

The Supreme Court of South Carolina

John C. Robinson, #097584,
Plaintiff,

v. The State of South Carolina,
SC Department of Probation, Parole,
and Pardon Services, SCDC,
Defendants

RECEIVED
JAN 15 2020
SC Dept of Appeals

Appellate Case No. : 2019-002059

Case No. 2019-CP-13-00226

Now Comes before the Honorable Supreme Court asking for Mercy and prays the Honorable Court will be lenient toward me the Plaintiff in the below Matter(s):

The plaintiff is asking the Honorable Supreme Court to adjudicate his Case. . . The plaintiff is asking and trying to explain this petition is Challenging My Constitution Rights against these State Statutes; SC Code Ann. is 16-1-60 and 24-21-640 - which were gross negligence retroactive and reckless negligences used to reclassify my 1979 armed robbery Charge under these State statutes. . . SC Department of Probation, Parole, and Pardon Services has required for legislature to Classify all violent Crime acts, SC Code Ann. § 16-1-60, designed and states; this statute was amended several times to requires: "For a person to be considered guilty of a violent crime act, this offense must be defined as a violent crime act, at the time of the Commission and committing of the Crime act. . . ." was required to Classify all violent crime acts after 1986, also SC Code Ann. § 24-21-640; States: "Only denied parole to those serving a sentence for a second or subsequent conviction for a violent crime act" as defined in Section 16-1-60. . . The plaintiff is trying to explain that he Only has one violent crime act. . . The plaintiff is challenging a state Statutes Constitution violation. . .

In 1979 the plaintiff did pleaded guilty to an armed robbery Charge, which at this time was not Classified, Considered, or defined as a violent Crime act, according to, Phillips, Opinion No. 24820 (1998). These 1986 State Statutes sections 16-1-60 and 24-21-640, don't even belong to Classify my 1979, armed robbery Charge, these state Statutes section 16-1-60 and 24-21-640, were not enacted until 1986, and the 1979 armed robbery Charge was just about seven(7) years before these State Statutes enacted or enactment... Causes, the SC Department of Probation, Parole, and Pardon Services has reckless negligence retroactive plaintiff's 1979 armed robbery Charge and Considering it as a violent crime act, so Violates the plaintiff's Constitution Rights of the United States Constitution Art. I, § 10 and the State of South Carolina Constitution Art. 1 § 4...

Therefore, this that is above, do Constitutes a denial of fundamental fairness shocking to the universal sense of justice... To adjudicate my case, the plaintiff is asking the Honorable Supreme Court for an auto-mated immediately releases from the Confinement and Custody of the SC Department of Probation, Parole, and Pardon Service and the South Carolina Department of Corrections.. The plaintiff is factual allegation about an ex post facto violation, to fall within ex post facto prohibition law - It must apply to events occurring before it enactment,

1) The 1979 armed robbery event occurred before this 1986, State Statutes 16-1-60 and 24-21-640, enacted or enactment...

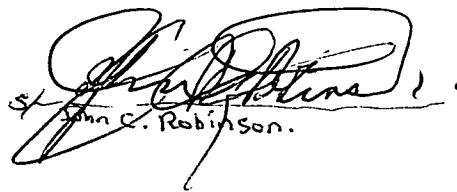
2) It must disadvantage Offender, plaintiff affected by it by altering definition of Criminal Conduct, when the sentencing Judge sentenced the plaintiff for this Criminal Conduct, the sentencing Judge said the Solicitor, I has given the plaintiff the maximal, I can give him.

to take away his parole - his parole is attached or apart of the 1979 armed robbery charge in which ran into the CSC #1 charge. Just about eight years later the SC Department of Probation, Parole, and Pardon Services reckless retroactive my 1979 armed robbery charge and gross negligence classify this 1979 armed robbery charge as a violent crime act, increasing the punishment with the parole eligibility plaintiff had a hope - without the parole eligibility there is no hopes ... Increasing punishment for crime, under these state statutes, SC Code Ann. §§ 16-1-60 and 24-21-640, have increased punishment without a parole eligibility, you had a hope - with a parole eligibility - when plaintiff had a sentence with a parole eligibility at sentencing stages, according to these statutes the plaintiff only has one violent crime act and the plaintiff has not been up for a parole eligibility hearing for just about two decades. Under the sentence guidelines a life sentence and a thirty 30 years sentence all had a ten (10) years cap mandatory and consideration for parole eligibility hearing each ten years, if these inmates did not have any serious major charge, even the murder charge have a consideration for a parole and the plaintiff has not killed any one - during the 1970-1986 South Carolina sentencing guidelines were for the non-felon one-fourth and for the felon one-third of these sentences. The SC Department of Probation, Parole, and Pardon Services won't event all the plaintiff how much time he must do on the sentences, according to, Lynce, 519 U.S. 433, 117 S.Ct. 891 (97). also Sullivan, 331 S.C. 479, 504 S.E. 2d 110 (98). The SC Department of Probation, Parole, and Pardon Services has reckless retroactive the plaintiff's 1979 armed robbery charge and classified this 1979 armed robbery as a violent crime act. Causes, the SC Department of Probation Parole, and Pardon Services went back to retroactive and defined my 1979 armed robbery charge as a violent crime act, according to these state statutes sections 16-1-60 and 24-21-640 - the plaintiff is challenging the constitutionality of these state statutes sections 16-1-60 and 24-21-640...

These State Statutes are depriving and prejudiced the plaintiff of privileges that were already awarded at the plaintiff's conviction at the time of sentencing stages - under the guidelines of the 1986 Omnibus Crime Acts statute. The plaintiff is disputing over all these Citings in these State Statutes sections 16-1-60, states, "For a person to be considered guilty of a violent crime act, this offense must be defined as a violent crime act, at the time of the commission or committing of the crime act..." Also, the plaintiff is being denied and prejudiced, causes, the SC Department of Probation, Parole, and Pardon Services has reckless retroactive and gross negligence falsely classifying the plaintiff's 1979 armed robbery charge as a violent crime act. Therefore, this that is above - do constitutes a denial of fundamental fairness shocking to the universal sense of justice... Now cases, the South Carolina Department of Probation, Parole, and Pardon Services has reckless taken away all hopes the damages is already done, there is no remedy or remedial or correctings - its in the record - the only remedy is the immediately releases from this confinement and custody of the SC Department of Probation, Parole, and Pardon Services and the South Carolina Department of Corrections.. See Exhibit No. 1-2; attached. In May, 1995, the Appellant was notified that he was no longer eligible for parole. Exhibit No. 1. Show that the SC Department of Probation, Parole, and Pardon Services; the amended law was made retroactive, May, 1995, notified; The Exhibit No. 2. Shows that the SC Department of Probation Parole, and Pardon Services used in to support their Motion at line, no. 12, Inmates who were serving a sentence for a violent crime committing before and after June, 1986, will have their conviction considered violent...

