

3.

STATE OF SOUTH CAROLINA IN THE COURT
OF APPEALS

APPEAL FROM BEAUFORT COUNTY JUDGE THOMAS
COOPER CIRCUIT COURT JUDGE

The State

Respondent

V.S.

RECEIVED

APR 23 2020

TYRONE LORENZA ROBINSON SC Court of Appeals

Appellate

Appellate case NO: 2017-002233

SECOND AMENDED PROSE
RESPONSE BRIEF

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

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BELL AND MURRAY VS. THE STATE 48 ALA. 684,
1872 WL 993, 17 AM. REP. 40

STATUTORY MERITS

S.C. CODE OF LAW 17-23-90

NO. 17-23-90

STATEMENT OF ISSUE ON APPEAL

5TH ISSUE ARGUED ON APPEAL

BECAUSE BY THE LAWS THAT GOVERN THE STATE OF SOUTH CAROLINA FOR ACQUITTALS, I WAS LEGALLY ACQUITTED ON INDICTMENT# 2012-GS-07-01935 THAT I AM CURRENTLY BEING HELD UNLAWFULLY RESTRAINED ON IN VIOLATION OF SOUTH CAROLINA CODE OF LAWS 17-23-90 WHICH STATES "QUOTEING"

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

AM I ENTITLED TO BE DISCHARGED FROM UNLAWFULL RESTRAINT, ON INDICTMENT# 2012-GS-07-01935 THAT I WAS "ACQUITTED" ON PURSUANT TO SOUTH CAROLINA CODE OF LAWS 17-23-90 WHICH STATES "QUOTEING"

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

6TH ALTERNATIVE 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 "ALLEGEDING" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER

7.

THE 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 AND ALLEN ROAD 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-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 SUPREME
COURT OF APPEALS OF THE UNITED STATES OF AMERICA
CASE LAW OF.

~~SANDRIA VS. U.S. 985 CT 2170 QUOTE END~~

~~THE DOUBLE STANDARD OF COURSE IS ABSOLUTELY HORROR
ON A SECOND TRIAL IN SUCH CIRCUMSTANCES THE
COURT OF APPEALS LACKED JURISDICTION
ON THE GOVERNMENT'S APPEAL~~

8. STATEMENT OF THE CASE

APPELLANT TYRONE LORENZO ROBINSON WAS INDICTED DURING OCTOBER 18TH, 2012 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 2014. BY THE LAWS THAT GOVERN ACQUITTALS IN THE STATE OF SOUTH CAROLINA. ON SEPTEMBER 19TH 2014. I WAS LEGALLY ACQUITTED ON INDICTMENT #2012-GS-07-01935. FOR THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL.

STATEMENT OF FACTS

AFTER THE STATE OF SOUTH CAROLINA RESTED THEIR CASE. AND AFTER THE DEFENSE RESTED THEIR CASE. AT THE END OF TRIAL, THE JURY AT TRIAL CONVICTED TYRONE L. ROBINSON. ON A THIRD UNINDICTED ALLEGED CRIME, THAT THERE IS NOT ANY INDICTMENT CHARGING ME WITH. THAT IS A THIRD UNINDICTED ALLEGED CRIME. THAT IS NOT A LESSER INCLUDED DEGREE CRIME OF THE ALLEGED CRIME. THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP ON INDICTMENT #2012-GS-07-01935. THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL.

BECAUSE THE ELEMENTS OF THE THIRD UNINDICTED ALLEGED CRIME. ARE NOT INCLUDED INTO THE ELEMENTS OF THE ALLEGED CRIME. 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 JURY VERDICT OF GUILTY ON THE THIRD UNINDICTED CRIME. CONSTITUTES A JURY VERDICT OF "NOT GUILTY". ON THE CRIME 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. 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.

THE STATE VS. LOUIS ENGLISH FULLER 552 S.E.2D 282 "QUOTE"

IF ACCESSORY AFTER THE FACT IS NOT CHARGED IN

THE INDICTMENT, BUT IS INSTRUCTED TO CLARIFY
MERE PRESENCE, A FINDING OF ACCESSORY AFTER
THE FACT IS THE EQUIVALENT TO A FINDING OF
NOT GUILTY

ALSO BECAUSE AFTER THE JURY AT TRIAL WAS SWORN
 IN ON THE CRIME OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY AND INDICTMENT #2012-GJ-
 -07-01935. THAT THE CRIME OF FELONY MURDER BY
 THE FELONY MURDER RULE THEORY IS CHARGED WITHIN.
 AND AFTER THE STATE OF SOUTH CAROLINA AND
 THE DEFENSE RESTED THERE CASE. AT THE END OF
 TRIAL, WITHOUT THE CONSENT OF TYRONE L. ROB-
 -INSON. THE TRIAL JUDGE AND TRIAL COURT VOLUNT-
 -ARILY DISMISSED THE JURY AWAY FROM MY
 TRIAL, AND DID NOT ALLOW THE JURY TO RENDER
 A VERDICT. ON THE CRIME OF FELONY MURDER BY
 THE FELONY MURDER RULE THEORY. THAT I WAS TRIED
 ON BEFORE THE JURY AT TRIAL. AS A MATTER OF
 LAW CONSTITUTES A ACQUITTAL ON INDICTMENT
 #2012-GJ-07-01935. THAT I AM CURRENTLY BEING
 HELD UNLAWFULLY RESTRAINED ON. 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 "VOTING"
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

^{10.} ARGUMENT

BECAUSE AS A MATTER OF LAW I WAS "ACQUITTED"
ON INDICTMENT # 2012-65-07-01935 THAT
I WAS TRIED ON BEFORE THE JURY AT TRIAL.
AS A MATTER OF LAW IT IS THE DUTY OF THE
COURT TO DISCHARGE ME FROM IMPRISONMENT
ON INDICTMENT # 2012-65-07-01935 THAT I
WAS ACQUITTED ON, PURSUANT TO SOUTH
CAROLINA CODE OF LAW 17-23-90 WHICH
STATES "QUOTE IN" /
AND IF ANY PERSON COMMITTED AS A FORESAID
UPON HIS TRIAL SHALL BE ACQUITTED HE SHALL
BE DISCHARGED FROM IMPRISONMENT.

LAW ANYLISTS

INSIDE OF THE STATE OF SOUTH CAROLINA, WHEN
A PERSON IS CONVICTED ON A UNINDICTED
CRIME, THAT IS NOT A LESSER INCLUDED DEGREE
CRIME, OF THE CRIME THAT IS CHARGED AND
ALLEGED INSIDE OF THE WRITTEN WRITE UP
OF THE INDICTMENT, THAT THE PERSON IS TRIED
ON BEFORE THE JURY AT TRIAL, THE JURY
VERDICT OF GUILTY ON THE UNINDICTED
CRIME THAT IS NOT CHARGED AND ALLEGED
INSIDE OF THE WRITTEN WRITE UP OF THE
INDICTMENT, CONSTITUTES A JURY VERDICT
OF "NOT GUILTY" ON THE CRIME THAT
CHARGED AND ALLEGED INSIDE OF THE WRITTEN
WRITE UP OF THE INDICTMENT, THAT THE PERSON
IS 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.
THE STATE VS. LOUIS ENGLISH FULLER 552 S.E.
2D 282 "QUOTE IN"

IF ACCESSORY AFTER THE FACT IS NOT CHARGED
IN THE INDICTMENT, BUT IS INSTRUCTED TO
CLARIFY MERE PRESENCE, A FINDING OF
ACCESSORY AFTER THE FACT IS THE EQUIVALENT
TO A FINDING OF NOT GUILTY.

ALSO INSIDE OF THE STATE OF SOUTH CAROLINA, WHEN
THE JURY AT TRIAL IS DISCHARGED FROM TRIAL
WITHOUT THE CONSENT OF THE DEFENDANT, AND

THE JURY "DOES NOT" RENDER A VERDICT ON THE CRIME THAT IS CHARGED AND ALLEGED INSIDE OF THE INDICTMENT THAT THE PERSON IS TRIED ON BEFORE THE JURY AT TRIAL. IT CONSTITUTES A "ACQUITTAL" ON THE CRIME THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT. THAT THE PERSON IS 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 V. RICHARDSON 25 S.E. 220 "QUOTEING"

SO HERE WE MIGHT SAY THAT AFTER THE JURY WERE CHARGED WITH THE TRIAL OF THIS CASE THEY HAVE NOT 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 V. RICHARDSON 25 S.E. 220 "QUOTEING"

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 ACQUITTAL.

DISCUSSION CONFESSION

THE TRIAL TRANSCRIPT FROM THE PRETRIAL HEARING ON FEBRUARY 27TH 2014 WERE I REPRESENTED MYSELF PROSE. REVEALS THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISIAAC MC. DUFFIE STONE "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 CONFESSION OF THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISIAAC MC. DUFFIE STONE. FROM THE TRIAL TRANSCRIPT OF THE PRETRIAL 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 ISIAAC 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 1 AND 2 OF TRIAL TRANSCRIPT FROM PRETRIAL 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 THE INHERANTLY 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 POSITION THAT THE STATE GOES 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 defendant were talking about, we feel like all three of these people were INVOLVED IN AN INHERANTLY DANGEROUS FELONY, WHICH IS A SHOOT OUT THAT BASICLY 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 DONT 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 tramp-
 -line and killed our theory is all three
 of them are culpable under that scenario,
 and that's the theory we're proceeding for trial.

CRIME OF FELONY MURDER DOES NOT HAVE ANY LESSER INCLUDED CRIMES TO IT

BECAUSE THE STATE OF SOUTH CAROLINA PROCEEDED
 TRIAL AGAINST TYRONE ROBINSON ON A CRIME
 AND THEORY OF FELONY MURDER BY THE FELONY
 MURDER RULE THEORY ONLY. A CRIME THAT
 UNDER THE LAWS OF THE STATE OF SOUTH CAROL-
 -INA DOES NOT HAVE ANY LESSER INCLUDED
 HOMICIDE CRIMES OR OFFENSES. THE STATE OF
 SOUTH CAROLINA ASSUMED THE OBLIGATION OF
 PROVING THE CRIME OF FELONY MURDER BY THE
 FELONY MURDER RULE THEORY ONLY, THAT IS CHARGED
 AND ALLEGED INSIDE OF THE WRITTEN WRIT-
 UP OF INDICTMENT #2012-65-07-01935 THAT
 I WAS TRIED ON BEFORE THE JURY AT TRIAL
 AND WAS PUT IN JEOPARDY OF BEING CONVICT-
 -ED ON AND SENTENCED TO PRISON + TIME OF
 LIFE IMPRISONMENT FOR. AS DECIDED
 BY THE SUPREME COURT OF APPEALS OF THE UNITED
 STATES OF AMERICA 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 "QUOTE" "NO"
 NEBRASKA PROCEEDED AGAINST RESPOND-
 -ENT ONLY ON A THEORY OF FELONY MURDER
 A CRIME THAT UNDER STATE LAW HAS
 NO LESSER INCLUDED HOMICIDE OFFEN-
 -SES. THE STATE THEREFORE ASSUMED THE
 OBLIGATION OF PROVING ONLY THAT CRIME

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 I TYRONE ROBINSON
 IN THE BODY OF ITS WRITTEN WRITE UP WITH
 THE ALLEGED CRIME OF FELONY MURDER BY
 THE CRIME ALLEGED I CAUSED THE VICTIM
 TO BE SHOT AND KILLED WHILE PERPETUATING
 A FELONY, WHICH IS THE CRIME THAT IS CHARGED
 AND ALLEGED INSIDE OF THE WRITTEN WRITE
 UP OF INDICTMENT # 2012-65-07-01935 WHICH
 STATES "QUOTING"
 THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER
 7TH 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 THERE OF
 ON SEPTEMBER 7TH, 2012, IN VIOLATION OF
 SECTION 16-3-10 OF THE SOUTH CAROLINA CODE OF
 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 THE ALLEGATIONS ALLEGED
 I CAUSED THE VICTIM DEATH IN THE COURSE OF
 PERPETUATING A FELONY, WHICH IS COMMONLY
 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 785 CT 221 "QUOTING"
 FROM FOOTNOTE INSIDE OF THE CASE LAW OF
 GREEN VS. UNITED STATES "QUOTING" 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)

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.

