STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS

APPEAL FROM BEAUFORT COUNTY JUDGE THOMAS COOPER CIRCUIT COURT JUDGE

The State

Respondent

VS.

TYRONE LORENZA ROBINSON

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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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, DEPRIVED out of my LIBERTY and WRONGFULLY INCARCERATED ON. IN VIOLATION OF SOUTH CAROLINA CODE OF LAW 17-23-90 ALSO IN VIOLATION OF my FEDERAL 5th and 14th AMENDMENT RIGHT OF DUE PROCESS OF LAW. Am I ENTITLED to be DISCHARGED FROM UNLAWFUL RESTRAINT, ON INDICTMENT#2012-GS-07-01935 That I was ACQUITTED ON. PURSUANT to SOUTH CAROLINA code of LAW 17-23-90 WHICH STATES "QUOTEING" AND IF ANY PERSON committed 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 ARGUEMENTS 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 "ALLEGEING"
That IN BEAUFORT COUNTY ON OR about SEPTEMBER The 21ST, 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 HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THEREOF
THAT'S 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 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
SANABRIA VS. U.S. 98 S.CT 2170 "QUOTEING" The DOUBLE JEOPARDY CLAUSE ABSOLUTELY BARS a SECOND TRIAL IN SUCH CIRCUMSTANCES THE COURT OF APPEALS THUS LACKED JURISDICTION OF THE GOVERNMENT APPEAL

TABLE OF AUTHORITIES

STATEMENT OF THE CASE

APPELLANT TYRONE LORENZA ROBINSON WAS INDICTED DURING OCTOBER 18th, 2,012 TERM OF THE BEAUFORT COUNTY GRAND JURY. FOR CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY.

APPELLANT WAS TRIED BEFORE JUDGE THOMAS COOPER AND A JURY ON SEPTEMBER 15th 2,014. BY THE LAWS THAT GOVERN ACQUITTALS IN THE STATE OF SOUTH CAROLINA. ON SEPTEMBER 19th 2,014. I WAS LEGALLY ACQUITTED ON INDICT-MENT#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 THERE CASE. AND AFTER THE DEFENSE RESTED THERE CASE. AT THE END OF TRIAL, THE JURY AT TRIAL CONVICT-ED I TYRONE L. ROBINSON. ON A THIRD UNINDICTED ALLEGED CRIME, THAT THERE IS NOT ANY INDICTME-NT CHARGING ME WITH. THAT IS A THIRD UNINDICTED ALLEGED CRIME. THAT IS NOT A LESSER INCLUDED DEGREE CRIME OF THE ALLEGED CRIME. THAT'S CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP ON INDICT-MENT#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 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. 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'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. AS DECIDE 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 "QUOTEING" FF 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-GS--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 I 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-GS-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 "QUOTEING" SO HERE WE MIGHT SAY THAT AFTER THE JURY WERE CHARGED WITH THE TRIAL OF THIS CASE THEY HAVEING BEEN DISCHARGED WITHOUT ANY LAWFUL CAUSE, THE PRISONER IS ACQUITTED

ARGUEMENT

Because As a matter of law I was "ACQUITTED" ON INDICTMENT# 2012-GS-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-GS-07-01935 That I was ACQUITTED ON. PURSUANT to south CAROLINA CODE OF LAW 17-23-90 WHICH states "QUOTEING"

AND IF ANY PERSON commited as aforesaid UPON HIS TRIAL SHALL be ACQUITTED he SHALL be DISCHARGED FROM IMPRISONMENT

LAW ANYLISIS

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'S 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 "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 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

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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 ACQUITTAL

DESCUSSION

CONFESSION

THE TRIAL TRANSCRIPT FROM THE PRETRIAL HEARING ON FEBUARY 27th 2,014 WERE I REPRESENTED MYSELF PROSE. REVEALS THAT THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSIAC MC. DUFFIE STONE "CONFESSED" 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 ISSIAC MC. DUFFIE STONE. FROM THE TRIAL TRANSCRIPT OF THE PRETRIAL HEARING THAT TOOK PLACE ON FEBUARY 27TH 2,014 AT BEAUFORT COUNTY GENERAL SESSION COURT HOUSE WERE ~~I~~ REPRESENTED MYSELF PROSE "QUOTEING"

STATE OF SOUTH CAROLINA

VS.

TYRONE ROBINSON

"QUOTEING" THE STATE OF SOUTH CAROLINA AND ITS SOLICITOR ISSIAC MC. DUFFIE STONE CONFESSION FROM PAGE 1052 PARAGRAPHS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 AND 24 AND PAGE 1053 2 AND 2 OF TRIAL TRANSCRIPT FROM PRETRIAL HEARING ON FEBUARY 27TH 2,014 "QUOTEING" OUR THEORY IS THE FELONY MURDER RULE THEORY, THAT YOU HAVE THREE PEOPLE COMMITEING INHERANTLY DANGERIOUS FELONIES, AND AS A RESULT OF THE INHERANTLY DANGERIOUS 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 CONSTSTANT 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 DANGERIOUS 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 were The child was playing on The TRAMP- -oLINE and KILLed our Theory IS all three of Them are CULPable under That scenerio, and That's The Theory were 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 T 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 WRITE UP OF INDICTMENT #2012-GS-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 "QUOTING" NABRASKA 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

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INDICTMENT# 2012-GS-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-GS-07-01935 CHARGES I TYRONE ROBINSON IN THE BODY OF ITS WRITTEN WRITE UP. WITH THE ALLEGED CRIME OF FELONY MURDER BY THE CRIME ALLEGEING I CAUSED THE VICTIM TO BE SHOT AND KILLED WHILE PERPETRATEING A FELONY. WHICH IS THE CRIME THAT'S CHARGED AND ALLEDGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT# 2012-GS-07-01935 WHICH STATES "QUOTEING"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST 2,012 WHICE ENGAGED IN AN ONGOING GUN BATTLE AN INHERANTLY DANGERIOUS 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 1ST, 2,012, IN VIOLATION OF SECTION 16-3-10 OF THE SOUTH CAROLINA CODE OF LAWS (1976) AS AMENDED

BY ITS WRITTEN WRITE UP INDICTMENT# 2012-GS-07-01935 CHARGES ME WITH THE CRIME OF FIRST DEGREE FELONY MURDER BY THE ALLEGATIONS ALLEGEING I CAUSED THE VICTIM DEATH IN THE COURSE OF PERPETRATEING A FELONY, WHICH IS COMMONLY REFERRED TO AS THE CRIME OF FELONY MURDER. AS DECIDED BY THIS 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 78S.CT 224 "QUOTEING" FROM FOOTE NOTE, INSIDE OF THE CASE LAW OF GREEN VS. UNITED STATES "QUOTEING" FIRST DEGREE MURDER FOR CAUSEING A DEATH IN THE COURSE OF PERPETRATEING A FELONY (COMMONLY REFERRED TO AS FELONY MURDER)

14.

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.

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

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 CHARGEING JOSEPH DAVIS WITH THE FIRST DEGREE CRIME AND OFFENSE OF FIRST DEGREE MURDER BY THE CRIME ALLEGEING 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 ISSIAC MC. DUFFIE STONE. THEREFORE INDICTMENT# 2008 GS 25-588 FROM THE UNRELATED CASE OF JOSEPH DAVIS. IS SUBMITTED AS UNDESPUTABLE EVIDENCE TO PROVE TO THE APPEALS COURT. THAT THE FIRST DEGREE CRIME AND OFFENSE OF FIRST DEGREE MURDER BY THE CRIME ALLEGEING THE DEFENDANT KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

IS A SECOND FIRST DEGREE CRIME FOR THE SAME FIRST DEGREE OFFENSE THAT IS NOT A LESSER INCLUDED DEGREE CRIME AND OFFENSE OF THE FIRST DEGREE CRIME AND OFFENSE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT# 2012-GS-07-01935 FROM THE CASE OF TYRONE ROBINSON. ALSO INDICTMENT# 2008 GS 25-588 FROM THE UNRELATED CASE OF JOSEPH DAVIS. IS SUBMITTED AS UNDISPUTABLE EVIDENCE TO THE APPEALS COURT, TO PROVE TO THE APPEALS COURT. THAT THE FIRST DEGREE CRIME AND OFFENSE OF FIRST DEGREE MURDER BY THE CRIME "ALLEGEING" 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 "ALLEGEING" WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGERFOUS FELONY TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT "CAUSE" THE VICTIM KHALIL SINGLETON TO be SHOT AND KILLED

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

16.

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

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

AS a matter of law INDICTMENT #2012-GS-07-01935 "DOES NOT" charge and allege that I TYRONE ROBINSON shot and KILLED the VICTIM KHALIL SINGLETON.

AS a matter of law there is "NOT" any INDICTMENT, That charge I 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 I TYRONE ROBINSON KILLED and OR MURDERED the VICTIM KHALIL SINGLETON.

AS a matter of law PROVEING that there is "NOT" any INDICTMENT that charge I 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 I TYRONE ROBINSON WITH the 1ST ELEMENT "alleging" I TYRONE ROBINSON UNLAWFULLY KILLED the VICTIM KHALIL SINGLETON

That is required to constitute the THIRD UNINDICTED CRIME of MURDER "alleging" I KILLED the VICTIM with MALICE and AFORETHOUGHT

ALSO PROVEING that as a matter of law there is NOT any INDICTMENT, that charge I TYRONE ROBINSON with the 2ND ELEMENT "alleging" I TYRONE ROBINSON KILLED the VICTIM KHALIL SINGLETON with MALICE and AFORETHOUGHT

That is required to constitute the THIRD UNINDICTED CRIME of MURDER "alleging" I 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 INHERANTLY DANGEROUS FELONY. Is the ONE and ONLY "CRIMINAL ACT" that INDICTMENT #2012-GS-07-01935 PUTS I TYRONE ROBINSON ON "NOTICE" that I had to DEFEND AGAINST.

