

THE SUPREME COURT OF SOUTH CAROLINA

LARRY JAMES TYLER

APPELLANT,

v.

STATE

APPELLEE.

CJA No. 2016-002364

MEMORANDUM OF LAW  
IN SUPPORT OF ISSUES  
TO BE RAISED

**RECEIVED**

JUN 06 2017

S.C. SUPREME COURT

STATEMENT OF THE CASE

This is a pro se response by a state prisoner who is currently incarcerated by a civil order under S.P.V. act, stemming from a criminal sex conviction he is now challenging to be illegally obtained due to police misconduct. Accordingly caused the appellants procedural and substantive due process constitutional rights to be violated and unrected.

STATEMENT OF FACTS

As stated in the declaration submitted with this motion, the appellant was arrested with warrant no. M82012B that said the appellant was made in photos he gave to minors on a

call above. The photos show the appellant dressed in swim trunks. No nudity at all. The arresting officer, Eric Hodges, lied to the magistrate judge about the appellant in order to obtain the warrant. Sheriff Wayne Byrd gave the officer the authority to use the invalid warrant to obtain search and seizure warrants to confiscate the appellants property which they claim to have found evidence for more charges and indictments. Using these illegally obtained warrants and indictments the appellant was found guilty and sentenced to 8 yrs and now facing civil commitment.

## ARGUMENT

### POINT 1

The appellants' <sup>conviction</sup> should be overturned due to procedural and substantive due process violations, ~~and property~~.

In determining whether a party is entitled to a grant for due process violation, the court must determine whether the government and its agents deprived a party of life, liberty, or property without due process of law. U.S. Const. Amend. V, XIV. Procedural due process

means the procedures that the Constitution requires before government can deprive you of life, liberty or property. The Supreme Court has stated that actions by executive branch officials may deny substantive due process if it shocks the conscience. *County of Sacramento v. Lewis*, 523 U.S. 833, 848-49, 118 S. Ct. 1706 (1998); *Duncan v. Northwest*, 657 F.2d 691, 704 (5th Cir. 1981); *Whitty v. Albers*, 475 U.S. 310, 326-27, 106 S. Ct. 1078 (1998).

INVASION WARRANT

A. The appellant alleges the warrant, No. M320 128, by officer Eric Hodges of Oakington Sheriff's Office, was obtained from the magistrate judge by telling the court that the appellant was made "in photos on a cell phone he gave to minors that viewed him in the nude." SEE DIST. PAR. 4-5

Such conduct by a police officer is a clear violation of the fourteenth amendment. *U.S. v. McKenzie - Dude* 671 F.3d 452 462 474 Cir (2011); *Morrison v. Le. Fernal*, 592 F.5002, 1052, 1073 (S. Cir. 4, 1984);

On or about Feb. 21, 2013, officer Hodges went before the Grand Jury in the Dist. Courthouse and said the appellant was

made in photos he showed, images and obtained  
indictment No. 012040 with the intent to  
deliberately and maliciously prosecute the  
appellant. State v. York (S.C. 1967) 250  
S.C. 30, 156 S.E. 2d 326 550, 111); CHAS V.  
JOHNSON, 861 F.2d 943, 949-50 (6th Cir 1988);  
Prosser & Keeton on the Law of Torts § 11,  
at 47 5th Ed. 1984) SEE DEF. PAR. 6-7, 9

B. Evidence before and during trial show proof  
that the warrant M820128 was obtained  
illegally. The alleged victims testified at trial  
that the appellant was not nude but wore  
swim briefs, and never read any indecent  
message that was on the cell phone by the  
appellant. Tr. P55, UNITS 13-16; 59, UNITS 22.

This is obviously inferring that this is what  
was told to the police during the investigation.  
So the alleged victims did not say the appellant  
broke any laws. It is the Police officer  
Eric Hodges and his supervisor, Sheriff Wayne  
Byrd who gave Hodges the right to proceed  
with the invalid warrant. This was clearly  
the groundless institution of criminal

proceedings against the appellant. *Harlow*  
*v. Moore*, 547 U.S. 250, 269, 126 S.Ct.  
1695 (2006). SEE DEL. No. 8

