

State of South Carolina  
County of Greenwood

In the Court of Common Pleas  
Eighth Judicial Circuit

Tyrii Landron #309930,  
Applicant,

v.

State of South Carolina,  
Respondent,

Motion for  
Post-Conviction Relief

Mr Tyrii Landron #309930 Applicant, will hereby like to file a Motion for Post-Conviction Relief, on the grounds of "Newly Discovered Evidence" of Ineffective assistance of Counsel.

On May 11, 2009 the Applicant was a passenger in a vehicle that was unlawfully stopped and seize. Mr Landron was then arrested for trafficking cocaine and trafficking cocaine within the proximity of a playground. Mrs Janna A Nelson was the attorney for the applicant. Upon Mr Landron first visit with Mrs Nelson the applicant expressed his concerns about the traffic stop being unlawfully

May 18, 2009 which was the second visit with Mrs Nelson the applicant expressed his feelings again about the traffic stop being unlawfully and Mrs Nelson said she would get back with the applicant.

On August 25 2009 with still no word the applicant plead to the charges and recieved two

twelve year sentences running concurrent.

October 2009 Mr Landron arrived at Trenton CI feeling Mrs Nelson's representation fell below an objective standard of reasonableness and he was prejudiced by such a deficient performance. Strickland v. Washington 80 Led 2d 674; Gallman v. State 414 SE2d 780.

In the Trenton CI law library Mr Landron learned that Mrs Nelson failure to articulate a Fourth Amendment was ineffective assistance of counsel, but Mr Landron has to show that his claim is meritorious and plea would have been different absent the evidence. Kimmelman v. Morrison 91 Led 2d 305.

From October 2009 to August 2012 Mr Landron couldn't find any merits to base his claims on, whenever Mr Landron ~~could~~ find a case in the South Carolina Digest or South Eastern Digest. Trenton didn't have it in the South Eastern Reporter. The only volumes of Reporters Trenton had were 374 - 577. Trenton didn't even have the Federal Reporter 3d. ~~Reporter 3d.~~

Whenever I would go to Mrs Glenn who was over the library about getting the cases I needed, she said that it wasn't possible. The volumes I need were 623, 682, 694, 698 and 722.

August 2012 is when Trenton CI put computers in the law library and that's when I got all the merits I needed.

The mere perfunctory representation by Mrs Nelson didn't satisfy the constitutional rights of

the applicant. Taylor v State 188 SE2d 850.

The purpose of the Constitutional guaranty of a right to counsel is to protect an accused from conviction resulting from his own ignorance of his legal and constitutional right. Cruz v. US 247 F.Supp 835.

Mrs Nelson was ineffective for failing to seek suppression of drug evidence that was only basis for prosecution for trafficking cocaine. Counsel knew that the officers had stop defendant based solely on nonpredictive anonymous tip and should have known that illegal stop rendered inadmissible cocaine evidence seized during search incident to arrest that flowed from stop. Northrop v. Trippett 265 F3d 372.

Justice White held that except in these situations in which there is at least articulable and reasonable suspicion that a motorist is unlicensed or that an automobile is not registered or that either the vehicle or an occupant is otherwise subject to seizure for violation of law, stopping an automobile and detaining the driver in order to check license and registration of automobile are unreasonable under the fourth Amendment Delaware v. Prouse III 99 S.Ct 1391.

The anonymous tip in Mr Landron case lacked the requisite indicia of reliability to be employed as reasonable suspicion for conducting an investigatory stop of defendant seeing that tip nor officers never reported or observe any crime or unlawfully conduct. The 911 caller reported a suspicious man sitting in a car and she was concerned. The 911 caller was asked what is the man doing and the caller response was

He's just sitting in the car.

The officers observe two males in a car driving off

In order for officers to rely upon an anonymous tip to effectuate a stop, the tip must demonstrate knowledge of concealed criminal activity. State v. Taylor 694 SE2d 60. An anonymous tip can provide the basis of an investigatory stop if the officer conducting the stop verifies the tips reliability by observing the suspect engaged in criminal activity State v. Robinson 722 SE2d 820. The tip contained no details of defendant's future actions and officers had no basis for assessing either reliability of informant or grounds on which informant believed that crime was being committed. US v Roberson 90 F3d 75

The only conduct the officers reported was that the defendants was nervous after traffic stop. Being nervous in front of officers alone doesn't justify reasonable suspicion. State v Rivera 682 SE2d 307; State v. Pichardo 623 SE2d 840; State v. Tindall 698 SE2d 203.

With these new cases the applicant now have merits that Mrs Nelson was ineffective for failure to move to suppress evidence that was obtained in violation of the Fourth Amendment of the United States Constitution. The applicant would like for the courts to show the applicant some relief or allow the applicant to withdraw his ~~plea~~ guilty plea

November 25, 2013

Respectfully submitted  
Tyrri Landron  
Tyrri Landron #309930