AS a matter of law PROVEING that INDICTMENT #2012-GS-07-01935. PUTS I TYRONE ROBINSON ON "NOTICE" that I had to defend against the 1ST ELEMENT "alleging" I TYRONE ROBINSON was IN the commission of COMMITTEING 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-GS-07-01935. puts I TYRONE ROBINSON ON "NOTICE" That I had to defend against The 2ND ELEMENT "ALLEGEING"
The death of VICTIM KHALIL SINGLETON IS The PROXIMATE RESULT OF I TYRONE ROBINSON COMM-ITTING a ONGOING GUN battle AN INHERANTLY DANGEROUS FELONY

THATS REQUIRED to CONSTITUTE The CRIME of FELONY MURDER by The FELONY MURDER RULE THEORY.
AS a matter of LAW PROVEING That INDICTMENT #2012-GS-07-01935 PUTS I TYRONE ROBINSON ON "NOTICE" That I had to defend against The CRIME of FELONY MURDER by The FELONY MURDER RULE THEORY "ALLEGEING" That IN BEAUFORT COUNTY ON OR about SEPTEMBER 1ST, 2,012 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 THEREOF

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 COMMITTE-ING The 1ST ELEMENT "ALLEGEING" I TYRONE ROBINSON WAS IN the COMMISSION OF COMMITTE-ING 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 COMMITTEING The second element "ALLE-GEING"
The death of VICTIM KHALIL SINGLETON IS The PROXI-MATE RESULT OF I TYRONE ROBINSON COMMITTEING 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 MERIT
SUPREME COURT OF APPEALS OF The state OF SOUTH CAROLINA CASE LAW OF:
LUCAS BAILEY VS. state 709 S.E.2d 671 "QUOTEING"
IN PREFACEING ITS 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

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

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

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

INDICTMENT #2012-GS-07-01935 CHARGE AND ALLEGE THAT I TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITTING A ONGOING GUN BATTLE AN INHERANTLY DANGERIOUS FELONY

THEREFORE AS A MATTER OF LAW INDICTMENT #2012-GS-07-01935 CHARGE I 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 ISSIAC 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 ISSIAC MC. DUFFIE STONE. CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT AT PRETRIAL HEARING ON FEBUARY 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 COMMITEING INHERANTLY DANGERIOUS FELONIES

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF:
GORE VS. LEEKE 199 S.E. 2D 755 "QUOTEING"
IF SEVERAL PERSON AGREE OR CONSPIRE TO COMMITE A FELONY SUCH AS GRAND LARCENY OR ROBBERY OR BURGLARY EACH OF THOSE PERSON ARE CRIMINALLY RESPONSIBLE FOR THE ACTS OF ASSOCIATES OR CONFEDERATES WHICH ARE DONE IN FURTHERANCE OR IN PROSECUTION OF THE COMMON PURPOSE FOR WHICH THEY COMBINED

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA CASE LAW OF:
STATE OF MONTANA VS. MICHEAL VERNON ALLEDEAUX JR. 304 MONT 89, 18 P.3D 980 "QUOTEING"
TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE UNDER THE FELONY MURDER RULE 45-5-102(b) MCA, THE STATE MUST SHOW THAT
THE PERSON ATTEMPT TO COMMIT, COMMITS OR IS LEGALLY ACCOUNTABLE FOR THE ATTEMPT OR COMMISSION OF FELONY ASSAULT, AGGRAVATED ASSAULTED, OR ANY OTHER FORCIBLE FELONY

2ND ELEMENT REQUIRED TO CONSTITUTE

THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY IS:
DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANTS CONDUCT IN COMMITEING THAT CRIME

INDICTMENT #2012-GS-07-01935 CHARGE AND ALLEGE THAT THE DEATH OF VICTIM KHALIL SINGLETON IS THE PROXIMATE BATTLE AN INHERANTLY DANGERIOUS FELONY

THEREFORE AS A MATTER OF LAW INDICTMENT #2012-GS-07--01935 CHARGE I TYRONE ROBINSON WITH COMMITEING THE 2ND 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 ISSIAC 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 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 ISSIAC MC. DUFFIE STONE. CONFESSED TO THE TRIAL JUDGE AND TRIAL COURT AT PRE-TRIAL HEARING ON FEBUARY 27TH, 2,014 ON PAGE 1052 PARAGRAPHS 4 AND 5 OF TRIAL TRANSCRIPT "QUOTEING" AND AS A RESULT OF THOSE INHERANTLY DANGERIOUS FELONIES, A CHILD DIES

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF SOUTH CAROLINA CASE LAW OF.
GORE VS. LEEKE 199 S.E.2d 755 "QUOTEING THE COMMON PURPOSE LADIES AND GENTLEMAN MAY HAVE NOT CONCLUDED 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 COMMITED BY ONE OF THE CONFEDERATES OR ONE OF THE ASSOCIATES AND YOU, THE JURY DETERMINE FROM THE PROOF BEYOND A REASONABLE DOUBT THE HOMICIDE WAS A PROBABLE OR NATURAL CONSEQUENCE OF THE ACTS WHICH WERE DONE IN PURSUANCE OF THIS COMMON DESIGN THEN LADIES AND GENTLEMAN ALL WHO ARE PRESENT EITHER ACTUALLY OR CONSTRUCTIVELY AND PARTICIPATEING IN THE UNLAWFUL COMMON DESIGN ARE AS GUILTY AS THE SLAYER HIMSELF

CASE LAW MERITS

SUPREME COURT OF APPEALS OF STATE OF MONTANA CASE LAW OF
STATE OF MONTANA VS. MICHEAL VERNON BILLEDEAUX JR. 804 MONT, 89, 18 P.3d 980, 2 001 MT 9 "QUOTEING" TO CONVICT ON A CHARGE OF DELIBERATE HOMICIDE UNDER THE FELONY MURDER RULE 45-5-102 (b) MCA THE STATE MUST SHOW THAT IN THE COURSE OF THE FORCIBLE FELONY THE PERSON OR ANY OTHER PERSON LEGALLY ACCOUNTABLE FOR THE CRIME CAUSES THE DEATH OF ANOTHER HUMAN BEING

Elements

elements FOR THE CRIME OF MURDER BY THE CRIME "alleging"
The accused KILLED the VICTIM WITH MALICE AND AFORETHOUGHT

The elements required to constitute the CRIME OF MURDER BY THE CRIME "alleging" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT IS AS FOLLOWS

1ST element FOR CRIME OF MURDER alleging I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT IS:
That THE accused UNLAWFULLY KILLED ANOTHER,

2ND ELEMENT FOR CRIME OF MURDER alleging I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT IS:
That THE KILLING WAS COMMITED WITH MALICE AFORETHOUGHT

when THE TRIAL JUDGE AND TRIAL COURT charged AND INSTRUCTED THE JURY ON THE CRIME OF MURDER to decide ON, THE TRIAL JUDGE AND TRIAL COURT charged AND INSTRUCTED THE JURY to decide ON THE THIRD UNINDICTED alleged CRIME OF MURDER, by THE CRIME "alleging" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

That there IS absalutely 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 that's charged AND alleged INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935. That I WAS INDICT-ED ON AND TRIED ON BEFORE the JURY AT TRIAL. FOR PROOF That THE TRIAL JUDGE AND TRIAL COURT charged AND INSTRUCTED THE JURY to decide ON THIS THIRD UNINDICTED CRIME "alleging" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

I QUOTE THE FOLLOWING FROM THE TRIAL TRANSCRIPT AS FOLLOWS

STATE OF SOUTH CAROLINA

VS

TYRONE ROBINSON

"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 aforethov-ght either expressed or implied.
And so in order for the state to prove the def-endant guilty of murder it must be proven beyond a reasonable doubt that the defendant killed the victim
and that the killing was done with malice and aforethought

case law merits

supreme court of appeals of the state of south carolina case law of:
Herman Winn 125 084 vs. state of south carolina
case no: 01-cp-0812 8\Q vote ing"
3. The indictment must charge that the defendant with malice aforethought murdered the defendant

inside of the case law of ricky pelzer vs. state of south carolina 622 s.e.2d 780 the supreme court of appeals of the state of south carolina decided: that in order for a alleged crime to be a lesser included crime of the crime thats 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 vs. state of south carolina 622 s.e.2d 780\Q vote ing"
for an offense to be a lesser included of another the greater offense must include all the elements of the lesser offense. If the lesser offense includes an element not included in the greater offense then the lesser offense is not included in the greater.

1st element

for third unindicted crime of murder
"alleging"
I killed the victim with malice and aforeth-ought

1st element for the third unindicted crime of murder by the crime "alleging"
I killed the victim with malice and aforeth-ought is:
That the accused unlawfully killed another
which defined by its webster dictionary definition means to "allege" that the accused

UNLAWFULLY DEPRIVED ANOTHER PERSON OUT OF THERE 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, THAT'S CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT #2012-GS-07-01935

1ST ELEMENT FOR CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEING" I CAUSED THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED WHILE PERPETRATEING A FELONY IS: 1ST ELEMENT: THE DEFENDANT WAS IN THE COMMISSION OF COMMITEING A FELONY

THE LAW DICTIONARY DEFINITION FOR THE WORD FELONY MEANS "QUOTEING" FELONY GENERIC TERM EMPLOYED TO DESTINGUISH CERTAIN HIGH CRIMES FROM MINOR OFFENSES KNOWN AS MISDAMEANORS; CRIMES DECLARED TO BE SUCH BY STATUE OR AS "TRUE CRIMES" BY THE COMMON LAW

AS A MATTER OF LAW THE FIRST ELEMENT TO THE THIRD UNINDICTED CRIME OF MURDER "ALLEGEING" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT WHICH FIRST ELEMENT IS: THAT THE ACCUSED UNLAWFULLY KILLED ANETHER WHICH DEFINED BY ITS DICTIONARY DEFINITION MEANS TO ALLEGE THAT THE ACCUSED UNLAWFULLY DEPRIVED ANETHER PERSON OUT OF THERE 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 "ALLEGEING" I CAUSED THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED WHILE PERPETRATEING A FELONY WHICH FIRST ELEMENT IS THE DEFENDANT WAS IN THE COMMISSION OF COMMITEING A FELONY WHICH THE LAW DICTIONARY DEFINITION FOR THE WORD FELONY MEANS "QUOTEING" FELONY GENERIC TERM EMPLOYED TO DITINGUISH CERTAIN HIGH CRIMES FROM MINOR OFFENSES KNOWN AS MISDAMEANORS; CRIME DECLARED TO BE SUCH BY STATUE AS "TRUE CRIMES" BY THE COMMON LAW

AS A MATTER OF LAW PROVEING THAT THE FIRST ELEMENT TO THE THIRD UNINDICTED CRIME OF MURDER "ALLEGEING" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT WHOS FIRST ELEMENT IS: THAT THE ACCUSED UNLAWFULLY KILLED ANETHER IS NOT CHARGED ALLEGED AND PRESENTED INSIDE OF A INDICTMENT

2 Nd Element

FOR THIRD UNINDICTED CRIME OF MURDER "ALLEGEING" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT IS:
THAT THE KILLING WAS COMMITED WITH MALICE AFORETHOUGHT
WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION MEANS TO ALLEGE THAT THE DEPRIVATION OF LIFE WAS COMMITED WITH MALICE AFORETHOUGHT
THIS IS BECAUSE THE WEBSTER DICTIONARY DEFINITION FOR THE WORD KILL MEANS THE FOLLOWING "MEANING"
TO DEPRIVE OF LIFE

2 Nd Element

2 Nd 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-GS-07-01935

2 Nd element FOR CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEING" I CAUSED THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED WHILE PERPETUATEING A FELONY IS:
2 Nd Element: DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANTS CONDUCT IN COMMITEING THAT CRIME

The LAW DICTIONARY DEFINITION FOR THE WORD FELONY means "QUOTEING"
FELONY GENERIC TERM EMPLOYED TO DISTINGUISH CERTAIN HIGH CRIMES FROM MINOR OFFENSES KNOWN AS MISDAMEANORS; CRIMES DECLARED TO BE SUCH BY STATUE OR AS "TRUE CRIMES" BY THE COMMON LAW

AS A MATTER OF LAW THE 2 Nd ELEMENT TO THE THIRD UNINDICTED CRIME OF MURDER "ALLEGEING" I KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT
WHICH SECOND ELEMENT IS:
THE KILLING WAS COMMITED WITH MALICE AND AFORETHOUGHT
WHICH DEFINED BY ITS WEBSTER DICTIONARY DEFINITION MEANS TO ALLEGE THAT THE DEPRIVATION OF LIFE WAS COMMITED WITH MALICE AFORETHOUGHT
HAS A TOTALLY DEFFERANT DEFINITION MEANING AND IS NOT INCLUDED INTO THE SECOND ELEMENT TO THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEING" I CAUSED THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED WHILE PERPETUATEING A FELONY
WHICH SECOND ELEMENT IS:
DEATH TO THE VICTIM AS A CONSEQUENCE OF THE DEFENDANTS CONDUCT IN COMMITEING THAT CRIME

WHICH THE LAW DICTIONARY DEFINITION FOR THE WORD FELONY MEANS "QUOTEING"

FELONY GENERIC TERM EMPLOYED TO DISTINGUISH CERTAIN HIGH CRIMES FROM MINOR OFFENSES KNOWN AS MISDAMEANORS; CRIMES DECLARED TO BE SUCH BY STATUE OR "TRUE CRIMES" BY THE COMMON LAW

AS A MATTER OF LAW PROVEING THAT THE SECOND ELEMENT TO THE THIRD UNINDICTED CRIME OF MURDER "ALLEGEING" I KILLED THE VICTIM WITH MALICE AND AFORETH-OUGHT

IS NOT CHARGED ALLEGED AND PRESENTED INSIDE OF A INDICTMENT

AS A MATTER OF LAW PROVEING THAT THE THIRD UNINDICTED CRIME OF MURDER "ALLEGEING" 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 "QUOTEING" 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 UNINDIC-TED CRIME OF MURDER "ALLEGEING" 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 "ALLEGEING" 13.

THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2,012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETH-OUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THERE OF ON SEPTEMBER 1ST, 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 543 S.E. 2D 255 "QUOTEING" WE CONCLUDE BECAUSE GRAND LARCENY HAS THE ELEMENT OF IN EXCESS OF ONE THOUSAND DOLLARS IT IS NOT A LESSER INCLUDED OFFENSE OF ARMED ROBBERY WHICH HAS NO MONITARY ELEMENT FOR THE AFORMENTIONED 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 IND" RESPONDENTS PROPOSED INSTRUCTION WERE REFUSED because The NABRASKA 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 NABRASKA 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 a APPEAL

Case Law merits

COURT OF APPEALS OF ARIZONA DIVISION 1, DEPARTMENT B. CASE LAW OF. LEMEKE VS. RAYES 213 ARIZ. 232, 141 P.3d 407 "QUOTE IND" 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 commited with MALICE aforethought

2nd degree
VOLUNTARY manslaughter
S.C. code of Law 16-3-50

The second degree CRIME of VOLUNTARY manslaughter by The CRIME "alleging" The defendant KILLED The VICTIM without MALICE and aforethought

IS CLASSIFIED as a second degree CRIME and offense UNDER SOUTH CAROLINA code of LAW "16-3-50" and CARRIES a MAXIMUM PRISON SENTENCE of 30 YEARS IMPRISONMENT

The 1ST ELEMENT to the CRIME of VOLUNTARY manslaughter "alleging" The defendant KILLED the VICTIM without MALICE and aforethought IS: That The accused UNLAWFULLY KILLED ANOTHER PERSON

The 2ND ELEMENT to the CRIME of VOLUNTARY manslaughter "alleging" The defendant KILLED the VICTIM without MALICE and aforethought IS: That The KILLING TOOK PLACE without MALICE, EXPRESS OR IMPLIED

AS a matter of law The second degree CRIME and offense of VOLUNTARY manslaughter by The CRIME "alleging" The defendant KILLED the VICTIM

without malice and aforethought
That's classified as a second degree crime and offense under south carolina code of law "16-3-50" Is classified as a second degree crime and offense, That has the essential element "alleging" The defendant unlawfully killed another person
That is a essential element That is also included into the greater degree crime and offense, of first degree murder by the crime alleging the defendant killed the victim with malice and aforethought. That is classified as a first degree crime of murder, under S.C. code of law "16-3-10" and also has the essential element which is: The defendant unlawfully killed another person
As a matter of law proveing that the second degree crime of 16-3-50 voluntary manslaughter by the crime "alleging" The defendant killed the victim without malice and aforethought
Thats classified as a second degree crime and offense under south carolina code of law "16-3-50" is classified as a second degree lesser included crime and offense of the 16-3-10 first degree murder crime "alleging" The defendant killed the victim with malice and aforethought FOR PROOF REVIEW

case law merits

Supreme court of appeals of the state of south carolina case law of:
Ricky pelzer vs. state of south carolina 622 S.E.2d 790 "quoteing"
For an offense to be a lesser included of another The greater offense must include all the elements of the lesser offense. If the lesser offense includes an element not inluded in the greater offense, then the lesser offense is not included in the greater

3rd degree
Involuntary manslaughter
S.C. code of law 16-3-60

As a matter of law The third degree crime of involuntary manslaughter by the crime "alleging" The defendant killed the victim without malice and aforethought, The killing was unintentional and the killing resulted from criminal negligence
Is classified as a third degree crime and offense under south carolina code of law "16-3-60 and carries a maximum prison sentence of 5 years imprisonment.

1st Element to crime of involuntary manslaughter is:
That the accused unlawfully killed another person

2nd Element to crime of involuntary manslaughter is:
That the killing was without malice aforethought

3rd Element to crime of involuntary manslaughter is:
That the killing was unintentional, and

4th Element to crime of involuntary manslaughter is:
The killing resulted from criminal negligence

As a matter of law the third degree crime and offense of involuntary manslaughter by the crime "alleging" the defendant killed the victim without malice and aforethought, the killing was unintentional and the killing resulted from criminal negligence.

That is classified as a third degree crime and offense under south carolina code of laws "16-3-60" is classified as a third degree crime and offense. That is a lesser included degree crime and offense, that has the essential element "alleging" the defendant unlawfully killed another person

That is a essential element that is also included into the greater degree crime and offense. of first degree murder by the crime alleging The defendant killed the victim with malice and aforethought. That is classified as a first degree murder under S.C. code of law "16-3-10" and also has the essential element which is The defendant unlawfully killed another person

As a matter of law proveing that the third degree crime of 16-3-60 involuntary manslaughter by the crime "alleging" The defendant killed the victim without malice and aforethought, the killing was unintention-al and the killing resulted from criminal negligence

That is classified as a third degree crime and offense under south carolina code of law "16-3-60 is classified as a third degree lesser included crime and offense of the 16-3-10 first degree murder crime "alleging" victim with malice The defendant killed the and aforethought

, for proof review case law merits

supreme court of appeals of the state of south carolina case law of:
Ricky pelzer vs. state of south carolina 622 s.e.2d 780 "quoteing"
For an offense to be a lesser included of another The greater offense must include all the elements of the lesser offense. If the lesser offense includes an element not included in the greater offense Then the lesser offense is not included in the greater

1ST 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 "ALLEGEING" The defendant caused The VICTIM death while PERPETRATEING 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 haveing INSTEAD CONSISTANTLY FOLLOWED The common LAW RULE

1ST ELEMENT TO CRIME OF FELONY MURDER by The FELONY MURDER RULE THEORY IS: The defendant WAS IN The COMMISSION OF COMMITEING a INHERANTLY DANGEROUS FELONY

CONFESSION

ON page 1052 paragraphs 2, 3, and 4 The state of south CAROLINA and ITS SOLICITOR ISSIAC 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 ISSIAC MC. DUFFIE STONE. CONFESSED to The TRIAL JUDGE and TRIAL COURT at PRE TRIAL hearING ON FEBUARY 27th 2,014 ON page 1052 paragraphs 2, 3, and 4 OF TRIAL TRANSCRIPT "QUOTEING" OUR THEORY IS The FELONY MURDER RULE THEORY, That YOW have THREE people COMMITEING INHERANTLY DANGEROUS FELONIES

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-
-IATES 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

CONFESSION

ON page 1052 paragraphs 4, and 5 The state of
SOUTH CAROLINA and its SOLICITOR ISSIAC 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
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 ISSIAC mc. DUFFIE STONE. CONFESSED
to the TRIAL JUDGE and TRIAL COURT at PRE TRIAL
HEARING ON FEBUARY 27th 2,014 ON page 1052
paragraphs 4 and 5 OF TRIAL TRANSCRIPT "QUOTING"
and as a RESULT OF Those INHERANTLY DANGE-
-ROUS FELONIES, a CHILD dies

case law merits

SUPREME COURT OF APPEALS of state of south CAROLINA
case law of:
GORE VS. LEEKE 199 S.E.2d 755 "QUOTING"
The common PURPOSE LADIES and GENTLEMAN
may have NOT INCLUDED OR may NOT have been
INVOLVED IN The KILLING and The MURDER of
ANY ONE but IF IN EXECUTING THIS COMMON
DESIGN and PURPOSE and IF it WAS UNLAWFUL as
FOR INSTANCE, BREAKING IN and STEALING and IN
IS COMMITED by ONE of The COMMON PURPOSE a HOMICIDE
The EXECUTION OF The COMMON PURPOSE a HOMICIDE
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 COMM-
-ON design Then LADIES and GENTLEMAN, ALL
who are present either actually or constructiv-
-ely, 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 UNIK
DISTINCT CRIME. That IS NOT a LESSER INCLUDED
degree CRIME and OFFENSE, OF The CRIME OF

MURDER "ALLEGEING"
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 VS. REEVES 118 S.Ct 1895 "QUOTEING"
RESPONDENTS PROPOSED INSTRUCTIONS WERE REFUSED
because the NABRASKA SUPREME COURT HELD FOR
OVER 100 YEARS, IN both CAPITAL and NON CAPITAL
CASE that SECOND DEGREE MURDER and MANSLA-
-UGHTER ARE NOT LESSER INCLUDED OFFENSES
OF FELONY MURDER, IF NABRASKA TRIAL COURT
GIVES INSTRUCTIONS ON THESE FELONIES and
The defendant IS CONVICTED ONLY ON SECOND
DEGREE MURDER OR MANSLAUGHTER, THAT CONVI-
-CTION must be REVERSED ON APPEAL

case LAW MERITS
UNITED STATES OF AMERICA FOR The FIFTH CIRCUIT
case LAW OF:
UNITED STATES OF AMERICA VS. JESSE DEAN CAVANAUGH
948 F.2d 905 "QUOTEING"
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 DIFFERANT OFFENSE, IF
ANYTHING The FACT that IT CAN NOT be CLASSIFIED
as a LESSER INCLUDED OFFENSE UNDER The CHARGE
OF FELONY MURDER BUTRESSES OUR CONCLUSION
That GREEN WAS UNCONSTITUTIONALLY TWICE
PLACED IN JEOPARDY

1ST CRIME

NOT a LESSER INCLUDED DEGREE CRIME
and OFFENSE to The CRIME OF FELONY
MURDER by The FELONY MURDER RULE THEORY
IS: 16-3-10 FIRST DEGREE CRIME OF MURDER
"ALLEGEING"
The defendant KILLED The VICTIM WITH
MALICE and AFORETHOUGHT

