONY OF ATTEMPT TO
MURDER THE VICTIM TYRONE ROBINSON AGAINST
THE VICTIM TYRONE ROBINSON.

AS A MATTER OF LAW PROVEING THAT THE
TYRONE ROBINSON AN "ACTUALLY INNOCENT"
OF COMMITTING THE

1ST ELEMENT

"ALLEGED"

THE DEFENDANT WAS IN THE COMMISSION
OF COMMITTING A INHERENTLY DANGEROUS
FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY FOR PROOF REVIEW CASE LAW MERITS

UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA CASE LAW OF.
UNITED STATES OF AMERICA EX REL DAVID ALMEIDA
VS. ALFRED T. RUNDLE, WARDEN STATE CORRECTIONAL
INSTITUTION, PHILADELPHIA, PENNSYLVANIA 255
F.SUPP 936, 1966 U.S. DIST CASE NO. M-2677 "QUOTE" INP"
THE PENNSYLVANIA SUPREME COURT IN A UNANIMOUS
OPINION HELD THAT "WHEN ALMEIDA WAS CONVICTED
OF THE CRIME INVOLVED, THE LAW OF THIS COMMON
WEALTH WAS THAT WHERE, IN THE COMMISSION
OF A FELONY, SUCH AS ROBBERY, A THIRD PERSON IS
KILLED BY ONE RESISTING THE FELON OR WHO IS
ENDAVORING TO PREVENT HIS ESCAPE FROM THE
SCENE OF THE CRIME, THE FELON IS GUILTY OF MURDER
IN THE FIRST DEGREE

ALSO AS A MATTER OF LAW AS THE VICTIM WHO ATTA-
CKERS AARON SCOTT YOUNG SENIOR AND AARON SCOTT
YOUNG JUNIOR. WERE IN THE COMMISSION OF
COMMITTING THE INHERANTLY DANGEROUS FELONY
OF ATTEMPT TO MURDER & VICTIM TYRONE ROBINSON
A GAINST. THAT IS THE INHERANTLY DANGEROUS
FELONY, THAT VICTIM KHALIL SINGLETON DEATH
IS A NATURAL OR PROBABLE CONSEQUENCE OF.

AS A MATTER OF LAW & TYRONE ROBINSON WAS
NOT HELPING AARON SCOTT YOUNG SENIOR AND
AARON SCOTT YOUNG JUNIOR. COMMITTE THE INHERA-
NTLY DANGEROUS FELONY OF ATTEMPT TO MURDER
& VICTIM TYRONE ROBINSON, A GAINST & VICTIM
TYRONE ROBINSON. THAT IS THE INHERANTLY DANGER-
OUS FELONY, THAT VICTIM KHALIL SINGLETON
DEATH IS A NATURAL OR PROBABLE CONSEQUENCE
OF.

AS A MATTER OF LAW PROVEING THAT & TYRONE ROBINSON
AM "ACTUALLY INNOCENT" OF COMMITTING THE

2ND ELEMENT "ALLEGED"

DEATH TO THE VICTIM AS A CONSEQUENCE
OF THE DEFENDANTS CONDUCT IN COMMITTING
THAT CRIME

FROM THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY FOR PROOF REVIEW
CASE LAW MERITS

UNITED STATES DISTRICT COURT FOR THE EASTERN
DISTRICT OF PENNSYLVANIA CASE LAW OF.
UNITED STATES OF AMERICA EX REL DAVID ALMEIDA
VS. ALFRED T. RUNDLE, WARDEN STATE CORRECTIONAL
INSTITUTION, PHILADELPHIA, PENNSYLVANIA 255 F.SUPP
936, 1966 U.S. DIST CASE NO. M-2677 "QUOTE" INP"
THE PENNSYLVANIA SUPREME COURT IN A UNANIMOUS

OPINION held that "when ALMEIDA was CONVICTED OF THE CRIME INVOLVED THE LAW OF THIS COMMON WEALTH WAS THAT WHERE, IN THE COMMISSION OF A FELONY, SUCH AS ROBBERY, A THIRD PERSON IS KILLED BY ONE RESISTING THE FELON OR WHO IS ENDEAVORING TO PREVENT HIS ESCAPE FROM THE SCENE OF THE CRIME, THE FELON IS GUILTY OF MURDER IN THE FIRST DEGREE

AS A MATTER OF LAW PROVEING THAT AS THE VICTIM WHO AARON SCOTT YOUNG SENIOR AND AARON SCOTT YOUNG JUNIOR, WERE IN THE COMMISSION OF COMMITTEING THE INHERANTLY DANGEROUS FELONY OF ATTEMPT TO MURDER I VICTIM TYRONE ROBINSON, AGAINST THAT IS THE INHERANTLY DANGEROUS FELONY THAT VICTIM KHALIL SINGLETON DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF, AS A MATTER OF LAW I TYRONE ROBINSON AM

IMMUNE FROM CRIMINAL PROSECUTION

FOR THE DEATH OF VICTIM KHALIL SINGLETON, BY THE LAWS THAT GOVERN THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, FOR PROOF REVIEW CASE LAW MERITS

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA CASE LAW OF. UNITED STATES OF AMERICA EX REL DAVID ALMEIDA VS. ALFRED F. RUNDLE, WARDEN STATE CORRECTIONAL INSTITUTION, PHILADELPHIA, PENNSYLVANIA 255 F. SUPP. 936, 1966 U.S. DIST CASE NO. M-2877 "QUOTEING" THE PENNSYLVANIA SUPREME COURT IN A VIKINGMOV OPINION held that "when ALMEIDA was CONVICTED OF THE CRIME INVOLVED, THE LAW OF THIS COMMON WEALTH WAS THAT WHERE, IN THE COMMISSION OF A FELONY, SUCH AS ROBBERY, A THIRD PERSON IS KILLED BY ONE RESISTING THE FELON OR WHO IS ENDEAVORING TO PREVENT HIS ESCAPE FROM THE SCENE OF THE CRIME, THE FELON IS GUILTY OF MURDER IN THE FIRST DEGREE

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF ILLINOIS CASE LAW OF. THE PEOPLE OF THE STATE OF ILLINOIS VS. GLENN HICKMAN 59 ILL. 2D 89, 319 N. E. 2D 511, 1974 ILL "QUOTEING" WE HAVE PREVIOUSLY held that the PERIOD OF TIME AND ACTIVITIES INVOLVED IN ESCAPING TO A PLACE OF SAFETY IS PART OF THE CRIME ITSELF (PEOPLE VS. GOLSON, 32 ILL. 2D 398) THE DEFENDANTS WERE REPEATEDLY TOLD TO HALT AND THE POLICE IDENTIFIED THEMSELVES, BUT THE DEFENDANT CONTINUED THEIR ATTEMPT TO ESCAPE. THE COMMISSION OF THE BURGLARY, COUPLED WITH THE ELECTION BY THE DEFENDANTS TO FLEE, SET IN MOTION THE PURSUIT BY ARMED POLICE OFFICERS. THE SHOT WHICH KILLED DETECTIVE LOSCHIEDER WAS A SHOT FIRED IN OPPOSITION TO THE ESCAPE OF THE FLEEING BURGLARS, AND IT WAS A DIRECT AND FORESEABLE CONSEQUENCE OF DEFE-

- bandits actions. The escape here had the same effect as did the gunfire in Allen, in that it invited retaliation, opposition and pursuit, those who commit forcible felonies know they may encounter resistance, both their affirmative actions and to any subsequent escape. As we find-
-cated in a recent felony murder case, it is unimportant that the defendant did not anticipate the precise sequence of events that followed upon his entry into the apartment of Judy Tolbert. His unlawful acts precipitated those events, and he is responsible for the consequences. People v. Smith 56 Ill. 2d 328, 333-334

CONFESSION

At Tyrone Robinson trial police Sgt. Laurel Albertin testified in Tyrone Robinson defense that Aaron Scott Young Junior confessed to her "quoting"
if we would of never went down there the lil boy would of never died

FOR PROOF REVIEW page 762 paragraph 15, 16, 17, 18, and 19

Therefore the direct evidence and circumstantial evidence obtained by the defendants inside of this case, proves that regardless of who the state of South Carolina is alleging, was the person that fired the fatal shot that killed the victim Khalil Singleton, the alleged killing of victim Khalil Singleton had its genesis in the inherently dangerous felony of attempt to murder victim Tyrone Robinson

That was being committed by attackers Aaron Scott Senior and Aaron Scott Young Junior. That the jury at Aaron Scott Young Senior and Aaron Scott Young Junior trial, found attackers Aaron Scott Young Senior and Aaron Scott Young Junior guilty of committing against victim Tyrone Robinson. At the immediate time victim Khalil Singleton was shot and killed for proof review case law merits

United States District Court for the Eastern District of Pennsylvania case law of.
United States of America ex rel. David Almeida v. Alfred T. Rundle, Warden State Correctional Institution, Philadelphia, Pennsylvania 255 F. Supp 936, 1966 U.S. Dist Case No. m-2677 "quoting".
Whether the fatal bullet was fired by one of the bandits or by one of the policeman who were performing their duty in repelling the bandits

ASSAULT IN DEFENDING THEMSELVES AND IN ENDEAVORING TO PREVENT THE ESCAPE OF THE FELONS IS IMMATERIAL. WHOEVER FIRED THE FATAL SHOT, THE KILLING OF OFFICER ENGLING HAD ITS DEVELOPMENTS IN THE ROBBERY BY THE DEFENDANT AND HIS CONFEDERATES OF THE ACME MARKET, AND IN THEIR FIRING UPON THE POLICE OFFICERS WHO IN THE PERFORMANCE OF THEIR DUTY WERE ATTEMPTING TO TAKE THEM INTO CUSTODY.

BECAUSE THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT TO PROVE THAT VICTIM KHALIF SINGLETON DEATH IS A NATURAL OR PROBABLE CONSEQUENCE, OF TYRONE ROBINSON COMMITTING AN ALLEGED ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY. THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GJ-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL COURT WAS REQUIRED TO GRANT ME MY MOTION FOR A DIRECTED VERDICT OF ACQUITTAL AND ACQUITT ME ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
CASE LAW OF.

STATE V. MOSE PETERSON, III, AND CRAIG ANTHONY STUBBS 335 S.E.2d 800 "QUOTE" AND "UNQUOTE"

HAD IT FURTHER CONCLUDED THAT THE STATE FAILED TO ESTABLISH BEYOND A REASONABLE DOUBT THAT A HOMICIDE WAS THE NATURAL OR PROBABLE CONSEQUENCE OF A PLAN TO STEAL THE VICTIM CAR, THE APPELLANT WOULD HAVE BEEN ENTITLED TO AN ACQUITTAL ON THE CHARGE OF MURDER

ALSO BECAUSE AS A MATTER OF LAW THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT TO PROVE THE 1ST ELEMENT "ALLEGED" OF TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

ALSO BECAUSE AS A MATTER OF LAW THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT TO PROVE THE 2ND ELEMENT "ALLEGED" OF TYRONE ROBINSON COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

BOTH OF WHICH FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-GJ-07-01935. AS A MATTER OF LAW TRIAL JUDGE AND TRIAL COURT WAS REQUIRED TO GRANT ME MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-GJ-07-01935. FOR PROOF REVIEW

CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS CASE LAW OF.
STATE V. JACKSON 527 S.E.2d 367 "QUOTE" AND "UNQUOTE"

BECAUSE THE STATE FAILED TO PROVE AN ESSENTIAL ELEMENT OF THE CRIME CHARGED, NAMELY THE EXISTENCE OF A TRUST JACKSON CONVICTION IS REVERSED AND THE CASE REMANDED FOR THE ENTRY OF A JUDGEMENT OF ACQUITTAL REVERSED

ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL ATTORNEY ARTE DAVID BOX ARGUED THAT I WAS ENTITLED TO A DIRECTED VERDICT OF ACQUITTAL. ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY BECAUSE THE STATE OF SOUTH CAROLINA FAILED TO MEET THEIR BURDEN OF PROOF, TO PROVE THAT I WAS GUILTY OF COMMITTING AN INHERANTLY DANGEROUS FELONY. WHICH IS THE ESSENTIAL AND FACTUAL ELEMENT THAT INDICTMENT #2012-GJ-07-01935 CHARGE AND ALLEGE. IS THE ESSENTIAL AND FACTUAL ELEMENT AND THE ONE AND ONLY "CRIMINAL CONDUCT" THAT VICTIM KHALIL SINGLETON DEATH IS A NATURAL OR PROBABLE CONSEQUENCE OF. FOR PROOF I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT.

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTEING" FROM PAGE 667 PARAGRAPH 22, AND 23 OF TRIAL TRANSCRIPT OF TRIAL ATTORNEY ARTE DAVID BOX STATEING "QUOTEING"

AND I THINK WITHOUT THAT HE IS ENTITLED TO A DIRECTED VERDICT.

"QUOTEING" FROM PAGE 668 PARAGRAPH 3, 4, 5, 6, 7 AND 8 OF TRIAL TRANSCRIPT OF TRIAL ATTORNEY ARTE DAVID BOX STATEING "QUOTEING"

BECAUSE UNDER THEIR INDICTMENT THEY HAVE NOT MET THEIR BURDEN TO MEET THE LANGUAGE OF THE INDICTMENT THAT THEY HAVE GONE FORWARD ON. THEY HAVE NOT BEEN ABLE TO PROVE ANY INHERANTLY DANGEROUS FELONY OF ANY KIND THAT WAS OCCURRING AT THE TIME THE CHILD DIED THAT MR. ROBINSON WAS INVOLVED IN.

AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL COURT DID NOT DISAGREE WITH ATTORNEY ARTE DAVID BOX THAT THE EVIDENCE THE STATE SUBMITTED AT TRIAL, WAS INSUFFICIENT TO PROVE THAT I WAS GUILTY OF COMMITTING AN ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY.

AFTER CONSIDERING THE EVIDENCE ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL, IN RESPONSE TO ATTORNEY ARTE DAVID BOX ARGUMENT FOR MOTION FOR DIRECTED VERDICT OF ACQUITTAL, THE TRIAL JUDGE AND TRIAL COURT DETERMINED THAT THE CASE COULD BE SUBMITTED TO THE JURY ON THE SECOND UNINDICTED FALSE MURDER CHARGE "ALLEGEING" ON OR ABOUT SEPTEMBER THE 1ST TYRONE ROBINSON DID WILLFULLY, AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED.

THAT DOES NOT CONSTITUTE AND DOES NOT CLASSIFY AS THE CRIME OF FELONY MURDER OR MURDER BY THE LAWS OF THE STATE OF SOUTH CAROLINA UNDER THE ELEMENTS TEST. FOR PROOF I STATE THE FOLLOWING

ELEMENTS TEST

PROVEING THAT THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE IS NOT CLASSIFIED AS THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. ALSO IS NOT CLASSIFIED AS A VIOLATION OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER

RULE THEORY

AS A MATTER OF LAW THE 2ND ELEMENT "ALLEGED" IN TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-65-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL, IS NOT INCLUDED INTO THE ELEMENTS OF THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

ALSO AS A MATTER OF LAW THE 2ND ELEMENT "ALLEGED" VICTIM KHALEEL SINGLETON DEATH IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-65-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL, IS NOT INCLUDED INTO THE ELEMENTS OF THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

BECAUSE THE 1ST AND 2ND ELEMENT THATS REQUIRED IN ORDER TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL, IS NOT INCLUDED INTO THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

PROVES THAT AS A MATTER OF LAW THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

DOES NOT CLASSIFY AS THE CRIME OF FELONY MURDER BY THE FELONY MURDER THEORY BY THE LAWS OF THE STATE OF SOUTH CAROLINA, ALSO DOES NOT CLASSIFY AS A VIOLATION OF SOUTH CAROLINA LAWS FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

GORE V. LEEKE 1995.E.2d 755 "QUOTE"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINE THE COMMON PURPOSE LATTER AND GENTLEMAN MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANY ONE BUT IF IN EXECUTING THIS COMMON DESIGN AND PURPOSE AND IT WAS UNLAWFUL AS FOR INSTANCE BREAKING IN AND STEALING AND IN THE EXECUTION OF THE COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THIS COMMON DESIGN THEN LATTER AND GENTLEMAN ALL WHO WERE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY, AND PARTICIPATING IN THE UNLAWFUL COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

THE LAW DICTIONARY DEFINITION FOR THE WORD MURDER MEANS THE FOLLOWING MEANING "QUOTE"

MURDER A COMMON LAW OFFENSE OF UNLAWFUL HOMICIDE, UNLAWFUL KILLING OF ANOTHER HUMAN BEING WITH MALICE AFORETHOUGHT. THIS REQUIRES A PREMEDITATED INTENT TO KILL PLUS AN ELEMENT OF HATRED

AS A MATTER OF LAW THERE IS ABSOLUTELY NOT ANY INDICEMENT THAT CHARGES TYRONE ROBINSON WITH THE CRIME OF MURDER BY THE CRIME ALLEGED "QUOTE" HE KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THE NECESSARY ELEMENTS REQUIRED IN ORDER TO CONSTITUTE THE CRIME OF MURDER 16-3-10 BY THE LAWS OF THE STATE OF SOUTH CAROLINA

INSIDE OF THE STATE OF SOUTH CAROLINA THE CRIME OF MURDER IS THE KILLING OF ANY HUMAN BEING WITH MALICE AFORETHOUGHT EITHER EXPRESS OR IMPLIED FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

THE STATE OF SOUTH CAROLINA VS. WATSON 5635.E.2d 336 "QUOTE"

16-3-10 MURDER IS THE KILLING OF ANY PERSON

WITH MALICE AFORETHOUGHT EITHER EXPRESSED OR IMPLIED

IN ORDER TO CONSTITUTE THE CRIME OF MURDER IN VIOLATION OF SOUTH CAROLINA CODE OF LAWS 16-3-10, INSIDE OF THE STATE OF SOUTH CAROLINA, TWO ELEMENTS MUST BE ESTABLISHED THE FIRST ELEMENT THAT MUST BE ESTABLISHED IS THE ELEMENT "ALLEGEDLY" THE DEFENDANT UNLAWFULLY KILLED ANOTHER PERSON

THE SECOND ELEMENT THAT MUST BE ESTABLISHED IS THE ELEMENT "ALLEGEDLY" THE KILLING WAS COMMITTED WITH MALICE AND AFORETHOUGHT FOR PROOF REVIEW THE ELEMENTS REQUIRED TO CONSTITUTE THE CRIME OF MURDER UNDER SOUTH CAROLINA CODE OF LAWS 16-3-10

2ND ELEMENTS TEST

PROVING AS A MATTER OF LAW THAT THE SECOND UNINDICTED FALSE MURDER CHARGE IS NOT CLASSIFIED AS THE CRIME OF MURDER 16-3-10 BY THE LAWS OF THE STATE OF SOUTH CAROLINA. ALSO IS NOT CLASSIFIED AS A VIOLATION OF SOUTH CAROLINA CODE OF LAWS 16-3-10 FOR THE CRIME OF MURDER INSIDE OF THE STATE OF SOUTH CAROLINA

1ST ELEMENT

REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE LAWS OF THE STATE OF SOUTH CAROLINA IS

1ST ELEMENT REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT, IS:

THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER, WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION MEANS TO ALLEGE THAT THE ACCUSED UNLAWFULLY DEPRIVED ANOTHER PERSON OUT OF THEIR LIFE.

THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION FOR THE WORD KILL MEANS THE FOLLOWING MEANING "TO DEPRIVE OF LIFE"

1ST ELEMENT FOR SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE

1ST ELEMENT FOR SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE BY THE CRIME "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED IS

ON OR ABOUT SEPTEMBER THE 1ST 2,012 TYRONE ROBINSON DID WILLFULLY CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGE

ON OR ABOUT SEPTEMBER THE 1ST 2,012 TYRONE ROBINSON DID WILLFULLY CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM KHALIL SINGLETON BEING SHOT AND DEPRIVED OUT OF HIS LIFE

THIS IS BECAUSE THE LAW BOOK DICTIONARY DEFINITION FOR THE WORD CAUSE MEANS THE FOLLOWING MEANING ALLEGEDLY

CAUSE THAT WHICH EFFECTS A RESULT DIRECT CAUSE THE ACTIVE, EFFICIENT CAUSE THAT SET IN MOTION A TRAIN OF EVENTS THAT BRINGS ABOUT A RESULT WITHOUT INTERVENTION OF ANY OTHER INDEPENDANT SOURCE

AS A MATTER OF LAW THE FIRST ELEMENT TO THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 1ST 2,012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED WHICH IS

ON OR ABOUT SEPTEMBER THE 1ST 2,012 TYRONE ROBINSON DID WILLFULLY CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGE

ON OR ABOUT SEPTEMBER THE 1ST 2,012 TYRONE ROBINSON DID WILLFULLY CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM KHALIL SINGLETON BEING SHOT AND DEPRIVED OUT OF HIS LIFE

IS NOT INCLUDED INTO AND DOES NOT CONSTITUTE THE 1ST ELEMENT REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED ANOTHER WITH MALICE AND AFORETHOUGHT

WHICH HAS THE 1ST ELEMENT OF "ALLEGEDLY" THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER PERSON

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGE THAT THE ACCUSED UNLAWFULLY DEPRIVED ANOTHER PERSON OUT OF THERE LIFE

2ND ELEMENT

REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT IS

THAT THE KILLING WAS COMMITTED WITH MALICE AND AFORETHOUGHT

WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION

- ITION means to allege that the deprivation of life was committed with malice and aforethought
 THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION FOR THE WORD KILL MEANS THE FOLLOWING "MEANING" TO DEPRIVE OF LIFE

2ND ELEMENT

FOR SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE

2ND ELEMENT FOR SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE BY THE CRIME "ALLEGED" ON OR ABOUT SEPTEMBER THE 21ST 2,012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED #1

ON OR ABOUT SEPTEMBER THE 21ST 2,012 TYRONE ROBINSON DID WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO "ALLEGED"

ON OR ABOUT SEPTEMBER THE 21ST 2,012 TYRONE ROBINSON DID WITH MALICE CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM KHALIL SIMPLETON BEING SHOT AND DEPRIVED OUT OF HIS LIFE

THIS IS BECAUSE THE LAW BOOK DICTIONARY DEFINITION FOR THE WORD CAUSE MEANS THE FOLLOWING MEANING "ALLEGED" CAUSE THAT WHICH EFFECTS A RESULT DIRECT CAUSE THE ACTIVE EFFICIENT CAUSE THAT SET IN MOTION A TRAIN OF EVENTS THAT BRINGS ABOUT A RESULT WITHOUT INTERVENTION OF ANY OTHER INDEPENDENT SOURCE

AS A MATTER OF LAW THE SECOND ELEMENT TO THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER THE 21ST 2,012 TYRONE ROBINSON

- SON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED WHICH IS

ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DID WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO "ALLEGED"

ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DID WITH MALICE CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM KHALIL SINGLETON BEING SHOT AND DEPRIVED OUT OF HIS LIFE

IS NOT INCLUDED INTO AND DOES NOT CONSTITUTE THE 2ND ELEMENT REQUIRED TO CONSTITUTE THE UNINDECTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

WHICH HAS THE 2ND ELEMENT OF "QUOTE"ING" THE KILLING WAS COMMITTED WITH MALICE AND A FORETHOUGHT

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO "ALLEGEDLY" THAT THE DEPREVIATION OF LIFE WAS COMMITTED WITH MALICE AND A FORETHOUGHT

AS A MATTER OF LAW PROVING THAT THE SECOND UNINDECTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT THERE IS NOT ANY INDECTMENT CHARGING ME WITH AN VIOLATION OF SOUTH CAROLINA CODE OF LAWS 17-19-10 "QUOTE"ING

NO PERSON SHALL BE HELD TO ANSWER IN COURT FOR A ALLEGED CRIME OR OFFENSE UNLESS UPON INDECTMENT BY A GRAND JURY

IS NOT CLASSIFIED AS A VIOLATION OF SOUTH CAROLINA CODE OF LAWS 16-3-10 FOR THE CRIME OF MURDER AND IS A NON EXISTENT SECOND UNINDECTED ALLEGED FALSE MURDER CHARGE THAT IS NOT CLASSIFIED AS A CRIME BY THE LAWS OF THE STATE OF SOUTH CAROLINA

THAT THE TRIAL JUDGE AND TRIAL COURT LACKED SUBJECT MATTER JURISDICTION TO USE TO DENY MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL ON, RENDER JUDGMENT AGAINST ME ON, UNLAWFULLY DEPRIVE ME OUT OF MY LIBERTY ON AND UNLAWFULLY RESTRAIN ME ON FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF

WHITNER VS. STATE 492 S.E.2D 777 "QUOTE"ING

UNDER SOUTH CAROLINA LAW, CIRCUIT COURT LACK SUBJECT MATTER JURISDICTION TO ACCEPT A GUILTY PLEA TO A NON EXISTENT OFFENSE

PLEA TO A NON EXISTENT OFFENSE

AFTER CONSIDERING THE EVIDENCE ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL, IN RESPONSE TO ATTORNEY ARZE DAVID BOX A MOVEMENT, THAT HIS CLIENT TYRONE ROBINSON WAS ENTITLED TO A DIRECTED VERDICT OF ACQUITTAL ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, BECAUSE THE STATE OF SOUTH CAROLINA FAILED TO MEET THEIR BURDEN OF PROOF, TO PROVE THAT I WAS GUILTY

OF COMMITTING AN INHERENTLY DANGEROUS FELONY. WHICH IS THE ESSENTIAL AND FACTUAL ELEMENT THAT INDICTMENT # 2012-GS-07-01935 CHARGE AND ALLEGE. IS THE ONE AND ONLY CRIMINAL CONDUCT THAT CAUSED THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED. THE TRIAL JUDGE AND TRIAL COURT DETERMINATION THAT THE CASE COULD BE SUBMITTED TO THE JURY ON THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE ALLEGEDLY ON OR ABOUT SEPTEMBER THE 1ST TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT DOES NOT CONSTITUTE AND DOES NOT CLARIFY AS THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY AND DOES NOT CONSTITUTE AND DOES NOT CLARIFY AS THE CRIME OF MURDER, BY THE LAWS OF THE STATE OF SOUTH CAROLINA. THAT ALSO DOES NOT CONSTITUTE AND THAT DOES NOT CLARIFY AS A VIOLATION OF THE LAWS OF THE STATE OF SOUTH CAROLINA, FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY OR THE CRIME OF MURDER.

"IMPLIED" AND "CONFIRMED" THAT THE TRIAL JUDGE AND TRIAL COURT AGREED WITH ATTORNEY ARIZ DAVIS BOX ARGUMENT. THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT ON THE ESSENTIAL AND FACTUAL ELEMENT AND "CRIMINAL CONDUCT" "ALLEGEDLY" WHILE ENGAGED IN AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

AS A RESULT THE TRIAL JUDGE AND TRIAL COURT RESOLUTION RATHER CORRECT OR NOT. WAS THAT THE CASE COULD BE SUBMITTED TO THE JURY ON THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DISMISSED THE 1ST ELEMENT "ALLEGEDLY" TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935 THAT WAS TRIED ON BEFORE THE JURY AT TRIAL. BECAUSE THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT ON.

WHICH ALSO DISMISSED THE 2ND ELEMENT "ALLEGEDLY" VICTIM KHALIL SINGLETON DEATH IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935 THAT WAS TRIED ON BEFORE THE JURY AT TRIAL. BECAUSE THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT ON.

THEREFORE AS A MATTER OF LAW AFTER REVIEWING THE PROCEEDINGS AS A WHOLE THE TRIAL JUDGE AND TRIAL COURT RULING REPRESENTS A FINDING BY THE TRIAL JUDGE AND TRIAL COURT, THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT ON THE 1ST ELEMENT ALLEGEDLY.

THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING AN INHERENTLY DANGEROUS FELONY

THE TRIAL JUDGE AND TRIAL COURT RULING ALSO REPRESENTS A FINDING BY THE TRIAL JUDGE AND TRIAL COURT, THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT ON THE 2ND ELEMENT ALLEGEDLY "DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANT'S CONDUCT IN COMMITTING THAT CRIME"

BOTH OF WHICH FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT IT WAS TRIED ON BEFORE THE JURY AT TRIAL. FOR PROOF I QUOTE THE FOLLOWING PROCEEDINGS FROM THE TRANSCRIPT

STATE OF SOUTH CAROLINA

VS
TYRONE ROBINSON

"QUOTE" FROM PAGE 669 PARAGRAPH 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 AND 14 OF TRIAL TRANSCRIPT OF TRIAL JUDGE THOMAS COOPER "QUOTE"
NOW THE INHERENTLY DANGEROUS FELONY MAY HAVE BEEN THERE TO TRY TO SHOW EVIDENCE OF MALICE IT MAY HAVE BEEN THERE FOR SOME OTHER PURPOSE, IF REALLY CAN'T SPEAK TO THAT BUT IF THOSE WORDS WERE NOT THERE, IF THOSE WORDS WERE NOT THERE AND THE GUN BATTLE STUFF AND ALL THAT WAS NOT THERE AND IF IT JUST SAID THAT ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DIED WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THEN THOSE ISSUES WOULD BE PLAIN AND APPROPRIATE AND THE CHARGE WOULD BE AT LEAST SIMPLY MADE UNDER THESE CIRCUMSTANCES AND IF IT WAS EVIDENCE TO SUPPORT THOSE CHARGES THEN IT WOULD GO FORWARD AFTER ATTORNEY ARIE DAVIS BAX ARGUED TO THE TRIAL JUDGE AND TRIAL COURT THAT HIS CLIENT TYRONE ROBINSON WAS ENTITLED TO A DIRECTED VERDICT OF ACQUITTAL BECAUSE THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT ON THE ESSENTIAL AND FACTUAL ELEMENT

AND CRIMINAL CONDUCT "ALLEGEDLY"
WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY
DANGEROUS FELONY

THE TRIAL JUDGE AND TRIAL COURT FURTHER RESPON-
-DED WITH FURTHER RESOLUTION CORRECT OR NOT, BY THE
TRIAL COURT STATING THAT HE WAS TAKING OUT
THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE
AN INHERANTLY DANGEROUS FELONY

FROM OUT OF THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY, THATS CHARGED AND
ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICT-
-CTMENT #2012-GS-07-01935, THAT I WAS TRIED ON
BEFORE THE JURY AT TRIAL. THE TRIAL JUDGE AND
TRIAL COURT RULING CONFIRMS AND IMPLIES, THAT
THE TRIAL JUDGE AND TRIAL COURT AGREED WITH
ATTORNEY ARIE DAVIS BAX ARGUMENT, THAT THE EVIDENCE
THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL WAS
INSUFFICIENT TO CONVICT ON THE ESSENTIAL AND
FACTUAL ELEMENT AND CRIMINAL CONDUCT "ALLEGEDLY"
WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY
DANGEROUS FELONY, THATS CHARGED AND ALLEGED INSIDE
OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GS-
-07-01935.

