

# EXHIBIT F

THE SUPREME COURT OF SOUTH CAROLINA

Linda ANN TYLER #248190

VS.

THE STATE OF SOUTH CAROLINA

"RESPONDENT"

APPELLATE CASE NO.

201-2-212-810

AFFIDAVIT

OF

SERVICE

I, Linda ANN Tyler #248190, CERTIFY Under PENALTY OF Perjury, that I have submitted the RESPONSE BRIEF, by ORDER OF THE COURT ON THIS 25<sup>th</sup> DAY OF SEPTEMBER 2012.

EXHIBIT'S A. B. C. D. AND E. PRE-TRIAL HEARINGS FAST & SPEEDY TRIAL-TRANSCRIPTS, P.C.R. CLAIM, FINAL ORDER OF DISMISSAL, (3) COMPETENCY ORDER'S (1) Sentence & Commitment Order, (1) WARRANT.

<sup>248190</sup>  
Linda ANN Tyler  
September 25<sup>th</sup> 2012

Sworn before me on September 25, 2012

Kathy L. Barnes

**RECEIVED**

SEP 28 2012

My Commission Expires August 12, 2015

S.C. SUPREME COURT

EXHIBIT A

RECEIVED  
SEP 28 2012

S.C. SUPREME COURT  
S.C. SUPREME COURT

IN THE SUPREME COURT OF SOUTH CAROLINA

Linda ANN THER #248190

VS.

THE STATE OF SOUTH CAROLINA

THE "APPELLANT" FILES THIS BRIEF IN RESPONSE TO THE ORDER OF THE S.C. SUP. CT. PURSUANT TO S.C.A.C.R. Rule 243@

A  
①

THE GOVERNMENT MISLEAD THE (JURY) AND THE PUBLIC UNDER 18 U.S.C.A. 1503, 1504. TAMPERING WITH JURY.

THE ACT OF ATTEMPTING TO INFLUENCE A (JUROR) CORRUPTLY, BY PERSUASIONS OF BELIEF, AND OR ANY OTHER MEANS - EXCEPT - THE - PRODUCTION OF THE EVIDENCE IN OPEN COURT. SUCH ACT IS A CRIMINAL OFFENSE, IN CONJUNCTION WITH THE ACT OF TAMPERING WITH RECORDS, UNDER FALSE MODEL PENAL CODE, 18 U.S.C.A. 224.4, 1506, 2071, 2073.

IT IS A CRIME UNDER STATE AND FEDERAL STATUTE, FOR A PERSON TO, FALSIFY OR KNOWINGLY THAT HE HAS NO PRIVILEGE TO DO SO, TO FALSIFY OR OTHERWISE TAMPER WITH PUBLIC RECORDS, WITH PURPOSE TO (DECEIVE) OR INJURE ANYONE OR TO CONCEAL ANY WRONG DOING, TO COUNTERFEIT, OR FORGE, TO MAKE ANY THING OR SOMETHING FALSE, TO GIVE A FALSE APPEARANCE TO ANYTHING BY (MUTILATION) (ALTERATION) OR ADDITION, TO TAMPER WITH A RECORD OR DOCUMENT.

IN THE SUPREME COURT OF SOUTH CAROLINA

IN RE)

APPELLATE CASE NUMBER

Linda ANN TYLER #248490

2012-212-810

VS.

THE PETITIONER FILES THIS MOTION  
TO RE-OPEN THE STATE'S EVIDENCE

THE STATE OF SOUTH CAROLINA

Pursuant to Fed. R. C.P. (16) and  
Under S.C.A.C.R. Rule 211(B)  
EXHIBIT A.

Under Federal Evidence Rule 100.1(3) An Original Document, writing, or other material object, which is introduced in evidence is (DISTINGUISHED) from a copy of it or from extraneous evidence of its content or purport. The (2)<sup>nd</sup> ORIGINAL DEATH CERTIFICATE Rule, The Original Autopsy Photo's including the (NEGATIVES) or any print therefrom must be presented at the (PRELIMINARY) - HEARING, whether there exists probable cause for the GOVERNMENT, to bound the (PETITIONER) OVER TO THE (GRAND JURY). BRADY MATERIAL, Fed. R. C.P. (16) 26.2

The GOVERNMENT SUPPRESSED THE EVIDENCE in this CASE & bar. citing CASE LAW, U.S.-V-Endicott, CA, WASH, 803. F.2d. 506, 514, see also, U.S.-V-AGURS 427 U.S. 97, 96, S. Ct. 2392, 49 L. Ed. 2d 342, EXPERT EVIDENCE, Scientific Proof of (AUTOPSY) Photo's of (VAN TYLER, Mrs) body being (AUTOPSY). NO EVIDENCE!!

IN THE SUPREME COURT OF SOUTH CAROLINA

IN RE

APPELLATE CASE NUMBER

Lynde ANN TYLER #248-190

201-2-212-810

vs.

THE STATE OF SOUTH CAROLINA

THE PETITIONER Files this NOTICE  
and MOTION TO REOPEN THE STATE'S  
EVIDENCE UNDER F.R.C.P. Rule (16)  
EXHIBIT A 3

Under Fed. R. C.P. Rule 401. Existing Evidence, THE BURDEN OF PROOF, the TANGIBLE EVIDENCE that can be SEEN with the EYES, touched by hands, the absolute PHYSICAL EVIDENCE, DOCUMENTS to be DISPLAYED citing case law: Mack-V-Riley, 316 S.E.2d. 734, 282 S.C. 100, CERTIORARI granted. 326 S.E.2d. 650, 284 S.C. 364, 330 S.E.2d. 285, S.C. 457 (1990 case LAW) THE (PETITIONER) ALSO STATES. In ACTION AT LAW ON APPEAL OF CASE TRIED BY JURY. JURISDICTION OF REVIEWING COURT EXTENDS TO (CORRECTION) OF (ERRORS) OF LAW, factual finding OF (JURY) will NOT be disturbed "UNLESS" REVIEW OF RECORD "DISCLOSES - NO - EVIDENCE", which - REASONABLE SUPPORTS (JURY'S) finding. Citing case law WRIGHT-V-STRICKLAND, 410 S.E.2d. S.C. 576, 306 S.C. 187. IN THIS CASE AT BAR, EXPERT WITNESS. who WAS THE (PATHOLOGIST) Dr. Burns failed to bring EVIDENCE OF THE ALLEGED (AUTOPSY) OF THE (DECEASED)

A(3)

A  
4

IN THE SUPREME COURT OF SOUTH CAROLINA

IN RE)  
Linda Ann Tyler # 248-190

APPELLATE CASE NO:

201-2-212-810 EXHIBIT (A)

VS.

THE STATE OF SOUTH CAROLINA

THE PETITIONER'S BRIEF ON  
THE MERITS OF FAST &

SPEEDY TRIAL TRANSCRIPTS

THE "PETITIONER" submits (1) 3 PAGE copy of  
her MOTION FOR A FAST & SPEEDY TRIAL, dated  
2<sup>nd</sup> MAY of 1997. THE FAST & SPEEDY TRIAL WAS  
HEARD on MAY 27<sup>th</sup> 1997, in Richland County  
GENERAL SESSIONS COURT, Richland County  
Judicial Center, Presiding Judge: THE HONORABLE  
CHIEF ADMINISTRATIVE Judge; THOMAS W. COOPER, JR.  
COURT REPORTER: MS. NANCY S. ARANS. Solicitor  
MS. STACEY. HANES, DEFENSE Atty. Public Defender  
MR. Douglas STRICKLER: DEFENDANT "Linda Ann Tyler  
BOND HEARING, FAST & SPEEDY TRIAL, MOTION to have  
(DECEASED) EXHUMED "FROM GRAVE, and A  
MOTION FOR REMOVAL OF COUNSEL. TRANSCRIPTS of  
this FAST & SPEEDY TRIAL and ALL MOTIONS, ARE  
ENCLOSED, PAGES 2-12. of complete HEARING.

EXHIBIT (A)

# EXHIBIT A

IN THE SUPREME COURT OF SOUTH CAROLINA

Linda ANN TYLER #248-190  
vs

The STATE OF South Carolina

THE "APPELLANT'S NOTICE AND  
MOTION TO SUPPLEMENT THE  
PLEADINGS, UNDER F.R.C.P. Rule 16(b)  
AFFIDAVIT OF SERVICE

The "PETITIONER" files this MOTION UNDER Fed. R. C. P. R. 16(b)

A MOTION TO DEMAND "ATTY. GEN. R.D. CORNEY  
PURSUANT TO S.C.A.C.R. Rule 211(b) to submit

the ALLEGED AUTOPSY PHOTO'S, X-RAYS, MR.I'S  
CAT. SCANS, SLIDES ALL SCIENTIFIC PROOF, OF

(THE DECEASED) body, being AUTOPSY, THE AUTOPSY  
FILMS AND THE NEGATIVES. In conjunction

with the (2) DEATH CERTIFICATES, from GEORGIA  
S.C. and from Richland COUNTY, Columbia S.C.

This EVIDENCE is needed to SUSTAINED THE CONVICTION  
Absent these DOCUMENTS, the (PETITIONER) must be

GRANTED RELEASED FROM THIS UNLAWFUL CONVICTION

Linda Ann Tyler #248-190  
September 25<sup>th</sup> 2010

Sworn before me on September 25, 2012

Kathleen R. Barner

My Commission Expires August 12, 2015

Exhibit A

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS  
Warrant Number: F-252391

The State of South Carolina, )  
)

vs. )  
)

Linda Tyler, )  
Defendant.)

MOTION FOR SPEEDY TRIAL

FILED  
97 MAY 21 AM 10:18  
DAVE A. SCOTT  
CLERK, G.S.

The above-captioned defendant, through his attorney, Douglas Strickler, hereby moves that the Court enter an Order granting him a speedy trial on the above-referenced charge. In support of this motion defendant would show that:

1. She was arrested in Richland County and charged with Murder on September 26, 1996;
2. Defendant is currently confined in pre-trial detention at the Richland County Detention Center, Dorm X;
3. The right to a speedy trial is provided for by the 6th and 14th Amendments to the U.S. Constitution, the S.C. Constitution Art. I, §14, *Doggett v. U.S.*, 112 S.Ct. 2686 (U.S. 1992), *State v. Chapman*, 344 S.E.2d 611 (S.C. 1986), and S.C. Code Ann. §17-23-90 9 (1976 as amended).
4. Defendant wishes to avail himself of the right to a speedy trial contained in the Federal and State Constitutions, the statutory provisions of the Code of Laws of the State of South Carolina, and applicable federal and state case law.

**NOW THEREFORE** attorney for defendant moves that this Court order that defendant be released if a trial cannot be had within a reasonable amount of time. counsel for defendant

further moves that this case be tried within a specific time period, and, if the Solicitor fails to call the case for trial during such period, that the case be dismissed with prejudice by the Court.



Douglas S. Strickler  
Attorney for Defendant

Richland County Public Defender's Office  
4th Floor Annex  
P.O. Box 192  
Columbia, South Carolina 29202  
(803) 929-6150

Columbia, South Carolina

This 21st day of May, 1997

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS  
Warrant Number: F-252391

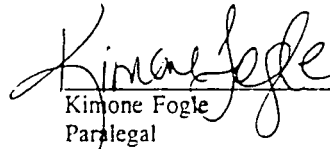
The State of South Carolina, )  
)

vs. )  
)

CERTIFICATE OF SERVICE

Linda Tyler, )  
Defendant. )

I certify that on this date I served the Notice of Motion and Motion for Speedy Trial in the above-captioned case on The State of South Carolina by delivering copies of these documents to the State's attorney of record, Assistant Solicitor Stacy Haynes, by delivering said copies to her office located at The Office of the Solicitor, Fifth Judicial Circuit, Richland County Judicial Center, Third Floor, 1701 Main Street, Columbia, South Carolina 29201, and leaving them with her clerk or other person of authority at said office.

  
\_\_\_\_\_  
Kimone Fogle  
Paralegal

Richland County Public Defender's Office  
4th Floor Annex  
P.O. Box 192  
Columbia, South Carolina 29202  
(803) 929-6160

Columbia, South Carolina

This 21<sup>st</sup> day of May, 1997.

EXHIBIT (A)

1           THE COURT:   MS. HAYNES.

2           MS. HAYNES:   YOUR HONOR, STANDING BEFORE YOU  
3           IS LINDA TYLER WHO IS REPRESENTED BY DOUG STRICKLER  
4           OF THE RICHLAND COUNTY PUBLIC DEFENDER'S OFFICE.  
5           MS. TYLER IS CHARGED WITH THE OFFENSE OF MURDER,  
6           WARRANT NUMBER F-252391.   THIS OCCURRED SEPTEMBER  
7           26, 1996.   BACK ON OCTOBER 3RD, 1996, JUDGE JOHNSON  
8           DENIED BOND IN THIS CASE BUT I BELIEVE HE DID SO  
9           WITH LEAVE TO REAPPLY BY MR. STRICKLER SHOULD SUCH  
10          BE DEEMED NECESSARY.   WE ARE HERE BECAUSE MR.  
11          STRICKLER HAS FILED A BOND REDUCTION MOTION SEEKING  
12          TO HAVE I GUESS IN FACT BOND SET.   WE WOULD BE  
13          OPPOSED TO THAT.   STANDING WITH ME ARE MEMBERS OF  
14          THE VICTIM'S FAMILY, THE VICTIM BEING MR. VAN  
15          TYLER.   I'LL BE HAPPY TO GO INTO A LITTLE BIT NOW  
16          OR LATER.

17          THE COURT:   PLEASE.   NOW WOULD BE GOOD.

18          MS. HAYNES:   YES, SIR, YOUR HONOR.   THIS  
19          OCCURRED, AS I STATED, ON SEPTEMBER 26, 1996, AT  
20          THE 1500 BLOCK OF HARDEN STREET.   MS. TYLER WAS THE  
21          COMMON LAW WIFE OF MR. VAN TYLER OR LIVED WITH HIM.  
22          SHE WAS IN THE AUTOMOBILE WITH HIM.   THEY  
23          APPROACHED A TRAFFIC LIGHT AT WHICH TIME SHE TOOK  
24          A PEPSI COLA BOTTLE FILLED WITH KEROSENE OR  
25          GASOLINE, POURED IT OVER HIS HEAD AND LIT HIM ON

1 FIRE. THE CARS THERE IN THE ROADWAY, THEY SAW WHAT  
2 HAPPENED. THEY CALLED THE POLICE AND THE  
3 AMBULANCE. THEY TOOK HIM TO THE HOSPITAL AND I  
4 BELIEVE HE SURVIVED ABOUT A DAY. HIS CAUSE OF  
5 DEATH WAS EXTENSIVE BURNS TO THE UPPER BODY.

6 SHE DID TALK TO THE INVESTIGATORS, GAVE THEM A  
7 STATEMENT. IN HER STATEMENT SHE BASICALLY SAID  
8 THAT HE HAD FOUND OUT THAT HE HAD "CHEATED ON HER"  
9 AND THAT SHE WANTED HIM TO FEEL THE PAIN THAT SHE  
10 HAD FELT. SHE HAS BEEN EVALUATED AND COME BACK  
11 THAT SHE IS COMPETENT. WE WOULD OPPOSE ANY  
12 REDUCTION IN BOND AS WE FEEL THAT SHE IS A FLIGHT  
13 RISK AND A DANGER TO THE COMMUNITY.

14 HER PRIOR RECORD INCLUDES CONVICTIONS FOR  
15 STRONG ARMED ROBBERY AND ARMED ROBBERY WHICH SHE  
16 GOT TWENTY-ONE YEARS. SHE'S GOT A POSSESSION OF  
17 MARIJUANA CONVICTION, AN A.B.I.K. CONVICTION WHERE  
18 SHE GOT FIFTEEN YEARS SUSPENDED UPON SEVEN YEARS  
19 CONFINEMENT WITH FIVE YEARS PROBATION IN 1977. AT  
20 THE SAME TIME SHE PLED TO A STRONG ARMED ROBBERY.  
21 ALSO, THE NEXT MONTH IN 1977 SHE PLED TO AN ARMED  
22 ROBBERY AND GOT TWENTY-ONE YEARS. AND A  
23 SOLICITATION FOR PROSTITUTION IN 1985. IN 1988  
24 P.W.I.D. COCAINE. A 1987 DISORDERLY CONDUCT, A  
25 SHOPLIFTING AND DISTRIBUTION OF COCAINE IN 1988.

1 SHE GOT SEVEN YEARS ON THE DISTRIBUTION. AND THEN  
2 IT APPEARS IN MAY OF 1996 SHE HAD THREE SHOPLIFTING  
3 COUNTS THAT SHE WAS OUT ON BOND FROM RICHLAND  
4 COUNTY FOR WHEN THIS OCCURRED IN SEPTEMBER.

5 MR. STRICKLER: AND I'LL OBJECT TO MENTIONING  
6 NON-CONVICTIONS AT THIS PROCEEDING, YOUR HONOR.

7 THE COURT: I THINK THAT PROBABLY IS GILDING  
8 THE LILY IN ANY EVENT.

9 MS. HAYNES: I MENTION THAT BECAUSE SHE WAS  
10 OUT ON BOND FOR IT, NOT AS A CONVICTION.

11 THE COURT: I UNDERSTAND. ALL RIGHT. MR.  
12 STRICKLER.

13 MR. STRICKLER: THANK YOU, YOUR HONOR. LINDA  
14 IS HERE AND HAS LIVED IN COLUMBIA HER WHOLE LIFE.  
15 SHE HAS FAMILY HERE IN TOWN. SHE HAS CHILDREN HERE  
16 IN TOWN. SHE IS CHARGED WITH A MOST SERIOUS  
17 OFFENSE. I'M NOT HERE TO GO INTO THE FACTS OF THE  
18 OFFENSE AND CERTAINLY I DEFER TO THE PRESENCE OF  
19 THE VICTIM'S FAMILY BUT SUFFICE IT TO SAY THAT  
20 THERE WAS A SOMEWHAT TORTURED RELATIONSHIP BETWEEN  
21 MS. TYLER AND THE VICTIM NOT ALL OF WHICH INVOLVED  
22 PROBLEMS ON MS. TYLER'S PART. SHE HAS BEEN IN JAIL  
23 SINCE HER ARREST ON THIS CHARGE. SHE HAS NOT HAD  
24 A BOND SET AND HAS ASKED THAT I HAVE A BOND SET FOR  
25 HER. SHE IS ALSO MOVING FOR A SPEEDY TRIAL IN THIS

1 MATTER.

2 MS. HAYNES: OKAY, YOUR HONOR, AS FAR AS THE  
3 SPEEDY TRIAL MOTION, I DID NOT ADDRESS THAT. I  
4 WOULD SAY THAT THERE ARE -- THIS HAPPENED IN  
5 SEPTEMBER OF 1996; THEREFORE, MAKING IT A  
6 RELATIVELY NEW MURDER CASE IN RICHLAND COUNTY.  
7 UNFORTUNATELY, WE HAVE MANY MURDER CASES AHEAD OF  
8 THAT. WE ARE IN THE PROCESS OF TRYING ABOUT FIVE  
9 OR SIX MURDERS THIS SUMMER. WE WOULD PUT HER IN  
10 LINE AND TRY IT AS FAST AS WE COULD AFTER THAT. I  
11 BELIEVE SHE'S ALSO MAKING A MOTION AS TO HER  
12 REPRESENTATION AT THIS TIME. I HAVE RECEIVED  
13 NUMEROUS LETTERS FROM HER IN THE JAIL. THAT'S IT,  
14 YOUR HONOR.

