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Robert M. Dudek, Chief Appellate Defender
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August 23, 2013

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Mr. Tyrone Singletary #237129
Kirkland Correctional Institution
4344 Broad River Road
Columbia, SC 29210

Re: Your appeal

Dear Mr. Singletary:

Enclosed please find a copy of the Johnson petition for writ of certiorari and a copy of the appendix in your case, which I have filed with the South Carolina Supreme Court. The Court will write to you in the future eliciting any written memorandum you may want to submit for the Court's consideration of your case. That memorandum should be sent to the South Carolina Supreme Court, and not to me. The petition to be relieved is a standard part of the Johnson procedure, it does not mean that I do not wish to represent you.

Should you have any questions concerning this matter, please contact me.

Sincerely,

Susan B. Hackett

Susan B. Hackett
Appellate Defender

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Enclosures

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

CERTIORARI LEE COUNTY

WILLIAM JEFFREY YOUNG CIRCUIT COURT
JUDGE

TYRONE SINGLETARY,

PETITIONER,

VS.

STATE OF SOUTH CAROLINA

RESPONDENT

APPELLATE CASE NO. 2012 - 213528

PRO-SE MEMORANDUM PETITION FOR WRIT OF
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S.C. SUPREME COURT

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" ISSUE PRESENTED "

IN VIOLATION OF PETITIONER'S RIGHT TO THE EFFECTIVE ASSISTANCE OF COUNSEL PURSUANT TO THE SIXTH AMENDMENT OF THE UNITED STATES CONSTITUTION, TRIAL COUNSEL FAILED TO OBJECT TO AN INCRIMINATING AUDIO / TAPE RECORDING BY PETITIONER CO-DEFENDANT MR. JACOB LYNCH, WHICH RAISE THE ISSUE OF A CONFRONTATION CLAUSE VIOLATION.

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ARGUMENT

IN VIOLATION OF PETITIONERS RIGHT TO THE EFFECTIVE ASSISTANCE OF COUNSEL PURSUANT TO THE SIXTH AMENDMENT OF THE UNITED STATES CONSTITUTION. TRIAL COUNSEL FAILED TO OBJECT TO AN INCRIMINATING AUDIO / TAPE RECORDING BY PETITIONER CO-DEFENDANT MR. JACOB LYNCH, WHICH RAISE THE ISSUE OF A CONFRONTATION CLAUSE VIOLATION.

EVIDENCE FROM THE PCR HEARING:

THE PETITIONER TESTIFIED AT HIS (PCR) HEARING THAT TRIAL COUNSEL PROVIDED INEFFECTIVE ASSISTANCE BY FAILING TO OBJECT TO A INCRIMINATING AUDIO / TAPE RECORDING MADE BY HIS CO-DEFENDANT JACOB LYNCH, WHICH RAISED THE CONCERNS OF A CONFRONTATION VIOLATION. APP. 965, LINE 19-25; APP. 966 LINE 1-22. THE PETITIONER FURTHER TESTIFIED THAT HIS CO-DEFENDANT INCRIMINATING RECORDING COULD BE REASONABLY INFERRED FROM HIS CHOICE OF WORDS THAT OTHER PRISONERS WAS INVOLVED. AND TAKING IN THE FACT THAT I WAS CHARGED AS THE OTHER INMATE IN A HOSTAGE TAKING, IT IS NOT INCONCEIVABLE TO ASSUME THAT A JURY MAY REASONABLY INFER BY MY CO-DEFENDANT CONFESSION THAT WE, US, AND OTHER PRISON MEANT, I THE DEFENDANT, TYRONE SINGLETARY. APP. 966, LINE 23; APP.