Lucas M. Shaw

15.
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
CHARGING 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 #2012-65-
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 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 FROM THE CASE
OF TYRONE ROBINSON.

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT

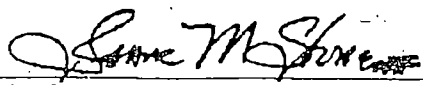
2008GS25-588

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

TRUE COPY
FILED
CLERK OF COURT FOR
HAMPTON COUNTY, S.C.

AS a matter of law indictment # 2012-GS-07-01935
"DOES NOT" charge and allege that TYRONE
 ROBINSON shot and killed the victim KHALIL
 SINGLETON.

AS a matter of law there is "NOT" any indictment,
 that charge TYRONE ROBINSON with the CRIMINAL
 ACT OF SHOOTING AND KILLING THE VICTIM KHALIL
 SINGLETON.

ALSO AS a matter of law indictment # 2012-GS-
 07-01935. "DOES NOT" charge and allege that
 TYRONE ROBINSON KILLED AND OR MURDERED THE
 VICTIM KHALIL SINGLETON.

AS a matter of law PROVEING THAT THERE IS
"NOT" any indictment that charge TYRONE
 ROBINSON with the CRIMINAL ACT OF KILLING
 AND OR MURDERING THE VICTIM KHALIL SINGLETON.

AS a matter of law PROVEING THAT THERE IS NOT
 ANY indictment, that charge TYRONE ROBIN-
 SON with the 1st element "ALLEGING"
TYRONE ROBINSON UNLAWFULLY KILLED THE VICTIM
KHALIL SINGLETON

THAT IS REQUIRED TO CONSTITUTE THE THIRD UNINDI-
 CTED CRIME OF MURDER "ALLEGING"
TYRONE ROBINSON KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

ALSO PROVEING THAT AS a matter of law there is
 NOT any indictment, that charge TYRONE ROBIN-
 SON with the 2nd element "ALLEGING"
TYRONE ROBINSON KILLED THE VICTIM KHALIL SINGL-
ETON WITH MALICE AND AFORETHOUGHT

THAT IS REQUIRED TO CONSTITUTE THE THIRD UNINDICT-
 ED CRIME OF MURDER "ALLEGING"
TYRONE ROBINSON KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

AS a matter of law indictment # 2012-GS-07-01935
 charge and allege that victim KHALIL SINGLETON
 death is the proximate result of a ONGOING GUN
 battle an INHERANTLY DANGEROUS FELONY ONLY.

AS a matter of law PROVEING THAT a ONGOING GUN
 battle an INHERANTLY DANGEROUS FELONY. IS THE
 one and only CRIMINAL act, that indictment #
 2012-GS-07-01935 charge and allege that victim
 KHALIL SINGLETON death is a proximate result
 there of.

AS a matter of law a ONGOING GUN battle an INHER-
 ANTLY DANGEROUS FELONY. IS THE one and only
"CRIMINAL ACT" that indictment # 2012-GS-07-01935
 puts TYRONE ROBINSON on "NOTICE" that I had to
 defend against.

AS a matter of law PROVEING THAT indictment #
 2012-GS-07-01935. puts TYRONE ROBINSON on "NOTICE"
 that I had to defend against the 1st element
"ALLEGING"
TYRONE ROBINSON WAS IN THE COMMISSION OF

COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY.

ALSO PROVEING THAT AS A MATTER OF LAW INDICTMENT #2012-GJ-07-01935, PUTS TYRONE ROBINSON ON "NOTICE" THAT I HAD TO DEFEND AGAINST THE

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

THAT IS REQUIRED TO CONSTITUTE THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY.

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

THAT I HAD TO DEFEND AGAINST THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDING"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 25TH, 2012

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

AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY

AS A PROXIMATE RESULT THERE OF

THAT THE GRAND JURY INDICTED ME ON, THE JURY WAS SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE THE JURY

AT TRIAL. AS A MATTER OF LAW PROVEING THAT THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF, TO PROVE THAT I WAS GUILTY BEYOND A REASONABLE DOUBT OF COMMITTING THE 1ST ELEMENT "ALLEGEDING"

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

BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT ME FOR THE DEATH OF VICTIM KHALIL SINGLETON.

ALSO PROVEING THAT THE STATE OF SOUTH CAROLINA HAD THE BURDEN OF PROOF TO PROVE, THAT I WAS GUILTY BEYOND A REASONABLE DOUBT OF COMMITTING THE SECOND ELEMENT "ALLEGEDING"

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

INHERANTLY DANGEROUS FELONY

BEFORE THE STATE OF SOUTH CAROLINA COULD CONVICT ME 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 LUCAS BATLEY VS. STATE 309 S.E.2d 671 "QUOTEING"

IN PREFACING IT ANALYSIS, THE TEXAS COURT OF APPEALS NOTED THAT BY INCLUDING A MORE SPECIFIC DESCRIPTION, THE STATE UNDERTOOK THE BURDEN OF PROVEING THE SPECIFIC ALLEGATIONS TO OBTAIN A CONVICTION "FURTHER QUOTEING"

IN SO RULING, THE COURT RECOGNIZED THAT A DEFENDANT MAY ONLY BE TRIED AND CONVICTED OF THE CRIMES ALLEGED IN THE INDICTMENT AND THE STATE IS BOUND BY THE THEORY ALLEGED IN THE INDICTMENT "FURTHER

QUOTEING"

WE AGREE WITH THE REASONING IN CASTILLO AND APPLY ITS ANALYSIS TO THE FACTS OF THE INSTANT CASE

ELEMENTS

Element 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

FS: The defendant was in the commission of committing and an inherently dangerous felony

Indictment # 2012 - 61 - 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 - 61 - 07 - 01935 charge of 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 fiscal 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 fiscal 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"

case law merit
supreme court of appeals of state of south carolina
case law of
GORE V. LEEKE 199 S.E. 2d 755 "quoting"
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 merit
supreme court of appeals of state of montana case law of
STATE OF MONTANA V. MICHAEL VERNON BELLEDEAUX JR
304 MONT 89 18 P.3D 980 "quoting"
TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE UNDER THE FELONY MURDER RULE 95-5-102(b) M.C.A, THE STATE MUST SHOW THAT
THE PERSON ATTEMPTS TO COMMIT, COMMIT OR IS LEGALLY ACCOUNTABLE FOR THE ATTEMPT OR COMMISSION OF FELONY ASSAULT, AGGRAVATED ASSAULT, OR ANY OTHER FORCIBLE FELONY

2ND ELEMENT required to constitute the crime of felony murder by the felony murder rule theory FS:
DEATH TO THE VICTIM as a consequence of the defendant's

CONDUCT IN COMMITTING THAT CRIME

INDICTMENT # 2012-GJ-07-01935 CHARGE AND ALLEGED THAT THE DEATH OF VICTIM KHALIL SINGLETON IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING AN ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

INDICTMENT # 2012-GJ-07-01935 CHARGE AND ALLEGED THAT THE DEATH OF VICTIM KHALIL SINGLETON IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING AN ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

THEREFORE AS A MATTER OF LAW INDICTMENT # 2012-GJ-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 JISTAC 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 JISTAC MC. DUFFIE STONE. CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT AT PRETRIAL HEARING ON FEBRUARY 27TH, 2014 ON PAGE 1052 PARAGRAPHS 4 AND 5 OF TRIAL TRANSCRIPT "QUOTE" AND AS A RESULT OF THOSE INHERANTLY DANGEROUS FELONIES, A CHILD DIES

CASE LAW MERIT

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF. BOKE V. LEEKE 1995, E. 2d 755 "QUOTE" THE COMMON PURPOSE LAIES AND GENTLEMAN MAY HAVE NOT INCLUDED OR MAY NOT HAVE BEEN INVOLVED IN THE KILLING AND THE MURDER OF ANYONE BUT IF IN EXECUTING THE COMMON DESIGN AND PURPOSE AND IF IT WAS UNLAWFUL AS FOR INSTANCE, BREAKING IN AND STEALING AND IN EXECUTION OF THE COMMON PURPOSE OR 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 LAIES AND GENTLEMAN ALL WHO ARE PRESENT EITHER ACTUALLY OR CONTRIBUTIVELY AND PARTICIPATING IN THE UNLAWFUL COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

CASE LAW MERIT

SUPREME COURT OF APPEALS OF STATE OF MONTANA CASE LAW OF. STATE OF MONTANA V. MICHAEL VERNON BELLEDEAUX JR. 804 MONT. 89, 18F. 3d 980, 2,001 MT9 "QUOTE" 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

ELEMENTS

ELEMENTS FOR THE CRIME OF MURDER BY THE CRIME "ALLEGEDLY"

THE ACCUSED KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THE ELEMENTS REQUIRED TO CONSTITUTE THE CRIME OF MURDER BY THE CRIME "ALLEGEDLY"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

IS AS FOLLOWS

1ST ELEMENT FOR CRIME OF MURDER ALLEGEDLY
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT IS:
THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER,

2ND ELEMENT FOR CRIME OF MURDER ALLEGEDLY
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 "ALLEGEDLY"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT THERE IS ABSOLUTELY NOT ANY INDICTMENT CHARGING ME WITH, AND THAT IS NOT A LESSER INCLUDED CRIME OF 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 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 "ALLEGEDLY"

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

"QUOTING" 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 STATING "QUOTING"
 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 - ~~ght~~ 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 WINA 125084 V. STATE OF SOUTH CAROLINA

CASE NO: 01-CP-08128 QUOTE "IN"

3. THE INDICTMENT MUST CHARGE THAT THE DEFENDANT WITH MALICE AFORETHOUGHT MURDERED THE DEFENDANT

INSIDE OF THE CASE LAW OF RICKY PELZER V. 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 GREAT-ER 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 V. STATE OF SOUTH CAROLINA 622 S.E. 2d 780 QUOTE "IN"

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 ELEMENT

FOR THIRD UNINDICTED CRIME OF MURDER "ALLEGED" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

3rd 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 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 # 2012-GJ-07-01935

1ST 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 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 "QUOTE" "UNQUOTE"
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 "ALLEGEDLY"
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 DIFFERANT 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 PERPETRATING 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" "UNQUOTE"
FELONY GENERIC TERM EMPLOYED TO DISTINGUISH
CERTAIN HIGH CRIMES FROM MINOR OFFENSES
KNOWN AS MISDEMEANORS; CRIME DECLARED TO BE
SUCH BY STATUTE AS "TRUE CRIMES" BY THE COMMON LAW

AS A MATTER OF LAW PROVING THAT THE FIRST ELEMENT
TO THE THIRD UNINDICTED CRIME OF MURDER "ALLEGEDLY"
I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

WHOS 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

IS:
THAT THE KILLING WAS COMMITTED WITH MALICE
AFORETHOUGHT

WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION
-ION 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 CHARGED AND
ALLEGED INSIDE OF THE WRITTEN WRITE UP OF
INDICTMENT # 2012-GJ-07-01935