## POINT 11

### illegal seizure of property

A. Since the officer, Hodges and the sheriff,  
took it upon themselves to fabricate a lie  
to obtain the initial warrant, any other  
warrants in conjunction with the first is  
unwarranted, and evidence the police  
obtained was illegal and inadmissible in  
a court of law. *Stone v. Powell* 428 U.S.  
465, 96 S.Ct. 3037, 49 L.Ed 2d 1067 (1976).  
579 F. SUPP. 796 (N.S. 1984). SEE DEL. No. 11

The seizure of the appellants' property was  
done unlawfully, and contrary to law. *Bell*  
*v. Hood* 327 U.S. 678, 66 S.Ct. 723, 90 L.Ed  
939 (1946); *Williams v. State of S.C.*  
(O.C.S.C. 1965) 237 F. SUPP. 360 (VACATED)  
356 F.2d 432; *Wolf v. People of the*  
*State of Colorado* 338 U.S. 25 28 69 Ct.  
1359 1361 93 L.Ed 1782 SEE DEL. 12-16

B.

cell phone - Only evidence needed.

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The police was given the cell phone by the alleged victims' parents, so the sheriff's office had no legal reason to get any required warrants for the appellants' property at his home. There was nothing at the appellants' home that had anything connected to the cell phone. *Samoy v. Toledo* 446 U.S. 635, 640 (1980); *Wolf v. PEOPLE OF THE STATE OF COLORADO* 338 U.S. 25, 28, 69 Ct. 1359, 1361, 93 L.Ed 1282); *State v. Austin* 409 S.E.

#### BII EXCLUSIONARY RULE.

C. Accomplish a legal purpose through illegal actions. This is what five officers of the law did when they confiscated the appellants' property. The five assigned to the appellants' case was: C.D. McDaniel, Shawn Fungstall, Ben Weatherford, Ricky Williams, and Eric Hodges. They knew the initial warrant was obtained unlawfully and they all acted in the infringement of the appellants' property rights. *Hudson v. Palmer*, 468 U.S. 517, 530, 104 S. Ct. 3194 (1984); *Hobler v. Engle* 470 F.3d 1104, 1110 5th Cir. 2006. 5585 OREG. NO. 14-15

## The Brady Rule Violation

The Brady rule requires the disclosure of material exculpatory evidence in criminal prosecution. *Charis v. Rowe*, 643 F.2d 1281, 1285-86 (7th Cir. 1981). The appellant court appointed counsel omitted the warrant and indictment at trial and never asked officer Eric Hodges, while on witness stand, why did he tell the Grand Jury and magistrate judge the appellant was nude in photos he showed to nurses?

This deliberate act of concealing the most substantive piece of material exculpatory evidence caused the appellant to be found guilty and violated the appellants due process constitutional rights.

STATE CR. NO. 22-30

## Ineffective Assistance of Counsel

1. The sixth amendment guarantees the appellant in criminal case effective assistance of competent counsel. *McMann v.*

*Richardson*, 397 U.S. 759, 771 N. 14 90 S. Ct.

1444 N. 14, 25 W. Ed. 2d 763 (1970); *Cuyler*

*v. Sullivan*, 446 U.S. at 344, 100 S. Ct. at

1716 at 345-350, 100 S. Ct. at 1716-1719.

A. Appellant's Public Defender, Richard Jones, knew the initial arrest warrant was obtained illegally. He had access to all the documents and evidence in my case.

No place in the records does it say the victims say the appellant was nude or their parents. No place the victims say they read any indecent message the appellant wrote them. The counsel knew it was the police that was falsely accusing the appellant of crimes he never committed. Because he did not reveal this in trial, his performance was unreasonable and the appellant was prejudiced by that performance. *Chalk v.*

State, 313 S.C. 25, 437 S.E. 2d 19, 20 (1993);  
Strickland v. Washington, 466 U.S. 668 (1984)  
Id. at 687, 692. 555 DFO. No. 24-30

2. Wrong Charge

The appellant's trial counsel rendered ineffective assistance by failing to correct the wrongful charge of "CRIMINAL" solicitation of a minor when it should have been "obscene" solicitation of a minor. This statute has a subsection (10) that states: "When the act involved is a sexual encounter, the offense of 'CRIMINAL' solicitation is applied. 'OBSCENE' when there is no sexual encounter § 16-15-0342.

This error has caused the state to now order the appellant to submit to the S.M.P. act.

3. Inadmissible Evidence

The appellant's trial counsel rendered ineffective assistance by failing to challenge the legal right of the police to seize his property since anything at his home was unrelated to the cell phone. The counsel testified at the PDR hearing that he had no reason to challenge the search warrants.