THEREFORE THE TRIAL JUDGE AND TRIAL COURT RESOLUT-
-ION CORRECT OR NOT, OF THE TRIAL JUDGE AND TRIAL
COURT TAKING OUT THE WORDS AND "DEFINING"
THE ESSENTIAL AND FACTUAL ELEMENT AND CRIMINAL
CONDUCT "ALLEGEDLY"
WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHER-
-ANTLY DANGEROUS FELONY

IN RESPONSE TO ATTORNEY ARIE DAVIS BAX ARGUMENT,
THAT HIS CLIENT TYRONE ROBINSON IS ENTITLED TO A
DIRECTED VERDICT OF ACQUITTAL, BECAUSE THE
EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED
AT TRIAL, WAS INSUFFICIENT TO CONVICT, ON THE ESSE-
-NTIAL AND FACTUAL ELEMENT AND CRIMINAL
CONDUCT "ALLEGEDLY"
WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHER-
-ANTLY DANGEROUS FELONY

REPRESENTS A FINDING BY THE TRIAL JUDGE AND TRIAL
COURT, THAT THE EVIDENCE THE STATE OF SOUTH CARO-
-LINA SUBMITTED AT TRIAL, WAS INSUFFICIENT
TO CONVICT, ON THE 1ST ELEMENT "ALLEGEDLY"
TYRONE ROBINSON WAS IN THE COMMISSION OF
COMMITTING A ONGOING GUN BATTLE AN INHERA-
-NTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY THAT I WAS TRIED ON BEFORE
THE JURY AT TRIAL ON INDICTMENT #2012-GS-07-01935.
AND ALSO REPRESENTS A FINDING BY THE TRIAL
JUDGE AND TRIAL COURT, THAT THE EVIDENCE THE
STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL,
WAS INSUFFICIENT TO CONVICT, ON THE

2ND ELEMENT ALLEGING

VICTIM KHALIL SINGLETON DEATH IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING AN ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GS-07-01935. FOR PROOF I QUOTE THE TRIAL PROCEEDINGS FROM THE TRIAL TRANSCRIPT AS FOLLOWS

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTEING" FROM PAGE 672 PARAGRAPH 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 AND 20 OF TRIAL JUDGE THOMAS COOPER DECISION FROM TRIAL TRANSCRIPT "QUOTEING" MY POINT WAS THAT FROM THE STAND POINT OF A MOTION FOR DIRECTED VERDICT THAT THE INCLUSION OF THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

WHICH I THOUGHT WAS PUT THERE MORE APPROPRIATELY WHEN THEY WERE DEALING WITH THREE DEFENDANTS IN THIS PARTICULAR CASE. THAT THOSE WORDS COULD BE TAKEN OUT OF THIS PARTICULAR CHARGE AS INDICTED AND THERE WOULD BE NO QUESTION ABOUT WHETHER OR NOT THEY WOULD HAVE A RIGHT TO A JURY ON THE CHARGE OF MURDER AGAINST MR. ROBINSON

1st FAILURE TO OBJECT PURSUANT TO APPELLATE RULE AND PROCEDURE 220(B)

THE STATE OF SOUTH CAROLINA DID NOT OBJECT AND DID NOT DISAGREE WITH ATTORNEY ARLE DAVID BAX ARGUMENT. ON MOTION FOR DIRECT VERDICT OF ACQUITTAL WHEN ATTORNEY ARLE DAVID BAX ARGUED THAT HIS CLIENT TYRONE ROBINSON WAS ENTITLED TO A DIRECTED VERDICT OF ACQUITTAL, BECAUSE THE STATE OF SOUTH CAROLINA FAILED TO MEET THEIR BURDEN OF PROOF TO PROVE THAT I WAS GUILTY OF COMMITTING AN INHERANTLY DANGEROUS FELONY, WHICH IS THE ESSENTIAL AND FACTUAL ELEMENT AND CRIMINAL CONDUCT. THAT INDICTMENT # 2012-GS-07-01935 CHARGE AND ALLEGE, IS THE ONE AND ONLY CRIMINAL CONDUCT AND ESSENTIAL AND FACTUAL ELEMENT, THAT CAUSED VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED AND

160.
DEPRIVED OUT OF HIS LIFE. THEREFOR THE STATE
OF SOUTH CAROLINA HAS FORFEITED THERE RIGHT
TO MAKE A ARGUMENT AGAINST THESE FACTS
PURSUANT TO APPELLATE RULE AND PROCEDURE
220(B)

2ND

FAILURE TO OBJECT PURSUANT TO APPELLATE RULE AND PROCEDURE 220(B)

AS A MATTER OF LAW THE STATE OF SOUTH CAROLINA
FAILED TO OBJECT AND FAILED TO DISAGREE WITH
THE TRIAL JUDGE AND TRIAL COURT RESOLUTION
CORRECT OR NOT. THAT RESULTED IN THE TRIAL JUDGE
AND TRIAL COURT DISMISSING THE ESSENTIAL
AND FACTUAL ELEMENT AND CRIMINAL CONDUCT
"ALLEGEDLY"
WHILE ENGAGED IN A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY

BECAUSE THE EVIDENCE THE STATE OF SOUTH CAROLINA
SUBMITTED AT TRIAL WAS INSUFFICIENT TO CONVICT ON.
WHICH AS A MATTER OF LAW CONSTITUTED A
"DISMISSAL" OF THE 1ST ELEMENT "ALLEGEDLY"
TYRONE ROBINSON WAS IN THE COMMISSION
OF COMMITTING A ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY THAT I WAS INDICTED ON AND
TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT#
2012-65-07-01935

WHICH ALSO AS A MATTER OF LAW CONSTITUTED A
"DISMISSAL" OF THE 2ND ELEMENT "ALLEGEDLY"
VICTIM KHALIL SIMPLETON DEATH IS THE
PROXIMATE RESULT OF TYRONE ROBINSON
COMMITTING A ONGOING GUN BATTLE AN
INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY, THAT I WAS INDICTED ON
AND TRIED ON BEFORE THE JURY AT TRIAL ON
INDICTMENT# 2012-65-07-01935
THEREFORE THE STATE OF SOUTH CAROLINA HAS
FORFEITED THERE RIGHT TO MAKE A ARGUMENT
AGAINST THESE FACTS PURSUANT TO APPELLATE
RULE AND PROCEDURE 220(B)

THE FACT THAT THE TRIAL JUDGE AND TRIAL COURT
UPON THERE ERROR MAY DENY A PERSON THERE
MOTION FOR DIRECTED VERDICT OF ACQUITTAL,

OR GRANT A PERSON THEIR MOTION FOR DIRECTED VERDICT OR ACQUITTAL, OR DISMISS THE INDICTMENT ETC. IS NOT THE CONTROLLING LAW TO DETERMINE RATHER A PERSON WAS OR WAS NOT ACQUITTED ON THE CRIME CHARGED IN THE INDICTMENT, THAT THEY WERE TRIED ON BEFORE THE JURY AT TRIAL FOR PROOF REVIEW

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE 10TH CIRCUIT CASE LAW OF.

U.S. VS. HUNT 212 F.3d 539

WHAT CONSTITUTES A "ACQUITTAL" IS NOT TO BE CONTROLLED BY THE FORM OF THE JUDGE ACTION

CASE LAW MERITS

UNITED STATES OF AMERICA COURT OF APPEALS FOR THE NINTH CIRCUIT CASE LAW OF.

UNITED STATE VS. SCHWARTZ 785 F.2d 673 (9th CIR 1986)

IN DETERMINING WHETHER AN APPEAL IS BARRED

BY THE CLAUSE THE SUPREME COURT HAS INSTRUCT-

ED THAT THE LABEL APPLIED BY THE DISTRICT

COURT, WHETHER "ACQUITTAL" IS NOT DISPOSIT-

IVE THE TRIAL JUDGE CHARACTERIZATION

OF HIS OWN ACTION CAN NOT CONTROL THE CLASS-

IFICATION OF THE ACTION

WHAT CONSTITUTES A "ACQUITTAL ON THE CRIME THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT, THAT A DEFENDANT IS TRIED ON BEFORE THE JURY AT TRIAL IS AS FOLLOWS. A DEFENDANT IS "ACQUITTED" ON THE CRIME THATS CHARGED AND ALLEGED INSIDE OF THE INDICTMENT THAT THEY ARE TRIED ON BEFORE THE JURY AT TRIAL. IF AT TRIAL THE DEFENDANT OBTAINS FROM THE TRIAL JUDGE AND TRIAL COURT, A RESOLUTION RATHER ITS CORRECT OR NOT, OF SOME OR ALL OF THE FACTUAL ELEMENTS OF THE OFFENSE CHARGED AND ALLEGED INSIDE OF THE INDICTMENT, THAT THE PERSON IS TRIED ON BEFORE THE JURY AT TRIAL FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

SANABRIA VS. U.S. 985 CT 2170 & VOTEING

WE HAVE RECENTLY DEFINED ACQUITTAL AS

A RESOLUTION CORRECT OR NOT OF SOME OR

ALL OF THE FACTUAL ELEMENTS OF THE OFFENSE

CHARGED

CASE LAW MERITS

UNITED STATES COURT OF APPEALS FOR THE 10TH CIRCUIT CASE LAW OF.

U.S. VS. HUNT 212 F.3d 539 "VOTEING"
 WHAT CONSTITUTES A "ACQUITTAL" IS NOT TO BE
 CONTROLLED BY THE FORM OF THE JUDGE'S ACTION.
 INSTEAD WE MUST DETERMINE WHETHER THE
 RULING OF THE JUDGE, WHATEVER ITS LABEL,
 ACTUALLY REPRESENTS A RESOLUTION CORRECT
 OR NOT OF SOME OR ALL OF THE FACTUAL ELEMENTS
 OF THE OFFENSE CHARGED

INSIDE OF THE CASE OF U.S. VS. HUNT 212 F.3d 539.
 THE TENTH CIRCUIT COURT OF APPEALS EXPLAINED
 THAT INSIDE OF THE CASE OF UNITED STATES VS.
SCHWARTZ 785 F.2d 673 (9th CIR 1986)

THE NINTH CIRCUIT COURT OF APPEALS EXPLAINED
 THAT, BECAUSE ON MOTION FOR DIRECTED VERDICT
 OF ACQUITTAL, CERTAIN PARTS OF THE INDICTMENT
 WAS DISMISSED FOR LACK OF EVIDENCE, THOSE PARTS
 OF THE INDICTMENT THAT WAS DISMISSED FOR LACK OF
 EVIDENCE, CONSTITUTED A ACQUITTAL ON THE PARTS
 OF THE INDICTMENT THAT WAS DISMISSED FOR LACK
 OF EVIDENCE WHICH THE GOVERNMENT ADMITTED
 THAT IT AMOUNTED TO A ACQUITTAL ON THE PARTS
 OF THE INDICTMENT THAT WAS DISMISSED FOR LACK
 OF EVIDENCE, FOR PROOF REVIEW

CASE LAW MERITS

UNITED STATES OF AMERICA COURT OF APPEALS FOR
THE TENTH CIRCUIT CASE LAW OR,
U.S. VS. HUNT 212 F.3d 539 "VOTEING"

THE NINTH CIRCUIT REACHED THE SAME CONCLUSION
 IN UNITED STATES VS. SCHWARTZ 785 F.2d 673 (9th CIR
1986 "VOTEING"

FOR ITS PART THE GOVERNMENT READILY ADMITS THAT
 CERTAIN PARTS OF THE INDICTMENT WERE SPECIFIC-
 -ICLY DISMISSED FOR LACK OF EVIDENCE THERE BY
 AMOUNTING TO AN ACQUITTAL AS TO THOSE PARTS. THE
 GOVERNMENT DOES NOT APPEAL THOSE SPECIFIC
 FINDINGS

INSIDE OF THE CASE OF U.S. VS. HUNT 212 F.3d 539
 THE TENTH CIRCUIT COURT OF APPEALS EXPLAINED, THAT
 INSIDE OF THE CASE OF UNITED STATES VS. SCHWARTZ
785 F.2d 673, THE NINTH CIRCUIT COURT OF APPEALS

EXPLAINED, THAT THE GOVERNMENT COULD NOT APPEAL
 AGAINST THE DEFENDANT AND THE GOVERNMENT COULD
 NOT RETRY THE DEFENDANT IN A RETRIAL, ON THE
 REMAINING PARTS OF THE INDICTMENT THAT THE DISTRICT
 COURT DID NOT SPECIFICLY RETECT FOR LACK OF SUFFICIENT
 EVIDENCE.

BECAUSE THE FACT THAT ON MOTION FOR DIRECTED VERDICT
 OF ACQUITTAL, THE DISTRICT COURT'S DISMISSAL OF CERTAIN
 PARTS OF THE INDICTMENT FOR LACK OF EVIDENCE,
 CONSTITUTED A "ACQUITTAL" ON THE PARTS OF THE
 INDICTMENT THAT WAS DISMISSED FOR LACK OF SUFFICIENT
 EVIDENCE.

THE ACQUITTAL ON THE PARTS OF THE INDICTMENT THAT
 WAS DISMISSED FOR LACK OF SUFFICIENT EVIDENCE,
 CONSTITUTED A ACQUITTAL ON THE WHOLE CRIME THAT

was charged and alleged inside of the written write up of the indictment that the defendant was tried on before the jury at trial. As a result the federal 5th Amendment right of double jeopardy barred the government from appealing against the defendant. Also the federal 5th Amendment right of double jeopardy barred the government from retrial. The defendant in a retrial. Even if the district court based the acquittal on an erroneous interpretation of governing legal principles or upon legal principles which are themselves subsequently overturned. For proof review

CASE LAW MERITS

UNITED STATES OF AMERICA COURT OF APPEALS FOR THE TENTH CIRCUIT CASE LAW OF: "QUOTE"

V.S. VS. HUNT 212 F.3D 539 "QUOTE"

The ninth circuit reached the same conclusion in UNITED STATES VS. SCHWARTZ 785 F.2D 673 (9th CIR 1986) "QUOTE"

There the government made the same argument that it makes here:

FOR ITS PART THE GOVERNMENT READILY ADMITS THAT CERTAIN PARTS OF THE INDICTMENT WERE SPECIFICALLY DISMISSED FOR LACK OF EVIDENCE THERE BY AMOUNTING TO AN ACQUITTAL AS TO THOSE PARTS. THE GOVERNMENT DOES NOT APPEAL THOSE SPECIFIC FINDINGS. THE CRUX OF THE GOVERNMENT'S ARGUMENT, HOWEVER, IS THAT DESPITE THE LABEL OF "ACQUITTAL" USED BY THE COURT, THE JUDGEMENT ON COUNT ONE THROUGH TWELVE WAS IN FACT PARTLY A DISMISSAL BASED ON THE RULES OF LAW THAT THERE WAS AN IMPERMISSIBLE VARIANCE. THE GOVERNMENT OPINES, THEREFORE, THAT IT IS NOT BARRED FROM APPEALING OR SEEKING A RETRIAL ON THE INDIVIDUAL PARTS OF THE SCHEME WHICH THE DISTRICT COURT DID NOT SPECIFICALLY REJECT FOR LACK OF SUFFICIENT EVIDENCE. THE NINTH CIRCUIT REJECTED THE GOVERNMENT'S ARGUMENT IN SCHWARTZ, IN AS MUCH AS WE FIND THE JUDGEMENT BELOW TO BE A TRUE ACQUITTAL, THE DOUBLE JEOPARDY CLAUSE BARS APPEAL EVEN IF THE DISTRICT COURT BASED THE ACQUITTAL ON AN ERRONEOUS INTERPRETATION OF GOVERNING LEGAL PRINCIPLES OR UPON LEGAL PRINCIPLES WHICH ARE THEMSELVES SUBSEQUENTLY OVERTURNED

INSIDE OF THIS CASE THE STATE OF SOUTH CAROLINA VS. TYRONE ROBINSON. ON INDICTMENT # 2012-61-07-01935. BECAUSE ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL, AFTER REVIEWING THE EVIDENCE, THE TRIAL JUDGE AND TRIAL COURT RESOLUTION, CORRECT OR NOT, OF THE TRIAL JUDGE AND TRIAL COURT TAKING OUT THE WORDS, TERMINATING, DISPOSING AND DISMISSING. THE ESSENTIAL AND FACTUAL ELEMENT ALLEGEDLY WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

IN RESPONSE TO ATTORNEY ARLE DAVID BAX ARGUMENT

That his client TYRONE ROBINSON is entitled to a directed verdict of ACQUITTAL, because the evidence that the state of south carolina submitted at TRIAL was INSUFFICIENT to CONVICT ON THE ESSENTIAL and factual element and CRIMINAL CONDUCT "ALLEGEDLY" WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

WHICH CONSTITUTES A "DISMISSAL" OF THE 1ST ELEMENT "ALLEGEDLY" TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935

WHICH ALSO CONSTITUTES A "DISMISSAL" OF THE 2ND ELEMENT "ALLEGEDLY" VICTIM KHALIL SINGLETON DEATH IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL, ON INDICTMENT # 2012-65-07-01935. THE DISMISSAL REPRESENTS A FINDING BY THE TRIAL JUDGE AND TRIAL COURT, THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT TO CONVICT ON THE 1ST ELEMENT

"ALLEGEDLY" TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935

ALSO THE DISMISSAL REPRESENTS A FINDING BY THE TRIAL JUDGE AND TRIAL COURT, THAT THE EVIDENCE THE STATE OF SOUTH CAROLINA SUBMITTED AT TRIAL, WAS INSUFFICIENT TO CONVICT ON THE 2ND ELEMENT "ALLEGEDLY"

VICTIM KHALIL SINGLETON DEATH IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935

There for the TRIAL JUDGE and TRIAL COURT resolution correct or not. OF THE TRIAL JUDGE and TRIAL COURT taking out the words and "DISMISSING" the essential and factual element "allegedly" while engaged in a ongoing gun battle an inherently dangerous felony

because the evidence the state of south carolina submitted at TRIAL, was INSUFFICIENT to CONVICT on the essential and factual element "allegedly" while engaged in a ongoing gun battle an inherently dangerous felony

As a matter of law CONSTITUTES A "ACQUITTAL" on the 1st ELEMENT "allegedly" TYRONE ROBINSON was in the commission of committing a ongoing gun battle an inherently dangerous felony

FROM THE CRIME OF FELONY MURDER by the felony murder rule theory. That I was indicted on and TRIED on before the JURY at TRIAL on indictment # 2012-GJ-07-01935

ALSO AS a matter of law CONSTITUTES A "ACQUITTAL" on the 2nd ELEMENT "allegedly" VICTIM KHALIL SINGLETON death is the proximate result of TYRONE ROBINSON committing a ongoing gun battle an inherently dangerous felony

FROM THE CRIME OF FELONY MURDER by the felony murder rule theory. That I was indicted on and TRIED on before the JURY at TRIAL on indictment # 2012-GJ-07-01935 FOR PROOF REVIEW CASE LAW MERITS

UNITED STATES OF AMERICA COURT OF APPEALS FOR THE TENTH CIRCUIT case law of.

U.S. VS. HUNT 212 F.3d 539 "QUOTE" IN UNITED STATES V. SCHWARTZ 785 F.2d 673 (9th CIR 1986) "QUOTE"

FOR ITS PART, THE GOVERNMENT READILY ADMITS THAT CERTAIN PARTS OF THE INDICTMENT WERE SPECIFICALLY DISMISSED FOR LACK OF EVIDENCE THERE BY A MOVING TO AN ACQUITTAL AS TO THOSE PARTS, THE GOVERNMENT DOES NOT APPEAL THOSE SPECIFIC FINDINGS

As a matter of law THE ACQUITTAL THAT THE TRIAL JUDGE and TRIAL COURT ACTIONS CONSTITUTED - ON THE 1st ELEMENT "allegedly" TYRONE ROBINSON was in the commission of committing a ongoing gun battle an inherently dangerous felony

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL, ON INDICTMENT # 2012-GS-07-01935.

AND THE ACQUITTAL THAT THE TRIAL JUDGE AND TRIAL COURT ACTIONS CONSTITUTED ON THE 2ND ELEMENT ALLEGING

VICTIM KHALIL SINGLETON DEATH IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL, ON INDICTMENT # 2012-GS-07-01935.

CONSTITUTES A ACQUITTAL

ON THE WHOLE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ALLEGING THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER THE 7TH 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WELL FULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD ON HILTON HEAD ISLAND AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935. AS A RESULT THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY. BARS THE STATE OF SOUTH CAROLINA FROM RETRIEING TYRONE ROBINSON IN A RETRIAL FOR THE DEATH OF VICTIM KHALIL SINGLETON.

ALSO THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY. BARS THE STATE OF SOUTH CAROLINA FROM APPEALING AGAINST TYRONE ROBINSON AND OR ARGUING AGAINST TYRONE ROBINSON ON THE "ACQUITTAL", EVEN IF THE

"ACQUITTAL" THAT I OBTAINED ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GS-07-01935. WAS BASED ON AN ERRONEOUS INTERPRETATION OF GOVERNING LEGAL PRINCIPLES OR UPON LEGAL PRINCIPLES WHICH ARE THEMSELVES SUBSEQUENTLY OVERTURNED. FOR PROOF REVIEW

CASE LAW MERITS

UNITED STATES OF AMERICA COURT OF APPEALS
 FOR THE TENTH CIRCUIT CASE LAW OF:
 U.S. VS. HUNT 212 F.3d 539 "QUOTE IN"
 THE NINTH CIRCUIT REACHED THE SAME CONCLUSION
 IN UNITED STATES VS. SCHWARTZ 785 F.2d 673
 19TH CIR 1986 "QUOTE IN"
 THERE THE GOVERNMENT MADE THE SAME ARGUMENT
 THAT IT MAKES HERE.
 FOR ITS PART THE GOVERNMENT READILY ADMITS
 THAT CERTAIN PARTS OF THE INDICTMENT
 WERE SPECIFICALLY DISMISSED FOR LACK OF EVID-
 -ENCE THERE BY A MOVING TO AN ACQUITTAL AS
 TO THOSE PARTS. THE GOVERNMENT DOES NOT APPEAL
 THOSE SPECIFIC FINDINGS. THE CRUX OF THE GOVERN-
 -MENTS ARGUMENT, HOWEVER IS, THAT DESPITE
 THE LABEL OF ACQUITTAL USED BY THE COURTS, THE
 JUDGEMENT ON COUNTS ONE THROUGH TWELVE WAS IN
 FACT PARTLY A "DISMISAL" BASED ON THE RULE OF
 OF LAW THAT THERE WAS AN IMPERMISSIBLE VARI-
 -ANCE. THE GOVERNMENT OPINES THEREFOR, THAT IT IS
 NOT BARRED FROM APPEALING OR SEEKING A RETRIAL
 ON THE INDIVIDUAL PARTS OF THE SCHEME WHICH
 THE DISTRICT COURT DID NOT SPECIFICALLY REJECT
 FOR LACK OF SUFFICIENT EVIDENCE.
 THE NINTH CIRCUIT REJECTED THE GOVERNMENT'S
 ARGUMENT IN SCHWARTZ IN AS MUCH AS WE
 FIND THE JUDGEMENT BELOW TO BE A TRUE ACQUITTAL,
 THE DOUBLE JEOPARDY CLAUSE BARRS APPEAL EVEN
 IF THE DISTRICT COURT BASED THE ACQUITTAL ON
 AN ERRONEOUS INTERPRETATION OF GOVERNING
 LEGAL PRINCIPLES OR UPON LEGAL PRINCIPLES WHICH
 ARE THEMSELVES SUBSEQUENTLY OVERTURNED

CASE LAW MERITS

UNITED STATES OF AMERICA COURT OF APPEALS FOR
 THE NINTH CIRCUIT CASE LAW OF:
 UNITED STATES OF AMERICA VS. SOL C. SCHWARTZ,
 RAYMOND F. LANE FRANK C. MAROLDA, AND ABLE
 CHAPMAN 785 F.2d 673 (1986) "QUOTE IN"
 IN DETERMINING WHETHER AN APPEAL IS BARRED
 BY THE CLAUSE, THE SUPREME COURT HAS INSTRUCTED
 THAT THE LABEL APPLIED BY THE DISTRICT COURT,
 WHETHER "ACQUITTAL" IS NOT DISPOSITIVE. THE
 TRIAL JUDGE CHARACTERIZATION OF HIS OWN ACTION
 CAN NOT CONTROL THE CLASSIFICATION OF THE ACTION.
 THIS APPLYING SUBSTANCE OVER FORM TO A DISTRICT
 COURT JUDGEMENT OF ACQUITTAL. APPEAL IS BARRED
 IF THE COURT EVALUATED THE GOVERNMENT'S EVIDENCE
 AND DETERMINED THAT IT WAS LEGALLY INSUFFICIENT
 TO SUSTAIN A CONVICTION "FURTHER QUOTE IN"
 THE RULE MELLER BASED ON THE FIFTH AMENDMENT
 GRAND JURY GUARANTEE WAS THAT A CONVICTION
 COULD NOT STAND WHERE THE TRIAL PROOF SHOWED

A FRAUDULENT SCHEME MUCH NARROWER THAN, EVEN THOUGH WHOLLY INCLUDED WITHIN THE SCHEME INDICTED BY THE GRAND JURY. THE REASONING WAS THAT THE GRAND JURY WILLINGNESS TO INDICT SOMEONE FOR A BROAD WIRE FRAUD SCHEME DOES NOT ESTABLISH THE SAME GRAND JURY WOULD HAVE INDICTED THE PERSON FOR A SUBSTANTIAL NARROWER SCHEME. THE DISTRICT COURT RECOGNIZED THIS PECULIAR RULE AND FROM THE BEGINNING, EXHIBITED AN UNDERSTANDING AS WELL AS AN INTENTION TO HOLD THE GOVERNMENT TO ITS DEFECTIVE THE GOVERNMENT WAS SPECIFICALLY WARNED BEFORE TRIAL THAT IT WAS REQUIRED TO COMPLY. WHEN THE GOVERNMENT DID NOT COMPLY, THE COURT EXPLAINED TO THE JURY, IN TERMS OF THE NINTH CIRCUIT CASE LAW, WHY IT WAS GRANTING DEFENDANT'S MOTION FOR ACQUITTAL. THE COURT EXPLAINED IN LACK OF EVIDENCE ON SEVERAL ELEMENTS OF THE BROAD SCHEME NO REASONABLE JUROR COULD NOT FIND BEYOND REASONABLE DOUBT THAT THE DEFENDANT HAD PARTICIPATED IN A UNITARY SCHEME TO DEFRAUD AS CHARGED IN THE INDICTMENT. THEREAFTER, THE COURT ENTERED AN ORDER GRANTING JUDGEMENT OF ACQUITTAL. THE "ACTION" AND "WORD" OF THE DISTRICT COURT CLEARLY SHOW THAT IT EVALUATED THE GOVERNMENT'S EVIDENCE UNDER THE PREVAILING LEGAL STANDARDS AND DETERMINED THAT THAT EVIDENCE WAS LEGALLY INSUFFICIENT TO SUSTAIN A WIRE FRAUD CONVICTION AS INDICTED. THIS CAN ONLY AMOUNT TO AN ACQUITTAL ON ALL THIRTEEN COUNTS THAT WENT TO TRIAL "FURTHER QUOTING" IN AS MUCH AS WE FIND THE JUDGEMENT BELOW TO BE A ACQUITTAL, THE DOUBLE JEOPARDY CLAUSE BARS APPEAL EVEN IF THE DISTRICT COURT BASED THE ACQUITTAL ON AN ERRONEOUS INTERPRETATION OF GOVERNING LEGAL PRINCIPLES OR UPON LEGAL PRINCIPLES WHICH ARE THEMSELVES SUBSEQUENTLY OVERTURNED

AS A MATTER OF LAW PROVEING THAT THE TRIAL JUDGE AND TRIAL COURT ERRED, BY DENYING MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935

INSIDE OF THE STATE OF SOUTH CAROLINA A DEFENDANT IS ENTITLED TO A DIRECTED VERDICT OF ACQUITTAL ON THE CRIME CHARGED IN THE INDICTMENT. IF THE STATE OF SOUTH CAROLINA FAILS TO PROVE THAT THE DEFENDANT IS GUILTY BEYOND A REASONABLE DOUBT OF COMMITTING AN ESSENTIAL ELEMENT OF THE CRIME CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE

INDICTMENT, THAT THE DEFENDANT IS TRIED
ON BEFORE THE JURY AT TRIAL. AS DECIDED BY
SOUTH CAROLINA COURT OF APPEALS FOR PROOF
REVIEW

CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS
CASE LAW OF.

STATE VS. JACKSON 527 S.E.2d 367 "QUOTE" IN

BECAUSE THE STATE FAILED TO PROVE AN
ESSENTIAL ELEMENT OF THE CRIME CHARGED,
NAMELY THE EXISTENCE OF A TRUST JACKSON
CONVICTION IS REVERSED AND THE CASE
REMANDED FOR THE ENTRY OF A JUDGEMENT
OF ACQUITTAL REVERSED

THE FEDERAL 5TH AND 14TH AMENDMENT RIGHT
OF DUE PROCESS OF LAW. PROTECTS A DEFENDANT
FROM BEING CONVICTED AND DEPRIVED OUT
OF THEIR LIBERTY. UNLESS UPON PROOF BEYOND
A REASONABLE DOUBT OF EVERY FACT
NECESSARY TO CONSTITUTE THE CRIME THAT IS
CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF THE INDICTMENT THAT THEY ARE
TRIED ON BEFORE THE JURY AT TRIAL

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED
STATES OF AMERICA CASE LAW OF.

DAVID SANDSTROM VS. STATE OF MONTANA 90
S.Ct 2450 "QUOTE" IN

WE EXPLICITLY HOLD THE DUE PROCESS CLAUSE
PROTECTS THE ACCUSED AGAINST CONVICTION
ACCEPT UPON PROOF BEYOND A REASONABLE
DOUBT OF EVERY FACT NECESSARY TO CONSTIT-
UTE THE CRIME WITH WHICH HE IS CHARGED

INSIDE OF THE SUPREME COURT OF APPEALS
OF THE STATE OF SOUTH CAROLINA CASE LAW OF
LUCAS BAILEY VS. STATE 709 S.E.2d 671

THE SUPREME COURT OF APPEALS OF THE STATE OF
SOUTH CAROLINA DECIDED, THAT INSIDE OF THE
STATE OF SOUTH CAROLINA. IT IS A UNIVERSAL
ABSERVANCE IN ADMINISTERING THE CRIMINAL
LAW. THAT A DEFENDANT MUST BE CONVICTED
IF CONVICTED AT ALL OF THE PARTICULAR OFFENSE
CHARGED IN THE BILL OF INDICTMENT, A MATERIAL
VARIANCE BETWEEN CHARGE AND PROOF ENTITLES
THE DEFENDANT TO A DIRECTED VERDICT OF
ACQUITTAL.
WHEN THE INDICTMENT CHARGES A COMPLETE OFFENSE
AND THE STATE PRESENTS EVIDENCE WHICH CONVICTS
UNDER A DIFFERENT THEORY THAN THAT ALLEGED.
A CONVICTION UNDER LATTER CIRCUMSTANCES
VIOLATES PRINCIPLES OF DUE PROCESS OF LAW.

because the state has failed to prove beyond a reasonable doubt, every fact necessary to constitute the crime with which a defendant is charged.

A material variance that violates a persons substantial right to be tried only on charges presented in a indictment, constitutes a FATAL ERROR AND WARRANTS A REVERSAL

ON APPEAL OR A JUDGEMENT OF CONVICTION OF THE OFFENSE NOT CHARGED IN THE INDICTMENT, AS DECIDED BY THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA. INSIDE OF THE CASE LAW OF LUCA BAXLEY VS. STATE 709 S.E. 2d 671

therefore because as a matter of law. The state of south carolina failed to prove that I was guilty beyond a reasonable doubt, of committing the **1st ELEMENT** "ALLEGING"

TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GJ-07-01935

ALSO BECAUSE AS A MATTER OF LAW. THE STATE OF SOUTH CAROLINA FAILED TO PROVE THAT I WAS GUILTY BEYOND A REASONABLE DOUBT OF COMMITTING THE **2ND ELEMENT** "ALLEGING"

VICTIM KHALF SINGLETON DEATH IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GJ-07-01935

AS A MATTER OF LAW THIS COURT MUST GRANT ME MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL. ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER

RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT
 SEPTEMBER THE 25TH 2012 WHILE ENGAGED
 IN A ONGOING GUN BATTLE AN INHERENTLY
 DANGEROUS FELONY TYRONE ROBINSON DID
 WILLFULLY, UNLAWFULLY AND WITH MALICE
 AFORETHOUGHT CAUSE THE VICTIM KHALIL
 SINGLETON TO BE SHOT AND KILLED IN THE
 AREA OF MARSHLAND DRIVE ALLEN ROAD ON
 HILTON HEAD ISLAND AND THAT KHALIL
 SINGLETON DID DIE IN BEAUFORT COUNTY
 AS A PROXIMATE RESULT THERE OF

THAT CHARGED AND ALLEGED INSIDE OF THE
 WRITTEN WRITE UP OF INDICTMENT # 2012-65-
 -07-01935 THAT I WAS INDICTED ON AND
 TRIED ON BEFORE THE JURY AT TRIAL. FOR PROOF
 REVIEW

CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS CASE
 LAW OF

STATE V. JACKSON 527 S.E.2d 367 "QUOTING"
 BECAUSE THE STATE FAILED TO PROVE
 AN ESSENTIAL ELEMENT OF THE CRIME
 CHARGED, NAMELY THE EXISTENCE OF
 A TRUST JACKSON CONVICTION IS REVERSED
 AND THE CASE REMANDED FOR THE ENTRY
 OF A JUDGEMENT OF ACQUITTAL REVERSED

LACK OF JURISDICTION

THE FIRST ALLEGED CRIME OF FIRST DEGREE FELONY MURDER BY THE FELONY MURDER RULE THEORY. THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GS-07-01935.

THAT THE JURY AT MY TRIAL WAS SWORN IN ON AT TRIAL, THE DEFENSE OF DOUBLE JEOPARDY ATTACHES TO AND I WAS PUT IN JEOPARDY OF BEING PUNISHED WITH PRISON TIME OF LIFE IMPRISONMENT ON UNDER S.C. CODE OF LAW 16-3-10 FOR ALLEGED CRIME OF FIRST DEGREE FELONY MURDER BY THE FELONY MURDER RULE THEORY. OF VICTIM KHALIL SINGLETON ON SEPTEMBER 1ST, 2,012, ON HILTON HEAD ISLAND BEAUFORT S.C. IN THE AREA OF MARSHLAND DRIVE AS FOLLOWS

I QUOTE THE TRIAL JUDGE AND TRIAL COURT CONFESSION FROM THE TRIAL TRANSCRIPT ATTACHED

STATE OF SOUTH CAROLINA
VS.
TYRONE ROBINSON

"QUOTING" FROM PAGE 3 AND 4 OF TRIAL TRANSCRIPT THE COURT (AKA) TRIAL JUDGE THOMAS COOPER STATED

"QUOTING"
LADIES AND GENTLEMAN YOU HAVE HEARD THE SOLICITOR HAS CALLED THE CASE OF THE STATE VERSUS TYRONE ROBINSON. MR. ROBINSON HAS BEEN INDICTED BY THE GRAND JURY OF BEAUFORT COUNTY AND CHARGED WITH THE CRIME OF MURDER. THE INDICTMENT ALLEGES THAT HERE IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER THE 1ST OF 2,012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD ON HILTON HEAD ISLAND BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF ON SEPTEMBER THE 1ST, 2,012 IN VIOLATION OF THE LAW

WHICH AFTER THE JURY WAS SWORN IN IS THE FIRST ALLEGED CRIME OF FIRST DEGREE FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT I WAS PUT IN JEOPARDY AT TRIAL OF BEING PUNISHED AND RECEIVING PRISON TIME OF LIFE IMPRISONMENT FOR. INSIDE OF THE COURT OF GENERAL SESSION THE 14TH JUDICIAL CIRCUIT OF THIS CASE AGAINST TYRONE ROBINSON BEGAN ON SEPTEMBER 15TH, 2,014 AND LASTED UNTIL SEPTEMBER 19TH, 2,014

ELEMENTS 73.

ELEMENTS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

1ST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

IF THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING AN INHERENTLY DANGEROUS FELONY

INDICTMENT # 2012-65-07-01935 CHARGE AND ALLEGE THAT TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THEREFORE AS A MATTER OF LAW INDICTMENT # 2012-65-07-01935 CHARGE TYRONE L. ROBINSON WITH COMMITTING THE 1ST ELEMENT FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY.