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ARGUMENT CONTINUES)

967 LINE 1-9 ALSO SEE
STATE EXHIBIT (10) CRAIG MELVIN AND JACOB LYNCH
TAPED VIDEO RECORDING STATEMENT APP. 975 LINE
21-25 APP. 976 LINE 1-25 APP. 977 LINE 1-25
APP. 978 LINE 1-25 APP. 979 LINE 1-16)

THE REMARKS MADE BY CO-DEFENDANT JACOB LYNCH
TO NEW REPORTER CRAIG MELVIN WAS HIGHLY INFLA
MMATORY AND PRESUDICIAL AS TO THE PETITIONER
TYRONE SINGLETARY DURING TRIAL. THEREFORE AS TO
PRELIMINARY PRETRIAL MATTERS THERE WAS MOTIONS
MADE TO EXCLUDE ANY STATEMENTS MADE TO CRAIG
MELVIN BY BOTH ATTORNEYS MR. SCOTT AND MR. B
DOBY FOR BOTH PETITIONERS. SEE TRIAL TRANSCR
IPT PAGE 93 LINE 18-24. HOWEVER THE PETI
TIONER ATTORNEY B. DOBY FAILED TO EVEN TAKE A
POSITION ON HIS OWN MOTION TO EXCLUDE CRAIG
MELVIN TAPE RECORDING WHICH RESULTED IN A
FAILURE TO OBJECT TO HIS OWN MOTION. SEE

APP. 980 LINE 7-16

ALSO TRIAL TRANSCRIPT PAGE 95 LINE 21-25)
FURTHERMORE TRIAL COUNSEL TESTIFIED AT THE
PETITIONERS (PCR) HEARING THAT THE MOTION TO
SUPPRESS CRAIG MELVIN TAPE RECORDING WAS
DENIED. SEE APP. 999 LINE 6-13) THEREUPON
THE MOTION TO SUPPRESS CRAIG MELVIN TAPE
RECORDING WAS DENIED ON THE PRESUMPTION

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ARGUMENT CONTINUE: J

OF PETITIONER'S 1 CO-DEF
ENDANT JACOB LYNCH ATTORNEY, MR. SCOTT OBJECTION
DURING PRETRIAL MATTERS. SEE: TRIAL TRANSCRIPT
PAGE. 93, LINE 20-25; PAGE. 94, LINE 1-25;
PAGE. 95, LINE 1-25.

DISCUSSION 2 THE PETITIONER WOULD LIKE TO
DIRECT THE COURTS ATTENTION TO
HOW DAMAGING THE CRAIG MELVIN TAPE RECORDING
WAS TO HIS TRIAL. IN THE TAPE PETITIONER'S
CO-DEFENDANT MADE REPEATED REFERENCES TO
"WE" WHICH WAS THE PRONOUN HE USED INDIC
ATING MORE THAN ONE PARTICIPATE IN THE
ASSAULT AND HOSTAGE TAKING. IN THE INTERVIEW,
HE WAS ASKED WHY HE TOOK A HOSTAGE AND HE
REPEATEDLY MADE REFERENCES TO WE, US, OR
MORE SIMPLISTICALLY, THAT HE AND OTHER PRI
SONERS WERE TIRED OF BEING PHYSICALLY ABUSED
BY PRISON GUARDS AND SO THAT, ESSENTIALLY, HAD
DECIDED TO TAKE MATTERS INTO THEIR OWN
HANDS. SUCH PRONOUNS AS WE AND US UNDOUBT
EDLY GAVE THE JURY THE IMPRESSION THAT —
JACOB LYNCH — WAS NOT ALONE IN THE ASSAULT
AND HOSTAGE TAKING. IT IS IMMATERIAL THAT
PETITIONER'S CO-DEFENDANT JACOB LYNCH DID
NOT SPECIFICALLY MENTION HIS NAME DURING
THE INTERVIEW, BECAUSE IT COULD BE

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ARGUMENT CONTINUES &)

(REASONABLY INFERRED
FROM HIS CHOICE OF WORDS THAT OTHER PRISONERS
WERE INVOLVED. THE PETITIONER FURTHER
CONTENTS THAT THERE WAS A GREAT AMOUNT OF
CUMULATIVE EVIDENCE AGAINST HIS CO-DEFENDANT
GUILT WITHOUT THE USE OF THE CRAIG MELVIN TAPE
RECORDING. THE PETITIONER BELIEVES THAT ONCE
THE JURY REQUESTED TO LISTEN TO THE CRAIG
MELVIN RECORDING AGAIN, IT WAS ONLY FOR THE
"SPECULATIVE NATURE" TO SEE WHO ELSE THE
PETITIONER'S CO-DEFENDANT WAS REFERRING TO
IN THE TAPE RECORDING AS A PARTICIPATE. SEE:
"JURY REQUESTING TO LISTEN ^{TO} THE CRAIG MELVIN
TAPE AGAIN") TRIAL TRANSCRIPT PAGE. 906,
LINE 20-25; PAGE. 907, LINE 1-21)