15 THE COURT: OKAY. NOW, Y'ALL TELL ME WHAT  
16 I'VE GOT BEFORE ME. I'VE GOT A BOND REDUCTION AND  
17 A SPEEDY TRIAL MOTION AND --

18 MR. STRICKLER: SHE'S CORRECT. I JUST HADN'T  
19 GOTTEN TO THAT YET.

20 THE COURT: OKAY.

21 MR. STRICKLER: MS. TYLER HAS COMMUNICATED TO  
22 ME AND I'VE GOTTEN COPIES OF MOTIONS THAT SHE SENT  
23 TO THE COURT OR TO THE CLERK OF COURT AND I BELIEVE  
24 TO THE SOLICITOR WHICH I CAN BEST CHARACTERIZE AS  
25 MOTIONS TO RELIEVE ME AS COUNSEL. I'M NOT SURE

1           WHETHER SHE WANTS TO PROCEED IN THAT REGARD OR NOT.  
2           IF SO, SHE'LL NEED TO ADDRESS THE COURT IN THAT  
3           REGARD.

4           THE COURT:   EXACTLY.   I'LL HAVE TO QUESTION  
5           HER ON THAT.

6           MR. STRICKLER:   YES, SIR.

7           THE COURT:   ALL RIGHT.   MR. STRICKLER, I THINK  
8           YOU HAVE ADEQUATELY INFORMED ME ON THE BOND  
9           REDUCTION MATTERS.   THE SPEEDY TRIAL MOTION I'M  
10          AWARE OF THAT AND THE TIME CONSTRAINTS FACING THE  
11          SOLICITOR'S OFFICE.   NOW, MS. TYLER, YOU ALSO HAVE  
12          INDICATED THAT YOU WANT MR. STRICKLER TO BE  
13          RELIEVED AS YOUR LAWYER, YOU WANT ANOTHER LAWYER,  
14          IS THAT RIGHT?

15          MS. TYLER:   YES, SIR.

16          THE COURT:   CAN YOU STAND IN FRONT OF THAT  
17          MICROPHONE THERE SO THAT I CAN HEAR YOU OKAY AND IF YOU  
18          CAN'T HEAR ME OKAY YOU LET ME KNOW AND IF I CAN'T  
19          HEAR YOU I'LL TELL YOU.   ARE YOU IN A POSITION TO  
20          HIRE A LAWYER?

21          MS. TYLER:   NO, SIR.

22          THE COURT:   SO, YOU WANT THE STATE TO APPOINT  
23          YOU SOMEBODY OTHER THAN MR. STRICKLER?

24          MS. TYLER:   YES, SIR.

25          THE COURT:   WHY IS THAT?

1           MS. TYLER:     BECAUSE MR. STRICKLER HAS NOT  
2           PREPARED MY CASE PROPERLY.  WHEN HE HAD ME SENT TO  
3           WILLIAM S. HALL FOR PSYCHOLOGICAL EVALUATION  --

4           THE COURT:  I DOUBT IF HE HAD YOU SENT FOR ANY  
5           MENTAL PROBLEMS.  I THINK THE STATE PROBABLY DID.

6           MS. TYLER:       WELL,  WHOEVER PREPARE THE  
7           PAPERWORK, IN THE PAPERWORK INDICATED THAT I BEEN  
8           SENTENCED TO TWO  --  I HAD BEEN PLACED IN TWO  
9           DIFFERENT MENTAL INSTITUTIONS WHICH I NEVER BEEN  
10          PLACED IN TWO MENTAL INSTITUTIONS.  I NEVER BEEN  
11          PLACED IN A MENTAL INSTITUTION A DAY IN MY LIFE.

12          THE COURT:  OKAY.

13          MS. TYLER:  SECOND, BECAUSE WHEN I GOT THE  
14          DEATH CERTIFICATE ON MY HUSBAND THE PHYSICIAN, DR.  
15          JOSEPH M. STED, JR., STATE THAT YOU HUSBAND DEATH  
16          IS UNDETERMINED AND THE CORONER, FRANK BARRON, HAVE  
17          OVERRULED HIS DEATH AS BEING A HOMICIDE.  WELL, I  
18          FELT THAT IF THE PHYSICIAN WHO PERFORMED THE  
19          PLASTIC SURGERY UPON MY HUSBAND WROTE HIS DEATH AS  
20          BEING UNDETERMINED MEAN THAT HIS DEATH WAS  
21          UNFOUNDED.  THEY COULD NOT SAY THAT MY HUSBAND HAD  
22          DIED FROM THE BURNS OR FROM THE GASOLINE, THAT  
23          SOMETHING ELSE HAD TO BEEN WRONG WITH MY HUSBAND  
24          IMMUNE SYSTEM.  SO, I REQUESTED TO HAVE THE RECORDS  
25          OF MY HUSBAND BECAUSE I WAS INFORMED THAT MY

1 HUSBAND HAD THE AIDS VIRUS. AND MY HUSBAND HAD  
2 SPOKE TO ME WHEN HE GOT OUT AND HE SAY, MADINA, HE  
3 SAY, IF I SHOULD GET BAD OFF SICK, HE SAY, I WANT  
4 YOU TO PUT ME IN A CAR AND JUST ROLL ME OFF A CLIFF  
5 SOMEWHERE. I SAID, ALI, WHY WOULD YOU SAY THAT.  
6 HE SAY I'M JUST TELLING YOU WHAT I WANT YOU TO DO.

7 SECOND REASON WHY I DON'T THINK MR. DOUG  
8 STRICKLER IS IN MY BEST INTEREST BECAUSE EVERY TIME  
9 THAT I HAVE WRITTEN HIM, I HAVE WRITTEN HIM AT  
10 LEAST FIFTEEN LETTERS, SOME THROUGH THE MAIL AND  
11 SOME THROUGH OTHER PUBLIC DEFENDERS THAT COME TO  
12 VISIT THE JAIL, HE'S NOT DONE ANYTHING FOR ME. I  
13 HAVE TOLD HIM THE ENTIRE ORDEAL ABOUT MY LIFE WITH  
14 ALI, WHAT I DID AND WHAT I DID NOT DO. I ADMIT  
15 THAT I DID THROW THE GASOLINE ON ALI BUT I DID NOT  
16 PLAN TO MURDER ALI. AND MR. STRICKLER HAS NOT DONE  
17 ANYTHING FOR ME OTHER THAN TOLD ME TO SIGN MY  
18 WAIVER OF RIGHTS FOR A BOND HEARING, THAT HE WAS  
19 GONNA GET ME TO SEE SOME MENTAL HEALTH SPECIALIST  
20 OR HE WAS GONNA DO THIS OR HE WAS GONNA DO THAT.  
21 HE HASN'T DONE ANYTHING FOR ME. THEN I ASKED ABOUT  
22 -- HE DIDN'T EVEN SHOW ME A COPY OF MY DISCOVERY  
23 MOTION. HE TOLD ME HE SHOW ME A AUTOPSY REPORT AND  
24 I SAID THERE COULDN'T BE A AUTOPSY BECAUSE IT'S  
25 FORBIDDEN TO PERFORM A AUTOPSY ON A MUSLIM NOT

1 UNLESS YOU HAVE THE CONSENT OF A MUSLIM WIFE OR A  
2 MUSLIM ELDER. SO, MY THING IS HOW COULD FRANK  
3 BARRON SAY MY HUSBAND DEATH WAS A HOMICIDE WHEN THE  
4 PHYSICIAN WHO PERFORM THE SURGERY ON MY HUSBAND SAY  
5 THAT MY HUSBAND DEATH WAS UNDETERMINED.

6 THE COURT: WELL, THE STATE IS GOING TO HAVE  
7 TO PROVE THAT WHEN THEY TRY YOUR CASE.

8 MS. TYLER: WELL, I UNDERSTAND THAT, TOO, BUT,  
9 SIR, MR. DOUG STRICKLER IS NOT IN MY BEST INTEREST.  
10 HE HASN'T DONE ANYTHING FOR ME THAT I CAN SEE.  
11 HE'S NOT DONE ANYTHING. THE ONLY THING HE'S DONE  
12 FOR ME IS TOLD ME, WELL, SIT BACK, DON'T YOU WORRY  
13 ABOUT IT, EVERYTHING IS GONNA BE ALL RIGHT. I AM  
14 THE LEGAL MS. TYLER. I'M NOT NO COMMON LAW WIFE,  
15 THAT IS MY LEGAL HUSBAND. I AM LEGALLY MS. LINDA  
16 ANN TYLER ALTHOUGH HIS SISTER HAS PUT IN THE PAPER  
17 THAT HIS WIFE WAS ANITA MACK TYLER. SO, WHO IS THE  
18 REAL MRS. TYLER? YOU KNOW, IT'S A WHOLE LOT OF  
19 FALSEHOOD SURROUNDING THE DEATH OF ALI.

20 THE COURT: OKAY. WELL, I ASK THE QUESTION.  
21 I GUESS I --

22 MS. TYLER: AND THEN I PETITION THE COURT  
23 ABOUT ME HAVING COPIES OF MY EVALUATION, COPIES OF  
24 ALI'S MEDICAL RECORDS, COPIES OF HIS PRISON  
25 RECORDS, COPIES OF SUPPOSED TO BE MARRIAGE TO ANITA

1 MACK TYLER. ALI COULD NOT FATHER ANY CHILDREN.  
2 THEN SISTER HAD PUT IN THE PAPER THAT HE HAD A WIFE  
3 AND THREE CHILDREN AND THE MAN COULDN'T MAKE NO  
4 CHILDREN. SO, THIS IS A BUNCH OF HYPOCRISY. AND  
5 THEN --

6 THE COURT: WELL, MS. TYLER, I'VE HEARD ALL I  
7 NEED FROM YOU. THANK YOU, MA'AM.

8 MS. TYLER: WELL, THAT'S FINE, TOO BUT --

9 THE COURT: NO, MA'AM. I'M TELLING YOU TO BE  
10 QUIET. I'VE HEARD ALL I NEED TO HEAR FROM YOU  
11 RIGHT NOW. THANK YOU, MA'AM.

12 MS. TYLER: YOU WELCOME. THAT MEAN I CAN GO?

13 THE COURT: MR. STRICKLER HAS DONE ALL THAT  
14 NEEDS TO BE DONE FOR YOU, MS. TYLER, IN MY OPINION.  
15 THE CASE IS NOT YET READY FOR TRIAL. I'M SURE HE'S  
16 DONE SOME PRELIMINARY WORK AND BEFORE IT COMES UP  
17 FOR TRIAL HE'S GOING TO DO A LOT MORE AND PROBABLY  
18 HAS ALREADY DONE MORE THAN YOU GIVE HIM CREDIT FOR.  
19 IF YOU WANT TO RETAIN A LAWYER, THAT IS, IF YOU  
20 WANT TO HIRE A LAWYER TO REPRESENT YOU, YOU HAVE  
21 EVERY RIGHT TO HIRE ANYBODY THAT YOU WANT TO, BUT  
22 BASED ON WHAT YOU'VE TOLD ME THERE'S NO REASON IN  
23 THE WORLD FOR ME TO REPLACE MR. STRICKLER AS YOUR  
24 LAWYER. HE IS QUITE A COMPETENT CRIMINAL LAWYER  
25 AND HE'LL DO AS WELL FOR YOU AS ANYBODY CAN DO

1 UNDER THESE CIRCUMSTANCES. WHAT YOU REALLY NEED IS  
2 SOMEBODY TO RESURRECT YOUR HUSBAND. THAT'S ABOUT  
3 THE BEST HELP YOU'RE GOING TO BE ABLE TO GET FROM  
4 ANYBODY.

5 MOTION FOR BOND IS DENIED. THE MOTION FOR  
6 RELIEF OF COUNSEL IS DENIED. THE MOTION FOR A  
7 SPEEDY TRIAL IS HELD IN ABEYANCE. THANK YOU,  
8 MA'AM. THEY CAN TAKE YOU BACK.

9 MR. STRICKLER: AS TO THE MOTION FOR A SPEEDY  
10 TRIAL, CAN WE HAVE A TIME WHEN WE MAY REVISIT IT?

11 THE COURT: EXACTLY. INDEED. WHAT I PROPOSE  
12 TO DO IS NOT SLAM THE DOOR ON THAT FOREVER BUT MS.  
13 HAYNES TELLS ME THEY'VE GOT, WHAT? SIX TRIALS THAT  
14 YOU ARE GOING TO TRY TO GET DONE THIS SUMMER, IS  
15 THAT RIGHT?

16 MS. HAYNES: WE ARE DOING AT LEAST FIVE MURDER  
17 CASES, SIX MURDER CASES THIS SUMMER THAT ARE ALL  
18 LIKE 1995 AND EARLY 1996 CASES. I THINK MOST OF  
19 THEM ARE 1995 MURDER CASES AND THIS WAS A LATER  
20 1996 CASE.

21 THE COURT: IT WAS. REALISTICALLY, MS.  
22 HAYNES, WHEN DO YOU THINK THIS CASE MIGHT BE UP?

23 MS. HAYNES: BY THE END OF THE YEAR.  
24 DECEMBER, 1996, I WOULD THINK WE WOULD HAVE REACHED  
25 IT.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT: ALL RIGHT. I'LL BE HERE UNTIL  
THEN. IF IT'S NOT TRIED BY DECEMBER 1ST, '97, MR.  
STRICKLER, I'LL REVISIT THE MATTER AS FAR AS BOND  
AND SETTING A DEFINITE TRIAL DATE IS CONCERNED.

MR. STRICKLER: THANK YOU VERY MUCH, YOUR  
HONOR.

(ADJOURNED)

EXHIBIT (A) 1-3

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS  
Warrant Number: F-252391

The State of South Carolina, )

vs. )

Linda Tyler, )  
Defendant. )

MOTION FOR SPEEDY TRIAL

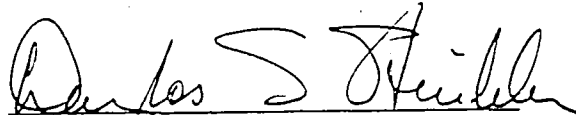
FILED  
91 MAY 21 AM 10:18  
DAVE A. SCOTT  
CLERK, C.S.

The above-captioned defendant, through his attorney, Douglas Strickler, hereby moves that the Court enter an Order granting him a speedy trial on the above-referenced charge. In support of this motion defendant would show that:

1. She was arrested in Richland County and charged with Murder on September 26, 1996;
2. Defendant is currently confined in pre-trial detention at the Richland County Detention Center, Dorm X;
3. The right to a speedy trial is provided for by the 6th and 14th Amendments to the U.S. Constitution, the S.C. Constitution Art. I, §14, *Doggett v. U.S.*, 112 S.Ct. 2686 (U.S. 1992), *State v. Chapman*, 344 S.E.2d 611 (S.C. 1986), and S.C. Code Ann. §17-23-90 9 (1976 as amended).
4. Defendant wishes to avail himself of the right to a speedy trial contained in the Federal and State Constitutions, the statutory provisions of the Code of Laws of the State of South Carolina, and applicable federal and state case law.

NOW THEREFORE attorney for defendant moves that this Court order that defendant be released if a trial cannot be had within a reasonable amount of time. counsel for defendant

further moves that this case be tried within a specific time period, and, if the Solicitor fails to call the case for trial during such period, that the case be dismissed with prejudice by the Court.



Douglas S. Strickler  
Attorney for Defendant

Richland County Public Defender's Office  
4th Floor Annex  
P.O. Box 192  
Columbia, South Carolina 29202  
(803) 929-6150

Columbia, South Carolina

This 21st day of May, 1997

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS  
Warrant Number: F-252391

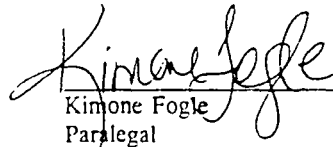
The State of South Carolina, )  
)

vs. )  
)

CERTIFICATE OF SERVICE

Linda Tyler, )  
Defendant. )

I certify that on this date I served the Notice of Motion and Motion for Speedy Trial in the above-captioned case on The State of South Carolina by delivering copies of these documents to the State's attorney of record, Assistant Solicitor Stacy Haynes, by delivering said copies to her office located at The Office of the Solicitor, Fifth Judicial Circuit, Richland County Judicial Center, Third Floor, 1701 Main Street, Columbia, South Carolina 29201, and leaving them with her clerk or other person of authority at said office.

  
\_\_\_\_\_  
Kimone Fogle  
Paralegal

Richland County Public Defender's Office  
4th Floor Annex  
P.O. Box 192  
Columbia, South Carolina 29202  
(803) 929-6157

Columbia, South Carolina

This 21<sup>st</sup> day of May, 1997.

EXHIBIT (A) 2-12

1           THE COURT:   MS. HAYNES.

2           MS. HAYNES:   YOUR HONOR, STANDING BEFORE YOU  
3           IS LINDA TYLER WHO IS REPRESENTED BY DOUG STRICKLER  
4           OF THE RICHLAND COUNTY PUBLIC DEFENDER'S OFFICE.  
5           MS. TYLER IS CHARGED WITH THE OFFENSE OF MURDER,  
6           WARRANT NUMBER F-252391.   THIS OCCURRED SEPTEMBER  
7           26, 1996.   BACK ON OCTOBER 3RD, 1996, JUDGE JOHNSON  
8           DENIED BOND IN THIS CASE BUT I BELIEVE HE DID SO  
9           WITH LEAVE TO REAPPLY BY MR. STRICKLER SHOULD SUCH  
10          BE DEEMED NECESSARY.   WE ARE HERE BECAUSE MR.  
11          STRICKLER HAS FILED A BOND REDUCTION MOTION SEEKING  
12          TO HAVE I GUESS IN FACT BOND SET.   WE WOULD BE  
13          OPPOSED TO THAT.   STANDING WITH ME ARE MEMBERS OF  
14          THE VICTIM'S FAMILY, THE VICTIM BEING MR. VAN  
15          TYLER.   I'LL BE HAPPY TO GO INTO A LITTLE BIT NOW  
16          OR LATER.