CONFESSION

ON PAGE 1052 PARAGRAPHS 2, 3, AND 4 OF TRIAL TRANSCRIPT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JESSIE MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT, THAT THEY HAD INDICTED ME ON AND WERE TRYING ME BEFORE THE JURY AT TRIAL. ON THE 1ST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. WHEN THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JESSIE MC. DUFFIE STONE, CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT AT PRE TRIAL HEARING ON FEBRUARY 27TH 2014 ON PAGE 1052 PARAGRAPHS 2, 3 AND 4 OF TRIAL TRANSCRIPT "QUOTE" "OUR THEORY IS THE FELONY MURDER RULE THEORY / THAT YOU HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS FELONIES"

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF,

GORE VS. LEEKE 199 S.E. 2d 755 "QUOTE"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA CASE LAW OF,

STATE OF MONTANA VS MICHAEL VERNON BILLEDEAUX

71-304 MONT 89 18 P 3d 980

TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE UNDER THE FELONY MURDER RULE 45-5-102 (b) MCA, THE STATE MUST SHOW THAT THE PERSON ATTEMPTS TO COMMIT, COMPLETES OR IS LEGALLY ACCOUNTABLE FOR THE ATTEMPT OR COMMISSION OF FELONY ASSAULT, AGRRAVATED

74.
ASSAULT, OR ANY OTHER FORCIBLE FELONY.

2ND ELEMENT REQUIRED TO
CONSTITUTE THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY IS:
DEATH TO THE VICTIM AS A CONSEQUENCE
OF THE DEFENDANT'S CONDUCT IN COMMITTING
THAT CRIME

INDICTMENT # 2012-GS-07-01935 CHARGE AND
ALLEGES THAT THE DEATH OF VICTIM KHALIL SINGLE-
TON IS THE PROXIMATE RESULT OF TYRONE
ROBINSON COMMITTING AN ONGOING GUN BATTLE
AN INHERENTLY DANGEROUS FELONY

THEREFORE AS A MATTER OF LAW INDICTMENT #
2012-GS-07-01935 CHARGE TYRONE ROBINSON
WITH COMMITTING THE 2ND ELEMENT FROM
THE CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY.

CONFESSTION

ON PAGE 1052 PARAGRAPHS 2, 3, AND 4 OF TRIAL
TRANSCRIPT THE STATE OF SOUTH CAROLINA AND ITS
SOLICITOR ~~STAC~~ MC. DUFFIE STONE, CONFERRED TO THE
TRIAL JUDGE AND TRIAL COURT, THAT THEY HAD INDICTED
ME ON AND WERE TRYING ME BEFORE THE JURY AT
TRIAL. ON THE 2ND ELEMENT REQUIRED TO
CONSTITUTE THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY. WHEN THE STATE OF
SOUTH CAROLINA AND ITS SOLICITOR ~~STAC~~ MC. DUFFIE
STONE, CONFERRED TO THE TRIAL JUDGE AND TRIAL
COURT AT PRE TRIAL HEARING ON FEBRUARY 27TH 2014
ON PAGE 1052 PARAGRAPHS 4 AND 5 OF TRIAL TRANSC-
RIPT "QUOTEING"
AND AS A RESULT OF THOSE INHERENTLY DANGEROUS
FELONIES, A CHILD DIES

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA
CASE LAW OF.
GORE VS. LEEKE 1995 E. 2d 755 "QUOTEING"

THE COMMON PURPOSE LADIES AND GENTLEMAN MAY
HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLV-
ED IN THE KILLING AND THE MURDER OF ANYONE
BUT IF IN EXECUTING THIS COMMON DESIGN AND PURPOSE
AND IF IT WAS UNLAWFUL AS FOR INSTANCE, BREAKING
IN AND STEALING AND IN THE EXECUTION OF THE COMMON
PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE
CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU, THE
JURY DETERMINE FROM THE PROOF BEYOND A REASONA-
BLE DOUBT THE HOMICIDE WAS A PROBABLE OR
NATURAL CONSEQUENCE OF THE ACTS WHICH
WERE DONE IN PURSUANCE OF THIS COMMON
DESIGN THEN LADIES AND GENTLEMAN ALL WHO
ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY

AND PARTICIPATING IN THE UNLAWFUL, COMMON
DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA
CASE LAW OF
STATE OF MONTANA VS. MICHAEL VERNON BILLEDEAUX

JF. 804 MONT. 89, 18 P.3D 980, 2001 MT 9

TO CONVICT ON A CHARGE OF DELIBERATE
HOMICIDE UNDER THE FELONY MURDER RULE 45-

-5-102(b) MCA THE STATE MUST SHOW THAT IN
THE COURSE OF THE FORCIBLE FELONY THE PERSON

OR ANY OTHER PERSON LEGALLY ACCOUNTABLE FOR
THE CRIME CAUSES THE DEATH OF ANOTHER HUMAN

BEING

CONFESSION

The TRIAL TRANSCRIPT FROM THE PRE TRIAL HEARING ON FEBRUARY 27TH, 2014 WERE I REPRESENTED MYSELF PROSE. REVEALS THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JESSIE MC. DUFFLESTONE "CONFERRED" THAT THE CRIME THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935. IS THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ONLY, THAT IS THE ONE AND ONLY CRIME AND THEORY THAT THEY TRIED ME ON BEFORE THE JURY AT TRIAL AND HAD THE BURDEN OF PROOF TO PROVE ONLY. FOR PROOF I QUOTE THE CONFES-
-TION OF THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JESSIE MC. DUFFLESTONE, FROM THE TRIAL TRANSCRIPT OF THE PRE TRIAL HEARING THAT TOOK PLACE ON FEBRUARY 27TH, 2014 AT BEAUFORT COUNTY GENERAL SESSION COURT HOUSE WERE I REPRESENTED MYSELF PROSE "QUOTING"

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTING" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR JESSIE MC. DUFFLESTONE CONFESSTION FROM PAGE 1052 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, AND 23 AND 24 AND PAGE 1053 1 AND 2 OF TRIAL TRANSCRIPT FROM PRE TRIAL HEARING ON FEBRUARY 27TH, 2014 "QUOTING"
OUR THEORY IS THE FELONY MURDER RULE, THEORY, THAT YOU HAVE THREE PEOPLE COMMITTING INHERANTLY DANGEROUS FELONIES, AND AS A RESULT OF THERE INHERANTLY DANGEROUS FELONIES, A CHILD DIES. THE ACTUAL SHOOTER, AS TO SPEAK, THE ONE THAT DISCHARGED THE FATAL BULLET, UNDER THAT SCENARIO IS WHOLLY RELEVANT, NOT CONTROLLING, SO THAT IS THE POSITION THAT THE STATES GOING UNDER. THATS THE THEORY THAT THE STATE GOES UNDER, AND THAT IS A CONSISTANT THEORY AMONG ALL THE DEFENDANTS, THAT THE THAT IS THE THEORY. WERE NOT SWITCHING UP OUR THEORIES, DEPENDING ON WHICH DEFENDANTS WERE TALKING ABOUT. WE FEEL LIKE ALL THREE OF THERE PEOPLE WERE INVOLVED IN AN INHERANTLY DANGEROUS FELONY, WHICH IS A SHOOTOUT THAT BASICALLY WENT FROM THE RIGHT AS YOU GO TO FELTON HEAD, ALL THE WAY DOWN INTO MARSHLAND ROAD, ALONG THE CROSS ISLAND EXPRESS WAY, AND I DON'T KNOW. IF YOUR FAMILIAR WITH THE AREA, BUT IT INVOLVES THREE NEIGHBORHOODS IN FELTON HEAD, AND THATS WAS A SHOOT OUT THAT TOOK PLACE FIRST AT WHITE HORSE ROAD, AND THEN AT ANOTHER NEIGHBORHOOD IN BETWEEN, AND THEN AT A THIRD AT ALLEN ROAD AREA, WHICH IS WERE THE CHILD WAS PLAYING ON THE TRAMPOLINE AND KILLED. OUR THEORY IS ALL THREE OF THEM ARE CULPABLE UNDER THAT SCENARIO, AND THATS THE THEORY WERE PROCEEDING FOR TRIAL

2ND UNINDICTED ALLEGED
FALSE MURDER CHARGE THAT IS A NONEXIST-
ENT SECOND UNINDICTED FALSE MURDER CHARGE
THAT IS NOT CLASSIFIED AS A CRIME BY THE LAWS
OF THE STATE OF SOUTH CAROLINA.
THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE
"ALLEGEDLY"
ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON
DIED WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT
AND KILLED AND HE DIED

THAT IS A NONEXISTENT SECOND UNINDICTED
FALSE MURDER CHARGE THAT IS NOT CLASSIFIED
AS A CRIME BY THE LAWS OF THE STATE OF SOUTH
CAROLINA.

THAT THERE IS NOT ANY INDICTMENT CHARGEING
ME WITH AN VIOLATION OF S.C. CODE OF LAW 17-19-10
WHICH STATES "QUOTEING"

NO PERSON SHALL BE HELD TO ANSWER IN
COURT FOR A ALLEGED CRIME OR OFFENSE
UNLESS UPON INDICTMENT BY A GRAND JURY

FOR PROOF I QUOTE THE PROCEEDINGS FROM THE
TRIAL TRANSCRIPT OF ATTORNEY ARIE DAVID
BOX AND THE CONFESSION OF TRIAL JUDGE THOMAS
COOPER THAT ATTACHED AS EVIDENCE
STATE OF SOUTH CAROLINA

V.S.
TYRONE ROBINSON

"QUOTEING" PAGE 667 PARAGRAPH 22, AND 23 OF TRIAL
TRANSCRIPT OF TRIAL ATTORNEY ARIE DAVID BOX
STATING "QUOTEING"
AND I THINK WITHOUT THAT HE IS ENTITLED TO A
DIRECTED VERDICT

"QUOTEING" FROM PAGE 668 PARAGRAPH 3, 4, 5, 6, 7 AND 8, OF
TRIAL TRANSCRIPT OF TRIAL ATTORNEY ARIE DAVID
BOX STATING "QUOTEING"
BECAUSE UNDER THERE INDICTMENT THEY HAVE NOT MET
THEIR BURDON TO MEET THE LANGUAGE OF THE INDICTMENT
THAT THEY HAVE GONE FORWARD ON. THEY HAVE NOT BEEN
ABLE TO PROVE AN INHERANTLY DANGEROUS FELONY OF
ANY KIND THAT WAS OCCURING AT THE TIME THE CHILD
DIED THAT MR. ROBINSON WAS INVOLVED IN, EXCUSE ME

"QUOTEING" FROM PAGE 669 PARAGRAPH 2, 3, 4, 5, 6, 7, 8, 9,
10, 11, 12, 13 AND 14 OF TRIAL TRANSCRIPT OF TRIAL JUDGE
THOMAS COOPER "QUOTEING"
NOW THE INHERANTLY DANGEROUS FELONY MAY HAVE
BEEN THERE TO TRY TO SHOW EVIDENCE OF MALICE, IT MAY
HAVE BEEN THERE FOR SOME OTHER PURPOSE. I REALLY
CAN'T SPEAK TO THAT BUT IF THOSE WORDS WERE NOT THERE
IF THOSE WORDS WERE NOT THERE AND THE GUN BATTLE STUFF

AND ALL THAT WAS NOT THERE AND IT JUST SAID
 THAT ON OR ABOUT SEPTEMBER THE 4TH, 2012 TYRONE ROBIN-
 SON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE
 SHOT AND KILLED AND HE DIED

THEN THOSE FIVE OF COURSE WOULD BE PLAIN AND APPRO-
 PRIATE AND THE CHARGE WOULD BE AT LEAST SIMPLY
 MADE UNDER THOSE CIRCUMSTANCES AND IT WAS EVID-
 ENCE TO SUPPORT THOSE CHARGES THEN IT WOULD GO FORTH-
 AND

"QUOTE" FROM PAGE 672 PARAGRAPHS 10, 11, 12, 13, 14, 15,
 16, 17, 18 AND 19 OF TRIAL TRANSCRIPT JUDGE THOMAS COOPER

"QUOTE"
 MY POINT WAS THAT FROM THE STAND POINT FOR A
 MOTION FOR A DIRECTED VERDICT THAT THE INCLUSION
 OF THE WORDS WHILE ENGAGED IN A ONGOING GUN BATTLE
 AN INHERENTLY DANGEROUS FELONY, WHICH I THOUGHT
 WAS PUT THERE MORE APPROPRIATELY WHEN THEY WERE
 DEALING WITH THREE DEFENDANTS IN THIS PARTICULAR
 CASE THAT THOSE WORDS COULD BE TAKEN OUT OF THIS
 PARTICULAR CHARGE AS INDICATED AND THERE WOULD
 BE NO QUESTION ABOUT WHETHER OR NOT THEY WOULD
 HAVE A RIGHT TO A JURY ON THE CHARGE OF MURDER

"QUOTE" FROM PAGE 674 PARAGRAPHS 21, 22, 23, 24,
 AND 25 AND PAGE 675 PARAGRAPH 2 AND 2 OF TRIAL
 TRANSCRIPT TRIAL ATTORNEY ARIZO DAVID BAX "QUOTE"
 MR. BAX, AND I JUST NOTE THAT JUST FOR A MATTER OF
 COURSE FOR FUTURE REVIEW I JUST FEEL THAT AS A
 DEFENSE ATTORNEY IT IS NOT A PROPER SITUATION
 WERE THE DEFENSE FEELS LIKE IT HAS TO JUDGE BETWEEN
 ALTERNATIVE THEORIES OF PROSECUTION. AND I FEEL
 STRONGLY THATS THAT WHAT THAT PUT ME IN. I CERTAINLY
 UNDERSTAND THE RULEING AND RESPECT THAT YOUR HONOR
 THANK YOU SIR

BLACK LAW DICTIONARY DEFINITION FOR THE CRIME OF FELONY MURDER STATES

"QUOTE"
 MURDER THAT OCCURS DURING THE COMMISSION
 OF A DANGEROUS FELONY OFTEN LIMITED,
 TO RAPE, KIDNAPPING, ROBBERY, BURGLARY

BLACKS LAW DICTIONARY DEFINITION PROVES THAT
 INDICTMENT #2012-GJ-07-01935 CHARGES TYRONE
 ROBINSON WITH THE CRIME OF FELONY MURDER

THE NECESSARY ELEMENTS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

THE ESSENTIAL AND FACTUAL ELEMENT "ALLEGED"
 WHILE ENGAGED IN A ONGOING GUN BATTLE AN
 INHERENTLY DANGEROUS FELONY

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN
 WRITE UP OF THE ALLEGED CRIME OF FELONY MURDER BY THE
 FELONY MURDER RULE THEORY "ALLEGED"

WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY
 DANGEROUS FELONY TYRONE ROBINSON DID WILLFULLY,
 UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE

VICTIM KHALIL SINGLETON to be shot and KILLED THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GJ-07-01935 THAT IT WAS TRIED ON BEFORE THE JURY AT TRIAL. IT WAS AS A ESSENTIAL AND FACTUAL ELEMENT THAT IT REQUIRED IN ORDER TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
CASE LAW OF:

FORE VS. LEEKE 199 S.E.2d 755 "QUOTEING"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THESE PERSONS ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED. THE COMMON PURPOSE LATTER AND GENTLEMAN MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANYONE BUT IF IN EXECUTING THIS COMMON DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL AT FOR INSTANCE / BREAKING IN AND HEALING, AND IN THE EXECUTION OF THE COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU / THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THE COMMON DESIGN THEN / LATTER AND GENTLEMAN / ALL WHO ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY / AND PARTICIPATING IN THE UNLAWFUL / COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF:

WHALEN VS. UNITED STATES 100 S.Ct 1435 "QUOTEING"

A CONVICTION FOR KILLING IN THE COURSE OF RAPE CAN NOT BE HAD WITHOUT PROVING ALL THE ELEMENTS OF THE OFFENSE OF RAPE "FURTHER QUOTEING"
IN THE PRESENT CASE PROOF OF RAPE IS A NECESSARY ELEMENT OF PROOF OF THE FELONY MURDER

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
CASE LAW OF:

PAUL SIMMONS VS. STATE OF SOUTH CAROLINA 215 S.E.2d 883 "QUOTEING"

THIS CASE POSES A DIFFICULT QUESTION WHETHER AN ESSENTIAL ELEMENT OF A FELONY CAN BE CONSTITUTIONALLY FOUNDED UPON AN INFERENCE DRAWN FROM THE COMMISSION OF A MISDEMEANOR EVEN IN A CASE WHERE THE FELONY MURDER RULE WAS IMPLIED

ELEMENTS TEST

PROVING THAT THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE IS NOT CLASSIFIED AS THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY
AND ALSO IS NOT CLASSIFIED AS A VIOLATION OF THE LAW OF THE STATE OF SOUTH CAROLINA FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

AS A MATTER OF LAW THE 1ST ELEMENT "ALLEGED" TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGED" WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD ON HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-65-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. IS NOT INCLUDED IN THE ALLEGED ELEMENTS OF THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

ALSO AS A MATTER OF LAW THE 2ND ELEMENT "ALLEGED" THE DEATH OF VICTIM KHALIL SINGLETON IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGED" WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD ON HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-65-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. IS NOT INCLUDED INTO THE ALLEGED ELEMENTS OF THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

AS A MATTER OF LAW PROVEING THAT THE 1ST ELEMENT AND THE 2ND ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-65-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. IS NOT INCLUDED INTO THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

AS MATTER OF LAW PROVEING THAT THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGED" ON OR ABOUT SEPTEMBER 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

IS NOT DEFINED AS THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY BY THE LAWS OF THE STATE OF SOUTH CAROLINA. ALSO IS NOT DEFINED AS A VIOLATION OF THE LAW THAT GOVERNS THE CRIME OF FELONY MURDER IN THE STATE OF SOUTH CAROLINA.

CASE LAW MERTIS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA
CASE LAW OF,

GORE VS. LEEKE 199 S.E. 2d 755 "QUOTEING"

IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSONS ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED. THE COMMON PURPOSE LADIES AND GENTLEMAN MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANYONE BUT IF IT WAS UNLAWFUL AS FOR INSTANCE BREAKING IN AND STEALING, AND IN THE EXECUTION OF THE COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU, THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THE COMMON DESIGN THEN, LADIES AND GENTLEMAN, ALL WHO ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY, AND PARTICIPATING IN THE UNLAWFUL COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

THE LAW DICTIONARY
DEFINITION FOR THE WORD
MURDER MEANS THE FOLLOWING
MEANING "QUOTEING"

MURDER A COMMON LAW OFFENSE OF UNLAWFUL HOMICIDE, UNLAWFUL KILLING OF ANOTHER HUMAN BEING WITH MALICE AFORETHOUGHT. THIS REQUIRES A PREMEDITATED INTENT TO KILL PLUS AN ELEMENT OF HATRED.

AS A MATTER OF LAW THERE IS ABSOLUTELY NOT ANY INDOCT-
-MENT THAT CHARGES TYRONE LORENZA ROBERTSON WITH
THE CRIME OF MURDER BY THE CRIME ALLEGED I KILLED
THE VICTIM WITH MALICE AND AFORETHOUGHT

THE NECESSARY ELEMENTS
REQUIRED IN ORDER TO CONSTITUTE
THE CRIME OF MURDER 16-3-10 BY THE
LAW OF THE STATE OF SOUTH CAROLINA

INSIDE OF THE STATE OF SOUTH CAROLINA THE CRIME
OF MURDER IS THE KILLING OF ANY HUMAN BEING
WITH MALICE AFORETHOUGHT EITHER EXPRESS OR
IMPLIED FOR PROOF REVIEW

CASE LAW MERTIS

SUPREME COURT OF APPEALS OF THE STATE OF
SOUTH CAROLINA CASE LAW OF,
THE STATE OF SOUTH CAROLINA, W. WATSON 563 S.E. 2d 336

"QUOTEING"
16-3-10 MURDER IS THE KILLING OF ANY PERSON WITH
MALICE AFORETHOUGHT EITHER EXPRESSED OR IMPLIED

IN ORDER TO CONSTITUTE THE CRIME OF MURDER
IN VIOLATION OF SOUTH CAROLINA CODE OF LAWS
16-3-10. INSIDE OF THE STATE OF SOUTH CAROLINA.
Two elements must be established.
The first element that must be established is
the element "ALLEGEDLY"
The defendant UNLAWFULLY KILLED ANOTHER PERSON
The second element that must be established is the
element "ALLEGEDLY"
The KILLING was committed with MALICE AND AFORETH-
-OUGHT

2ND

ELEMENTS TEST

PROVEING AS A MATTER OF LAW THAT THE SECOND
UNINDICTED FALSE MURDER CHARGE IS NOT
CLASSIFIED AS THE CRIME OF MURDER 16-3-
-10 BY THE LAWS OF THE STATE OF SOUTH CAROLINA.
AND ALSO IS NOT CLASSIFIED AS A VIOLATION
OF SOUTH CAROLINA CODE OF LAWS 16-3-10
FOR THE CRIME OF MURDER INSIDE OF THE
STATE OF SOUTH CAROLINA

1ST ELEMENT

REQUIRED TO CONSTITUTE UNINDICTED CRIME OF
MURDER 16-3-10 BY THE LAWS OF THE STATE OF SOUTH
CAROLINA

1ST ELEMENT REQUIRED TO CONSTITUTE UNINDICTED
CRIME OF MURDER 16-3-10 BY THE CRIME ALLEGEDLY
THE DEFENDANT KILLED THE VICTIM WITH MALICE AND
AFORETHOUGHT

IS: THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER
WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION
MEANS TO ALLEGED THAT THE ACCUSED UNLAWFULLY DEPRIVED
ANOTHER PERSON OUT OF THERE LIFE

THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION FOR
THE WORD KILL MEANS THE FOLLOWING "MEANING"
TO DEPRIVE OF LIFE

1ST ELEMENT

FOR SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE

1ST ELEMENT FOR SECOND UNINDICTED ALLEGED FALSE MURDER
CHARGE BY THE CRIME "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON
DID WILLFULLY WITH MALICE CAUSE HIM TO BE
SHOT AND KILLED AND HE DIED IS:

ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE
ROBINSON DID WILLFULLY CAUSE HIM TO BE SHOT
AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO

"ALLEGED" ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DID WILLFULLY CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM KHALIL SINGLETON BEING SHOT AND DEPRIVED OUT OF HIS LIFE

THIS IS BECAUSE THE LAW BOOK DICTIONARY DEFINITION FOR THE WORD CAUSE MEANS THE FOLLOWING MEANING "ALLEGEDLY"
 CAUSE THAT WHICH EFFECTS A RESULT DIRECT CAUSE THE ACTIVE, EFFICIENT CAUSE THAT SET IN MOTION A TRAIN OF EVENTS THAT BRINGS ABOUT A RESULT WITHOUT INTERVENTION OF ANY OTHER INDEPENDANT SOURCE

AS A MATTER OF LAW THE FIRST ELEMENT TO THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED WHICH IS

ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DID WILLFULLY CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGE.

ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE ROBINSON DID WILLFULLY CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM KHALIL SINGLETON BEING SHOT AND DEPRIVED OUT OF HIS LIFE

IS NOT INCLUDED INTO AND DOES NOT CONSTITUTE THE 1ST ELEMENT REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED ANOTHER WITH MALICE AND A FORETHOUGHT

WHICH HAS THE 1ST ELEMENT OF "ALLEGEDLY" THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER PERSON

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGE

THAT THE ACCUSED UNLAWFULLY DEPRIVED ANOTHER PERSON OUT OF THERE LIFE

2ND ELEMENT

REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY" THE DEFENDANT KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT IS: THAT THE KILLING WAS COMMITTED

WITH MALICE AND A FORETHOUGHT

WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION FOR MEANS TO ALLEGE THAT THE DEPRIVATION OF LIFE WAS COMMITTED WITH MALICE AND A FORETHOUGHT

THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION FOR THE WORD KILL MEANS THE FOLLOWING "MEANING" TO DEPRIVE OF LIFE

2ND ELEMENT FOR SECOND UNINDICTED ALLEGED FALSE MURDER CASE

2ND ELEMENT FOR SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE BY THE CRIME "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED IS;

ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO "ALLEGED"

ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DID WITH MALICE CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM KHALIL SINGLETON BEING SHOT AND DEPRIVED OUT OF HIS LIFE

THIS IS BECAUSE THE LAW BOOK DICTIONARY DEFINITION FOR THE WORD CAUSE MEANS THE FOLLOWING MEANING "ALLEGEDLY" CAUSE THAT WHICH EFFECTS A RESULT DIRECT CAUSE THE ACTIVE, EFFICIENT CAUSE THAT SET IN MOTION A TRAIN OF EVENTS THAT BRINGS ABOUT A RESULT WITHOUT INTERVENTION OF ANY OTHER INDEPENDENT SOURCE

AS A MATTER OF LAW THE SECOND ELEMENT TO THE UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGEDLY" ON OR ABOUT SEPTEMBER THE 1ST 2012 TYRONE ROBINSON DID WILLFULLY AND WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED WHICH IS

ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DID WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO "ALLEGED"

ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DID WITH MALICE CAUSE A TRAIN OF EVENTS THAT RESULTED IN THE VICTIM KHALIL SINGLETON BEING SHOT AND DEPRIVED OUT OF HIS LIFE

IS NOT INCLUDED INTO AND DOES NOT CONSTITUTE THE 2ND ELEMENT REQUIRED TO CONSTITUTE THE UNINDICTED CRIME OF MURDER 16-3-10 BY THE CRIME "ALLEGEDLY"

THE DEFENDANT KILLED ANOTHER WITH MALICE AND A FORETHOUGHT

WHICH HAS THE 2ND ELEMENT OF "QUOTING" THE KILLING WAS COMMITTED WITH MALICE AND A FORETHOUGHT

WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO "ALLEGED"

THAT THE DEPRIVATION OF LIFE WAS COMMITTED WITH MALICE AND A FORETHOUGHT

AS A MATTER OF LAW PROVEING THAT THE SECOND UNINDICTED ALLEGED FALSE MURDER CHARGE "ALLEGING"

ON OR ABOUT SEPTEMBER 21, 2012 TYRONE ROBINSON DID WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

IS NOT DEFINED AS THE CRIME OF MURDER 16-3-10 BY THE LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA.

ALSO IS NOT DEFINED AS A VIOLATION OF SOUTH CAROLINA CODE OF LAWS 16-3-10 FOR THE CRIME OF MURDER BY THE LAWS OF THE STATE OF SOUTH CAROLINA

VOLUNTARY DISMISSAL WITHOUT MY CONSENT CONSTITUTES A "ACQUITTAL" ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

AS A MATTER OF LAW I WAS INDICTED BY THE GRAND JURY ON, AND THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON, AND I WAS PUT IN JEOPARDY OF BEING CONVICTED BY THE JURY AND FACING A PRISON SENTENCE OF LIFE IMPRISONMENT AT TRIAL. ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGING"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21, 2012 WHILE ENGAGED IN AN ONGOING GUN BATTLE AND INHERENTLY DANGEROUS

FELONY, TYRONE ROBINSON DID WILLFULLY,

UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALEL SINGLETON TO BE SHOT

AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C.

AND THAT KHALEL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THERE ARE TWO ELEMENTS THAT ARE REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY.

THE "FIRST" ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS "QUOTEING"

THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING A INHERENTLY DANGEROUS FELONY

AS A MATTER OF LAW INDICTMENT # 2012-GJ-07-01935. CHARGE AND ALLEGE THAT I TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

AS A MATTER OF LAW PROVEING THAT INDICTMENT # 2012-GJ-07-01935 PUTS I TYRONE ROBINSON. IN "JEOPARDY" OF BEING CONVICTED ON THE FIRST ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT THE GRAND JURY INDICTED ME ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GJ-07-01935.

THE "SECOND" element required to constitute the crime of felony murder by the felony murder rule theory is "QUOTEING" death to the victim as a consequence of the defendants conduct in committing that crime

AS A MATTER OF LAW INDICTMENT # 2012-GJ-07-01935. CHARGE AND ALLEGE THAT THE DEATH OF VICTIM KHALIL SINGLETON IS THE PROXIMATE RESULT OF I TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

AS A MATTER OF LAW PROVEING THAT INDICTMENT # 2012-GJ-07-01935 PUTS I TYRONE ROBINSON IN "JEOPARDY" OF BEING CONVICTED ON THE SECOND ELEMENT REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT THE GRAND JURY INDICTED ME ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GJ-07-01935

AS A MATTER OF LAW PROVEING THAT INDICTMENT # 2012-GJ-07-01935. PUTS I TYRONE ROBINSON ON "NOTICE" THAT I WAS IN

"JEOPARDY" OF BEING CONVICTED AND FACING A PRISON SENTENCE OF LIFE IMPRISONMENT FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ONLY FOR THE DEATH OF VICTIM KHALIL SINGLETON. THAT THE GRAND JURY INDICTED

me ON and I WAS TRIED ON BEFORE THE JURY
 AT TRIAL ON INDICTMENT # 2012-65-07-01935.
 AFTER THE STATE OF SOUTH CAROLINA RESTED THERE
 CASE AT TRIAL ON MOTION FOR DIRECTED VERDICT
 OF ACQUITTAL. WHEN THE TRIAL JUDGE AND
 TRIAL COURT "VOLUNTARILY DISMISSED"

THE ESSENTIAL AND FACTUAL ELEMENT "ALLEGED"
 WHILE ENGAGED IN A ONGOING GUN BATTLE
 AN INHERENTLY DANGEROUS FELONY

FROM OUT OF INDICTMENT # 2012-65-07-01935
 THAT I WAS INDICTED ON BY THE GRAND
 JURY AND TRIED ON BEFORE THE JURY AT
 TRIAL.

THE TRIAL JUDGE AND TRIAL COURT VOLUNT-
 -ARY DISMISSAL CONSTITUTED VOLUNT-
 -ARY DISMISSAL OF THE FIRST ELEMENT
 "ALLEGED"

I TYRONE ROBINSON WAS IN THE COMM-
 -SSION OF COMMITTING A ONGOING GUN
 BATTLE AN INHERENTLY DANGEROUS
 FELONY

THAT "TERMINATED" MY "JEOPARDY" ON THE
 FIRST ELEMENT REQUIRED TO CONSTITUTE
 THE CRIME OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY. THAT THE GRAND
 JURY INDICTED ME ON AND I WAS TRIED
 ON BEFORE THE JURY AT TRIAL.
 ALSO WHEN THE TRIAL JUDGE AND TRIAL COURT
 "VOLUNTARILY DISMISSED" THE ESSENTIAL

AND FACTUAL ELEMENT "ALLEGED"
 WHILE ENGAGED IN A ONGOING GUN BATTLE
 AN INHERENTLY DANGEROUS FELONY

FROM OUT OF INDICTMENT # 2012-65-07-01935
 THAT I WAS INDICTED ON BY THE GRAND JURY
 AND TRIED ON BEFORE THE JURY AT TRIAL.
 THE TRIAL JUDGE AND TRIAL COURT VOLUN-
 -TARY DISMISSAL CONSTITUTED A VOLUNT-
 -ARY DISMISSAL OF THE SECOND
 ELEMENT "ALLEGED"

THE DEATH OF VICTIM KHALIL SINGLETON
 IS THE PROXIMATE RESULT OF I TYRONE
 ROBINSON COMMITTING A ONGOING GUN BATTLE
 AN INHERENTLY DANGEROUS FELONY

THAT "TERMINATED" MY "JEOPARDY" ON
THE SECOND ELEMENT REQUIRED TO
CONSTITUTE THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY. THAT THE
GRAND JURY INDICTED ME ON AND I WAS TRIED
ON BEFORE THE JURY AT TRIAL.

AS A RESULT THE TRIAL JUDGE AND TRIAL COURT
VOLUNTARILY DISMISSED THE FIRST ELEMENT
AND SECOND ELEMENT FROM THE CRIME OF FELONY
MURDER BY THE FELONY MURDER RULE THEORY.

"TERMINATED" MY "JEOPARDY" ON THE
CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY. THAT THE GRAND JURY INDICTED
ME ON AND I WAS TRIED ON BEFORE THE JURY
AT TRIAL ON INDICTMENT #2012-GJ-07-01935

AS A MATTER OF LAW THE SECOND UNINDICTED
ALLEGED FALSE MURDER CHARGE "ALLEGED"
ON OR ABOUT SEPTEMBER 21ST 2012 TYRONE
ROBINSON DID WILLFULLY WITH MALICE
CAUSE HIM TO BE SHOT AND KILLED

"DOES NOT" PUT ME IN "JEOPARDY" OF
BEING CONVICTED ON THE FIRST ELEMENT
"ALLEGED"

I TYRONE ROBINSON WAS IN THE COMMISSION
OF COMMITTING A ONGOING GUN BATTLE AN INHER-
ENTLY DANGEROUS FELONY

THAT THE GRAND JURY INDICTED ME ON AND I WAS
TRIED ON BEFORE THE JURY AT TRIAL ON INDICT-
MENT #2012-GJ-07-01935.

ALSO AS A MATTER OF LAW THE SECOND UNINDICTED
ALLEGED FALSE MURDER CHARGE "ALLEGED"
ON OR ABOUT SEPTEMBER 21ST 2012 TYRONE
ROBINSON DID WILLFULLY WITH MALICE
CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

"DOES NOT" PUT ME IN "JEOPARDY"
OF BEING CONVICTED ON THE SECOND ELEMENT

"ALLEGEDLY"

THE DEATH OF VICTIM KHALIL SINGLETON IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING AN ONGOING GUN BATTLE ON INHERENTLY DANGEROUS FELONY

THAT THE GRAND JURY INDICTED ME ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GJ-07-01935.

AS A MATTER OF LAW PROVING THAT WHEN THE TRIAL JUDGE AND TRIAL COURT VOLUNTARILY DISMISSED THE FIRST ELEMENT AND VOLUNTARILY DISMISSED THE SECOND ELEMENT, THAT ARE REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL.

AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL COURT VOLUNTARY DISMISSAL, VOLUNTARILY WITH DREW THE CASE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, AWAY FROM THE JURY WITHOUT MY CONSENT.

AS A RESULT WITHOUT THE CONSENT

OF TYRONE ROBINSON, THE TRIAL JUDGE AND TRIAL COURT VOLUNTARY DISMISSAL, DEPRIVED THE SPECIFIC JURY AT MY TRIAL, OUT OF THE OPPORTUNITY TO RENDER A VERDICT ON THE CASE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25TH, 2012 WHILE ENGAGED IN AN ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THEREOF

THAT I CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GJ-07-01935, THAT THE JURY AT MY TRIAL WAS SWORN IN ON, TO DECIDE ON AT MY TRIAL.

ALSO WITHOUT MY CONSENT THE TRIAL JUDGE AND TRIAL COURT VOLUNTARY DISMISSAL AFTER THE JURY WAS SWORN. DEPRIVED TYRONE ROBINSON OUT OF MY CONSTITUTIONAL RIGHT TO HAVE THE JURY AT MY TRIAL. RENDER A VERDICT ON THE CASE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GJ-07-01935. THAT THE JURY AT MY TRIAL WAS SWORN IN ON, TO DECIDE ON AT MY TRIAL.

