

Pg 106

CONTRADICTING TESTIMONY.

12

OKAY DID YOU MAKE ANY PHONE CALLS?

13

YES THATS WHEN I CALLED THE POLICE AND TOLD THEM THAT HE WAS THERE.

14

15

OKAY WHEN HE CAME BACK. YOU GOT ON THE PHONE YES?

**RECEIVED**

JAN 14 2015

**S.C. SUPREME COURT**

pg 105

⑩ well, don't get Ahead of me,

REVEREND

1911

THE UNIVERSITY OF

Dec 19th 2014

SIR YOUR Honor?

CLERK OF COURT MR Shearouse

IF you could possibly check -

What matter out and let me know

MY P.C.R But I want UP ON

RESPONSE But I never got a

Trail Back But my whole

ERROS Transcript Has Harmful

Judge Thought out the Trail BYE

would Solicitor and Attorney I

you Appreciate it very much IF

and could check this matter out

and return the Paperwork Back to

me Thank SIR.

LYNN LARRY HUNT 169197

BRCI 4460 Broad River Rd

Monticello 166 29210

①

IN the COURT OF COMMONS PLEAS  
CASE No. GS 2011-1871 1872  
1873

STATE OF SOUTH CAROLINA  
COUNTY OF GREENVILLE

Amendments TO Post  
CONVICTION RELIEF APPLICATIONS

Applicant.

LYMP LARRY HUNT

vs. The state of south carolina

9.

The applicant hereby Amends Answers 9 and 10 of his Application  
FOR POST CONVICTION RELIEF: TO state the following

A. The Applicant was Denied Effective Assistance of Counsel  
IN VIOLATION OF THE SIXTH Amendment TO the UNITED  
STATES CONSTITUTION and Article 1, section 14 OF the  
SOUTH CAROLINA CONSTITUTION.

10.

state concisely and IN the same order the Facts which  
SUPPORT Each Grounds set out IN (9) -

A the Applicant was provided with DEFICIENT Representation  
BYE his Attorney.

(2)

IN that the conduct of his Attorney was objectively  
 UNREASONABLE under the circumstances, Strickland vs  
 Washington 466 US, 668 (1984) the outcome would  
 have been different had the outcome of the  
 Applicant's proceeding was prejudiced and it is  
 REASONABLE, PROBABLE that the outcome would have  
 BEEN DIFFERENT had COUNSEL'S performance not been  
 STRICKLAND. 466 US at 694 DEFENSE COUNSEL  
 INEFFECTIVE based on one or more of the  
 following

The Attorney let the Judge DENIE M.H.  
 PSYCHOLOGICAL EVALUATION MOTION The Attorney  
 never checked out witness where I was at  
 900 AM which 200 A PERRY AVENUE GREENVILLE S.C. 29601  
 ALSO ALSO means that the Arch St Resident was  
 at DONALD DIXON PERRY AVE BEFORE 900AM. Counsel  
 never called witness. ON MY BEHALF. which would  
 Have provided my INOCENTS and I wouldn't be  
 DOING 50 YRS) FOR a crime that I didn't DO

**RECEIVED**

JAN 14 2015

S.C. SUPREME COURT

13 MY DEFENSE ATTORNEY KNOWING I WAS ILLITERATE IN LAW NEVER PROPERLY ASCERTAINED WHETHER OR NOT I ACTUALLY UNDERSTOOD OR COMPREHENDED ALL OF THE ISSUES THAT WERE INVOLVED IN MY CASE.

14 MY DEFENSE ATTORNEY NEVER PROPERLY CONSULTED WITH ME OR KEPT ME INFORMED WITH WHAT WAS GOING ON AS FAR AS MY CASE WAS CONCERNED.

15. MY DEFENSE ATTORNEY NEVER MADE ANY ATTEMPT

# Appellant 1

## BRIEF

- AND MOTION

FOR IN <sup>e</sup> Credibility <sup>o</sup> Witnesses.