17          THE COURT:   PLEASE.   NOW WOULD BE GOOD.

18          MS. HAYNES:   YES, SIR, YOUR HONOR.   THIS  
19          OCCURRED, AS I STATED, ON SEPTEMBER 26, 1996, AT  
20          THE 1500 BLOCK OF HARDEN STREET.   MS. TYLER WAS THE  
21          COMMON LAW WIFE OF MR. VAN TYLER OR LIVED WITH HIM.  
22          SHE WAS IN THE AUTOMOBILE WITH HIM.   THEY  
23          APPROACHED A TRAFFIC LIGHT AT WHICH TIME SHE TOOK  
24          A PEPSI COLA BOTTLE FILLED WITH KEROSENE OR  
25          GASOLINE, POURED IT OVER HIS HEAD AND LIT HIM ON

1 FIRE. THE CARS THERE IN THE ROADWAY, THEY SAW WHAT  
2 HAPPENED. THEY CALLED THE POLICE AND THE  
3 AMBULANCE. THEY TOOK HIM TO THE HOSPITAL AND I  
4 BELIEVE HE SURVIVED ABOUT A DAY. HIS CAUSE OF  
5 DEATH WAS EXTENSIVE BURNS TO THE UPPER BODY.

6 SHE DID TALK TO THE INVESTIGATORS, GAVE THEM A  
7 STATEMENT. IN HER STATEMENT SHE BASICALLY SAID  
8 THAT HE HAD FOUND OUT THAT HE HAD "CHEATED ON HER"  
9 AND THAT SHE WANTED HIM TO FEEL THE PAIN THAT SHE  
10 HAD FELT. SHE HAS BEEN EVALUATED AND COME BACK  
11 THAT SHE IS COMPETENT. WE WOULD OPPOSE ANY  
12 REDUCTION IN BOND AS WE FEEL THAT SHE IS A FLIGHT  
13 RISK AND A DANGER TO THE COMMUNITY.

14 HER PRIOR RECORD INCLUDES CONVICTIONS FOR  
15 STRONG ARMED ROBBERY AND ARMED ROBBERY WHICH SHE  
16 GOT TWENTY-ONE YEARS. SHE'S GOT A POSSESSION OF  
17 MARIJUANA CONVICTION, AN A.B.I.K. CONVICTION WHERE  
18 SHE GOT FIFTEEN YEARS SUSPENDED UPON SEVEN YEARS  
19 CONFINEMENT WITH FIVE YEARS PROBATION IN 1977. AT  
20 THE SAME TIME SHE PLED TO A STRONG ARMED ROBBERY.  
21 ALSO, THE NEXT MONTH IN 1977 SHE PLED TO AN ARMED  
22 ROBBERY AND GOT TWENTY-ONE YEARS. AND A  
23 SOLICITATION FOR PROSTITUTION IN 1985. IN 1988  
24 P.W.I.D. COCAINE. A 1987 DISORDERLY CONDUCT, A  
25 SHOPLIFTING AND DISTRIBUTION OF COCAINE IN 1988.

1 SHE GOT SEVEN YEARS ON THE DISTRIBUTION. AND THEN  
2 IT APPEARS IN MAY OF 1996 SHE HAD THREE SHOPLIFTING  
3 COUNTS THAT SHE WAS OUT ON BOND FROM RICHLAND  
4 COUNTY FOR WHEN THIS OCCURRED IN SEPTEMBER.

5 MR. STRICKLER: AND I'LL OBJECT TO MENTIONING  
6 NON-CONVICTIONS AT THIS PROCEEDING, YOUR HONOR.

7 THE COURT: I THINK THAT PROBABLY IS GILDING  
8 THE LILY IN ANY EVENT.

9 MS. HAYNES: I MENTION THAT BECAUSE SHE WAS  
10 OUT ON BOND FOR IT, NOT AS A CONVICTION.

11 THE COURT: I UNDERSTAND. ALL RIGHT. MR.  
12 STRICKLER.

13 MR. STRICKLER: THANK YOU, YOUR HONOR. LINDA  
14 IS HERE AND HAS LIVED IN COLUMBIA HER WHOLE LIFE.  
15 SHE HAS FAMILY HERE IN TOWN. SHE HAS CHILDREN HERE  
16 IN TOWN. SHE IS CHARGED WITH A MOST SERIOUS  
17 OFFENSE. I'M NOT HERE TO GO INTO THE FACTS OF THE  
18 OFFENSE AND CERTAINLY I DEFER TO THE PRESENCE OF  
19 THE VICTIM'S FAMILY BUT SUFFICE IT TO SAY THAT  
20 THERE WAS A SOMEWHAT TORTURED RELATIONSHIP BETWEEN  
21 MS. TYLER AND THE VICTIM NOT ALL OF WHICH INVOLVED  
22 PROBLEMS ON MS. TYLER'S PART. SHE HAS BEEN IN JAIL  
23 SINCE HER ARREST ON THIS CHARGE. SHE HAS NOT HAD  
24 A BOND SET AND HAS ASKED THAT I HAVE A BOND SET FOR  
25 HER. SHE IS ALSO MOVING FOR A SPEEDY TRIAL IN THIS

1           MATTER.

2                   MS. HAYNES:    OKAY, YOUR HONOR, AS FAR AS THE  
3           SPEEDY TRIAL MOTION, I DID NOT ADDRESS THAT.    I  
4           WOULD SAY THAT THERE ARE -- THIS HAPPENED IN  
5           SEPTEMBER OF 1996; THEREFORE, MAKING IT A  
6           RELATIVELY NEW MURDER CASE IN RICHLAND COUNTY.  
7           UNFORTUNATELY, WE HAVE MANY MURDER CASES AHEAD OF  
8           THAT. WE ARE IN THE PROCESS OF TRYING ABOUT FIVE  
9           OR SIX MURDERS THIS SUMMER. WE WOULD PUT HER IN  
10          LINE AND TRY IT AS FAST AS WE COULD AFTER THAT. I  
11          BELIEVE SHE'S ALSO MAKING A MOTION AS TO HER  
12          REPRESENTATION AT THIS TIME. I HAVE RECEIVED  
13          NUMEROUS LETTERS FROM HER IN THE JAIL. THAT'S IT,  
14          YOUR HONOR.

15                   THE COURT:    OKAY. NOW, Y'ALL TELL ME WHAT  
16          I'VE GOT BEFORE ME. I'VE GOT A BOND REDUCTION AND  
17          A SPEEDY TRIAL MOTION AND --

18                   MR. STRICKLER: SHE'S CORRECT. I JUST HADN'T  
19          GOTTEN TO THAT YET.

20                   THE COURT:    OKAY.

21                   MR. STRICKLER: MS. TYLER HAS COMMUNICATED TO  
22          ME AND I'VE GOTTEN COPIES OF MOTIONS THAT SHE SENT  
23          TO THE COURT OR TO THE CLERK OF COURT AND I BELIEVE  
24          TO THE SOLICITOR WHICH I CAN BEST CHARACTERIZE AS  
25          MOTIONS TO RELIEVE ME 'AS COUNSEL. I'M NOT SURE

1           WHETHER SHE WANTS TO PROCEED IN THAT REGARD OR NOT.  
2           IF SO, SHE'LL NEED TO ADDRESS THE COURT IN THAT  
3           REGARD.

4           THE COURT:   EXACTLY.   I'LL HAVE TO QUESTION  
5           HER ON THAT.

6           MR. STRICKLER:   YES, SIR.

7           THE COURT:   ALL RIGHT.   MR. STRICKLER, I THINK  
8           YOU HAVE ADEQUATELY INFORMED ME ON THE BOND  
9           REDUCTION MATTERS.   THE SPEEDY TRIAL MOTION I'M  
10          AWARE OF THAT AND THE TIME CONSTRAINTS FACING THE  
11          SOLICITOR'S OFFICE.   NOW, MS. TYLER, YOU ALSO HAVE  
12          INDICATED THAT YOU WANT MR. STRICKLER TO BE  
13          RELIEVED AS YOUR LAWYER, YOU WANT ANOTHER LAWYER,  
14          IS THAT RIGHT?

15          MS. TYLER:   YES, SIR.

16          THE COURT:   CAN YOU STAND IN FRONT OF THAT  
17          MICROPHONE THERE SO THAT I CAN HEAR YOU OKAY AND IF YOU  
18          CAN'T HEAR ME OKAY YOU LET ME KNOW AND IF I CAN'T  
19          HEAR YOU I'LL TELL YOU.   ARE YOU IN A POSITION TO  
20          HIRE A LAWYER?

21          MS. TYLER:   NO, SIR.

22          THE COURT:   SO, YOU WANT THE STATE TO APPOINT  
23          YOU SOMEBODY OTHER THAN MR. STRICKLER?

24          MS. TYLER:   YES, SIR.

25          THE COURT:   WHY IS THAT?

1           MS. TYLER:     BECAUSE MR. STRICKLER HAS NOT  
2           PREPARED MY CASE PROPERLY.   WHEN HE HAD ME SENT TO  
3           WILLIAM S. HALL FOR PSYCHOLOGICAL EVALUATION --

4           THE COURT:   I DOUBT IF HE HAD YOU SENT FOR ANY  
5           MENTAL PROBLEMS.   I THINK THE STATE PROBABLY DID.

6           MS. TYLER:     WELL,   WHOEVER   PREPARE   THE  
7           PAPERWORK,   IN THE PAPERWORK INDICATED THAT I BEEN  
8           SENTENCED TO TWO -- I HAD BEEN PLACED IN TWO  
9           DIFFERENT MENTAL INSTITUTIONS WHICH I NEVER BEEN  
10          PLACED IN TWO MENTAL INSTITUTIONS.   I NEVER BEEN  
11          PLACED IN A MENTAL INSTITUTION A DAY IN MY LIFE.

12          THE COURT:   OKAY.

13          MS. TYLER:   SECOND, BECAUSE WHEN I GOT THE  
14          DEATH CERTIFICATE ON MY HUSBAND THE PHYSICIAN, DR.  
15          JOSEPH M. STED, JR., STATE THAT YOU HUSBAND DEATH  
16          IS UNDETERMINED AND THE CORONER, FRANK BARRON, HAVE  
17          OVERRULED HIS DEATH AS BEING A HOMICIDE.   WELL, I  
18          FELT THAT IF THE PHYSICIAN WHO PERFORMED THE  
19          PLASTIC SURGERY UPON MY HUSBAND WROTE HIS DEATH AS  
20          BEING UNDETERMINED MEAN THAT HIS DEATH WAS  
21          UNFOUNDED.   THEY COULD NOT SAY THAT MY HUSBAND HAD  
22          DIED FROM THE BURNS OR FROM THE GASOLINE, THAT  
23          SOMETHING ELSE HAD TO BEEN WRONG WITH MY HUSBAND  
24          IMMUNE SYSTEM.   SO, I REQUESTED TO HAVE THE RECORDS  
25          OF MY HUSBAND BECAUSE I WAS INFORMED THAT MY

1 HUSBAND HAD THE AIDS VIRUS. AND MY HUSBAND HAD  
2 SPOKE TO ME WHEN HE GOT OUT AND HE SAY, MADINA, HE  
3 SAY, IF I SHOULD GET BAD OFF SICK, HE SAY, I WANT  
4 YOU TO PUT ME IN A CAR AND JUST ROLL ME OFF A CLIFF  
5 SOMEWHERE. I SAID, ALI, WHY WOULD YOU SAY THAT.  
6 HE SAY I'M JUST TELLING YOU WHAT I WANT YOU TO DO.

7 SECOND REASON WHY I DON'T THINK MR. DOUG  
8 STRICKLER IS IN MY BEST INTEREST BECAUSE EVERY TIME  
9 THAT I HAVE WRITTEN HIM, I HAVE WRITTEN HIM AT  
10 LEAST FIFTEEN LETTERS, SOME THROUGH THE MAIL AND  
11 SOME THROUGH OTHER PUBLIC DEFENDERS THAT COME TO  
12 VISIT THE JAIL, HE'S NOT DONE ANYTHING FOR ME. I  
13 HAVE TOLD HIM THE ENTIRE ORDEAL ABOUT MY LIFE WITH  
14 ALI, WHAT I DID AND WHAT I DID NOT DO. I ADMIT  
15 THAT I DID THROW THE GASOLINE ON ALI BUT I DID NOT  
16 PLAN TO MURDER ALI. AND MR. STRICKLER HAS NOT DONE  
17 ANYTHING FOR ME OTHER THAN TOLD ME TO SIGN MY  
18 WAIVER OF RIGHTS FOR A BOND HEARING, THAT HE WAS  
19 GONNA GET ME TO SEE SOME MENTAL HEALTH SPECIALIST  
20 OR HE WAS GONNA DO THIS OR HE WAS GONNA DO THAT.  
21 HE HASN'T DONE ANYTHING FOR ME. THEN I ASKED ABOUT  
22 -- HE DIDN'T EVEN SHOW ME A COPY OF MY DISCOVERY  
23 MOTION. HE TOLD ME HE SHOW ME A AUTOPSY REPORT AND  
24 I SAID THERE COULDN'T BE A AUTOPSY BECAUSE IT'S  
25 FORBIDDEN TO PERFORM A AUTOPSY ON A MUSLIM NOT

1 UNLESS YOU HAVE THE CONSENT OF A MUSLIM WIFE OR A  
2 MUSLIM ELDER. SO, MY THING IS HOW COULD FRANK  
3 BARRON SAY MY HUSBAND DEATH WAS A HOMICIDE WHEN THE  
4 PHYSICIAN WHO PERFORM THE SURGERY ON MY HUSBAND SAY  
5 THAT MY HUSBAND DEATH WAS UNDETERMINED.

6 THE COURT: WELL, THE STATE IS GOING TO HAVE  
7 TO PROVE THAT WHEN THEY TRY YOUR CASE.

8 MS. TYLER: WELL, I UNDERSTAND THAT, TOO, BUT,  
9 SIR, MR. DOUG STRICKLER IS NOT IN MY BEST INTEREST.  
10 HE HASN'T DONE ANYTHING FOR ME THAT I CAN SEE.  
11 HE'S NOT DONE ANYTHING. THE ONLY THING HE'S DONE  
12 FOR ME IS TOLD ME, WELL, SIT BACK, DON'T YOU WORRY  
13 ABOUT IT, EVERYTHING IS GONNA BE ALL RIGHT. I AM  
14 THE LEGAL MS. TYLER. I'M NOT NO COMMON LAW WIFE,  
15 THAT IS MY LEGAL HUSBAND. I AM LEGALLY MS. LINDA  
16 ANN TYLER ALTHOUGH HIS SISTER HAS PUT IN THE PAPER  
17 THAT HIS WIFE WAS ANITA MACK TYLER. SO, WHO IS THE  
18 REAL MRS. TYLER? YOU KNOW, IT'S A WHOLE LOT OF  
19 FALSEHOOD SURROUNDING THE DEATH OF ALI.

20 THE COURT: OKAY. WELL, I ASK THE QUESTION.  
21 I GUESS I --

22 MS. TYLER: AND THEN I PETITION THE COURT  
23 ABOUT ME HAVING COPIES OF MY EVALUATION, COPIES OF  
24 ALI'S MEDICAL RECORDS, COPIES OF HIS PRISON  
25 RECORDS, COPIES OF SUPPOSED TO BE MARRIAGE TO ANITA

1 MACK TYLER. ALI COULD NOT FATHER ANY CHILDREN.  
2 THEN SISTER HAD PUT IN THE PAPER THAT HE HAD A WIFE  
3 AND THREE CHILDREN AND THE MAN COULDN'T MAKE NO  
4 CHILDREN. SO, THIS IS A BUNCH OF HYPOCRISY. AND  
5 THEN --

6 THE COURT: WELL, MS. TYLER, I'VE HEARD ALL I  
7 NEED FROM YOU. THANK YOU, MA'AM.

8 MS. TYLER: WELL, THAT'S FINE, TOO BUT --

9 THE COURT: NO, MA'AM. I'M TELLING YOU TO BE  
10 QUIET. I'VE HEARD ALL I NEED TO HEAR FROM YOU  
11 RIGHT NOW. THANK YOU, MA'AM.

12 MS. TYLER: YOU WELCOME. THAT MEAN I CAN GO?

13 THE COURT: MR. STRICKLER HAS DONE ALL THAT  
14 NEEDS TO BE DONE FOR YOU, MS. TYLER, IN MY OPINION.  
15 THE CASE IS NOT YET READY FOR TRIAL. I'M SURE HE'S  
16 DONE SOME PRELIMINARY WORK AND BEFORE IT COMES UP  
17 FOR TRIAL HE'S GOING TO DO A LOT MORE AND PROBABLY  
18 HAS ALREADY DONE MORE THAN YOU GIVE HIM CREDIT FOR.  
19 IF YOU WANT TO RETAIN A LAWYER, THAT IS, IF YOU  
20 WANT TO HIRE A LAWYER TO REPRESENT YOU, YOU HAVE  
21 EVERY RIGHT TO HIRE ANYBODY THAT YOU WANT TO, BUT  
22 BASED ON WHAT YOU'VE TOLD ME THERE'S NO REASON IN  
23 THE WORLD FOR ME TO REPLACE MR. STRICKLER AS YOUR  
24 LAWYER. HE IS QUITE A COMPETENT CRIMINAL LAWYER  
25 AND HE'LL DO AS WELL FOR YOU AS ANYBODY CAN DO

1 UNDER THESE CIRCUMSTANCES. WHAT YOU REALLY NEED IS  
2 SOMEBODY TO RESURRECT YOUR HUSBAND. THAT'S ABOUT  
3 THE BEST HELP YOU'RE GOING TO BE ABLE TO GET FROM  
4 ANYBODY.

5 MOTION FOR BOND IS DENIED. THE MOTION FOR  
6 RELIEF OF COUNSEL IS DENIED. THE MOTION FOR A  
7 SPEEDY TRIAL IS HELD IN ABEYANCE. THANK YOU,  
8 MA'AM. THEY CAN TAKE YOU BACK.

9 MR. STRICKLER: AS TO THE MOTION FOR A SPEEDY  
10 TRIAL, CAN WE HAVE A TIME WHEN WE MAY REVISIT IT?

11 THE COURT: EXACTLY. INDEED. WHAT I PROPOSE  
12 TO DO IS NOT SLAM THE DOOR ON THAT FOREVER BUT MS.  
13 HAYNES TELLS ME THEY'VE GOT, WHAT? SIX TRIALS THAT  
14 YOU ARE GOING TO TRY TO GET DONE THIS SUMMER, IS  
15 THAT RIGHT?

16 MS. HAYNES: WE ARE DOING AT LEAST FIVE MURDER  
17 CASES, SIX MURDER CASES THIS SUMMER THAT ARE ALL  
18 LIKE 1995 AND EARLY 1996 CASES. I THINK MOST OF  
19 THEM ARE 1995 MURDER CASES AND THIS WAS A LATER  
20 1996 CASE.

21 THE COURT: IT WAS. REALISTICALLY, MS.  
22 HAYNES, WHEN DO YOU THINK THIS CASE MIGHT BE UP?

23 MS. HAYNES: BY THE END OF THE YEAR.  
24 DECEMBER, 1996, I WOULD THINK WE WOULD HAVE REACHED  
25 IT.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

THE COURT: ALL RIGHT. I'LL BE HERE UNTIL  
THEN. IF IT'S NOT TRIED BY DECEMBER 1ST, '97, MR.  
STRICKLER, I'LL REVISIT THE MATTER AS FAR AS BOND  
AND SETTING A DEFINITE TRIAL DATE IS CONCERNED.

