

THE SUPREME COURT OF SOUTH CAROLINA

IN THE MATTER OF:) Docket # 2002-DE-L-0711
Robert Barnwell Clarkson)
Respondent) Motion for Evidentiary
.) Hearing and Stand-by Counsel

Respondent Robert Clarkson hereby files his Motion for the appointment of a hearing officer, an evidentiary hearing and for an appointed stand-by counsel.

1. Clarkson requests that this Court appoint an hearing officer to take testimony and make a recommendation of his finding to this Court.

Clarkson is vigorously contesting that part of the accusation that alleges that he controlled or managed any case before the SC Department of Revenue (DOR).

Clarkson expects a short and concise hearing but some relevant facts for the defense should be on record. Clarkson believes that testimony and factual dispute could be short.

Incidentally Clarkson has consistently admitted most of the facts in this case. However, he does have some important facts, testimony and witness to present on his behalf which are not already before the court but should be.

2. Clarkson also has witnesses and his own testimony to prove that he did not charge for his assistance to victims of the bully DOR. Further, that his efforts were part of the political operations of a political action group.

3. Clarkson wrote the initial briefs in many cases and posted them on his website so any taxpayer in this grand state could copy and use to protect himself. This was not a tax or legal effort but Defendant exercising his right to free speech.

Clarkson's political protests may be different than other political clubs but these are still a protest of the tax system as a whole.

4. In the original version of this case, Clarkson submitted to discovery request of the ODC. He submitted five, two-hour videos and many of his publications to the court for examination. However in this second round, Clarkson's website will be the main evidence of the prosecution.

5. Defendant needs to explain why certain items are there and the purpose of each section. Defendant's

publications are designed for those active in the Freedom Movement and may seem strange to government officials. This is a political website and Clarkson needs to explain why it covers certain matters, legal or otherwise.

6. Mr. Ron Urban, Attorney for DOR did an excellent job of putting on record a good summary of what Respondent actually does. Judge Page Gossett of the SC Administrative Law Court wrote an excellent order, placing many facts in the record.

However, Defendant has not had an opportunity to place his explanation of the facts on file. A bare description of what he did may be fine in a robbery case but not in this case.

7. As in the 2004 trial of this case, Clarkson has a defense, has facts, explanations, witnesses on his side, etc. Hopefully, this Court will remember that in his defense in the first hearing in this case, Clarkson obeyed the rules, was polite, had respect for all parties, etc.

For better or worse, Defendant is a political zealot but he obeys the rules and procedures, except for a few minor mistakes.

8. Defendant-Respondent Robert Clarkson requests that this Court appoint an stand-by counsel to advise him on procedural matters. This would assist this Court and Ms Seymour of ODC who may not want to talk to Defendant directly even though counsels are suppose to work out minor details among themselves.

I DO HERE CERTIFY THAT I SENT PROPERLY A COPY OF THIS PLEADING TO THE OPPOSING COUNCIL.

Date: 19 Dec 07

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