WITNESS. Wanda Jean Howard  
 DRUG addict and AN EX CONVICT and PROSTITUTE  
 DRUGS and Alcohol. Besides UCHARIA <sup>TAMPKIN</sup> and Beer which <sup>is</sup> FOR MONEY  
 ALIAR) TO SHE DONT LIVE IN HER BROTHERS HOUSE EITHER  
 AND DIANE HARRIS IS her ANTI and the BROTHER she  
 Said what to stay with her ANTI IS her COUSIN  
WHICH IS ALSO MAULDIN IS her ANTHONY

Well Thats the END OF this state witness  
 IS ALIAR) -

By LARRY HURD

Sworn and  
 Subscribed  
 before me

Notario Republic of South Carolina

X

1Q. STATE CONCISELY THE grounds on which you base your allegation(s) that you are being held in custody UNLAWFULLY:

(a.) The above named P.C.R. applicant, was denied both state, as well as federal constitutionally guaranteed rights and due process of Law when trial court committed Harmful Error IN by denying such applicants motion(s) for a mental/health examination, prior to the start of his trial, post trial proceedings, etc.

1  
Page 3, (A)

ANSWERS to question number 10.

(10.) THE above named applicant in this civil action's case asserts under any and all penalties of perjury, that he is being held custody in, (unlawfully) in the South Carolina Dept. of Corrections at the time of this writing because of the following facts: HARMFUL ERROR:

(a.) The trial court denied applicant's motions for mental health examination,

even though such applicant has a life(s) history of the applicant's having been placed within a school for mentally disabled children.

The trial court, upon a very (brief examination) of the

1 \* Judge Hill said that he (could not dissect Mr. Hunt's brain to tell what was on his mind)

\* defense (Attorney Farnsworth) (did not) effectively put forth before the trial court a proper nor adequate (defense motion)

for neither the <sup>defense attorney</sup> nor the <sup>prosecution</sup> in such circumstances <sup>such as would be called for and appropriate in such circumstances</sup> (the case law pertaining to, <sup>AS WELL AS SUCH A</sup> ~~critical~~ stage of proceedings) as these were

the defendant's constitutional right to such a mental health inquiry as that would have thus been afforded and thereby guaranteed him through the court's granting of a properly presented defense motion for a Blair hearing, which thus in itself only could have fairly been carried out only after such prior defense motion for expenditure of funds for independent psychiatric examination would and should have by Mr. Hunt's court appointed defense counsel, been made,

2

~~Defendant's~~ as well as a motion to such  
 trial court <sup>by defense counsel</sup> for funds to hire an independent  
 investigative services expert who could  
 have and should have been hired  
 by the defense to insure that such  
 mental health history of the  
 defendants could have <sup>should have</sup> been independent  
 conducted and explored and presented  
 by an effective defense attorney,  
 not an ineffective defense attorney  
 such as MR. FARNSWORTH, to the  
 trial court and jury, before  
 before a jury was even pooled and  
 picked. It will be proven by a preponderance  
 of evidence at this applicant's prayer for  
 and hopefully granted, per evidentiary hearing  
 that applicant's trial counsel was ineffective  
 for ~~one~~ <sup>several</sup> or more of the following  
 reasons, and that such ineffectiveness  
 was in fact prejudicial to such applicant's  
 pretrial litigation proceedings, trial  
 proceedings, and post trial proceedings.  
 And that had of such (constitutional, state  
 and federal violations) have occurred  
 to the applicant, as a direct result of the  
 defense counsel's ineffectiveness, as well as  
 the applicant's ineffective appellate level court  
 appointed ~~defense~~ <sup>advice</sup> counsel as

page 3 (B)

ANSWERS TO QUESTIONS NUMBER

9. (continued)

(a) (continued)