MR. STRICKLER: THANK YOU VERY MUCH, YOUR  
HONOR.

(ADJOURNED)

# EXHIBIT B

B  
D

IN THE SUPREME COURT OF SOUTH CAROLINA

Kinda ANN TYLER #24819

vs.

The STATE OF SOUTH CAROLINA

THE "APPELLANT'S" STATEMENT  
OF FACT ON THE MERITS

OF P.C.R. APPEAL being granted

The "APPELLANT'S" CASE IS A PRIMA FACIE CASE. THE (DECEASED) DEATH WAS OF NATURAL CAUSES. TRIAL JUDGE HONORABLE PAUL E. SHORT, JR. SENTENCE "APPELLANT" UNDER (3) DIFFERENT STATUTES, ONE 16-3-10 S.C. CODE ANN. FELONY 116 (2) 17-25-45 HABITUAL OFFENDER OR (3) THREE STRIKE YOU'RE OUT. (3) S.C. CODE ANN. 16-3-20. MONETARY GAINS "INSURANCE POLICY" BENEFITS. THE "APPELLANT" WAS INDICTED BY A GRAND JURY 3-19-98 FOR MURDER S.C. CODE ANN. 16-3-10. 116 FELONY, YET, JUDGE DID IN VIOLATION OF S.C. CONST. LAW COMMITTED REVERSABLE ERROR, CONSEQUENTLY TO THAT FACT, JUDGE PAUL E. SHORT, JR. ALSO WAS ONE OF THE CONCURRING SUPREME COURT "JUSTICE", DECIDING THE "APPELLANT'S" APPEAL ON (2<sup>ND</sup>) P.C.R. APPEAL, WHEREAS JUSTICE SHORT, JR. SHOULD'VE BEEN DISQUALIFIED, FROM VOTING OR DECIDING MY CASE. AGAIN; REVERSABLE ERROR, THE "APPELLANT" WAS PRE JUDICE, BY TRIAL JUDGE SHORT, JR. OPINION AND RULING TO DENY HER P.C.R. APPEAL. THE MOTION FOR A MOTION NOT WITHSTANDING THE VERDICT, WAS DENIED BY JUSTICE PAUL E. SHORT, JR. OF TRIAL

# EXHIBIT (B)

IN THE SUPREME COURT OF SOUTH CAROLINA

IN RE)

Linda ANN WALKER #248190

APPELLATE CASE NO:

201-2-212-810 Exhibit (B)

VS.

THE STATE OF SOUTH CAROLINA  
RESPONDENT

THE (PETITIONER'S) BRIEF ON  
USE OF PRIOR BAD ACTS, 3  
STRIKE, 17-25-45, AND  
S.C. CODE ANN. 16-3-20,

THE "PETITIONER" SUBMITS THIS BRIEF TO PROVE  
TRIAL JUDGE SENTENCING AND SOLICITORS USE OF  
PRIOR RECORD WAS IN VIOLATION OF THE 1995  
AMENDMENT, WHICH BECAME LAW EFFECTIVE DATE  
JANUARY 25<sup>TH</sup> 1996. UNDER THE NEW CRIME BILL  
UNDER THE ANTI DEATH PENALTY TERRISOM ACT.  
WHICH STATES, ANY (2) OR MORE VIOLENT CRIMES  
COMMITTED ON OR AFTER JANUARY 25<sup>TH</sup> 1996  
MUST BE SENTENCE UNDER 17-25-45 AS HABITUAL  
OFFENDER ACT. THE "PETITIONER" PAST RECORD OF  
20 YEARS AGO, ON ARMED ROBBERY, A.B.I.K. WAS  
USED TO PREVENT HER FROM EVERY MAKING PAROLE.  
ALSO, WAS SENTENCE UNDER S.C. CODE ANN. 16-3-20  
STATUTE AS WELL AS, 17-25-45, IN LIEU OF S.C. CODE  
ANY LAW, SECTION: 16-3-10, FELONY 116. IN VIOLATION WITH  
A STATE AND FEDERAL STATUTE. REVERSABLE ERRORS

B  
2

EXHIBIT (B)

B  
3

THE SUPREME COURT IN RE)	OF SOUTH CAROLINA
Under ANNULER #248-190	APPELLATE CASE NUMBER 20-2-212-810 Exhibit (B)
<u>VS.</u>	THE PETITIONER'S BRIEF and COURT DATE ON SENTENCING
THE STATE OF SOUTH CAROLINA	Under (3) STATUTES IN VIOLATION OF A STATE, FEDERAL STATUTE

PURSUANT TO S.C. CRIMINAL LAW (372(D) and of 369, (2)(D). THE SOUTH CAROLINA SUPREME COURT MOORE J. held that admission of PRIOR CRIMES and or PRIOR bad ACTS "EVIDENCE" WAS "REVERSIBLE ERROR". IN THE CASE OF Brenda Mail Cutler-V-THE STATE Brenda Mail Cutler-V-THE STATE, S.E. 2d, 504. Justice, TOAL, J. dissenting opinion in which Justice, Burnett J. concurred. IN another case Circuit Court; Judge Lee Alford, also REVERSED the Trial's COURT Ruling in WALKER-V-STATE for Rule of Evidence Code violation pursuant to S.C.R. Evidence Code 609. in which the lower COURT used WALKER's Probation Period of violation before (WALKER) WAS found guilty of any CRIME, in which to violate her, to use PRIOR bad Acts of one crime, must be more than just a general similarity the crime must show some connection between them.

# EXHIBIT (B)

B  
A

IN THE SUPREME  
COURT

COURT OF SOUTH CAROLINA  
APPELLATE CASE NUMBER

Wanda Ann Tyler #248190  
VS.

2012 - 212-810 Exhibit (B) 4

THE STATE OF South Carolina

PETITIONER'S BRIEF ON USE OF  
Prior conviction, and (3) Sentencing  
code violation of a Fed. State Statute

citing CASE LAW: U.S. - V - AGURS, 427, U.S. 97, 96, S.Ct. 2392  
2392, 49, L. Ed. 2d. 342. The United States Supreme  
Ct. held that: A "Defendant" in a criminal case is  
ENTITLED to EVIDENCE in POSSESSION or CONTROL  
of the GOVERNMENT, if such EVIDENCE tends to  
Indicate (his) INNOCENCE or tends to MITIGATE (his)  
(his) CRIMINALITY. If (he) demands it and if  
the (GOVERNMENT) fails to DISCLOSE it RESULTS  
in a (Denial) of a fair TRIAL. The "AUTOMATIC"  
EVIDENCE is the type of EVIDENCE that has to be  
Presented in COURT, which consists of the thing  
ITSELF and NOT the (TESTIMONY) accompanying its  
Presentation. Articles offer in EVIDENCE which  
the (JUDGE) or (JURY), can SEE and (INSPECT).  
REAL EVIDENCE AS CONTRASTED, with TESTIMONIAL  
EVIDENCE eg. in contract action, the document  
PURPORTING to be the object, such as a (Gun) in a MURDER  
TRIAL,

Exhibit (B)

SENTENCE

STATE OF SOUTH CAROLINA  
RICHLAND COUNTY

CASE NO 96 GS-  
WARRANT NO F25 2046  
CHARGE Murder 1st  
OFFENSE CODE Mentally Ill

SC STATUTE OFFENSE PENALTY CODE  
17-25-45 16-3-20

The defendant Anda Ann Tyler AKA Tally is committed to the State Department of Corrections/County for a term of life without the possibilities of parole months/years and/or to pay a fine of \$ \_\_\_\_\_; provided upon the service of \_\_\_\_\_ months/years and/or a payment of \$ \_\_\_\_\_ plus pay costs and assessments as applicable, the balance is suspended with probation for \_\_\_\_\_ months/years.

STITUTION: YES/NO \_\_\_\_\_ FOR PHYSICAL INJURY \$ \_\_\_\_\_  
ABLE TO CLERK FOR: \_\_\_\_\_ PROPERTY DAMAGE \$ \_\_\_\_\_  
(M) \_\_\_\_\_ TOTAL \$ \_\_\_\_\_

Conditions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

198

Paul D. Short, Jr.  
PRESIDING JUDGE

Bill  
Johnson

William D. Holt  
CLERK OF CLERK  
CERTIFIED TRUE COPY  
ORIGINAL FILED  
C.C.P.S.  
RICHLAND COUNTY  
SOUTH CAROLINA



WITNESSES  
INV. JOE GRAY, CPD

*Dave J. P. O'Neil*

ARREST WARRANT NO. F252391

ACTION OF GRAND JURY

**TRUE BILL**

*[Signature]*  
Foreman of Grand Jury

VERDICT

*Guilty but Mentally  
Ill of Murder*

*[Signature]*  
Foreman of Petit Jury

*3/19/98*  
Date

DOCKET NO. *96-65-40-17046*

The State of South Carolina,

County of RICHLAND

COURT OF GENERAL  
OCTOBER TERM 1996

THE STATE

vs.

LINDA ANN TYLER AKA  
LINDA ANN SALLEY

**Indictment for Murder**

S. C. CODE SECTION 16-3-10 Felony  
116

CERTIFIED  
OF ORF COPY

*Filed*

*C.C. Gird*

RICHLAND  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

INDICTMENT FOR MURDER

At a Court of General Sessions, convened on October 16, 1996  
the Grand Jurors of RICHLAND County present upon

COUNT ONE - MURDER

That LINDA ANN TYLER AKA LINDA ANN SALLEY  
did in Richland County on or about September 26, 19  
feloniously, wilfully and with malice aforethought, kill one Van Tyler

by means of pouring a flammable liquid on Van Tyler and/or igniting  
liquid so as to set Van Tyler's body on fire  
and that the said victim died as a proximate result thereof.

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

Warren E. Linn  
SOLICITOR

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
Jeannette W. McBride  
C.C.C.P.&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

EXHIBIT (A) C

IN THE SUPREME COURT OF SOUTH CAROLINA

IN RE

Linda ANN MER #248190

APPELLATE CASE NO:

201-2-212-810 EXHIBIT

VS.

THE STATE OF SOUTH CAROLINA

THE "PETITIONERS BRIEF ON

ORDER OF PSYCHOLOGICAL EXAMS

ORDER OF COMMITMENT,

ISSUE OF MENS. REA.

RESPONDENT

The "PETITIONER" submits this BRIEF ON THE MERITS OF MENTAL ILLNESS. THE ORDER OF COMMITMENT TO THE W.S. HALL INSTITUTE FOR THE CRIMINAL INSANE, IN VIOLATION OF THE (PETITIONER)'S BOTH STATE AND FEDERAL CIVIL PROTECTIVE RIGHTS ENCLOSED ARE (3) DIFFERENT ORDERS, IN LIEU OF ONE ORDER DATE DECEMBER 8<sup>th</sup> 1997, WHICH WAS MENTION IN ORDER DATED FEBRUARY 13<sup>th</sup> 1998.

by Judge<sup>o</sup>. HONORABLE Judge, J. DERHAM COLE, counsel STACY D. HAYNES, (Solicitor), and CHRISTA BELL (Public Defender) WAS THE SECOND ORDER, ARISING OUT OF MAY 27<sup>th</sup> 1997, FAST & SPEEDY TRIAL MOTION, AND OTHER MOTIONS. (2) ON OCTOBER 16<sup>th</sup> 1996 Chief Admin. Judge, JAMES W. JOHNSON, JR., ATTY. D. STRICKLER, SOLICITOR, STACY D. HAYNES ORDER FOR COMPETENCY HEARINGS. ON FEBRUARY 23<sup>rd</sup> 1998, HONORABLE PAUL E. SHOOK, JR. PRESIDING JUDGE OVER THE CASE ORDER THE (PETITIONER) TO BE COMMITTED TO W.H.S.T.

# EXHIBIT ~~A~~ C

D  
②

THE SUPREME COURT (IN RE)	OF SOUTH CAROLINA APPELLATE CASE NUMBER
Linda ANN MURPHY #248490	201-2-212-810
vs. THE STATE OF SOUTH CAROLINA	PETITIONER'S BRIEF ON MERITS OF SUCCESSIVE P.C.R. CLAIMS UNDER THE 14 <sup>th</sup> AMENDMENT USCA. PURSUANT TO S.C. Rule Evidence 50

The "Petitioner's" 2nd P.C.R. claim, is based on after-discovered-evidence. Petitioner filed a Fed. Habeas Corpus Relief Action, and discovered that, Trial Judge; Paul E. Short, Jr. was one of the concurring Justice issuing an opinion to deny her Release. Consequently that issue Justice Short, Jr. had also denied the (Petitioner) the rights to use HYPNOSIS at the onset of her TRIAL. Justice Short, Jr. also signed an Order to have the (Petitioner) committed to the W.S.H.I Psychiatric Unit, for the CRIMINAL INSANE, until her TRIAL begin and ended. In regards to the MENTAL COMPETENCY, The (Petitioner) has been EVALUATED (5) five times and all times both Drs stated the (Petitioner) WAS COMPETENT FOR TRIAL.

EXHIBIT (X) C

0  
3

THE SUPREME COURT	OF SOUTH CAROLINA
IN RE	APPELLATE CASE NUMBER
Wanda Anne Tyler #248-190	201-2-212-810
VS.	THE "PETITIONER'S" BRIEF IN
THE STATE OF SOUTH CAROLINA	OPPOSITION OF THE LOWER COURT
	ORDER OF DISMISSAL OF PCR

Yet, the STATE violated the "PETITIONER'S" STATE and Federal Civil Protective Rights under the 5<sup>th</sup>, 14<sup>th</sup>, and 18<sup>th</sup> Amendment, U.S. CA. citing CASE LAW, *Wrope - v - MISSOURI*, 420 U.S. 162, (1975) The Supreme Court held, that, certainly, failure to prevent an incompetent (defendant) from being subject to TRIAL or PLEA. However, the "Petitioner" WAS NOT (INCOMPETENT) yet she was illegally housed and medicated in a STATE Psychi ward with the criminally INSANE and illegally medicated as well, Yet, the Jury finding of G.B.M.I. WAS BASE ON HERESY OF both Dr's conflicting opinion, Absent any showing on the (Appellant's) BRAIN, which had been X-Rayed, MRI, CAT scan which REVEALED the BRAIN WAS INTACK.

EXHIBIT (C)

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS  
FIFTH JUDICIAL CIRCUIT

State of South Carolina )  
-vs- )  
LINDA TYLER )  
Defendant. )

ORDER

DECEMBER 13 1998 PAGE 551

Warrant Number: F252391  
Indictment Number: 96-CS-40-17046

TO: WILLIAM S. HALL PSYCHIATRIC INSTITUTE  
RICHLAND COUNTY SHERIFF'S DEPARTMENT

This matter comes before me on motion of counsel for the defendant with the consent of the State, for an Order requiring the defendant, LINDA TYLER, to be transported and housed at the William S. Hall Psychiatric Institute (hereinafter, "WSHPI") for the purpose of any necessary medication and/or treatment prior to trial, and a continuing evaluation for competency to stand trial. The defendant's trial is presently scheduled to commence during the week of February 23, 1998.

RECEIVED  
FEB 13 1998  
RICHLAND COUNTY  
SHERIFF'S DEPT

Pursuant to a prior Court Order, the defendant was evaluated by Dr. Thomas W. Behrman at WSHPI for competency to stand trial on December 6, 1996, and found to be competent.

On December 8, 1997, the defendant appeared before Judge Thomas Cooper upon a pro se motion to relieve defense counsel Douglas Strickler, which was granted. On December 15, 1997, Judge Cooper issued an order granting Ms. Tyler's motion to relieve counsel, ordered the Public Defender's Office to appoint another attorney to the case and sent Ms. Tyler to the William S. Hall Institute for an evaluation as to whether or not she was making a knowing and voluntary waiver of her right to an attorney. Christa Bell of the Public

Defender's Office, along with Teresa Johns, who is in private practice, have been appointed to represent Ms. Tyler. Dr. Behrmann issued an order on February 11, 1998, finding that Tyler was competent to make a waiver of her right to an attorney.

BOOK 139 PAGE 552

However, on February 13, 1998, after an evaluation by defense psychiatrist Dr. Donna Swartz-Watts and Dr. Thomas Behrmann, a psychiatrist from William S. Hall Institute, the parties agreed to have Ms. Tyler committed to the William S. Hall Institute for medication to insure her competency for trial. While Dr. Behrmann feels Ms. Tyler is still presently competent, he agrees that medication would be helpful to prevent her from decompensation during periods of stress. Dr. Swartz-Watts' opinion is that Ms. Tyler is not presently competent and needs medication to restore her competency.

The Court makes no finding at this time as to whether the defendant is competent to stand trial, and specifically reserves such issue for the determination by the trial judge.

IT IS THEREFORE ORDERED that the defendant shall be transported by the Richland County Sheriff's Department to WSHPI, Cooper Building, to be housed there until further order of the court for the purpose of any necessary medication and/or treatment relative to her competency to stand trial. Furthermore, while at WSHPI the defendant shall be examined relative to her mental capacity to stand trial pursuant to S.C. Code Section 44-23-410 (1976).

IT IS FURTHER ORDERED that nothing derived from the competency evaluation and observation of the defendant while at William S. Hall Psychiatric Institute may be used against the defendant by the State in any sentencing proceeding, including but not limited to statements made by the defendant, records,

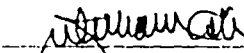
10 + 2

examinations, tests, notes, observations of the defendant, or any other materials.

no 139-553

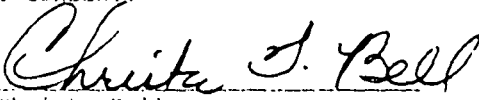
IT IS FURTHER ORDERED that the defendant's counsel, Christa Bell and/or Teresa Johns, shall be notified, and allowed to be present, during any interviews, examinations, tests, or other procedures, relative to any competency evaluation.

AND IT IS SO ORDERED.

  
\_\_\_\_\_  
Honorable J. Derham Cole  
Presiding Judge  
Fifth Judicial Circuit

This 13<sup>th</sup> day of February, 1998  
Columbia, South Carolina

I CONSENT:

  
\_\_\_\_\_  
Christa Bell  
Public Defender  
Counsel for the Defendant

I CONSENT:


  
\_\_\_\_\_  
Stacey D. Haynes  
Assistant Solicitor  
Fifth Judicial Circuit

Exhibit (B)

SENTENCE

STATE OF SOUTH CAROLINA  
RICHLAND COUNTY

CASE NO. 96 GS-01 17046

WARRANT NO. F25 2391

CHARGE Murder 1st  
Mercury Hill

SC STATUTE OFFENSE PENALTY CODE

17-25-45 16-3-20

The defendant Anda Ann Tyler AKA Galley is committed to the State Department of Corrections/County for a term of life without the months/years  
possibility of parole and/or to pay a fine of \$ \_\_\_\_\_; provided upon the service of \_\_\_\_\_ months/years and/or payment of \$ \_\_\_\_\_, plus pay costs and assessments as applicable, the balance is suspended with probation for \_\_\_\_\_ months/years.