AS a matter OF LAW The CRIME OF MURDER
"ALLEGEING"
The defendant KILLED the VICTIM WITH MALICE
and AFORETHOUGHT
THATS 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 "ALLEGEING"
The defendant caused the victim to be KILLED WHILE IN THE COMMISSION OF COMMITEING A FELONY, UNDER STATUTORY LAWS AND UNDER THE COMMON LAWS OF THE STATE OF SOUTH CAROLINA. AS A MATTER OF LAW THE FIRST ELEMENT "ALLEGEING" The defendant UNLAWFULLY KILLED ANOTHER PERSON

FROM THE CRIME OF MURDER "ALLEGEING" The defendant KILLED THE VICTIM WITH MALICE AND AFORETHOUGHT

THATS CLASSIFIED AS A FIRST degree MURDER CRIME UNDER S.C. CODE OF LAW 16-3-10. IS NOT INCLUDED INTO THE FIRST ELEMENT "ALLEGEING" The defendant was IN the commission of COMMITEING a INHERANTLY DANGEROUS FELONY

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEING" The defendant caused the VICTIM to be KILLED WHILE IN THE COMMISSION OF COMMITEING A FELONY ALSO AS A matter of law THE second ELEMENT "ALLEGEING" That the KILLING was commited with malice and AFORETHOUGHT

FROM THE CRIME OF MURDER "ALLEGEING" The defendant KILLED the VICTIM WITH MALICE AND AFORETHOUGHT

THATS CLASSIFIED AS A FIRST degree MURDER CRIME UNDER S.C. CODE OF LAW 16-3-10 IS not INCLUDED INTO THE second ELEMENT "ALLEGEING" death to the VICTIM as a CONSEQUENCE OF THE defendants CONDUCT IN COMMITEING THAT CRIME

FROM THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEING" The defendant caused the VICTIM to be KILLED WHILE IN THE COMMISSION OF COMMITEING A FELONY AS A matter of law PROVEING THAT THE CRIME OF MURDER "ALLEGEING" 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 "ALLEGEING" The defendant caused the VICTIM to be KILLED WHILE IN THE COMMISSION OF COMMITEING A FELONY UNDER THE LAWS OF THE STATE OF SOUTH CAROLINA FOR PROOF REVIEW

CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS CASE LAW OF.

State VS. PARKER 543 S.E.2d 255 "QUOTEING"
we conclude because grand larceny has the
element of in excess of one Thousand dollars
it is not a lesser included offense of armed
Robbery which has no monitary 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 FS. 16-3-50
.VOLUNTARY MANSLAUGHTER.

As a matter of law second degree voluntary
manslaughter by the crime "alleging"
The defendant killed the victim without
malice and aforethought

Thats 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 "alleging"
I killed the victim with malice and aforethought
That 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
"alleging"
The defendant killed the victim without malice
and aforethought That 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 "alleging"
The defendant caused the victim to be shot and
killed while in the commission of committeing a
felony

under the statutory laws and common law of the
state of south carolina.
As a matter of law the first element "alleging"
The defendant unlawfully killed another person
from the second degree voluntary-manslaughter
crime "alleging"
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 "alleging"
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 manslaug-
-hter 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 commiteing
a inherantly 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 commiteing a felony
Also as a matter of law The second Element "alleging"
That the killing took place without malice, expres
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-
-ants conduct in commiteing 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 commiteing 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
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 commiteing a felony
under The laws of The state of south carolina for proof
review

case law merits

south carolina court of appeals case law of,
State vs. parker 543 S.E. 2d 255 "quoteing"
we conclude because grand larceny has the ecement

OF IN excess of one Thousand dollars IT IS NOT a LESSER INCLUDED OFFENSE OF ARMED ROBBERY WHICH has NO MONITARY element FOR THE aFOREMENTIONED REASON, THE CONVICTION ARE VACATED !

3rd CRIME

NOT a LESSER INCLUDED degree CRIME and OFFENSE to the CRIME OF FELONY MURDER by The FELONY MURDER RULE THEORY IS:
16-3-60 INVOLUNTARY MANSLAUGHTER

AS a matter OF LAW The CRIME OF THIRD degree INVOLUNTARY MANSLAUGHTER by THE CRIME "ALLEGEING" 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 "ALLEGEING", The defendant KILLED The VICTIM WITH MALICE and aFORETHOUGHT

That's CLASSIFIED as a FIRST degree MURDER CRIME UNDER S.C. code OF LAW 16-3-10
AS a matter OF LAW PROVEING That The THIRD degree CRIME OF INVOLUNTARY MANSLAUGHTER "ALLEGEING" The defendant KILLED The VICTIM WITHOUT MALICE and aFORETHOUGHT, The KILLING WAS UNINTENTIONAL and The KILLING RESULTED FROM CRIMINAL NEGLIGENCE That's CLASSIFIED as a THIRD degree CRIME and OFFENSE UNDER S.C. code OF LAWS 16-3-60 IF NOT CLASSIFIED as a LESSER INCLUDED degree CRIME and OFFENSE OF The CRIME FELONY MURDER by The FELONY MURDER RULE THEORY "ALLEGEING", The defendant CAUSED The VICTIM to be SHOT and KILLED WHILE IN The COMMISSION OF COMMITEING a FELONY UNDER The STATUTORY LAWS and COMMON LAWS OF The State OF SOUTH CAROLINA.
AS a matter OF LAW The FIRST element "ALLEGEING" The defendant UNLAWFULLY KILLED ANOTHER PERSON. FROM The THIRD degree INVOLUNTARY MANSLAUGHTER CRIME "ALLEGEING", The defendant KILLED The VICTIM WITHOUT MALICE and aFORETHOUGHT, The KILLING WAS UNINTENTIONAL and The KILLING RESULTED FROM CRIMINAL NEGLIGENCE, That's CLASSIFIED as a THIRD degree CRIME and OFFENSE UNDER S.C. code OF LAW 16-3-60: IS INCLUDED INTO The GREATER degree CRIME and OFFENSE "ALLEGEING" The defendant KILLED The VICTIM WITH MALICE and aFORETHOUGHT

That's CLASSIFIED as a FIRST degree MURDER CRIME UNDER S.C. code OF LAW 16-3-10.

AS a matter of law proveing that the first element "alleging"
That the accused unlawfully killed another person
from the third degree involuntary manslaughter crime "alleging"
The defendant killed the victim without malice and aforethought, the killing was intentional and the killing resulted from criminal negligence

Thats classified as a third degree crime and offense under S.C. code of law 16-3-10.
Is not included into the 1st Element "alleging"
The defendant was in the commission of commiteing a inherantly 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 commiteing a felony

Also the second element "alleging"
That the killing took place without malice, express or implied

from the third degree involuntary manslaughter crime "alleging"
The defendant killed the victim without malice and aforethought, the killing was unintentional and the killing resulted from criminal negligence

Thats classified as a third degree crime and offense under S.C. code of law 16-3-10. Is not included into the second Element "alleging"
death to the victim as a consequence of the defendants conduct in commiteing the crime

from the crime of felony murder by the felony murder rule theory "alleging"
The defendant caused the victim to be killed while in the commission of commiteing a felony

Also the third element "alleging"
That the killing was unintentional

from the third degree crime of involuntary manslaughter 16-3-60
Is not included into the 1st element "alleging"
The defendant was in the commission of commiteing a inherantly dangerous felony

from the crime of felony murder by the felony murder rule theory

Also the third element "alleging"
That the killing was unintentional

from the third degree crime of involuntary manslaughter 16-3-60
Is not included into the 2nd element "alleging"
death to the victim as a consequence of the defendants conduct in commiteing that crime

Also the fourth element "alleging"
The killing resulted from criminal negligence

from the third degree crime of involuntary manslaughter 16-3-10
Is not included into the 1st element "alleging"
The defendant was in the commission of commiteing a inher-antly dangerous felony

from the crime of felony murder by the felony murder rule theory

Also the fourth element "alleging"
The killing resulted from criminal negligence

from the third degree crime of involuntary manslaughter 16-3-60
Is not included into the 2nd element "alleging"
death to the victim as a consequence of the defendants conduct in commiteing 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 "ALLEGEING" THE DEFENDANT KILLED THE VICTIM WITHOUT MALICE AND AFORETHOUGHT, THE KILLING WAS UNINTENTIONAL AND THE KELLING RESULTED FROM CRIMINAL NEGLIGENCE IS NOT CLASSIFIED AS A LESSER INCLUDED DEGREE CRIME AND OFFENSE, OF THE CRIME AND OFFENSE OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEING" THE DEFENDANT CAUSED THE VICTIM TO BE KILLED WHILE IN THE COMMISSION OF COMMITEING A FELONY UNDER THE LAWS OF THE STATE OF STATE OF SOUTH CAROLINA FOR PROOF REVIEW

CASE LAW MERITS

SOUTH CAROLINA COURT OF APPEALS CASE LAW OF: STATE VS. PARKER 543 S.E.2d 255 "QUOTEING" WE CONCLUDE BECAUSE GRAND LARCENY HAS THE ELEMENT OF IN EXCESS OF ONE THOUSAND DOLLARS IT IS NOT A LESSER INCLUDED OFFENSE OF ARMED ROBBERY WHICH HAS NO MONITARY ELEMENT FOR THE AFOREMENTIONED REASONS, THE CONVICTION ARE VACATED

AS A MATTER OF LAW PROVEING THAT THE CRIME OF MURDER "ALLEGEING" 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 "ALLEGEING" THE DEFENDANT CAUSED THE VICTIM TO BE KILLED WHILE IN THE COMMISSION OF COMMITEING A FELONY 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. FOR PROOF REVIEW

CASE LAW MERITS

COURT OF APPEALS OF ARIZONA DIVISION 2, DEPARTMENT B. CASE LAW OF: LEMEKE VS. RAYES 213 ARIZ. 232, 141 P.3d 407 "QUOTEING" THERE ARE NO LESSER OFFENSES OF FELONY MURDER AND THEREFORE NO OTHER OFFENSES CONSITITUTE 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 VS. REEVES 118 S.Ct 1895 "QUOTEING" RESPONDENTS PROPOSED INSTRUCTION WERE REFUSES BECAUSE THE NEBRASKA SUPREME COURT HELD FOR OVER 100 YEARS, IN BOTH CAPITAL AND NONE CAPITAL CASES, THAT SECOND DEGREE MURDER AND MANSLAUGHTER ARE NOT LESSER INCLUDED OFFENSE 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

INSIDE OF THE CASE LAW OF STATE VS. DICKERSON 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 VS. REEVES 118 S.Ct 1895 FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF: STATE VS. DICKERSON 716 S.E.2d 895 "QUOTEING" THE HOPKINS COURT ON THE OTHER HAND BELIEVED THAT CHARGEING ON LESSER RELATED OFFENSE WOULD DEMINISH THE PROCEEDINGS RELIABILITY BY PERMITTING THE JURY TO CONVICT THE DEFENDANT OF A CRIME THE STATE NEVER EVEN SOUGHT TO PROVE AT TRIAL. THEREFORE WE ADOPT THE SUPREME COURT HOLDING IN HOPKINS AND HOLD THAT THE DEFENDANT IS NOT ENTITLED TO A CHARGE ON A LESSER RELATED OFFENSE, HERE PERMITTING THE JURY TO CONVICT DICKERSON AS A ACCESSORY AFTER THE FACT WOULD PERMIT THE JURY TO FIND BEYOND A REASONABLE DOUBT ELEMENTS OF A CRIME THE STATE NEVER SOUGHT TO PROVE AND DICKERSON WAS NOT ON NOTICE HE HAD TO DEFEND AGAINST. ACCORDINGLY WE AFFIRM THE CIRCUIT COURTS DENIAL OF DICKERSON REQUEST TO CHARGE.