2ND ELEMENT FOR CRIME OF FELONY MURDER BY
THE FELONY MURDER RULE THEORY "ALLEGEDLY"
I CAUSED THE VICTIM KHALEL SINGLETON TO BE SHOT
AND KILLED WHILE PERPETRATING 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 "QUOTING"
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 THE 2ND ELEMENT TO THE
THIRD UNINDICTED CRIME OF MURDER "ALLEGEDLY"
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 "ALLEGEDLY"
I CAUSED THE VICTIM KHALEL 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"ING
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 SECOND ELEMENT TO THE THIRD UNINDICTED CRIME OF MURDER "ALLEGED" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

IS NOT CHARGED ALLEGED AND PRESENTED INSIDE OF A INDICTMENT AS A MATTER OF LAW PROVEING THAT THE THIRD UNINDICTED CRIME OF MURDER "ALLEGED" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THAT THE JURY AT TRIAL UNLAWFULLY CONVICTED ME ON. IS NOT CHARGED AND ALLEGED INSIDE OF A INDICTMENT IN VIOLATION OF SOUTH CAROLINA CODE OF LAW 17-19-10 WHICH STATES "QUOTE"ING NO PERSON SHALL BE HELD TO ANSWER IN COURT FOR A ALLEGED CRIME UNLESS UPON INDICTMENT BY A GRAND JURY

AS A MATTER OF LAW PROVEING THAT THE THIRD UNINDICTED CRIME OF MURDER "ALLEGED"

I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

IS NOT CLASSIFIED AS A LESSER INCLUDED DEGREE CRIME. OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGED"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 7ST, 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 ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF ON SEPTEMBER 7ST, 2/012, IN VIOLATION OF SECTION 16-3-10 OF THE SOUTH CAROLINA CODE OF LAW 1976) AS AMENDED

FOR PROOF REVIEW

CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS CASE LAW OF STATE VS. PARKER 543S.E. 2D 253 "QUOTE"ING

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

CASE LAW MERITS

SUPREME COURT OF APPEALS OF UNITED STATES
OF AMERICA CASE LAW OF:
HOPKINS VS. REEVES 118 S. CT 1895 "QUOTE END"
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 AN APPEAL

CASE LAW MERITS

COURT OF APPEALS OF ARIZONA DIVISION
I, DEPARTMENT B. CASE LAW OF:
LEMEKE VS. RAYES 213 ARIZ. 232, 141 P.3D 407
"QUOTE END"
THERE ARE NO LESSER OFFENSES OF FELONY
MURDER AND THEREFORE NO OTHER OFFENSES
CONSTITUTE THE SAME OFFENSE AS FELONY
MURDER FOR DOUBLE JEOPARDY PURPOSES

CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY DOES NOT HAVE ANY LESSER INCLUDED DEGREE CRIMES

1st degree murder S.C. code of Law 16-3-10

AS a matter of law the first degree crime of
murder "alleging"
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 manslaugh-
-ter "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 manslaugh-
-ter "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 "ALLEGEDLY" 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 ALLEGEDLY 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 16-3-50 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 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 "ALLEGEDLY" 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 - NA CASE LAW OF,

RICKY PELZER VS. STATE OF SOUTH CAROLINA 622 S.F.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 "ALLEGEDLY" 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 "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 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 "ALLEGED" 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 ALLEGED 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 "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 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 "ALLEGED" 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 "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

1st DEGREE FELONY MURDER BY THE FELONY MURDER RULE THEORY, IS 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 IMPRISON-
MENT, 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 "QUOTEING"

WHILE A NUMBER OF JURISDICTION INCLUDING
CONGRESS (TITLE 18, SEC. 111, U.S.C.) HAVE ENACTED
FELONY MURDER STATUTES, SOUTH CAROLINA HAS NOT
DONE SO HAVING INSTEAD CONSISTENTLY 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

CONFESSIOIN

ON PAGE 1052 PARAGRAPHS 2, 3, AND 4 THE STATE OF SOUTH
CAROLINA AND ITS SOLICITOR JISTAC MC. DUFFIE STONE.
CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT, THAT
THEY HAD INDICTED ME ON AND WERE TRYEN 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 JISTAC 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 "QUOTEING"
OUR THEORY IS THE FELONY MURDER RULE THEORY,
THAT YOU HAVE THREE PEOPLE COMMITTING
INHERENTLY DANGEROUS FELONY
CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA
CASE LAW OF,
GORE VS. LEEKE 1995.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 PERSON ARE

CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOC-
-ATES 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 DEFENDANTS CONDUCT IN COMMITTING
THAT CRIME

CONFESSIO

ON PAGE 1052 PARAGRAPHS 4, AND 5 THE STATE OF
SOUTH CAROLINA AND ITS SOLICITOR ERIC 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 ERIC 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 QUOTING
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 V. LEEKE 1995, E.20755 QUOTED
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 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 ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY
AND PARTICIPATING 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 UNIQUE
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 AFORETHOUGHT

THE CRIME OF VOLUNTARY MANSLAUGHTER, AND THE CRIME OF INVOLUNTARY MANSLAUGHTER, FOR PROOF REVIEW

CASE LAW MERITS

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

HOPKINS V. REEVES 118 S. CT 1895 "QUOTE"

RESPONDENTS PROPOSED INSTRUCTIONS WERE REVERSED 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 FELONIES 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 V. JERRY DEAN CAVANAUGH 948 F.2D 405 "QUOTE"

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 RESSES OUR CONVICTION 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 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

"ALLEGED"

THE DEFENDANT CAUSED THE VICTIM TO BE KILLED WHILE IN THE COMMISSION OF COMMITTING A FELONY, UNDER STATUTORY LAWS AND UNDER THE 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 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. IS NOT INCLUDED INTO THE FIRST ELEMENT

"ALLEGED"

THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING AN 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 WAS COMMITTED WITH MALICE AND AFORETHOUGHT

FROM 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 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 MURDER "ALLEGED"

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

"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 "ALLEGEDLY"

WE CONCLUDE BECAUSE GRAND LARCENY HAS THE
ELEMENT OF IN EXCESS OF ONE THOUSAND DOLLAR
IT IS NOT A LESSER INCLUDED OFFENSE OF ARMED
ROBBERY WHICH HAS NO MONETARY ELEMENT FOR
THE AFOREMENTIONED REASONS, THE CONVICTIONS
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 LAW OF THE
STATE OF SOUTH CAROLINA

AS 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

HOWEVER AS A MATTER OF LAW THE FIRST ELEMENT
"alleging"

THE DEFENDANT UNLAWFULLY KILLED ANOTHER PERSON
FROM THE SECOND DEGREE CRIME OF VOLUNTARY MANSLAUGHTER
- ^{alleging} THE DEFENDANT KILLED THE VICTIM WITH 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 "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 AS A MATTER OF LAW THE SECOND ELEMENT "alleging"
THAT THE KILLING TOOK PLACE WITHOUT MALICE, EXPRESS
OR IMPLIED

FROM THE SECOND DEGREE CRIME OF VOLUNTARY MANSLAUGHTER
"alleging"
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 "alleging"
DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFEND-
ANT'S CONDUCT IN COMMITTING THAT 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

AS A MATTER OF LAW PROVEING THAT THE CRIME OF
VOLUNTARY MANSLAUGHTER "alleging"
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
"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 VS. 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
 REASON, THE CONVICTIONS 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 PROVED 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 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 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 FIRST ELEMENT
 "ALLEGEDLY"
 THAT THE ACCUSED UNLAWFULLY KILLED ANOTHER PERSON
 FROM THE THIRD DEGREE INVOLUNTARY MANSLAUGHTER CRIME
 "ALLEGEDLY"
 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 16-3-10.
 IS NOT INCLUDED INTO THE 1ST ELEMENT "ALLEGEDLY"
 THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING
 A INHERANTLY 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 THE SECOND ELEMENT "ALLEGEDLY"
 THAT THE KILLING TOOK PLACE WITHOUT MALICE, EXPRESS OR
 IMPLIED

FROM THE THIRD DEGREE INVOLUNTARY MANSLAUGHTER CRIME
 "ALLEGEDLY"
 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 16-3-10. IS NOT INCLUDED INTO THE SECOND
 ELEMENT "ALLEGEDLY"

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 "ALLEGEDLY"
 THE DEFENDANT CAUSED THE VICTIM TO BE KILLED WHILE IN THE
 COMMISSION OF COMMITTING A FELONY

ALSO THE THIRD ELEMENT "ALLEGEDLY"
 THAT THE KILLING WAS UNINTENTIONAL

FROM THE THIRD DEGREE CRIME OF INVOLUNTARY MANSLAUGHTER
 16-3-60

IS NOT INCLUDED INTO THE 1ST ELEMENT "ALLEGEDLY"
 THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING A
 INHERANTLY DANGEROUS FELONY

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

ALSO THE THIRD ELEMENT "ALLEGEDLY"
 THAT THE KILLING WAS UNINTENTIONAL

FROM THE THIRD DEGREE CRIME OF INVOLUNTARY MANSLAUGHTER
 16-3-60

IS NOT INCLUDED INTO THE 2ND ELEMENT "ALLEGEDLY"
 DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANT'S
 CONDUCT IN COMMITTING THAT CRIME

ALSO THE FOURTH ELEMENT "ALLEGEDLY"
 THE KILLING RESULTED FROM CRIMINAL NEGLIGENCE

FROM THE THIRD DEGREE CRIME OF INVOLUNTARY MANSLAUGHTER
 16-3-10

IS NOT INCLUDED INTO THE 1ST ELEMENT "ALLEGEDLY"
 THE DEFENDANT WAS IN THE COMMISSION OF COMMITTING A INHER-
 ANTLY DANGEROUS FELONY

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

ALSO THE FOURTH ELEMENT "ALLEGEDLY"
 THE KILLING RESULTED FROM CRIMINAL NEGLIGENCE

FROM THE THIRD DEGREE CRIME OF INVOLUNTARY MANSLAUGHTER
 16-3-60

IS NOT INCLUDED INTO THE 2ND 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

AS A MATTER OF LAW PROVEING THAT THE CRIME OF INVOLUNTARY
MANSLAUGHTER 16-3-60 "ALLEGEDLY"
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 LEWER 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 LAW 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 LEWER INCLUDED
OFFENSE OF ARMED ROBBERY WHICH HAS NO MONETARY ELEMENT
FOR THE AFOREMENTIONED REASON, THE CONVICTION ARE VACATED

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 LEWER 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

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP
OF INDICTMENT #2012-GS-03-01935 THAT IT WAS TRIED ON BEFORE
THE JURY AT TRIAL. FOR PROOF REVIEW

CASE LAW MERITS

COURT OF APPEALS OF ARIZONA DIVISION 2, DEPARTMENT B.
CASE LAW OF.
LEWIS V. RAY 213 ARIZ. 232, 141 P.3d 407 "QUOTING"

THERE ARE NO LEWER OFFENSES OF FELONY MURDER AND THERE
- FOR NO OTHER OFFENSES CONSTITUTE THE SAME OFFENSE AS
FELONY MURDER FOR DOUBLE JEOPARDY PURPOSES

CASE LAW MERITS

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

HOPKINS V. REEVER 118 U.S. 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 LEWER INCLUDED OFFENSES
OF FELONY MURDER. IF NEBRASKA TRIAL COURT SEVER INSTRUCT-
IONS ON THOSE OFFENSES AND THE DEFENDANT IS CONVICTED
ONLY ON SECOND DEGREE MURDER OR MANSLAUGHTER THAT CONVICTION
MUST BE REVERSED

INSIDE OF THE CASE LAW OF STATE V. DECKERSON 716 S.E.2d 895
THE SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA, DECIDED
THAT THEY ADOPT THE DECISION OF THE SUPREME COURT OF APPEALS
OF THE UNITED STATES OF AMERICA INSIDE OF THE CASE OF HOPKINS
V. REEVER 118 U.S. 1895 FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE
LAW OF.
STATE V. DECKERSON 716 S.E.2d 895 "QUOTING"

THE HOPKINS COURT ON THE OTHER HAND BELIEVED THAT CHARGING ON
LEWER RELATED OFFENSE WOULD DENY THE DEFENDANT OF
RELIABILITY BY PERMITTING THE JURY TO CONVICT THE DEFENDANT OF
A CRIME THE STATE NEVER SAUGHT TO PROVE AT TRIAL. THERE
- FORE WE ADOPT THE SUPREME COURT HOLDING IN HOPKINS AND
HOLD THAT THE DEFENDANT IS NOT ENTITLED TO A CHARGE ON A LEWER
RELATED OFFENSE, HERE PERMITTING THE JURY TO CONVICT THE DEFENDANT
AS AN ACCESSORY AFTER THE FACT WOULD PERMIT THE JURY
TO FIND BEYOND A REASONABLE DOUBT ELEMENTS OF A CRIME THE
STATE NEVER SAUGHT TO PROVE AND DECKERSON WAS NOT ON NOTICE
HE HAD TO DEFEND AGAINST. ACCORDINGLY WE AFFIRM THE CIRCUIT
COURT DENIAL OF DECKERSON REQUEST TO CHARGE.