RESTITUTION: YES/NO \_\_\_\_\_ FOR PHYSICAL INJURY \$ \_\_\_\_\_  
PAYABLE TO CLERK FOR: \_\_\_\_\_ PROPERTY DAMAGE \$ \_\_\_\_\_  
(VICTIM) \_\_\_\_\_ TOTAL \$ \_\_\_\_\_

Other Conditions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE 3/19/98

Paul G. Short, Jr.  
PRESIDING JUDGE

D.O.B. \_\_\_\_\_

S.S.N. \_\_\_\_\_

Def. Att. Jones/Bell

Sol. Att. Haynes/Sevenson

B/W/O  M/P

William D. Cuth  
CLERK OF CLERK

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
C.C.C.P.R.G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

ARREST WARRANT

F-252391 156067697

STATE OF SOUTH CAROLINA

County of COLUMBIA Municipality of COLUMBIA

THE STATE against

LINDA ANN TYLER

Address: 2-B SAXON HOMES APT 2-B COLUMBIA SC 29204

Sex: Race: B Height: 5-10 Weight: 170

DOB: 03/30/57 Agency ORI: SC0400100

Prosecuting Agency: CITY OF COLUMBIA

Prosecuting Officer: GRAY/GASSER

Offense: MURDER

Offense Code: H0M Code/Ordinance Sec: 16-3-10

This warrant is CERTIFIED FOR SERVICE in the

County of COLUMBIA Municipality of COLUMBIA

The accused is to be arrested and brought before me to be dealt with according to law

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to defendant Linda Tyler on 9-27-96

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO

CITY OF COLUMBIA MUNICIPAL COURT

150 BOX 645 COLUMBIA SC 29202

STATE OF SOUTH CAROLINA

County of COLUMBIA Municipality of COLUMBIA

AFFIDAVIT

Personally appeared before me the affiant J. GRAY who being duly sworn deposes and says that defendant LINDA ANN TYLER did within this county and state on 09/26/96 violate the criminal laws of the State of South Carolina (or ordinance of County of COLUMBIA Municipality of COLUMBIA) in the following particulars: MURDER 16-3-10

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

ON SAID DATE AT 1500 HARDEN ST COLUMBIA, SC THE DEF WAS A PASSENGER IN A CAR DRIVEN BY HER HUSBAND VAN TYLER. THE DEF POURED A FLAMMABLE FLUID ON VAN TYLER AND IGNITED IT WITH A CIGARETTE LIGHTER CAUSING BURNS OVER A LARGE PERCENTAGE OF THE VICTIM'S BODY. ON 092796 VAN TYLER DIED AS A RESULT OF THOSE BURNS WHILE UNDERGOING MEDICAL TREATMENT. THE DEF HAS GIVEN A SWORN STATEMENT ADMITTING TO THE DESCRIBED OFFENSE.

Sworn to and subscribed before me on 09/27/96

Signature of Issuing Judge: [Signature] (I.S.) Municipal Recorder:

Signature of Affiant: [Signature] Affiant's Address: 1409 LINCOLN ST

Affiant's Telephone: 7358413

STATE OF SOUTH CAROLINA

County of COLUMBIA Municipality of COLUMBIA

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

appearing from the above affidavit that there are reasonable grounds to believe that on 09/26/96 defendant LINDA ANN TYLER do violate the criminal laws of the State of South Carolina (or ordinance of County of COLUMBIA Municipality of COLUMBIA) as set forth below: MURDER 16-3-10

Now, therefore, you are empowered and directed to arrest the said defendant and bring her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge: [Signature] (I.S.) Judge's Address: Judge's Telephone: Issuing Court: Magistrate: Municipal: Circuit:

Signature of Affiant: [Signature] Affiant's Address: Affiant's Telephone: Issuing Court: Magistrate: Municipal: Circuit:

ORIGINAL

RECEIVED OCT 23 1996 CLERK OF COURT CRIMINAL RECORDS

RICHLAND COUNTY SOUTH CAROLINA

# EXHIBIT (B)

B  
A

IN THE SUPREME  
COURT

COURT OF SOUTH CAROLINA

IN RE)

APPELLATE CASE NUMBER

Wanda Ann Tyler #248190  
VS.

2012 - 212-810 Exhibit (B) 4

THE STATE OF South Carolina

PETITIONER'S BRIEF ON USE OF  
Prior Conviction, and (3) Sentencing  
Code Violation of a Fed. State Statute

citing CASE LAW: U.S. - V - AGURS, 427, U.S. 97, 96, S.Ct. 2392  
2392, 49. L Ed. 2d. 342. The UNITED STATES SUPREME  
Ct. held that: A "DEFENDANT" in a CRIMINAL CASE is  
ENTITLED to EVIDENCE in POSSESSION or CONTROL  
of the GOVERNMENT, if such EVIDENCE tends to  
INDICATE (his) INNOCENCE or tends to MITIGATE (his)  
(his) CRIMINALITY. If (he) demands it and if  
the (GOVERNMENT) fails to DISCLOSE it RESULTS  
in a (DENIAL) of a fair TRIAL. The "AUTOMATIC"  
EVIDENCE is the type of EVIDENCE that HAS to be  
PRESENTED in COURT, which consists of the thing  
ITSELF and NOT the (TESTIMONY) ACCOMPANYING its  
PRESENTATION. Articles offer in EVIDENCE which  
the (JUDGE) or (JURY), CAN SEE and (INSPECT).  
REAL EVIDENCE AS CONTRASTED, with TESTIMONIAL  
EVIDENCE eg. in CONTRACT action, the document  
PURPORTING to be the object, such AS A (GUN) in a MURDER  
TRIAL,

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

INDICTMENT FOR MURDER

At a Court of General Sessions, convened on October 16, 1996,  
the Grand Jurors of RICHLAND County present upon their oath:

COUNT ONE - MURDER

That LINDA ANN TYLER AKA LINDA ANN SALLEY  
did in Richland County on or about September 26, 1996  
feloniously, wilfully and with malice aforethought, kill one Van Tyler

by means of pouring a flammable liquid on Van Tyler and/or igniting such  
liquid so as to set Van Tyler's body on fire  
and that the said victim died as a proximate result thereof.

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

Walter E. Shew  
SOLICITOR

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
Jeannette W. McBride  
C.C.C.P.&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

WITNESSES  
INV. JOE GRAY, CPD

*Joe G. Gray*

ARREST WARRANT NO. F252391

ACTION OF GRAND JURY

**TRUE BILL**

*[Signature]*  
Foreman of Grand Jury

VERDICT

*Guilty but Mentally  
Ill of Murder*

*[Signature]*  
Foreman of Petit Jury

*3/19/98*  
Date

DOCKET NO. *96-65-40-17046*

The State of South Carolina,

County of RICHLAND

COURT OF GENERAL SESSIONS

#92 OCTOBER TERM 1996

THE STATE

vs.

LINDA ANN TYLER AKA  
LINDA ANN SALLEY

Indictment for Murder

S. C. CODE SECTION 16-3-10 Felony  
116

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
*Sherrill W. M. [Signature]*  
C.C. P. P. G. S.  
RICHLAND COUNTY  
SOUTH CAROLINA

ARREST WARRANT

F-252391-96067617

STATE OF SOUTH CAROLINA

County of COLUMBIA Municipality of COLUMBIA

THE STATE against

LINDA ANN TYLER

Address: 2-B SAXON HOMES APT 2-B COLUMBIA SC 29204

Phone: SSN: Sex: Race: B Height: 5 10 Weight: 170

DL State: DL#: DOB: 03/30/57 Agency ORI #: SC0400100

Prosecuting Agency: CITY OF COLUMBIA

Prosecuting Officer: GRAY/BASSER

Offense: MURDER

Offense Code: H07

Code/Ordinance Sec: 16-3-10

This warrant is CERTIFIED FOR SERVICE in the

County of COLUMBIA Municipality of COLUMBIA

The accused is to be arrested and brought before me to be dealt with according to law.

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant: Linda Tyler

on: 9-27-96

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO

CITY OF COLUMBIA MUNICIPAL COURT

P.O. BOX 643 COLUMBIA SC 29202

STATE OF SOUTH CAROLINA

County of COLUMBIA Municipality of COLUMBIA

AFFIDAVIT

Personally appeared before me the affiant J. GRAY

being duly sworn, deposes and says that defendant LINDA ANN TYLER

did within this county and state on 09/26/96

State of South Carolina (or ordinance of County of COLUMBIA Municipality of COLUMBIA)

in the following particulars:

DESCRIPTION OF OFFENSE: MURDER

16-3-10

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

ON SAID DATE AT 1500 HARDEN ST COLUMBIA, SC THE DEF WAS A PASSENGER IN A CAR DRIVEN BY HER HUSBAND VAN TYLER. THE DEF Poured A FLAMMABLE FLUID ON VAN TYLER AND IGNITED IT WITH A CIGARETTE LIGHTER CAUSING BURNS OVER A LARGE PERCENTAGE OF THE VICTIM'S BODY. ON 092796 VAN TYLER DIED AS A RESULT OF THOSE BURNS WHILE UNDERGOING MEDICAL TREATMENT. THE DEF HAS GIVEN A SWORN STATEMENT ADMITTING TO THE DESCRIBED OFFENSE.

Sworn to and subscribed before me on 09/27/96

Signature of Issuing Judge: [Signature]

Municipality of COLUMBIA

Signature of Affiant: [Signature]

Affiant's Address: 1409 LINCOLN ST

Affiant's Telephone: 738413

STATE OF SOUTH CAROLINA

County of COLUMBIA Municipality of COLUMBIA

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY

proceeding from the above affidavit that there are reasonable grounds to believe that on 09/26/96 defendant LINDA ANN TYLER

do violate the criminal laws of the State of South Carolina (or ordinance of County of COLUMBIA Municipality of COLUMBIA)

as set forth below: MURDER

DESCRIPTION OF OFFENSE: MURDER

Now, therefore, you are empowered and directed to arrest the said defendant before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable.

Signature of Issuing Judge: [Signature]

Municipality of COLUMBIA

Judge's Address: MUNICIPAL COURT P.O. BOX 643 COLUMBIA, SC

Judge's Telephone:

Issuing Court: [ ] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL

RECEIVED

CLERK OF COURT

CRIMINAL RECORDS

CERT

RICHLAND COUNTY SOUTH CAROLINA

EXHIBIT (B)

SENTENCE

STATE OF SOUTH CAROLINA  
RICHLAND COUNTY

CASE NO 90 GS-00 17046

WARRANT NO F25 2391

CHARGE Murder 1st  
Mentally ill

SC STATUTE OFFENSE PENALTY CODE

17-25-45 16-3-20

The defendant Ronda Ann Tyler AKA Alley is committed to the State Department of Corrections/County for a term of life without the possibilities of parole months/years and/or to pay a fine of \$ \_\_\_\_\_; provided upon the service of \_\_\_\_\_ months/years and/or a payment of \$ \_\_\_\_\_, plus pay costs and assessments as applicable, the balance is suspended with probation for \_\_\_\_\_ months/years.

RESTITUTION: YES/NO

FOR PHYSICAL INJURY \$ \_\_\_\_\_

PAYABLE TO CLERK FOR:

PROPERTY DAMAGE \$ \_\_\_\_\_

(VICTIM) \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

Other Conditions \_\_\_\_\_

DATE 3/19/98

Paul G. Short, Jr.  
PRESIDING JUDGE

D.O.B. \_\_\_\_\_

S.S.N. \_\_\_\_\_

Def. Atty James Bell

William DeLoach  
CLERK OF CLERK

Sol. Atty Daynes Peterson

B/W/O

M/F

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
W. W. B. B. B.  
C.C.P. & G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

INDICTMENT FOR MURDER

At a Court of General Sessions, convened on October 16, 1996,  
the Grand Jurors of RICHLAND County present upon their oath:

COUNT ONE - MURDER

That LINDA ANN TYLER AKA LINDA ANN SALLEY  
did in Richland County on or about September 26, 1996  
feloniously, wilfully and with malice aforethought, kill one Van Tyler

by means of pouring a flammable liquid on Van Tyler and/or igniting such  
liquid so as to set Van Tyler's body on fire  
and that the said victim died as a proximate result thereof.

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

Walter E. Shes  
SOLICITOR

CERTIFIED TRUE COPY  
OF ORIGINAL FILED,  
Sherry W. McBride  
C.C.C.P&G.S.  
RICHLAND COUNTY  
SOUTH CAROLINA

CERTIFIED TRUE COPY  
OF ORIGINAL FILED  
*Secretary J.M. B. Sudd*  
C.C. C. P.B.G. S.  
RICHLAND COUNTY  
SOUTH CAROLINA

DOCKET NO. 96-65-40-17046

The State of South Carolina,

County of RICHLAND

COURT OF GENERAL SESSIONS

#92      OCTOBER      TERM 1996

THE STATE

vs.

LINDA ANN TYLER AKA  
LINDA ANN SALLEY

WITNESSES

INV. JOE GRAY, CPD

*David J. J. O'Keefe*

ARREST WARRANT NO. F252391

ACTION OF GRAND JURY

**TRUE BILL**

*[Signature]*  
Foreman of Grand Jury

**Indictment for Murder**

S. C. CODE SECTION 16-3-10 Felony  
116

VERDICT

*Guilty but Mentally*  
*Ill of Murder*

*[Signature]*  
Foreman of Petit Jury      Date: *3/19/98*

EXHIBIT (C)

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS  
Warrant Number: F-252391

The State of South Carolina, )

vs. )

Linda Tyler, )  
Defendant. )

BOOK 125 PAGE 955

ORDER FOR COMPETENCY EVALUATION

FILED  
95 OCT 11 AM 11:00  
CAROLINA A. SCOTT  
C.C. & G.S.

This matter comes before me on motion of counsel for the defendant, with the consent of counsel for the State, who seeks an Order requiring the defendant Linda Tyler, charged with Murder, to submit to competency, M'Naughten, and psychological evaluations.

Attorney for defendant submits that said evaluation is necessary based on: (1) prior psychological problems and treatment on the part of the defendant, and (2) his observations of his client during the course of his representation.

I have considered the showing made in respect to the motion and am of the opinion that the defendant should be so examined pursuant to the statutory provisions of this State.

**NOW THEREFORE, IT IS ORDERED** that the defendant shall be:

- (a) Examined and observed at the appropriate facility of the South Carolina Department of Mental Health for a period not to exceed fifteen (15) days relative to her mental competence to stand trial pursuant to S.C. Code Ann. §44-23-410(1) or (2) (1976, as amended); and shall be:
- (b) Examined as aforesaid to determine whether or not the above-named defendant is criminally responsible pursuant to the M'Naughten test for her actions on or about September 26, 1996;

Handwritten initials and a hash symbol (#).

Handwritten signature or initials in a circle.

IT IS FURTHER ORDERED that defendant shall be:

- (c) If found responsible pursuant to the M'Naughten test, examined as aforesaid to determine whether or not, because of mental disease or defect, the defendant lacked sufficient capacity to conform her conduct to the requirement of the law as applied in the statutory section relating to the plea of Guilty But Mentally Ill. S.C. Code Ann. §17-24-20 (1976, as amended); and shall be:
- (d) Referred automatically for evaluation to the State Department of Disabilities and Special Needs if there is any evidence of mental retardation.

The Ordered examination shall be requested by the Solicitor and scheduled by the examining facility as soon as possible. The defendant is to be transported by the Richland County Sheriff's Department to arrive at the examining facility at the time established by confirmed appointment with the staff of the examining facility.

The defendant continues under the jurisdiction of this Court. If the defendant is currently free on bond or personal recognizance, such bail is hereby revoked to the extent necessary to carry out the provisions of this Order.

If the examination and observation of the defendant has not been concluded at the end of fifteen (15) days, the defendant may be kept in the custody of the Department of Mental Health for an additional period not to exceed fifteen (15) days, provided the Superintendent of the facility so requests the additional period for observation and examination in writing.

Within five (5) days of the examination or at the conclusion of the observation period,

DM  
#2

a written report shall be made to the court pursuant to S.C. Code Ann. §44-23-420 (1976, as amended).

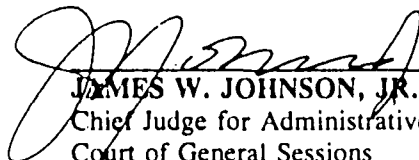
BOOK 128 PAGE 957

If, in the judgment of the designated examiners or the Superintendent of the Department of Mental Health facility, the defendant is presently mentally ill and in need of hospitalization, then the said defendant shall be retained in the custody of the Department of Mental Health until such time as a hearing, required and provided for by S.C. Code Ann. §44-23-430 (1976, as amended), may be conducted by this Court.

**IT IS FURTHER ORDERED** that any and all oral or written statements made by the defendant concerning the above charges and communicated to any physicians or hospital personnel in conjunction with this psychiatric examination shall not be admissible in evidence against the defendant in any criminal trial concerning these charges, that is to say that any and all communication by the defendant to hospital personnel are protected by the attorney-client privilege and that the State shall be prohibited from calling any physicians or hospital personnel for the purpose of testifying in Court as to any statements made to them by the defendant concerning the facts about the criminal charges, except as follows: (1) Where a competency hearing is required outside the presence of the jury; or (2) Where the defense has experts testify and such experts, upon questioning by the defense, make reference to statements made by the defendant concerning the crimes alleged; or (3) Where sanity and/or mental illness becomes an issue requiring expert testimony from the examining physicians of the state psychiatric facility, then said physicians may testify as to their diagnosis and their reasons supporting said diagnosis, however, the defendant's exact statements, or the fact that the defendant made any such admissions, about the facts of the alleged crime, shall not be admissible as evidence unless the

defendant consents to their admission, or where any of the previous exemptions are met. The privileged nature of a defendant's statement to a psychiatrist, including examiners with a state hospital, has been recognized by the South Carolina Supreme Court. *State v. Hitopoulos*, 309 S.E.2d 747 (1983); *State v. Myers* 67 S.E.2d 506, 508 (1951). The Court notes that the parties make no agreement or waiver concerning any statements made by the defendant offered for impeachment purposes if the defendant testifies, so that such an issue, if it arises during the hearing, trial, or other proceeding where the defendant testifies in this case, is reserved for the presiding judge.

AND IT IS SO ORDERED.


  
JAMES W. JOHNSON, JR.  
Chief Judge for Administrative Purposes,  
Court of General Sessions  
Fifth Judicial Circuit

Columbia, South Carolina

This 16 day of October, 1996.