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'S 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 "ALLEGEING" 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 "ALLEGEING"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 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, 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.
AS A MATTER OF LAW PROVEING THAT THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEING" 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 "QUOTEING" 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 "ALLEGEING" 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 "ALLEGEING" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2,012 WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGERIOUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLA-WFULLY 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

THATS CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935, THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. BECAUSE SO AS A MATTER OF LAW THE JURY VERDICT OF GUILTY ON THE THIRD UNINDICTED ALLEGED CRIME OF MURDER "ALLEGEING" 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 "ALLEGEING" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER THE 1ST, 2,012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGERIOUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE AND ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THEREOF

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

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF. THE STATE VS. LOVIS ENGLISH FULLER 552 S.E.2d 282 "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

2 Nd REASON

PROVEING THAT I WAS ACQUITTED ON INDICTMENT #2012-GS-07-01935 FS:: 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-GS-07-01935, CONSTITUTES A ACQUITTAL ON INDICTMENT #2012-GS-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 COMMITEING A ONGOING GUN battle AN INHERANTLY DANGERIOUS 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 "ALLEGEING" I TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITEING A ONGOING GUN battle AN INHERANTLY DANGERIOUS FELONY

THAT INDICTMENT #2012-GS-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-GS-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 COMMITEING THE 1ST ELEMENT "ALLEGEING" I TYRONE ROBINSON WAS IN THE COMMISSION OF COMMITEING A ONGOING GUN battle AN INHERANTLY DANGERIOUS FELONY

THAT INDICTMENT #2012-GS-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-GS-07-0193

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 I TYRONE ROBINSON COMMI-TTING a ONGOING GUN battle AN INHERANTLY DANGERIOUS 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 "alleging" That The death OF VICTIM KHALIL SINGLETON IS The PROXIMATE RESULT OF I TYRONE ROBINSON COMMITTING a ONGOING GUN battle AN INHERA-NTLY DANGERIOUS FELONY

That INDICTMENT # 2012-GS-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-GS-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 "alleging" That The death OF VICTIM KHALIL SINGLETON IS The PROXIMATE RESULT OF I TYRONE ROBINSON COMMITTING a ONGOING GUN battle AN INHERANTLY DANGERIOUS FELONY

That INDICTMENT # 2012-GS-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-GS-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 "alleging" That IN BEAUFORT COUNTY ON OR about SEPTEMBER

1st, 2, 012, while engaged in a ongoing gun battle an inherantly dangerous felony, Tyrone Robinson did willfully, unlawfully and with malice aforethou-ght 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

Thats charged and alleged inside of the written write up of ind-ictment # 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 "alleging" That in Beaufort county on or about september 1st, 2, 012, while engaged in a ongoing gun battle an inherantly dangerious 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 Beauf-ort county as a proximate result there of

Thats charged and alleged inside of the written write up of indict-ment # 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 "quoteing" sohere we might say that after the

JURY were charged with the TRIAL OF THIS case they having been discharged without any lawful cause, The PRISONER IS ACQUITTED

Case Law merits

SUPREME COURT OF APPEALS OF THE State OF SOUTH CAROLINA case law OF. State VS. RICHARDSON 25 S.E. 220 "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 SUBSE- - QUENT INDICTMENT FOR same OFFE- - NSE

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 INDICTMENT 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 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 DEFENDANT 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'S 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

17.

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT CASE LAW OF. U.S. VS. GOODAY 714 F.2d 80 "QUOTEING" IF NO INSTRUCTIONS ARE GIVEN ON LESSER INCLUDED OFFENSE, THE JURY VERDICT IS LIMITED TO WHETHER THE DEFENDANT COMMITED 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-GS-07-01935 FOR THE DEATH OF VICTIM KHALIL SINGLETON. WHEN I WAS ACQUITTED ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEING" THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2, 012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY 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 THEREOF

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. 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 OFFENSES, OR FOR ANY LESSER INCLUDED 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-GS-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. ALSO CONSTITUTES A ACQUITTAL ON ALL CRIME AND OFFENSES THAT ARE CONSIDERED LESSER INCLUDED DEGREE CRIME AND OFFENSES OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL ON INDICTMENT #2012-GS-07-01935. BECAUSE SO AS A MATTER OF LAW THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY BARS THE STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A RETRIAL ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY AND THE FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY BARS THE STATE OF SOUTH CAROLINA FROM RETRIEING ME IN A RETRIAL ON ANY CRIME AND OFFENSES, THAT ARE CONSIDERED LESSER INCLUDED DEGREE CRIME AND OFFENSES OF THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY THAT I WAS ACQUITTED ON, ON INDICTMENT #2012-GS-07-01935. FOR PROOF REVIEW

CASE LAW MERITS

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

U.S. VS. GOODAY 714 F.2d 80 "QUOTE-ING"

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 MERITS

SUPREME COURT OF APPEALS OF the UNITED STATES OF AMERICA case LAW OF. EXPARTE NIELSON 9S.CT 673 "QUOTEING" IF ONE be INDICTED FOR MURDER AND ACQUITTED he CAN NOT be AGAIN INDICTED FOR MANSLAUGHTER

case law MERITS

SUPREME COURT OF APPEALS OF the state OF SOUTH CAROLINA case LAW OF. STATE VS. BROWN 602 S.E.2d 392 "QUOTEING" WE AFFIRM the COURT OF APPEALS REJECTION OF the STATE REQUEST FOR a SENTENCEING REMAND ON the THREE FIRST degree CSC CONVICTION because the LESSER INCLUDED OFFENSE OF SECOND degree CSC WAS NOT SUBMITED to the JURY

INSIDE OF the case OF SANABRIA 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 GOVERNMENTS APPEAL AGAINST the ACQUITTAL that the defendant OBTAINED AGAINST the GOVERNMENT. FOR PROOF REVIEW

case law MERITS

SUPREME COURT OF APPEALS OF the UNITED STATES OF AMERICA case LAW OF. SANABRIA VS. U.S. 98 S.CT 2170 "QUOTEING" the DOUBLE JEOPARDY CLAUSE ABSOLUTELY bars a SECOND TRIAL IN SUCH CIRCUMSTANCES the COURT OF APPEALS THUS LACKED JURISDICTION OF the GOVERNMENTS APPEAL

THEREFORE because the FEDERAL 5TH AMENDMENT RIGHT OF DOUBLE JEOPARDY. bars the STATE OF SOUTH

CAROLINA FROM RETRIEVING 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 ARGUEMENTS FROM the state OF south CAROLINA AGAINST the ACQUITTAL that I obtained. ON INDICTMENT #2012-GS-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 "ALLEGING" That IN BEAUFORT COUNTY ON OR about SEPTEMBER The 4TH, 2012, WHILE ENGAGED IN A ONGOING GUN battle AN INHERENTLY DANGEROUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY AND WITH malice AFORETHOUGHT cause The VICTIM KHALIL SINGLETON TO be shot AND KILLED IN The AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON Head ISLAND, S.C. AND That KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THEREOF

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-GS-07-01935 IS "NOT PART" OF The CRIME ~~thats~~ CHARGED and ALLEGED INSIDE OF The ~~WRITTEN~~ WRITE UP OF INDICTMENT #2012--GS-07-01935. AS A RESULT The state OF SOUTH CAR--OLINA CAN NOT SUPPORT A CONVICTION FOR AN OFFENSE that's NOT CHARGED and ALLEGED INSIDE OF the WRITTEN WRITE UP of the body OF The INDICTMENT. by RELYING ON The CAPTION OF The INDICTMENT who's elements ARE NOT CHARGED and ALLEGED INSIDE OF The WRITTEN WRITE UP OF The LANGUAGE That's WRITTEN INSIDE OF The body OF The INDICTME--NT. FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF The state OF SOUTH CAROLINA case law OF:
STATE VS. MEANS 626 S.E.2D 348 "QUOTEING"
IT IS The body OF The INDICTMENT RATHER THAN The CAPTION that IS IMPORTANT. IF The body SPECIF--ICALLY STATES the ESSENTIAL ELEMENTS OF The CRIME and IS OTHERWISE 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-GS-07-01935. CHARGES I TYRONE ROBINSON 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-GS-07-01935. CHARGES I TYRONE ROBINSON WITH THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ONLY".

AS A MATTER OF LAW THE SENTENCEING 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-GS-07-01935 THAT I WAS "ACQUITTED" ON.

ALSO AS A MATTER OF LAW THE SENTENCEING SHEET THAT I WAS SENTENCED TO PRISON TIME OF LIFE IMPRISONMENT ON. REVEALS THAT INDICTMENT-#2012-GS-07-01935 THAT I WAS "ACQUITTED" ON. IS THE ONE AND ONLY INDICTMENT THAT I AM BEING HELD UNLAWFULLY RESTRAINED ON, DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED ON.

AS A MATTER OF LAW SOUTH CAROLINA CODE OF LAW 17-23-90 CREATES A LIBERTY INTEREST THAT ENTITLES A DEFENDANT TO BE DISCHARGED FROM IMPRISONMENT. ON THE SPECIFIC INDICTMENT THAT THE DEFENDANT WAS ACQUITTED ON. ONCE THE DEFENDANT IS ACQUITTED ON THE INDICTMENT THAT THE DEFENDANT WAS TRIED ON BEFORE THE JURY AT TRIAL. THAT I TYRONE L. ROBINSON AM ENTITLED TO PROTECTION UNDER BY THE FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS CLAUSE. WHICH STATES THAT NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW

THE MANDATORY LANGUAGE AND STRUCTURE INSIDE OF THE WRITTEN WRITE UP OF LAW 17-23-90 STATES "QUOTEING"

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

AS A MATTER OF LAW PROVEING THAT, THE MANDATORY LANGUAGE STRUCTURE OF SOUTH CAROLINA CODE OF LAW 17-23-90. CREATES AN "EXPECTANCY OF RELEASE FROM IMPRISONMENT" ON THE INDICTMENT THAT THE DEFENDANT IS TRIED BEFORE THE JURY AND TRIAL ON ACQUITTED ON. ONCE THE DEFENDANT IS ACQUITTED ON THE INDICTMENT THAT THE DEFENDANT IS TRIED ON BEFORE THE JURY AT TRIAL. WHICH IS A LIBERTY INTEREST THAT ENTITLES A PERSON SUCH AS I TYRONE L. ROBINSON. TO PROTECTION OF THE FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES "QUOTEING"

NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW

The SOUTH CAROLINA statute 17-23-90. uses The mandatory language of "shall be DISCHARGED FROM IMPRISONMENT" when The defendant IS ACQUITTED ON The INDICTMENT That The defend- -ANT IS TRIED on before The JURY at TRIAL. SOUTH CAROLINA code OF LAW 17-23-90 comm- -ands The COURTS. That The COURTS "SHALL" DISCHARGE The defendant FROM IMPRISONMENT. once The defendant IS ACQUITTED ON The INDICTMENT That The defendant IS TRIED on before The JURY at TRIAL.