40.

ACQUITTAL ON INDICTMENT # 2012-GS-07-01935

1st REASON

PROVEING I WAS ACQUITTED ON INDICTMENT # 2012-GS-07-01935 IS;
JURY VERDICT OF GUILTY ON UNINDICTED CRIME. CONSTITUTES A JURY VERDICT OF NOT GUILTY ON CRIME THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE INDICTMENT, THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL

AS A MATTER OF LAW THE ELEMENTS REQUIRED TO CONSTITUTE THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGED" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

IS NOT CHARGED AND ALLEGED INSIDE OF THE BODY OF THE WRITTEN WRITE UP OF 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 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-GS-07-01935, THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. AS A MATTER OF LAW PROVEING THAT THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGED" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

IS NOT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF A INDICTMENT. IN VIOLATION OF S.C. CODE OF LAW 17-19-10 WHICH STATES "QUOTE" NO PERSON SHALL BE HELD TO ANSWER IN COURT FOR A ALLEGED CRIME AND OFFENSE UNLESS UPON INDICTMENT BY A GRAND JURY

AS A MATTER OF LAW PROVEING THAT THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGED" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

IS NOT A LESSER INCLUDED DEGREE CRIME AND OFFENSE OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" 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 AND ALLEN ROAD, 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. BECAUSE SO AS A MATTER OF LAW THE JURY VERDICT OF GUILTY ON THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

CONSTITUTES A JURY VERDICT OF "NOT GUILTY" ON THE CRIME

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

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 AND ALLEN ROAD, 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. FOR PROOF REVIEW

CASE LAW MERITS

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

THE STATE VS. LOUIS ENGLISH FULLER 552 S.E.2d 282 "QUOTING"

IF ACCESSORY AFTER THE FACT IS NOT CHARGED IN THE INDICTMENT, BUT IS INSTRUCTED TO CLARIFY MERE PRESENCE, A FINDING OF ACCESSORY AFTER THE FACT IS THE EQUIVALENT TO A FINDING OF NOT GUILTY.

2ND REASON

PROVEING THAT I WAS ACQUITTED ON INDICTMENT #2012-GJ-07-01935 JS: BECAUSE WITHOUT MY CONSENT, THE TRIAL JUDGE AND TRIAL COURT DISCHARGED THE JURY AWAY FROM MY TRIAL WITHOUT MY CONSENT. AND DID NOT LET THE JURY RENDER A VERDICT ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY. THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-GJ-07-01935, CONSTITUTES A ACQUITTAL ON INDICTMENT #2012-GJ-07-01935

AS A MATTER LAW THE TRIAL JUDGE AND TRIAL COURT DID NOT INSTRUCT THE JURY. THAT IN ORDER TO CONVICT ME FOR THE DEATH OF VICTIM KHALIL SINGLETON. THE STATE OF SOUTH CAROLINA HAD TO PROVE BEYOND A REASONABLE DOUBT, THAT I TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTEING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

AS A MATTER OF LAW PROVEING THAT THE TRIAL JUDGE AND TRIAL COURT DID NOT INSTRUCT THE JURY TO DECIDE ON. THE 1ST ELEMENT "ALLEGEDING" I TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTEING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT INDICTMENT #2012-GJ-07-01935 PUTS I TYRONE ROBINSON ON NOTICE THAT I HAD TO DEFEND AGAINST, THE GRAND JURY INDICTED ME ON, THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-GJ-07-01935

AS A MATTER OF LAW PROVEING THAT WITHOUT MY CONSENT. THE TRIAL JUDGE AND TRIAL COURT DISCHARGED THE JURY AWAY FROM MY TRIAL, AND DID NOT ALLOW THE JURY TO DECIDE RATHER I WAS NOT GUILTY OR GUILTY. OF COMMITTEING THE

1ST ELEMENT "ALLEGEDING" I TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTEING A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY

THAT INDICTMENT #2012-GJ-07-01935 PUT I TYRONE ROBINSON ON NOTICE THAT I HAD TO DEFEND AGAINST, THE GRAND JURY INDICTED ME ON, THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-GJ-07-01935.

AS A MATTER OF LAW THE TRIAL JUDGE AND TRIAL COURT "DID NOT" INSTRUCT THE JURY. THAT IN ORDER TO CONVICT ME FOR THE DEATH OF VICTIM KHALIL SINGLETON. THE STATE OF SOUTH CAROLINA HAD TO PROVE BEYOND A REASONABLE DOUBT. THE DEATH OF VICTIM KHALIL SINGLETON IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

AS A MATTER OF LAW PROVEING THAT THE TRIAL JUDGE AND TRIAL COURT "DID NOT" INSTRUCT THE JURY TO DECIDE ON. THE 2ND ELEMENT "ALLEGETING" THAT THE DEATH OF VICTIM KHALIL SINGLETON IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

THAT INDICTMENT # 2012-65-07-01935 PUTS I TYRONE ROBINSON ON NOTICE THAT I HAD TO DEFEND AGAINST, THE GRAND JURY INDICTED ME ON, THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935.

AS A MATTER OF LAW PROVEING THAT WITHOUT MY CONSENT, THE TRIAL JUDGE AND TRIAL COURT DISCHARGED THE JURY AWAY FROM MY TRIAL, AND "DID NOT" ALLOW THE JURY TO DECIDE

RATHER I WAS NOT GUILTY OR GUILTY. OF COMMITTING THE 2ND ELEMENT "ALLEGETING" THAT THE DEATH OF VICTIM KHALIL SINGLETON IS THE PROXIMATE RESULT OF TYRONE ROBINSON COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY

THAT INDICTMENT # 2012-65-07-01935 PUTS I TYRONE ROBINSON ON NOTICE THAT I HAD TO DEFEND AGAINST, THE GRAND JURY INDICTED ME ON, THE JURY AT TRIAL WAS SWORN IN TO DECIDE ON AND I WAS TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT # 2012-65-07-01935.

AS A MATTER OF LAW PROVEING THAT WITHOUT MY CONSENT, THE TRIAL JUDGE AND TRIAL COURT DISCHARGED THE JURY AWAY FROM MY TRIAL AND "DID NOT" ALLOW THE JURY TO RENDER A VERDICT.

ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGETING" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER

1ST, 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 ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT'S 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. CONSTITUTING A "ACQUITTAL"

ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 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 ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

THAT'S 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 CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF STATE VS. RICHARDSON 25 S.E. 220 "OVERTHROWING" SO HERE WE MIGHT SAY THAT AFTER THE

JURY WERE CHARGED WITH THE TRIAL OF THIS CASE THEY HAVE NOT 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

"QUOTEING"

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

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF. STATE VS. BILTON 153 S.E.2d 69 "QUOTEING"

DISCHARGE OF THE JURY WITHOUT DEFENDANTS CONSENT FOR REASON LEGALLY INSUFFICIENT AND WITHOUT ABSOLUTE NECESSITY, IS EQUIVALENT TO A ACQUITTAL AND BARS SUBSEQUENT INDICTMENT FOR SAME OFFENSE

INSIDE OF THE CASE OF U.S. VS. GOODAY 714 F.2d 80
 THE UNITED STATES COURT OF APPEALS FOR THE NINTH
 CIRCUIT, DECIDED THAT, WHEN A DEFENDANT IS
 ACQUITTED, ON THE GREATER DEGREE CRIME AND
 OFFENSE, THAT IS CHARGED AND ALLEGED INSIDE
 OF THE WRITTEN WRITE UP OF THE BODY OF THE IND-
 ICTMENT THAT THE PERSON IS TRIED ON BEFORE
 THE JURY AT TRIAL. IF THE TRIAL JUDGE AND TRIAL
 COURT DOES NOT CHARGE THE JURY TO DECIDE ON
 ANY LESSER INCLUDED DEGREE CRIME AND OFFENSES.
 THAT ARE CONSIDERED LESSER INCLUDED DEGREE
 CRIMES AND OFFENSES, OF THE GREATER DEGREE CRIME
 AND OFFENSE, THAT IS CHARGED AND ALLEGED INSIDE
 OF THE WRITTEN WRITE UP OF THE INDICTMENT THAT
 THE DEFENDANT IS TRIED ON BEFORE THE JURY AT TRIAL.
 AS A MATTER OF LAW THE ACQUITTAL THAT THE DEFEND-
 ANT OBTAINS ON THE GREATER DEGREE CRIME AND
 OFFENSE, ALSO CONSTITUTES A ACQUITTAL ON ALL
 OF THE LESSER INCLUDED DEGREE CRIME AND OFFENSES.
 THAT ARE CONSIDERED LESSER INCLUDED DEGREE
 CRIMES AND OFFENSES, OF THE GREATER DEGREE
 CRIME AND OFFENSE, THAT THE DEFENDANT WAS
 ACQUITTED ON. THAT IS CHARGED AND ALLEGED INSIDE
 OF THE WRITTEN WRITE UP OF THE INDICTMENT, THAT
 THE DEFENDANT IS TRIED ON BEFORE THE JURY AT TRIAL.
 FOR PROOF REVIEW

CASE LAW MERITS

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

U.S. VS. GOODAY 714 F.2d 80 "QUOTING"

IF NO INSTRUCTIONS ARE GIVEN ON LESSER INCLUDED
 OFFENSE, 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

THEREFORE BECAUSE AS A MATTER OF LAW I WAS
 ACQUITTED ON INDICTMENT #2012-65-07-01935
 FOR THE DEATH OF VICTIM KHALIL SINGLETON. WHEN
 I WAS ACQUITTED ON THE CRIME OF FELONY MURDER
 BY THE FELONY MURDER RULE THEORY "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 AND
 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 I 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 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 INCLU-
 ded degree CRIMES AND OFFENSES. 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
 ACQUITTED ON. BECAUSE SINCE AS A MATTER OF
 LAW THE TRIAL JUDGE AND TRIAL 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 THE BODY OF
 INDICTMENT #2012-GJ-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 INDI-
 ctment #2012-GJ-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-
 GJ-07-01935. FOR PROOF REVIEW
 CASE LAW MERITS

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

U.S.V. Gooday 714 F.2d 80 "QUOTEING"

IF NO INSTRUCTION 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 MERTT

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

EX PARTE NELSON 9 S. CT 673 "QUOTING"
IF ONE BE INDICTED FOR MURDER AND ACQUITTED HE CAN NOT BE AGAIN INDICTED FOR MANSLAUGHTER

CASE LAW MERTT

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

STATE VS. BROWN 602 S.E.2d 392 "QUOTING"
WE AFFIRM THE COURT OF APPEALS REJECTION OF THE STATE REQUEST FOR A SENTENCING REMAND ON THE THREE FIRST DEGREE CSC CONVICTION BECAUSE THE LESSER INCLUDED OFFENSE OF SECOND DEGREE CSC WAS NOT SUBMITTED TO THE JURY.