AS A RESULT THE JURY AT MY TRIAL WAS DISCHARGED FROM MY TRIAL. WITHOUT RENDERING A VERDICT, ON THE CASE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GJ-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL.

AS A CONSEQUENCE AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL COURT VOLUNTARY DISMISSAL OF THE FIRST ELEMENT WITHOUT MY CONSENT, AND THE TRIAL JUDGE AND TRIAL COURT VOLUNTARY DISMISSAL OF THE SECOND ELEMENT WITHOUT MY CONSENT. THAT ARE BOTH REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY CONSTITUTES A VOLUNTARY DISMISSAL

OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST, 2012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GJ-07-01935

THE ACQUITTAL THAT I OBTAINED IN THIS CASE IS ESTABLISHED BY TWO SEPERATE INDIVIDUAL REASONS OF LAW. ESTABLISHED BY THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA.

1ST REASON

PROVEING I WAS ACQUITTED ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS AS FOLLOWS: VOLUNTARY DISMISSAL WITHOUT MY CONSENT CONSTITUTED A ACQUITTAL ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

AS A MATTER OF LAW AFTER THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GJ-07-01935, THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL, ALSO AFTER THE STATE OF SOUTH CAROLINA HAD RESTED THERE CASE, ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GJ-07-01935, THAT THE STATE OF SOUTH CAROLINA HAD TRIED ME ON BEFORE THE JURY AT TRIAL.

ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL.

WITHOUT THE CONSENT OF TYRONE ROBINSON.

THE TRIAL JUDGE AND TRIAL COURT VOLUNTARY DISMISSAL OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ALLEGETING

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2012, WHILE ENGAGED IN A ONGOING GUN

BATTLE AN INHERANTLY DANGEROUS FELONY,

TYRONE ROBINSON DID WELLFULLY UNLAWFULLY, AND WITH MALICE AFORETHOUGHT CAUSE THE

DEATH OF KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD,

HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THEREOF.

THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GJ-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL.

CONSTITUTES A ACQUITTAL

ON THE CRIME OF FELONY MURDER BY THE FELONY
 FURDER RULE THEORY "ALLEGED"
 THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
 21ST, 2012, WHILE ENGAGED IN A ONGOING GUN
 BATTLE AN INHERENTLY DANGEROUS FELONY TYRONE
 ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH
 MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL
 SINGLETON TO BE SHOT AND KILLED IN THE AREA
 OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD
 ISLAND, S.C. AND THAT KHALIL SINGLETON DID
 DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT
 THERE OF

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN
 WRITE UP OF INDICTMENT # 2012-65-07-01935.
 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL.
 AS DECIDED BY THE SUPREME COURT OF APPEALS
 OF THE STATE OF SOUTH CAROLINA. FOR PROOF REVIEW
 CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF
 SOUTH CAROLINA CASE LAW OF.
 STATE VS. RICHARDSON 25 S.E. 220 "QUOTING"
 THE SOLICITOR HAVING ENTERED A NOLLE PROSEQUI
 AFTER THE JURY WAS CHARGED, AND THEY BEING
 DISCHARGED, WITHOUT ANY LAWFUL CAUSE,
 UPON WHICH THE PRISONER CAN BE REMANDED,
 FOR TRIAL A SECOND TIME, IT FOLLOWS THAT
 HE IS ACQUITTED. SO HERE WE MIGHT
 SAY THAT AFTER THE JURY WERE TRIED WITH
 THE TRIAL OF THIS CASE THEY HAVING BEEN DISCHARGED
 WITHOUT ANY LAWFUL CAUSE, THE PRISONER IS
 ACQUITTED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
 CAROLINA CASE LAW OF.
 THE STATE VS. FRANCIS R. MKEE 1 BATH. 651
 "QUOTING"
 THE SOLICITOR HAVING ENTERED A NOLLE PROSEQUI,
 AFTER THE JURY WERE CHARGED, AND THEY BEING
 DISCHARGED, WITHOUT ANY LAWFUL CAUSE, UPON
 WHICH THE PRISONER CAN BE REMANDED, FOR TRIAL
 A SECOND TIME, IT FOLLOWS THAT HE IS ACQUITTED.
 THE MOTION IS THEREFORE GRANTED, AND THE
 PRISONER FOREVER ACQUITTED OF THE
 SAID OFFENCE, AND DISCHARGED
 FROM PRISON

2Nd REASON

PROVE THAT I WAS ACQUITTED ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY AS FOLLOWS:

DISCHARGE OF THE JURY AWAY FROM MY TRIAL WITHOUT MY CONSENT, CONSTITUTES A ACQUITTAL ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY

AS A MATTER OF LAW AFTER THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935. THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. ALSO AFTER THE STATE OF SOUTH CAROLINA HAD RETIRED THERE CASE ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935. THAT THE STATE OF SOUTH CAROLINA HAD TRIED ME ON BEFORE THE JURY AT TRIAL.

BECAUSE WITHOUT MY CONSENT, AT THE END OF TRIAL THE TRIAL JUDGE AND TRIAL COURT DISCHARGED THE JURY AWAY FROM MY TRIAL AND DID NOT ALLOW THE JURY TO DECIDE ON AND DID NOT ALLOW THE JURY TO RENDER A VERDICT ON. THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST, 2012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THEREOF.

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. "CONSTITUTES A "ACQUITTAL"

ON THE CRIME OF FELONY MURDER BY THE FELONY

MURDER RULE THEORY "ALLEGED"

THAT IN BEAUFORT COUNTY ON OR ABOUT
 SEPTEMBER 25, 2012, WHILE ENGAGED
 IN A ONGOING GUN BATTLE AN INHERENTLY
 DANGEROUS FELONY, TYRONE ROBINSON DID
 WILLFULLY, UNLAWFULLY AND WITH MALICE
 AFORETHOUGHT CAUSE THE VICTIM KHALIL
 SINGLETON TO BE SHOT AND KILLED IN
 THE AREA OF MARSHLAND DRIVE ALLEN
 ROAD, HILTON HEAD ISLAND, S.C. AND
 THAT KHALIL SINGLETON DID DIE IN
 BEAUFORT COUNTY AS A PROXIMATE
 RESULT THERE OF

THAT CHARGED AND ALLEGED INSIDE OF
 THE WRITTEN WRITE UP OF INDICTMENT #
 2012-65-07-01935, THAT WAS TRIED
 ON BEFORE THE JURY AT TRIAL, AS
 DECIDED BY THE SUPREME COURT OF
 APPEALS OF THE STATE OF SOUTH CAROLINA.
 FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE
 OF SOUTH CAROLINA CASE LAW OF
 STATE VS. RICHARDSON 25 S.E. 220 "QUOTE"ING"
 SO, HERE WE MIGHT SAY THAT AFTER THE
 JURY WERE CHARGED WITH THE TRIAL OF
 THIS CASE, THEY HAVING BEEN DISCHARGED
 WITHOUT ANY LAWFUL CAUSE, THE PRISONER
 IS ACQUITTED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
 CAROLINA CASE LAW OF
 STATE VS. RICHARDSON 25 S.E. 220 "QUOTE"ING"
 THE DISCHARGE OF THE JURY IN A CRIMINAL
 CASE, UPON A VALID INDICTMENT, WITHOUT
 THE CONSENT OF THE DEFENDANT, NOT CALLED
 FOR BY IMPERIOUS NECESSITY, OPERATES AS A
 ACQUITTAL

INSIDE OF THE CASE OF STATE VS. RICHARDSON 25
 S.E. 220. THE SUPREME COURT OF APPEALS OF THE
 STATE OF SOUTH CAROLINA DECIDED THAT ONCE A PERSON
 IS ACQUITTED ON THE CRIME THATS CHARGED AND
 ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE
 INDICTMENT THAT THE PERSON IS TRIED ON BEFORE
 THE JURY AT TRIAL. THE FEDERAL 5TH AMENDMENT RIGHT
 OF DOUBLE JEOPARDY BARS THE STATE OF SOUTH CAROL-

- FROM RETRIEING THE DEFENDANT IN A RETRIAL FOR THE SAME OFFENSE. FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF STATE VS. RICHARDSON 25 S.E. 2d 220 "QUOTING" AND AS WE HAVE SEEN, THE WELL SETTLED CONSTRUCTION WAS THAT A PERSON IS SAID TO BE PUT IN JEOPARDY WHENEVER HE IS PUT UPON HIS TRIAL, BEFORE A COURT OF COMPETENT JURISDICTION, UNDER A VALID INDICTMENT, AND A JURY HAS BEEN CHARGED WITH HIS TRIAL, AND THE JURY IS SAID TO BE THUS CHARGED WHEN THEY ARE IMPANELED AND SWORN. IF AFTER THAT, THE PROSECUTING OFFICER ENTERS A NOLLE PROSEQUI, OR WITHDRAWS THE CASE FROM THE JURY, WITHOUT THE CONSENT OF THE PRISONER, IT OPERATES AS AN ACQUITTAL, AND HE CAN NOT AGAIN BE PUT UPON HIS TRIAL FOR THE SAME OFFENSE

AS EXPLAINED INSIDE OF THE CASE OF EX PARTE NIELSON 95. CT 672. THE SUPREME COURT OF APPEALS DECIDED, THAT ONCE A PERSON IS INDICTED, TRIED BEFORE THE JURY AT TRIAL AND ACQUITTED FOR THE CRIME OF MURDER, THAT PERSON CAN NOT BE INDICTED AGAIN FOR THE LESSER INCLUDED DEGREE CRIME AND OFFENSE OF VOLUNTARY MANSLAUGHTER. FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF. EX PARTE NIELSON 95. CT 672 "QUOTING" IF ONE BE INDICTED FOR MURDER AND ACQUITTED, HE CAN NOT BE AGAIN INDICTED FOR MANSLAUGHTER

INSIDE OF THE CASE OF STATE VS. BROWN 602 S.E. 2d 392 THE SUPREME COURT OF APPEALS DECIDED. WHEN A DEFENDANT IS INDICTED, TRIED BEFORE THE JURY AT TRIAL AND ACQUITTED, ON THE GREATER DEGREE CRIME AND OFFENSE ONLY, AND THE TRIAL JUDGE AND TRIAL COURT, DOES NOT SUBMIT THE LESSER INCLUDED DEGREE CRIME AND OFFENSE TO THE JURY AT TRIAL. AS A MATTER OF LAW THE FEDERAL 5th AMENDMENT RIGHT OF DOUBLE JEOPARDY. BARRS THE STATE OF SOUTH CAROLINA FROM RETRIEING THE DEFENDANT IN A RETRIAL ON THE LESSER INCLUDED DEGREE CRIME AND OFFENSE. THAT ARE LESSER INCLUDED DEGREE CRIME AND OFFENSES, OF THE GREATER DEGREE CRIME AND OFFENSE THAT THE DEFENDANT WAS "ACQUITTED"

ON. FOR PROOF REVIEW CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

STATE VS. BROWN 602 S.E.2d 392 "QUOTEING"

WE AFFIRM THE COURT OF APPEALS REJECTION OF THE STATES REQUEST FOR A SENTENCING REMAND ON THE THREE FIRST DEGREE CSC CONVICTIONS

BECAUSE THE LETTER INCLUDED OFFENSE OF SECOND DEGREE CSC WAS NOT SUBMITTED TO THE JURY.

AS RESPONDENTS FIRST DEGREE CONVICTIONS WERE REVERSED DUE TO LACK OF EVIDENCE ON A

MATERIAL ELEMENT OF THE OFFENSE, RETRIAL OF

RESPONDENT ON THOSE THREE CHARGES IS BARRED

BY PRINCIPLES OF DOUBLE JEOPARDY

INSIDE OF THIS CASE OF TYRONE ROBINSON. ON MOTION FOR DIRECTED VERDICT OF ACQUITTAL. THE TRIAL JUDGE STATED THAT HE WAS SUBMITTING THE CASE TO THE JURY ON THE SECOND UNINDICTED NON EXISTENT CRIME OF MURDER "ALLEGEDING" ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DIED WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT IS NOT DEFINED AS A CRIME OF MURDER BY THE STATUTORY LAWS AND COMMON LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA.

BECAUSE SO AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL COURT **LACKED SUBJECT MATTER JURISDICTION**

TO DENY MY MOTION FOR DIRECTED VERDICT OF ACQUITTAL, DEPRIVE ME OUT OF MY LIBERTY AND SUBMIT THE CASE TO THE JURY. ON THE SECOND UNINDICTED NON EXISTENT CRIME OF MURDER "ALLEGEDING"

ON OR ABOUT SEPTEMBER THE 1ST, 2012 TYRONE ROBINSON DIED WILLFULLY WITH MALICE CAUSE HIM TO BE SHOT AND KILLED AND HE DIED

THAT IS NOT DEFINED AS A CRIME OF MURDER BY THE STATUTORY LAWS AND COMMON LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA. FOR PROOF REVIEW.

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF.

MOORE WILLIAMS, JR. VS. STATE OF SOUTH CAROLINA 410 S.E.2d 563 "QUOTEING"

THIS COURT IS WITHOUT AUTHORITY TO DEPART FROM THE PLAIN MEANING OF THE WORDS OF THE

STATUTE ACCORDINGLY THE TRIAL COURT LACKED
SUBJECT MATTER JURISDICTION TO ACCEPT WILLI-
AMS PLEA TO THE OFFENSE. THE PORTION OF THE
SENTENCE IMPOSING FIVE YEARS FOR VIOLENTLY
DISPLAYING WHAT APPEARS TO A KNIFE IS VACATED
REVERSED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH
CAROLINA CASE LAW OF,
WHITNER VS. STATE 492 S.E.2d 777 "QUOTEING"
UNDER SOUTH CAROLINA LAW, CIRCUIT COURT
LACK SUBJECT MATTER JURISDICTION TO ACCEPT
A GUILTY PLEA TO A NON EXISTENT OFFENSE

"BECAUSE THE TRIAL JUDGE AND TRIAL COURT
DID NOT" SUBMITTE ANY LESSER INCLUDED
DEGREE CRIME AND OFFENSE TO THE JURY, THAT
ARE DEFINED AS LESSER INCLUDED DEGREE
CRIME AND OFFENSES OF THE CRIME OF FELONY
MURDER BY THE FELONY MURDER RULE THEORY, THAT
I WAS INDICTED ON, TRIED ON BEFORE THE JURY,
AT TRIAL AND ACQUITTED ON AS EXPLAINED.
AS A MATTER OF LAW THE FEDERAL 5TH AMENDMENT
RIGHT OF DOUBLE JEOPARDY BARS THE STATE OF
SOUTH CAROLINA FROM RETRIEING ME FOR A RETAL-
ON ANY CRIME THAT IS DEFINED AS A LESSER
INCLUDED DEGREE CRIME AND OFFENSE OF THE
CRIME OF FELONY MURDER BY THE FELONY MURDER
RULE THEORY, THAT I WAS INDICTED ON, TRIED ON
BEFORE THE JURY AT TRIAL AND "ACQUITTED" ON,
AS PREVIOUSLY EXPLAINED FOR PROOF REVIEW
CASE LAW MERITS

UNITED STATES COURT OF APPEALS NINTH
CIRCUIT CASE LAW OF,
U.S. VS. GOODAY 714 F.2d 80 "QUOTEING"
IF NO INSTRUCTIONS ARE GIVEN ON LESSER INCLUDED
OFFENSES, THE JURY VERDICT IS LIMITED TO WHETHER
THE DEFENDANT COMMITTED THE CRIME EXPLICITLY
CHARGED IN THE INDICTMENT. IN SUCH CASES
AN ACQUITTAL ON THE CRIME EXPLICITLY
CHARGED NECESSARILY IMPLIES AN ACQUITTAL
ON ALL LESSER OFFENSES INCLUDED WITHIN THAT
CHARGE. AN ACQUITTAL ON THE EXPLICIT CHARGE
THEREFORE BARS SUBSEQUENT INDICTMENT ON THE
IMPLICIT LESSER INCLUDED OFFENSE

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES
OF AMERICA CASE LAW OF,
EX PARTE NELSON 95 CT 672 "QUOTEING"
IF ONE BE INDICTED FOR MURDER AND ACQUITTED,
HE CAN NOT BE AGAIN INDICTED FOR MANSLAUGHTER

ALSO BECAUSE AS A MATTER OF LAW I WAS ACQUITTED ON INDICTMENT # 2012-GS-07-01935, FOR THE DEATH OF VICTIM KHALIL SINGLETON. WHEN I WAS ACQUITTED ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY WALLEREN THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 7TH 2012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE OF FORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DIED IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT I CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935, THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. AS A MATTER OF LAW, THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY, BARS THE STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A RETRIAL FOR THE SAME OFFENSE, OR FOR ANY LESSER INCLUDED DEGREE CRIME AND OFFENSES, OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT I WAS ACQUITTED ON, BECAUSE SINCE AS A MATTER OF LAW THE TRIAL JUDGE AND COURT DID NOT SUBMIT THE CASE TO THE JURY ON AND DID NOT CHARGE THE JURY ON, ANY CRIME OR OFFENSES THAT ARE CONSIDERED LESSER INCLUDED DEGREE CRIME AND OFFENSES OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT I WAS ACQUITTED ON, AS A MATTER OF LAW MY ACQUITTAL ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT IS EXPLICITLY CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL, ALSO CONSTITUTES A ACQUITTAL ON ALL CRIME AND OFFENSES THAT ARE CONSIDERED LESSER INCLUDED DEGREE CRIME AND OFFENSES, OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-GS-07-01935, BECAUSE SO AS A MATTER OF LAW THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY BARS THE STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A RETRIAL, ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY AND THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY BARS THE STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A RETRIAL ON ANY CRIME AND OFFENSES, THAT ARE CONSIDERED LESSER INCLUDED DEGREE CRIME AND OFFENSES OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT I WAS ACQUITTED ON, ON INDICTMENT # 2012-GS-07-01935, FOR PROOF REVIEW

CASE LAW MERITS

UNITED STATES COURT OF APPEALS NINTH CIRCUIT
CASE LAW OF,
U.S. VS. GOODY 714 F.2d 80 QUOTED IN

IF NO INSTRUCTIONS ARE GIVEN ON LESSER INCLUDED OFFENSES, THE JURY VERDICT IS LIMITED TO WHETHER THE DEFENDANT COMMITTED THE CRIME EXPLICITLY CHARGED IN THE INDICTMENT. IN SUCH CASES AN ACQUITTAL ON THE CRIME EXPLICITLY CHARGED NECESSARILY IMPLIES AN ACQUITTAL ON ALL LESSER OFFENSES INCLUDED WITHIN THAT CHARGE. AN ACQUITTAL ON THE EXPLICIT CHARGE THEREFORE BARS SUBSEQUENT INDICTMENT ON THE IMPLICIT LESSER INCLUDED OFFENSE

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF.

STATE VS. ARLTON 153 S.E. 269 "QUOTE IN"

DISCHARGE OF JURY WITHOUT DEFENDANT'S CONSENT, FOR REASON LEGALLY INSUFFICIENT AND WITHOUT ABSOLUTE NECESSITY, IS EQUIVALENT TO ACQUITTAL AND BARS SUBSEQUENT INDICTMENT FOR SAME OFFENSE

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

STATE VS. RICHARDSON 25 S.E. 220 "QUOTE IN"

AND AS WE HAVE SEEN, THE WELL SETTLED CONSTRUCTION WAS THAT A PERSON IS SAID TO BE PUT IN JEOPARDY WHENEVER HE IS PUT UPON HIS TRIAL, BEFORE A COURT OF COMPETENT JURISDICTION, UNDER A VALID INDICTMENT, AND A JURY HAS BEEN CHARGED WITH HIS TRIAL, AND THE JURY IS SAID TO BE THUS CHARGED WHEN THEY ARE IMPANELED AND SWORN. IF, AFTER THAT, THE PROSECUTING OFFICER ENTERS A NOLLE PROSEQUI, OR WITHDRAWS THE CASE FROM THE JURY, WITHOUT THE CONSENT OF THE PRISONER, IT OPERATES AS A ACQUITTAL, AND HE CAN NOT AGAIN BE PUT UPON HIS TRIAL FOR THE SAME OFFENSE.

INSIDE OF THE CASE OF SANABRIA VS. U.S. 985 CT 2170 THE SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA, DECIDED THAT, BECAUSE THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY BARRS THE GOVERNMENT FROM RETRIEING THE DEFENDANT IN A RETRIAL. THE COURT OF APPEALS LACKED JURISDICTION TO DECIDE ON THE GOVERNMENT'S APPEAL AGAINST THE ACQUITTAL THAT THE DEFENDANT OBTAINED AGAINST THE GOVERNMENT. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF.

SANABRIA VS. U.S. 985 CT 2170 "QUOTE IN"

THE DOUBLE JEOPARDY CLAUSE ABSOLUTELY BARS A SECOND TRIAL IN SUCH CIRCUMSTANCES. THE COURT OF APPEALS THUS LACKED JURISDICTION OF THE GOVERNMENT'S APPEAL.

THEREFORE BECAUSE THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY BARS THE STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A RETRIAL FOR THE DEATH OF VICTIM KHALIL SINGLETON. AS A MATTER OF LAW THIS COURT OF APPEALS LACK JURISDICTION TO DECIDE ON

RULE THEORY ONLY. AS A RESULT AS EXPLAINED
THE WRITTEN WRITE UP OF THE BODY OF INDICTMENT#
2012-65-07-01935. CHARGES TYRONE ROBINSON
WITH THE CRIME OF FELONY MURDER BY THE FELONY
MURDER RULE THEORY "ONLY".

AS A MATTER OF LAW THE SENTENCING SHEET THAT
I WAS SENTENCED TO PRISON TIME OF LIFE IMPR-
-ISONMENT ON. REVEALS THAT I WAS SENTENCED
TO PRISON TIME OF LIFE IMPRISONMENT ON INDICT-
-CTMENT# 2012-65-07-01935 THAT I WAS "ACQUITTED"

ON.

ALSO AS A MATTER OF LAW THE SENTENCING SHEET
THAT I WAS SENTENCED TO PRISON TIME OF LIFE
IMPRISONMENT ON. REVEALS THAT INDICTMENT#
2012-65-07-01935 THAT I WAS "ACQUITTED" ON.

IS THE ONE AND ONLY INDICTMENT THAT I AM
BEING HELD RESTRAINED ON, INCARCERATED ON AND
DEPRIVED OUT OF MY LIBERTY ON.

THEREFORE BECAUSE AS A MATTER OF LAW I WAS LEGALLY
"ACQUITTED" ON INDICTMENT# 2012-65-07-01935.

WHEN I WAS "ACQUITTED" ON THE CRIME OF FELONY
MURDER BY THE FELONY MURDER RULE THEORY "ALLEGED"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST,
2012, WHILE ENGAGED IN A ONGOING GUN BATTLE ON
INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON
DID WILLFULLY, UNLAWFULLY AND WITH MALICE
AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO
BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE
ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL
SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROX-
-IMATE RESULT THEREOF.

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF INDICTMENT# 2012-65-07-01935. THAT
I WAS TRIED ON BEFORE THE JURY AT TRIAL.
AS A MATTER OF LAW THIS COURT OF APPEALS MUST
ADDRESS THESE ISSUES. TO PREVENT ME FROM
HAVING TO ENDURE UNLAWFUL CONTINUED UNLAWFUL
RESTRAINT AND WRONGFUL INCARCERATION ON INDICT-
-MENT# 2012-65-07-01935 THAT I WAS "ACQUITTED"

ON.

ALSO TO PREVENT ME FROM HAVING TO ENDURE
CONTINUED UNLAWFUL RESTRAINT AND
WRONGFUL INCARCERATION ON INDICTMENT#
2012-65-07-01935. BEYOND THE ACQUITTAL
THAT I OBTAINED ON INDICTMENT# 2012-65-
-07-01935. FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF
SOUTH CAROLINA CASE LAW OF
STATE VS. BENNETT 650 S.E.2d 490 "QUOTEING"

ALTHOUGH WE BELIEVE BENNETT IS ENTITLED TO A REVIEW OF HIS CLAIM PURSUANT TO ALSHABAZZ. WE ADDRESS IT NOW BECAUSE WE FIND BENNETT WAS SENTENCED AS A FIRST OFFENDER AND HAS EXCEEDED HIS ORIGINAL SENTENCE, AT FURTHER DISCRETION, AND THUS HE SHOULD NOT BE FORCED TO PURSUE AND AWAIT THE OUTCOME OF SUCH A CLAIM. STATE V. JOHNSON 510 S.E.2D 423 (1999) ADDRESSING DEFENDANT'S CLAIM RATHER THAN REQUIRING HER TO PURSUE A REMEDY THROUGH P.C.R. FINDING SHE ALREADY SERVED THE DURATION OF HER SENTENCE AND FACED THE THREAT OF CONTINUED INCARCERATION BEYOND THE LEGAL SENTENCE DUE TO THE ADDITIONAL TIME IT WOULD TAKE TO PURSUE SUCH A REMEDY.

ALSO BECAUSE AS A MATTER OF LAW I WAS LEGALLY "ACQUITTED" ON INDICTMENT # 2012-65-07-01935. WHEN I WAS "ACQUITTED" ON THE CRIME OF

FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGING" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST 2012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THEREOF.

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-65-07-01935. THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. PROVES THAT AS A MATTER OF LAW I AM BEING HELD

UNLAWFULLY RESTRAINED AND
WRONGFULLY INCARCERATED

IN VIOLATION OF SOUTH CAROLINA CODE OF LAWS 17-23-90 WHICH STATE "QUOTING"

AND IF ANY PERSON COMMITTED AS A FORESAID UPON HIS TRIAL SHALL BE "ACQUITTED" HE SHALL BE DISCHARGED FROM HIS IMPRISONMENT

THEREFORE BASED ON THESE FACTS THE COURT OF APPEALS MUST DISCHARGE ME FROM IMPRISONMENT ON INDICTMENT # 2012-65-07-01935 THAT I WAS "ACQUITTED" ON WHEN

I WAS "ACQUITTED" ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGING"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST, 2012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DIED WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DIED IN BEAUFORT COUNTY AS A PROXIMATE RESULT THEREOF

THAT I CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GS-07-01935. THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL FOR PROOF REVIEW

STATUTORY MERITS

SOUTH CAROLINA CODE OF LAWS 17-23-90 WHICH STATES "QUOTE"

AND IF ANY PERSON COMMITTED AS AFORESAID UPON HIS TRIAL SHALL BE ACQUITTED HE SHALL BE DISCHARGED FROM HIS IMPRISONMENT

CASE LAW MERITS

SUPREME COURT OF APPEALS OF UNITED STATES OF AMERICA CASE LAW OF.

KEEPNER V. U.S. 24 S. CT 797 "QUOTE"

AS TO THE DEFENDANT WHO HAD BEEN ACQUITTED BY THE VERDICT DULY SWORN AND RECEIVED, THE COURT COULD TAKE NO OTHER ACTION THAN TO ORDER HIS DISCHARGE. JUDGEMENT REVERSED AND PRISONER DISCHARGED

2ND

104.

ARGUMENT

LACK OF SUBJECT MATTER JURISDICTION

did the trial judge and trial court lack subject matter jurisdiction to convict, sentence to prison time of life imprisonment and unlawfully restrain me. on the third unindicted alleged first degree murder crime alleged that I killed the victim with malice and aforethought

that is a third unindicted alleged first degree murder crime, that is not classified as a lesser included degree crime and offense, of the crime of felony murder by the felony murder rule theory alleged

while engaged in a ongoing gun battle an inherently dangerous felony, Tyrone Robinson did willfully, unlawfully and with malice aforethought cause the victim Khalil Singleton to be shot and killed.

That's charged and alleged inside of the written write up of indictment #2012-65-07-01935 that I was tried on before the jury at trial, pursuant to the 21009

case law of the supreme court of appeals of the state of south carolina in the 21009 case of Ricky Pelzer

vs. state of south carolina 572 S.E.2d 790 (21009) quote "the trial court lacks subject matter jurisdiction

to convict the defendant of a crime that is not a lesser included of the offense charged in the indictment, for

an offense to be a lesser included of another, the greater offense must include all the elements of the lesser offense.

If the lesser offense includes an element not included in the greater offense, then the lesser offense is not included

in the greater

LAW ANALYSTS

inside of the case of state vs. Decker 716 S.E.2d 895 the supreme court of the state of south carolina decided that the 21005 case law of state vs. Gentry 610 S.E.2d 499 merely

held that a defendant must challenge an indictment prior to the swearing of the jury, although I did challenge the sufficiency of the indictment in this case, before the jury was sworn. Because the sufficiency of the indictment is

not the issue being argued in this argument, the 21005 case law of state vs. Gentry 610 S.E.2d 499 is in opposite and is not

controlling law in this argument on the issue of lack of subject matter jurisdiction to convict and sentence to prison time of life imprisonment, on a third unindicted alleged

first degree murder crime that is a third unindicted alleged first degree murder crime, that is not classified as a lesser included degree crime and offense, of the crime

of felony murder by the felony murder rule theory, that's charged and alleged inside of the written write up of indictment #2012-65-07-01935, that I was tried on before the jury at trial. Also issues related to subject matter jurisdiction

may be raised at any time, including for the first time on appeal. As decided by South Carolina Court of Appeals inside of the case of STATE VS. PARKER 593 S.E.2d 255. The trial court lacks subject matter jurisdiction to convict the defendant of a crime that is not a lesser offense included in the indictment. For an offense to be a lesser included offense of another, the greater offense must include all the elements of the lesser offense. If the lesser offense includes an element not included in the greater offense, then the lesser offense is not included in the greater. As decided by the Supreme Court of Appeals inside of 2,009 INSIDE OF THE 2,009 CASE LAW OF RICKY PELZER VS. STATE OF SOUTH CAROLINA 622 S.E.2d 790.

The (2,009) case law of RICKY PELZER VS. STATE OF SOUTH CAROLINA 622 S.E.2d 790 was decided by the Supreme Court of Appeals of the State of South Carolina exactly four years after the Supreme Court of Appeals of the State of South Carolina (2,005) case law of STATE VS. GENTRY 610 S.E.2d 494.

Therefore the (2,009) Supreme Court of Appeals of the State of South Carolina case law of RICKY PELZER VS. STATE OF SOUTH CAROLINA 622 S.E.2d 790 is controlling law in this argument.

ARGUMENT

1st alleged crime of felony murder by the felony murder rule theory. That's charged and alleged inside of the written write up of indictment #2012-GJ-07-1935. That the jury at my trial was sworn in on. The defense of double jeopardy attaches to and I was put in jeopardy of being punished with prison time of life imprisonment for, for the death of victim KHALIL SINGLETON.

I quote the trial judge and trial court reading to the jury of the crime of felony murder by the felony murder rule theory from the trial transcript quoting

STATE OF SOUTH CAROLINA VS. TYRONE ROBINSON

"Quoting" from page 3 and 4 of trial transcript the court (AKA) trial judge Thomas Cooper stated "quoting" the solicitor ladies and gentleman as you have heard the solicitor has called the case of the state versus TYRONE ROBINSON. MR. ROBINSON has been indicted by the grand jury of Beaufort County and charged with the crime of murder. The indictment alleges that here in Beaufort County on or about September the 21st of 2012 while engaged in a ongoing gun battle, an inherently dangerous felony, TYRONE ROBINSON did willfully, unlawfully and with malice aforethought cause the victim KHALIL SINGLETON to be shot and killed in the area of MARSH- and drive and Allen Road on Hilton Head Island and that KHALIL SINGLETON did die in Beaufort County as a proximate result thereof on September the 21st 2012 in violation of the law

which after the jury was sworn in, is the first alleged crime of felony murder by the felony murder rule theory. That I was put in jeopardy at trial of being punished and receiving prison time of life imprisonment for, inside of the court of general session the 14th judicial circuit of Beaufort County South Carolina. Trial in this case against TYRONE LORENZA ROBINSON began on September 15th 2014 and lasted until September 19th 2014.

CONFESSION

The TRIAL TRANSCRIPT FROM THE PRE TRIAL HEARING ON FEBRUARY 27TH 2014 WERE REPRESENTED MYSELF PROSE. REVEALS THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL MC. DUFFIE STONE "CONFERRED" THAT THE CRIME THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-65-07-01935, IS THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ONLY, THAT IS THE ONE AND ONLY CRIME AND THEORY THAT THEY TRIED ME ON BEFORE THE JURY AT TRIAL AND HAD THE BURDEN OF PROOF TO PROVE ONLY FOR PROOF = QUOTE THE CONFESSION OF THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL MC. DUFFIE STONE, FROM THE TRIAL TRANSCRIPT OF THE PRE TRIAL HEARING THAT TOOK PLACE ON FEBRUARY 27TH 2014 AT BEAUFORT COUNTY GENERAL SESSION COURT HOUSE WERE REPRESENTED MYSELF PROSE. "QUOTING" STATE OF SOUTH CAROLINA

VS
TYRONE ROBINSON

"QUOTING" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR GENERAL MC. DUFFIE STONE CONFESSION FROM PAGE 1052 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 AND 24, AND PAGE 1053 2 AND 2 OF TRIAL TRANSCRIPT FROM PRE TRIAL HEARING ON FEBRUARY 27TH 2014

"QUOTING" OUR THEORY IS THE FELONY MURDER RULE THEORY, THAT YOU HAVE THREE PEOPLE COMMITTING INHERENTLY DANGEROUS FELONIES, AND AS A RESULT OF THE ACTUAL DANGEROUS FELONIES, A CHILD DIES. THE ACTUAL SHOOTER, AS TO SPEAK, THE ONE THAT DISCHARGED THE FATAL BULLET UNDER THAT SCENARIO IS WHILE RELEVANT, NOT CONTROLLING, SO THAT IS THE THEORY THAT THAT THE STATE GOES UNDER, AND THAT IS A CONSTANT THEORY AMONG ALL THE DEFENDANTS, THATS THE THATS THE THEORY, WERE NOT SWITCHING UP OUR THEORIES, DEPENDING ON WHICH DEFENDANT WERE TALKING ABOUT. WE FEEL LIKE ALL THREE OF THESE PEOPLE WERE INVOLVED IN AN INHERENTLY DANGEROUS FELONY, WHICH IS A SHOOTOUT THAT BASICALLY WENT FROM THE RIGHT AS YOU GO TO HILTON HEAD, ALL THE WAY DOWN INTO MARSHLAND ROAD, ALONG THE CROSS ISLAND EXPRESSWAY, AND I DON'T KNOW IF YOUR FAMILIAR WITH THIS AREA, BUT IT INVOLVES THREE NEIGHBORHOODS IN HILTON HEAD AND IT WAS A SHOOT OUT THAT TOOK PLACE FIRST AT WHITE HORSE ROAD, AND THEN AT ANOTHER NEIGHBORHOOD

IN between and then at a THIRD at ALLEN ROAD
AREA, which is where the child was playing on
the TRAMPOLINE and KILLED her. OUR THEORY IS
ALL THREE OF THEM ARE CULPABLE UNDER THAT
SCENARIO, and THATS THE THEORY WE'RE PROCEEDING
FOR TRIAL.