SOUTH CAROLINA code OF LAW 17-23-90 CLEARLY INFORMS The COURTS. That The COURTS OF The state OF SOUTH CAROLINA "may not deny" a defendant There RIGHT to be DISCHARGED FROM IMPRISONM- -ENT. once a defendant IS ACQUITTED ON The INDICTMENT, That The defendant was TRIED ON before The JURY at TRIAL and was being held IMPRISONED ON.

because SOUTH CAROLINA code OF LAW 17-23-90 use The mandatory LANGUAGE OF The WORD shall. which creates a PRESUMPTION That DISCHARGE FROM IMPRISONMENT must be GRANTED to The defendant. once The defendant IS ACQUITTED ON The INDICTMENT. That The defendant was TRIED on before The JURY at TRIAL and was being held IMPRISONED ON.

PROVES That SOUTH CAROLINA code OF LAW statute 17-23-90 created a CONSTITUTIONALLY PROT- -ECTED LIBERTY INTEREST, That I TYRONE ROBINSON am PROTECTED UNDER by The FEDERAL 5th and 14th AMENDMENT RIGHT OF DUE PROCESS OF LAW which states "QUOTING" NOR SHALL ANY PERSON be DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW

SOUTH CAROLINA code OF LAW statute 17-23-90 states "QUOTING" AND IF ANY PERSON commited aforesaid UPON his TRIAL shall be ACQUITTED be shall be DISCHARGED FROM IMPRISONMENT

The LANGUAGE INSIDE OF SOUTH CAROLINA code OF LAW statute 17-23-90 commands That The defendant shall be DISCHARGED FROM IMPR- -ISONMENT. once The defendant IS ACQUITTED ON The INDICTMENT, That The defendant IS TRIED on before The JURY at TRIAL. IS manda- -TORY LANGUAGE That IS The LAW OF The state OF SOUTH CAROLINA, That The COURTS OF The state OF SOUTH CAROLINA must abide by.

SOUTH CAROLINA code OF LAW 17-23-90 commands That The COURT OF The state OF SOUTH CAROLINA. SHALL DISCHARGE I TYRONE L. ROBINSON FROM IMPRISONMENT ON INDICTMENT # 2012-GS-07- -01935 That I was ACQUITTED ON. because by The LAWS That GOVERN The state OF SOUTH CARO- -LINA. I TYRONE L. ROBINSON was LEGALLY ACQUITTED

ON INDICTMENT # 2012-GS-07-01935. That I was TRIED ON BEFORE THE JURY AT TRIAL AND AM CURR-ENTLY BEING held, UNLAWFULLY RESTRAINED ON, DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCA-RCERATED ON.

AS A MATTER OF LAW PROVEING That SOUTH CAROLINA CODE OF LAW STATUE 17-23-90 WHICH STATES "QUOTEING" AND IF ANY PERSON COMMITED AFORESAID UPON HIS TRIAL SHALL BE ACQUITTED he SHALL BE DISCHARGED FROM IMPRISONMENT

IS A LIBERTY INTEREST THAT TYRONE L. ROBINSON IS PROTECTED UNDER by The FEDERAL 5th AND 14th AMENDMENT RIGHT OF DUE PROCESS OF LAW. WHICH STATES "QUOTEING" NOR SHALL ANY PERSON be DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW

CASE LAW MERITS

SUPREME COURT OF APPEALS OF The UNITED STATES OF AMERICA CASE LAW OF. BOARD OF PARDONS AND HENRY BURGE VS. GEORGE ALLEN AND DALE JACOBSEN 107 S. CT 2415 "QUOTEING" STATE STATUTES MAY CREATE LIBERTY INTEREST IN PAROLE RELEASE That ARE ENTITLED to PROTECTION UNDER The DUE PROCESS CLAUSE. The COURT CONCLUDED That The MANDATORY LANGUAGE AND The STRUCTURE OF The NABRASKA STATUTE AT ISSUE IN GREENHOLTZ CREATED AN "EXPECTANCY OF RELEASE" WHICH IS A LIBERTY INTEREST ENTITLED TO SUCH PROTECTION. "FURTHER QUOTEING"

"The MANDATORY STATUTE, LIKE The NEBRASKA STATUTE IN GREENHOLTZ, USES MANDATORY LANGUAGE. IT STATES That The BOARD "SHALL" RELEASE A PRISONER ON PAROLE WHEN IT DETERMINES RELEASE WOULD NOT BE HARMFUL, UNLESS SPECIFIED CONDIT-IONS EXIST That WOULD PRECLUDE PAROLE. There IS NO DOUBT That IT, LIKE The NABRASKA PROVISION IN GREENHOLTZ, VESTS GREAT DESCRETION IN The BOARD. UNDER BOTH STATUTES The BOARD MUST MAKE DIFFICULT AND HIGHLY SUBJECTIVE DECISIONS ABOUT RISKS OF RELEASING INMATES. HOWEVER The BOARD MAY NOT DENY PAROLE UNDER EITHER STATUTE ONCE IT DETERMINES That HARM IS NOT PROBABLE. "FURTHER QUOTEING"

IN DECIDEING That This STATUTE CREATED A CONST-ITUTIONALLY PROTECTED LIBERTY INTEREST, The COURT FOUND SIGNIFICANT The USE OF The WORD "SHALL" AND The PRESUMPTION CREATED That PAROLE RELEASE MUST BE GRANTED UNLESS ONE OF FOUR DESIGNATED JUSTIFICATIONS FOR DEFERRAL IS FOUND "FURTHER QUOTEING" here, AS IN GREENHOLTZ, The RELEASE DECISION IS NECESSARILY SUBJECTIVE AND PREDICTIVE here AS IN GREENHOLTZ, The DESCRETION OF The BOARD IS "VERY BOARD" here AS IN GREENHOLTZ, The BOARD SHALL RELEASE The INMATE when The FINDINGS PREREQUISITE to Release ARE made.

Thus, we find the montana statute, as in the nabraska statute, a liberty interest protected by the due process clause. The judgement of the court of appeals is affirmed

As a matter of law proveing that because as a matter of law, I was legally "acquitted" on indictment #2012-GS-07-01935 when I was "acquitted" on the crime of felony murder by the felony murder rule theory "alleging" that in beaufort county on or about september 1st, 2012, while engaged in a ongoing gun battle an 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 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. The prison sentence of life imprisonment that I recieved on indictment #2012-GS-07-01935 That I was acquitted on is null and "void", and the only action that the trial judge and trial court, south carolina court of appeals and the supreme court of appeals of the state of south carolina can take against me on indictment #2012-GS-07-01935 That I was "acquitted" on. is to discharge tyronel. robinson from imprisonment on indictment #2012-GS-07-01935 That I was acquitted on pursuant to the mandatory language and commandment set forth inside of the written write up of 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

As a matter of law proveing that I was legally "acquitted" on indictment #2012-GS-07-01935 That I was tried on before the jury at trial. The trial judge and trial court sentenced me to prison time of life imprisonment on indictment #2012-GS-07-01935 That I was acquitted on. After I was already acquitted on indictment #2012-GS-07-01935 That I was tried on before the jury at trial, and the state of south carolina, sgt. laurel albertin, beaufort county sheriff office, department, beaufort county sheriff beaufort county detention center, director

COLONAL FOOTE, DIRECTOR OF BEAUFORT COUNTY DETENTION CENTER, SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, DIRECTOR STERLING, DIRECTOR MC CALL, DIRECTORS OF SOUTH CAROLINA DEPARTMENT OF CORRECTIONS, PERRY CORRECTIONAL INSTITUTION, WARDEN LARRY CARTLEDGE, WARDEN SCOTT LEWIS, KIRKLAND CORRECTIONAL INSTITUTION, WARDEN MC. KEE, LEE CORRECTIONAL INSTITUTION, LIEBER CORRECTIONAL INSTITUTION, WARDEN LARRY JOYNER, WARDEN AT LEE CORRECTIONAL INSTITUTION, WARDEN RANDALL WILLIAMS, AND WARDEN BRIAN KENDALL, WARDENS AT LIEBER CORRECTIONAL INSTITUTION. ALL DID CONTINUE TO HOLD I TYRONE L. ROBINSON "UNLAWFULLY RESTRAINED" DEPRIVED OUT OF MY LIBERTY AND WRONGFULLY INCARCERATED. ON INDICTMENT - #2012-GS-07-01935 THAT I WAS ACQUITTED ON. IN VIOLATION OF SOUTH CAROLINA CODE OF LAW 17-23-90 WHICH STATES "QUOTEING" AND IF ANY PERSON COMMITED AS AFORESAID UPON HIS TRIAL SHALL BE ACQUITTED HE SHALL BE DISCHARGED FROM IMPRISONMENT

ALSO IN VIOLATION OF MY FEDERAL 5TH AND 14TH AMENDMENT RIGHT OF DUE PROCESS OF LAW WHICH STATES QUOTEING" NOR SHALL ANY PERSON BE DEPRIVED OUT OF LIBERTY WITHOUT DUE PROCESS OF LAW FOR PROOF REVIEW

STATUTORY MERITS

SOUTH CAROLINA CODE OF LAW STATUE 17-23-90 WHICH STATES "QUOTEING" AND IF ANY PERSON COMMITED AS AFORESAID UPON HIS TRIAL SHALL BE ACQUITTED HE SHALL BE DISCHARGED FROM IMPRISONMENT

CASE LAW MERITS

SUPREME COURT OF APPEALS OF THE UNITED STATES OF AMERICA CASE LAW OF. BOARD OF PARDONS AND HENRY BURGE VS. GEORGE ALLEN AND DALE JACOBSEN 107 S. CT. 2415 "QUOTEING" STATE STATUTES MAY CREATE LIBERTY INTEREST IN PAROLE RELEASE THAT ARE ENTITLED TO PROTECTION UNDER THE DUE PROCESS CLAUSE. THE COURT CONCLUDED THAT THE MANDATORY LANGUAGE AND THE STRUCTURE OF THE NABRASKA STATUE AT ISSUE IN GREENHOLTZ CREATED AN "EXPECTANCY OF RELEASE" WHICH IS A LIBERTY INTEREST ENTITLED TO SUCH PROTECTION." FURTHER QUOTEING". "THE MONTANA STATUE, LIKE THE NABRASKA STATUTE IN GREENHOLTZ, USES MANDATORY LANGUAGE, IT STATES THAT THE BOARD "SHALL" RELEASE A PRISONER ON PAROLE WHEN IT DETERMINES RELEASE WOULD

not be harmful, unless specified conditions exist that would preclude parole. There is no doubt that it, like the Nebraska provision in Greenholtz, vests great discretion in the Board. Under both statutes the board must make difficult and highly subjective decisions about risks of releasing inmates. However the board may not deny parole under either statute once it determines that harm is not probable "further quoteing" In decideing that this statute created a constitutionally protected liberty interest, The court found significant its mandatory language the use of the word "shall" and The presumption created that parole release must be granted unless one of four designated justifications for deferral is found "further quoteing"

here, as in Greenholtz, The release decision is necessarily subjective and predictive here as in Greenholtz, The discretion of the board is "very board" here as in Greenholtz, The board shall release the inmate when the finding prerequisite to release are made. Thus, we find the montana statue, as in the Nebraska statute, a liberty interest protected by the Due Process Clause. The judgement of the court of appeals is affirmed

because as a matter of law I was legally "acquitted" on indictment #2012-GS-07-01935. when I was "acquitted" on the crime of felony murder by the felony murder rule theory "alleging"