INSIDE OF THE CASE OF SANGBRIA VS. U.S. 98 S. CT 2170. THE SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA. DECIDED THAT BECAUSE THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY BARRED 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 MERTT

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

SANGBRIA VS. U.S. 98 S. CT 2170 "QUOTING"

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 RETRIEVE 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

ARGUMENTS FROM THE STATE OF SOUTH CAROLINA AGAINST THE ACQUITTAL THAT I OBTAINED. ON INDICTMENT #2012-GJ-07-01935 FOR THE DEATH OF VICTIM KHALIL SINGLETON. WHEN I OBTAINED A ACQUITTAL ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER THE 21/2/012, 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 ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF

INSIDE OF THE STATE OF SOUTH CAROLINA. IT IS THE WRITTEN WRITE UP OF THE BODY OF THE INDICTMENT, THAT PUTS THE DEFENDANT ON NOTICE OF WHAT THE ELEMENTS ARE TO THE CRIME HE MUST DEFEND AGAINST AND WHAT IS THE CRIME THAT HE IS BEING TRIED ON BEFORE THE JURY AT TRIAL, AND PUT IN JEOPARDY OF BEING CONVICTED ON. THE CAPTION OF INDICTMENT #2012-GJ-07-01935 IS "NOT PART" OF THE CRIME THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GJ-07-01935. AS A RESULT THE STATE OF SOUTH CAROLINA CAN NOT SUPPORT A CONVICTION FOR AN OFFENSE THATS NOT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE BODY OF THE INDICTMENT. BY RELYING ON THE CAPTION OF THE INDICTMENT WHOSE ELEMENTS ARE NOT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF THE LANGUAGE THATS WRITTEN INSIDE OF THE BODY OF THE INDICTMENT. FOR PROOF REVIEW

CASE LAW MERITS

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

STATE V. MEANS 626 S.E.2D 348 "QUOTE" "UNQUOTE"

IT IS THE BODY OF THE INDICTMENT RATHER THAN THE CAPTION THAT IS IMPORTANT. IF THE BODY SPECIFICALLY STATES THE ESSENTIAL ELEMENTS OF THE CRIME AND IF OTHER WERE FREE FROM DEFECT/DEFECT IN THE CAPTION WILL NOT CAUSE IT TO BE INVALID. THE STATE MAY NOT SUPPORT A CONVICTION FOR AN OFFENSE INTENDED TO BE CHARGED BY RELYING UPON A CAPTION TO THE EXCLUSION OF THE LANGUAGE CONTAINED IN THE BODY OF THE INDICTMENT.

AS EXPLAINED IN THIS CASE THE WRITTEN WRITE UP OF THE BODY OF INDICTMENT #2012-GJ-07-01935. CHARGES TYRONE ROBERTSON WITH THE ELEMENTS OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY ONLY. AS A RESULT AS EXPLAINED THE WRITTEN WRITE UP OF THE BODY OF INDICTMENT #2012-GJ-07-01935. CHARGES TYRONE ROBERTSON 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 IMPRISONMENT ON. REVEALS THAT I WAS SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT ON INDICTMENT #2012-GJ-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-GJ-07-01935 THAT I WAS "ACQUITTED" ON. I 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-GJ-07-01935. WHEN I WAS "ACQUITTED" ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEDLY".

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBERTSON 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 THERE OF.

THAT I 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 THIS COURT OF APPEALS MUST ADDRESS THESE ISSUES. TO PREVENT ME FROM HAVING TO ENDURE CONTINUED UNLAWFUL RESTRAINT AND CONTINUED WRONGFUL INCARCERATION, ON INDICTMENT #2012-GJ-07-01935 THAT I WAS "ACQUITTED" ON.

ALSO TO PREVENT ME FROM HAVING TO ENDURE CONTINUED UNLAWFUL RESTRAINT AND CONTINUED WRONGFUL INCARCERATION, ON INDICTMENT #2012-GJ-07-01935. BEYOND THE "ACQUITTAAL" THAT I OBTAINED ON INDICTMENT #2012-GJ-07-01935. FOR PROOF REVIEW

CASE LAW MERITS

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

~~State vs. Bennett~~ ~~650MSF-2012-09-01-0000000000~~
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, AS FURTHER DISCUSSED, AND THUS HE SHOULD NOT BE FORCED TO PERSUE AND AWAIT THE OUTCOME OF SUCH A CLAIM. STATE VS. JOHNSON 510 S.E.2D 423 (1999) ADDRESSING DEFENDANT'S CLAIM RATHER THAN REQUIRING HER TO PERSUE 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 PERSUE SUCH A REMEDY.

ALSO BECAUSE AS A MATTER OF LAW I WAS LEGALLY "ACQUITTED" ON INDICTMENT #2012-61-07-01935. WHEN I WAS "ACQUITTED" 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 THERE OF.

THAT IS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-61-07-01935. 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" ON INDICTMENT #2012-61-07-01935 IN VIOLATION OF SOUTH CAROLINA CODE OF LAW 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."

THEREFORE BECAUSE THE JURY VERDICT OF GUILTY ON THE THIRD UNINDICTED CRIME "ALLEGEDLY" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

CONSTITUTE A JURY VERDICT OF "NOT GUILTY" 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 THERE OF

THAT I 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. THIS COURT MUST REVERSE MY CONVICTION AND PRISON SENTENCE OF LIFE IMPRISONMENT

AND THIS COURT MUST ENTER A JUDGEMENT OF ACQUITTAL ON INDICTMENT # 2012-65-07-01935 THAT I WAS "ACQUITTED" ON FOR PROOF REVIEW

CASE LAW MERITS

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

THE STATE VS. LOUIS ENGLISH FULLER 552 S.E.2D 282 (S.C. 2/001) "QUOTEING"

IF ACCESSORY AFTER THE FACT IS NOT CHARGED IN THE INDICTMENT, BUT IS INSTRUCTED TO CLARIFY MERE PRESENCE, A FINDING OF ACCESSORY AFTER

THE FACT IS THE EQUIVALENT TO A FINDING OF NOT GUILTY "FURTHER QUOTEING"

MOREOVER, TO REQUIRE AN ACCESSORY INSTRUCTION ON THESE FACTS OPENS THE DOOR FOR EVERY CRIMINAL DEFENDANT TO CREATE A LESSER - INCLUDED

OFFENSE FOR WHICH THEY COULD NOT BE CONVICTED. APPELLANT WAS NOT ENTITLED TO A CHARGE ON

ACCESSORY AFTER THE FACT, HE WAS NOT ENTITLED TO THE CHARGE BECAUSE HE WAS NOT INDICTED AS

AN ACCESSORY AND ACCESSORY AFTER THE FACT IS NOT A LESSER - INCLUDED OFFENSE OF MURDER.

CASE LAW MERITS

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

STATE OF LOUISIANA VS. WILLIAMS J. GRAHAM 180 SO. 3D 271, CASE NO: 2014-K-1801 "QUOTEING"

MOLESTATION OF A JUVENILE IS NOT A LESSER INCLUDED GRADE OF THE OFFENSE OF AGGRAVATED

INCEST BECAUSE THE EVIDENCE SUFFICIENT TO SUPPORT CONVICTION OF AGGRAVATED INCEST MAY NOT NECESSARILY SUPPORT CONVICTION FOR MOLESTATION OF A JUVENILE

"FURTHER QUOTEING"

NOTWITHSTANDING, THE JURY RETURN OF WHAT IT WAS INSTRUCTED WAS A LESSER RESPONSIVE VERDICT IS

AN IMPLIED ACQUITTAL OF THE CHARGE OF AGGRAVATED INCEST, WHICH ENDED DEFENDANT'S JEOPARDY

AND IS A BAR TO A SUBSEQUENT PROSECUTION.

FOR THE REASONS ABOVE, THE MATTER IS REMANDED TO THE TRIAL COURT TO ENTER A POST-VERDICT JUDGEMENT OF ACQUITTAL REVERSED AND REMANDED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF LOUISIANA CASE LAW OF. STATE OF LOUISIANA V. JUBBARD PRICE 25050. 3d 230 CASE NO: 2017-K-0520 "QUOTEING" VERDICTS OF GUILTY OF SIMPLE KIDNAPPING WHICH WAS NOT RESPONSIVE TO CHARGES FOR SECOND-DEGREE KIDNAPPING. WAS IMPLICIT ACQUITTAL ON CHARGES FOR SECOND-DEGREE KIDNAPPING, THUS WARRANTING REVERSAL OF CONVICTION AND POST-VERDICT JUDGEMENT OF ACQUITTAL ON CHARGES "FURTHER QUOTEING"

UNDER SUMMONS BECAUSE REASONABLE STATE OF FACT CAN BE IMAGINED WHEREIN THE GREATER OFFENSE SECOND DEGREE KIDNAPPING IS COMMITTED WITHOUT PERPETRATION OF THE LESSER OFFENSE OF SIMPLE KIDNAPPING, A VERDICT OF GUILTY OF SIMPLE KIDNAPPING IS NOT RESPONSIVE TO A CHARGE OF SECOND DEGREE KIDNAPPING. BECAUSE THE JURYS RETURN OF THE NON-RESPONSIVE VERDICT IS AN IMPLICIT ACQUITTAL OF THE CRIMES CHARGED. WE REVERSE THE COURT OF APPEALS AND REMAND TO THE TRIAL COURT TO ENTER A POST-VERDICT JUDGEMENT OF ACQUITTAL ON THE FIVE COUNTS OF SECOND DEGREE KIDNAPPING. REVERSED AND REMANDED

AS A CONSEQUENCE BASED ON THE FACTS EXPLAINED. THIS COURT OF APPEALS MUST DISCHARGE ME FROM IMPRISONMENT ON INDICTMENT #2012-GS-07-01935 THAT I WAS "ACQUITTED" ON WHEN I WAS ACQUITTED ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGETING"

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 21ST/2/012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WELLFULLY, 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 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 FOR PROOF REVIEW.

STATUTORY MERITS

SOUTH CAROLINA CODE OF LAWS 17-23-90 WHICH STATES "QUOTEING" AND IF ANY PERSON COMMITTED AS A FORESAID UPON THAT TRIAL SHALL BE ACQUITTED HE SHALL BE DISCHARGED FROM IMPRISONMENT.

CASE LAW MERIT

SUPREME COURT OF APPEALS OF THE STATE OF ALABAMA CASE LAW.