The court should find counsel was ineffective for failing to challenge the search of appellant's computer as well as the evidence obtained as a result of the search. Had counsel challenged the search and the evidence, the trial court could have suppressed the photographs which would have changed the outcome at trial. The appellant has met his burden in proving counsel's performance was deficient and that he was prejudiced by counsel's deficient performance. *Strickland*, 466 U.S. 668. Accordingly, the appellant is entitled to a new trial. 10

#### 4. Illegal Trial Consolidation.

The trial counsel rendered ineffective assistance by failing to object to the consolidation of trials. The appellant was entitled to have severed.

One trial could have encompassed the charges of Contributing, Criminal Solicitation, and Possession, were the result of the State's allegations that the Appellant transferred a cell phone with nude pictures

to a minor. The fourth charge: Sexual exploitation of a minor 2013-69-16-604 stemmed from the discovery of photographs located on appellants' yahoo cloud file. Unrelated to the cell phone and should not have been tried together. Trial counsel testified at pre hearing that he did not see a reason to request a severance and felt he could minimize the allegations at trial.

Charges can be joined in the same indictment and tried together where they (1) arise out of a single chain of circumstances, (2) are proved by the same event, (3) are of the same general nature, and (4) no right of the defendant has been prejudiced. "State v. Tucker, 324 S.C. 155, 164, 478 S.E.2d 260, 265 (1996) (citing State v. Tate, 286 S.C. 462, 464, 334 S.E.2d 289, 290 (Ct. App. 1985)).

"A motion for severance is addressed to the trial court and should not be disturbed unless an abuse of discretion is shown." *Id.* (citing State v. Anderson, 318 S.C. 395, 398, 498 S.E.2d 56, 57-58 (Ct. App. 1995)).

The court should find appellants' testimony credible along with the attached declaration.

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A review of the record reveals the second degree sexual exploitation of a minor was a separate event unrelated to appellants' other charges. This allegation could also not be proven by the same evidence as the appellants' other charges related to the cell phone but rather hinged on photographs taken from the appellants' e-mail. Appellants' rights to a fair trial were prejudiced by not severing the charges.

Appellant has met his burden in proving counsel's performance was deficient and that he was prejudiced by counsel's deficient performance in failing to move to sever the charges and, but for counsel's ineffectiveness, the outcome of the trial would have been different. *Strickland*, 466 U.S. 668. Accordingly, the appellant is entitled to a new trial.

5. Abandoning on appeal appellants' properly preserved motion for directed verdict on all counts due to insufficient evidence, and by refusing to submit the due process violation because of the illegal warrant.

The obtaining of a verdict on the appellant  
by the introduction through state action of false  
inculpatory evidence in itself violates the  
due process clause. *WILSON V. COUNCILMAN*,  
289 F. SUPP. 118, 122-21 (W.D. N.Y. 1982)  
*ORWAT V. MALONEY*, 360 F. SUPP. 2d 146,  
165 (D. MASS. 2005). 13

1. At the P.C.R. hearing, appellant testified  
he was represented on direct appeal by Robert  
M. Packak Esq.. Appellant alleged and  
testified trial counsel moved for directed verdict  
on all charges. The trial judge indicated  
"in regards to your motion for directed verdict,  
Mr. Jones, I do have some concerns... What  
I am going to do at this time, I'm going to  
deny your motion for directed verdict. But I  
am going to reserve the right to step back in  
at any time even after the jury verdict to  
renew your motion". Tr. P. 118, LINES 2-9.  
Following the verdict, trial counsel renewed  
the motion for directed verdict or in the  
alternative a motion for new trial. Tr. P.  
189, LINES 8-11. This motion was never  
ruled upon. Appellant's ~~attorney~~ counsel  
testified at the P.C.R. hearing appellant's  
counsel failed to raise the issue of

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whether the trial court erred in failing to grant appellant's motion for directed verdict.

2. A defendant is constitutionally entitled to effective assistance of counsel. *Evitts v. State*, 469 U.S. 387, 105 S. Ct. 830, 83 L. Ed. 2d 821 (1985). However, appellate counsel is not required to raise every non-frivolous issue according to their merit. *James v. Barnes*, 463 U.S. 749 (1983).