That in Beaufort county on or about september 1st, 2012, while engaged in a ongoing gun battle an 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 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. As a matter of law this court of appeals must address these issues. To prevent me from haveing to indur continued "unlawful restraint and continued wrongful incarceration on indictment #2012-GS-07-01935. beyond the "acquittal" That I obtained on indictment #2012-GS-07-01935. For proof review

Case Law merits

SUPREME COURT OF APPEALS OF THE STATE OF SOUTH CAROLINA CASE LAW OF:
STATE VS. BENNETT 650 S.E.2d 490 "QUOTEING"
ALTHOUGH WE BELIEVE BENNETT IS ENTITLED TO A REVIEW OF HIS CLAIM PURSUANT TO ALSHABAZZ, WE ADDRESS IT NOW BECAUSE WE FIND BENNETT WAS SENTENCED AS A FIRST OFFENDER AND HAS EXCEEDED HIS ORIGINAL SENTENCE, AS FURTHER DISCUSSED, AND THUS HE SHOULD NOT BE FORCED TO PERSUE AND AWAIT THE OUTCOME OF SUCH CLAIM.
STATE VS. JOHNSTON 510 S.E.2d 423 (1999) ADDRESSING DEFENDANTS CLAIM RATHER THAN REQUIREING 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

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

THAT THERE IS NOT ANY INDICTMENT CHARGEING ME WITH CONSTITUTED A JURY VERDICT OF "NOT GUILTY" ON THE CRIME OF FELONY MURDER BY THE FELONY MURDER RULE THEORY "ALLEGEING"
THAT IN BEAUFORT COUNTY ON OR ABOUT SEPTEMBER 1ST, 2012, WHILE ENGAGED IN A ONGOING GUN BATTLE AN INHERANTLY DANGERIOUS FELONY, TYRONE ROBINSON DID WILLFULLY, UNLAWFULLY, AND WITH MALICE AFORETHOUGHT CAUSE THE VICTIM KHALIL SINGLETON TO BE SHOT AND KILLED IN THE AREA OF MARSHLAND DRIVE ALLEN ROAD, HILTON HEAD ISLAND, S.C. AND THAT KHALIL SINGLETON DID DIE IN BEAUFORT COUNTY AS A PROXIMATE RESULT THEREOF

THAT CHARGED AND ALLEGED INSIDE OF THE WRITTEN WRITE UP OF INDICTMENT # 2012-GS-07-01935.
THAT I WAS INDICTED ON AND TRIED ON BEFORE THE JURY AT TRIAL. THIS COURT MUST VACATE MY CONVICTION AND PRISON SENTENCE OF LIFE IMPRISONMENT AND THIS COURT MUST ENTER A JUDGEMENT OF ACQUITTAL ON INDICTMENT # 2012-GS-07-01935 THAT I WAS "ACQUITTED" ON. FOR PROOF REVIEW

case law merits

COURT OF APPEALS OF THE STATE OF TEXAS HOUSTON (1ST DIST) ROBERT CHAYENNE ALVEREZ VS. THE STATE OF TEXAS 505.W.3D 792 CASE NO: 01-16-00407-CR, AUGUST 30, 2018 "QUOTEING" ON APPEAL ALVEREZ ASSERTS THAT THE TRIAL COURT COMMITED ERROR BY INSTRUCTING THE JURY TO CONSIDER THE OFFENSE OF RESISTING ARREST BECAUSE HE WAS NOT CHARGED WITH THAT OFFENSE AND IT IS NOT A LESSER-INCLUDED CHARGE OF THE INDICTED OFFENSE OF ASSAULT ON A PUBLIC SERVANT. ALVEREZ DID NOT OBJECT TO THE INSTRUCTION AT TRIAL AND SUBJECT TO THE ARGUEMENT THAT THE ERROR WAS INVITED, THE STATE CONCEDES THE INSTR-UCTION WAS A FUNDAMENTAL ERROR WHICH WOULD REQUIRE REVERSAL "FURTHER QUOTEING" WE REVERSE THE JUDGEMENT OF THE TRIAL COURT BY FINDING ALVEREZ GUILTY OF RESIST-ING ARREST, THE JURY EFFECTIVELY ACQUITTED HIM OF THE INDICTED CHARGE OF ASSAULT ON A PUBLIC SERVANT. WE REMAND THE CASE WITH INSTRUCTION TO

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 (S.C.2,001) "QUOTEING" IF ACCESSORY AFTER THE FACT IS NOT CHARGED IN THE INDICTMENT, BUT IS INSTRUCTED TO CLEARLY MERE PRESENCE, A FINDING OF ACCESSORY AFTER THE FACT IS THE EQUIVALENT TO A FINDING OF NOT GUILTY "FURTHER QUOTEING" MORE OVER, TO REQUIRE AN ACCESSORY INSTRU-CTION ON THESE FACTS OPENS THE DOOR FOR EVERY CRIMINAL DEFENDANT TO CREATE A LESSER INCL-UDED 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 MURDER

AS A CONSEQUENCE BECAUSE I WAS ACQUITTED ON INDICTMENT # 2012-GS-07-01935 THAT I WAS TRIED ON BEFORE THE JURY AT TRIAL. AS A MATTER OF LAW THIS COURT OF APPEALS MUST DISCHARGE ME FROM IMPRISONMENT ON INDICT-MENT # 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 "allege-ing"
That in Beaufort County on or about september 1st, 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 allen road, Hilton Head Island, S.C. and that Khalil Singleton did die in Beaufort County as a proximate result there of.
Thats charged and alleged inside of the written write up of indictment # 2012-GS-07-01935. for proof review

statutory merits

South Carolina code of law 17-23-90 which states "quoteing"
And if any person commited as aforesaid upon his trial shall be acquitted he shall be discharged from imprisonment

case law merits

supreme court of appeals of the state of Alabama case law of:
Bell and murray vs. The state 48 Ala. 684, 1872 WL 993, 17 Am. Rep. 40 "quoteing"
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 fourth in the indictment "further quoteing" The judgement of the city court is reversed, and the judgement must be here rendered discharging the appellants

case law merits

supreme court of appeals of the united states of America case law of:
Kepner vs. U.S. 24 S.Ct 797 "quoteing"
As to the defendant who had been acquitted by the verdict duly sworn and recieved, the court could take no other action than to order his discharge.
Judgement reversed and prisoner discharged

CONCLUSSION

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-GS-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 IMPRISON-MENT

SIGNATURE: Tyrone L Robinson
PRINT: TYRONE L. ROBINSON
Date: may 14th 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

basically, the situation -- this is the situation the State's in. Our theory is the felony murder rule, that you have three people committing inherently dangerous felonies, and as a result of those inherently dangerous felonies, a child dies. The actual shooter, so 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's going under. That's the theory that the State goes under, and that is a consistent theory among all the defendants. That's the -- that is the theory.

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

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

THE COURT: All right.

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

THE COURT: Right.

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

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

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

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.

65.

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

STATE OF SOUTH CAROLINA

vs.

TYRONE ROBINSON
Defendant

COURT OF GENERAL SESSIONS

DOCKET NO. 2012-GS-07-1935

TRANSCRIPT OF RECORD

September 15, 2014
Beaufort, South Carolina

VOLUME 1 (OF 5)

B E F O R E:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

A P P E A R A N C E S:

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

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

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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INDEX TO EXHIBITS

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PROCEEDINGS

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,

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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.

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5.

EXHIBIT C

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

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

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STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

STATE OF SOUTH CAROLINA)
vs.)
TYRONE ROBINSON)
Defendant)

COURT OF GENERAL SESSIONS

DOCKET NO. 2012-GS-07-1935

TRANSCRIPT OF RECORD

September 19, 2014
Beaufort, South Carolina

VOLUME 5 (OF 5)

B E F O R E:

THE HONORABLE THOMAS G. COOPER, JR., JUDGE

A P P E A R A N C E S:

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

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PROCEEDINGS

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

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

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

THE COURT: Right.

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

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

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will wrap the truth that you have found in the mantle of the law I am now giving you. And those two things will come together to result in a verdict of truth in this particular case. I now instruct you as to what the law is on the charge in this particular case. As you know the defendant is charged with the crime of murder. Murder is defined in the law as the killing of any person with malice aforethought either expressed or implied.

And so in order for the State to prove the defendant guilty of murder it must be proven beyond a reasonable doubt that the defendant killed the victim and that the killing was done with malice aforethought. Now the State is not required to prove any motive for the killing but it is required to prove malice and to prove that beyond a reasonable doubt.

So what then is malice; that essential element for the crime of murder? Malice is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury. Malice aforethought is the deliberate and well-formed purpose to do the unlawful act.

Now aforethought means that the intention to do the unlawful act was conceived and planned sometime before the actual commission of the act. But the malice need not exist for any particular length of time prior to the

act if it is present in the mind of the act or at the time of the crime that is sufficient as malice aforethought. Now malice is a word that suggests a wickedness or a hatred or a determination to do what one knows to be wrong without just cause or legal provocation. As I have said malice need not be in the mind of the one doing the act for any particular length of time before the act of killing in order to render it murder. If it is present any length of time before the act in its presence would be sufficient to render the killing a murder.

Malice might be expressed malice or it could be inferred malice. That's not two different types of malice it's just malice that is shown in two different ways. Malice is said to be expressed malice where there is manifested or expressed a violent, deliberate intention to unlawfully take away the life of another human being.

Malice can be inferred where no excuse or legal provocation for the killing appears and when circumstances attending the killing show an abandoned heart or a malignant heart fatally bent upon mischief. Malice may be inferred from conduct showing a total disregard for human life. If facts are proven beyond a reasonable doubt sufficient to raise an inference of

malice then this inference would simply be an evidentiary fact and you would take that into consideration along with any other evidence on the case bearing on the issue of malice and you would give it the weight that you determine it should receive. I tell you again the defendant is not required to prove the absence of malice but the State is required in law to prove the presence of malice and to prove that beyond a reasonable doubt.

Now ladies and gentlemen in this particular case we are dealing with the law of transferred intent. Under the facts of this case everyone agrees that the victim was an unintended victim in this particular case. And so the law of transferred intent then applies to the crime of murder. And what that says is if the defendant with malice aforethought attempts to kill another person but by mistake injures or kills a different person the defendant still has the intent to kill.

The intent to kill is merely transferred from the original person that the defendant attempted to kill to the actual person who was killed. The defendant would be guilty of murder in that particular case just as if the attempt had resulted in the death of the person that he attempted to kill. Criminal intent then is a necessary element of the crime in this and in every instance and it has to be proven by the State beyond a reasonable doubt.

Criminal intent is always a matter that has to be determined by the jury from circumstances which surround this particular situation. There is no way to prove intent to a mathematical certainty. There is no way that medical science will let us cut off a person's skull and look down into his or her brain to decide what he or she had in mind at the time.

And so the law says that criminal intent can be inferred from the circumstances which were shown to have existed at the time of the crime. And that's how you make a determination as to whether or not the element requiring intent was present. Criminal intent then is a state of mind and it operates jointly with an act in the commission of a crime.