Conclusion

The plaintiff prays and pleads should the Honorable Supreme Court uphold the South Carolina Constitution Art., 184. The plaintiff is not attacking his sentence, but he is attacking the State Statutes §§ 16-1-60 and 24-21-640, that are retroactive and attached to his sentence, and grants the plaintiff the releases - he is asking for from the Confinement and Custody of the SC Department of Probation, Parole, and Pardon Services and the South Carolina Department of Corrections. The plaintiff is asking for all the beneficiary that the SC Department of Probation, Parole, and Pardon Services and the SC Department of Corrections give to any inmate when he or she is released or leaves from the Prison System...


John C. Robinson.

Department of Probation, Parole, and Pardon Services 38

CASE: 1:16-CV-03324-Tmc-SVH.

EXHIBIT NO. 1

DAVID M. BEASLEY
Governor



WILLIAM E. GUNN
Director

2221 DEVINE STREET, SUITE 600
POST OFFICE BOX 50666
COLUMBIA, SOUTH CAROLINA 29250
Telephone: (803) 734-9220
Facsimile: (803) 734-9440

Appellate Case No. 2019-002059
Case No. 2019-CP-13-00226

May 10, 1995

Mr. John C. Robinson #97584
Evans Correctional Inst.

Dear Mr. Robinson:

Effective January 12, 1995, the violent crime law was amended to remove the 1994 amendment. The amended law was made retroactive. As a result of this amended law you were returned to the position you were in when you committed your subsequent violent crime. You are no longer eligible for parole.

This is because our records indicated that you have been convicted of the following crimes:

<u>Violent Crime</u>	<u>Indictment Number</u>	<u>Parolable</u>	<u>Sentence</u>
Armed Robbery	79-GS-16-246 Count 4		09/18/79
Kidnapping	86-GS-13-451	No	01/21/87
Criminal Sexual Conduct 1st, Degree	86-GS-13-450	No	01/21/87

If you have any questions, please contact your Parole Examiner.

Sincerely,

William E. Gunn

William E. Gunn

WEG:rh

cc:Warden

Central Records, SCDC
Operations, SCDC
Parole Examiner
File

The Armed Robbery in 1979, was not classified or listed as a violent crime at this time, the armed robbery was classified and listed as a felony or felon...

DIRECTORS: DIRECTORS: KELAe THOMAS, JUSTS RESIGNED IN 2014;

BAYAN STIRLING.

None Copy

Mime Copy

John C. Robinson, #097584
Edens Ct. P.O. Box 2951202 (F-3-A-188)
Bennettsville, S.C. 29512

July 25, 1977

Re: I am asking for some kind of hearing on you all
taking mine parole hearing away.

Stephen G. Birnie, South Carolina Department of Protection
Parole, Pardon Services
2221 Devine Street, Suite 600
Post Office Box 50666
Columbia, S.C. 29250

Dear Mr. Birnie:

I really and truly needs to have some kind of hearing or meeting with you all about mine parole hearing being taking away without due process ^{is} a violation of mine rights. Mr. Birnie, I'm not being no longer eligible for a parole hearing. MR. Birnie, yes - I'm really is Confused about the reading of the Board letter: the South Carolina Code Ann of law § 24-21-640, states: the board must not grant nor is parole authorized; it doesn't say anything about take or taking away mine parole hearing either. In other words, when I committed my first armed robbery in 1977, however, it was not defined as a violent crime, it was classified or listed as a felony - felon ...

MR. Birnie, I'm pleading, wishing, begging for you all to have mercy on me, thank you much ...

Sincerely,

/s/ John C. Robinson

cc:
o Parole Board members

I have looked at the S.C. Code Ann of law § 24-21-640, that states: the board must not grant parole nor is parole authorized; this paragraph does not means 'take away from' this paragraph means 'not to grant parole or allow to be parole, to give something ...
I'm asking for a release from the South Carolina Department of Corrections causes of this Constitution Right to Due Process ...

Criteria

No. 17-7027

Exhibit No. two

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

ROCK HILL DIVISION

Appellate Case No. 2019-002059
Case No. 2019-CP-13-00226

John C. Robinson, #97584,)
)
Plaintiff,)
)
vs.)
)
Richard Stroker, Acting Director of the)
South Carolina Department of Probation,)
Parole and Pardon Services,)
)
Defendant.)

C.A. No.: 0:97-1802-19BD

AFFIDAVIT IN SUPPORT OF
DEFENDANT'S MOTION TO DISMISS
OR FOR SUMMARY JUDGMENT

Judy Boland, being duly sworn, deposes that:

- 1) I am the Director of Case Management for the South Carolina Department of Probation, Parole, and Pardon Services.
- 2) I have personal knowledge of the procedures and laws that apply to the consideration and scheduling of paroles.
- 3) I have reviewed the file of John C. Robinson, the Plaintiff in the above captioned cause of action.
- 4) The determination that the Plaintiff is a subsequent violent offender and not entitled to parole was communicated to Mr. Robinson by written notice, a copy of which is attached.
- 5) Effective, June 3, 1986, section 24-21-640 of the South Carolina Code of Laws, Ann. 1976 prevents the Board of Probation, Parole, and Pardon Services for the State of South Carolina from granting a parole to any individual who has been convicted of a subsequent violent crime following a separate sentencing for a prior conviction for a violent crime as defined in S.C. Code Ann. § 16-1-60.
- 6) The Plaintiff was convicted of Criminal Sexual Conduct-1st degree and Kidnapping, violent crimes in the State of South Carolina, on January 21, 1987. He was sentenced to serve thirty (30) years and a life sentence for this conviction. He committed these crimes August 9, 1986.

No. 17-7027

Exhibit No. two

- 7) On September 18, 1979, prior to January 21, 1987, the Plaintiff was convicted of and sentenced for the crime of Armed Robbery, a violent crime. This Armed Robbery was committed on April 12, 1979.
- 8) In South Carolina the Court decides sentencing matters. Matters of parole are under the exclusive jurisdiction of the South Carolina Parole Board of Probation, Parole, and Pardon Services. Where an inmate's conviction for violent crimes amounts to one continuous course of conduct, multiple crimes can be considered a single event and such an inmate would not be disqualified from parole as a subsequent violent offender, § 24-21-640. However, in this particular case, the two (2) violent sentences were imposed eight (8) years apart. Therefore, the Parole Board determined that these convictions were not eligible to be considered a single offense under the "one continuous course of conduct" exception to § 24-21-640, State v. McKay, 386 S.E.2d 623 (1989).
- 9) On June 3, 1989, the law was changed. Inmates convicted of Armed Robbery, Criminal Sexual Conduct-1st degree and Kidnapping, which are classified as violent offenses, were to be considered violent convictions. This law was applied to the Plaintiff from June 3, 1986, until January 1, 1994.
- 10) On January 1, 1994, the law was changed. Inmates who committed a crime defined in South Carolina Code Ann. § 16-1-60 prior to June 3, 1986, that conviction could not be considered as violent convictions. This law was applied to the Plaintiff from January 1, 1994, until January 12, 1995.
- 11) On November 30, 1994, Plaintiff was reviewed for parole and was rejected.
- 12) Effective January 12, 1995, the law changed. Inmates who were serving a sentence for a violent crime committed before and after June-3, 1986, will have their convictions considered violent. S.C. Code Ann. § 16-1-60 and 24-21-645. The Plaintiff is disqualified from parole consideration on his 1987 convictions as a subsequent violent offender and he received written notice of this fact dated May 10, 1995.
- 13) The Plaintiff has a legal remedy in South Carolina to challenge the determination made by the South Carolina Board of Probation, Parole, and Pardon Services that the Plaintiff is a subsequent violent offender and disqualified from parole. The Plaintiff's legal remedy in South Carolina is to file a Post Conviction Relief action.
- 14) To the best of my knowledge and belief, the Plaintiff has had all the parole laws of the State of South Carolina applied properly to his convictions.