BELL AND MURRAY VS. THE STATE 48 ALA. 684, 1872 WL 993, 17 AM. REP. 40 "QUOTING"

A VERDICT WHICH IS NULLITY, IS NO LEGAL REASON FOR THE DISCHARGE OF THE JURY. AND WHEN, AS HERE THAT IS THE ONLY REASON FOR THE DISCHARGE OF THE JURY AND THERE IS NO EVIDENCE THAT THE DEFENDANTS CONSENTED TO SUCH DISCHARGE, THE LEGAL EFFECT OF SUCH DISCHARGE IS THE ACQUITTAL AND DISCHARGE OF THE DEFENDANTS FROM ANY FURTHER PROSECUTION FOR THE OFFENSE OR OFFENSES SET FORTH IN THE INDICTMENT "FURTHER QUOTING" THE JUDGEMENT OF THE CITY COURT IS REVERSED, AND THE JUDGEMENT MUST BE HERE RENDERED DISCHARGING THE APPELLANTS

CASE LAW MERIT

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

KEPNER VS. U.S. 245 CT 797 "QUOTING"

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

CONCLUSION

Based on the facts explained this COURT must REVERSE my CONVICTION AND PRISON SENTENCE OF LIFE IMPRISONMENT. AND DISCHARGE me FROM UNLAWFUL RESTRAINT ON INDICTMENT # 2012-GJ-07-01935. PURSUANT TO SOUTH CAROLINA CODE OF LAW 17-23-90 WHICH STATES "QUOTEING"

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

SIGNATURE: Tyrone L. Robinson
 PRINT: TYRONE L. ROBINSON
 DATE: 4/20th/2020

EXHIBIT A

COPY OF TRIAL TRANSCRIPT
OF STATE OF SOUTH CAROLINA
CONFESSION THAT I WAS TRIED
AND CHARGE WITH CRIME OF FELONY
MURDER BY THE FELONY MURDER
RULE THEORY ONLY

STATE OF SOUTH CAROLINA
14TH JUDICIAL CIRCUIT
COUNTY OF BEAUFORT
COURT OF GENERAL SESSIONS
CASE NO'S. 2012-GS-07-01935
2012-GS-07-01932 & 2012-GS-07-02173

STATE OF SOUTH CAROLINA

PLAINTIFF

VERSUS

FEBRUARY 27, 2014

TRANSCRIPT OF HEARING

BEAUFORT, SOUTH CAROLINA

TYRONE ROBINSON
AARON YOUNG, JR.
AARON YOUNG, SR.

DEFENDANTS

B E F O R E:

HON. THOMAS W. COOPER, JR, JUDGE

WANDA H. ROWE, CVR-CM
OFFICIAL COURT REPORTER

2-27-14 STATE V ROBINSON/YOUNG/YOUNG

HEARING

1 basically, the situation -- this is the situation the
2 State's in. ~~Our theory is the felony murder rule, that~~
3 ~~you have three people committing inherently dangerous~~
4 ~~felonies, and as a result of those inherently dangerous~~
5 ~~felonies, a child dies.~~ The actual shooter, so to
6 speak, the one that discharged the fatal bullet, under
7 that scenario, is, while relevant, not controlling. So,
8 that is the position that the State's going under.
9 That's the theory that the State goes under, and that is
10 a consistent theory among all the defendants. That's
11 the -- that is the theory.

12 ~~We're not switching up our theories,~~ depending on
13 which defendant we're talking about. We feel like all
14 three of these people were involved in an inherently
15 dangerous felony, which is a shootout that basically
16 went from the right as you get to Hilton Head, all the
17 way down into Marshland Road, along the Cross Island
18 Expressway. And I don't know if you're familiar with
19 this area, but it involves three neighborhoods in Hilton
20 Head. And this was a shootout that took place first at
21 White Horse Road; and then, at another neighborhood in
22 between; and then, a third at Allen Road area, which is
23 where the child was playing on the trampoline and
24 killed. Our theory is all three of them are culpable

1 under that scenario, and that's the theory we're
2 proceeding for trial. So, I wanted to clarify that as
3 far as who the gunman was and things like that.

4 THE COURT: All right.

5 MR. STONE: The issues as far as whether or not
6 there's some problems with jury selection and things
7 like that, that's inherent in every joint trial. There
8 was nothing that was really offered that is different
9 from any joint trial. The issue before your Honor is
10 whether or not the State can adequately redact those
11 statements --

12 THE COURT: Right.

13 MR. STONE: -- so that you do not get into the
14 problem that they got into in the *Henson* case. I will
15 tell you that I was -- I really wasn't surprised at the
16 outcome of the *Henson* case, because they do two things I
17 think that are wrong. One is, you've got a -- the use
18 of the words guy, him, his is very specific. The other
19 thing is, they tried -- they actually referred to four
20 people involved in the case; three were named; and the
21 other one wasn't. So, it was a little -- that's
22 obvious.

23 I think what is more in line with what I'm talking
24 about, your Honor, is a Court of Appeals case for 2012,

2-27-14 STATE V ROBINSON/YOUNG/YOUNGHEARING

CERTIFICATE OF REPORTER

FEBRUARY 27, 2014 TRANSCRIPT OF HEARING

STATE OF SOUTH CAROLINA

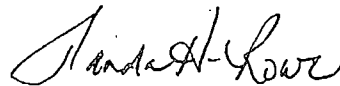
COUNTY OF BEAUFORT

I, Wanda H. Rowe, CVR-CM, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing February 27, 2014 Transcript of Hearing is a true, accurate, and complete record of the proceedings had on said date in the case of State of South Carolina versus Tyrone Robinson, et al, Beaufort County, South Carolina, Court of General Sessions, Case Numbers 2012-GS-07-01935, 2012-GS-07-01932, and 2012-GS-07-02173; that no exhibits were admitted.

I further certify that I am of neither kin, counsel, or interest to any party hereto.

THIS CERTIFICATE OF REPORTER CONTAINS MY ORIGINAL SIGNATURE AND IS ATTACHED TO THE ORIGINAL TRANSCRIPT REQUESTED BY SCCID. PURSUANT TO SCACR 607, REQUESTS FOR COPIES OF THIS TRANSCRIPT MUST BE MADE TO THE COURT REPORTER. UNAUTHORIZED COPYING/EMAILING IS PROHIBITED.

Witness my signature July 9, 2016.



Wanda H. Rowe, CVR-CM
Official Court Reporter

61.

EXHIBIT B

COPY OF TRIAL TRANSCRIPT
OF CRIME OF FELONY MURDER by
THE FELONY MURDER RULE THEORY
THAT THE JURY AT TRIAL WAS SWORN
IN TO DECIDE ON.

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

COURT OF GENERAL SESSIONS
DOCKET NO. 2012-GS-07-1935

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TRANSCRIPT OF RECORD

September 15, 2014
Beaufort, South Carolina

VOLUME 1 (OF 5)

BEFORE:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

APPEARANCES:

DOFFIE STONE, ESQ.
SEAN P. THORNTON, ESQ.
Attorneys for the State

ARIE BAX, ESQ.
JESSICA SAXON, ESQ.
Attorneys for the Defendant

JOYCE C. RUEGER, CVA-M
Circuit Court Reporter

COURT

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State v Tyrone Robinson
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THE COURT: Ladies and gentlemen thank you for your patience throughout the morning and we're now ready to get to the issue of the jury qualification for the first case to be tried. Mr. Solicitor, is the State ready to proceed?

MR. STONE: The State is ready, Your Honor.

THE COURT: Mr. Bax, is the defense ready to proceed?

MR. BAX: Yes, Your Honor.

THE COURT: Thank you. Mr. Solicitor, you can call your case.

MR. STONE: Your Honor, indictment 2012-GS-07-1935 charging the defendant Tyrone Robinson with the offense of Murder. I'll hand that indictment up to you.

[Whereupon, Mr. Stone provides documents to the court]

THE COURT: Thank you. 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 here in Beaufort County on or about September the 1st of 2012 while engaged in an ongoing gun battle, an inherently dangerous felony, Tyrone Robinson did willfully,

State v Tyrone Robinson
Proceedings
September 15, 2014

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 and that Khalil Singleton did die in Beaufort County as a proximate result thereof on September the 1st 2012 in violation of the law.

Now ladies and gentlemen the indictment which I have just read to you is not evidence nor is it proof of the charges that it contains. It is a charging document; a legal document that tells you or me or anybody else who reads it what this case is all about. So to the charges contained in this indictment Mr. Robinson has pled not guilty and has asked for a jury trial at your hands. Mr. Robinson, will you please stand and face the jury?

[Whereupon, the defendant stands]

THE COURT: Thank you. You can be seated.

EXHIBIT

C

COPY OF TRIAL TRANSCRIPT
OF THIRD UNINDICTED CRIME OF
MURDER "ALLEGEDLY"
I KILLED THE VICTIM WITH MALICE AND AFORE-
-THOUGHT

THAT THE TRIAL JUDGE AND TRIAL COURT
LACKED SUBJECT MATTER JURISDICTION
TO CONVICT ME ON

STATE OF SOUTH CAROLINA
COUNTY OF BEAUFORT

COURT OF GENERAL SESSIONS
DOCKET NO. 2012-GS-07-1935

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TRANSCRIPT OF RECORD

September 19, 2014
Beaufort, South Carolina

VOLUME 5 (OF 5)

BEFORE:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

APPEARANCES:

DUFFIE STONE, ESQ.
SEAN P. THORNTON, ESQ.
Attorneys for the State

ARIE BAX, ESQ.
JESSICA SAXON, ESQ.
Attorneys for the Defendant

JOYCE C. ROEGER, CVR-M
Circuit Court Reporter

State v Tyrone Robinson
Proceedings
September 19, 2014

PROCEEDINGS

1 THE COURT: Good morning. I was looking at my
2 notes overnight. I think you all were to do some
3 studying and deal with whether or not accident would
4 apply in this particular case and involuntary
5 manslaughter. You were also to indicate to me today
6 whether or not on behalf of the State you objected to Mr.
7 Bax's request that I not charge on voluntary
8 manslaughter. Let's start since Mr. Bax has made the
9 motion to get these in let me hear what the response is
10 from the State in regard to those various matters, Mr.
11 Thornton?

12 MR. THORNTON: Yes sir, Your Honor. We would
13 object to as I did yesterday I think on the record we
14 would object to those involuntary manslaughter and
15 accident on the same grounds. Basically there is no
16 evidence before this jury that would support either
17 charge. As I understand the evidence, and Judge forgive
18 me for plowing the same ground that I did yesterday but
19 they can find that the defendant in this case did not
20 shoot, which is what he said; I did not shoot. And in
21 that case then he's not guilty because he didn't do
22 anything wrong. They could find that he did shoot
23 according to a lot of the circumstantial as well as
24 eyewitness testimony but that he acted in self-defense,
25

State v Tyrone Robinson
Proceedings
September 19, 2014

1 which is a complete defense as Your Honor would charge
2 the jury. Or he could be found to not have the benefit
3 of self-defense in which case he would be guilty of
4 murder or and I will address voluntary manslaughter in a
5 second but certainly there is no evidence of any
6 negligent or criminal negligence that resulted in a death
7 in an unintentional killing. Under the doctrine of
8 transferred intent it's pretty clear based on that if he
9 did shoot he certainly was shooting a loaded weapon at
10 the folks in the vehicle, which is an intentional act.

11 THE COURT: Right.

12 MR. THORNTON: And I think that it is certainly
13 proper for a jury to determine that that would be an
14 intentional killing if someone dies as a result. Of
15 course you have the doctrine of transferred intent in
16 there as well since an unintended victim would have been
17 the person killed in this case, Khalil Singleton. But
18 there is no evidence that it is an unintentional killing
19 which would be required for both involuntary manslaughter
20 and I think accident; I just don't think there is
21 anything to deal with accident.