INDICTMENT # 2012-65-07-01935
FROM THE CASE OF
STATE OF SOUTH CAROLINA

VS.
TYRONE ROBINSON

IS SUBMITTED AS UNDISPUTABLE EVIDENCE TO
PROVE TO THIS COURT THAT INDICTMENT # 2012-
65-07-01935 CHARGES TYRONE ROBINSON IN
THE BODY OF ITS WRITTEN WRITE UP
WITH THE ALLEGED CRIME OF FELONY MURDER
BY THE CRIME, ALLEGING I CAUSED THE VICTIM
TO BE SHOT AND KILLED WHILE PERPETUATING
A FELONY

WHICH IS THE CRIME THATS CHARGED AND ALLEGED
INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #
2012-65-07-01935, WHICH STATES "QUOTE" IN
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
1ST, 2012 WHILE ENGAGED IN AN ONGOING GUN
BATTLE, AN INHERENTLY DANGEROUS FELONY, TYRONE
ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH
MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL
SINGLETON TO BE SHOT AND KILLED IN THE AREA
OF MARSHLAND DRIVE ALLEN ROAD, HILTON
HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON
DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT
THERE OF ON SEPTEMBER 1ST, 2012, IN VIOLATION
OF SECTION 16-3-10 OF THE SOUTH CAROLINA CODE
OR LAWS (1976) AS AMENDED

BY ITS WRITTEN WRITE UP INDICTMENT # 2012-65-07-01935
CHARGES ME WITH THE CRIME OF FIRST DEGREE FELONY
MURDER BY ALLEGING I CAUSED THE VICTIM DEATH IN
THE COURSE OF PERPETUATING A FELONY, WHICH IS COMMON-
LY REFERRED TO AS THE CRIME OF FELONY MURDER.
AS DECIDED BY THE UNITED STATES OF AMERICA
SUPREME COURT OF APPEALS FOR PROOF REVIEW
CASE LAW MERITS

UNITED STATES OF AMERICA SUPREME COURT OF APPEALS
CASE LAW OF,
GREEN VS. UNITED STATES 78 S. CT 221
QUOTE FROM FOOTNOTE: INSIDE OF THE CASE LAW
OF GREEN VS. UNITED STATES "QUOTE"
FIRST DEGREE MURDER FOR CAUSING A DEATH IN THE
COURSE OF PERPETUATING A FELONY (COMMONLY
REFERRED TO AS FELONY MURDER

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

109.
INDICTMENT
2012GS0701935

At a Court of General Sessions, convened on October 18, 2012, the Grand Jurors of Beaufort County present upon their oath:

Murder / Murder

That in Beaufort County on or about September 1, 2012, while engaged in an ongoing gun battle, an inherently dangerous felony, Tyrone Robinson did willfully, unlawfully and with malice aforethought cause the victim Khalil Singleton to be shot and killed in the area of Marshland Drive and Allen Road, Hilton Head Island, SC, and that Khalil Singleton did die in Beaufort County as a proximate result thereof on September 1, 2012; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

James M. Shaw

110
A COPY OF INDICTMENT #2008 GS 25-588 FROM THE
UNRELATED CASE OF,

STATE OF SOUTH CAROLINA

VS.

JOSEPH DAVIS

JOSEPH DAVIS IS NOT A DEFENDANT INSIDE OF
THIS CASE AND THIS INDICTMENT #2008 GS 25-588
CHARGED JOSEPH DAVIS WITH THE FIRST DEGREE CRIME
AND OFFENSE OF FIRST DEGREE MURDER BY THE CRIME
ALLEGEDLY THE DEFENDANT KILLED THE VICTIM WITH MALICE
AND AFORETHOUGHT, FOR THE UNRELATED VICTIM WHO
IS RONNIE WOOTEN. IS NOT INVOLVED INSIDE OF THIS
CASE AND IS A COMPLETE UNRELATED CASE. HOWEVER
INDICTMENT #2008 GS 25-588 FROM THE UNRELATED
CASE OF JOSEPH DAVIS, WAS OBTAINED AND DRAFTED
BY THE EXACT SAME SOLICITOR WHO IS SOLICITOR
JESSIE MC. DUFFIE STONE. THEREFORE INDICTMENT #
2008 GS 25-588 FROM THE UNRELATED CASE OF
JOSEPH DAVIS, IS SUBMITTED AS UNDISPUTABLE EVIDENCE
TO PROVE TO THE APPEALS COURT, THAT THE FIRST
DEGREE CRIME AND OFFENSE OF FIRST DEGREE MURDER
BY THE CRIME ALLEGEDLY THE DEFENDANT KILLED THE
VICTIM WITH MALICE AND AFORETHOUGHT

IS A SECOND FIRST DEGREE CRIME FOR THE SAME
FIRST DEGREE OFFENSE THAT IS NOT A LESSER
INCLUDED DEGREE CRIME AND OFFENSE OF THE FIRST
DEGREE CRIME AND OFFENSE OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY THAT CHARGED AND ALLEGED
INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GS-
07-01935 FROM THE CASE OF TYRONE ROBINSON.
ALSO INDICTMENT #2008 GS 25-588 FROM THE UNRELATED
CASE OF JOSEPH DAVIS, IS SUBMITTED AS UNDISPUTABLE
EVIDENCE TO THE APPEALS COURT, TO PROVE TO THE APPEALS
COURT, THAT THE FIRST DEGREE CRIME AND OFFENSE
OF FIRST DEGREE MURDER BY THE CRIME ALLEGEDLY
THE DEFENDANT KILLED THE VICTIM WITH MALICE
AND AFORETHOUGHT.

IS NOT CHARGED ALLEGED AND IS NOT INCLUDED INTO THE
FIRST DEGREE CRIME AND OFFENSE OF FELONY MURDER BY
THE FELONY MURDER RULE THEORY "ALLEGEDLY" WHILE ENGAGED
IN A GUN BATTLE AN INHERENTLY DANGEROUS FELONY
TYRONE ROBINSON DID WILLFULLY UNLAWFULLY AND WITH
MALICE AFORETHOUGHT "CAUSE" THE VICTIM KHALIL SINGLETON
TO BE SHOT AND KILLED

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE
UP OF INDICTMENT #2012-GS-07-01935 FROM THE CASE
OF TYRONE ROBINSON.

11/10

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT

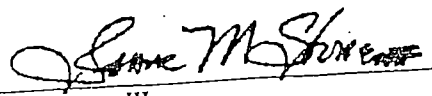
2008GS25-588

At a Court of General Sessions, convened on December 5, 2008, the Grand Jurors of Hampton County present upon their oath:

Murder / Murder

That in Hampton County on or about June 23, 2007, with malice aforethought, Joseph Davis did kill and murder Ronnie Wooten by means of shooting him with a gun, and that Ronnie Wooten did die in Hampton County as a proximate result thereof on June 23, 2007; in violation of Section 16-3-10 of the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Isaac M. Stone, III
Solicitor, 14th Judicial Circuit

11/10
ATTORNEY GENERAL
Isaac M. Stone, III

1st 112.

LAW DICTIONARY DEFINITION FOR THE
CRIME OF FIRST DEGREE FELONY MURDER
by the crime allegedly I caused the victim
to be shot and killed while in the commis-
sion of a felony

LAW DICTIONARY DEFINITION FOR FIRST DEGREE OFFENSE
CRIME OF FELONY MURDER states "QUOTE" FELONY MURDER
AN UNLAWFUL HOMICIDE THAT OCCURS IN THE COMMISSION
OR ATTEMPTED COMMISSION OF A FELONY WHICH IS CONSID-
ERED FIRST DEGREE MURDER BY OPERATION OF THIS DOCTRINE.
IN MANY MODERN STATUTES, ONLY HOMICIDE THAT OCCUR
IN THE COURSE OF CERTAIN SPECIFIED FELONIES ARE FELONY
MURDER SEE N.J.S.A. 2C:11-3(3) THE EVIL MIND OR MALICE
THAT IS NECESSARY TO FIND SOMEONE GUILTY OF MURDER
IS IMPLIED OR IMPUTED FROM THE ACTORS INTENT TO
COMMIT A FELONY SEE 38 F.2d 421, 426 FOR EXAMPLE,
IF SOMEONE BURNED DOWN A WAREHOUSE AND THERE BY
COMMITTED ARSON, WHICH RESULTED IN THE DEATH OF A PERSON
IN THE BUILDING, THE ARSONIST IS GUILTY OF FIRST DEGREE
MURDER (FELONY MURDER) EVEN IF HE DID NOT KNOW OF
THE PRESENCE OF THE PERSON AND HE HAD TAKEN SPECIAL
PRECAUTION TO TRY TO AVOID ANY LOSS OF LIFE. THE
HARSHNESS OF THIS DOCTRINE HAS LED TO A LIMITATION
OF ITS USE EXCEPT AGAINST THE PERSON WHO ACTUALLY
COMMITTED THE UNDERLYING FELONY SEE MODEL PENAL
CODE § 210.1 ET SEQ

2ND

LAW DICTIONARY DEFINITION FOR
THE CRIME OF FIRST DEGREE MURDER
by the crime allegedly I killed the victim
with malice and aforethought

LAW DICTIONARY DEFINITION FOR FIRST DEGREE
OFFENSE CRIME OF MURDER BY ALLEGEDLY THE
ACCUSED KILLED THE VICTIM WITH MALICE AFORETH-
OUGHT IS: MURDER A COMMON LAW OFFENSE OF
UNLAWFUL HOMICIDE; UNLAWFUL KILLING OF
ANOTHER HUMAN BEING WITH MALICE AFORETHOUGHT.
THIS REQUIRES A PREMEDITATED INTENT TO KILL
PLUS AN ELEMENT OF HATRED

ELEMENTS

elements for the crime of felony murder by the felony murder rule theory is as follows:

The crime of felony murder by the felony murder rule theory mainly consist of two elements which are the following.

1st Element to crime of felony murder by the felony murder rule theory is:
The defendant was in the commission of committing an inherently dangerous felony

CONFESSIO

on page 1052 paragraphs 2, 3, and 4 the state of south carolina and its solicitor Isaac Mc. Duffie Stone. confessed to the trial judge and trial court. That they had indicted me on and were trying me before the jury at trial. on the 1st element required to constitute the crime of felony murder by the felony murder rule theory. when the state of south carolina and its solicitor Isaac Mc. Duffie Stone. confessed to the trial judge and trial court at pre trial hearing on february 27th 2014 on page 1052 paragraphs 2, 3 and 4 of trial transcript "quoting" our theory is the felony murder rule theory that you have three people committing inherently dangerous felonies

2nd Element to crime of felony murder by the felony murder rule theory is:

death to the victim as a consequence of the defendant's conduct in committing that crime

CONFESSIO

on page 1052 paragraphs 4, and 5 the state of south carolina and its solicitor Isaac Mc. Duffie Stone. confessed to the trial judge and trial court. That they had indicted me on and were trying me before the jury at trial. on the 2nd element required to constitute the crime of felony murder by the felony murder

RULE THEORY. When The State of South Carolina and its solicitor ISSAC MC. DUFFIE STONE, confessed to the TRIAL JUDGE AND TRIAL COURT at PRE TRIAL HEARING ON FEBRUARY 27th 2014 ON PAGE 1052 PARAGRAPHS 4 AND 5 OF TRIAL TRANSCRIPT - I AM QUOTING

AND AS A RESULT OF THOSE INHERENTLY DANGEROUS FELONIES, A CHILD DIES.

These elements that are required to constitute the crime of felony murder by the felony murder RULE THEORY. That is charged and alleged INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-65-07-01935, that must be charged to the JURY IN ORDER TO CONVICT ME ON, THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ON INDICTMENT # 2012-65-07-01935. IS ESTABLISHED INSIDE OF THE SOUTH CAROLINA SUPREME COURT OF APPEALS CASE LAW OF GORE VS. LEEKE 1995.E.2d 755 FOR PROOF REVIEW CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF.

GORE VS. LEEKE 1995.E.2d 755 "QUOTING"

IF SEVERAL PERSONS AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSONS ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED. THE COMMON PURPOSE LADIES AND GENTLEMAN, MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANYONE BUT IF IN EXECUTION OF THIS COMMON DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL AS FOR INSTANCE, BREAKING IN AND STEALING, AND IN THE EXECUTION OF THE COMMON PURPOSE A HOMICIDE IS COMMITTED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU, THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THIS COMMON DESIGN THEN, LADIES AND GENTLEMAN, ALL WHO ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY, AND PARTICIPATING IN THE UNLAWFUL, COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

INSIDE OF THE CASE OF LOWRY VS. STATE 657 S.E.2d 760 THE SUPREME COURT OF SOUTH CAROLINA DETERMINED THAT THE TRIAL JUDGE HAD TO INSTRUCT THE JURY THAT IT WAS UP TO THE JURY TO DECIDE RATHER THE DEFENDANT WAS ACTING WITH MALICE AND AFORETHOUGHT OR NOT, WHILE IN THE COMMISSION OF COMMITTING A FELONY. IF THE JURY BELIEVED THAT THE DEFENDANT

was in the commission of committing a felony. malice and aforethought is a issue that the jury must decide on. However based on these facts it is clear, that in order to convict a person for the crime of felony murder by the felony murder rule theory inside of the state of south carolina. The trial judge must instruct the jury that the jury must determine rather or not the defendant was in the commission of committing a felony that resulted in the death of the victim. As decided by the supreme court of appeal inside of the case law of Gore vs. Leeke 1995 E.2d 755

Element
elements for the crime of murder by the crime
"alleging"
The accused killed the victim with malice
and aforethought

The elements required to constitute the crime of murder by the crime "alleging"
 I killed the victim with malice and aforethought
 is as follows

1st element for crime of murder alleging I
killed the victim with malice and aforethought is:
that the accused unlawfully killed another,

2nd element for crime of murder alleging
I killed the victim with malice and aforethought
is:
that the killing was committed with malice
aforethought

when the trial judge and trial court charged and instructed the jury on the crime of murder to decide on. The trial judge and trial court charged and instructed the jury to decide on the third unindicted alleged crime of murder, by the crime "alleging" I killed the victim with malice and aforethought.

that there is absolutely no indictment charging me with, and that is not a lesser included crime of the crime of felony murder by the felony murder rule theory that charged and alleged inside of the written write up of indictment #2012-GS-07-01935. that I was indicted on and tried on before the jury at trial. For proof that the trial judge and trial court charged and instructed the jury to decide on this third unindicted crime "alleging" I killed the victim with malice and aforethought I quote the following from the trial

TRANSCRIPT AS FOLLOWS

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTEING" FROM PAGE 993 PARAGRAPH 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, AND 15 OF TRIAL TRANSCRIPT, FROM THE TRIAL JUDGE AND TRIAL COURT (AKA) TRIAL JUDGE COOPER STATEING "QUOTEING"

I NOW INSTRUCT YOU TO WHAT THE LAW IS ON THE CHARGE IN THIS PARTICULAR CASE. AS YOU KNOW THE DEFENDANT IS CHARGED WITH THE CRIME OF MURDER MURDER IS DEFINED IN THE LAW AS THE KILLING OF ANY PERSON WITH MALICE AFORETHOUGHT EITHER EXPRESSED OR IMPLIED. AND SO IN ORDER FOR THE STATE TO PROVE THE DEFENDANT GUILTY OF MURDER IT MUST BE PROVEN BEYOND A REASONABLE DOUBT THAT THE DEFENDANT KILLED THE VICTIM AND THAT THE KILLING WAS DONE WITH MALICE AND AFORETHOUGHT

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

HERMAN WINN 125084 VS. STATE OF SOUTH CAROLINA CASE NO. 01-CP-08128 "QUOTEING"

3. THE INDICTMENT MUST CHARGE THAT THE DEFENDANT WITH MALICE AFORETHOUGHT MURDERED THE DEFENDANT

INSIDE OF THE CASE LAW OF RICKY PELZER VS. STATE OF SOUTH CAROLINA 622 S.E.2d 780 THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA DECIDED. THAT IN ORDER FOR A ALLEGED CRIME TO BE A LESSER INCLUDED CRIME OF THE CRIME THAT IS CHARGED AND ALLEGED INSIDE OF THE INDICTMENT, THE ELEMENTS OF THE ALLEGED CRIME THAT IS NOT CHARGED AND ALLEGED INSIDE OF THE INDICTMENT, MUST BE INCLUDED INTO THE ELEMENTS OF THE GREATER OFFENSE THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF

RICKY PELZER VS. STATE OF SOUTH CAROLINA 622 S.E.2d 780 "QUOTEING"

FOR AN OFFENSE TO BE A LESSER INCLUDED OF ANOTHER THE GREATER OFFENSE MUST INCLUDE ALL THE ELEMENTS OF THE LESSER OFFENSE. IF THE LESSER OFFENSE INCLUDES AN ELEMENT NOT INCLUDED IN THE GREATER OFFENSE THEN THE LESSER

OFFENSE IS NOT INCLUDED IN THE GREATER.

1ST ELEMENT

FOR THIRD UNINDICTED CRIME OF MURDER
"ALLEGED" I KILLED THE VICTIM WITH MALICE AND AFORE-
THOUGHT

1ST ELEMENT FOR THE THIRD UNINDICTED CRIME OF MURDER
BY THE CRIME "ALLEGED" I KILLED THE VICTIM
WITH MALICE AND AFORETHOUGHT IS;
THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER

WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION
-TION MEANS TO "ALLEGED" THAT THE ACCUSED UNLAWFULLY
DEPRIVED ANOTHER PERSON OUT OF THEIR LIFE

THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION
FOR THE WORD KILL MEANS THE FOLLOWING "MEANING"
TO DEPRIVE OF LIFE

1ST ELEMENT

FIRST ELEMENT FOR CRIME OF FELONY MURDER BY
THE FELONY MURDER RULE THEORY, THATS CHARGED AND
ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT-
EN4 #2012-GJ-07-01935

1ST ELEMENT FOR CRIME OF FELONY MURDER BY
THE FELONY MURDER RULE THEORY "ALLEGED"
I CAUSED THE VICTIM KHALIL SINGLETON TO BE SHOT
AND KILLED WHILE PERPETRATING A FELONY IS;
1ST ELEMENT: THE DEFENDANT WAS IN THE
COMMISSION OF COMMITTING A FELONY

THE LAW DICTIONARY DEFINITION FOR THE WORD
FELONY MEANS "ALLEGED"

FELONY generic term employed to distinguish
CERTAIN high crimes FROM MINOR OFFENSES KNOWN
AS MISDEMEANORS; CRIMES DECLARED TO BE SUCH BY
STATUTE OR AS "TRUE CRIMES" BY THE COMMON LAW.

AS A MATTER OF LAW THE FIRST ELEMENT TO THE
THIRD UNINDICTED CRIME OF MURDER "ALLEGED"
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

WHICH FIRST ELEMENT IS;
THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER

WHICH DEFINED BY ITS DICTIONARY DEFINITION
MEANS TO ALLEGED
THAT THE ACCUSED UNLAWFULLY DEPRIVED ANOTHER
PERSON OUT OF THEIR LIFE

HAS A TOTALLY DIFFERENT DEFINITION MEANING AND
IS NOT INCLUDED INTO THE FIRST ELEMENT
TO THE CRIME OF FELONY MURDER BY THE FELONY

MURDER RULE THEORY "ALLEGEDLY" I CAUSED THE VICTIM KHALIL SINGLETON to be shot and KILLED WHILE PERPETUATING A FELONY, WHICH FIRST ELEMENT IS:
THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING A FELONY

WHICH THE LAW DICTIONARY DEFINITION FOR THE WORD FELONY MEANS "QUOTE"
FELONY generic term employed to distinguish certain high crimes from minor offenses known as misdemeanors; crimes declared to be such by statute as "true crimes" by the common law

AS A MATTER OF LAW PROVEING THAT THE FIRST ELEMENT TO THE THIRD UNINDICTED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT, WHO'S FIRST ELEMENT IS:
THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER IS NOT CHARGED ALLEGED AND PRESENTED INSIDE OF A INDICTMENT

2ND ELEMENT

FOR THIRD UNINDICTED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

2ND ELEMENT FOR THIRD UNINDICTED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT IS:
THAT THE KILLING WAS COMMITTED WITH MALICE AFORETHOUGHT

WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION MEANS TO ALLEGE THAT THE DEPRIVATION OF LIFE WAS COMMITTED WITH MALICE AFORETHOUGHT
 THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION FOR THE WORD KILL MEANS THE FOLLOWING "MEANING" TO DEPRIVE OF LIFE

2ND ELEMENT

2ND ELEMENT FOR CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, THAT'S CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-65-07-01935

2ND ELEMENT FOR CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" I CAUSED THE VICTIM KHALIL SINGLETON to be shot and KILLED WHILE PERPETUATING A FELONY IS:

2nd element: death to the victim as a consequence of the defendant's conduct in committing that crime.

The law dictionary definition for the word felony means "quote" FELONY generic term employed to distinguish certain high crimes from minor offenses known as misdemeanors; crimes declared to be such by statute or as "true crimes" by the common law

As a matter of law the 2nd element to the third unindicted crime of murder "alleged" I killed the victim with malice and aforethought

which second element is the killing was committed with malice and aforethought

which defined by its Webster dictionary definition means to allege that the deprivation of life was committed with malice aforethought

has a totally different definition meaning and is not included into the second element to the crime of felony murder by the felony murder rule theory "alleged" I caused the victim KHALIL SINGLETON to be shot and killed while perpetrating a felony which second element is:

death to the victim as a consequence of the defendant's conduct in committing that crime

which the law dictionary definition for the word felony means "quote" FELONY general term employed to distinguish certain high crimes from minor offenses known as misdemeanors; crimes declared to be such by statute or as "true crimes" by the common law

As a matter of law proving that the second element to the third unindicted crime of murder "alleged" I killed the victim with malice and aforethought, whose second element is: the killing was committed with malice and aforethought

is not charged alleged and presented inside of an indictment as a matter of law proving that the third

UNINDICTED CRIME OF MURDER "ALLEGED"
 I KILLED THE VICTIM WITH MALICE AND AFORE-
 THOUGHT

THAT THE JURY AT TRIAL UNLAWFULLY CONVICT-
 ED TYRONE LORENZA ROBINSON ON. IS NOT
 CHARGED AND ALLEGED INSIDE OF A INDICTMENT
 IN VIOLATION OF S.C. CODE OF LAW 17-19-10
 WHICH STATES "QUOTED"

NO PERSON SHALL BE HELD TO ANSWER IN COURT
 FOR A ALLEGED CRIME UNLESS UPON INDICTM-
 ENT BY A GRAND JURY

1st LACK OF SUBJECT MATTER JURISDICTION

1st REASON PROVING

THE TRIAL JUDGE AND TRIAL COURT LACKED
 SUBJECT MATTER JURISDICTION TO CONVICT
 AND SENTENCE ME TO PRISON TIME OF LIFE
 IMPRISONMENT, FOR A THIRD UNINDICTED ALLEGED
 CRIME OF MURDER, FOR THE SAME FIRST DEGREE
 OFFENSE, THAT IS NOT A LESSER INCLUDED DEGREE
 CRIME AND OFFENSE, OF THE CRIME OF FELONY
 MURDER BY THE FELONY MURDER RULE THEORY, THAT
 CHARGED AND ALLEGED INSIDE OF THE WRITTEN
 WRITE UP OF INDICTMENT # 2012-65-07-01935

1st degree murder
 S.C. CODE OF LAW 16-3-10

AS A MATTER OF LAW THE FIRST DEGREE CRIME OF
 MURDER "ALLEGED" THE DEFENDANT KILLED THE
 VICTIM WITH MALICE AND AFORETHOUGHT

IS CLASSIFIED AS A FIRST DEGREE MURDER CRIME
 UNDER SOUTH CAROLINA CODE OF LAWS "16-3-10" AND
 CARRIES A MAXIMUM PRISON SENTENCE OF LIFE

IMPRISONMENT

The 1st Element to the crime of murder alleging the defendant killed the victim with malice and aforethought is:

That the accused unlawfully killed another

The 2nd Element to the crime of murder "alleging" the defendant killed the victim with malice and aforethought is:

That the killing was committed with malice aforethought

2nd degree VOLUNTARY manslaughter S.C. code of Law 16-3-50

The second degree crime of voluntary manslaughter by the crime "alleging"

The defendant killed the victim without malice and aforethought

is classified as a second degree crime and offense under South Carolina code of Law "16-3-50" and carries a maximum prison sentence of 30 years imprisonment

The 1st Element to the crime of voluntary manslaughter "alleging" the defendant killed the victim without malice and aforethought is:

That the accused unlawfully killed another person.

The 2nd Element to the crime of voluntary manslaughter "alleging" the defendant killed the victim without malice and aforethought is:

That the killing took place without malice, express or implied

As a matter of law the second degree crime and offense of voluntary manslaughter by the crime "alleging" the defendant killed the victim without malice and aforethought

that is classified as a second degree crime and offense under South Carolina code of Law "16-3-50" is classified as a second degree crime and offense, that has the essential element "alleging" the defendant unlawfully killed another person

that is a essential element that is also included into the greater degree crime and offense, of first degree murder by the crime alleging the defendant killed the victim with malice and aforethought. That is classified as a first degree crime of murder, under S.C. code of Law "16-3-10"

and also has the essential element which is: the defendant unlawfully killed another person

As a matter of law proving that the second degree crime of 16-3-60 voluntary manslaughter by the crime "alleging" the defendant killed the victim without malice and aforethought

That is classified as a second degree crime and offense under South Carolina code of law 16-3-50 is classified as a second degree lesser included crime and offense of the 16-3-10 first degree murder crime "alleging" the defendant killed the victim with malice and aforethought

FOR PROOF REVIEW
CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.
RICKY PELZER VS. STATE OF SOUTH CAROLINA 622 S.E.
2d 790 "QUOTE"

FOR AN OFFENSE TO BE A LESSER INCLUDED OF ANOTHER THE GREATER OFFENSE MUST INCLUDE ALL THE ELEMENTS OF THE LESSER OFFENSE. IF THE LESSER OFFENSE INCLUDES AN ELEMENT NOT INCLUDED IN THE GREATER OFFENSE, THEN THE LESSER OFFENSE IS NOT INCLUDED IN THE GREATER

3rd degree INVOLUNTARY manslaughter S.C. code of law 16-3-60

As a matter of law the third degree crime of INVOLUNTARY manslaughter by the crime "alleging" the defendant killed the victim without malice and aforethought, the killing was UNINTENTIONAL and the killing resulted from CRIMINAL NEGLIGENCE

is classified as a third degree crime and offense under South Carolina code of law 16-3-60 and carries a maximum prison sentence of 5 years imprisonment
1st Element to crime of INVOLUNTARY manslaughter is:

That the accused unlawfully killed another person

2nd Element to crime of INVOLUNTARY manslaughter is:
That the killing was without malice aforethought

3rd Element to crime of INVOLUNTARY manslaughter is:
That the killing was UNINTENTIONAL, and

4th Element to crime of involuntary manslaughter
 IS:
 The killing resulted from criminal negligence.

As a matter of law the third degree crime and offense of involuntary manslaughter by the crime "alleging" the defendant killed the victim without malice and aforethought, the killing was unintentional and the killing resulted from criminal negligence.

That is classified as a third degree crime and offense under South Carolina code of law "16-3-60" is classified as a third degree crime and offense, that is a lesser included degree crime and offense, that has the essential element "alleging" the defendant unlawfully killed another person

That is a essential element that is also included into the greater degree crime and offense, of first degree murder by the crime alleging the defendant killed the victim with malice and aforethought, that is classified as a first degree murder under S.C. code of law "16-3-10" and also has the essential element which is the defendant unlawfully killed another person

As a matter of law proving that the third degree crime of 16-3-60 involuntary manslaughter by the crime "alleging" the defendant killed the victim without malice and aforethought, killing was unintentional and the killing resulted from criminal negligence.

That is classified as a third degree crime and offense under South Carolina code of law "16-3-60" is classified as a third degree lesser included crime and offense of the 16-3-10 first degree murder crime "alleging" the defendant killed the victim with malice and aforethought

FOR PROOF REVIEW CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF:
 RICKY PELZER V. STATE OF SOUTH CAROLINA 622 S.E.2d 780 "QUOTING"

FOR AN OFFENSE TO BE A LESSER INCLUDED OF ANOTHER THE GREATER OFFENSE MUST INCLUDE ALL THE ELEMENTS OF THE LESSER OFFENSE. IF THE LESSER OFFENSE INCLUDES AN ELEMENT NOT INCLUDED IN THE GREATER OFFENSE THEN THE LESSER OFFENSE IS NOT INCLUDED IN THE GREATER

1st DEGREE

FELONY MURDER BY THE FELONY MURDER RULE THEORY IS A COMMON LAW CRIME BY COMMON LAW

AS A MATTER OF LAW UNDER COMMON LAW INSIDE OF THE STATE OF SOUTH CAROLINA. THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

THE DEFENDANT CAUSED THE VICTIM DEATH WHILE PERPETRATING A FELONY

IS CLASSIFIED AS A COMMON LAW CRIME INSIDE OF THE STATE OF SOUTH CAROLINA, AND CARRIES A MAXIMUM PRISON SENTENCE OF LIFE IMPRISONMENT. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF.

GORE VS. LEEKE 199 S.E. 2d 755 "QUOTE"ND"

WHILE A NUMBER OF JURISDICTIONS INCLUDING CONGRESS (TITLE 18, SEC. 111, U.S.C.) HAVE ENACTED FELONY MURDER STATUTES, SOUTH CAROLINA HAS NOT DONE SO, HAVING INSTEAD CONSISTANTLY FOLLOWED THE COMMON LAW RULE.

1st ELEMENT TO CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS:
THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING AN INHERENTLY DANGEROUS FELONY

FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF.

GORE VS. LEEKE 199 S.E. 2d 755 "QUOTE"ND"

IF SEVERAL PERSONS AGREE OR CONSPIRE TO COMMIT A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSONS ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED

2nd ELEMENT TO CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS:
DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANT'S CONDUCT IN COMMITTING THAT CRIME

FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF.

GORE VS. LEEKE 199 S.E. 2d 755 "QUOTE"ND"

THE COMMON PURPOSE LATTER A GENTLEMAN MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANYONE BUT IF IN EXECUTING THIS COMMON

DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL AS FOR INSTANCE, BREAKING IN AND STEALING AND IN THE EXECUTION OF THE COMMON PURPOSE A HOMICIDE IT COMMITTED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU, THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THIS COMMON DESIGN THEN LADIES AND GENTLEMEN, ALL WHO ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY, AND PARTICIPATE IN THE UNLAWFUL, COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

AS A MATTER OF LAW THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY, IS A WHOLE DISTINCT CRIME, THAT IS NOT A LESSER INCLUDED DEGREE CRIME AND OFFENSE, OF THE CRIME OF MURDER "ALLEGEDLY" THE DEFENDANT KILLED THE VICTIM WITH MALICE AND A FORETHOUGHT

THE CRIME OF VOLUNTARY MANSLAUGHTER, AND THE CRIME OF INVOLUNTARY MANSLAUGHTER, FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF, HOPKINS VS. REEVES 118 S. CT 1895 "QUOTED" RESPONDENTS PROPOSED INSTRUCTIONS WERE REFUSED BECAUSE THE NEBRASKA SUPREME COURT HELD FOR OVER 100 YEARS, IN BOTH CAPITAL AND NON CAPITAL CASE THAT SECOND DEGREE MURDER AND MANSLAUGHTER ARE NOT LESSER INCLUDED OFFENSES OF FELONY MURDER. IF NEBRASKA TRIAL COURT GIVES INSTRUCTIONS ON THESE OFFENSES AND THE DEFENDANT IS CONVICTED ONLY ON SECOND DEGREE MURDER OR MANSLAUGHTER, THAT CONVICTION MUST BE REVERSED ON APPEAL.

CASE LAW MERITS

UNITED STATES OF AMERICA FOR THE FIFTH CIRCUIT CASE LAW OF, UNITED STATES OF AMERICA VS. TERRE DEAN CAVANAUGH 948 F.2d 905 "QUOTED"

AS THE COURT IN GREEN OBSERVED, IT IS IMMATERIAL WHETHER SECOND DEGREE MURDER IS A LESSER OFFENSE INCLUDED IN A CHARGE OF FELONY MURDER OR NOT. THE VITAL THING IS THAT IT IS A DISTINCT AND DIFFERENT OFFENSE, IF ANYTHING THE FACT THAT IT CAN NOT BE CLASSIFIED AS A LESSER INCLUDED OFFENSE UNDER THE CHARGE OF FELONY MURDER BUT REINFORCES OUR CONCLUSION THAT

GREEN WAS UNCONSTITUTIONALLY TWICE PLACED
IN JEOPARDY

1st CRIME

NOT A LESSER INCLUDED DEGREE CRIME
AND OFFENSE TO THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY IS 16-3-10
FIRST DEGREE CRIME OF MURDER "ALLEGEDLY"
THE DEFENDANT KILLED THE VICTIM WITH
MALICE AND AFORETHOUGHT

AS A MATTER OF LAW THE CRIME OF MURDER
"ALLEGEDLY"
THE DEFENDANT KILLED THE VICTIM WITH
MALICE AND AFORETHOUGHT

THAT IS CLASSIFIED AS A FIRST DEGREE MURDER
CRIME UNDER S.C. CODE OF LAWS 16-3-10 IS
NOT CLASSIFIED AS A LESSER INCLUDED DEGREE
CRIME AND OFFENSE OF THE CRIME OF FELONY
MURDER BY THE FELONY MURDER RULE THEORY
"ALLEGEDLY"

THE DEFENDANT CAUSED THE VICTIM TO BE
KILLED WHILE IN THE COMMISSION OF COMMITTING
A FELONY, UNDER THE STATUTORY LAWS AND
UNDER THE COMMON LAWS OF THE STATE OF
SOUTH CAROLINA.