Judy Bofand, Director of Case
Management

Return to Full

Appellate Case No. 2019-002059

Case No. 2019-CP-13-00226

LexisNexis™ Academic

Ronnie L. Phillips, Respondent, v. State of South Carolina, Petitioner.

Opinion No. 24820

SUPREME COURT OF SOUTH CAROLINA

1998 S.C. LEXIS 93

May 27, 1998, Submitted
July 20, 1998, Filed

SUBSEQUENT HISTORY: [*1]

Rehearing Denied as moot August 27, 1998.

PRIOR HISTORY: ON WRIT OF CERTIORARI

Appeal From Greenville County. Thomas L. Hughston, Jr., Post-Conviction Judge Frank Eppes, Jr., Trial Judge.

DISPOSITION: AFFIRMED.

COUNSEL: Attorney General Charles M. Condon, Deputy Attorney General John W. McIntosh, and Assistant Deputy Attorney General Teresa A. Knox, all of Columbia, for petitioner.

Wanda H. Haile, of South Carolina Office of Appellate Defense, of Columbia, for respondent.

JUDGES: FINNEY, C.J., TOAL, MOORE and WALLER, JJ., concur. Burnett, A.J., not participating.

OPINIONBY: FINNEY

OPINION: FINNEY, C.J.: In this post-conviction relief (PCR) action, the circuit court granted respondent relief, finding the retroactive application of a statute denying respondent parole eligibility violated his *ex post facto* rights. The Court granted the State's petition for a writ of certiorari. We affirm.

In 1986 and 1987, respondent committed numerous crimes, including first degree burglaries. He ultimately pled guilty in 1987 to several charges, including four counts of first degree burglary. Respondent had a 1982 conviction for armed robbery. At the time respondent committed the armed robbery, however, it was not defined as a violent crime. n1 Although the burglaries [*2] were defined as violent crimes under § 16-1-60, the parole eligibility statute only denied parole to those "serving a sentence for a second or subsequent conviction, for violent crimes. . . ." § 24-21-640 (Supp. 1997). n2 Consequently, respondent was parole eligible at the time of the 1987 burglary pleas.

ATTACHMENT A

In 1979 Applicant pleaded guilty to armed robbery which, at the time, was not defined as a violent crime and he was eligible for parole. While on parole, Applicant was charged with, and in 1987 was found guilty of, criminal sexual conduct in the first degree, a violent crime.

In 1993, the violent crime statute was amended and it included a provision that the statute had prospective job application only. Another amendment in 1995 included this particular provision. However, a second 1995 amendment eliminated the prospective language. Pursuant to this second 1995 amendment, the Department of Probation, Parole, and Pardon Services has denied the Applicant a parole hearing on the ground that his 1987 conviction was a "second or subsequent conviction...for violent crimes."

Applicant's conviction in 1987 was not a second or subsequent violent crime, but his first conviction for a violent crime thereby making him eligible for parole. See Phillips v. South Carolina, a copy of which is attached.

This issue has not been presented previously in state court. Further Applicant has unsuccessfully attempted to raise the issue in a 42 U.S.C. Section 1983 action in which the Court denied Applicant's claim based on Gryger v. Burke 334 U.S. 728 (1998) now overturned by Roller v. Cavannaugh, 984 F. 2nd 120 (4th Cir. 1993).

Gibson, — S.C. —, 495 S.E.2d 426 (1998).
Tilly, 334 S.C. 24, 511 S.E.2d 689 (1999).
Lynce, 519 U.S. 433, 117 S.Ct. 891 (1997).
Atkin, — SC —, 360 S.E.2d 302 (1994)
Griffin 315 S.C. at —, 433 S.E.2d at 864
Kerr, — SC —, 545 S.E.2d 494 (2001)
Plyler, 438 F.3d 728 (1997)
Torrence, — SC —, 406 S.E.2d 315 (1991)

The 1976 Act No. 684 of South Carolina Legislative prescribing a mandatory life sentence for the offense of kidnaping violated State and Federal Constitution Rights.

John C. Robinson # 097584; P-1-B-209

Perry Correctional Institution
430 Oak Lawn Rd.

Pelzer, SC 29669

January 13, 2020

RECEIVED
JAN 15 2020
SC Court of Appeals

Re: In Support of Appeal:

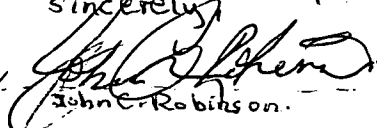
Robinson, Case No. 2019-CP-13-00226; Case No. 2014-002059.

The Supreme Court of South Carolina
Clerk of Supreme Court
Post Office Box 11330
Columbia, SC 29211

Dear Clerk of Supreme Court:

Please find within enclosed is mine original Petition to Support Appeal, to be filed in your Office, Thanks you much.

cc: aw/te.

sincerely,

John C. Robinson.

The Supreme Court of South Carolina

John C. Robinson #097584,
Plaintiff,

v. The State of South Carolina,
SC Department of Probation, Parole, and
Pardon Services, and SDC
Defendants

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JAN 15 2020

Appellate Case No. 2019-002059

Case No. 2019-CP-13-00226

SC Court of Appeals

Front



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John C Robinson #97584
PCI Q1 B209
430 Oaklawn Rd
Palzes, SC 29669

55-936330

United States Postal Services

The plaintiff filed a petition around about March, 2019, 2019-CP-13-00226. The plaintiff also notified the State of South Carolina Attorney General office about this matter, too; there is a letter that read: Notification Requires may apply by Rule of the Supreme Court of the United States, Rules 14.1 (e)(v) and Rule 29.4 (b), and a copy of this petition attached. The plaintiff also served with on United States Postal services to the Attorney General office and one of them signed for this petition and this gives the plaintiff a chance to be heard and have the jurisdiction for a hearing. Causes of the extraordinary circumstances, the plaintiff was not prepared to present his case into the court or at the court this day. The plaintiff was not even notified or warn that he was going to court on this day - either. The plaintiff did not have this United States Postal services paperwork with him on this day of court, and had the plaintiff been notify or warned and had the plaintiff had this United States Postal services paperwork with him on this court day, the outcome of his trial would had been difference...