Criminal intent is a mental state. It is a conscious wrongdoing. And so it's up to you to determine what the defendant intended to do based on the circumstances shown to have existed. I'll tell you the State has to prove criminal intent beyond a reasonable doubt just like it has to prove every other element beyond a reasonable doubt.

Now the State seeks to meet its burden of proof in this case by both direct and circumstantial evidence. Direct evidence is normally referred to as eyewitness evidence. Its testimony of a witness who came in and

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

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

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

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

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

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

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

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

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

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

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

If the defendant believed that he was in imminent danger of death or serious bodily harm then it has to be shown in that case that a reasonable person of ordinary prudence and belief would entertain the same belief. And 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,

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. Bax 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

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.]

C E R T I F I C A T E

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

EXHIBIT D

COPY OF CASE LAW MERITS

The State VS. Louis ENGLISH
FULLER 552 S.E.2d 282 (S.C. 2,001)

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

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

346 S.C. 477

The STATE, Respondent,

v.

Louis English FULLER, Appellant.

No. 25334.

Supreme Court of South Carolina

July 23, 2001.

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

The State

Louis English Fuller

Supreme Court of South Carolina

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 MENTIONED RICKY PELZER VS. STATE OF SOUTH CAROLINA 672 S.E.2d 790 (2,008)

381 S.C. 217 (2008)
672 S.E.2d 790

Ricky C. PELZER, Respondent,

v.

STATE of South Carolina, Petitioner.

No. 4457.

Court of Appeals of South Carolina.

Heard October 22, 2008.
Decided November 18, 2008.
Withdrawn, Substituted, and Refiled February 3, 2009.
Rehearing Denied February 3, 2009.

219 *219 Assistant Attorney General Brian T. Petrano, of Columbia, for Petitioner.

Deputy Chief Appellate Defender Wanda H. Carter, of Columbia, for Respondent.

CURETON, A.J.:

Following a grant of post-conviction relief (PCR), the State petitioned for and received a writ of certiorari. The State now argues the PCR court erred in finding Ricky C. Pelzer's plea counsel was ineffective and in granting Pelzer relief from one part of a negotiated guilty plea but leaving the rest of the plea intact. We reverse.

FACTS

In March 2001, after six years of cohabitation resulting in the birth of two children, Diana Gibbs required Ricky Pelzer leave their home.
220 On April 20, 2001, Gibbs obtained a restraining *220 order against Pelzer. In the early hours of May 6, 2001, Pelzer, carrying a can of gasoline, went to the home where Gibbs and two of her children were sleeping. When Gibbs refused to let him in, Pelzer forced the door open. Gibbs and the children ran out the back door. Pelzer followed them into the front yard, where he attacked Gibbs. After Gibbs's son pulled Pelzer off Gibbs, Pelzer returned to the house. Threatening to burn the house, Pelzer doused the inside of the home with gasoline and began ingesting gasoline himself. Gibbs called the police from a neighbor's house. The police eventually took Pelzer into custody and drove him to a hospital, where he was successfully treated for gasoline ingestion.

Pelzer was charged with first-degree burglary, attempted second-degree arson, criminal domestic violence of a high and aggravated nature (CDVHAN), and violation of a family court restraining order. An attorney was appointed to represent him. After extensive negotiations between Attorney and the State, Pelzer pled guilty to the lesser included offense of second-degree burglary and the original charges of attempted second-degree arson and violation of a family court restraining order. The State nolle-prossed the CDVHAN charge. In accordance with the negotiated deal, the circuit court sentenced Pelzer to a total of fifteen years' imprisonment.[1]

Pelzer later learned of attempt to burn, a statutory offense similar to the charged offense of attempted arson. Attempt to burn carried a shorter sentence than attempted arson. Pelzer then filed an application for PCR, arguing in his petition that his plea counsel was ineffective because she failed to apprise him of attempt to burn, which carried only a five-year sentence. The attorney testified at the PCR hearing that she did not recall discussing that statute with Pelzer. The PCR court granted Pelzer's application. The State petitioned for a writ of certiorari, which was granted.

STANDARD OF REVIEW

221 In reviewing the PCR court's decision, an appellate court is concerned only with whether any evidence of probative *221 value exists to support that decision. *Smith v. State*, 369 S.C. 135, 138, 631 S.E.2d 260, 261 (2006). Thus, an appellate court gives great deference to the PCR court's findings of fact and conclusions of law. *Porter v. State*, 368 S.C. 378, 383, 629 S.E.2d 353, 356 (2006).

LAW/ANALYSIS

The State argues the PCR court erred in finding Pelzer's plea counsel was ineffective for failing to advise him of the attempt-to-burn

77

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.

"Where there has been a guilty plea, the applicant must prove prejudice by showing that, but for counsel's errors, there is a reasonable
222 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.*

"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
223 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).

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
224 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

stated further that she believed there was "a significant risk that [Pelzer] would be found guilty if he went to trial" on the first-degree burglary charge. Because Pelzer did not want to face the first-degree burglary charge, he requested his plea counsel negotiate the first-degree burglary charge down to second-degree burglary to avoid the possibility of a sentence of life without the possibility of parole.

During the guilty plea colloquy, the plea judge thoroughly discussed with Pelzer his decision to plead guilty and the terms of the negotiated plea. Additionally, as noted previously, at the PCR hearing, Pelzer never testified that he would not have pled guilty except for his plea counsel's error. In fact, he specifically testified he did *not* wish to set aside his guilty plea to the burglary charge. The following colloquy between Pelzer and his PCR attorney is instructive:

> Q. You don't want to try to go back to the beginning and start completely over.
>
> A. No.
>
> Q. Okay.
>
> A. I just want to argue 190.
>
> Q. All you want to argue is that your lawyer was ineffective in allowing you to be sentenced under 110(B) as opposed to arguing that on the facts of this case that you were properly—should have properly been sentenced under 190.
>
> A. That's correct.

In view of this testimony, we conclude the evidence does not demonstrate that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Consequently, the PCR court erred in finding Pelzer suffered prejudice as a result of his plea counsel's misadvice.

The State also argues the PCR court erred in granting Pelzer relief as to the arson charge, only, without vacating the entire plea.
225 Inasmuch as we have reversed the PCR court on *225 the issue of ineffective assistance of counsel, we do not reach this issue. *See* Futch v. McAllister Towing of Georgetown, Inc., 335 S.C. 598, 613, 518 S.E.2d 591, 598 (1999) (ruling an appellate court need not review remaining issues when its determination of a prior issue is dispositive of the appeal).

CONCLUSION

We find the PCR court did not err in finding Pelzer's plea counsel performed deficiently by failing to advise him of the attempt-to-burn statute because attempt-to-burn is a lesser included offense of arson. Nevertheless, we hold Pelzer suffered no prejudice because of this misadvice, because he has not demonstrated that he would not have pled guilty but for the misadvice. Therefore, we reverse the order of the PCR court and reinstate Pelzer's conviction.

We do not reach the issue of whether the PCR court erred in granting Pelzer relief as to the arson charge, only, without vacating the entire guilty plea. Accordingly, the order of the PCR court is

REVERSED.

HEARN, C.J., and HUFF, J., concur.

[1] This sentence included fifteen years each for the burglary and arson charges and thirty days for violating the family court's restraining order, all to be served concurrently.

[2] "A person who commits the common law offense of attempt, upon conviction, must be punished as for the principal offense." S.C.Code Ann. § 16-1-80 (2003).

[3] In addition to the elements found in the attempt-to-burn statute, the second-degree arson statute requires property damage and allows culpability for causing an explosion, apparently as an alternative to burning. § 16-11-110(B).

EXHIBIT F

COPY OF STATUTORY MERITS

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

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

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.

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

Code §16-3-60

Elements Of The Offense:

1. That the accused unlawfully killed another person.

2. That the killing was without malice aforethought.

15.

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 SENTENCEING SHEET PROVEING THAT I WAS SENTENCED TO LIFE IMPRISONMENT. ON INDICTMENT # 2012-GS-07-01935 THAT I WAS "ACQUITTED" ON AND AM CURRENTLY BEING HELD UNLAWFULLY RESTRAINED ON

85.

STATE OF SOUTH CAROLINA)
COUNTY OF Beaufort)
STATE VS.)
Tyrone Robinson)
AKA:)
Race: AFRICAN AM ESex: M Age: 39)
DOB: SS#)
Address:)
City,State,Zip:)
DL#: SID#:)
*CDL Yes☐ No☐ CMV Yes☐ No☐ Hazmat Yes☐ No☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012GS0701935
A/W#: 2012A0720300114
Date of Offense: 9/1/2012
S.C. Code § : 16-03-0010; 16-03-0020
CDR Code #: 0116

SENTENCE SHEET

In disposition of the said indictment comes now the Defendant who was ☑ CONVICTED OF or ☐ PLEADS
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 w/minor 1st or Lewd Act) ☐ §17-25-45

13.

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

ATTEST:
Swanson Hunter — SC Bar# — Defendant — Attorney for Defendant — SC Bar#
ESAM STONE

WHEREFORE, the Defendant is commited to the ☑ **State Department of Corrections,** ☐ **County Detention Center,**
for a determinate term of life days/months/years or ☐ under the **Youthful Offender Act** not to exceed ____ years
and/or to pay a fine of $ IMPRISONMENT, provided that upon the service of ____ days/months/years and/or payment
of $ ____; plus costs and assessments as applicable*; the balance is suspended with **probation** for ____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: ____
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922,it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship,transport,possess,or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered
Total: $ ____ plus 20% fee: $ ____
Payment Terms: ____
☐ Set by SCDPPPS ____
Recipient: ____

PTUP ____
____ days/hours Public Service Employment
Obtain GED ☐
Attend Voc. Rehab. or Job Corp. ____
May serve W/E begining ____
Substance Abuse Counseling ☐
Random Drug/Alcohol testing ☐
Fine may be pd. in equal, consecutive weekly/monthly pmts. of $ ____ beginning ____
$ ____ paid to Public Defender Fund
Other: ____

*Fine:		$
§ 14-1-206 (Assessments 107.5 %)		$
§ 14-1-211(A)(1) Conv. Surcharge)	$100	$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	$100	$
§ 56-5-2995 (DUI Assessment)	$12	$
§ 56-1-286 (DUI Breath Test)	$25	$
Proviso 47.9 (Public Def/Prob)	$500	$
§ 14-1-212 (Law Enforce. Funding)	$25	$ 25.00
§ 14-1-213 (Drug Court Surcharge)	$150	$
§ 50-21-114(BUI Breath Test Fee)	$50	$
§ 56-5-2942(J) (Vehicle Assessment)	$40/ea	$
Proviso 90.5 (SCCJA Surcharge)	$5	$ 5.00
3% to County (if paid in installments)		$ 3.90
TOTAL		$ 133.90

☐ Appointed PD or appointed other counsel, § 47.12 requires $500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Frank E. Winston
Court Reporter: Bonnie Kelly
Presiding Judge: [signature]
Judge Code: 057
Sentence Date: 9/19/13

SCCA/217 (03/2011)

Certified - A True Copy
Jerri Ann Roseneau - Clerk of Court
Beaufort County, SC

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