AS A MATTER OF LAW THE FIRST ELEMENT "ALLEGEDLY"
THE DEFENDANT UNLAWFULLY KILLED ANOTHER
PERSON

FROM THE CRIME OF MURDER "ALLEGEDLY"
THE DEFENDANT KILLED THE VICTIM WITH MALICE
AND AFORETHOUGHT

THAT IS CLASSIFIED AS A FIRST DEGREE MURDER
CRIME UNDER S.C. CODE OF LAW 16-3-10.
IS NOT INCLUDED INTO THE FIRST ELEMENT

"ALLEGEDLY"
THE DEFENDANT WAS IN THE COMMISSION OF
COMMITTING AN INHERENTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY "ALLEGEDLY"
THE DEFENDANT CAUSED THE VICTIM TO BE
KILLED WHILE IN THE COMMISSION OF
COMMITTING A FELONY

ALSO AS A MATTER OF LAW THE SECOND ELEMENT
"ALLEGEDLY"
THAT THE KILLING WAS COMMITTED WITH MALICE AND
AFORETHOUGHT

FROM THE CRIME OF MURDER "ALLEGEDLY"
THE DEFENDANT KILLED THE VICTIM WITH MALICE
AND AFORETHOUGHT

THAT IS CLASSIFIED AS A FIRST DEGREE MURDER CRIME
 UNDER S.C. CODE OF LAW 16-3-10,

IS NOT INCLUDED INTO THE SECOND ELEMENT
"ALLEGEDLY"

DEATH TO THE VICTIM AS A CONSEQUENCE OF THE
DEFENDANT'S CONDUCT IN COMMITTING THAT CRIME

FROM THE CRIME OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY "ALLEGEDLY"

THE DEFENDANT CAUSED THE VICTIM TO BE KILLED
WHILE IN THE COMMISSION OF COMMITTING A
FELONY

AS A MATTER OF LAW PROVEING THAT THE CRIME
 OF MURDER "ALLEGEDLY"

THE DEFENDANT KILLED THE VICTIM WITH MALICE
AND AFORETHOUGHT

IS NOT CLASSIFIED AS A LESSER INCLUDED DEGREE
CRIME AND OFFENSE, OF THE CRIME AND OFFENSE OF
FELONY MURDER BY THE FELONY MURDER RULE THEORY
"ALLEGEDLY"

THE DEFENDANT CAUSED THE VICTIM TO BE KILLED
WHILE IN THE COMMISSION OF COMMITTING A FELONY

UNDER THE LAWS OF THE STATE OF SOUTH CAROLINA FOR
PROOF REVIEW

CASE LAW MERITS
 SOUTH CAROLINA COURT OF APPEALS CASE LAW OF.
 STATE VS. PARKER 543 S.E.2d 255 "QUOTEING"

WE CONCLUDE BECAUSE GRAND LARCENY HAS THE
ELEMENT OF IN EXCESS OF ONE THOUSAND DOLLARS
IT IS NOT A LESSER INCLUDED OFFENSE OF ARMED
ROBBERY WHICH HAS NO MONETARY ELEMENT FOR
THE AFOREMENTIONED REASONS, THE CONVICTION
ARE VACATED

2ND CRIME

NOT A LESSER INCLUDED DEGREE CRIME
AND OFFENSE TO THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY IS 16-3-50
VOLUNTARY MANSLAUGHTER

AS A MATTER OF LAW SECOND DEGREE VOLUNTARY
 MANSLAUGHTER BY THE CRIME "ALLEGEDLY"
THE DEFENDANT KILLED THE VICTIM WITHOUT
MALICE AND AFORETHOUGHT

THAT IS CLASSIFIED AS A SECOND DEGREE CRIME AND OFFENSE UNDER S.C. CODE OF LAWS 16-3-50 IS ONLY CLASSIFIED AS A LESSER INCLUDED DEGREE CRIME AND OFFENSE OF THE CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT IS CLASSIFIED AS A FIRST DEGREE MURDER CRIME UNDER S.C. CODE OF LAW 16-3-10.

AS A MATTER OF LAW PROVEING THAT THE SECOND DEGREE CRIME OF VOLUNTARY MANSLAUGHTER BY THE CRIME "ALLEGEDLY"

THE DEFENDANT KILLED THE VICTIM WITHOUT MALICE AND AFORETHOUGHT THAT IS CLASSIFIED AS A SECOND DEGREE CRIME AND OFFENSE UNDER S.C. CODE OF LAW 16-3-50

IS NOT CLASSIFIED AS A LESSER INCLUDED DEGREE CRIME AND OFFENSE OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THE DEFENDANT CAUSED THE VICTIM TO BE SHOT AND KILLED WHILE IN THE COMMISSION OF COMMITTING A FELONY

UNDER THE STATUTORY LAWS AND COMMON LAWS OF THE STATE OF SOUTH CAROLINA, AT A MATTER OF LAW THE FIRST ELEMENT "ALLEGEDLY" THE DEFENDANT UNLAWFULLY KILLED ANOTHER PERSON. FROM THE SECOND DEGREE VOLUNTARY MANSLAUGHTER CRIME "ALLEGEDLY"

THE DEFENDANT KILLED THE VICTIM WITHOUT MALICE AND AFORETHOUGHT. THAT IS CLASSIFIED AS A SECOND DEGREE CRIME AND OFFENSE UNDER S.C. CODE OF LAW 16-3-50. IS INCLUDED INTO THE GREATER DEGREE CRIME "ALLEGEDLY"

THE DEFENDANT KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT IS CLASSIFIED AS A FIRST DEGREE MURDER CRIME UNDER S.C. CODE OF LAW 16-3-10.

HOWEVER AS A MATTER OF LAW THE FIRST ELEMENT "ALLEGEDLY" THE DEFENDANT UNLAWFULLY KILLED ANOTHER PERSON FROM THE SECOND DEGREE CRIME OF VOLUNTARY

manslaughter "alleged"
 The defendant killed the victim without malice
 and aforethought

That is classified as a second degree crime
 under S.C. code of law 16-3-50 is not included
 into the first element "alleged"
 The defendant was in the commission of commi-
 -tting a inherently dangerous felony

From the crime of felony murder by the felony
 murder rule theory "alleged"
 The defendant caused the victim to be killed
 while in the commission of committing a
 felony

Also as a matter of law the second element
 "alleged"
 That the killing took place without malice,
 express or implied

From the second degree crime of voluntary
 manslaughter "alleged"
 The defendant killed the victim without malice
 and aforethought

That is classified as a second degree crime
 under S.C. code of law 16-3-50. is not included
 into the second element "alleged"
 death to the victim as a consequence of
 the defendant's conduct in committing
 that crime

From the crime of felony murder by the felony
 murder rule theory "alleged"
 The defendant caused the victim to be killed
 while in the commission of committing a
 felony

As a matter of law proving that the crime
 of voluntary manslaughter "alleged"
 The defendant killed the victim without
 malice, express or implied

is not classified as a lesser included degree
 crime and offense, of the crime and offense
 of felony murder by the felony murder rule
 theory "alleged"
 The defendant caused the victim to be killed
 while in the commission of committing a
 felony

Under the laws of the state of South Carolina
 for proof review

Case Law Merits
 South Carolina Court of Appeals Case Law of
 State vs. Parker 543 S.E.2d 255 "alleged"
 we conclude because grand larceny has the
 element of in excess of one thousand dollars
 it is not a lesser included offense of armed
 robbery which has no monetary element for
 the aforementioned reasons, the conviction are
 vacated

3rd CRIME

NOT A LESSER INCLUDED DEGREE CRIME
AND OFFENSE TO THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY IS:
16-3-60 INVOLUNTARY MANSLAUGHTER

AS A MATTER OF LAW THE CRIME OF THIRD DEGREE
INVOLUNTARY MANSLAUGHTER BY THE CRIME
"ALLEGED" THE DEFENDANT KILLED THE VICTIM WITHOUT
MALICE AND AFORETHOUGHT, THE KILLING WAS
UNINTENTIONAL, AND THE KILLING RESULTED FROM
CRIMINAL NEGLIGENCE

THAT IS CLASSIFIED AS A THIRD DEGREE CRIME AND
OFFENSE UNDER S.C. CODE OF LAW 16-3-60. IS
CLASSIFIED AS A LESSER INCLUDED DEGREE CRIME
AND OFFENSE, OF THE CRIME OF MURDER "ALLEGED"
THE DEFENDANT KILLED THE VICTIM WITH MALICE
AND AFORETHOUGHT

THAT IS CLASSIFIED AS A FIRST DEGREE MURDER
CRIME UNDER S.C. CODE OF LAW 16-3-10
AS A MATTER OF LAW PROVING THAT THE THIRD
DEGREE CRIME OF INVOLUNTARY MANSLAUGHTER
"ALLEGED"

THE DEFENDANT KILLED THE VICTIM WITHOUT MALICE
AND AFORETHOUGHT, THE KILLING WAS UNINTENTIONAL
AND THE KILLING RESULTED FROM CRIMINAL NEGLIGENCE,
THAT IS CLASSIFIED AS A THIRD DEGREE CRIME
AND OFFENSE UNDER S.C. CODE OF LAWS 16-3-60
IS NOT CLASSIFIED AS A LESSER INCLUDED

DEGREE CRIME AND OFFENSE OF THE CRIME OF
FELONY MURDER BY THE FELONY MURDER RULE THEORY
"ALLEGED"

THE DEFENDANT CAUSED THE VICTIM TO BE SHOT AND
KILLED WHILE IN THE COMMISSION OF COMMITTING
A FELONY

UNDER THE STATUTORY LAWS AND COMMON LAWS
OF THE STATE OF SOUTH CAROLINA.
AS A MATTER OF LAW THE FIRST ELEMENT "ALLEGED"
THE DEFENDANT UNLAWFULLY KILLED ANOTHER PERSON -

FROM THE THIRD DEGREE INVOLUNTARY MANSLAUGHTER
CRIME "ALLEGED"

THE DEFENDANT KILLED THE VICTIM WITHOUT MALICE
AND AFORETHOUGHT, THE KILLING WAS UNINTENTIONAL
AND THE KILLING RESULTED FROM CRIMINAL NEGLIGENCE,
THAT IS CLASSIFIED AS A THIRD DEGREE CRIME
AND OFFENSE UNDER S.C. CODE OF LAW 16-3-60. IS
INCLUDED INTO THE GREATER DEGREE CRIME AND
OFFENSE "ALLEGED"

THE DEFENDANT KILLED THE VICTIM WITH MALICE AND
AFORETHOUGHT

That's classified as a First degree murder
crime under S.C. Code of Law 16-3-10.
As a matter of law proving that the 1st Element
"alleging"
That the accused unlawfully killed another person

from the Third degree involuntary manslaughter
crime "alleging"
The defendant killed the victim without
malice and aforethought, the killing was
unintentional and the killing resulted from
criminal negligence,

That's classified as a Third degree crime and
offense under S.C. Code of Law 16-3-60.
It's not included into the 1st Element
"alleging"

The defendant was in the commission of
committing a inherently dangerous felony
from the crime of felony murder by the felony
murder rule theory "alleging"
The defendant caused the victim to be killed
while in the commission of committing a
felony

Also the second Element "alleging"
That the killing took place without malice,
express or implied

from the Third degree involuntary manslaughter
crime "alleging"
The defendant killed the victim without malice
and aforethought, the killing was unintention-
al and the killing resulted from criminal
negligence

That's classified as a Third degree crime
and offense under S.C. Code of Law 16-3-60.
It's not included into the second Element
"alleging"

death to the victim as a consequence of
the defendant's conduct in committing
the crime

from the crime of felony murder by the felony
murder rule theory "alleging"
The defendant caused the victim to be killed
while in the commission of committing
a felony

Also the Third Element "alleging"
That the killing was unintentional

FROM THE THIRD DEGREE CRIME OF INVOLUNTARY
MANSLAUGHTER 16-3-60
IS NOT INCLUDED INTO THE 1ST ELEMENT
"ALLEGING"

THE DEFENDANT WAS IN THE COMMISSION
OF COMMITTING A INHERENTLY DANGEROUS
FELONY

FROM THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY

ALSO THE THIRD ELEMENT "ALLEGING"
THAT THE KILLING WAS UNINTENTIONAL

FROM THE THIRD DEGREE CRIME OF INVOLUNTARY
MANSLAUGHTER 16-3-60
IS NOT INCLUDED INTO THE 2ND ELEMENT
"ALLEGING"

DEATH TO THE VICTIM AS A CONSEQUENCE
OF THE DEFENDANTS CONDUCT IN COMMITTING
THAT CRIME

ALSO THE FOURTH ELEMENT "ALLEGING"
THE KILLING RESULTED FROM CRIMINAL NEGLIGENCE

FROM THE THIRD DEGREE CRIME OF INVOLUN-
TARY MANSLAUGHTER 16-3-60
IS NOT INCLUDED INTO THE 1ST ELEMENT
"ALLEGING"

THE DEFENDANT WAS IN THE COMMISSION
OF COMMITTING A INHERENTLY DANGEROUS
FELONY

FROM THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY

ALSO THE FOURTH ELEMENT "ALLEGING"
THE KILLING RESULTED FROM CRIMINAL NEGLIGENCE

FROM THE THIRD DEGREE CRIME OF INVOLUNTARY
MANSLAUGHTER 16-3-60
IS NOT INCLUDED INTO THE 2ND ELEMENT
"ALLEGING"

DEATH TO THE VICTIM AS A CONSEQUENCE
OF THE DEFENDANTS CONDUCT IN COMMITTING
THAT CRIME

FROM THE CRIME OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY

AS A MATTER OF LAW PROVING THAT THE CRIME
OF INVOLUNTARY MANSLAUGHTER 16-3-60

"ALLEGING"

THE DEFENDANT KILLED THE VICTIM WITHOUT MALICE AND AFORETHOUGHT, THE KILLING WAS UNINTENTIONAL AND THE KILLING RESULTED FROM CRIMINAL NEGLIGENCE

IS NOT CLASSIFIED AS A LESSER INCLUDED DEGREE CRIME AND OFFENSE OF THE CRIME AND OFFENSE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGING" THE DEFENDANT CAUSED THE VICTIM TO BE KILLED WHILE IN THE COMMISSION OF COMMITTING A FELONY

UNDER THE LAWS OF THE STATE OF SOUTH CAROLINA FOR PROOF REVIEW

CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS CASE LAW OF STATE V. PARKER 543 S.E. 2d 255 "QUOTING" WE CONCLUDE BECAUSE GRAND LARCENY HAS THE ELEMENT OF IN EXCESS OF ONE THOUSAND DOLLARS IT IS NOT A LESSER INCLUDED OFFENSE OF ARMED ROBBERY WHICH HAS NO MONETARY ELEMENT FOR THE AFOREMENTIONED REASONS, THE CONVICTION ARE VACATED

AS A MATTER OF LAW PROVEING THAT THE CRIME OF MURDER "ALLEGING" THE DEFENDANT KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

IS NOT CLASSIFIED AS A LESSER INCLUDED DEGREE CRIME AND OFFENSE OF THE CRIME AND OFFENSE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGING" THE DEFENDANT CAUSED THE VICTIM TO BE KILLED WHILE IN THE COMMISSION OF COMMITTING A FELONY

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GS-07-01935 THAT IT WAS TRIED ON BEFORE THE JURY AT TRIAL.

CASE LAW MERITS

SUPREME COURT OF APPEALS OF UNITED STATES OF AMERICA CASE LAW OF HOPKINS VS. REEVES 118 S.Ct 1895 "QUOTING" RESPONDENTS PROPOSED INSTRUCTION WERE REFUSED BECAUSE THE NEBRASKA SUPREME COURT HELD FOR OVER 100 YEARS, IN BOTH CAPITAL AND NON CAPITAL CASES, THAT SECOND DEGREE MURDER AND MANSLAUGHTER ARE NOT LESSER INCLUDED OFFENSES OF FELONY MURDER. IF NEBRASKA TRIAL COURT GIVES INSTRUCTIONS ON THOSE OFFENSES AND THE DEFENDANT IS

CONVICTED ONLY ON SECOND DEGREE MURDER
OR MANSLAUGHTER THAT CONVICTION MUST BE
REVERSED ON APPEAL

AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL
COURT LACKED SUBJECT MATTER

JURISDICTION TO CONVICT
AND SENTENCE ME TO PRISON TIME OF
LIFE IMPRISONMENT ON THE THIRD UNINDICTED
CRIME OF MURDER "ALLEGEDLY"
I KILLED THE VICTIM WITH MALICE AND
AFORETHOUGHT

BECAUSE AS A MATTER OF LAW THE THIRD
UNINDICTED CRIME OF MURDER "ALLEGEDLY"
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

IS NOT A LESSER INCLUDED DEGREE
CRIME AND OFFENSE, OF THE CRIME
AND OFFENSE OF FELONY MURDER BY THE
FELONY MURDER RULE THEORY "ALLEGEDLY"
THE DEFENDANT CAUSED THE VICTIM TO BE
KILLED WHILE IN THE COMMISSION OF COMMIT-
TING A FELONY

THAT IS CHARGED AND ALLEGED INSIDE OF THE
WRITTEN WRITE UP OF INDICTMENT # 2012-65-
-07-01935. THAT I WAS TRIED ON BEFORE THE
JURY AT TRIAL. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF
SOUTH CAROLINA 2,009 CASE LAW OF.

RICKY PELZER VS. STATE OF SOUTH CAROLINA
672 S.E. 2D 790 "QUOTED"

THE TRIAL COURT LACKS SUBJECT MATTER JURISDI-
CTION TO CONVICT THE DEFENDANT OF A CRIME
THAT IS NOT A LESSER INCLUDED OF THE OFFENSE
CHARGED IN THE INDICTMENT. FOR AN OFFENSE
TO BE A LESSER INCLUDED OF ANOTHER, THE GREATER
OFFENSE MUST INCLUDE ALL THE ELEMENTS OF THE
LESSER OFFENSE. IF THE LESSER OFFENSE INCLUDES
AN ELEMENT NOT INCLUDED IN THE GREATER
OFFENSE THEN THE LESSER OFFENSE IS NOT INCLUDED
IN THE GREATER.

CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS CASE LAW
OF,
STATE VS. PARKER 543 S.E. 2D 255 "QUOTED"
ISSUES INVOLVING SUBJECT MATTER JURISDICTION

may be raised at any time, including for the first time on appeal. Therefore we consider the trial court's jurisdiction to try Parker and Kirby for grand larceny despite the lack of ruling by the trial court on the issue. The scope of jurisdiction conferred by an indictment is limited to the charged offense and any lesser included offense.

However two separate offenses can not, ordinarily be charged in a single-count indictment unless one is a lesser included offense of the other.

An indictment must (1) enumerate all the elements of the charged offense, regardless of whether it is a statutory or common law offense and (2) recite the factual circumstances under which the offense occurred.

However separate offenses can not be charged in a single-count indictment unless one is a lesser included offense of the other. Fennell 209 S.E. 2d 434 scrutinizing the indictment with a practical eye we conclude Kirby and Parker were prejudiced because they faced the charge of armed robbery at trial, but were forced at the end of the state's case to face the separate offense of grand larceny.

Because grand larceny was neither sufficiently charged by the single-count indictment nor waived by the defendant, the only possible source of jurisdiction upon which the trial court have continued to try Parker and Kirby on its grand larceny status as a lesser included offense of armed robbery. The test for determining if a crime is a lesser included offense is whether the greater of the two offenses includes

all the elements of the lesser offense. If under any circumstances, a person can commit the greater offense without being guilty of the purported lesser offense, then the latter is not a lesser included offense. We conclude that because grand larceny has the element of an excess of one thousand dollars it is not a lesser included offense of armed robbery which has no monetary element. For the aforementioned reasons, the convictions are vacated.

Case Law merits

Supreme Court of Appeals of the State of South Carolina case law of, The State vs. Sally Caulder Parker and Timothy Kirby opinion no. 25538 "Vote in"

The circuit court does not have subject matter jurisdiction to convict a defendant of an offense unless the offense is a lesser included offense of the crime charged in the indictment State vs. Owens, 346 S.C. 637, 552 S.E. 2d 745 (2/00). The test for determining when an offense is a lesser included offense of another is whether the greater of the two offenses include all the elements

OF THE LESSER OFFENSE. STATE V. MC. FADDEN 342 S.C. 629, 539 S.E. 2d 387 (2/000). IF THE LESSER OFFENSE INCLUDES AN ELEMENT WHICH IS NOT INCLUDED IN THE GREATER OFFENSE, THEN THE LESSER OFFENSE IS NOT INCLUDED IN THE GREATER OFFENSE HOPE VS. STATE, 328 S.C. 78, 492 S.E. 2d 76 (1997) "FURTHER QUOTING"

ACCORDINGLY GRAND LARCENY CAN NOT BE A LESSER INCLUDED OFFENSE OF ARMED ROBBERY BECAUSE THE OFFENSE OF ARMED ROBBERY DOES NOT INCLUDE THE ELEMENT THAT THE VALUE OF THE GOODS TAKEN MUST EXCEED \$1,000 SEE HOPE VS. STATE. SUPRA (IF LESSER OFFENSE INCLUDES ELEMENT WHICH IS NOT INCLUDED IN GREATER OFFENSE, THEN LESSER OFFENSE IS NOT INCLUDED IN GREATER OFFENSE). THE INDICTMENT IN THIS CASE CHARGE ARMED ROBBERY, BUT ALSO APPEAR TO DESCRIBE GRAND LARCENY. HOWEVER, THE TRIAL COURT LACKED SUBJECT MATTER JURISDICTION TO SENTENCE RESPONDENT ON GRAND LARCENY BECAUSE THE INDICTMENT ONLY SPECIFICALLY CHARGED ARMED ROBBERY, WHICH DOES NOT INCLUDE ALL THE ELEMENTS OF GRAND LARCENY. SEE STATE VS. SUMMERS 276 S.C. 11, 294 S.E. 2d 427 (1981) CONVICTION MAY BE HAD OF AN OFFENSE DIFFERANT FROM THE ONE SPECIFICALLY CHARGED ONLY WHEN SUCH OFFENSE IS ESSENTIAL ELEMENT OF THAT CHARGED AND ONLY WHEN GREATER OFFENSE CHARGED INCLUDES ALL LEGAL AND FACTUAL ELEMENTS OF LESSER OFFENSE). OVER RULED IN PART ON OTHER GROUNDS BY STATE V. MC. FADDEN 342 S.C. 629, 539 S.E. 2d 387 (2/000) STATE V. FANUEL, 263 S.C. 216, 209 S.E. 2d 433 (1974) (SAME) SEE ALSO STATE V. OWENS SUPRA (COURT DOES NOT HAVE SUBJECT MATTER JURISDICTION TO CONVICT DEFENDANT UNLESS OFFENSE IS LESSER INCLUDED OFFENSE OF CRIME CHARGED IN INDICTMENT). ACCORDINGLY, BECAUSE THE TRIAL COURT LACKED SUBJECT MATTER JURISDICTION TO CONVICT RESPONDENT OF GRAND LARCENY, THE COURT OF APPEALS DECISION IS AFFIRMED IN RESULT

2ND REASON PROVING

THE TRIAL JUDGE AND TRIAL COURT LACKED SUBJECT MATTER JURISDICTION TO CONVICT AND SENTENCE ME. TO PRISON TIME OF LIFE IMPRISONMENT IS.

AS A MATTER OF LAW THE TRIAL TRANSCRIPT AND EVIDENCE ATTACHED. PROVES THAT I DID NOT WAIVE PRESENTMENT OF INDICTMENT TO THE GRAND JURY IN ANY WAY WHATSOEVER, OR THE THIRD UNINDICTED

CRIME OF MURDER "ALLEGEDLY"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT THERE IS ABSOLUTELY NOT ANY INDICTMENT CHARGING ME WITH IN VIOLATION OF SOUTH CAROLINA CODE OF LAWS 17-19-10 WHICH STATES "QUOTE" NO PERSON SHALL BE HELD TO ANSWER IN COURT FOR A ALLEGED CRIME OR OFFENSE, UNLESS UPON INDICTMENT BY A GRAND JURY

BECAUSE SO AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL COURT LACKED SUBJECT MATTER JURISDICTION TO CONVICT AND SENTENCE ME TO PRISON TIME OF LIFE IMPRISONMENT AND DEPRIVE ME OUT OF MY LIBERTY ON AND FOR THE THIRD UNINDICTED CRIME OF MURDER "ALLEGEDLY"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT I DID NOT WAIVE PRESENTMENT OF INDICTMENT TO THE GRAND JURY ON.

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

ODAM VS. STATE 566 S.E. 2d 528 "QUOTE"

ORAL WAIVER OF PRESENTMENT WAS NOT SUFFICIENT TO BESTOW SUBJECT MATTER JURISDICTION ON THE TRIAL COURT IN THE ABSENCE OF AN INDICTMENT A WRITTEN WAIVER WAS REQUIRED "FURTHER QUOTE"

"END" IN THE ABSENCE OF AN INDICTMENT, THERE MUST BE A VALID WAIVER OF PRESENTMENT FOR THE TRIAL COURT TO HAVE SUBJECT MATTER JURISDICTION OF THE OFFENSE

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF.

RICHARD CAMPBELL VS. STATE OF SOUTH CAROLINA 535 S.E. 2d 928 "QUOTE"

HERE THE GRAND JURY NEVER INDICTED RESPONDENT FOR THE LEWD ACT CHARGE AND RESPONDENT DID NOT WAIVE PRESENTMENT TO THE GRAND JURY.

COMMITTING A LEWD ACT ON MINOR IS NOT A LESSER INCLUDED OFFENSE OF FIRST DEGREE CRIMINAL SEXUAL CONDUCT ON A MINOR. THEREFOR THE TRIAL COURT WAS WITHOUT JURISDICTION TO ACCEPT RESPONDENT'S PLEA TO THE UNINDICTED CHARGE

PREJUDICED ME

154
FIRST JEOPARDY
FIRST ALLEGED CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY THAT I
WAS PUT IN JEOPARDY OF

TYRONE ROBINSON WAS PREJUDICED, BECAUSE WHEN
THE JURY AT MY TRIAL WAS SWORN IN, I WAS PUT
IN JEOPARDY AND FACED THE CHARGE OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"

WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY
DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY,
UNLAWFULLY AND WITH MALICE AFORETHOUGHT
CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT
AND KILLED

THAT I CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF INDICTMENT # 2012-65-07-01935
THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL.

2ND DOUBLE JEOPARDY

SECOND UNINDICTED ALLEGED FALSE MURDER
CHARGE THAT I WAS PUT IN DOUBLE JEOPARDY

HOWEVER AFTER THE STATE OF SOUTH CAROLINA
HAD RESTED THEIR CASE, ON MOTION FOR DIRECTED
VERDICT OR ACQUITTAL, I WAS FORCED AGAINST
MY WILL, TO FACE THE SEPERATE SECOND UNINDICTED
ALLEGED FALSE MURDER CHARGE "ALLEGEDLY"

ON OR ABOUT SEPTEMBER THE 21ST 2012 TYRONE
ROBINSON DID WILLFULLY, WITH MALICE CAUSE
HIM TO BE SHOT AND KILLED AND HE DIED

THAT IS A NONEXISTENT SECOND UNINDICTED
ALLEGED FALSE MURDER CHARGE, THAT IS NOT CLASSIFIED
AS A CRIME OR OFFENSE BY THE LAWS OF THE STATE
OF SOUTH CAROLINA, THAT IS NOT CLASSIFIED AS A
CRIME OF MURDER 16-3-10 BY SOUTH CAROLINA CODE
OF LAWS 16-3-10 THAT IS ALSO NOT CLASSIFIED AS A
VIOLATION OF SOUTH CAROLINA CODE OF LAWS 16-3-10.
THAT THERE IS NOT ANY INDICTMENT CHARGING

me with IN VIOLATION OF SOUTH CAROLINA CODE
OF LAW 17-19-10.
THAT THE TRIAL JUDGE AND TRIAL COURT LACKED
SUBJECT MATTER JURISDICTION. TO DENY MY MOTION
FOR DIRECTED VERDICT OF ACQUITTAL, AND UNLAW-
FULLY RESTRAINED ME ON, WHICH PREJUDICED
ME. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE
OF SOUTH CAROLINA CASE LAW OF,
WHITNER VS. STATE 492 S.E. 2d 777 "VOTING"
UNDER SOUTH CAROLINA LAW, A CIRCUIT COURT
LACK SUBJECT MATTER JURISDICTION TO ACCEPT
A GUILTY PLEA TO A NON EXISTENT OFFENSE

3rd

TRIPLE JEOPARDY

THIRD UNINDICTED ALLEGED FIRST DEGREE
MURDER CRIME "ALLEGED"
I KILLED THE VICTIM WITH MALICE AND
AFORETHOUGHT, THAT I WAS PUT IN TRIPLE
JEOPARDY OF

ALSO AT THE END OF THE STATES CASE, WHEN
THE TRIAL JUDGE AND TRIAL COURT CHARGED
THE JURY ON THE CRIME TO DECIDE ON, I WAS
FORCED TO FACE THE THIRD UNINDICTED
ALLEGED FIRST DEGREE MURDER CRIME "ALLEGED"
I KILLED THE VICTIM WITH MALICE AND
AFORETHOUGHT

THAT I WAS PUT IN TRIPLE JEOPARDY OF, THAT IS
A THIRD UNINDICTED ALLEGED FIRST DEGREE OFFENSE,
THAT IS NOT A LESSER INCLUDED DEGREE CRIME
AND OFFENSE, OF THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY "ALLEGED"
WHILE ENGAGED IN A ONGOING GUN BATTLE AND INHER-
ENTLY DANGEROUS FELONY, TYRONE ROBINSON DID
WILLFULLY, UNLAWFULLY AND WITH MALICE
AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLE-
TON TO BE SHOT AND KILLED

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF INDICTMENT # 2012-GS-07-01935
THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL
AND PUT IN TRIPLE JEOPARDY OF, WHICH DID

PREJUDICE me AT TRIAL. FOR PROOF REVIEW
CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS CASE LAW
OF.

STATE VS. PARKER 543 S.E.2d 255 "QUOTEING"

WE CONCLUDED KIRBY AND PARKER WERE

PREJUDICED BECAUSE THEY FACED THE CHARGE

OF ARMED ROBBERY AT TRIAL, BUT WERE

FORCED AT THE END OF THE STATES CASE TO

FACE THE SEPERATE OFFENSE OF GRAND LARCENY

VACATE UNLAWFUL CONVICTION AND PRISON SENTENCE

BECAUSE THE TRIAL JUDGE AND TRIAL COURT LACKED
SUBJECT MATTER JURISDICTION, TO UNLAWFULLY
CONVICT, SENTENCE ME TO PRISON TIME OF LIFE
IMPRISONMENT AND UNLAWFULLY RESTRAIN ME
ON THE THIRD UNINDICTED FIRST DEGREE MURDER
CRIME "ALLEGEDLY"
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT
THAT IS NOT CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF INDICTMENT # 2012-65-07-01935 THAT
I WAS TRIED ON BEFORE THE JURY AT TRIAL. ALSO
THAT IS A THIRD UNINDICTED ALLEGED FIRST DEGREE
MURDER CRIME FOR THE SAME FIRST DEGREE OFFENSE

THAT IS NOT A LESSER INCLUDED DEGREE CRIME AND
OFFENSE OF THE CRIME OF FELONY MURDER
BY THE FELONY MURDER RULE THEORY "ALLEGEDLY"
WHILE ENGAGED IN A ONGOING GUN BATTLE AND
INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON
DID WILLFULLY, UNLAWFULLY AND WITH MALICE
AFORETHOUGHT CAUSE THE VICTIM KHALIL STANLEY
-ETON TO BE SHOT AND KILLED

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF INDICTMENT # 2012-65-07-01935 THAT
I WAS TRIED ON BEFORE THE JURY AT TRIAL -
THE COURT MUST VACATE MY UNLAWFUL CONVI-
-CTION AND PRISON SENTENCE OF LIFE IMPRISON-
-MENT THAT I AM CURRENTLY BEING HELD UNLAWFULLY
RESTRAINED ON, AS DECIDED BY THE SOUTH CAROLINA
COURT OF APPEALS FOR PROOF REVIEW
CASE LAW MERITS.

SOUTH CAROLINA COURT OF APPEALS CASE LAW OF.
STATE V. PARKER 543 S.E.2d 255 (1980) THAT
FIVE INVOLVED SUBJECT MATTER JURISDICTION
MAY BE RAISED AT ANYTIME, INCLUDING FOR THE
FIRST TIME ON APPEAL. THEREFORE WE CONSIDER
THE TRIAL COURT'S JURISDICTION TO TRY PARKER AND
KIRBY FOR GRAND LARCENY DESPITE THE LACK OF
RULING BY THE TRIAL COURT ON THE FIVE. THE SCOPE

OF JURISDICTION CONFERRED BY AN INDICTMENT IS LIMITED TO THE CHARGED OFFENSE AND ANY LESSER INCLUDED OFFENSES.

HOWEVER TWO SEPARATE OFFENSES CAN NOT, ORDINARILY BE CHARGED IN A SINGLE COUNT INDICTMENT UNLESS ONE IS A LESSER INCLUDED OFFENSE OF THE OTHER.

AN INDICTMENT MUST (1) ENUMERATE ALL THE ELEMENTS OF THE CHARGED OFFENSE REGARDLESS OF WHETHER IT IS A STATUTORY OR COMMON LAW OFFENSE AND (2) RECITE THE FACTUAL CIRCUMSTANCES UNDER WHICH THE OFFENSE OCCURRED.