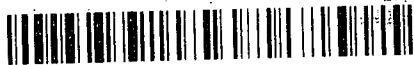
2019-CP-13-00226

Back

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- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
State of South Carolina
Attorney General's Office
Allen Wilson
PO Box 11549
Columbia, SC 29211



9590 9402 3747 7335 6335 79

2. Article Number (Transfer from service label)
 7018 0680 0002 1221 9564

COMPLETE THIS SECTION ON DELIVERY

A. Signature *Madeline J Ross* Agent Addressee
 X

B. Received by (Printed Name) *M ROSS* C. Date of Delivery *6/7/19*

D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
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 - Adult Signature Restricted Delivery
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 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Registered Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

CHARLES ROBINSON

#097584

Q1B209

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$
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2019-CP-13-20226	
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City, State, ZIP+4® Columbia SC 29211	
RS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

John C. Robinson, # 097584
Q-1-B-209.

20-19-CP-13 2019

Perry Correctional Institution
430 Oak Lawn Rd.

Appellate Case No. 2019-002059

Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

2019 APR - 2 AM 9:19

Pelzer, SC 29669

Re: File a Statute Violation:

March 25, 2019

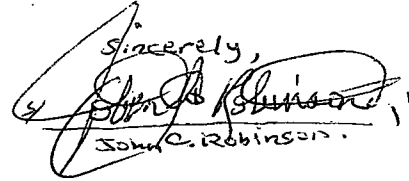
Clerk of Common Pleas Court,
Chesterfield County Courthouse
200 W. main St.
Chesterfield, SC 29709

RECEIVED

JAN 15 2020

Dear Clerk of Chesterfield Courthouse: **SC Court of Appeals**

Plases, find within is enclosed my original petition for
enter into the honorable Court of Common Pleas, for filing in
your office. Also - would you plases send me a clocked
stamped copy back, causes, I has to serve the State of
South Carolina Attorney General Office - causes - this is a
statute's violation, I'm Challenging - and I have to serve
the South Carolina Department of Probation, Parole, and Pardon
Services and the South Carolina Department of Corrections - too.

Sincerely,

John C. Robinson

cc:

The State of South Carolina
Attorney General office
Post Office Box 11549
Columbia, S.C. 29211

South Carolina Department of Probation, Parole, and
Pardon Services at 2221 Devine St.

Post Office Box 50666
Columbia, SC 29250

and

Christina Eatze
South Carolina Department of
Corrections at Broad River 4444
Post Office Box 21787

A True Copy Attest
Wanda C. Miles
Columbia, SC 29221

CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

John C. Robinson, # 097584; Q-1-B-209

Appellate Case No. 2019-002059

Perry Correctional Institution

430 Oak Lawn Rd.

Pelzer, SC 29669

20 19 - CP-13 222

March 25, 2019.

Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

2019 APR - 2 AM 9:19

Re: Notification Require may apply by
Rule of the SC US, Rules 14.1(c)(8) and 29.4 (6).

The State of South Carolina

Attorney General A. Wilson

Post Office Box 11549

Columbia, S.C. 29211

Now comes before the Honorable State of South Carolina Attorney General A. Wilson, a pleas for mercy and prays that the Honorable Attorney General will be lenient and graceful toward me the above petitioner in this matter(s):

Wherefore, the petitioner is asking the Honorable Chesterfield County Court of Common Pleas for appointment of Counsel in this matter and I am asking for a jury trial also in this matter to adjudicate this Statute's Violation in a Court, see the attached petition. The petitioner is Challenging the SC Department of Probation, Parole, and Pardon Services to proves beyond any reasonable doubt that, I has two violent crime acts according to these SC Code Ann., §§ 16-1-60(B); (A) and 24-21-640, "If a prisoner has a subsequent of two violent crime acts may not be eligible for a parole hearing..." The petitioner is asking and Challenging the SC Department of Probation, Parole, and Pardon Services to proves to a jury or a jury to hear these Statute's violation and makes a reasonable decisions themselves about this Statute's violation - Can the SC Department of Probation, Parole, and Pardon Services Proves or Convince a jury beyond any reasonable doubts that the petitioner has two violent crime acts - according to these Citings in those

A True Copy Attest

Wanda C. Miles

CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

Statutes §§ 16-1-60 (B); (A) and 24-21-640 ... I really want my Counsel to clearly explain this Citings plainly or a judge, clearly to the jurors, that States: "If a Crime act was not defined or considered a violent at the time of the act of committing and commission..."

And the United States Constitution Art., 1310 and the State of South Carolina Constitution Art., 134: plainly said, A Statute Cannot be retroactive or go back to Change a Crime to a violent Crime acts ...

Wherefore, the petitioner is also foretelling the State of South Carolina Attorney General office about and concerning this matter(s): According to the Supreme Court of the United States Code Rule 29.4(b) (c) to apply Under 28 U.S.C. §§ 451 and 2403 (b) and also SCCPR 65(E), the petitioner is asking the Honorable Court and State Attorney General to grant a hearings. The petitioner is pleading with the Honorable Attorney General and the Court of Common Pleas to adjudicate this Statutes violation according to legal facts and the laws, this do constitutes a denial of fundamental fairness shocking to the universal sense of justice. ... The petitioner is asking the Honorable Court of Common Pleas and the State Attorney General to grant an immediate releases from the custody of the SC Department of Probation, Parole, and Pardon Services and the South Carolina Department of Corrections, according to South Carolina, ss. 93-CP-1824; UP. No. 24820 and Plyler, 43 F.3d 244 (23) ...

cc: ad
jer

Sincere,
John C. Rob
John C. Rob
March 25, 2019

Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, SC

2019 APR - 2 AM 9:19

A True Copy Attest

Wanda C. Miles

CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

State of South Carolina

County of Chesterfield, Appellate Case No. 2019-502059

In The Court of Common Pleas

2019 APR -2 AM 9:19

Case no. 2019-CP-13224

Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

Now Comes before the Honorable Court of Common Pleas to pleas for mercy and pray the Honorable Court will be lenient toward me the petitioner in this matters:

The petitioner is asking the Honorable Court to adjudicate or res judicata my Case. This petition is not Challenging my Conviction and sentence of and from the Chesterfield County General Sessions Court that states: The Sentencing Judge had already sentenced me under the guidelines in effect at the time I was sentenced and a sentence that fits the nature of this Crime - Charged at my Conviction and Sentencing stage, under the 1983, Omnibus Crime Acts. The petitioner is Challenging the South Carolina Department of Probation, Parole, and Pardon Services for applying and retroactive this 1995, Statute to my Conviction and Sentence. This 1995 statute does not even apply to my Conviction and sentence. Causes, the petitioner only has one violent Conviction and sentence on the record. Causes, the petitioner is Challenging a Statute, Constitution violation in which the petitioner has asked the SC Department of Probation, Parole, and Pardon Services to Correct and releases. The petitioner is still Challenging the SC Department of Probation, Parole, and Pardon Services to prove beyond any reasonable doubt that the petitioner has two violent Crime Convictions...