DEFENDANT'S capacity at  
time of alleged events  
to be able to distinguish  
from right or wrong,  
also as well, the trial court  
committed very harmful  
error in that the applicant  
was denied to put forth to  
a jury of his peers, a  
mentally ill, and of insanity,  
or guilty but mentally ill  
type of defense, in so much  
so as that the trial court  
(assumed the role) of not  
only judge, but also the  
role of an expert examiner's  
profession as a psychiatrist  
as well as psychologist, when  
such court a layman in such fields.  
Ruled applicant fit to stand trial  
and criminally responsible at <sup>the</sup> time  
of alleged events

### 3. (F.)

etc. to challenge and test adversariously, the states charges and prosecution of the applicants (alleged) acts, and the ability to be able to put forth both expert witnesses and documentation, which easily could have had if such right not been road over, rough shed the applicant could have ended up acquitted totally, or could have, and most probably would have resulted in a lot lesser, more gentler and forgiving prison sentence.

Page. 3 (D)

ANSWERS to questions number (10.)

IN IT'S debate over such  
as applicants actual innocence  
of mitigating factors over  
to the Defense side, in favor  
of the applicant, which could  
have affected the JURIES  
debate, and also the COURTS  
administration of LAW  
IN so much as that it's  
probable, had of such  
services as could only be  
provided by (experts) such  
as psychiatrist, psychologist,  
investigator's, etc.  
IF such had NOT, without sound  
cause been denied this applicants  
~~equally~~ federally constitutionally  
guaranteed rights or due process

page 3 (C)

ANSWERS TO QUESTIONS NUMBER (9 (D.1))

occurred. This p.c.R. applicant,  
(swears) that had of  
his court appointed lawyer,  
DANIEL J. FARNSWORTH, ESQ.,  
followed his numerous  
instructions to motion  
the trial court for both funds  
from the O.I.D. so that the  
defendant (now applicant)  
could have employed both  
an investigator, as well as an  
expert witness, dealing with  
the very complex field of  
psychology, psychiatry, etc.  
\* IN ORDER TO COLLECT  
(through an investigator)  
evidence in existence which  
could have swayed such jury

Page 3, Question number 10.

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

(a): Applicant submits withing this p.c.R. application that he is being held unlawfully, in the custody of S.I.C.D.C., because He was denied a fair full trial in that his court appointed attorney of records in his trial on

Hymn Henry Hunt #169197

STATE OF SOUTH CAROLINA )

County of GREENVILLE, S.C. )

LARRY LYNN HUNT #169197 )

Full name and prison number (if any) of Applicant )

LYNN LARRY HUNT )

v. )

State of South Carolina )

IN THE COURT OF COMMON PLEAS

**2013-CP-23-04184**

APPLICATION FOR  
POST-CONVICTION RELIEF

FILED - CLERK OF COURT  
GREENVILLE CO. S.C.  
PAUL B. WICKENS

2013 AUG - 2 AM 10: 54

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 clear to which question any such continued answer refers.

Since every application must be sworn 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 the applicant was convicted.

1. Place of detention BROAD RIVER CORR. INST., 4460  
BROAD RIVER ROAD, COLUMBIA, S.C. 29210

2. Name and location of Court which imposed sentence GREENVILLE COUNTY GENERAL  
SESSIONS, 13TH CIR., 305 EAST GREENVILLE 29601

3. Name(s) of co-defendant(s) (if any) (NONE)

4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:

(a) (1) 2011-GS-23-18712 (1872) (3) (1873)

(b) 2011-GS-23-1872

(c) 2011-65-23-1873

5. The date upon which sentence was imposed and the terms of the sentence:

- (a) February, 8th, 2011, Armed Robbery, 30 years, S.C.D.C.
- (b) February, 8th, 2011, Attempted murder, 15 years, S.C.D.C.
- (c) February, 8th, 2011, possession of weapon, 5-years, S.C.D.C.

6. Check whether a finding of guilty was made:

- (a) after a plea of guilty \_\_\_\_\_
- (b) after a plea of not guilty JURY FOUND APPLICANT GUILTY, TRIED.
- (c) after a plea of nolo contendere \_\_\_\_\_

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

YES, APPLICANT WAS APPOINTED (INEFFECTIVE APPEAL COUNSEL.)