HOWEVER SEPARATE OFFENSES CAN NOT BE CHARGED IN A SINGLE COUNT INDICTMENT UNLESS ONE IS A LESSER INCLUDED OFFENSE OF THE OTHER.

PENNEL 209 S.E.2d 434 SCRUTINIZING THE

INDICTMENT WITH A PRACTICAL EYE, WE CONCLUDE KIRBY AND PARKER WERE PREJUDICED BECAUSE THEY FACED THE CHARGE OF ARMED ROBBERY AT TRIAL, BUT WAS FORCED AT THE END OF THE STATE CASE

TO FACE THE SEPARATE OFFENSE OF GRAND LARCENY. BECAUSE GRAND LARCENY WAS NEITHER SUFFICIENTLY CHARGED BY THE SINGLE COUNT INDICTMENT NOR WAIVED BY THE DEFENDANTS, THE ONLY POSSIBLE

SOURCE OF JURISDICTION UPON WHICH THE TRIAL COURT HAVE CONTINUED TO TRY PARKER AND

KIRBY ON IS GRAND LARCENY STATUS AS A LESSER INCLUDED OFFENSE OF ARMED ROBBERY. THE TEST FOR DETERMINING IF A CRIME IS A LESSER

INCLUDED OFFENSE IS WHETHER THE GREATER OF THE TWO OFFENSES INCLUDES ALL THE ELEMENTS OF THE

LESSER IF UNDER ANY CIRCUMSTANCES A PERSON CAN COMMITTE THE GREATER OFFENSE WITHOUT BEING GUILTY OF THE PURPORTED LESSER OFFENSE.

THEN THE LATTER IS NOT A LESSER INCLUDED OFFENSE.

WE CONCLUDE THAT BECAUSE GRAND LARCENY HAS THE ELEMENT OF AN EXCESS OF ONE THOUSAND DOLLARS IT IS NOT A LESSER INCLUDED OFFENSE

OF ARMED ROBBERY WHICH HAS NO MONETARY ELEMENT.

FOR THE AFOREMENTIONED REASONS, THE CONVICTIONS ARE VACATED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF THE STATE V. SALLY CAULDER PARKER AND TIMOTHY KIRBY OPINION NO. 25539 QUOTING

ACCORDINGLY GRAND LARCENY CAN NOT BE A LESSER INCLUDED OFFENSE OF ARMED ROBBERY BECAUSE THE OFFENSE OF ARMED ROBBERY DOES NOT INCLUDE THE

ELEMENT THAT THE VALUE OF THE GOODS TAKEN MUST

exceed \$1,000 see HOPE vs. State SUPRA (IF LESSER OFFENSE INCLUDES ELEMENT WHICH IS NOT INCLUDED IN GREATER OFFENSE, THEN LESSER OFFENSE IS NOT INCLUDED IN GREATER OFFENSE).

The indictments in this case charge armed robbery, but also appear to describe grand larceny.

However, the trial court lacked subject matter jurisdiction to sentence respondents on grand larceny, because the indictments only specifically

charged armed robbery, which does not include all the elements of grand larceny.

see STATE vs. SUMMER 276 S.C. 11, 274 S.E. 2d 427 (1981) conviction may be had of an offense

different from the one specifically charged only when such offense is essential element

of that charged and only when greater offense charged includes all legal and factual elements

of lesser offense). overruled in part on other grounds by State vs. MCPADDEN, 342 S.C. 629, 539

S.E. 2d 387 (2,000) State vs. RANELL, 263 S.C. 216, 209 S.E. 2d 433 (1974) (same) see also State vs.

OWENS SUPRA (court does not have subject matter jurisdiction to convict defendant unless offense is lesser included offense of crime

charged in indictment).

Accordingly, because the trial court lacked subject matter jurisdiction to convict

respondents of grand larceny, the court of appeals decision is affirmed in result.

CONCLUSION

Based on the facts explained, THE COURT must GRANT me my MOTION FOR directed VERDICT OF ACQUITTAL; VACATE my CONVICTION AND PRISON sentence and discharge me from UNLAWFUL IMPRISONMENT

SIGNATURE: Tyrone L. Robinson
PRINT: TYRONE L. ROBINSON
Date: December 9th, 2, 019

145.
EXHIBIT
A

CASE LAW MERITS
FOR
1st ARGUMENT
IN AMENDED COMPLAINT

State vs. JACKSON 527 S.E.2d
367

State v. Jackson, 527 S.E.2d 367 (S.C. Ct. App. 2000)

Court of Appeals of South Carolina

Filed: January 31st, 2000

Precedential Status: Precedential

Citations: 527 S.E.2d 367, 338 S.C. 565

Docket Number: 3106

Judges: Cureton

338 S.C. 565 (2000)

527 S.E.2d 367

The STATE, Respondent,
V.
Kurtis JACKSON, Appellant.

No. 3106.

Court of Appeals of South Carolina.

Heard November 2, 1999.

Decided January 31, 2000.

*567 Assistant Appellant Defender Melody J. Brown, of SC Office of Appellate Defense, of Columbia, for appellant.

Attorney General Charles M. Condon, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott and Assistant Attorney General Toyya Brawley Gray, all of Columbia; Solicitor Randolph Murdaugh, III, of Hampton, for respondent.

CURETON, Judge:

Kurtis Jackson was convicted of breach of trust with fraudulent intent. The trial court sentenced him to five years imprisonment, suspended on service of five years probation and payment of restitution and a fine. Jackson appeals, arguing the court erred in denying his motions for directed verdict, or alternatively, mistrial. We reverse.

FACTS/PROCEDURAL HISTORY

On October 1, 1996, Jackson contracted with O.C. Welch Ford Lincoln Mercury, Inc. (Welch) to trade in his 1990 Mazda toward the purchase of a 1993 Nissan Quest automobile. Pursuant to the contract, Welch agreed to handle the \$7,000 payoff on the Mazda with funds to be disbursed to the Mazda lienholder, Transouth. When Welch received the money from the Nissan lienholder, however, it mistakenly sent a check for \$7,000 to Jackson instead of Transouth. The check, dated October 3, 1996, was stamped on the back:

ENDORSEMENT OF THIS CHECK GUARANTEES TITLE TO BE SENT TO O.C. WELCH FORD LINCOLN MERCURY, INC. PO BOX 2087 BEAUFORT, SC 29901

Welch did not discover the error until several days later, when it received a telephone call from Transouth concerning the payoff check. Upon realizing its mistake, Welch immediately attempted to stop payment on the check, but the bank failed "568 to timely issue the stop payment order due to an unexplained oversight.

On October 16, Jackson visited the Welch office on an unrelated business matter. At that time, Welch's payroll and accounts payable clerk informed Jackson of the mistake. Jackson said he had not received the check, but had a separate mailing address in Savannah, Georgia where the check may have been mailed. He promised to see if the check was at the Savannah address and return it to Welch if he received it. However, Jackson never contacted Welch and Welch was unable to contact Jackson for several weeks. In the interim, Welch sent a duplicate check to Transouth for \$7,000 to obtain clear title and enable it to sell the traded-in vehicle.

On November 19, Welch's president contacted Jackson via telephone and asked him to return the check. Jackson responded that he had already cashed the check and spent the money, and that he "wasn't gonna be sending any money to [Welch]." [1] At this point, the president instructed his office manager to file a complaint with the police.

A Beaufort County grand jury indicted Jackson for breach of trust with fraudulent intent pursuant to S.C. Code Ann. § 16-30-230(A) and (B)(3) (Supp.1998), on April 14, 1997. Jackson was tried before a jury on April 23, 1998. At the close of the State's case and again before closing arguments, Jackson moved for a directed verdict based upon the State's failure to prove a trust relationship existed. The trial court denied these motions. The jury convicted Jackson and the trial court sentenced him to five years imprisonment, suspended on service of five years probation, and payment of full restitution and a fine of \$600.

LAW/ANALYSIS

Jackson argues the trial court erred in denying his motions for directed verdict because the State failed to prove he committed a breach of trust. We agree.

*569 The State is required to prove every element of a charged offense to obtain a conviction. *State v. Attardo*, 263 S.C. 546 (opinion/1323846/state-v-attardo/), 211 S.E.2d 868 (opinion/1323846/state-v-attardo/) (1975); *State v. Barksdale*, 311 S.C. 210, 428 S.E.2d 498 (opinion/1288179/state-v-barksdale/) (Cl.App.1993). In reviewing the denial of a motion for directed verdict, the appellate court must view the evidence in the light most favorable to the State. *State v. Kelsey*, 331 S.C. 50 (opinion/1276847/state-v-kelsey/), 502 S.E.2d 63 (opinion/1276847/state-v-kelsey/) (1998). However, where the facts of the case, even if proved, do not constitute the alleged criminal conduct, a directed verdict must be granted. See *State v. Lee*, 294 S.C. 461, 365 S.E.2d 734 (1988).

The elements which constitute breach of trust with fraudulent intent are not outlined in the statute governing this offense. See S.C. Code Ann. § 16-13-230 (1985). However, the crime has been defined through the development of case law. A breach of trust with fraudulent intent "is larceny after trust, which includes all of the elements of larceny or in common parlance, stealing, except the unlawful taking in the beginning." *State v. Owings*, 205 S.C. 314 (opinion/4120303/state-v-owings/), 316, 31 S.E.2d 906 (opinion/4120303/state-v-owings/), 907 (1944), quoted in *State v. Scott*, 330 S.C. 125 (opinion/1317155/state-v-scott/), 130, 497 S.E.2d 735 (opinion/1317155/state-v-scott/), 738 (Cl.App.1998). Thus, "[t]he primary difference between larceny and breach of trust is that in 'commonlaw larceny, possession of the property stolen is obtained unlawfully, while in breach of trust, the possession is obtained lawfully.'" *Scott*, 330 S.C. at 130, 497 S.E.2d at 738 (quoting *State v. McCann*, 167 S.C. 393 (opinion/4123537/state-v-mccann/), 398, 166 S.E. 411 (opinion/4123537/state-v-mccann/), 413 (1932)) (emphasis in original).

In the seminal case addressing our breach of trust statute, the supreme court stated, "the object of our [breach of trust] act was simply to enlarge the field of larceny, removing what before might have been a defense for those who received property in trust and afterwards fraudulently appropriated it. The question under our act is, whether the party received the property in trust, which he afterwards violated...." *State v. Shirer*, 20 S.C. 392, 408 (1884) (citations omitted) (emphasis added). Therefore, the State must prove the existence of a trust relationship to sustain a charge of breach of trust with fraudulent intent. See *State v. LeMaster*, 231 S.C. 321 (opinion/1328840/state-v-le-master/), 98 S.E.2d 756 (opinion/1328840/state-v-le-master/) (1957); William S. McAninch and W. Gaston Fairey, *The Criminal Law of South Carolina* at 264-265 (3d ed.1996). Failure to prove the existence of a trust relationship *570 will result in a directed verdict of acquittal for the defendant. See *LeMaster*, 231 S.C. 321 (opinion/1328840/state-v-le-master/), 98 S.E.2d 756 (opinion/1328840/state-v-le-master/).

In this case, the State cannot prove the existence of a trust. The State argues a trust was created by virtue of Jackson's endorsement on the back of Welch's check containing the notation concerning the transfer of title, or in the alternative, by Jackson's declaration to Welch's clerk that he would look for and return the check. We disagree.

A trust is an "arrangement whereby property is transferred with intention that it be administered by trustee for another's benefit." Black's Law Dictionary 1047 (6th ed.1991). Thus, the transferor of the property must intend that the trustee will act for the transferor's benefit instead of on his own behalf. For example, a man whose daughter-in-law gave him a check for the purpose of paying medical bills may be convicted of breach of trust with fraudulent intent where he used part of the proceeds to pay his own grocery bill. See *State v. McCann*, 167 S.C. 393 (opinion/4123537/state-v-mccann/), 166 S.E. 411 (opinion/4123537/state-v-mccann/) (1932). However, the fraudulent conversion of money paid or property delivered by mistake does not constitute a breach of trust because the person who mistakenly gave the money or property to another never reposed trust or confidence in that person. See 26 Am.Jur.2d *Embezzlement* § 18 (1996); 29A C.J.S. *Embezzlement* § 14 (1992). [2]

*571 In this case, it is undisputed that the \$7,000 check Welch issued to Jackson was simply a "very big mistake." Because the check was mistakenly issued to Jackson, he was never entrusted with funds under an obligation to use them for the benefit of the dealership. There was no trust to breach.

The State argues the pre-printed endorsement language on the reverse of the check was evidence of a trust. We disagree. Any trust arising from the stated language on the back of the check could only be read as a trust for the return of the vehicle's title and not the return of the check itself or the \$7,000 it represented. Jackson had no authority or ability to effect the transfer of title. Clearly, therefore, the endorsement language could not support a finding of the trust alleged. See *State v. Cody*, 180 S.C. 417 (opinion/4121457/state-v-cody/), 424, 186 S.E. 165 (opinion/4121457/state-v-cody/), 167 (1936) (to sustain a conviction for breach of trust with fraudulent intent, the State must "prove the exact trust which has been breached"). Furthermore, the evidence indicates Welch never relied on Jackson to effectuate a transfer of title. Welch sent a duplicate check to Transouth for \$7,000 to obtain clear title on the traded vehicle rather than trusting Jackson to pay Transouth and obtain clear title.

In the alternative, the State claims Jackson's statement that he would look for and return the check created a trust that he breached by cashing the check and depositing it in his own account. This argument also fails. Both the State and Welch admit the check issued to Jackson was a mistake. In *Shirer*, the court stated that breach of trust could be found where the defendant "received property in trust and afterwards fraudulently appropriated it." 20 S.C. at 408. Jackson did not receive the property in trust. He received it by mistake. He was not given the funds under any obligation to use them for the benefit of the dealership. Absent the manifest intent to create a trust, there could be no trust or trust relationship to breach. See *State v. LeMaster*, 231 S.C. 321 (opinion/1328840/state-v-le-master/), 98 S.E.2d 756 (opinion/1328840/state-v-le-master/) (1957).

Because the State failed to prove an essential element of the crime charged, namely the existence of a trust, Jackson's *572 conviction is reversed and the case remanded for the entry of a judgment of acquittal. [3]

REVERSED.

HUFF and HOWARD, JJ., concur.

NOTES

[1] A bank official testified Jackson deposited the check into his own account on October 17, though the back of the check itself is stamped October 18. In any event, Jackson transferred \$5,000 from this account to an account in Georgia a week later.

[2] Most other jurisdictions refer to the crime of breach of trust as embezzlement. See William S. McAninch and W. Gaston Fairey, *The Criminal Law of South Carolina* at 262 (3d ed.1996); Patricia Seets Watson and William S. McAninch, *Guide to South Carolina Criminal Law and Procedure* at 273 (5th ed.1997). In *State v. McCann*, 167 S.C. 393 (/opinion/4123537/state-v-mccann/), 400, 166 S.E. 411 (/opinion/4123537/state-v-mccann/), 414 (1932), our supreme court noted:

Breach of trust with fraudulent intention, by that especial designation, is, so far as we are advised, peculiar to this jurisdiction. In other states, the crime, as known to us, is called by different names, such as "larceny after trust," "larceny by a bailee," "larceny by false pretenses," and very commonly as "embezzlement." All the offenses are regarded as statutory, and one must look to the respective statutes to ascertain a definition of the crime. In text-books, law encyclopedias, and digests, references to decisions concerning these offenses are usually found under the title or subject of "embezzlement." The general purpose running through the statutes creating and defining these crimes is, however, the same; to declare as a crime, and usually as one coming within the classification of larceny, acts which were formerly not deemed to be larceny at common law, because of the fact that possession of property had been obtained through the consent of the owner.

[3] Because we reverse Jackson's conviction due to lack of a trust, we do not reach his second issue on appeal concerning the trial court's denial of his motion for mistrial.

149.
EXHIBIT
B

CASE LAW MERITS
FOR
1ST ARGUMENT
IN AMENDED COMPLAINT

UNITED STATES VS.

SCHWARTS 785 F.2d 673

(1986)

UNITED STATES v. SCHWARTZ

Nos. 83-1276, 84-1102.

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785 F.2d 673 (1986)

UNITED STATES of America, Plaintiff-Appellant, v. Sol C. SCHWARTZ, Raymond F. Lane, Frank C. Marolda, and Abe Chapman, Defendants-Appellees.

United States Court of Appeals, Ninth Circuit.

Argued April 11, 1984.

Submitted March 12, 1985.

Argued March 12, 1985.

Submitted April 2, 1985.

Decided March 14, 1986.

Attorney(s) appearing for the Case*Joseph P. Russoniello, Sanford Svetcov, Nancy Simpson, William R. Martin, San Francisco, Cal., for plaintiff-appellant.**Jack W. Londen, James J. Brosnahan, Karen Snell, Morrison & Foerster, San Francisco, Cal., for S. Schwartz.**A.J. Kramer, Asst. Federal Public Defender, San Francisco, Cal., for R. Lane.**Manton L. Selby, San Francisco, Cal., for A. Chapman.**Alan J. Ruby, Morgan, Ruby, Teter, Schofield, Franich, Bouchier & Fredkin, San Jose, Cal., for F. Marolda.**Before DUNIWAY and ANDERSON, Circuit Judges, and COUGHENOUR, District Judge.*

No. 83-1276 Argued April 11, 1984.

No. 84-1102 Argued March 12, 1985.

ON PETITION FOR REHEARING — GRANTED IN PART, DENIED IN PART

J. BLAINE ANDERSON, Circuit Judge:

It is ordered that the petition for rehearing is DENIED IN PART and GRANTED IN PART.

The opinion filed June 18, 1985 (9th Cir., 763 F.2d 1054) is withdrawn.

In these consolidated appeals, the United States challenges the district court's dismissal of a total of fifteen counts, which were originally brought against the defendants under one indictment. We reverse as to the counts involved in Appeal No. 83-1276 and we dismiss Appeal No. 84-1102 because we find it is barred by the Double Jeopardy Clause.

I. BACKGROUND

151

Defendant Marolda was president of Local 19, the San Jose affiliate of the Hotel and Restaurant Employees Union (HREU). Defendant Lane was secretary-treasurer of HREU Local 28 in Oakland-Contra Costa. Both men also served as trustees of their union's health and welfare and pension benefit plans. In 1978, Marolda was convicted and sentenced for embezzling union funds.¹ In 1979, Lane pled guilty to one count of embezzling union funds.

The government alleged, and sought to prove at trial, that due to these criminal convictions, Marolda and Lane were in danger of losing their union offices. In an effort to salvage the situation, the government alleged, Lane and Marolda agreed to merge their two locals, thereby eliminating election challenges the two were facing. One of the two was allegedly to remain in control of the merged union in order to ensure the financial health of both men.

[785 F.2d 676]

A merger required the approval of the HREU International president, however, and the president in this case proved to be reluctant. In order to persuade the International president to approve the merger, Lane allegedly enlisted the help of defendants Schwartz and Chapman, executives affiliated with Amalgamated Insurance Agency of Chicago. Lane allegedly hoped that the Chicago defendants would be able to exert a certain amount of favorable influence over the International president. In return for this favorable influence, claimed the government, Lane and Marolda agreed to reopen bidding on their respective locals' benefit plans and eventually award the administration of those plans to the Chicago defendants.

From this alleged factual scenario, a federal grand jury indicted the defendants on fifteen counts. Count One alleged a conspiracy to commit wire fraud, in violation of 18 U.S.C. §§ 371, 1343. Counts Two through Twelve charged defendants with separate criminal acts of wire fraud, in violation of 18 U.S.C. § 1343. Counts Thirteen and Fourteen alleged violations of 18 U.S.C. § 1954 by accepting or soliciting a *thing of value* with the intent to influence benefit plan trustees. Count Fifteen charged Lane and Marolda with conspiracy to violate 29 U.S.C. § 501(c) by allegedly arranging for a life salary for Marolda.

On October 21, 1983, the district court dismissed Counts Thirteen and Fourteen, finding that the conduct alleged in the indictment is not criminalized by section 1954. These two counts were severed for purposes of appeal, and the district court refused to stay the February 21, 1984 trial date on the remaining counts. The government's appeal of the dismissal of Counts Thirteen and Fourteen proceeded to oral argument before this court (No. 83-1276).

Meanwhile, defendants' jury trial on the remainder of the indictment began as scheduled. At the close of the government's case, the district court granted defendant's motion for acquittal on all remaining counts.² The government appeals this judgment as well (No. 84-1102). We consolidated the cases for consideration on appeal.

II. DISCUSSION

The questions involved in this appeal, whether or not the Double Jeopardy Clause bars appeal and the statutory construction of section 1954, are legal questions. As such, we are permitted to review them freely under the *de novo* standard of review. *United States v. McConney*, 728 F.2d 1195 (9th Cir.) (en banc), cert. denied, 469 U.S. 824, 105 S.Ct. 101, 83 L.Ed.2d 46 (1984).

A. No. 84-1102

Defendants Lane and Marolda were, in addition to officers of their respective locals, trustees of a total of six benefit plans: (1) Local 28 Oakland Welfare Fund; (2) Local 28 Oakland Pension Fund; (3) Local 28 Contra Costa Welfare Fund; (4) Local 28 Contra Costa Pension Fund; (5) Local 19 Welfare Fund; and (6) Local 19 Pension Fund.

Counts One through Twelve of the indictment alleged three common objectives of the scheme to defraud. The first objective was to deprive the two locals of the loyal and honest services of Lane and Marolda in the performance of their duties as officers. The second alleged objective was to deprive the six benefit plans of the loyal and honest services of Lane and Marolda in their roles as trustees. The third objective charged was to obtain money and property from the two locals and their respective benefit plans by false and fraudulent pretenses.

The defense moved pretrial to dismiss the indictment on grounds of duplicity and

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vagueness. The district court denied the motion, relying on *United States v. Mastelotto*, 717 F.2d 1238 (9th Cir.1983). The court reasoned that the transactions alleged in the wire fraud counts were "within the conceivable contemplation of a greedy mind" and, therefore, could be viewed as one unitary scheme to defraud. The court went on to caution the government, however, that under *Mastelotto* it would be required to prove the entire unitary scheme or, in other words, it must prove all three objectives as to each benefit plan and local as alleged in the indictment.

Subsequently, when the government finished its case-in-chief, the district court granted defendants' motion for judgment of acquittal, pursuant to Fed.R.Crim.P. 29. Citing *Mastelotto* and *United States v. Miller*, 715 F.2d 1360 (1983), modified, 728 F.2d 1269 (9th Cir.1984), rev'd, 471 U.S. 130, 105 S.Ct. 1811, 85 L.Ed.2d 99 (1985), the court ruled that there was a fatal variance because the government failed to present sufficient proof as to a number of the benefit plans as alleged in Counts One through Twelve, and, therefore, had not proven all of the objects of the unitary fraud scheme.³ The government now appeals, arguing that the district court's actions amounted to a dismissal rather than acquittal, thereby allowing this appeal and eventually a new trial on a narrower indictment.

Appellate jurisdiction over government appeals in criminal cases is authorized by 18 U.S.C. § 3731, except when the Double Jeopardy Clause bars further prosecution. It is settled law under the Double Jeopardy Clause that "[a] judgment of acquittal, whether based on a jury verdict of not guilty or on a

Ruling by the court that the evidence is insufficient to convict, may not be appealed...." *United States v. Scott*, 437 U.S. 82, 91, 98 S.Ct. 2187, 2194, 57 L.Ed.2d 65, 74 (1978) (footnote omitted). In determining whether an appeal is barred by the Clause, the Supreme Court has instructed that the label applied by the district court, whether "acquittal" or "dismissal," is not dispositive. "The trial judge's characterization of his own action cannot control the classification of the action." *Scott*, 437 U.S. at 96, 98 S.Ct. at 2196, 57 L.Ed.2d at 77. Thus, applying substance over form to a district court's judgment of acquittal, appeal is barred if the court "evaluated the Government's evidence and determined that it was legally insufficient to sustain a conviction." *United States v. Martin Linen Supply Co.*, 430 U.S. 564, 572, 651, 97 S.Ct. 1349, 1355, 51 L.Ed.2d 642 (1977).

The crucial inquiry before this court, therefore, is to determine whether the district court's judgment was a true acquittal as evidenced by a legal evaluation of the government's case. For its part, the government readily admits that certain parts of the indictment were specifically dismissed for lack of evidence, thereby amounting to an acquittal as to those parts. The government does not appeal those specific findings. The crux of the government's argument, however, is that despite the label of "acquittal" used by the court, the judgment on Counts One through Twelve was in fact partly "a dismissal" based on the ruling of law that there was an impermissible variance. The government opines, therefore, that it is not barred from appealing or seeking a retrial on the individual parts of the scheme which the district court did not specifically reject for lack of sufficient evidence.

In most cases, the government's argument would be well taken. This case, however, involved an indictment for wire fraud. As such, the district court correctly recognized *Mastelotto* and *Miller* as the governing circuit authority. Together, *Mastelotto* and *Miller* established a special framework for consideration of wire fraud indictments in this circuit. The rule of *Miller*, based on the Fifth Amendment's grand jury guarantee, was that a conviction could not stand where the trial proof showed a fraudulent scheme much narrower than, even though

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wholly included within, the scheme indicted by the grand jury. The reasoning was that a grand jury's willingness to indict someone for a broad wire fraud scheme does not establish that the same grand jury would have indicted the person for a substantially narrower scheme.

The district court recognized this peculiar rule and, from the beginning, exhibited an understanding of it as well as an intention to hold the government to its directive. The government was specifically warned before trial that it was required to comply. When the government did not comply, the court explained to the jury, in terms of the Ninth Circuit case law, why it was granting defendants' motion for acquittal. The court explained that in light of the lack of evidence on several elements of the broad scheme, "a reasonable juror could not find beyond reasonable doubt that the defendants had participated in a unitary scheme to defraud as charged in the indictment." Thereafter, the court entered an order granting judgment of acquittal.

The actions and words of the district court clearly show that it evaluated the government's evidence under the prevailing legal standards and determined that that evidence was legally insufficient to sustain a wire fraud conviction as indicted. This can only amount to an acquittal on all thirteen counts that went to trial.

Interestingly, the Supreme Court granted certiorari in *Miller* after the district court entered its judgment, and very recently issued a unanimous opinion reversing this circuit. 471 U.S. 130, 105 S.Ct. 1811, 85 L.Ed.2d 99 (1985). Nevertheless, the reversal of *Miller* is inconsequential to this case. Inasmuch as we find the judgment below to be a true acquittal, the Double Jeopardy Clause bars appeal even if the district court based the acquittal on an erroneous interpretation of governing legal principles or upon legal principles which are themselves subsequently overturned. *Scott*, 437 U.S. at 98, 98 S.Ct. at 2197, 57 L.Ed.2d at 79; *Sanabria v. United States*, 437 U.S. 54, 64, 98 S.Ct. 2170, 2178, 57 L.Ed.2d 43, 54 (1978).

Consequently, because the district court's judgment in favor of defendants Schwartz, Lane and Marolda was an acquittal, the appeal in No. 84-1102 as to those three defendants is barred by the Double Jeopardy Clause and must be dismissed. As noted previously, however, defendant Chapman's situation is different, by virtue of the fact that he pled guilty and did not go to trial. The district court allowed Chapman to withdraw his guilty plea and then dismissed the indictment against him.

The district court has the discretion under Fed.R.Crim.P. 32(d) to allow withdrawal of a guilty plea for "fair and just reason." *United States v. Castello*, 724 F.2d 813, 814 (9th Cir.), cert. denied, 467 U.S. 1254, 104 S.Ct. 3540, 82 L.Ed.2d 844 (1984). There is no question that the district court's sole reason for permitting Chapman to withdraw his plea was the fact that his codefendants had been acquitted of the same conspiracy charge because of the government's lack of sufficient evidence. We are satisfied that the district court did not abuse its discretion in permitting the withdrawal under the circumstances of this case. Thus, we will not reinstate Chapman's criminal conviction.

This does not mean, however, that the government's appeal of the indictment dismissal is barred by the Double Jeopardy Clause in the same manner as the other defendants. The Supreme Court held in *Scott* that "an appeal is not barred simply because a ruling in favor of a defendant is based upon facts outside the face of the indictment, ... or because it is granted on the ground ... that the defendant simply cannot be convicted of the offense charged." 437 U.S. at 96-97, 98 S.Ct. at 2197, 57 L.Ed.2d at 78 (quoting *United States v. Wilson*, 420 U.S. 332, 348, 95 S.Ct. 1013, 1024, 43 L.Ed.2d 232 (1975) and *Lee v. United States*, 432 U.S. 23, 30, 97 S.Ct. 2141, 2145, 53 L.Ed.2d 80 (1977)). If the defendant deliberately and successfully avoids submission of the indictment to the trier of fact by persuading the trial court to dismiss it on a basis which does not

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depend on guilt or innocence, then he "suffers no injury cognizable under the Double Jeopardy Clause if the Government is permitted to appeal ..." *Id.*, 437 U.S. at 99, 98 S.Ct. at 2198, 57 L.Ed.2d at 79.

There has been no factual determination of guilt or innocence in Chapman's case. Chapman was not tried on the indictment. It is irrelevant that Chapman would have, had he not pled guilty, likely been tried along with the other three defendants, and acquitted with them as well. Before a trier of fact could hear evidence in a trial against him, Chapman requested that the district court dismiss the indictment against him. In doing so, the district court ruled as a matter of law that Chapman could not be convicted under the indictment because of the rule in *Miller*. In our opinion, this was a legal ruling to dismiss on a basis which did not depend on Chapman's guilt or innocence. Thus, the Double Jeopardy Clause does not bar the government's appeal of Chapman's dismissal. Nevertheless, we affirm the district court's legal ruling to dismiss the indictment under the rule of *Miller*. We are confident that the district court made the correct legal determination based on this circuit's authority at that time.

Counts

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The government also appeals the district court's pretrial dismissal of ~~Counts~~ ^{Counts} Thirteen and Fourteen of the indictment, which charged defendants with violating 18 U.S.C. § 1954. Section 1954 prohibits the offer, acceptance, or solicitation of "any fee, kickback, commission, gift, loan, money, or *thing of value*" because of or with intent to influence the actions or duties of union benefit plan trustees (emphasis added). Counts Thirteen and Fourteen alleged that defendants Schwartz and Chapman agreed to give, and defendants Lane and Marolda agreed to receive, "assistance in arranging for the merger of Local 19 and Local 28, as well as other services," as a *thing of value* in exchange for influencing the actions of Lane and Marolda in their positions as benefit plan trustees.

Applying the rule of lenity, the district court held that the reference to *thing of value* in section 1954 cannot be read to encompass assistance in arranging the merger of two unions and "other services." Therefore, because the court decided the defendants' alleged actions were not criminalized by the statute, the two counts were dismissed and severed so that an immediate appeal could be taken.

The question of first impression left for this court to decide, therefore, is whether as a matter of law, the statutory scope of *thing of value* is broad enough to include the intangible of providing assistance in arranging a merger. In analyzing this question, the allegations of the indictment are presumed to be true. *United States v. Buckley*, 689 F.2d 893, 897 (9th Cir.1982), cert. denied, 460 U.S. 1086, 103 S.Ct. 1778, 76 L.Ed.2d 349 (1983).

To determine the scope of section 1954, this court looks first to the language of the statute. If that language is unambiguous, and if Congress has not clearly expressed a contrary intent, we will regard that language as conclusive. *Russello v. United States*, 464 U.S. 16, 17, 104 S.Ct. 296, 297, 78 L.Ed.2d 17, 20 (1983). Furthermore, when a term such as *thing of value* has not been specifically defined in the statute, we will assume that the ordinary meaning of the words express the legislative purpose behind them. *Id.*

The defendants urge that *thing of value* should be limited to tangible things with ascertainable monetary value. Ordinarily, however, the measure of value is not limited to commercial or monetary worth. We have recognized a common, broader interpretation of value. In *United States v. Sheker*, we held that information can be a *thing of value*:

For instance, state secrets might trade hands without cash consideration. Information obtained for political advantage might have value apart from its worth in dollars. In each case the information sought would have value to others, in addition to the seeker.

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618 F.2d 607, 609 (9th Cir.1980) (holding information regarding the whereabouts of a witness was a *thing of value* under 18 U.S.C. § 912). Indeed, that value commonly extends in scope to include intangibles has been the conclusion of various courts when faced with the task of construing criminal statutes that contain the term *thing of value*.

In *United States v. Croft*, 750 F.2d 1354, (7th Cir.1984), the defendant was convicted of converting to his own use a *thing of value* of the government, in violation of 18 U.S.C. § 641. The *thing of value* at issue was the labor of a government employee, whose research work product was appropriated by the defendant for private gain. The Seventh Circuit squarely held that intangible services do constitute a *thing of value*. 750 F.2d at 1361-1362.

The Second Circuit in *United States v. Girard*, 601 F.2d 69 (2d Cir.), cert. denied, 444 U.S. 871, 100 S.Ct. 148, 62 L.Ed.2d 96 (1979), held that the sale of information is a *thing of value*, reasoning that "[t]hese words are found in so many criminal statutes throughout the United States that they have in a sense become words of art. The word 'thing' notwithstanding, the phrase is generally construed to cover intangibles as well as tangibles." 601 F.2d at 71. The *Girard* opinion reviews some of the intangibles which have been held to be *things of value*, including amusement, sexual intercourse or the promise of sexual intercourse, the promise to reinstate an employee, and an agreement not to run in a primary election. *Id.* Furthermore, the testimony of a witness has been held to be a *thing of value*. *United States v. Zouras*, 497 F.2d 1115, 1121 (7th Cir.1974) (construing 18 U.S.C. § 876, which prohibits extortion of "money or other thing of value"). And, in a very broad construction, *thing of value* has been applied to commercially worthless stock which a defendant "believed" had value for himself. *United States v. Williams*, 705 F.2d 603, 623 (2d Cir.), cert. denied, 464 U.S. 1007, 104 S.Ct. 524, 78 L.Ed.2d 708 (1983) (construing bribery statutes, 18 U.S.C. §§ 201(c), 201(g)).