A True Copy Attest

Wanda C. Miles

CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

Now Comes the Statement of Facts to this Case

In 1979, the petitioner did pleaded guilty to an armed robbery crime in which at the time was not classified, considered, or defined as a violent crime acts. According to this Statute § 16-1-60 (B) or (A) stated, Causes, the petitioner's conviction in 1979, was not a second or subsequent violent crime acts, either - but the petitioner's first - for a violent crime acts, therefore, making him eligible for a parole hearings, according to: South Carolina, 93-CP-23-1824 also UP No. 24820, Plyler, 438 S.E.2d 244 (93) 129 F.3d 728 (97) Lynce, 314 U.S. 433, 117 S.Ct. 891 (97). These cases are a Constitutional Rights and ex post facto clauses violations, Causes; by going back to this 1979, armed robbery conviction and using and retroactive its as a violent crime acts - is a prejudicial errors. Causes, the sentencing judge had already sentenced me under the guidelines in effect at the time I was sentenced - fits the nature of this crime sentencing stage under the 1983 Omnibus Criminal Acts, Causes, those prior conviction and sentences - that the SC Department of Probation, Parole, and Pardon Services are using or retroactive are not considered, defined, or classified as a violent crime acts at the time of their committing or commission crime acts, this shows a violation of not having two violent crime acts, according to; Atkin, — SC —, 360 S.E.2d 302 also Torrence, — SC —, 406 S.E.2d 315 (91). To adjudicate and res judicata my case - the petitioner asked for unautomated immediately releases from the custody of the SC Department of Probation, Parole, and Pardon Services and the South Carolina Department of Corrections. This do constitutes a denial of fundamental fairness shocking to the universal sense of justice . . .

When the SC Department of Probation, Parole, and Pardon Services applied or retroactively his old conviction as a violent crime acts, did violate the petitioner's Constitution Rights of the United States Const. Art. 1 § 10 and the State of South Carolina Const., Art. 1 § 4... The petitioner's factual allegation about ex post facto Clause, according to; the United States Constitution and the State of South Carolina Constitution...

Causes, the Counsel for the SC Department of Probation, Parole, and Pardon Services says: "In 1995, South Carolina laws were amended to classify violent crime acts" - just about sixteen years after the petitioner's committing and sentencing of this 1979, armed robbery conviction, then the 1993, amended added this 1995, SC Code Ann. § 16-1-60 (B), (A), that states: at this time of Commission of the crime acts: (A) + (B), stated: "For a person to be considered guilty of a violent crime acts - first, this offense must be defined as a violent crime act", pursuant to subsection: (A), second - at the time of Commission or committing of the crime acts. The Honorable Court should not overlook this Statute § 16-1-60 (A) (B), claims when these violent crime acts should be used as to who should be classified or considered for these violent crime acts or under them, ...

This Statute was apply or retroactive to my 1979, armed robbery conviction, Causes, the petitioner is showing that the SC Department of Probation, Parole, and Pardon Services' analysis of this Statute - then retroactive or applying them to his 1979, armed robbery sentence, do clearly established an United States Const. Art. 1 § 10, and the State of South Carolina Const. Art. 1 § 4, violation of the ex post facto Clause Rights... Causes the SC Department of Probation, Parole, and Pardon Services went back to retroactive and defines or classified this 1979, armed

robbery as a violent crime acts; however, the petitioner is entitled to this reduction - the same with a parole eligibility - in his prison sentence guaranteed by this 1983 Omnibus Criminal Acts Statute despite later changes in the South Carolina laws. Causes, these laws and facts were already applied to the petitioner's sentences. Causes, the SC Department of Probation, Parole, and Pardon Services is still refusing to correct this statute errors - and this Honorable Court must adjudicate or res judicate this statute errors - this statute § 16-1-60 has already res judicate and adjudicate, see according to: Atkin, — SC —, 360 S.E.2d 302 and Torrence, — SC —, 406 S.E.2d 315 (1995). The petitioner asks pursuant to rule 65(f), behalf according to Rule 65(f), this petition should be heard upon such a time or notice as the Court must or may prescribe and the Court proceed to heard and determine such petition as expeditiously as to the ends of justice requires, also this Rule 65(f) makes it clear that the various remedial writ, petition are not causes of the action, but remedies the right to which must be supported by the laws and facts, these as to the adjudication with the respect to petition's: Causes of these orders, requirements, regulations, statutes, and laws that were executive by an Order administrated and a State's Governmental's office and all these questions of laws and these facts are common and adequately and fairly protesting the petitioner's rights as a whole... To adjudicate and res judicate - My Case an unconditional automatic an immediately releases from the custody of the SC Department of Probation, Parole, and Pardon Services and the South Carolina Department of Corrections..

My case do constitutes a denial of Fundamental Fairness
Shocking to the universal sense of justice . . .

Appropriate Causes, the petitioner is showing this Court
that these are as to all those material of laws and facts con-
cerning these Citings in this Statutes § 16-1-60 (B); (A); 24-21-
640, and the petitioner should be entitled for this as appropri-
ate as a question of laws and facts - only deputed over laws and
facts - that must effect the outcomes of the petitioner's Case . . .

This Citings under this governing will properly preclude this
entering of the judgment of an immediately releases from
this Confinement and Custody unconditional of the SC De-
partment of Probation, Parole, and Pardon Services and the
South Carolina Department of Corrections - to-wit, there are
question of laws and facts that are dealing with the law of
the United States laws of the Lands, these Statutes §§ 16-1-60
(A); (B); 24-21-640 are Federal and the State of South Caro-
lina Constitution Rights - if a jury would hear and heard these
question of laws and facts - these are question about my Case .

Without any reasonable doubt will, with a strong stand the jurors
verdict would be for the petitioner (me) a releases immediately uncon-
ditional, Causes, the SC Department of Probation, Parole, and Pardon Ser-
vices made their decisions to retroactive or applied these Statutes
to my Conviction, 1979, armed robbery; Clearly established this Feder-
al and State's Constitution: erroneously and uncorrectly - do violates
the Rights of Liberty and treated me deliberate indifference . . .

Causes, the petitioner has proving beyond any reasonable doubt
the SC Department of Probation, Parole, and Pardon Services is violat-
ing the petitioner's Constitutional rights and ex post facts Clause

Rights, according to this SC Code Ann. § 16-1-60 (B); (A) ... The petitioner's Complain and defense are solely upon these question of laws and facts Common with this Statutes that pursuant made-to these Statutes regulations, orders, and executive Order adjudicated and by these agencies Federal and State's Constitution's Office have issued. This matter has already been addressed and adjudicated before the United States Supreme Court of Appeals and the state of South Carolina Supreme Court, they all-both said, the same things: The SC Department of Probation, Parole, and Pardon Services should not had mess with the inmates' parole eligibility as a whole; out of Phillips, under Griffin, the SC Supreme Court determined that Change from annual to biannual review of a parole eligibility was overly intrusive, if the merely Change of a year's review is overly intrusive, then Certainly, the granting and subsequent denial of any review is so intrusive ...