Where the strategic decision to exclude certain issues on appeal is based on reasonable professional judgment. The failure to appeal all trial errors is not ineffective assistance of counsel. *Giffin v. Aiken*, 775 F.2d 1226 (4th Cir. 1985).

The appellant must show that appellant's counsel's performance was deficient and that he was prejudiced by the deficiency.

*Thrift*, *id.* at 537.

3. At the P.C.R. hearing, the state did not present any testimony from appellate counsel.

The court should have found appellant's testimony to be credible. Accordingly, the state failed to present any strategic reason as to why appellant's counsel did not raise the issue of whether the trial court

ended in denying appellant's motion for 15  
directed verdict. ~~By reviewing~~

4. A review of the transcript as noted above reveals it appeared that the trial court had some concerns with the evidence as it related to the charges and motion for directed verdict.

5. An appellate court reviews the denial of a directed verdict by reviewing the evidence and all reasonable inferences in the light most favorable to the state. *State v. Weston*, 307 S.C. 279,

292, 625 S.E. 2d 644, 648 (2005). "A case should be submitted to the jury if there is any substantial evidence, either direct or circumstantial, which tends to prove the guilt of the accused or from which his guilt may be fairly and logically deduced." *Brown v. State*, 307 S.C. 465, 468, 445 S.E. 2d 811, 812 (1992).

"Our duty is not to weigh the plausibility of the parties competing explanations.

Rather, we must assess whether, in the light most favorable to the state, there was any evidence from which the jury

could infer the defendant's guilt." *State v. 16*  
Lacmand, Op. No. 27562 (S.C. SUP. Ct. refiled  
Dec. 23, 2013) (Spearsouse Adv. Sh. No. 50  
at 19). Accordingly, in ruling on a  
directed verdict motion where the State  
relies on circumstantial evidence, the  
court must determine whether the evidence  
presented is sufficient to allow a reasonable  
juror to find the defendant guilty beyond  
a reasonable doubt."

Based on the scant evidence at trial,  
and the trial court's own comments noted  
above when ruling on the motion for  
directed verdict, this court should find the  
appellant's counsel was ineffective for  
failing to raise the issue of the denial of  
directed verdict for review in an appellate  
court. This court should further find  
appellant suffered prejudice as a result  
of appellant's counsel's ineffectiveness and,  
but for his inefficiency a reasonable probabili-  
ty of a different outcome at trial exists.  
Accordingly appellant is entitled to a  
new trial or his convictions overturned.

## Conclusion

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Based on all the foregoing, this Court should find and conclude appellant has met his burden of proof in showing due process violation, illegal property seizure, and prejudice due to ineffective assistance of counsel at his trial. Accordingly, for the foregoing reasons, this Court should grant the appellant a new trial or to overturn all convictions. Also issue an injunction to release the appellant from the S.V.P. requirements, and return all his property or give equal monetary compensation if the authority has discarded his property.

6-1-2017

LARRY JAMES TYLER

2349 ROBERTS RD.

DARLINGTON, S.C. 29532



the twenty first day of the appellants arrest.  
5. The photos show me in swim wear, not nude at all.

6. Officer Hodges still went before the Darlington County Grand Jury some eighteen months later and again told the court I was naked in two photos on a cell phone I gave to minors.

7. He also told the two courts that these minors read an indecent message about one of them using another warrant and indictment.

8. At trial, the alleged victims testified they never saw any nude photos of me or read any message on the cell phone I wrote to them that was indecent.

9. On the investigation video, you can hear officer Hodges say I am nude in the photos the minors saw.

10. So the indictment No. DAR0940 and warrant No. MB2012B were obtained by the Sheriff's office by lying to the court to get these invalid arrest documents.

11. Then with the first warrant, the police felt they had the legal right to get seizure warrants and confiscated over \$3,000 of my property.

12. The police had the cell phone given to them by a man who was related and the victims parents.
13. They had no legal right to get warrants to invade my property and home.
14. Sheriff Wayne Byrd gave Shawn Fursdall, Russ Farrell, Chase McDaniel, and Ben Weatherford, all the police officers that were assigned to my case, all knew the initial warrant was obtained illegally.
15. They also knew they had no valid right to invade my home and property.
16. It was sheriff Wayne Byrd that became the driving force to give these officers permission to act in concert to maliciously prosecute me with groundless criminal proceedings.
17. Eric Hodges and Wayne Byrd even added a charge that depicts me as having sex with the minors.
18. Statute 16-15-0342 section (10) says that the term "Criminal" is applied when there is a sexual encounter with the minor. If not, "Obscene" solicitation of a minor should be used.
19. The sheriff's dept. deliberately used "Criminal" to this charge so that I will

be eligible for the S.V.P. status after my sentence was complete.

