

1-13-23

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM BERKELEY COUNTY
HONORABLE R. LAWTON McINTOSH, CIRCUIT COURT
JUDGE

IN THE MATTER OF THE CARE AND
TREATMENT OF TYRONE MAURICE MOORE, A/K/A
TYRONE MOORE

APPELLANT
APPELLATE CASE NO. 2022-000547

ANSWERS BRIEF OF APPELLANT

RECEIVED

JAN 20 2023

SC Court of Appeals

FILED AND SERVING A PRO SE BRIEF
ADDRESSING ISSUES THE COURT
SHOULD CONSIDER IN THIS APPEAL.

MY ARGUMENTS IN THIS CASE

1-13-23

1. THE STATES EXPERT WITNESS (DR. MARIE GENTLE), GAVE MUCH TESTIMONY TO MY PAST CONVICTIONS (WHICH WAS SOME THIRTY+ YEARS AGO), GIVING LIMITED TESTIMONY TO THE TWO LEWD ACTS ON A MINOR CONVICTIONS (SOME 16^{TO} 17 YEARS AGO) ACCORDING TO HER PROFESSIONAL POSITION TO USE THE TOOLS THAT WAS USED, TO GIVE HER THE ABILITY TO DETERMINE OR CONSIDER A VIOLENT SEXUAL PREDATOR ARE NOT, DETERMINE A 11% CHANGE TO RE-CHANGING. ACCORDING TO THE SEXUAL VIOLENT PREDATOR ~~ACT~~ ACT, THE GENERAL ASSEMBLY HAS WRITTEN IN THE LAW THAT THE STATES MUST PROVE, BEYOND A REASONABLE DOUBT THAT THE INDIVIDUAL IS PRESENTLY A SEXUAL VIOLENT PREDATOR. HOW WAS IT PROVEN THAT I WAS PRESENTLY A SEXUALLY VIOLENT PREDATOR WHEN HER (DR. MARIE GENTLE, THE STATES ONLY WITNESS), TESTIFIED THAT BASED ON THE LEAVING ACTUARIAL INSTRUMENT PREDICTED ONLY 11% RECIDIVISM RATE BASED ON MY CHARACTERISTICS THE EXPERT WITNESS BASED HER DIAGNOSIS ON SOME 17^{TO} 30 YEARS OLD PAST CONVICTIONS

MY TIME OF INCARCERATION ON THE RECORD SHOWS WHAT MY BEHAVIOUR, ACTIONS, AND ACTIVITIES, WAS. THERE IS PROOF WITHIN THE RECORDS THAT IN THE LAST 13^{TO} 14^{1/2} YEARS OF INCARCERATION IT SHOWS, THE MANY PROGRAMS, CLASSES, ACTIVITIES, AND SKILLS THAT WOULD GIVE A GAZE ON HOW TO LOOK AT THE MOST PRESENT INFORMATION THAT COULD HELP TO SEE WHO I AM ~~NOW~~ NOW.

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IT IS KNOWN THAT THE PRISON RECORD IS USED TO SEE WHAT A PERSON HAS BEEN DOING AND WHAT KINDS OF INTERACTIONS AND TROUBLE HAVE THEY BEEN IN. IF I HAD A MAGNETIC RECORD (SEXUAL ASSAULTS, RAPES, MASTURBATION CHARGES, ~~PICTURES~~ PICTURES OF ME, DRUGS, CELLPHONES ETC, IT WOULD HAVE BEEN USED AGAINST ME BY THE STATE'S EXPERT WITNESSES. THE RECORD SHOWS THIS IS DONE OVER AND OVER AGAIN. IF THE EXPERT FOR THE COURT USES MY RECORD IN CIVIL COMMENT TRIALS, IF IT'S MAGNETIC THEN IT SHOULD BE CONSIDERED IF IT'S POSSIBLE.

WHELE
IN
PRISON

A PERSON'S RECORD WHILE IN PRISON FOR A WHILE SHOULD HELP TO IDENTIFY THE PERSON'S MIND-SET AND CHARACTER. IT SHOULDN'T WORK BOTH WAYS FOR THE STATE.