But at the time of the Commission and Conviction of his Crime acts, his potential sentence include parole eligibility. To deny that eligibility after Conviction affects the very nature of his punishment, see according to: South Carolina, Case No. 93-CP-23-1824 also Up. No. 24820, Pigler, 438 F.3d 728, Kerr, 545 S.E.2d 494 (b1) and Lynee, 518 U.S. 433, 117 S.Ct. 891 (97) ... SC Department of Probation, Parole, and Pardon Services has apply or/and retroactive this Wrong Statute to my Conviction and Sentencing - and, Causes. SC Department of Probation, Parole, and Pardon Services has wrongfulness retroactive this Statute § 16-1-60 (A); (B) without reading sections (B and A). Causes, of these sections the petitioner should be granted the immediately releases from the SC Department of Probation, Parole, and Pardon Services and South Carolina Department of Corrections custody and Confinement, ..

Wherefore, in this above sitting forth - do Constitutes a denial of fundamental fairness shocking to the Universal sense of justice ...

Reasons For Granting an Adjudicating

1) The state of SC supreme Court ruled that the Change in law did not violated the Constitution and a Federal's Magistrate agreed, however, the next judge's order overruled that Magistrate and found that the law violated the Constitutional rights of all Class Members who were subject to the old law or those whose Crime occurred between June 13, 1983 and June 14, 1993; see Plyler...

2) The Circuit judge's Order finding that retroactive this application of § 16-1-60, so as to deny prison's parole eligibility violates their ex post facto Rights...

3) The United States Supreme Court stated: that the ex post facto Clause addresses Changes in the definition of a crime or an increase in punishment for Criminal acts...

4) The judge finds that the retroactive application of the violent crime acts definition for purpose of parole eligibility violates ex post facto Clause of the Constitution of the state of South Carolina...

5) To fall within ex post facto Clause prohibition law must be retroactive - that is - it must apply to events occurring before its enactment, Lynce...

6) Legislature makes a statute, "what it says is what it means," "what it means is what it says..."

7) S.C. Code Ann. § 16-1-60: (b), For a person to be considered guilty of a violent crime acts, this offense must be defined as a violent crime acts, pursuant to subsection (A), at the time of the Commission or Committing of the Crime acts...

8) SC Code Ann. § 24-21-640, was amended to provide that parole may not be granted nor is parole authorized to any prisoner serving a sentence for a second or subsequent conviction, for violent crime acts as defined in section, 16-1-bD...

Conclusion

The petitioner pray and pleads that this Honorable Court of Common Pleas, to order the State of South Carolina Department of Probation, Parole, and Pardon Services and South Carolina Department of Corrections to correct my sentence under the 1983 statute, and to grant an order that the petitioner be forthwith released immediately from the custody of Respondents...

This 25, day of March 2019.
Greenville, South Carolina.

Respectfully submitted,
s/ John Robinson
John Robinson - 4-1-8-2019
Perry Correctional ~~Inst~~
430 Oak Lawn Rd
Pelzer, S.C. 29669

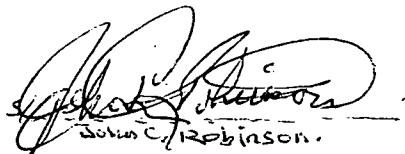
2019 APR - 2 AM 9:00
Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY

A True Copy Attest
Wanda C. Miles
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF

I, John C. Robinson, 097584, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- 1) I am the applicant in this action and I believe I am entitled to redress.
- 2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.


John C. Robinson.

Sworn or affirmed to and subscribed before me this 25
day of March - 2019.

s/ Tamara Cornwall
Notary Public.

My Commission Expires: My Commission Expires
September 26, 2020

INMATE TRUST FUND ACCOUNT REPORT
for SOUTH CAROLINA COURT FILING FEES

20 19 - CP-13 226

REC

INSTRUCTIONS TO INMATE: Complete top portion then give to your mailroom. When returned from Accounting, you must mail this form with any payment to the Court.

By signing my name below, I am asking the Financial Accounting Office of the South Carolina Department of Corrections to complete this report. In accordance with SC Code of Laws §24-27-100 and 150, I authorize payment of the full filing fee. If I have insufficient funds in my account at this time to pay the court's full filing fee, I authorize SCDC to deduct the initial and subsequent payments until payment is completed.

Appellate Case No. 2019-002059

INMATE NAME (print): Robinson, John C. Q-1-B-209

SCDC# 097584 INMATE SIGNATURE: [Signature]

I plan to file this action in the SC County of Chesterfield. 03/04/19

The section below is for SCDC - Financial Accounting Branch's use ONLY.

- (1) Total deposits to inmate's account for preceding six months' period* \$ 0
- (2) Twenty percent (20%) of line 1 \$ 0
- (3) Account balance - current date \$ 1.43
- (4) PAYMENT AMOUNT **
(lesser of line 2 or line 3)
Enclosed check # \$ 0

SCDC-FINANCIAL ACCT
2019 MAR 11 AM 11:22
2019 APR 22 AM 9:20

Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, SC

*NOTE to COURT: If payment is for partial fee, Court must notify SCDC once case is accepted and filed. Send notice with case # and balance owed to address below. SCDC will NOT process any additional payments until notification is received from Court.

South Carolina Department of Corrections
Financial Accounting - Room 234
PO Box 21737
Columbia, SC 29221-1737

*Admission date is noted here if inmate incarcerated less than six months / /

[Signature]

3/12/19

A True Copy Attest

Wanda C. Miles
CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

20 19 - CP-13 226

Case No. 2019-002059

State of South Carolina
County of Greenville

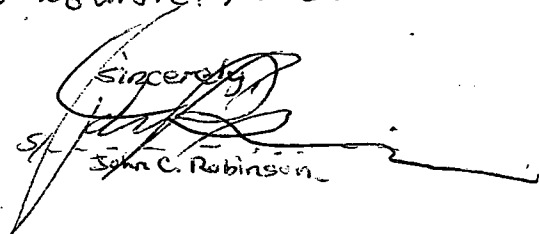
Declaration

I, John C. Robinson, #097584, declare under penalty of perjury that I have read and subscribe to the above and state that the information contained therein is true and correct to the best of my knowledge.

Certificate of Service

I, John C. Robinson, #097584, hereby certify that on this 25 day of March 2019, I have served all of the below parties at the addresses listed according to: 28 U.S.C. § 1746.

The State of South Carolina
Attorney General Office
R. Wilson
Post office Box 11549
Columbia, SC 29211

Sincerely,

John C. Robinson

South Carolina Department of Probation, Parole, and
Pardon Services, at 2221 Devine Street
Post Office Box 50666
Columbia, SC 29250
and

Christina Catoe, Esq.
South Carolina Department of Corrections
Broad River Rd. 4444
Post Office Box 21787
Columbia, SC 29221

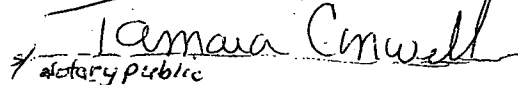
2019 APR -2 AM 9:20
Wanda C. Miles
CLERK OF COURT
CHESTERFIELD COUNTY, S.C.

RECEIVED

JAN 15 2019

SC Court of Appeals

sworn or affirmed to and subscribed
before me this 25 day of March 2019.