20. The first warrant was obtained illegally and plainly without cause making any action against me after that first warrant is also invalid.

21. My public defender is just as guilty of violating my due process constitutional rights as the six police officers of malicious prosecution.

22. Richard Jones, my Public Defender knew the police hid to the judges in order for them to obtain the warrant and indictments and he did nothing about it.

23. He never brought up the issue of the ill-gotten warrant that started the onslaught of the other charges.

24. Why didn't any of my appeals attorneys ever bring up the issue of the warrant and how it was obtained even after my continuing to beg them to do so?

25. It is because these Public Defenders did not want to help me get the charges dropped.

26. Exhibits "A" and "B" are two clock stamped letters I sent my Supreme Court Attorney Lanelle Durant.

27. She still never addressed anything I asked her to do.
28. Instead, she made it her aim to trump up lies to make sure the Court dismiss my appeal.
29. Totally overlooking the most obvious fact that I never committed any crime.
30. Deliberately overlooking the obvious. All my attorneys did this with impunity.
31. Exhibit "C" is the list of property the Sheriff Office seized and used only the two items underlined in yellow.
32. The only two items Durant did not include with her writ of certiorari to the Court is the photo of me in my swim briefs, and the photo the prosecution said was child porn.
34. It was not child porn but ~~the~~ my Public Defender allowed the prosecution build his case as such.
35. I am thankful that I am able to speak and defend myself since I have had no attorney to defend me as they should have since my arrest.
36. For the reasons stated in the brief submitted with this motion, these undisputed facts

establish that appellee "the state" denied my right to due process of law. Accordingly I am entitled to a reversal of all charges and case overturned or at least a new trial.

P7. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

6.1.2017

LARRY JAMES TYLER

EXHIBIT "A"

4-23-17

LARRY JAMES THAYER  
2349 ROBERTS RD.  
DARLINGTON, S.C. 29532

DIV. OF APPELLATE DEFENSE

LANNERS DURANT

P.O. BOX 11589

COLUMBIA, S.C. 29211-1589

DEAR MRS. DURANT,

I REALIZED THE SUPERINTENDENT OF INDUSTRIES  
YOU FACE WHEN GOING BEFORE A S.C. COURT. IT SURGES  
ROY BEAN REINTEGRATE. SO FAR, ALL THE PUBLIC  
DEFENDERS HAVE ONLY AIDED THE CORRUPT COURTS.  
IT IS A CONSPIRACY IN A GRAND STATE WITH SOME. I'M  
SURE YOU ARE INFORMED.

A FEW OTHER ISSUES I WOULD LIKE YOU TO CONSIDER  
INCLUDING IN MY DEFENSE.

1. THE OFFENSE OF CRIMINAL SOLICITATION OF A  
MINOR WAS THE WRITING CHARGE. IN SUBSECTION OF  
THIS STATUTE, (10) INVOLVES A SEXUAL ENCOUNTER. THERE  
WAS NO SEXUAL ENCOUNTER WITH THE MINOR. SO THE  
CHARGE SHOULD HAVE BEEN "OBSCENE SOLICITATION  
OF A MINOR. NOT "CRIMINAL" OR A FELONY BUT A  
MISDEMEANOR. RICK JONES, MY CRIMINAL LAWYER, KNEW  
THIS DIFFERENCE, BUT I DID NOT WITH A PRIVATEER

APR 27 2017

APPELLATE DEFENSE

IN THE STATE PRISON LAW LIBRARY. NOW, AT THE PROBABLE 2. CAUSE HEARING ON OCT 26, 2019 FOR S.V.P. EVALUATION, I WAS FOUND ELIGIBLE FOR THE EVAL. BECAUSE MY CURRENT LAWYER, JAMES HALL, DID NOT SAY ANYTHING TO DEFEND ME AGAINST THIS WRONG CHARGE. NOR DID THE OTHER TWO ATTORNEYS AT MY APPEARANCE.