2. THE JURY HAD QUESTIONS ABOUT ONE IN PARTICULAR; ABOUT THE DEFINITION OF A VIOLENT SEXUAL PREDATOR; ACCORDING TO THE S.V.P LAW (WHICH QUALIFIES ONE AS A SEXUAL VIOLENT PREDATOR). BUT THE JUDGE CHOOSE NOT TO SEND THE LAW IN THE DELIBERATION ROOM (SO THEY COULD FULLY UNDERSTAND IT), BUT BROUGHT THEM BACK INTO THE COURT ROOM, AND WENT THROUGH THE REASONS WHY HE DIDN'T SEND IT TO THEM. WHEN THE JUDGE (HONORABLE R. LAWTON MCINTOSH) BEGAN TO GIVE THE JURY THE EXPLANATION OF THE SEXUAL VIOLENT PREDATOR LAW (WHAT QUALIFIES SOMEONE AS A SEXUAL VIOLENT PREDATOR), THE JUDGE IN HIS FIRST STATEMENT SAID, 'THE STATE MUST PROVE THREE ELEMENTS,

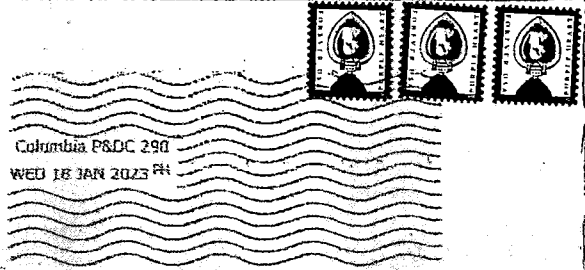
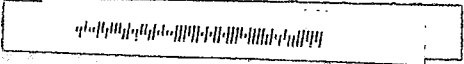
BEYOND A REASONABLE DOUBT. HE SAID "I CHARGE YOU THAT THE THAT CRIMINAL SEXUAL CONDUCT WITH A MINOR IN THE FIRST DEGREE AND LEWD ACT ON A MINOR ARE BOTH SEXUALLY VIOLENT OFFENSES (^{PG} 287 1-18)". WHEN HE MADE THAT STATEMENT IT HELPED TO BIAS THE JURY. BECAUSE THE JUDGE IN MY 2008 TRIAL (AS THE RECORD SHOWS) DETERMINED THAT THE TWO LEWD ACTS ON A MINOR WAS NON-VIOLENT. AND WHEN I WENT TO PRISON THE CLASSIFICATION ALSO HAD ME AS NON-VIOLENT (THE SAME AS THE) TO ALSO NOTE THAT I WAS DOING NON-VIOLENT CHARGES THE JUDGE GAVE ME 15 YEAR FOR EACH COUNT, AND HE HAD THEM RUN CONSECUTIVE (WHICH MEANS I HAD TO DO THE 15 YEARS AFTER EACH OTHER. IF I HAD VIOLENT CHARGES I WOULD HAVE DONE MORE THAN 13¹/₂ TO ALMOST 14 YEARS. I WOULD STILL BE IN PRISON; HAVING TO DO 13¹/₂ MORE YEARS. I HEARD THE JUDGE ~~ALSO~~ WITH THE STATE'S ATTORNEY (MR. RULYAN) BEFORE THE TRIAL STARTED; THE JUDGE SAID TO MR. RULYAN, "I DON'T KNOW WHY THIS IS NON-VIOLENT; I SHOULD BE VIOLENT." AND HE CHANGED IT RIGHT BEFORE THE TRIAL STARTED IF THE JUDGE IS NOT TO IMPLEMENT HIS OPINION AS TO INFLUENCE THE JURY. HOW CAN HE CHANGE A NON-VIOLENT INTO VIOLENT WHEN HE WAS NOT THE JUDGE OVER MY 2008 TRIAL.

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IF YOU DID NOT BELIEVE THAT HE WAS NOT TO REAS THE JURY BY HIS ~~OPINION~~ OPINION THAN WHY DID HE IN HIS EXPLANATION TELL THE JURY WHAT IS VIOLENT AND WHAT IS NOT VIOLENT IN MY CASE. HIS SHOULDN'T HE JUST HAVE READ THE THE AS IS, WITHOUT HIM IMPLYING WHAT WAS VIOLENT AND WHAT WAS NON-VIOLENT (~~BEING~~ BEING THAT HE WAS THE ONE TO CHANGE IT). IT SHOULD HAVE BEEN THE STATE'S RESPONSIBILITY TO PRESENT ANY ~~EVIDENCE~~ EVIDENCE THEY BELIEVE THEY HAD TO PROVE THEIR CASE, NOT THE JUDGE HELPING THEM

BASED ON THESE ERRORS OF THE COURT I ASK THAT MY CIVIL COMMITMENT BE REVERSED

GREEN MOUNTAIN
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