Tamarra C. Miles
Notary Public

A True Copy Attest

Wanda C. Miles

CLERK OF COURT C.P. & G.S.
CHESTERFIELD COUNTY, SC

My Commission Expires
September 23, 2023

John C. Robinson, # 097584
Q-1-B-209
Perry Correctional Institution
430 Oak Lawn Rd.
Pelzer, SC 29669

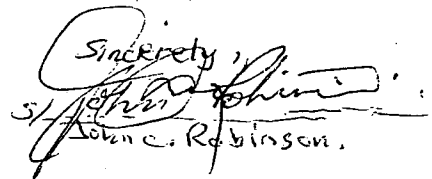
Re: Robinson, CA No. 2019-CP-13-00226 June 04, 2019,
ANSWER TO NOT DISMISS: Appellate Case No. 2019-002059

Clerk of Common Pleas Court,
Chesterfield County Courthouse
200 W. Main Street
Chesterfield, SC 29709

Dear Clerk of Chesterfield Courthouse:

Please, find within is enclosed my original Petition
AN ANSWER TO NOT DISMISS, to be filed in your office,

Thanks you much, Pleases.

Sincerely,

John C. Robinson.

cc: ag/qr
PPSja

RECEIVED
JAN 15 2020
SC Court of Appeals

State of South Carolina
County of Chesterfield.

John C. Robinson,
Plaintiff,

v.

State of South Carolina,
Defendant.

In the Court of Common Pleas
in the Fourth Judicial Circuit

Civil Action No. 2019-CP-03-00226
Appellate Case No. 2019-00226

AM ANSWER

TO NOT

DISMISS SC Court of Appeals

RECEIVED

JAN 15 2020

Now comes before this Honorable Court of Common Pleas asking for mercy and pray the Honorable Court will be lenient toward me the Plaintiff in the below matter(s):

- 1) The Plaintiff is asking this Honorable Court to adjudicate my case. The plaintiff is trying to explain this petition is not challenging my conviction or sentence of and from this Chesterfield County General Sessions Court that states: "the sentencing Judge had already sentenced me under the guidelines in effect at time I was sentenced and a sentence that fits the nature of the crime charged at my sentencing stage," under the 1986 Omnibus Crime Acts.
- 2) The plaintiff is challenging the South Carolina Department of Probation, Parole, and Pardon Services for retroactive and applying this 1995 statute to my conviction, causes, the plaintiff only has one violent conviction on the record.
- 3) This is why? The plaintiff is challenging the constitutionality of this state statute: §16-1-60. The plaintiff has filed several postconviction relief applications: 97-1802-19-BD until 2007-CP-13-079, the Administrative Law Judge Division: 08-ALJ-04-00541-AP also Cole, C/A No. 04-CP-40-1333, and the SC Supreme Court, App C/A. No. 2016-000406.

All were unsuccessful or inadequately argued.

5) Under this Statute 1986 Omnibus Crime Acts, the plaintiff's prior 1979 armed robbery crime acts in which the SC Department of Probation, Parole, and Pardon Services are applying, using, and retroactive as a violent crime acts - were not considered, defined, or classified as a violent acts at the time of their committing the acts or commission the crime.

6) This 1995 Statute § 16-1-60, does not even belong to my conviction, causes, the plaintiff is challenging a state's statute Constitution violation in which the plaintiff has asked the SC Department of Probation, Parole, and Pardon Services to correct and releases. The plaintiff is still challenging the SC Department of Probation, Parole, and Pardon Services to prove beyond a reasonable doubt that the plaintiff has two (2) violent crime acts, the record will show and settle this dispute.

7) In 1979, the plaintiff did pleaded guilty to an armed robbery charge in which at this was not classified, considered, or defined as a violent acts, according to this Statute § 16-1-60; stated; causes, plaintiff armed robbery in 1979 was not a second or subsequent violent acts - either, but the 1986 conviction was plaintiff's first for a violent crime; therefore, making plaintiff eligible for a parole hearing, according to: South Carolina Ch. No. 93-CP-23-1824

also U.P. no. 24820 and Lynce, 314 U.S. 433, 117 S.Ct. 891 (92). These

cases are a Constitutional Rights and ex post facto Clause violations. Causes, by going back to this 1979 armed robbery conviction and using or retroactive its as a violent crime - is prejudicial errors. Causes, plaintiff was sentenced under the 1986 Omnibus Crime Acts.

This do show a violation of not having two (2) violent convictions, according to: Atkin, — SC —, 360 S.E.2d 302 and Torrence, — SC —, 406 S.E.2d 315 (91).

To adjudicate my case, the plaintiff asked for an automated immediately releases from the custody of the SC Department of Probation, Parole, and Pardon Services and the South Carolina Department of Corrections, This that is above, do constitutes a denial of fundamental fairness shocking to the universal sense of justice.

8) When the SC Department of Probation, Parole, and Pardon Services applied and retroactive the plaintiff Old Conviction, 1979, as a violent acts, did violated the plaintiff's Constitution- Rights of the United States Const., Art. 1, § 10 and the South Carolina Const., Art. 1, § 4. The plaintiff factual allegation about ex post facto:

To fall within ex post facto prohibition, law must be retrospective or retroactive - that is, it must apply to events occurring before its enactment - and it must disadvantage offender affected by it by altering definition of Criminal Conduct or increasing punishment for crime. Lynce, 519 U.S. 433, 117 S.Ct. 891 (92).

The plaintiff did had a parole hearing at the time of the Conviction of the Crime - I did had a parole hearing at mine potential sentences included parole eligibility and deny me this eligibility after conviction affects the very nature of mine punishment which is a Constitutional violation; however, the plaintiff is entitled to this reduction - the same with a parole eligibility was in the plaintiff's prison sentence guaranteed by this 1986 Omnibus Crime Acts statute, despite a later changes in the South Carolina laws, causes, these laws and facts were already applied to the plaintiff's sentence.

Causes, the Counsel for the SC Department of Probation, Parole, and Pardon Services, says: "1995, South Carolina laws were amended to classify violent crime acts - just about sixteen years (16) after the plaintiff's committed and sentencing of this 1979 armed robbery conviction.

9) Then the 1993, amendment added this 1995, SC Code Ann. § 16-1-60 (B) and (A): At this time of Commission of Crime acts (A) and (B) stated: "For a person to be considered guilty of a violent crime acts, first, this offense must be defined as a violent, and pursuant to subsection (A). Second, at the time of Commission or committing of the crime acts, The Honorable Court should not overlook this statute § 16-1-60, Claims who these violent crime acts should be used on as to who should be classify or considered for these violent crime act or under them, . . .

This statute was apply or retroactive to my 1979, armed robbery conviction; this statute do disadvantage offender affected by it by altering definition of Criminal conduct or increasing the punishment for crime, see, Lynce. Causes, the plaintiff is showing that the SC Department of Probation, Parole, and Pardon Services analysis of this statute - then retroactive or applying them to plaintiff's 1979 armed robbery pleas, do clearly established an United States Const., Art. 1, § 10 and the State of South Carolina - Const., Art. 1, § 4, violation of the ex post facto clauses rights.

Causes, the SC Department of Probation, Parole, and Pardon Services went back to retroactive and defined the plaintiff's 1979 armed robbery as a violent acts.