It is clear then, that in the ordinary sense *thing of value* is not limited in meaning to tangible things with an identifiable commercial price tag. The defendants, however, argue that the ordinary interpretation is not applicable to section 1954 because of "crucial differences" between the statutory structure and legislative intent of section 1954 and other statutes. Defendants posit that the scope of *thing of value* is narrowed in section 1954 to include only tangibles with ascertainable value because the phrase is preceded by the terms "fee, kickback, commission, gift, loan, [and] money." We are not persuaded.

The legislative history of section 1954 indicates that the enumeration of terms preceding *thing of value* was intended as inclusory, rather than limiting, language. The initial House version of the statute contained "money or other thing of value" as the only description of prohibited items. See Conf.Rep. No. 1417, 87th Cong., 1st Sess. 13 (1962). Concerns were subsequently raised about the need to ensure that forms of improper influence less blatant than direct money payments would be covered by the statute. These concerns were raised, in part, because of the Department of Justice's experience in enforcing the *thing of value* provision of Section 302 of the Taft-Hartley Act (29 U.S.C. § 186). S.Rep. No. 908, 87th Cong., 1st Sess. 13-14 (1961). In response to these concerns, the House version was amended to expressly include the additional terms. Conf.Rep. No. 1417, 87th Cong., 1st Sess. 13 (1962).

Nothing in the legislative history of section 1954 suggests that Congress intended *thing of value* to be construed more narrowly than in other statutes employing the phrase. Congress was concerned with violations of trust and fiduciary duties by union fund trustees. See *United States v. Romano*, 684 F.2d 1057, 1063 (2d Cir.), cert. denied, 459 U.S. 1016, 103 S.Ct. 375, 74 L.Ed.2d 509 (1982). A violation of trust which is influenced by the offer of an intangible service is no less damaging to trust fund beneficiaries than if the influence was in the form of a cash kickback. The significant factor is that the trustee sufficiently valued the thing offered to compromise his integrity and position. We do not, therefore, find the language of section

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1954 to be ambiguous. The very words and purpose of the statute show that Congress clearly intended the scope of *thing of value* to include intangibles such as are alleged in the instant indictment. As Justice Holmes said, "... there is no canon against using common sense in construing laws as saying what they obviously mean." *Croft*, 750 F.2d at 1362 (quoting *Roschen v. Ward*, 279 U.S. 337, 339, 49 S.Ct. 336, 336, 73 L.Ed. 722, 728 (1929)).⁴

Because we find the statute to be unambiguous in this situation, we have no reason to apply the rule of lenity. That rule only comes into play at the end of the statutory construction process in situations where the language of the statute is not clear. We find that the district court erred in reading section 1954 as ambiguous, and also erred in applying the rule of lenity.

As a result, we must remand No. 83-1276 to the district court. Our earlier holding that the Double Jeopardy Clause bars appeal in No. 84-1102 does not affect the appeal in No. 83-1276. This is for the obvious reason that the subject counts of No. 83-1276 were dismissed prior to trial, and, therefore, the defendants have not yet been placed in jeopardy. Nevertheless, those counts are affected by the collateral estoppel doctrine.

United States v. Hernandez, 572 F.2d 218, 220 (9th Cir.1978), sets out the three-step inquiry this court follows for collateral estoppel analysis in criminal cases. First, the issues in the two actions are identified so that we may determine whether they are sufficiently similar and material to justify invoking the doctrine. Second, we examine the first record to determine whether the issue was fully litigated. Finally, from our examination of the record, we ascertain whether the issue was necessarily decided.

Applying this analysis, it is initially most obvious that the allegations underlying Counts One through Twelve and Counts Thirteen and Fourteen establish that the trial of Counts One through Twelve involved factual issues substantially similar to those posed by Counts Thirteen and Fourteen. The benefit plan corruption alleged in Counts Thirteen and Fourteen was, after all, part of the overall scheme to defraud alleged in Counts One through Twelve.

Second, it is equally obvious that the government did fully litigate the issues involved in Counts One through Twelve at trial. As noted above, the district court warned the government it would have to prove all components of the unitary scheme to defraud as alleged in the indictment. This strict requirement of proof required the government to fully litigate all the alleged objectives and false pretenses of the scheme at issue in Counts One through Twelve, including those involved in the benefit plan corruption at issue in Counts Thirteen and Fourteen.

Third, the district court specifically found that proof of the alleged fraudulent objectives with respect to four benefit plans — both Local 19 plans and both Local 28 Contra Costa plans — was insufficient: "There just isn't any evidence that Lane and Marolda and Schwartz conspired to deprive those plans of the services of Lane and Marolda as trustees." These specific

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findings appear to be the only similar issues which were necessarily decided by the district court in granting the judgment of acquittal. Therefore, under the *Hernandez* inquiry, relitigation of these issues as against defendants is barred by the collateral estoppel doctrine. The allegations concerning the defendants' corrupt activities involving the two Oakland Benefit Plans of Local 28 remain as triable issues.

III. CONCLUSION

For the reasons expressed herein, the appeal in No. 84-1102 as to defendants Schwartz, Lane and Marolda is barred by the Double Jeopardy Clause and is hereby DISMISSED. The appeal in No. 84-1102 as to defendant Chapman is not barred by the Double Jeopardy Clause, and the district court's dismissal of the indictment is AFFIRMED. The district court's pretrial dismissal of two counts, challenged in No. 83-1276, is REVERSED and REMANDED for further proceedings consistent with this opinion.

FootNotes

* The Honorable John C. Coughenour, United States District Judge for the Western District of Washington, sitting by designation.

1. Marolda's conviction was reversed by this court on appeal. *United States v. Marolda*, 615 F.2d 867 (9th Cir.1980).

2. Shortly before trial, defendant Chapman pled guilty to the conspiracy count as part of a plea agreement. As a result, Chapman was not tried with the other defendants.

After the trial ended in favor of the other defendants, Chapman moved to withdraw his guilty plea, pursuant to Fed.R.Crim.P. 32(d), and to dismiss the case. The district court granted the motion. This puts Chapman's appeal in a different posture than that of the other defendants, as discussed *infra*.

3. The court also ordered judgment of acquittal as to the original Count Fifteen (renumbered as Count Thirteen for trial) on the specific grounds of lack of sufficient evidence.

4. Although not cited to us by any party, we are mindful of this court's decision in *Chappell v. United States*, 270 F.2d 274, (9th Cir.1959), which held that appropriating the services of another does not constitute a *thing of value* under 18 U.S.C. § 641. That decision has been criticized as a "limited, narrow, and unrealistic interpretation." *Croft*, 750 F.2d at 1362. Moreover, this court has not cited *Chappell* in support of its limited interpretation of *thing of value* since that case was decided in 1959. Rather, in the few situations presented to us, we have tended clearly toward a broader scope of *thing of value*, to include intangibles. See, e.g., *Sheker*, 618 F.2d at 609 (holding information can be a *thing of value*); *United States v. Friedman*, 445 F.2d 1076 (9th Cir.), cert. denied, 404 U.S. 958, 92 S.Ct. 326, 30 L.Ed.2d 275 (1971) (implicitly holding that government information is a *thing of value* under 18 U.S.C. § 641); *Whaley v. United States*, 324 F.2d 356 (9th Cir.1963) (implicitly holding that information can be a *thing of value*).

Finally, the legislative history we have cited concerning the scope of *thing of value* is at odds with the decision in *Chappell*. Under these circumstances, the validity of the *Chappell* holding as binding authority in this circuit is seriously undermined. Because of this subsequent history, we believe we are correct in rejecting *Chappell*.

EXHIBIT C

CASE LAW MERITS
FOR
ARGUMENT
IN AMENDED COMPLAINT

RICKY PELZER VS. STATE OF
SOUTH CAROLINA 672 S.E. 2d 790

156.
381 S.C. 217 (2008)

672 S.E.2d 790

Ricky C. PELZER, Respondent,
v.
STATE of South Carolina, Petitioner.

No. 4457.

Court of Appeals of South Carolina.

Heard October 22, 2008.

Decided November 18, 2008.

Withdrawn, Substituted, and Refiled February 3, 2009.

Rehearing Denied February 3, 2009.

219 *219 Assistant Attorney General Brian T. Petrano, of Columbia, for Petitioner.

Deputy Chief Appellate Defender Wanda H. Carter, of Columbia, for Respondent.

CURETON, A.J.:

Following a grant of post-conviction relief (PCR), the State petitioned for and received a writ of certiorari. The State now argues the PCR court erred in finding Ricky C. Pelzer's plea counsel was ineffective and in granting Pelzer relief from one part of a negotiated guilty plea but leaving the rest of the plea intact. We reverse.

FACTS

220 In March 2001, after six years of cohabitation resulting in the birth of two children, Diana Gibbs required Ricky Pelzer leave their home. On April 20, 2001, Gibbs obtained a restraining *220 order against Pelzer. In the early hours of May 6, 2001, Pelzer, carrying a can of gasoline, went to the home where Gibbs and two of her children were sleeping. When Gibbs refused to let him in, Pelzer forced the door open. Gibbs and the children ran out the back door. Pelzer followed them into the front yard, where he attacked Gibbs. After Gibbs's son pulled Pelzer off Gibbs, Pelzer returned to the house. Threatening to burn the house, Pelzer doused the inside of the home with gasoline and began ingesting gasoline himself. Gibbs called the police from a neighbor's house. The police eventually took Pelzer into custody and drove him to a hospital, where he was successfully treated for gasoline ingestion.

Pelzer was charged with first-degree burglary, attempted second-degree arson, criminal domestic violence of a high and aggravated nature (CDVHAN), and violation of a family court restraining order. An attorney was appointed to represent him. After extensive negotiations between Attorney and the State, Pelzer pled guilty to the lesser included offense of second-degree burglary and the original charges of attempted second-degree arson and violation of a family court restraining order. The State nolle-prossed the CDVHAN charge. In accordance with the negotiated deal, the circuit court sentenced Pelzer to a total of fifteen years' imprisonment.^[1]

Pelzer later learned of attempt to burn, a statutory offense similar to the charged offense of attempted arson. Attempt to burn carried a shorter sentence than attempted arson. Pelzer then filed an application for PCR, arguing in his petition that his plea counsel was ineffective because she failed to apprise him of attempt to burn, which carried only a five-year sentence. The attorney testified at the PCR hearing that she did not recall discussing that statute with Pelzer. The PCR court granted Pelzer's application. The State petitioned for a writ of certiorari, which was granted.

STANDARD OF REVIEW

221 In reviewing the PCR court's decision, an appellate court is concerned only with whether any evidence of probative *221 value exists to support that decision. *Smith v. State*, 369 S.C. 135, 138, 631 S.E.2d 260, 261 (2006). Thus, an appellate court gives great deference to the PCR court's findings of fact and conclusions of law. *Porter v. State*, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006).

LAW/ANALYSIS

The State argues the PCR court erred in finding Pelzer's plea counsel was ineffective for failing to advise him of the attempt-to-burn

statute. We agree.

A two-prong test exists to evaluate claims of ineffective assistance of counsel. First, a defendant must show that his counsel's performance was deficient such that it falls below an objective standard of reasonableness. Bennett v. State, 371 S.C. 198, 203, 638 S.E.2d 673, 675 (2006) (citing Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984)). Secondly, a defendant must establish "a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Bennett, 371 S.C. at 203, 638 S.E.2d at 675. "Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim." Strickland, 466 U.S. at 700, 104 S.Ct. 2052.

Trial counsel must provide "reasonably effective assistance" under "prevailing professional norms." *Id.* at 687-88, 104 S.Ct. 2052. Reviewing courts presume counsel was effective. *Id.* at 690, 104 S.Ct. 2052. Therefore, to receive relief, the applicant must show (1) counsel departed from professional norms resulting in (2) prejudice. *Id.* at 690, 693, 104 S.Ct. 2052. Trial counsel's failure to apprise the accused of a lesser included offense constitutes deficient performance when, under the facts of the case, he could be convicted of the lesser offense. Kerrigan v. State, 304 S.C. 561, 563, 406 S.E.2d 160, 162 (1991). A reasonable probability is "a probability sufficient to undermine confidence in the outcome." Strickland, 466 U.S. at 694, 104 S.Ct. 2052.

222 "Where there has been a guilty plea, the applicant must prove prejudice by showing that, but for counsel's errors, there is a reasonable probability he would not have pleaded *222 guilty and instead would have insisted on going to trial." Bennett, 371 S.C. at 203-04, 638 S.E.2d at 675. In resolving PCR issues relating to guilty pleas, it is proper to consider the guilty plea transcript as well as the evidence at the PCR hearing. *Id.* at 204, 638 S.E.2d at 675.

First-degree burglary is punishable by imprisonment from fifteen years to life. S.C.Code Ann. § 16-11-311 (2003). Second-degree arson is punishable by imprisonment from five to twenty-five years.^[2] S.C.Code Ann. § 16-11-110(B) (Supp. 2008). To prove second-degree arson, the State must show the accused willfully and maliciously caused an explosion, set fire to, burned, or caused to be burned, or aided, counseled, or procured the burning that resulted in damage to any structure designed for human occupancy. *Id.* An attempt to burn is punishable by imprisonment up to five years or a fine of not more than \$10,000. S.C.Code Ann. § 16-11-190 (2003). To prove attempt to burn, the State must show the accused willfully and maliciously attempted "to set fire to, burn, or aid, counsel, or procure the burning of any of the buildings or property mentioned in Sections 16-11-110 to 16-11-140," or that the accused committed an act in furtherance of burning these buildings. *Id.*

First-degree burglary is classified as a most serious offense in South Carolina, while second-degree arson and second-degree burglary are classified as serious offenses. S.C.Code Ann. § 17-25-45 (Supp.2008). If a person has been convicted of two serious or most serious offenses, he must be sentenced to life imprisonment without parole upon conviction of a third such offense. *Id.*

223 "The trial court lacks subject matter jurisdiction to convict the defendant of a crime that is not a lesser included of the offense charged in the indictment." State v. McFadden, 342 S.C. 629, 632, 539 S.E.2d 387, 389 (2000), overruled on other grounds by State v. Gentry, 363 S.C. 93, 106, 610 S.E.2d 494, 501 (2005). For an offense to be a lesser included offense of another, the greater offense must include all the elements of the lesser offense. *Id.*; accord Blockburger v. U.S., 284 *223 U.S. 299, 304, 52 S.Ct. 180, 76 L.Ed. 306 (1932). "If the lesser offense includes an element not included in the greater offense, then the lesser offense is not included in the greater." Hope v. State, 328 S.C. 78, 81, 492 S.E.2d 76, 78 (1997).

The evidence before us supports the PCR court's conclusion Attorney's performance failed the Strickland test for effective assistance of counsel. Attorney's assistance fell below prevailing professional norms for criminal defense counsel when she failed to advise Pelzer that had he gone to trial, he could have been convicted of attempt to burn, a less serious offense than second-degree arson. Although the PCR court did not determine whether attempt to burn was a lesser included offense of attempted second-degree arson, we hold it is. Upon review of the elements of each offense, we find attempted second-degree arson contains all the elements of attempt to burn.^[3] Therefore, attempt to burn is a lesser included offense of attempted second-degree arson. Given the facts of this case, Attorney's failure to advise Pelzer of this offense fell below prevailing professional norms and was deficient under Strickland.

Having concluded Attorney departed from prevailing professional standards, we now turn to a discussion of whether Pelzer suffered prejudice as a result of Attorney's deficient advice. At the PCR stage, to show prejudice, Pelzer bore the burden of establishing that but for the misadvice of Attorney, he would not have pled guilty, but instead would have elected to go to trial. Alexander v. State, 303 S.C. 539, 542, 402 S.E.2d 484, 485 (1991).

224 Although the PCR judge found in her order that Pelzer "testified at the hearing that he would not have plead [sic] guilty to the charges had he known that the attempt to burn statute was the applicable statute," we are unable to locate that testimony anywhere in the record. Moreover, the thrust of Pelzer's plea counsel's testimony was that from the outset, the solicitor insisted on trying Pelzer on the original charge of first-degree burglary, which in Pelzer's case carried a mandatory *224 sentence of life without the possibility of parole since Pelzer had a prior conviction of assault and battery with intent to kill. She stated, "[W]e were, from the early outset, working toward a plea," and Pelzer's principal reason for entering into the negotiated plea was to avoid facing trial on the original burglary charge. She

157

stated further that she believed there was "a significant risk that [Pelzer] would be found guilty if he went to trial" on the first-degree burglary charge. Because Pelzer did not want to face the first-degree burglary charge, he requested his plea counsel negotiate the first-degree burglary charge down to second-degree burglary to avoid the possibility of a sentence of life without the possibility of parole.

During the guilty plea colloquy, the plea judge thoroughly discussed with Pelzer his decision to plead guilty and the terms of the negotiated plea. Additionally, as noted previously, at the PCR hearing, Pelzer never testified that he would not have pled guilty except for his plea counsel's error. In fact, he specifically testified he did *not* wish to set aside his guilty plea to the burglary charge. The following colloquy between Pelzer and his PCR attorney is instructive:

Q. You don't want to try to go back to the beginning and start completely over.

A. No.

Q. Okay.

A. I just want to argue 190.

Q. All you want to argue is that your lawyer was ineffective in allowing you to be sentenced under 110(B) as opposed to arguing that on the facts of this case that you were properly—should have properly been sentenced under 190.

A. That's correct.

In view of this testimony, we conclude the evidence does not demonstrate that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Consequently, the PCR court erred in finding Pelzer suffered prejudice as a result of his plea counsel's misadvice.

The State also argues the PCR court erred in granting Pelzer relief as to the arson charge, only, without vacating the entire plea.

225 Inasmuch as we have reversed the PCR court on *225 the issue of ineffective assistance of counsel, we do not reach this issue. See Futch v. McAllister Towing of Georgetown, Inc., 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (ruling an appellate court need not review remaining issues when its determination of a prior issue is dispositive of the appeal).

CONCLUSION

We find the PCR court did not err in finding Pelzer's plea counsel performed deficiently by failing to advise him of the attempt-to-burn statute because attempt-to-burn is a lesser included offense of arson. Nevertheless, we hold Pelzer suffered no prejudice because of this misadvice, because he has not demonstrated that he would not have pled guilty but for the misadvice. Therefore, we reverse the order of the PCR court and reinstate Pelzer's conviction.

We do not reach the issue of whether the PCR court erred in granting Pelzer relief as to the arson charge, only, without vacating the entire guilty plea. Accordingly, the order of the PCR court is

REVERSED.

HEARN, C.J., and HUFF, J., concur.

[1] This sentence included fifteen years each for the burglary and arson charges and thirty days for violating the family court's restraining order, all to be served concurrently.

[2] "A person who commits the common law offense of attempt, upon conviction, must be punished as for the principal offense." S.C.Code Ann. § 16-1-80 (2003).

[3] In addition to the elements found in the attempt-to-burn statute, the second-degree arson statute requires property damage and allows culpability for causing an explosion, apparently as an alternative to burning. § 16-11-110(B).

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EXHIBIT D

CASE LAW MERITS
FOR
ARGUMENT
IN AMENDED COMPLAINT

THE STATE VS. SALLY CAULDER PARKER
AND TIMOTHY KIRBY OPINION NO.
25538

159.

**THE STATE OF SOUTH CAROLINA
In The Supreme Court**

The State, Petitioner,

v.

Sally Caulder Parker and Timothy Kirby, Respondents.

ON WRIT OF CERTIORARI TO THE COURT OF APPEALS

Appeal From Marlboro County
Edward B. Cottingham, Circuit Court Judge

Opinion No. 25538
Heard May 15, 2002 - Filed October 14, 2002

AFFIRMED IN RESULT

Attorney General Charles M. Condon, Chief Deputy
Attorney General John W. McIntosh, Assistant Deputy
Attorney General Charles H. Richardson, all of
Columbia; and Solicitor Jay E. Hodge, Jr., of
Darlington, for petitioner.

Katherine Carruth Link, of Columbia; and the South
Carolina Office of Appellate Defense, of Columbia, for
respondents.

JUSTICE MOORE: We granted certiorari to review the Court of Appeals' decision that grand larceny is not a lesser-included offense of armed robbery. We affirm in result.

FACTS

Respondents were indicted for armed robbery for perpetrating a sham armed robbery of a convenience store where respondent Sally Parker worked. At the close of the State's case at trial, respondents moved for a directed verdict on the armed robbery charge. The trial court granted the motion on the armed robbery charge, but stated he would charge the jury on the lesser-included offense of grand larceny. No objection was made. The jury found respondents guilty of grand larceny. (1)

common law offense to a statutory offense. The majority further held the amendment made the requirement that the goods taken be valued in excess of one thousand dollars an element of grand larceny. State v. Parker, 344 S.C. 250, 543 S.E.2d 255 (Ct. App. 2001). 160.

The dissent felt the Court of Appeals should not be passing upon this issue because this Court had already held that grand larceny is a lesser-included offense of armed robbery, a ruling which the dissent felt was binding on the Court of Appeals. He further stated that §16-13-30 was primarily a sentencing statute, and the statute did not abrogate the common law crime of grand larceny. The dissent concluded because the larceny statute did not replace the state's continued use of the common law, this Court's precedent bound the Court of Appeals until that precedent was overruled. However, the dissent noted if the Court of Appeals was free to pass upon this issue, he was inclined to agree with the majority that grand larceny is not a lesser-included offense of armed robbery. State v. Parker, *supra*.

ISSUE

Is grand larceny a lesser-included offense of armed robbery?

DISCUSSION

The circuit court does not have subject matter jurisdiction to convict a defendant of an offense unless there is an indictment which sufficiently states the offense, the defendant waives presentment, or the offense is a lesser-included offense of the crime charged in the indictment. State v. Owens, 346 S.C. 637, 552 S.E.2d 745 (2001). The test for determining when an offense is a lesser-included offense of another is whether the greater of the two offenses includes all the elements of the lesser offense. State v. McFadden, 342 S.C. 629, 539 S.E.2d 387 (2000). If the lesser offense includes an element which is not included in the greater offense, then the lesser offense is not included in the greater offense. Hope v. State, 328 S.C. 78, 492 S.E.2d 76 (1997).

Larceny involves the taking and carrying away of the goods of another, which must be accomplished against the will or without the consent of the other. State v. Brown, 274 S.C. 48, 260 S.E.2d 719 (1979). Specifically, grand larceny is the felonious taking and carrying away of the goods of another, where the value exceeds \$1,000. See State v. Moultrie, 283 S.C. 352, 322 S.E.2d 663 (1984) (grand larceny is felonious taking and carrying away of goods of another where value exceeds \$200). (3) Robbery is defined as the felonious or unlawful taking of money, goods, or other personal property of any value from the person of another or in his presence by violence or by putting such person in fear. State v. Drayton, 293 S.C. 417, 361 S.E.2d 329 (1987), *cert. denied*; 484 U.S. 1079, 108 S.Ct. 1060, 98 L.Ed.2d 1021 (1988); State v. Scipio, 283 S.C. 124, 322 S.E.2d 15 (1984) (robbery is felonious taking and carrying away of goods of another, accomplished against will or without consent of other with force); State v. Brown, *supra* (same). Armed robbery occurs when a person commits robbery while armed with a deadly weapon. *Id.*

Larceny has been found to be a lesser-included offense of robbery by this Court on several occasions. See State v. Austin, 299 S.C. 456, 385 S.E.2d 830 (1989) (petit larceny is lesser-included of strong armed robbery); State v. Harkness, 288 S.C. 136, 341 S.E.2d 631 (1986) (petit larceny is lesser of robbery); State v. Lawson, 279 S.C. 266, 305 S.E.2d 249 (1983) (grand larceny is lesser-included of robbery); State v. Brown, *supra* (larceny, without indicating whether petit or grand, is lesser of robbery); Young v. State, 259 S.C. 383, 192 S.E.2d 212 (1972) (grand larceny is lesser-included of robbery). See also State v. Ziegler, 274 S.C. 6, 260 S.E.2d 182 (1979) (in dicta, we stated one may be guilty of armed robbery which involves grand larceny or petit larceny). (4)

The cases of State v. Lawson, Young v. State, and State v. Ziegler are overruled to the extent they

more, value is element of grand larceny. 38, 99, n.1 (1989) (in grand larceny prosecution, value is critical element; it is State's burden to prove value of stolen goods exceeds \$200); State v. Moultrie, *supra* (defining grand larceny as felonious taking and carrying away of goods of another, where value exceeds \$200); State v. Humphrey, 276 S.C. 42, 274 S.E.2d 918 (1981) (trial court did not abuse discretion in allowing State to reopen case and prove value, an essential element of grand larceny); State v. Smith, 274 S.C. 622, 266 S.E.2d 422 (1980) (grand larceny is felony which includes all elements of lesser offense of petit larceny except that grand larceny involves theft of goods valued at fifty dollars or more; State must present credible evidence establishing each element of crime charged); State v. Bethea, 126 S.C. 497, 120 S.E. 239 (1923) (to convict of grand larceny there must be proof property was worth \$20 or more). 161.

Accordingly, grand larceny cannot be a lesser-included offense of armed robbery because the offense of armed robbery does not include the element that the value of the goods taken must exceed \$1,000. See Hope v. State, *supra* (if lesser offense includes element which is not included in greater offense, then lesser offense is not included in greater offense).

The indictments in this case charge armed robbery, but also appear to describe grand larceny.

(5) However, the trial court lacked subject matter jurisdiction to sentence respondents on grand larceny because the indictments only specifically charged armed robbery, which does not include all the elements of grand larceny. See State v. Summers, 276 S.C. 11, 274 S.E.2d 427 (1981) (conviction may be had of an offense different from the one specifically charged only when such offense is essential element of that charged and only when greater offense charged includes all legal and factual elements of lesser offense), *overruled in part on other grounds by State v. McFadden*, 342 S.C. 629, 539 S.E.2d 387 (2000); State v. Fennell, 263 S.C. 216, 209 S.E.2d 433 (1974) (same). See also State v. Owens, *supra* (court does not have subject matter jurisdiction to convict defendant unless offense is lesser-included offense of crime charged in indictment).

Accordingly, because the trial court lacked subject matter jurisdiction to convict respondents of grand larceny, the Court of Appeals' decision is

AFFIRMED IN RESULT.

TOAL, C.J., WALLER and PLEICONES, JJ., concur. BURNETT, J., dissenting in a separate opinion.

JUSTICE BURNETT (dissenting): I respectfully dissent. In my opinion, grand larceny is a lesser included offense of armed robbery and, therefore, the trial judge had subject matter jurisdiction to convict respondents of grand larceny.

The circuit court has subject matter jurisdiction to convict a defendant of an offense if 1) there is an indictment which sufficiently states the offense, 2) the defendant waives presentment, or 3) the offense is a lesser included offense of the crime charged in the indictment. State v. Primus, 349 S.C. 576, 564 S.E.2d 103 (2002). The test for determining whether when an offense is a lesser included offense of another is whether the greater of the two offenses includes all the elements of the lesser offense. Id. If the lesser offense includes an element which is not included in the greater offense, then the lesser offense is not included in the greater offense. Id.

Robbery is the felonious taking and carrying away of the goods of another against the will or without consent of the other with force. State v. Scipio, 283 S.C. 124, 322 S.E.2d 15 (1984). Armed robbery occurs when a person commits robbery while armed with a deadly weapon. Id. Robbery is a lesser included offense of armed robbery. Id.

EXHIBIT E

ELEMENTS FOR CRIMES OF

16-3-10 MURDER

AND

16-3-50 VOLUNTARY MANSLAUGHTER

AND

16-3-60 INVOLUNTARY MANSLAUGHTER

VOLUNTARY MANSLAUGHTERCode §16-3-50

Class A Felony

Elements of the Offense:

1. That the accused unlawfully killed another person.
2. That the killing took place without malice, express or implied.

Note:

Voluntary manslaughter is distinguished from murder by the absence of malice aforethought. "Malice" is defined in Black's Law Dictionary as "the intentional doing of a wrongful act without just cause or excuse, with an intent to inflict an injury or under circumstances that the law will imply an evil intent." For a killing to be manslaughter rather than murder, it is essential to have adequate legal provocation which produces an uncontrollable impulse to do violence. The test of adequate provocation is whether a reasonable man would have acted similarly under the circumstances. Killing with a deadly weapon creates a presumption of malice. In which case, the proper charge would be murder until such a presumption is rebutted. Manslaughter may be reduced to involuntary manslaughter by a verdict of the jury.

Penalty:

Imprisonment for not more than 30 years or less than 2 years.

INVOLUNTARY MANSLAUGHTER

164.

Code §16-3-60

Class F Felony

Elements Of The Offense:

1. That the accused unlawfully killed another person.
2. That the killing was without malice aforethought.
3. That the killing was unintentional, and
4. The killing resulted from criminal negligence.

Note:

Criminal Negligence is defined as the "reckless disregard of the safety of others."
The absence of an intent to kill or to inflict bodily harm distinguishes involuntary manslaughter from voluntary manslaughter

§56-5-2910 pertains to reckless homicide from the operation of a motor vehicle.
This section does not supersede the common-law offense of involuntary manslaughter.

Penalty:

Imprisonment for not more than 5 years.

MURDER

* Code §16-3-10

Exempt Felony

Elements Of The Offense:

- * 1. That the accused unlawfully killed another, and
- * 2. That the killing was committed with malice aforethought.

Note:

165.

EXHIBIT F

COPY OF INDICTMENT # 2012-GS-07-
- 01935.
That I was indicted on by the
GRAND JURY and TRIED ON before
the JURY at TRIAL.

APPENDIX 166
B

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

INDICTMENT
2012GS0701935

At a Court of General Sessions, convened on October 18, 2012, the Grand Jurors of Beaufort County present upon their oath:

Murder / Murder

That in Beaufort County on or about September 1, 2012, while engaged in an ongoing gun battle,
an inherently dangerous felony, Tyrone Robinson did willfully, unlawfully and with malice
aforethought cause the victim Khalil Singleton to be shot and killed in the area of Marshland
Drive and Allen Road, Hilton Head Island, SC, and that Khalil Singleton did die in Beaufort
County as a proximate result thereof on September 1, 2012, in violation of Section 16-3-10 of
the South Carolina Code of Laws (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Gene M. Shivers

EXHIBIT 6

COPY OF SENTENCING SHEET
CITING INDICTMENT # 2012-G-
-07-01935 AS THE INDICTMENT
THAT I WAS SENTENCED TO PRISON
TIME OF LIFE IMPRISONMENT ON.

COUNTY OF Beaufort
STATE VS.
Tyrone Robinson

AKA:

Race: AFRICAN AM Sex: M Age: 39DOB: SS#

Address:

City, State, Zip:

DL#:

SID#:

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the said indictment comes now the Defendant who was
TO: Murder / MurderINDICTMENT/CASE#: 2012GS0701935A/W#: 2012A0720300114Date of Offense: 9/1/2012S.C. Code §: 16-03-0010; 16-03-0020CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADSin violation of § 16-03-0010; 16-03-0020 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Swain, Hunter

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
for a determinate term of life days/months/years or ☐ under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$ imprisonment, provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for months/years and subject to, South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ OrderedTotal: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SC DPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (UI Surcharge)	\$100	\$ 100.00
§ 56-5-2995 (DUI assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforcement Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 183.90

PTUP

 days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal; consecutive weekly/monthly
pmts. of \$ beginning \$ paid to Public Defender FundOther: ☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Presiding Judge

Judge Code:

Sentence Date:

Certified - A True Copy

Jeri Ann Roseaneau - Clerk of Court
Beaufort County, SC

EXHIBIT H

COPY OF SOUTH CAROLINA
CODE OF LAWS 17-23-90
WHICH STATES "VOTING"
AND IF ANY PERSON COMMITTED
AFORESAID UPON HIS TRIAL SHALL
BE ACQUITTED HE SHALL BE
DISCHARGED FROM HIS IMPRISONMENT

**South Carolina Code of Laws
Unannotated
Current through the end of the 2012 Session**

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**Title 17 - Criminal Procedures
CHAPTER 23
PLEADING AND TRIAL**

SECTION 17-23-90. Indictment and trial of persons committed for treason or felony; consequences of failure to indict.

If any person committed for treason or felony, plainly and specially expressed in the warrant of commitment, upon his prayer or petition in open court the first week of the term to be brought to his trial shall not be indicted some time in the next term after such commitment, the judge of the circuit court shall, upon motion made in open court the last day of the term either by the prisoner or anyone in his behalf, set at liberty the prisoner upon bail, unless it appear to him, upon oath made, that the witnesses for the State could not be produced at the same term. And if any person committed as aforesaid, upon his prayer or petition in open court the first week of the term to be brought to his trial, shall not be indicted and tried the second term after his commitment or upon his trial shall be acquitted, he shall be discharged from his imprisonment.

CERTIFICATE OF SERVICE

I TYRONE L. ROBINSON CERTIFY THAT I
SENT A COPY OF MY MOTION TO ACCEPT
AN AMENDED PRO SE RESPONSE MERITORIOUS
BRIEF. ON ALL PARTIES THIS CONCERNS.
by U.S. POSTAL SERVICE TO THE REQUIRED
address.

RECEIVED

DEC 11 2019

SC Court of Appeals

SIGNATURE: Tyrone L. Robinson
PRINT: TYRONE L. ROBINSON
Date: December, 9th, 2, 019

DEAR CLERK OF COURT,

AS YOU HAVE INSTRUCTED I HAVE SUBMITTED
MY MOTION TO ACCEPT AN AMENDED PROSE
RESPONSE BRIEF, WITH MY SPECIFIC AMENDED
PROSE RESPONSE BRIEF ATTACHED. THAT I WOULD
LIKE THIS COURT TO CONSIDER. PLEASE FILE MY
MOTION TO ACCEPT AN AMENDED PROSE RESPONSE
BRIEF, WITH MY SPECIFIC AMENDED RESPONSE
BRIEF ATTACHED. INSIDE OF APPEAL CASE
NO: 2017-002233 FOR ME. I THANK YOU IN
ADVANCE, AND YOU HAVE A MERRY CHRISTMAS
AND A HAPPY NEW YEAR SINCERELY *Tyrone L. Robinson*

RECEIVED

DEC 11 2019

SC Court of Appeals

SIGNATURE: *Tyrone L. Robinson*
PRINT: TYRONE L. ROBINSON
DATE: DECEMBER, 9th, 2019

17000 01
C450428 31

DEC 11 2019

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DEC 09 2019
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