22 With regard to voluntary manslaughter, and Judge I
23 apologize I did not write these down and I didn't have a
24 chance to ask Mr. Bax about this this morning the cases
25 he cited. I pulled up or someone in my office who is a

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1 will wrap the truth that you have found in the mantle of
2 the law I am now giving you. And those two things will
3 come together to result in a verdict of truth in this
4 particular case. I now instruct you as to what the law
5 is on the charge in this particular case. As you know
6 the defendant is charged with the crime of murder.
7 Murder is defined in the law as the killing of any person
8 with malice aforethought either expressed or implied.
9 ~~And so in order for the State to prove the defendant~~
10 ~~guilty of murder it must be proven beyond a reasonable~~
11 ~~doubt that the defendant killed the victim and that the~~
12 ~~killing was done with malice aforethought. Now the State~~
13 is not required to prove any motive for the killing but
14 it is required to prove malice and to prove that beyond a
15 reasonable doubt.
16 So what then is malice; that essential element for
17 the crime of murder? Malice is the intentional doing of
18 a wrongful act without just cause or excuse and with an
19 intent to inflict an injury. Malice aforethought is the
20 deliberate and well-formed purpose to do the unlawful
21 act.
22 Now aforethought means that the intention to do the
23 unlawful act was conceived and planned sometime before
24 the actual commission of the act. But the malice need
25 not exist for any particular length of time prior to the

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1 malice then this inference would simply be an evidentiary
2 fact and you would take that into consideration along
3 with any other evidence on the case bearing on the issue
4 of malice and you would give it the weight that you
5 determine it should receive. I tell you again the
6 defendant is not required to prove the absence of malice
7 but the State is required in law to prove the presence of
8 malice and to prove that beyond a reasonable doubt.
9 Now ladies and gentlemen in this particular case we
10 are dealing with the law of transferred intent. Under
11 the facts of this case everyone agrees that the victim
12 was an unintended victim in this particular case. And so
13 the law of transferred intent then applies to the crime
14 of murder. And what that says is if the defendant with
15 malice aforethought attempts to kill another person but
16 by mistake injures or kills a different person the
17 defendant still has the intent to kill.
18 The intent to kill is merely transferred from the
19 original person that the defendant attempted to kill to
20 the actual person who was killed. The defendant would be
21 guilty of murder in that particular case just as if the
22 attempt had resulted in the death of the person that he
23 attempted to kill. Criminal intent then is a necessary
24 element of the crime in this and in every instance and it
25 has to be proven by the State beyond a reasonable doubt.

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1 act if it is present in the mind of the act or at the
2 time of the crime that is sufficient as malice
3 aforethought. Now malice is a word that suggests a
4 wickedness or a hatred or a determination to do what one
5 knows to be wrong without just cause or legal
6 provocation. As I have said malice need not be in the
7 mind of the one doing the act for any particular length
8 of time before the act of killing in order to render it
9 murder. If it is present any length of time before the
10 act in its presence would be sufficient to render the
11 killing a murder.
12 Malice might be expressed malice or it could be
13 inferred malice. That's not two different types of
14 malice it's just malice that is shown in two different
15 ways. Malice is said to be expressed malice where there
16 is manifested or expressed a violent, deliberate
17 intention to unlawfully take away the life of another
18 human being.
19 Malice can be inferred where no excuse or legal
20 provocation for the killing appears and when
21 circumstances attending the killing show an abandoned
22 heart or a malignant heart fatally bent upon mischief.
23 Malice may be inferred from conduct showing a total
24 disregard for human life. If facts are proven beyond a
25 reasonable doubt sufficient to raise an inference of

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1 Criminal intent is always a matter that has to be
2 determined by the jury from circumstances which surround
3 this particular situation. There is no way to prove
4 intent to a mathematical certainty. There is no way that
5 medical science will let us cut off a person's skull and
6 look down into his or her brain to decide what he or she
7 had in mind at the time.
8 And so the law says that criminal intent can be
9 inferred from the circumstances which were shown to have
10 existed at the time of the crime. And that's how you
11 make a determination as to whether or not the element
12 requiring intent was present. Criminal intent then is a
13 state of mind and it operates jointly with an act in the
14 commission of a crime.
15 Criminal intent is a mental state. It is a
16 conscious wrongdoing. And so it's up to you to determine
17 what the defendant intended to do based on the
18 circumstances shown to have existed. I'll tell you the
19 State has to prove criminal intent beyond a reasonable
20 doubt just like it has to prove every other element
21 beyond a reasonable doubt.
22 Now the State seeks to meet its burden of proof in
23 this case by both direct and circumstantial evidence.
24 Direct evidence is normally referred to as eyewitness
25 evidence. Its testimony of a witness who came in and

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1 tells you this is what I heard, this is what I saw;
2 eyewitness testimony. It is direct evidence and it
3 proves the existence of a fact through the eyes of a
4 person who saw what they are telling you about or heard
5 what they are telling you about. In other words it
6 doesn't require any conclusions or deductions on your
7 part.

8 Circumstantial evidence on the other hand is proof
9 of a chain of facts which leads to the conclusion of
10 another fact. An example of the difference between
11 circumstantial evidence and direct evidence that I have
12 given through the years it doesn't have much application
13 down in the south because we never get snow down here
14 very much.

15 But if you can imagine some of you might have come
16 here from a northern climate where you did get it. If
17 you can remember or recall or even imagine in your mind a
18 winter night and before you go to sleep for the night you
19 look out across your front lawn and all you see is the
20 brown dead grass of summer, now grass of winter, and you
21 go to sleep. And the next morning when you get up you
22 look out across your front lawn and you see that it has
23 been covered with snow. And in that snow you see
24 footprints that lead up to your front door. Now what can
25 you conclude from all of that? Well, obviously you can

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1 a complete defense and if it is established it entitles
2 the defendant to a verdict of not guilty. The defendant
3 has no burden to prove the defense of self-defense. The
4 burden on the other hand is on the State to prove the
5 absence of self-defense beyond a reasonable doubt; in
6 other words to disprove self-defense beyond a reasonable
7 doubt.

8 And so if you have a reasonable doubt of the
9 defendant's guilt after considering all of the evidence
10 including the evidence of self-defense then you must find
11 the defendant not guilty. If on the other hand you have
12 no reasonable doubt of the defendant's guilt after
13 considering all of the evidence including the evidence of
14 self-defense then you must find the defendant guilty.

15 The following elements are required by law to
16 establish self-defense. First of all the defendant must
17 be without fault in the bringing on the difficulty. If
18 the defendant's conduct was the type which was reasonably
19 calculated to and did in fact provoke a deadly assault
20 then the defendant would be at fault in bringing on the
21 difficulty and would not be entitled to an acquittal
22 based on self-defense. However, if the defendant
23 voluntarily participated in mutual combat for purposes
24 other than protection then the killing of the victim
25 would not be self-defense and this is true even if during

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1 conclude that after you went to bed last night it snowed.
2 You didn't see a flake fall but you know it has snowed.
3 And you also know that sometimes after it snowed somebody
4 came across your front lawn up to your front door. You
5 didn't see them, you don't know who they were but you
6 know when they came; they came after it snowed. And you
7 reach those conclusions by circumstantial evidence.
8 That's what circumstantial evidence is.

9 The law doesn't make any distinction between direct
10 evidence or circumstantial evidence. It requires no
11 greater weight to be given to one than it does the other.
12 Both are good evidence so long as they meet the test of
13 strict proof. However, to the extent that the State
14 relies on circumstantial evidence all of the
15 circumstances have to be consistent with each other and
16 when taken together they have to point conclusively to
17 the guilt of the accused beyond a reasonable doubt.

18 If these circumstances merely portray the
19 defendant's behavior as suspicious then the proof has
20 failed. The State has the burden of proving the
21 defendant guilty beyond a reasonable doubt and this
22 burden rests upon the State regardless of whether it
23 relies on direct or circumstantial evidence or some
24 combination of the two. Now the defendant in this case
25 has raised the defense of self-defense. Self-defense is

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1 the combat the defendant feared death or serious bodily
2 injury. But on the other hand if before the killing is
3 committed the defendant withdraws and tries in good faith
4 to avoid further conflict and either by word or by act
5 makes that fact known to the victim he would be without
6 fault in bringing on the difficulty and would be restored
7 to the right of self-defense if such withdrawal was
8 communicated either by word or by act to the other side
9 and he would be entitled to the defense of self-defense
10 if all of the other elements of that defense are present.

11 The second element of self-defense is the defendant
12 was actually in imminent danger of death or serious
13 bodily harm or that the defendant actually believed that
14 he was in imminent danger of death or serious bodily
15 harm. Now if he was actually in imminent danger of death
16 or serious bodily harm it must be shown that the
17 circumstances which existed would have justified a person
18 of ordinary firmness and courage to strike the fatal blow
19 in order to avoid or prevent his death or serious bodily
20 injury.

21 If the defendant believed that he was in imminent
22 danger of death or serious bodily harm then it has to be
23 shown in that case that a reasonable person of ordinary
24 prudence and belief would entertain the same belief. And
25 in deciding whether the defendant actually was or

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murder has the elements of the unlawful killing of someone else with malice aforethought. Our General Assembly has decided that there are some times when the unlawful killing of another with malice aforethought justifies a 30 year sentence, sometimes when it justifies a life sentence and sometimes when it justifies something in between.

The fact that the General Assembly provided for that wide range of sentencing and the fact that sometimes Judges sentence within that wide range is not a comment upon the life of the one who has been killed. It is not a comment upon the life of the victim or the worth of the victim or the victim's status or standing.

Every life is priceless. No life that has been taken has the right to have a value assigned by the General Assembly or by a court as to its worth. And so for that reason the sentence that is imposed then is not a comment upon or an attempt to place a value on that priceless life. And surely Khalil Singleton's life was one of those priceless lives.

As his parents have said he had everything that a young man could be given. He had everything; except the gift of years and that was taken from him. Throughout this case several things have been obvious. It has been obvious from the evidence that this was a senseless,

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shooting came his way and before he responded as the jury has found makes one responsible as this jury has found just as if he had aimed the pistol at Khalil himself. That was not his intention but that was the result.

And it was the inevitable result of a gunfight in a residential area under these circumstances when if you believe the facts as they were submitted and apparently as a jury believed the Youngs were -- all that they had done up until this point and for all the efforts that they had made at this particular point for leaving the area and apparently were no longer of any immediate threat to Mr. Robinson.

I'm confident that based on their past history there might have been a future threat. And maybe that's what Mr. Robinson was trying to address, but that does not justify firing the shots that he fired under these circumstances. Mr. Robinson, the sentence of the court is that you be committed to the Department of Corrections for the balance of your natural life.

All right folks, is there anything further from the Solicitor's office in connection with this trial?

MR. STONE: No, sir. Thank you, Your Honor.

THE COURT: We stand adjourned. Thank you.

[Whereupon, the jury trial concludes at 2:25 p.m.]

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senseless set of events from the time that it started until the time it was over. I appreciate the fact as Mr. Robinson has testified that he tried to get away from this once it had begun. Now whether Mr. Robinson was trying to get away from it simply to escape and wait to fight another day or whether he had intended to separate himself from the Youngs forever I don't know. And the jury has obviously found that the defense of self-defense did not apply in this case for whatever reason and for many reasons that were evidenced in this record.

As Mr. Sax has said sometimes a sentence addresses the rehabilitation of somebody. Well rehabilitation from 30 years to life obviously when 30 years are passed there is no rehabilitation. I would like to think that sentences like this constitute a deterrent but I'm aware of the fact that people who commit these sorts of acts give no thought whatsoever to the consequences and the difficulty of having to serve 30 years or more.

