

State of South Carolina

County of Spartanburg

Tyrone Perry # 307793

Petitioner

v

State of South Carolina

Respondent

In the Supreme Court

2015-CP-42-4338

Appellate case No: 2017-001770

Motion to Alter or Amend Judgment

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OCT 03 2017

S.C. SUPREME COURT

Pursuant to Rule 59(e), SCRPC the petitioner hereby moves to alter or amend the judgment of this Court filed on September 20, 2017 and received by the Petitioner on September 22, 2017

ARGUMENT

The petitioner argues that on September 12, 2017 in accordance with Rule 243(c) of SCACR he filed an explanation to show cause in his on-going case. Pursuant to Huston -v- Lack documents (legal) are filed once they hit prison officials hands. So on September 12, 2017 I filed my explanation pursuant to Rule 243(c). I have the legal mail log to verify. My motion must have gotten lost at the post office. Whatever the matter may be I met the (20) day deadline and circumstances beyond my control thwarted my efforts. So I file this motion to alter or amend judgment in the allotted ten days in hopes that my paperwork will be found. I'm trying all I can to obtain relief but outside interference is hindering me from reaching my goals. In my previous PCR I raised

the issue that I was promised 25 years when I in fact received a 50 year sentence. On my current PCR application im raising that I was incompetent at the time of the plea. These are two totally different issues. Also in my previous PCR I was raising the issue that trial counsel was ineffective for failing to investigate medical records. In my current PCR application I am raising trial counsel was ineffective for failing to get a second opinion. These are due process claims that are new issues and could not have been raised at my previous PCR due to the fact of my diminished capacity and I had No Knowledge of them. Pursuant to Pate-v-Robinson and Drope-v-Massauri due process is violate for these very same issues and the record reflects that the petitioner was incompetent at the time of the plea and trial counsel was ineffective for failing to get a second opinion when the petitioner had a history of mental illness. The petitioner wrote trial counsel up with the Disciplinary Counsel prior to this plea which led to the inadequate investigated and lack of diligence in this case. The petitioner has not raised the same issue over but is trying to raise NEW issues which he had No Knowledge of. With constant visits to Gilliam Psychiatric Hospital, Crisis Intervention, and isolated mental health programs the petitioner has had no interaction with the law library, law clerks, nor has he had access to adequate legal material. The petitioner has been left to understand all of this with his own devices and diminished capacity. The petitioner has attempted to meet every tight deadline and due to the lack of understanding on the petitioner's second PCR he was told by the Courts that he could not appeal an conditional order. Not knowing you had to wait for the final order the petitioner filed his third and previous PCR

before he received his final order for his second PCR. The petitioner has responded to every request of the Honorable Courts and prays that this motion to alter or amend judgment is granted. The petitioner took the necessary steps to reach the Court's (20) day deadline and the post-office misplaced the petitioner's explanation so the petitioner throws himself at the mercy of the courts

Respectfully Submitted

s/x Tyrone Perry 307793
Tyrone Perry 307793
Kirkland Corr. Institute
4344 Broad River Rd
Columbia S.C. 29210

This 27th day of September 2017

state of South Carolina
County of Spartanburg
Tyrone Perry # 307793
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Proof of Service

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I certify that I have served this 59(c) motion by depositing a copy of it in the U.S. mail postage prepaid on this 27th day of September to the following:

The Supreme Court of South Carolina
Daniel E Shearouse
P.O. Box 11330
Columbia S.C. 29244

sv Tyrone Perry

Inter Agency

Tyrone Perry # 307793

Kirkland Corr. Institute

4344 Broad River Road

Columbia S.C. 29210

**LEGAL
MAIL
ONLY**

Supreme Court of South Carolina

Daniel E Shearouse, clerk

P.O. Box 11330

Columbia S.C. 29211

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SEP 27 2017

KIRKLAND R&E CENTER
MAILROOM

**SALUDA UNIT,
LEGAL MAIL**