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

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

- i. S.C. COURT OF APPEALS : 2012-208509
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

- i. APPLICANT BELIEVES IT WAS DISMISSED ON MERITS.
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(c) the date of each such result:

- i. APPLICANT BELIEVES IT WAS DISMISSED ON 1-16-13
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

- i. ANDERS V. CALIFORNIA, 386 U.S. 738, 87 S.Ct. (1967)
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

9. If you answered "no" to (7), state your reasons for not so appealing:

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_

19. State clearly the relief you seek in filing this application:

See (ANSWERS) to this question, which are attached at end of this application, which states applicants claims, P.C.R. ISSUES.

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

NO, THE APPLICANT IS NOT.

STATE OF SOUTH CAROLINA )

County of \_\_\_\_\_ )

VERIFICATION )

I, LYNN LARRY HUNT

, 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.

Lynn Larry Hunt

SWORN to and subscribed before me this 23rd day of July, 2013.

Susan H. Frye (L.S.)  
Notary Public

My Commission Expires  
March 5, 2018

My Commission Expires: \_\_\_\_\_

> 16. If any ground set forth in (10) 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) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

17. 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, applicant had ineffective counsel.
- (c) your sentencing? yes, applicant had ineffective counsel.
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes, appellant had ineffective counsel.
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?  
applicant's trial, and appellant lawyers were ineffective.

> 18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_

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

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

(c) \_\_\_\_\_

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

- (a) see Attachment(s) at back of this application
- (b) for this applicant's ground(s) (factual ground(s)) which
- (c) he does pray for relief from by this Honorable Court.

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

- (a) see Attachment(s) at back of this application, the
- (b) (facts) which support each of the ground(s) set out in
- (c) (10), but (are not) limited to, such ground(s) in (10).

➤ 12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? NO
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
- (d) any other petitions, motions or applications in this or any other Court? (Not yet)

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

- (a) the specific nature thereof:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_
- (b) the name and location of the Court in which each was filed:
  - i. \_\_\_\_\_
  - ii. \_\_\_\_\_
  - iii. \_\_\_\_\_
  - iv. \_\_\_\_\_

(c) the disposition thereof:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

(d) the date of each such disposition:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

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

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_
- iv. \_\_\_\_\_

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

*NO, AS APPLICANT HAS STATED, AND WILL PROVE BY A PREPONDERANCE OF EVIDENCE, BOTH TRIAL AND APPELLATE COURT LAWYERS WERE INEFFECTIVE.*

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

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

- i. \_\_\_\_\_
- ii. \_\_\_\_\_
- iii. \_\_\_\_\_

APPLICATION TO PROCEED WITHOUT PAYMENT  
OF COSTS AND AFFIDAVIT  
IN SUPPORT THEREOF

I, LYNN LARRY HUNT, 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 thereof.

Lynn Larry Hunt  
Applicant

SWORN or affirmed to and subscribed before me this

23<sup>rd</sup> day of July, 2013.

Susan H. Frye  
Notary Public

My Commission Expires  
March 3, 2018

My Commission Expires: \_\_\_\_\_

LYNN LARRY HUNT 169197  
B.R.C.I 4460 Broad River Road  
MONTICELLO <sup>UNST</sup> #166  
COLUMBIA S.C.  
29210

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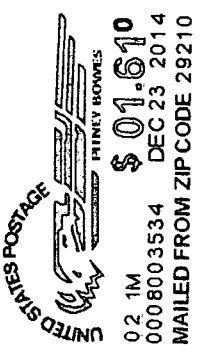
DEC 23 2014

BRCI  
MAILROOM

the Supreme court of South Carolina  
MR. DANIEL E. SHEAROUSE Clerk of Court  
Post Office Box #11330  
Columbia South Carolina

29211

MONTICELLO UNIT



LEGAL MAIL