10) The plaintiff is challenging the Constitutionality of these statutes §§ 16-1-60 and 24-21-640, these statutes and depriving the plaintiff of a privileges that were already rewarded with the plaintiff's Convictions at the time of Sentencing stages - under the guidelines of the 1986 Omnibus Crime Acts Statute. The plaintiff is disputing over all these Citings in those Statutes: §§ 16-1-60 and 24-21-640, the Plaintiff should be entitled for this as appropriate as a questions of laws and facts - Only disputing over laws and facts, those Citings under the governing will properly conclude entering of this judgment of an immediately releases from this confinement and custody unconditionally of the SC Department of Probation, Parole, and Pardon Services and the South Carolina Department of Corrections. The plaintiff is pleading asking the Honorable Common Pleas Court to Righteously adjudicate my case - Applying the SC Constitution Art. 1, § 4 to this Statute §§ 16-1-60 and 24-21-640 - the plaintiff must be granted the releases he is asking for; this Statute, do constitutes a denial of fundamental fairness shocking to the Universal sense of justice.

11) This matter already been addressed and adjudicated before the United States Supreme Court of Appeals and the SC Supreme Court, they both said, the same things: the SC Department of Probation, Parole, and Pardon Services should not had mess with the inmates parole eligibility as a whole. out of Phillips under Griffin, the SC Supreme Court determined, that the change from annual to biannual review of a parole eligibility was overly intrusive; if the merely change of a year's review is overly intrusive. then certainly, the granting and subsequent denial of any review is so intrusive..."

That same year the SC Supreme Court revisited the issue and found the reasoning Roller, persuasive! we must acknowledge a procedure a rule is so overly intrusive that it substantive effects the review standard, it then becomes an ex post facto violation, Griffin, 315 SC at 433 S.E.2d at 864 (94), South Carolina, 93-CP-1824 also Up. C/A. No. 24820; Plyler, 43 F.3d 244 (93).

↳ The plaintiff is alleging sufficient facts and laws to show the Common Pleas Court do have power and jurisdiction over Constitution claim and violations, the plaintiff is arguing and disputing about a State Statute Constitution violation, a matter this Common Pleas Court can resolve and adjudicate, the plaintiff is questioning the Constitutionality of this ^{state} statute § 16-1-60 and 24-21-640, Causes, this state Statute has deprives the plaintiff's Liberty of Rights and has increased punishment...

wherefore, the plaintiff is asking the Honorable Chesterfield County Court of Common Pleas for the appointment of Counsel to assists - Would be more experience, expert, profession and knowledgeable with the laws of this ex post facto Clause violation, and Counsel could evaluate it, my case, better for the Honorable Court, to makes a righteousful decision on this matter.

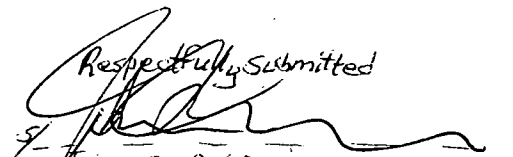
Reasons for Granting or Adjudicating

- 1) The state of SC supreme Court ruled that the Change in law did not violated the Constitution and a Federal's Magistrate agreed, however, the next judge's order overruled that Magistrate and found that the law violated the Constitutional rights of all Class members who were subject to the Old law or those whose Crime occurred between June 13, 1983, and June 14, 1993; see Plyler...
- 2) The Circuit judge's Order finding that retroactive this application of § 16-1-60, so as to deny prison's parole eligibility violates their ex post facto Rights...
- 3) The United States Supreme Court stated: that the ex post facto Clause addresses Changes in the definition of a crime or an increase in punishment for Criminal acts...
- 4) The judge finds that the retroactive application of the violent crime acts definition for purpose of parole eligibility violates ex post facto Clause of the Constitution of the state of South Carolina...
- 5) To fall within ex post facto Clause prohibition law must be retroactive - that is - it must apply to events occurring before its enactment, Lynce...
- 6) Legislature makes a Statute, "what it says is what it means", "what it means is what it says..."
- 7) S.C. Code Ann. § 16-1-60: (B), For a person to be considered guilty of a violent crime acts, this offense must be defined as a violent crime acts, pursuant to subsection (A) at the time of the Commission or committing of the Crime acts...

8) SC Code Ann. § 24-21-640, was amended to provide that Parole
May not be granted nor is parole authorized to any prisoner ser-
ving a sentence for a second or subsequent Conviction, for vio-
lent Crime acts as defined in section, § 16-1-60...

Conclusion

The plaintiff pray and pleas that this Honorable Court of Com-
mon Pleas, to Order the State of South Carolina Department of
Probation, Parole, and Pardon Services and South Carolina
Department of Corrections to Correct my sentence under the
1985 Omnibus Crime Acts, and to grant an Order that the
plaintiff be forthwith released immediate from the Custody
of Defendant...

Respectfully Submitted

Bern C. Robinson, A-1-B-209
Perry Correctional Institution
430 Oak Lawn Rd.
Pelzer, SC 29669

RECEIVED

JAN 15 2020

SC Court of Appeals

State of South Carolina
County of Greenville.

Appellate Case No. 2019-002059
Civil Action No. 2019-CP-13-00226.

Declaration

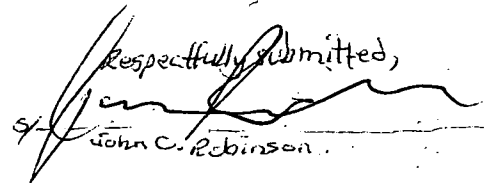
I, John C. Robinson, 097584, declare under penalty of perjury that I have read and subscribe to the above and state that the information contained therein is true and correct to the best of my knowledge.

Certificate of Service

I, John C. Robinson, 097584, hereby certify that on this 04, day of June, 2019, I have served all the below parties at the addresses listed through or placing in the United States mailing system at Perry Correctional Institution - sufficient postage prepaid, first class in an envelope on the following(s):

To: The State of South Carolina
Attorney General office
A. Wilson
Post Office Box 11549
Columbia, SC 29211

and
South Carolina Department of Probation,
Parole, and Pardon Services at 2221
Devine Street
Post Office Box 50666
Columbia, SC 29250

Respectfully submitted,

John C. Robinson.

My Commission Expires
September 25, 2023

RECEIVED

JUN 04 2019

P.C.I. MAILROOM

6/4/2019

John C. Robinson, # 097584; Q-1-B-209
Perry Correctional Institution
430 Oaklawn Rd.
Pelzer, SC 29669

RECEIVED

JAN 15 2020

SC Court of Appeals

South Carolina Court of Appeals
Jenny A. Kitching, Clerk
Post Office Box 11629
Columbia, SC 29211

RECEIVED

JAN 13 2020

P.C.I. MAILROOM

LEGAL
MAIL

THE DEPARTMENT OF CORRECTIONS HAS
NOT CENSORED THIS ITEM, THEREFORE,
THE DEPARTMENT DOES NOT ASSUME
RESPONSIBILITY FOR ITS VULGAR CONTENTS.
S.C. DEPARTMENT OF CORRECTIONS