I SO MOVE:

#4

  
Douglas S. Strickler  
Attorney for Defendant

I CONSENT:


  
Assistant Solicitor Stacy Haynes, for  
Solicitor, ~~Fifth~~ Judicial Circuit  
Fifth

Exhibit (C)

(8)

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS

The State of South Carolina )  
 )  
-vs- )  
 )  
LINDA TYLER )  
 )  
Defendant )

ORDER

Warrant Number F252391  
Indictment Number 96-GS-40-170

FILED  
FEB 23 PM 11:00  
CLERK OF COURT  
RICHLAND COUNTY, S.C.

This matter came before me on Monday, February 23, 1998. The State called the case of State vs. Linda Tyler and proceeded with the competency hearing at that time. Present were Assistant Solicitor Stacey D. Haynes, Assistant Solicitor Don Sorenson, Assistant Public Defender Christa Bell, private attorney Theresa Johns, and defendant Linda Tyler.

During the competency hearing, this court heard from Dr. Thomas Behrmann, Psychiatrist for the William S. Hall Institute. Dr. Behrmann testified as to his findings, which were outlined in his two previous reports to this court, that the defendant was both competent to stand and was criminally responsible. Furthermore, Dr. Behrmann testified that defendant Linda Tyler was competent to make the decision to proceed pro se should she desire. Defense presented testimony from Dr. Donna Swartz-Watts, a Psychiatrist in private practice who testified that Ms. Tyler was competent to stand trial. While Dr. Behrmann has found that Ms. Tyler has been competent since his initial evaluation of her in December of 1996, Dr. Swartz-Watts testified that she did not believe Ms. Tyler was competent to stand trial until the past week. For the past week, Ms. Tyler has been housed at the Cooper Building within the William S. Hall Institute and receiving medication in order to help her from decompensating during periods of stress. Both Dr. Behrmann and Dr. Swartz-Watts feel that this medication has been beneficial for Ms. Tyler.

This court finds that the defendant Linda Tyler is competent to stand trial and that the defendant Linda Tyler is able to conform her conduct. This court further finds that defendant Tyler is competent to

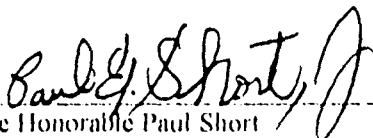
835  
491 of 2

(Signature)

decide if she wants to proceed pro se. Upon questioning defendant Tyler as to her desire to appear pro se, she indicated that she wished to keep her court appointed attorneys, Christa Bell and Theresa Johns, and declined to proceed pro se. Defense attorneys moved for a continuance based on Dr. Swartz-Watts' testimony that defendant Tyler only became competent last week. The defense attorneys' contention is that they have not been able to work with Ms. Tyler in preparing for the case in the past and need time to consult with her. This court therefore grants the defense attorneys' continuance motion for the next four weeks. This court further orders that the defendant Linda Tyler be returned to the Cooper Building and be housed within the William S. Hall Institute until her trial is called by the State. This court further orders that staff at William S. Hall make Ms. Tyler available to her attorneys for trial preparation during that time. Furthermore, this court notes that the State has provided notice to the defense that this case will be called on Monday, March 23, 1998.

IT IS THEREFORE ORDERED that the defendant is competent to stand trial and able to conform her conduct. It is further ordered that defendant Linda Tyler be returned to the Cooper Building at the William S. Hall Institute and that she be made available to her attorneys for trial preparation. It is further ordered that the case be continued for four weeks until the week of March 23, 1998, when it will be called for trial. This defendant is to be transported by the Richland County Sheriff's Department to arrive at the William S. Hall Institute.

IT IS SO ORDERED.

  
 \_\_\_\_\_  
 The Honorable Paul Short  
 Presiding Judge  
 Fifth Judicial Circuit

This 23 day of February, 1998  
 Columbia, SC

*P. G. S.  
 pg 2 of 2*

Exhibit (1) (2) (3) (4)

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS

The State of South Carolina )  
-vs- )  
LINDA TYLER )  
Defendant )

ORDER

Warrant Number F252391  
Indictment Number 96-GS-40-17046

FILED  
FEB 23 PM - 11  
CLERK OF COURT  
96-GS-40-17046

This matter came before me on Monday, February 23, 1998. The State called the case of State vs. Linda Tyler and proceeded with the competency hearing at that time. Present were Assistant Solicitor Stacey D. Haynes, Assistant Solicitor Don Sorenson, Assistant Public Defender Christa Bell, private attorney Theresa Johns, and defendant Linda Tyler.

During the competency hearing, this court heard from Dr. Thomas Behrmann, Psychiatrist for the William S. Hall Institute. Dr. Behrmann testified as to his findings, which were outlined in his two previous reports to this court, that the defendant was both competent to stand and was criminally responsible. Furthermore, Dr. Behrmann testified that defendant Linda Tyler was competent to make the decision to proceed pro se should she desire. Defense presented testimony from Dr. Donna Swartz-Watts, a Psychiatrist in private practice who testified that Ms. Tyler was competent to stand trial. While Dr. Behrmann has found that Ms. Tyler has been competent since his initial evaluation of her in December of 1996, Dr. Swartz-Watts testified that she did not believe Ms. Tyler was competent to stand trial until the past week. For the past week, Ms. Tyler has been housed at the Cooper Building within the William S. Hall Institute and receiving medication in order to help her from decompensating during periods of stress. Both Dr. Behrmann and Dr. Swartz-Watts feel that this medication has been beneficial for Ms. Tyler.

This court finds that the defendant Linda Tyler is competent to stand trial and that the defendant Linda Tyler is able to conform her conduct. This court further finds that defendant Tyler is competent to


P.S.  
8/9/97

(Signature)

decide if she wants to proceed pro se. Upon questioning defendant Tyler as to her desire to appear pro se, she indicated that she wished to keep her court appointed attorneys, Christa Bell and Theresa Johns, and declined to proceed pro se. Defense attorneys moved for a continuance based on Dr. Swartz-Watts' testimony that defendant Tyler only became competent last week. The defense attorneys' contention is that they have not been able to work with Ms. Tyler in preparing for the case in the past and need time to consult with her. This court therefore grants the defense attorneys' continuance motion for the next four weeks. This court further orders that the defendant Linda Tyler be returned to the Cooper Building and be housed within the William S. Hall Institute until her trial is called by the State. This court further orders that staff at William S. Hall make Ms. Tyler available to her attorneys for trial preparation during that time. Furthermore, this court notes that the State has provided notice to the defense that this case will be called on Monday, March 23, 1998.

IT IS THEREFORE ORDERED that the defendant is competent to stand trial and able to conform her conduct. It is further ordered that defendant Linda Tyler be returned to the Cooper Building at the William S. Hall Institute and that she be made available to her attorneys for trial preparation. It is further ordered that the case be continued for four weeks until the week of March 23, 1998, when it will be called for trial. This defendant is to be transported by the Richland County Sheriff's Department to arrive at the William S. Hall Institute.

IT IS SO ORDERED.

  
The Honorable Paul Short  
Presiding Judge  
Fifth Judicial Circuit

This 23 day of February, 1998  
Columbia, SC

*P. G. S.*  
*pg 2 of 2*

EXHIBIT (B) (C) (D)

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS  
FIFTH JUDICIAL CIRCUIT

State of South Carolina )  
-vs- )  
LINDA TYLER )  
Defendant. )

ORDER DECEMBER 13 1998 PAGE 551

Warrant Number: F252391  
Indictment Number: 96-CS-40-17046

TO: WILLIAM S. HALL PSYCHIATRIC INSTITUTE  
RICHLAND COUNTY SHERIFF'S DEPARTMENT

This matter comes before me on motion of counsel for the defendant with the consent of the State, for an Order requiring the defendant, LINDA TYLER, to be transported and housed at the William S. Hall Psychiatric Institute (hereinafter, "WSHPI") for the purpose of any necessary medication and/or treatment prior to trial, and a continuing evaluation for competency to stand trial. The defendant's trial is presently scheduled to commence during the week of February 23, 1998.

90 FEB 13 1998  
RICHLAND COUNTY SHERIFF'S DEPARTMENT

Pursuant to a prior Court Order, the defendant was evaluated by Dr. Thomas W. Behrmann at WSHPI for competency to stand trial on December 6, 1996, and found to be competent.

On December 8, 1997, the defendant appeared before Judge Thomas Cooper upon a pro se motion to relieve defense counsel Douglas Strickler, which was granted. On December 15, 1997, Judge Cooper issued an order granting Ms. Tyler's motion to relieve counsel, ordered the Public Defender's Office to appoint another attorney to the case and sent Ms. Tyler to the William S. Hall Institute for an evaluation as to whether or not she was making a knowing and voluntary waiver of her right to an attorney. Christa Bell of the Public

*[Handwritten signature]*

Defender's Office, along with Teresa Johns, who is in private practice, have been appointed to represent Ms. Tyler. Dr. Behrmann issued an order on February 11, 1998, finding that Tyler was competent to make a waiver of her right to an attorney.

BOOK 139 PAGE 552

However, on February 13, 1998, after an evaluation by defense psychiatrist Dr. Donna Swartz-Watts and Dr. Thomas Behrmann, a psychiatrist from William S. Hall Institute, the parties agreed to have Ms. Tyler committed to the William S. Hall Institute for medication to insure her competency for trial. While Dr. Behrmann feels Ms. Tyler is still presently competent, he agrees that medication would be helpful to prevent her from decompensation during periods of stress. Dr. Swartz-Watts' opinion is that Ms. Tyler is not presently competent and needs medication to restore her competency.

The Court makes no finding at this time as to whether the defendant is competent to stand trial, and specifically reserves such issue for the determination by the trial judge.

IT IS THEREFORE ORDERED that the defendant shall be transported by the Richland County Sheriff's Department to WSHPI, Cooper Building, to be housed there until further order of the court for the purpose of any necessary medication and/or treatment relative to her competency to stand trial. Furthermore, while at WSHPI the defendant shall be examined relative to her mental capacity to stand trial pursuant to S.C. Code Section 44-23-410 (1976).

IT IS FURTHER ORDERED that nothing derived from the competency evaluation and observation of the defendant while at William S. Hall Psychiatric Institute may be used against the defendant by the State in any sentencing proceeding, including but not limited to statements made by the defendant, records,

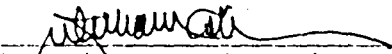
us + 2

examinations, tests, notes, observations of the defendant, or any other materials.

139-553

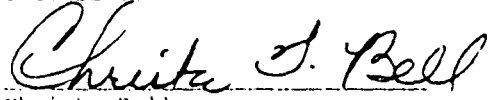
IT IS FURTHER ORDERED that the defendant's counsel, Christa Bell and/or Teresa Johns, shall be notified, and allowed to be present, during any interviews, examinations, tests, or other procedures, relative to any competency evaluation.

AND IT IS SO ORDERED.

  
Honorabile J. Derham Cole  
Presiding Judge  
Fifth Judicial Circuit

This 13<sup>th</sup> day of February, 1998  
Columbia, South Carolina

I CONSENT:

  
Christa Bell  
Public Defender  
Counsel for the Defendant

I CONSENT:


  
Stacey D. Haynes  
Assistant Solicitor  
Fifth Judicial Circuit

EXHIBIT (D) (C) C

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )

IN THE COURT OF GENERAL SESSIONS  
Warrant Number: F-252391

The State of South Carolina, )

vs. )

Linda Tyler, )  
Defendant. )

BOOK 125 PAGE 955

ORDER FOR COMPETENCY EVALUATION

FILED  
95 OCT 11 11:00  
BARBARA A. SCOTT  
C.C. & G.S.

This matter comes before me on motion of counsel for the defendant, with the consent of counsel for the State, who seeks an Order requiring the defendant Linda Tyler, charged with Murder, to submit to competency, M'Naughten, and psychological evaluations.

Attorney for defendant submits that said evaluation is necessary based on: (1) prior psychological problems and treatment on the part of the defendant, and (2) his observations of his client during the course of his representation.

I have considered the showing made in respect to the motion and am of the opinion that the defendant should be so examined pursuant to the statutory provisions of this State.

**NOW THEREFORE, IT IS ORDERED** that the defendant shall be:

- (a) Examined and observed at the appropriate facility of the South Carolina Department of Mental Health for a period not to exceed fifteen (15) days relative to her mental competence to stand trial pursuant to S.C. Code Ann. §44-23-410(1) or (2) (1976, as amended); and shall be:
- (b) Examined as aforesaid to determine whether or not the above-named defendant is criminally responsible pursuant to the M'Naughten test for her actions on or about September 26, 1996;

JM  
#1

(Signature)

IT IS FURTHER ORDERED that defendant shall be:

- (c) If found responsible pursuant to the M'Naughten test, examined as aforesaid to determine whether or not, because of mental disease or defect, the defendant lacked sufficient capacity to conform her conduct to the requirement of the law as applied in the statutory section relating to the plea of Guilty But Mentally Ill. S.C. Code Ann. §17-24-20 (1976, as amended); and shall be:
- (d) Referred automatically for evaluation to the State Department of Disabilities and Special Needs if there is any evidence of mental retardation.

The Ordered examination shall be requested by the Solicitor and scheduled by the examining facility as soon as possible. The defendant is to be transported by the Richland County Sheriff's Department to arrive at the examining facility at the time established by confirmed appointment with the staff of the examining facility.

The defendant continues under the jurisdiction of this Court. If the defendant is currently free on bond or personal recognizance, such bail is hereby revoked to the extent necessary to carry out the provisions of this Order.

If the examination and observation of the defendant has not been concluded at the end of fifteen (15) days, the defendant may be kept in the custody of the Department of Mental Health for an additional period not to exceed fifteen (15) days, provided the Superintendent of the facility so requests the additional period for observation and examination in writing.

Within five (5) days of the examination or at the conclusion of the observation period,

*DM*  
*#2*

a written report shall be made to the court pursuant to S.C. Code Ann. §44-23-420 (1976, as amended).

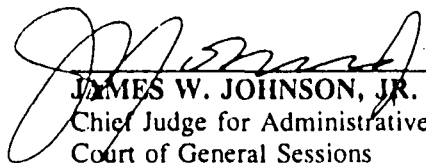
BOOK 128 PAGE 957

If, in the judgment of the designated examiners or the Superintendent of the Department of Mental Health facility, the defendant is presently mentally ill and in need of hospitalization, then the said defendant shall be retained in the custody of the Department of Mental Health until such time as a hearing, required and provided for by S.C. Code Ann. §44-23-430 (1976, as amended), may be conducted by this Court.

**IT IS FURTHER ORDERED** that any and all oral or written statements made by the defendant concerning the above charges and communicated to any physicians or hospital personnel in conjunction with this psychiatric examination shall not be admissible in evidence against the defendant in any criminal trial concerning these charges, that is to say that any and all communication by the defendant to hospital personnel are protected by the attorney-client privilege and that the State shall be prohibited from calling any physicians or hospital personnel for the purpose of testifying in Court as to any statements made to them by the defendant concerning the facts about the criminal charges, except as follows: (1) Where a competency hearing is required outside the presence of the jury; or (2) Where the defense has experts testify and such experts, upon questioning by the defense, make reference to statements made by the defendant concerning the crimes alleged; or (3) Where sanity and/or mental illness becomes an issue requiring expert testimony from the examining physicians of the state psychiatric facility, then said physicians may testify as to their diagnosis and their reasons supporting said diagnosis, however, the defendant's exact statements, or the fact that the defendant made any such admissions, about the facts of the alleged crime, shall not be admissible as evidence unless the

defendant consents to their admission, or where any of the previous exemptions are met. The privileged nature of a defendant's statement to a psychiatrist, including examiners with a state hospital, has been recognized by the South Carolina Supreme Court. *State v. Hitopoulus*, 309 S.E.2d 747 (1983); *State v. Myers* 67 S.E.2d 506, 508 (1951). The Court notes that the parties make no agreement or waiver concerning any statements made by the defendant offered for impeachment purposes if the defendant testifies, so that such an issue, if it arises during the hearing, trial, or other proceeding where the defendant testifies in this case, is reserved for the presiding judge.

AND IT IS SO ORDERED.


  
JAMES W. JOHNSON, JR.  
Chief Judge for Administrative Purposes,  
Court of General Sessions  
Fifth Judicial Circuit

Columbia, South Carolina

This 16 day of October, 1996.

I SO MOVE:

#4

  
Douglas S. Strickler  
Attorney for Defendant

I CONSENT:


  
Assistant Solicitor Stacy Haynes, for  
Solicitor, ~~Eleventh~~ Judicial Circuit  
Fifth

EXHIBIT (A) D

IN THE SUPREME COURT OF SOUTH CAROLINA

IN RE:  
Linda Ann Meritt #248190  
VS  
THE STATE OF SOUTH CAROLINA

APPELLATE CASE NO:  
201-2-212-810  
PETITIONER'S BRIEF ON  
MERITS OF 2<sup>ND</sup> P.C.R.  
EXHIBIT (A) (D) D

(B)  
(C)

THE "PETITIONER" submits this brief in  
OPPOSITION OF THE DENIAL OF her 1<sup>ST</sup> and  
SECOND P.C.R. CLAIM.

THE PETITIONER, states that ALL MATTERS  
DESCRIBE HEREIN LAYS STRONGLY ON THE  
FOUNDATION OF HER INNOCENT.

THE "PETITIONER" can show that (SHE)  
HAS BEEN DENIED THE RIGHTS TO A FAIR  
TRIAL in addition with the denial of  
DUE PROCESS OF LAW and EQUAL PROTECTION  
under the LAW. in violation of (her) STATE  
and FEDERAL CIVIL PROTECTIVE RIGHTS,  
which is "GUARANTEED" by the U.S. CONST.

THE "PETITIONER" PRAYS that this COURT  
would intertain and ORDER to GRANT  
HER APPEAL OF her P.C.R. CLAIM...

EXHIBIT (2) 10

IN THE SUPREME OF SOUTH CAROLINA

Linda Ann Miller #248-190

VS

THE STATE OF SOUTH CAROLINA

THE "APPELLANT" FILES THIS BRIEF IN OPPOSITION OF

THE LOWER CIRCUIT COURT'S

OR OF DISMISSAL OF 2<sup>ND</sup> P.C.R. claim

THE "APPLICANTS" FIRST P.C.R. APPEAL, WAS DENIED by ONE OF CONCURRING JUSTICE; HONORABLE PAUL E. SHORT JR. who is the ORIGINAL TRIAL JUDGE and Sentencing JUDGE of the (APPELLANT). THE "APPELLANT" WAS PREJUDICE by TRIAL JUDGE, SHORT, JR. BEING ONE of the concurring "JUSTICE" deciding here (1<sup>ST</sup>) P.C.R. arising from the denial of her DIRECT APPEAL Justice Short Jr. also denied the (APPELLANT'S) MOTION FOR A VERDICT NOTWITHSTANDING THE MOTION FOR A VERDICT OF NOT GUILTY, AS WELL AS, A MOTION FOR A VERDICT TO A DIRECT APPEAL ON THE ELEMENTS of the INSUFFICIENT OF EVIDENCE induced at TRIAL Justice, Paul E. Short, Jr. should've been "DISQUALIFIED" from ISSUING AN OPINION

EXHIBIT (C)

IN THE SUPREME COURT OF SOUTH CAROLINA

Linda ANN TYLER #248190  
VS.