2. THIS SUREY INSTRUCTIONS GIVEN BY JUDGE BURCH DID NOT SOUND LEGAL. HE TOLD THE SUREY I HAD TO BE FOUND GUILTY OF ALL CHARGES OR NONE AT ALL. I DON'T THINK YOU CAN BE FOUND GUILTY OF SOME CHARGES, AND NOT GUILTY OF OTHERS? SO WHY DID THIS JUDGE TELL THE SUREY THAT?

3. I WAS NEVER SERVED A WARRANT OR INDICTMENT BEFORE TRIAL OR SHOWED THE NUDE PHOTOS THE POLICE CLAIMED THEY HAD. I KEPT ASKING RICK JONES TO SHOW ME THIS EVIDENCE OVER THE 18 MONTHS BEFORE TRIAL, BUT HE NEVER SHOWED ME.

4. SINCE THE FIRST INITIAL WARRANT WAS OBTAINED USING AT LAW, THE WARRANT WAS IMMEDIATELY INVALID MAKING THIS PRELIMINARY HEARING ILLEGAL BECAUSE IT WAS HELD MONTHS AFTER THE TWENTY FIRST DAY OF MY ARREST.

IF YOU WILL, PLEASE SEND A CHECK STAMPED COPY

OF ANY LETTER I SEND YOU FOR PROOF OF RECEIVING 2.  
THEM.

I AM ASKING THAT YOU GET THE SECRET SERVICES REPORT  
ON THEIR INVESTIGATION OF MY MOTHER'S COMPUTER TO  
SEE THEY NEVER FOUND ANY CHILD PORN, OR NUDITY OR  
THE URM PHONE.

SINCERELY,  
Mrs. Lanny Tyler

EXHIBIT "B"

4-24-17

LARRY THER

2349 RODGERS RD.

CHARLINGTON, S.C. 29532

S.C. INDIGMENT OFFENSES

BORN 1989

COLUMBIA, S.C. 29211-1989

DEAR MRS. DURANT,

THE PRIMARY ISSUES IN MY CASE IS WARRANT NO. M820128 AND INDICTMENT NO. M820940. BOTH CLAIM I AM NUDE IN THE PHOTOS ON THE CELL PHONES.

THE INVESTIGATIVE VIDEO, OFFICER JERIC HODGES SAYS I AM NUDE.

AT THE PROBABLES CAUSE HEARING HODGES AGAIN SAYS I'M NUDE, AND NEVER SHOWED THE PHOTOS TO THE JUDGE.

ON THE INDICTMENT REPORT, HODGES SAYS I AM NUDE, WHEN THE EVIDENCE, THE PHOTOS SHOW ME WEARING SWIM BRIEFS.

THE SHERIFF'S OFFICE NEVER HAD ANY EVIDENCE THAT I BROKE A LAW, SO THEY CREATED THIS WAS IN ORDER TO MAKE A WARRANT AND INDICTMENT VALID.

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APR 27 2017

APPELLATE DEFENSE

ROBERT M. PACHAU MY SOLELY APPOINTED ATTORNEY  
NEVER BROUGHT IT UP, AND NANCY BOOPER  
INTENTIONALLY JUST GRATED AT IT, WHEN HE  
SHOULD HAVE MADE IT ABSOLUTELY CLEAR AT  
P.O.R. HEARING THAT SHERIFF WAYNE BYRD  
AND OFFICER ERIC HODGES, BY THIS INTRODUCTION  
THROUGH STATE ACCORD OF FALSE INCULPATORY  
EVIDENCE, HONOR ME AND IT'S NOT OURS YET.

I AM NOW BEING EVALUATED TO BE  
CLASSIFIED AS A S.V.P. AND THEN PUT IN A  
NUT HOUSE FOR LIFE. ALL BECAUSE OF POLICE  
MISCONDUCT, AND INEFFECTIVENESS OF  
COUNSEL.

THE POLICE USE THIS INVALID WARRANT TO  
TRUMP UP MORE ILLEGAL CHARGES BY GETTING  
SEARCH AND SEIZURE WARRANTS. THEY HAD  
ALL THEY NEEDED. THE CELL PHONES. THERE'S  
WAS NO LEGAL REASON TO GET MY MOTHER'S  
COMPUTER. THEN A WARRANT FOR MY CLOUD  
FILE. THEY FOUND NOTHING ON THE HARD DRIVES,  
SO THEY DID MORE WITCH HUNTING.