But the tragic thing is neither do they give any thought to the consequences on innocent victims like Khalil. And that is the tragedy of this particular case. Mr. Robinson says he did not intend for Khalil to die. No one intended for Khalil to die that day. But the risk of getting involved in a gunfight in a residential area, one in which he had seen the children playing before the

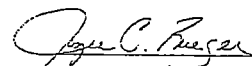
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CERTIFICATE

I, the undersigned, Joyce C. Rueger, Official Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Beaufort County, South Carolina on the 19th day of September, 2014.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 23, 2015


Joyce C. Rueger, CVR-M
Court Reporter

 COPY

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EXHIBIT D

COPY OF CASE LAW MERITS

THE STATE VS. LOUIS ENGLISH

FULLER 552 S.E.2d 282 (S.C. 2/001)

552 S.E.2d 282 (S.C. 2001), 25334, State v. Fuller
Page 282

552 S.E.2d 282 (S.C. 2001)

552 S.E.2d 282 (S.C. 2001)

346 S.C. 477

THE STATE

THE STATE, Respondent,

LOUIS ENGLISH FULLER

v.

Louis English FULLER, Appellant.

No. 25334.

Supreme Court of South Carolina

SUPREME COURT OF SOUTH CAROLINA

July 23, 2001.

JULY 23, 2001

Heard June 5, 2001.

[346 S.C. 478] Assistant Appellate Defender Robert M. Pachak, of South Carolina Office of Appellate Defense, of Columbia, for appellant.

[346 S.C. 479] Attorney General Charles M. Condon, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Donald J. Zelenka, Assistant Attorney General Tracey C. Green, of Columbia; and Solicitor John R. Justice, of Chester, for respondent.

BURNETT, Justice:

Appellant was convicted of murder and sentenced to life imprisonment. He appeals.

FACTS

Appellant was indicted for the murder of Travelee Johnson (victim). At trial, appellant testified in his own defense. He stated he and victim were friends; appellant, Danny Murphy, and Robert Johnson were "associates."

Appellant explained he, victim, Johnson, and Murphy planned to rob Juan Williams' home. Using his roommate's car, appellant drove the men near Williams' home; they waited in the car for Williams to leave home. Appellant fell asleep.

Appellant awoke when he heard victim screaming. According to appellant, Murphy held victim while Johnson stabbed him. Murphy and Johnson exited the vehicle and pulled victim out of the car. Appellant drove off a short distance then returned, backing the car down the road. He testified he planned to run over Murphy and Johnson so

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they would leave victim alone, but instead, Murphy and Johnson jumped into the car. Appellant drove Murphy and Johnson back to town. Appellant wondered if they were going to kill him.

At Murphy's instruction, appellant stopped the vehicle at a dumpster; Murphy threw a knife inside. Appellant then drove the men to their apartment. Murphy and Johnson put their bloody clothing in a bag. Appellant put the bag behind a dumpster. He stated he took Murphy's boots to his own apartment. The next morning, appellant gave Johnson towels and sponges and Johnson washed the car. Appellant suggested Murphy and Johnson were angry at victim because they believed he had stolen items from their apartment[346 S.C. 480].

ISSUES

I. Did the trial court err by refusing to charge accessory after the fact to murder?

II. Did the trial court fail to give a complete and clear instruction on accomplice liability?

DISCUSSION

Appellant requested the trial judge instruct the jury on accessory after the fact to murder. Noting appellant had not been indicted for accessory after the fact and that accessory after the fact was not a lesser-included offense to murder, the trial judge denied the request but stated appellant could argue accessory after the fact.^[1]

Appellant now argues the trial judge erred by refusing his requested accessory after the fact charge. He claims because he did not know Johnson and Murphy planned to kill victim and he was asleep when the stabbing first occurred, "exclusionary" facts existed to warrant a charge on accessory after the fact. We disagree.

The elements of accessory after the fact to a crime are 1) the felony has been completed, 2) the accused must have knowledge that the principal committed the felony, and 3) the accused must harbor or assist the principal felon. *State v. Collins*, 329 S.C. 23, 495 S.E.2d 202 (1998) (*Collins II*). A defendant may not be found guilty as an accessory when indicted solely as a principal. *State v. Collins*, 266 S.C. 566, 225 S.E.2d 189 (1976) (*Collins I*).

When the defendant has not been indicted as an accessory, it is proper to charge the jury on the difference between accessory and principal "where the evidence points to an exclusionary offense which dictates that different proof is required as to each defendant." *State v. Good*, 315 S.C. 135, 139, 432 S.E.2d 463, 466 (1993). For instance, in *Collins*, *supra*, the Court determined the defendant was entitled to an accessory before the fact charge when he was in jail at the time of the felony and therefore could only be guilty of [346 S.C. 481] accessory before the fact. In *State v. Leonard*, 292 S.C. 133, 355 S.E.2d 270 (1987), where co-defendants were charged with reckless homicide arising from the operation of a motor vehicle, the Court held because only one person could be the driver of the vehicle, a charge distinguishing principal and accomplice liability was required. On the other hand, in *State v. Gates*, 269 S.C. 557, 238 S.E.2d 680 (1977), the Court ruled the defendant who drove the getaway car but did not enter the convenience store during the robbery was not entitled to an accessory after the fact charge. The Court noted there is "a factual distinction between a crime where the defendant was physically unable to participate and one where the defendant acted as the 'getaway' driver." *State v. Good*, *supra*, at 137, 432 S.E.2d at 465. One authority explains "[b]y 'exclusionary offense' the Court means an offense which by law, or by the facts of the case, could have been committed by only one principal first."^[2] William Shepard McAninch, *The Criminal Law of South Carolina*, 369 (1996).

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In *Good*, *supra*, the Court noted the reason for precluding an accessory instruction when an exclusionary offense does not exist:

If accessory after the fact is not charged in the indictment, but is instructed to clarify mere presence, a finding of accessory after the fact is the equivalent to a finding of not guilty. The real impact of the instruction is that it permits the jury to reach a compromise verdict on a non-charged offense. Moreover, to require an accessory instruction on these facts opens the door for every criminal defendant to create a lesser-included offense for which they could not be convicted. *Id.* at 138, 432 S.E.2d at 465.

Appellant was not entitled to a charge on accessory after the fact. First, he was not entitled to

* the charge because he was not indicted as an accessory and accessory after the fact is not a lesser-included offense to murder. Second, the evidence did not eliminate appellant as a principal first. To the contrary, appellant admitted being present during the stabbing. [346 S.C. 482] Unlike the co-defendants in *State v. Leonard, supra*, and *Collins I, supra*, appellant could have participated in victim's murder as a principal to the same extent as Johnson and Murphy.^[3] If the jury believed appellant's claims that he had no knowledge of Johnson and Murphy's plan to kill victim and that he was asleep when victim was attacked, appellant would have been acquitted of murder.

This case is similar to *State v. Good, supra*, where two brothers were charged with double homicide. Each brother claimed the other committed the murders while he was outside the family's camper. The Court held there was no error in refusing to charge accessory after the fact because "there is no exclusionary situation which eliminates one brother or the other from having participated in the murder as the principal." *Id.* at 139, 432 S.E.2d at 466.

The remaining issue is affirmed pursuant to Rule 220(b)(1), SCACR, and the following authorities: *State v. Franklin*, 299 S.C. 133, 382 S.E.2d 911 (1989) (charge on accomplice liability substantially covered language requested by defendant); *State v. Barwick*, 280 S.C. 45, 310 S.E.2d 428 (1983) (jury charge is adequate if it fully and fairly covers the substance of the requested charge); *State v. Haney*, 257 S.C. 89, 184 S.E.2d 344 (1971) (refusal to give requested charge not error where requested charge merely rephrases and repeats principles expounded in given charge); *State v. Clary*, 222 S.C. 549, 73 S.E.2d 681 (1952) (no error in refusing to charge the precise language requested where jury is correctly instructed in accord with the requested charge).

AFFIRMED.

TOAL, C.J., MOORE and WALLER, JJ., concur.
PLEICONES, J. concurring in result only.

Notes:

[1] In his closing statement, appellant suggested he could be guilty of accessory after the fact to murder but should be acquitted of murder.

[2] A "principal first" is one who actually does the felonious act or who causes the felonious act to be committed by an innocent agent such as a child or insane person. *State v. Posey*, 35 S.C.L. (4 Strob.) 142 (1849).

[3] Johnson and Murphy were also indicted for murder. Murphy pled guilty to accessory after the fact. The record does not indicate the disposition of Johnson's charges.

EXHIBIT E

COPY OF CASE LAW MERTT

RICKY PELZER VS. STATE OF SOUTH

CAROLINA 672 S.E.2d 790 (2,008)

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.¹¹

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 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

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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.

225 The State also argues the PCR court erred in granting Pelzer relief as to the arson charge, only, without vacating the entire plea. 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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76.
EXHIBIT
F

COPY OF 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 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.

78.
EXHIBIT
G

COPY OF ELEMENTS
FOR CRIMES OF
MURDER 16-3-10 AND
VOLUNTARY MANSLAUGHTER 16-3-50
AND
INVOLUNTARY MANSLAUGHTER 16-3-60

VOLUNTARY MANSLAUGHTER

Class A Felony

Code §16-3-50 *

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

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

Exempt Felony

Code §16-3-10

Elements Of The Offense:

1. That the accused unlawfully killed another, and
2. That the killing was committed with malice aforethought.

Note:

EXHIBIT H

COPY OF SENTENCING SHEET
PROVEING THAT I WAS SENTENCED
TO LIFE IMPRISONMENT. ON INDICT-
-MENT # 2012-GS-07-01935 THAT I
WAS "ACQUITTED" ON AND AM
CURRENTLY BEING HELD UNLAWFULLY
RESTRAINED ON

STATE OF SOUTH CAROLINA

COUNTY OF Beaufort
STATE VS.

Tyrone Robinson

AKA: _____

Race: AFRICAN AM Sex: M Age: 39

DOB: _____ 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 / Murder

in 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) ☐ §17-25-45
(defendant's initials)

The charge is: ☐ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury, ☐ Negotiated Sentence, ☐ Recommendation by the State.
The plea is: ☐ Without Negotiations or Recommendation,

ATTEST [Signature] 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 180 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____ 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 ☐ Ordered PTUP _____ days/hours Public Service Employment
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
☐ Set by SCOPPS _____

Recipient: _____
*Fine:
§ 14-1-206 (Assessments 107.5%) \$100 \$100.00
§ 14-1-211(A)(1) Conv. Surcharge \$100 \$
§ 14-1-211(A)(2) (UI Surcharge) \$12 \$
§ 56-5-2995 (DUI Assessment) \$25 \$
§ 56-1-286 (DUI Breath Test) \$500 \$
Proviso 47.9 (Public Def/Prob) \$25 \$25.00
§ 14-1-212 (Law Enforcement Funding) \$150 \$
§ 14-1-213 (Drug Court Surcharge) \$50 \$
§ 50-21-114 (BUI Breath Test Fee) \$40/ea \$
§ 56-5-2942(J) (Vehicle Assessment) \$5 \$6.00
Proviso 90.5 (SCCJA Surcharge) \$3.90
3% to County (if paid in installments) \$183.90
TOTAL

Clerk of Court/ Deputy Clerk Donnie Kelly
Court Reporter: Donnie Kelly
SCCA/217 (03/2011)
Presiding Judge [Signature]
Judge Code: 057
Sentence Date: 9/19/13
Certified - A True Copy

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE# 2012CGS0701935

A/W#: 2012A0720300114

Date of Offense: 9/1/2012

S.C. Code § : 16-03-0010; 16-03-0020

CDR Code #: 0116

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

CERTIFICATE OF SERVICE

I TYRONE L. ROBINSON CERTIFY THAT I
SENT A COPY OF MY SECOND PROSE RESPONSE
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SC Court of Appeals

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PRINT: TYRONE L. ROBINSON
DATE: 4/20th/2020

TYROME L. ROBINSON #235104
R-A-RM232
LIEBER CORRECTIONAL INSTITUTION
P.O. BOX 205
RIDGEVILLE, S.C. 29472



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