THE STATE OF SOUTH CAROLINA

The "APPELLANT" FILES THIS  
BRIEF IN RESPONSE TO THE  
ORDER OF THE S.C. SUPREME CT.  
PURSUANT TO S.C.A. C.R. Rule 243(B)

DISQUALIFICATION OF JUSTICE; CASE LAW citing.

TOWENSEND-V-TOWENSEND, 474 S.E.2d, 424, 323, S.C.309.

JUSTICE, PAUL E. SHORT, JR. had in fact RETAINED SUBJECT  
-MATTER JURISDICTION OVER THE "APPELLANT'S" CASE,

THE "AUTOPIC EVIDENCE, PURSUANT TO Fed. Rule  
C.P. (RULE 16) HAS BEEN DENIED TO THE "PETITIONER

SINCE THE BEGINNING OF HER ARREST AND AFTER THE  
ALLEGED "STATE GRAND JURY'S INDICTMENT, OF

THE (APPELLANT). THE STATE ALLEDGE (DECEASED'S)  
DEATH WAS OF BURN INJURY, YET, THERE IS NO PHYSICAL

EVIDENCE TO SUPPORT THAT CLAIM. THE STATE did  
IN FACT, DENIED THE (APPELLANT) THE DISCOVERY Evi-

DENCE, EVEN UNTIL THIS DATE, THERE HAS BEEN NO  
EVIDENCE OF THE ALLEGED (AUTOPSY PHOTOGRAPHS  
OF THE (DECEASED'S) BODY BEING EXHUMED OR AUTOPSY

Exhibit 9 (D)

5MBP

2010CP4007794

STATE OF SOUTH CAROLINA

County of RICHLAND

In the Court of Common Pleas

Linda Ann TYLER 248-190  
Full name and prison number (if any) of Applicant.

vs. THE STATE  
ATTY. GENERAL  
Name of Respondent.

MR. HENRY McMASTERS

APPLICATION FOR  
POST-CONVICTION RELIEF

2010 NOV - 4 PM 3: 08  
JENNIFER W. HOBBS  
C.P. & G.S.

RICHLAND COUNTY  
FILED

INSTRUCTIONS — READ CAREFULLY

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

1. Place of detention LEATH CORRECTIONAL INSTITUTION  
2809 AIRPORT ROAD, GREENWOOD, S.C. 29649
2. Name and location of Court which imposed sentence RICHLAND COUNTY  
GENERAL SESSIONS COURT, Columbia, S.C. 29201
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
  - (a) MURDER - 96-17046
  - (b) NA
  - (c) NA
4. The date upon which sentence was imposed and the terms of the sentence:
  - (a) MARCH 19th 1998
  - (b) NA
  - (c) NA

5. Check whether a finding of guilty was made

- (a) after a plea of guilty NA
- (b) after a plea of not guilty YES
- (c) after a plea of nolo contendere NA

6. Did you appeal from the judgment of conviction or the imposition of sentence?

YES

7. If you answered "yes" to (6), list

(a) the name of each Court to which you appealed:

- i. SOUTH CAROLINA COURTS OF APPEAL
- ii. SOUTH CAROLINA SUPREME COURT
- iii. UNITED STATES DISTRICT COURT

(b) the result in each such Court to which you appealed:

- i. DENIED
- ii. DENIED
- iii. DENIED

(c) the date of each such result:

- i. JANUARY 2002
- ii. AUGUST 2008
- iii. AUGUST 2009

(d) if known, citations of any written opinion or orders entered pursuant to such results:

- i. na
- ii. na
- iii. na

8. If you answered "no" to (6), state your reasons for not so appealing:

- (a) na
- (b) na
- (c) na

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) ACTUALLY INNOCENCE, TRIAL JUDGE P.C.R. FAILED TO ACT (SUA SPONTE)
- (b) PREJUDICE, TRIAL JUDGE P.E. SHORR, JR. DECIDED SUP. CT. APPEAL
- (c) DENIED RIGHTS TO A FAIR P.C.R. HEARING, ATTY. DID NOT CALL AN WITNESS

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) I did not kill (Ali) I WAS PLACED ON THE WITNESS STAND WITH POYS. EXAM.
- (b) Judge Shorr Jr. heard R.C.R. case on APPEAL IN SUP. CT. SUPPORT THE P.C.R.
- (c) DEFENSE ATTY. DID NOT CALL ANY WITNESS IN MY BEHALF, AND FAILED TO PRODUCE AN ARGUABLE DEFENSE, AND DEFIED MENTAL ILLNESS TOLD, JUDGE ALLISON RENECKER, THAT MENTAL ILLNESS WAS UNFOUNDED IN HIS OPINION. I WAS NOT AWARE OF MY COURT DATE... AGAIN, THERE IS NO SCIENTIFIC PROOF TO SHOW THE BODY BEING 2 (AUTOPSY) OF VAN TY LUYK JR. INEFFECTIVE ASSISTANCE OF APPELLATE DEFENSE ATTY.. PREJUDICE BECAUSE JUDGE P.E. SHORR JR. WAS SENTENCING JUDGE, AS MISCONDUCT A JUSTICE AND PREJUDICE

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? Yes
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? no
- (d) any other petitions, motions or applications in this or any other Court? Yes

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

(a) the specific nature thereof:

- i. THE COURTS OF COMMON PLEAS P.C. Relief
- ii. UNITED STATES DISTRICT COURT
- iii. SOUTH CAROLINA SUPREME COURT
- iv. no

(b) the name and location of the Court in which each was filed:

- i. P.C.R. Richland County Court of Common Pleas
- ii. Richland County South Carolina Supreme Court (APPEAL)
- iii. UNITED STATES DISTRICT Ct. COLUMBIA SC. HABEAS CORPUS
- iv. no

(c) the disposition thereof:

- i. Denied
- ii. Denied
- iii. Denied
- iv. no

(d) the date of each such disposition:

- i. July 2006
- ii. December 2008
- iii. December 2009
- iv. no

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. no
- ii. no
- iii. no
- iv. no

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? Denied rights to view state's evidence

Yes Ineffect ASST OF Counsel, Actually Innocent, of Autopsy  
Mentally Illness, A.B.H.A.N. A.B.H.I.K. Miranda Rights,

(a) which grounds have been presented:

- i. MOTION TO EXHUME THE BODY / TO VIEW Autopsy Photos
- ii. INEFFECTIVE ASSIST OF COUNSEL ABHAM. ABNIK Miranda Delet
- iii. ACTUALLY INNOCENT OF THE MURDER OF (AII) YAN TYLER

(b) the proceedings in which each ground was raised:

- i. POST CONVICTION RELIEF ACTION / ABHAM. ABNIK / Proximate Cause of Death
- ii. POST CONVICTION / DIRECT APPEAL ABHAM. ABNIK / Proximate Cause of Death
- iii. HABEAS CORPUS RELIEF ACTION

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

- (a) no
- (b) no
- (c) no

16. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? yes
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any; from the judgment of conviction or the imposition of sentence? yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? yes

17. If you answered "yes" to one or more parts of (16), list:

(a) the name and address of each attorney who represented you

- i. Chesal Bell / Theresa N. Johns  
Richland County Public Defender Office / Private Practice
- ii. Wanda N. Haley / Catherine Hudgins  
APPELLATE DEFENSE DIVISION, COLUMBIA, S.C. 29201
- iii. Mr. CHARLIE JOHNSON  
COLUMBIA, S.C. 29201

(b) the proceedings at which each such attorney represented you:

- i. Jury Trial, Richland County General Sessions Ct.
- ii. SUPREME COURT / COURTS OF APPEALS
- iii. POST CONVICTION RELIEF, COURTS OF COMMON PLEAS

18. State clearly the relief you seek in filing this application. TO RE-OPEN THE STATE'S EVIDENCE

TO HAVE THE BODY OF YAN TYLER EXHUMED, AND TO BE EXAMINED BY A MUSLIM FORENSIC PATHOLOGIST, TO BE FREE FROM THE MURDER OF (AII) SENTENCE VACATED UNDER R.59C

19. Are you now under sentence from any other court that you have not challenged?

no

County of Richland

I, Linda Ann Tyler #248190, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Linda Ann Tyler #248190

SWORN to and subscribed before me this 26

day of October, 2010

Jean B. Insley (L.S.)  
Notary Public

My Commission Expires: 04-14-2015

RICHLAND COUNTY  
FILED  
2010 NOV -1, PM 3: 08  
JEANNETTE W. MCBRIDE  
C.C.P. & G.S.

**APPLICATION TO PROCEED WITHOUT PREPAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF**

I, \_\_\_\_\_, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty, I am unable to pay the costs of said proceeding or give security therefor.

Linda Ann Tyler #248190  
Applicant

SWORN or affirmed to and subscribed before me this

26 day of October, 2010

Jean B. Insley  
Notary Public

My Commission Expires 04-14-2015

EXHIBIT (11)

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
Linda Tyler, #248190, )  
Applicant, )  
v. )  
State of South Carolina, )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

**2010-CP-40-7794**

**FINAL ORDER**

This matter comes before this Court by way of an Application for post-conviction relief (PCR) filed November 4, 2010, Respondent made a Return and Motion to Dismiss on September 27, 2011, requesting that the application be summarily dismissed. Pursuant to this request, and after reviewing the original pleadings in this matter and the relevant records attached thereto, this Court issued a Conditional Order of Dismissal dated April 13, 2012, and filed April 16, 2012, provisionally denying and dismissing this action, while giving the Applicant thirty (30) days from the date of service of said Order to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated May 3, 2012, serving the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant responded to the Conditional Order of Dismissal by way of several *pro se* documents. The first, filed March 11, 2011, was entitled "The (Applicant's) submits this Brief in Opposition of the State's Order of Dismissal." In this document. Applicant submitted the following objections to the Conditional Order of Dismissal:

1.

Final CONCLUSION:  
A COMPETENCY HEARING IS NEEDED,  
BECAUSE OF THE CONFLICTING EVIDENCE OF  
THE (APPLICANT'S) VERDICT OF GUILTY, BUT  
MENTALLY ILL; ACCORDING TO S.C. CRIMINAL  
LAW; THERE MUST BE PHYSICAL SCIENTIFIC PROOF,  
OF BRAIN DAMAGE, OR BIRTH DEFECT OF THE BRAIN  
ON THE ONSET OF DELIVERY.

The second was a document dated April 30<sup>th</sup>, 2012, was entitled "The (Applicant) Submits this Reply Brief, in Opposition of the State's Conditional Order." In it, Applicant submitted the following objections to Respondent's Conditional Order of Dismissal within numerous exhibits:

1. Exhibit B

Final CONCLUSION: Judge Alison Renee LEE, failed to Act  
A COMPETENCY HEARING IS NEEDED BECAUSE  
OF THE CONFLICTING EVIDENCE, OF THE (APPLICANT'S)  
VERDICT OF GUILTY, BUT MENTALLY ILL; ACCORDING  
TO S.C. CRIMINAL LAW; THERE MUST BE PHYSICAL,  
SCIENTIFIC PROOF, OF BRAIN DAMAGE, OR BIRTH  
DEFECT OF THE BRAIN, FROM THE ONSET OF DELIVERY.  
THE COURT DID NOT ACT (SUA SPONTE).  
(APPLICANT) AGAIN PROCEED WITH (NEWS REA)

2. Exhibit H

FOR A FOURTH DEFENSE: SENTENCING CODE VIOLATION:  
THE "APPLICANT" WAS SENTENCED UNDER [17-25-45] AND  
[16-380 - 16-3-20] ALTHOUGH THE INDICTMENT BY  
THE ACTION OF THE "GRAND JURY" APPLICANT WAS  
INDICTED FOR MURDER UNDER S.C. CODE SECTION  
[16-3-10 FELONY-114] HOWEVER, TRIAL JUDGE STRICK  
WROTE SENTENCING UNDER PRIOR CONVICTIONS FOR  
MURDER FOR MONETARY GAINS. THE STATE LIMINE OUT  
OF COURT "THE INSURANCE POLICY BENEFITS, AND VIOLATED  
S.C.R. EVIDENCE CODE 609] THE 1995 AMENDMENTS THAT  
BECAME LAW EFFECTIVE DATE: JANUARY 1<sup>ST</sup> 1996. THIS LAW  
WAS RATIFIED THROUGH CONGRESS AND PASSED BY THE U.S.  
GENERAL ASSEMBLY, S.C. GENERAL ASSEMBLY. IT STATES ANY  
PERSON WHO COMMITS (2) TWO OR MORE VIOLENT OFFENSES  
STARTING JANUARY 1<sup>ST</sup> 1996 CAN BE SENTENCED TO LIFE IMPRISONMENT  
UNDER THE (3) THREE STRIKES YOU OUT LAW. THIS IS MY  
FIRST VIOLENT OFFENSE UNDER THIS NEW STATE. THEREFORE  
TRIAL JUDGE: COMMITTED REVERSABLE ERRORS IN SENTENCING,  
CODE VIOLATION. IN ADDITION TO THE FACT THAT THE "VALUE"  
OF THE "DECEASED" VAN TYLER, JR. WAS NOT EXPRESSED TO THE  
JURY, AND JURY WAS NEVER INFORMED ABOUT THE INSURANCE  
POLICY BENEFITS THAT THE "APPLICANT" WAS AWARDED BY  
THE DEATH OF VAN TYLER JR. SEE SENTENCING SHEET:  
S.C. STATUTE OFFENSE PENALTY CODE: 17-25-45, AND  
WILL RECALL THE TRUE BILL OF GRAND JURY.

3. Exhibit I

GROUND ONE: ENTRAPMENT DEFENSE.  
GROUND TWO: DOUBLE JEOPARDY, EXCESSIVE SENTENCING  
GROUND THREE: ORIGINAL DEATH CERTIFICATE, ALTERED  
GROUND FOUR: LIFE SUSTAINING PROCEDURES VIOLATION  
GROUND FIVE: BURDEN OF PROOF OF AUTOPSY FILM, X-RAYS etc  
GROUND SIX: MISARRIAGE OF JUSTICE  
GROUND SEVEN: INEFFECTIVE ASSISTANCE OF COUNSEL, APPELLATE COUNSEL

4. Exhibit J

THE FINAL CONCLUSION:  
DUE PROCESS IS DENIED, AS "THE APPLICANT" WAS DEPRIVED OF THE RIGHT TO OBTAIN ALL DOCUMENTS OF THE DISCOVERY EVIDENCE. WHEN THE STATE FAILURE TO DISCLOSE OF THE DISCOVERY EVIDENCE TO THE "APPLICANT," AND PROCEED TO PROSECUTE THE "APPLICANT" WITHOUT GIVING THE "APPLICANT" A CHANCE TO PREPARE HER DEFENSE, AND WHEN DEFENSE ATTORNEY ASSISTED THE "STATE" BY NOT ACQUIRING AUTOPSY, PHOTOS AND MEDICAL DATA.

After a thorough review of the record before this Court and Applicant's response, this Court finds the current application for post-conviction relief must be denied with prejudice. First, the majority of Applicant's claims are those that raise direct appeal issues that are procedurally barred by S.C. Code Ann. §17-27-20(b) (2003). Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). The Applicant could have raised this issue at trial or on appeal. Her failure to do so has waived this allegation as a ground for relief.

Therefore, this Court finds these allegations to be meritless, and sees no reason as to why the application should not be dismissed in this regard.

Applicant's objections regarding an improper Life Without Parole sentence under S.C. Code § 17-25-45 are both untimely raised and without merit based on the record before this court. According to Applicant's South Carolina Department of Corrections records, she was previously incarcerated in 1976 for Assault and Battery with Intent to Kill and Armed Robbery, either of which could serve as a prior "most serious" offense under S.C. Code § 17-25-45(c)(1)(2003). Further, the allegation is untimely raised and inappropriate for PCR as it should have been raised on direct appeal.

The remainder of Applicant's objections are successive and untimely claims of ineffective assistance of trial and appellate counsel, barred from being brought herein.

IT IS THEREFORE ORDERED that, for the reasons set forth herein as well as in the Court's Conditional Order of Dismissal, the application for PCR is hereby denied and dismissed with prejudice. This Court hereby advises Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

**AND IT IS SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
JAMES R. BARBER, III  
Chief Administrative Judge for Common Pleas  
Fifth Judicial Circuit

\_\_\_\_\_, South Carolina.

EXHIBIT (10) D

STMP

2010CP4007794

STATE OF SOUTH CAROLINA

County of RICHLAND

In the Court of Common Pleas

Linda Ann TYLER, 248-190  
Full name and prison number (if any) of Applicant.

vs. THE STATE  
ATTY. GENERAL  
Name of Respondent.

MR. HENRY McMASTERS

APPLICATION FOR  
POST-CONVICTION RELIEF

JEANETTE W. HOBRIDGE  
C.P. & G.S.

2010 NOV -4 PM 3:08

RICHLAND COUNTY  
FILED

**INSTRUCTIONS — READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make it clear to which question any such continued answer refers.

Since every application must be sworn to under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken *in forma pauperis*, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which applicant was convicted.