EVEN THE ALLEGED VICTIMS TESTIFY IN COURT  
THAT THEY SAW NO MESSAGES ON THE CELL PHONES  
WRITTEN TO THEM OR ANY NUDE PHOTOS.

VERIFYING THAT IT WAS ONLY THE POLICE THAT  
CLAIMED I WAS ALONE. 3

F. LEE BAILEY SAID, DURING THE O. S. SIMPSON TRIAL: "I WILL DEFEND ANYONE IN ANY STATE EXCEPT SOUTH CAROLINA." I UNDERSTAND WELL WHAT HE MEANT NOW. THE COURTS WILL CIRCUMVENT SUBSTANCES NO MATTER HOW LEGALLY RIGHT YOU ARE.

THIS IS STILL AN EXTRAORDINARY RACIST STATE. JUDGE BURGESS SHOULD HAVE GRANTED THE REQUEST FOR A DIRECTED VERDICT, BUT HE KNEW THE PROSECUTOR HAD PLAYED ON THE EMOTIONS OF THE JURY AND WOULD CONVINCE THEM TO FIND ME GUILTY BY INTENT. ROBERT MAGRAN NEVER EVEN MENTIONED THE DIRECTED VERDICT DENIAL AT APPEALS.

BUTLER SHOULD HAVE ENTERED THE WARRANT AND INDICTMENT, THE VIDEO, THE INCIDENT REPORT AND THE PRELIMINARY HEARING TRANSCRIPT INTO THE P.C.R. HEARING AS PROOF THE POLICE LIED, AS THE PHOTOS ARE SHOWN AS WELL, BUT HE DIDN'T BECAUSE HE HAD NO PLAN TO DEFEND ME EFFECTIVELY.

I EXPECT THE FEDERAL COURT TO MAKE THIS STATE OBEY THIS LAW. THEY ARE THE

ONLY DRIVES THAT CAR.

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IT'S A PRETTY CLEAR OPEN AND SHUT CASE SINCE THE PHOTOS ARE TOTALLY THE OPPOSITE OF THE WARRANT.

IF IT TAKES 10 YEARS, I DON'T CARE. I'M NOT GOING TO LET S.C. HANG ME WITH THEIR 2012 MESS. THE INJUSTICE COURT SYSTEM.

Another issue that made my trial a mockery is Doris Brown's testimony. She mentioned my past criminal record which prejudiced the jury by saying she did not know I was a registered sex offender. This is not in the transcript, but if you listen to the audio of the trial, you will hear her say that. The reason the stenographer left it out is because she knew it would be used to declare a mistrial. Darlington county is so corrupt.

I told Berger this and he still did not include it in the P.C.R. Brief. Another indication he never had it to really defend me.

Richard Jones, my criminal trial attorney allowed the Brady Rule to be violated, by not submitting the invalid indictment and warrant. Brady requires the disclosure of material exculpatory

evidence in criminal prosecutions

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CHAVIS V. ROWE, 643 F.2d 1281, 1285-86

(7th Cir. 1981) (holding report that tended to show the prisoner was not guilty should have been disclosed.)

What has puzzled me out of all this is the Grand Jury. What is it? What's on it? Now in the world did Eric Rodgers get an indictment if he showed the photos to the Grand Jury. It had to be the same way he did it at the preliminary. He simply said it was nude and never showed the photos.

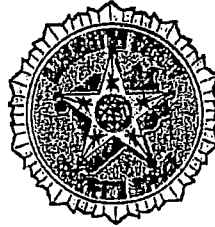
You sent me a phone number to be able to call you. That's a first. Packard or Boggs never did that. Collect too! I don't know. The Prison Industrial Complex is so big and lucrative you've states. Especially for this one with only 3.2 mil. people and 30 prisons. There's hardly any one in this state. Even with all the odds against me, I am giving you the benefit of the doubt that you might be a "wise among THOU'S" ca 2:2 as King Solomon said of the woman in Jerusalem. At least that is what I'm praying for.