PETITIONER'S (6TH) SIXTH AMENDMENT RIGHT TO
CONFRONTATION IN JOINT TRIALS WAS VIOLATED.
HIS CO-DEFENDANT GAVE AN INCRIMINATING
CONFESSION TO A NEWS REPORTER, A CONFESSION
UNDOUBTEDLY IMPLICATING HIM IN THE ASSAULT
INVOLVED IN THE CASE. SEE: BRUTON 391 (U.S.)
123, 129 1968; THAT IS THE THEME OF PETITIONER'S
CONTENTION, THAT HIS CO-DEFENDANT GAVE IN
CRIMINATING TESTIMONY TO A NEWS REPORTER
IMPLICATING HIM IN A HOSTAGE TAKING AND
THAT THIS TESTIMONY WAS NOT SUBJECT TO THE —

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ARGUMENT CONTINUED

RIGOROUS TESTING STANDARD —
MANDATED BY THE (6TH) SIXTH AMENDMENTS CONFRONTATION
CLAUSE. IT SHOULD BE POINTED OUT THAT PETITIONER'S
CO-DEFENDANT DID NOT TESTIFY AT TRIAL, SO
PETITIONER DID NOT HAVE THE OPPORTUNITY TO CROSS
EXAMINE, REFUTE, OR OFFER REBUTTAL REGARDING
HIS CO-DEFENDANT — INCRIMINATING CONFESSION —
TO NEW REPORTER CRAIG MELVIN.

THE SUPREME COURT IN BRUTON AT 391 U.S. AT 128
REMARKED THE CONFESSION OF CO-DEFENDANT EVANS
ADDED SUBSTANTIAL, PERHAPS EVEN CRITICAL,
WEIGHT TO THE GOVERNMENT'S CASE IN A FORM NOT
SUBJECT TO CROSS-EXAMINATION, SINCE EVANS DID
NOT TAKE THE STAND. THUS, PETITIONER

WAS DENIED HIS CONSTITUTIONAL
RIGHT OF CONFRONTATION. PETITIONER SUBMITS
THAT HIS CASE IS NO DIFFERENT FROM THAT OF
THE PETITIONER IN THE BRUTON CASE, FOR
WITHOUT QUESTION, THE CONFESSION OF HIS
CO-DEFENDANT WAS A MAJOR FACTOR IN INFLUENCING
THE JURY VERDICT, A CONFESSION HE
WAS NEVER ABLE TO CROSS-EXAMINE AS HIS CO-
DEFENDANT DID NOT TESTIFY.

PAGE (7) SEVEN

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"CONCLUSION"

BASED ON THE FORE GOING PETITIONER RESPECT
FULLY REQUESTS THIS COURT TO REVERSE THE
CONVICTIONS AND GRANT HIM A NEW TRIAL 000

PAGE (8) EIGHT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

CERTIORARI TO LEE COUNTY

WILLIAMS JEFFREY YOUNG, CIRCUIT COURT JUDGE

TYRONE SINGLETARY

PETITIONER,

VS.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO: 2012-213528

" CERTIFICATE OF SERVICE "

I CERTIFY THAT A TRUE COPY OF THE PRO-SE MEMORAN-
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POST OFFICE BOX 11330 COLUMBIA, SOUTH CAROLINA
29211.

161. *Singleton*

TYRONE SINGLETARY # 237129

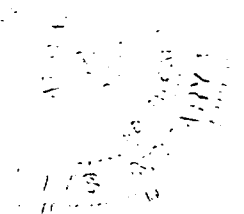
PETITIONER

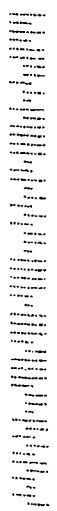
SWORN TO BEFORE ME THIS 26TH DAY
OF NOVEMBER 2013

Shenella Renee Dyer

NOTARY PUBLIC FOR SOUTH CAROLINA

MY COMMISSION EXPIRES : April 12, 2023





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