1. Place of detention LEATH CORRECTIONAL INSTITUTION  
2809 AIRPORT ROAD, GREENWOOD, S.C. 29649
2. Name and location of Court which imposed sentence RICHLAND COUNTY  
GENERAL SESSIONS COURT, Columbia, S.C. 29201
3. The indictment number or numbers (if known) upon which and the offense or offenses for which sentence was imposed:
  - (a) MURDER - 96-17046
  - (b) NA
  - (c) NA
4. The date upon which sentence was imposed and the terms of the sentence:
  - (a) MARCH 19th 1998
  - (b) NA
  - (c) NA

5. Check whether a finding of guilty was made

- (a) after a plea of guilty NA
- (b) after a plea of not guilty YES
- (c) after a plea of nolo contendere NA

6. Did you appeal from the judgment of conviction or the imposition of sentence?

YES

7. If you answered "yes" to (6), list

(a) the name of each Court to which you appealed:

- i. SOUTH CAROLINA COURTS OF APPEAL
- ii. SOUTH CAROLINA SUPREME COURT
- iii. UNITED STATES DISTRICT COURT

(b) the result in each such Court to which you appealed:

- i. DENIED
- ii. DENIED
- iii. DENIED

(c) the date of each such result:

- i. JANUARY 2002
- ii. AUGUST 2008
- iii. AUGUST 2009

(d) if known, citations of any written opinion or orders entered pursuant to such results:

- i. NA
- ii. NA
- iii. NA

8. If you answered "no" to (6), state your reasons for not so appealing:

- (a) NA
- (b) NA
- (c) NA

9. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

- (a) ACTUALLY INNOCENCE, TRIAL JUDGE P.C.R. FAILED TO ACT (SUA SPONTE)
- (b) PREJUDICE, TRIAL JUDGE P.E. SHORR, JR. DECIDED SUP. CT. APPEAL
- (c) DENIED RIGHTS TO A FAIR P.C.R. HEARING, ATTY. DID NOT CALL AN WITNESS

10. State concisely and in the same order the facts which support each of the grounds set out in (9):

- (a) JUDGE PAUL E. SHORR, JR. WAS MY SENTENCING JUDGE. REVERSABLE ERROR.
- (b) I DID NOT KILL (ALI) I WAS PLACED ON THE WITNESS STAND WITH POVS. EXAM.
- (c) JUDGE SHORR, JR. HEARD P.C.R. CASE ON APPEAL IN SUP. CT. SUPPORT THE P.C.R. DEFENSE ATTY. DID NOT CALL ANY WITNESS ON MY BEHALF, AND FAILED TO PRODUCE AN ARGUABLE DEFENSE, AND DEFIED MENTAL ILLNESS TOLD, JUDGE ALLISON RENECKER, THAT MENTAL ILLNESS WAS UNFOUNDED IN HIS OPINION. I WAS NOT AWARE OF MY COURT DATE... AGAIN, THERE IS NO SCIENTIFIC PROOF TO SHOW THE BODY BEING 2 (AUTOPSY) OF VAN TY LUY, JR. INEFFECTIVE ASSISTANCE OF APPELLATE DEFENSE ATTY.. PREJUDICE BECAUSE JUDGE P.E. SHORR, JR. WAS SENTENCING JUDGE, AS MISDEMEANOR AS JUSTICE AND PREJUDICE

11. Prior to this application have you filed with respect to this conviction

- (a) any petition in a State Court under South Carolina Law? Yes
- (b) any petitions in State or Federal Courts for habeas corpus or post-convictions relief? Yes
- (c) any petitions in the United States Supreme Court for certiorari other than petitions, if any, already specified in (7)? No
- (d) any other petitions, motions or applications in this or any other Court? Yes

12. If you answered "yes" to any part of (11), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
  - i. THE COURTS OF COMMON PLEAS P.C. Relief
  - ii. UNITED STATES DISTRICT COURT
  - iii. SOUTH CAROLINA SUPREME COURT
  - iv. No
- (b) the name and location of the Court in which each was filed:
  - i. R.P.C.R. Richland County Court of Common Pleas
  - ii. Richland County South Carolina Supreme Court (APPEAL)
  - iii. UNITED STATES DISTRICT Ct. COLUMBIA SC. HABEAS CORPUS
  - iv. No
- (c) the disposition thereof:
  - i. Denied
  - ii. Denied
  - iii. Denied
  - iv. No
- (d) the date of each such disposition:
  - i. July 2006
  - ii. December 2008
  - iii. December 2009
  - iv. No
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
  - i. No
  - ii. No
  - iii. No
  - iv. No

13. Has any ground set forth in (9) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed? Denied rights to view state's evidence  
Yes Ineffect ASST OF Counsel, Actually Innocent, of Autopsy  
Mentally Illness, A.B.H.A. N. A.B.H.I.K. Miranda Rights,

(a) which grounds have been presented:

- i. MOTION TO EXHUME THE BODY / TO VIEW Autopsy Photo's
- ii. INEFFECTIVE ASSIST OF COUNSEL ABHAN, ARWIK, Nicando, Right
- iii. ACTUALLY INNOCENT OF THE MURDER OF (Ali) Yan Tyler

(b) the proceedings in which each ground was raised:

- i. POST CONVICTION RELIEF ACTION / ABHAN, ARWIK, Proximate Cause, Death
- ii. POST CONVICTION / DIRECT APPEAL ABHAN, ARWIK / Proximate Cause Cause
- iii. HABEAS CORPUS RELIEF ACTION

15. If any ground set forth in (9) has not previously been presented to any Court, State or Federal, set forth the ground, and state concisely the reasons why such ground has not previously been presented:

- (a) no
- (b) no
- (c) no

16. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? Yes
- (b) your trial, if any? Yes
- (c) your sentencing? Yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? Yes

17. If you answered "yes" to one or more parts of (16), list:

(a) the name and address of each attorney who represented you

- i. Christal Bell / Theresa N. Johns  
Richland County Public Defender Office / Private Practice
- ii. Wanda N. Haley / Catherine Hudgins  
APPELLATE Defense Division, Columbia, S.C. 29201
- iii. Mr. CHARLIE Johnson  
Columbia, S.C. 29201

(b) the proceedings at which each such attorney represented you:

- i. Jury Trial, Richland County General Sessions Ct.
- ii. SUPREME COURT / COURTS OF APPEALS
- iii. POST CONVICTION RELIEF, COURTS OF COMMON PLEAS

18. State clearly the relief you seek in filing this application. TO RE-OPEN THE STATE'S EVIDENCE

TO HAVE THE BODY OF YAN TYLER EXHUMED, AND TO BE EXAMINED BY A MUSLIM FORENSIC PATHOLOGIST, TO BE FREE FROM THE MURDER OF (Ali) SENTENCE VACATED UNDER R.590

19. Are you now under sentence from any other court that you have not challenged?

no

County of Richland

I, Linda Ann Tyler #248190, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Linda Ann Tyler #248190

SWORN to and subscribed before me this 26 day of October, 2010

Jean B. Insley (L.S.)  
Notary Public

RICHLAND COUNTY  
FILED  
2010 NOV -1, PM 3:08  
JEANNETTE W. MCBRIDE  
C.C.P. & G.S.

My Commission Expires: 04-14-2015

**APPLICATION TO PROCEED WITHOUT PREPAYMENT OF COSTS AND AFFIDAVIT IN SUPPORT THEREOF**

I, \_\_\_\_\_, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty, I am unable to pay the costs of said proceeding or give security therefor.

Linda Ann Tyler #248190  
Applicant

SWORN or affirmed to and subscribed before me this

26 day of October, 2010

Jean B. Insley  
Notary Public

My Commission Expires 04-14-2015

EXHIBIT (D) D

STATE OF SOUTH CAROLINA )  
COUNTY OF RICHLAND )  
Linda Tyler, #248190, )  
Applicant, )  
v. )  
State of South Carolina, )  
Respondent. )

IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT

2010-CP-40-7794

FINAL ORDER

This matter comes before this Court by way of an Application for post-conviction relief (PCR) filed November 4, 2010. Respondent made a Return and Motion to Dismiss on September 27, 2011, requesting that the application be summarily dismissed. Pursuant to this request, and after reviewing the original pleadings in this matter and the relevant records attached thereto, this Court issued a Conditional Order of Dismissal dated April 13, 2012, and filed April 16, 2012, provisionally denying and dismissing this action, while giving the Applicant thirty (30) days from the date of service of said Order to show why the dismissal should not become final. Attached to this Final Order and incorporated herein by reference is an Affidavit of Service dated May 3, 2012, serving the above-mentioned Conditional Order of Dismissal on Applicant.

Applicant responded to the Conditional Order of Dismissal by way of several *pro se* documents. The first, filed March 11, 2011, was entitled "The (Applicant's) submits this Brief in Opposition of the State's Order of Dismissal." In this document, Applicant submitted the following objections to the Conditional Order of Dismissal:

1.

Final CONCLUSION:  
A COMPETENCY HEARING IS NEEDED,  
BECAUSE OF THE CONFLICTING EVIDENCE OF  
THE (APPLICANT'S) VERDICT OF GUILTY, BUT  
MENTALLY ILL; ACCORDING TO S.C. CRIMINAL  
LAW; THERE MUST BE PHYSICAL SCIENTIFIC PROOF,  
OF BRAIN DAMAGE, OR BIRTH DEFECT OF THE BRAIN  
ON THE ONSET OF DELIVERY.

The second was a document dated April 30<sup>th</sup>, 2012, was entitled "The (Applicant) Submits this Reply Brief, in Opposition of the State's Conditional Order." In it, Applicant submitted the following objections to Respondent's Conditional Order of Dismissal within numerous exhibits:

1. Exhibit B

Final CONCLUSION: Judge Alison Renee LEE, failed to Act  
A COMPETENCY HEARING IS NEEDED BECAUSE  
OF THE CONFLICTING EVIDENCE, OF THE (APPLICANT'S)  
VERDICT OF GUILTY, BUT MENTALLY ILL; ACCORDING  
TO S.C. CRIMINAL LAW; THERE MUST BE PHYSICAL,  
SCIENTIFIC PROOF, OF BRAIN DAMAGE, OR BIRTH  
DEFECT OF THE BRAIN, FROM THE ONSET OF DELIVERY.  
THE COURT DID NOT ACT (SUA SPONTE).  
(APPLICANT) AGAIN PROCEED WITH (NEN'S REA)

2. Exhibit H

FOR A FOURTH DEFENSE: SENTENCING CODE VIOLATION:  
THE "APPLICANT" WAS SENTENCED UNDER [17-25-45] AND  
[16-3-20 - 16-3-20] although the indictment by  
the ACTION OF the "Grand JURY" APPLICANT WAS  
indicted for MURDER UNDER S.C. CODE SECTION  
[16-3-10 FELONY-114] HOWEVER, TRIAL JUDGE STRICK  
WROTE SENTENCING UNDER PRIOR CONVICTIONS FOR  
MURDER FOR MONETARY GAINS. THE STATE LIMINE OUT  
OF COURT "THE INSURANCE POLICY benefits, and violated  
S.C.R. EVIDENCE CODE 609] THE 1995 AMENDMENTS THAT  
BECAME LAW EFFECTIVE DATE: JANUARY 1<sup>st</sup> 1996. THIS LAW  
WAS RATIFIED THROUGH CONGRESS AND PASSED BY THE U.S.  
GENERAL ASSEMBLY, S.C. GENERAL ASSEMBLY. IT STATES ANY  
PERSON" WHO COMMITS (2) TWO OR MORE VIOLENT OFFENSES  
STARTING JANUARY 1<sup>st</sup> 1996 CAN BE SENTENCED TO LIFE IMPRISONMENT  
UNDER THE (3) THREE STRIKES YOU OUT LAW. THIS IS MY  
FIRST VIOLENT OFFENSE UNDER THIS NEW STATE, THEREFORE  
TRIAL JUDGE: COMMITTED REVERSABLE ERRORS IN SENTENCING,  
CODE VIOLATION. IN ADDITION TO THE FACT THAT THE "VALUE"  
OF THE "DECEASED" VAN TYLER, JR. WAS NOT EXPRESSED TO THE  
JURY, AND JURY WAS NEVER INFORMED ABOUT THE INSURANCE  
POLICY benefits THAT THE "APPLICANT" WAS AWARDED BY  
THE DEATH OF VAN TYLER JR. SEE SENTENCING SHEET:  
S.C. STATUTE OFFENSE PENALTY CODE: 17-25-45, and  
... WILL RECALL THE TRUE BILL OF GRAND JURY.

3. Exhibit I

Ground ONE: ENTRAPMENT DEFENSE.  
 Ground TWO: DOUBLE JEOPARDY, EXCESSIVE SENTENCING  
 Ground THREE: ORIGINAL DEATH CERTIFICATE, ALTERED  
 Ground FOUR: LIFE SUSTAINING PROCEDURES VIOLATION  
 Ground FIVE: BURDEN OF PROOF OF AUTOPSY FILM, X-RAYS etc  
 Ground SIX: MISARRIAGE OF JUSTICE  
 Ground Seven: INEFFECTIVE ASSISTANCE OF COUNSEL, APPELLATE COUNSEL

4. Exhibit J

THE FINAL CONCLUSION:  
 DLIE PROCESS IS DENIED, IF "THE APPLICANT" WAS  
 DEPRIVED OF THE RIGHT TO OBTAINED ALL DOCUMENTS  
 OF THE DISCOVERY EVIDENCE. WHEN THE STATE  
 FAILURE TO DISCLOSURE OF THE DISCOVERY EVIDENCE  
 TO THE "APPLICANT," AND PROCEED TO PROSECUTE THE "APPLICANT"  
 WITHOUT GIVING THE "APPLICANT" A CHANCE TO PREPARE  
 HER DEFENSE, AND WHEN DEFENSE ATTORNEY ASSISTED THE  
 THE "STATE" BY NOT ACQUIRING AUTOPSY PHOTOS AND MEDICAL DATA.

After a thorough review of the record before this Court and Applicant's response, this Court finds the current application for post-conviction relief must be denied with prejudice. First, the majority of Applicant's claims are those that raise direct appeal issues that are procedurally barred by S.C. Code Ann. §17-27-20(b) (2003). Post-conviction relief is not a substitute for a direct appeal. Simmons v. State, 264 S.C. 417, 215 S.E.2d 883 (1974). A post-conviction relief application cannot assert any issues that could have been raised at trial or on direct appeal. Ashley v. State, 260 S.C. 436, 196 S.E.2d 501 (1973). The Applicant could have raised this issue at trial or on appeal. Her failure to do so has waived this allegation as a ground for relief.

Therefore, this Court finds these allegations to be meritless, and sees no reason as to why the application should not be dismissed in this regard.

Applicant's objections regarding an improper Life Without Parole sentence under S.C. Code § 17-25-45 are both untimely raised and without merit based on the record before this court. According to Applicant's South Carolina Department of Corrections records, she was previously incarcerated in 1976 for Assault and Battery with Intent to Kill and Armed Robbery, either of which could serve as a prior "most serious" offense under S.C. Code § 17-25-45(c)(1)(2003). Further, the allegation is untimely raised and inappropriate for PCR as it should have been raised on direct appeal.

The remainder of Applicant's objections are successive and untimely claims of ineffective assistance of trial and appellate counsel, barred from being brought herein.

IT IS THEREFORE ORDERED that, for the reasons set forth herein as well as in the Court's Conditional Order of Dismissal, the application for PCR is hereby denied and dismissed with prejudice. This Court hereby advises Applicant that he must file and serve a Notice of Appeal within thirty (30) days of the service of this Order to secure appellate review. See Rule 203, SCACR. Applicant's attention is directed to Rule 243, SCACR, for the procedures following the filing and service of the notice of appeal.

**AND IT IS SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
JAMES R. BARBER, III  
Chief Administrative Judge for Common Pleas  
Fifth Judicial Circuit

\_\_\_\_\_, South Carolina.

# EXHIBIT (E)

E  
①

IN THE SUPREME COURT OF SOUTH CAROLINA

IN RE

Linda Ann Tyler #248190  
VS

APPELLATE CASE NO.  
201-2-212-8106 ~~Exhibit~~  
The "PETITIONERS" brief  
ON 2<sup>nd</sup> P.C.R. CLAIM

THE STATE OF SOUTH CAROLINA

EXHIBIT (E)

The "PETITIONER" states that 1<sup>st</sup> and 2<sup>nd</sup> P.C.R. should be RE-OPENED based on AFTER-DISCOVERED EVIDENCE FOR A FIRST DEFENSE:

The "PETITIONER" has had (3) THREE P.C.R. ATTY'S. (1) W. GASTON FAIREY who had possession of the CASE FOR A PERIOD OF (2) TWO YEARS WITHOUT EVER ACKNOWLEDGING THE "PETITIONER" UNTIL THE DAY, THE "PETITIONER" FILED A NOTICE AND MOTION TO HAVE ATTY. W. GASTON FAIREY, REMOVED FROM HER CASE. CONSEQUENTLY TO THAT ISSUE, (2)<sup>nd</sup> ATTY, MS. TARA DAWN SHURLING, WAS ASSIGNED TO THE CASE. THE "PETITIONER" WAS NOT COMFORTABLE WITH ATTY. SHURLING'S PRESENTATION OR REPRESENTATION OF HER, BECAUSE ATTY. SHURLING ALSO POSSESSED THE CASE FOR (1) ONE YEAR AND STATED SHE'LL CONSIDER HAVING THE (DECEASED) EXHUMED ONCE THE ATTY. GEN. SET THE HEARING DATE. THE "PETITIONER" FIRED ATTY. SHURLING AND WAS APPOINTED MR. CHARLIE JOHNSON, ESQUIRE.

EXHIBIT (E)

E  
(2)

THE SUPREME COURT OF SOUTH CAROLINA  
IN RE)

Wanda ANN TYLER #248190  
VS.

APPELLATE CASE NO:  
201-2-212-810 (EXHIBIT (E))

THE STATE OF SOUTH CAROLINA

THE "PETITIONER'S" BRIEF ON  
2<sup>nd</sup> P.C.R. CLAIM APPEAL.

FOR A SECOND DEFENSE:

Atty. CHARLIE JOHNSON, filed A MOTION FOR Continuance because he only received the CASE (S) five days before Atty. Gen. BRIAN PETRANO, schedule the hearing date. ON July (2) of 2005, Atty. CHARLIE JOHNSON, and I appeared before the Honorable, GEORGE W. COOPER, JR. for A MOTION TO (EXHUMED) the (DECEASED). Judge G.W. Cooper, Jr. denied the MOTION. ON November 16<sup>th</sup> 2005, P.C.R. HEARINGS WAS before the, Honorable, ALLISON RENEE LEE, who ISSUED and opinion absent any fact finding evidence, such as AUTOPSY photographs, MRIS, X-RAYS OF LUNGS, both DEATH CERTIFICATES which was contrast to each other. THERE HAS BEEN NO SCIENTIFIC EVIDENCE OF THE (DECEASED) being AUTOPSY, AS WELLAS, PRIOR ORDER to EXHUMED the (DECEASED) on MAY 27<sup>th</sup> 1999, by Judge Thomas W. Cooper, Jr. NO SCIENTIFIC EVIDENCE to show the (PETITIONER)' brain defected in ORDER to secure the D.B.M.I. and in LIEN of being illegally, unlawfully committed to A SALUM. AGAIN, DUE PROCESS WAS DENIED

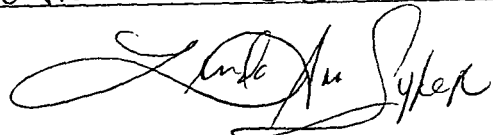


Exhibit (E)

THE SUPREME COURT OF SOUTH CAROLINA

Linda Ann Tyler <sup>248490</sup>

VS.

The State of South Carolina

NOTICE OF INTENT TO SUPPLEMENT THE PLEADINGS UNDER S.C.A.C.R. Rule 211(b) EXHIBIT (A) E

AFFIDAVIT OF SERVICE

I, Linda Ann Tyler, petition the COURT pursuant to S.C.A.C.R. Rule 211(b) to have Atty. Gen. R.D. Conroy submit all prior orders in relation to 7<sup>th</sup> P.C.R. HEARINGS

that has been ruled up as describe herein. These DOCUMENTS ARE NEEDED FOR REVIEW OF THE COURT'S

TO SHOW THE STATE'S EVIDENCE OF, Autopsy, DEATH Certificates, and All DISCOVERY Pre-TRIAL EVIDENCE

NOTICE Sent to Mr. R. D. Conroy:  
Mr. Daniel E. Shearouse  
P.O. BOX 11330  
Columbia S.C. 29211

Linda Ann Tyler 248490  
September 25<sup>th</sup> 2010

Sworn before me on September 25, 2012

Kathy R. Barnes

E  
3