Sincerely,  
Mrs. Larry Tyler

EX "C"

# DARLINGTON COUNTY SHERIFF'S OFFICE

Sheriff J. Wayne Byrd



1621 HARRY BYRD HWY.  
P.O. BOX 783  
DARLINGTON, SOUTH CAROLINA 29532

TELEPHONE (843) 398-4501  
FAX (843) 398-4502

## 1220 PINE FORREST LANE-SEARCH WARRANT

Case Number 201109-0597

### FROM THE LARGE DESK AREA IN THE SUSPECT'S BEDROOM:

- 50.00 1. ONE (1) COPY PAPER BOX WITH BLUE FOLDERS AND ASSORTED LOOSE PAPERWORK, DRAWINGS, LETTERS, RECIEPTS, FLYERS, AND PHOTOS
- 200.00
- 65.00 2. ONE (1) 3D REACH WIRELESS USB CARD S/N F082A902F0L32773
- 75.00 3. SEVEN (7) ASSORTED DRAWINGS
- 25.00 4. NEW WORLD BIBLE
- 40.00 5. PACK OF 35MM NEGATIVES AND ONE(1) PHOTO
- 475 6. ONE (1) SEX ARTICLE CLIPPING
- 20.00 7. ONE (1) BLUE "CHEER" FOLDER WITH PICTURES AND ASSORTED PAPERS/MONEY GRAMS
- 150.00 8. ONE (1) U.S. PASSPORT
- 25.00 9. PRINTED INTERNET MAPS, WEBCAM PHOTOS OF SUSPECT, AND OTHER RELATED INFORMATION ABOUT FOREIGN COUNTRIES
- 20.00 10. 2010 DAY PLANNER WITH PASSWORDS AND ACCOUNT NUMBERS

215

### FROM THE COMPUTER DESK AREA OF THE SUSPECT'S BEDROOM

- 1. STACK OF NUMEROUS HANDWRITTEN NOTES ON NOTEBOOK PAPER
- 40.00 2. STACK OF SEMI PRINTED COPY PAPER
- 40.00 3. TWO (2) JBL COMPUTER SPEAKERS
- 50.00 4. NUMEROUS COMPUTER CD'S ON A SPINDLE
- 50.00 5. COMPAQ MOUSE
- 350.00 6. COMPAQ CQ5000 TOWER SN#3CR0310BW0

530

475  
215  
530  

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1,215

FROM THE CLOSET AREA OF THE SUSPECT'S BEDROOM

- 5.00 1. ONE (1) PAIR OF BLUE BAKINI UNDERWEAR
- 150.00 2. ONE (1) WESTERN DIGITAL WD PROTÉGÉ HARD DRIVE SN#WMA711733605
- 200.00 3. ONE (1) SEAGATE HARD DRIVE SN#VH709550
- 175.00 4. ONE (1) MAXTOR MODEL 33073H3 HARD DRIVE SN#L3H6ETVC
- 200.00 5. ONE (1) AT&T CISCO 3G MICROCELL ROUTER SN#445829-00026666045 WITH ETHERNET CORD AND POWER CORD
- 18.00 6. ONE (1) BLACK PLASTIC TRAY WITH CONNECTION CORDS
- 200.00 7. ONE (1) AT&T ROUTER SN#341019012510
- 200.00 8. ONE (1) AT&T ROUTER SN#34119024567
- 150.00 9. ONE (1) SILVER MOTOROLA AT&T CELL PHONE
- 150.00 10. ONE (1) GREY MOTOROLA CELL PHONE MSN:G296JC5ZK7
- 11. ONE (1) RED KYOCERA DOMINO METRO PCS CELL PHONE K33BIC-06

FROM BESIDE THE LEFT SIDE OF THE BED IN THE SUSPECT'S BEDROOM

- 10.00 1. COMPAQ COMPUTER BOX (EMPTY)

1,450

2  
 150  
 200  
 175  
 200  
 200  
 200  
 150  
 150  
 -----  
 1,425

1  
 1450  
 1,215  
 623  
 -----  
 3,288

RETURN

AS A RESULT OF THE AFOREMENTIONED CONSENT SEARCH, I HAVE SEIZED THE FOLLOWING ITEMS OR PROPERTY PERTINENT TO THE INVESTIGATION OF CASE# 201109-0597

(1) roll of 35mm film 4.00

(1) AT&T Motorola Blur KY6ENY2B9W (msn #) 200.00

(1) AT&T Nokia 6350 1B KKU:65057 1.35.00

(1) Red Spiral Notebook 2.00

(1) 35mm Olympus Camera sn#1253183 300.00

(1) SD card located in the Motorola phone 17.00

*[Handwritten mark]*

623.00

Sgt. Russ Howell  
OFFICER SIGNATURE

DATE: 09-24-11

TIMES: 8:19 P M

WITNESS

WITNESS