

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO DARLINGTON COUNTY

HONORABLE G. THOMAS COOPER, CIRCUIT COURT
JUDGE

RECEIVED

JAN 02 2018

CC Court of Appeals

LARRY JAMES TYLER,

PETITIONER

v.

STATE OF SOUTH CAROLINA,

RESPONDENT

PETITION TO SUBMIT SUPPLEMENTAL BRIEF

PURSUANT TO RULE 15(d), FED. R. CIV. P.,
PETITIONER MOVE FOR MOTION TO SUBMIT
SUPPLEMENTAL BRIEF.

RECEIVED

DEC 27 2017

S.C. SUPREME COURT

The petitioner has just recently discovered why the state decided to consider the petitioner to be classified as a sexually violent predator according to the sentence sheets.

1. The petitioner would like the court to note the inconsistency in the violator's s.v.p. code and the level of the offense checked on the sentence sheets. Exhibit EX1 EXA. Bearing, COR code # 3129. Indictment case # 603

2. Indictment number 604, offense level square is checked non-violent, but the code is § 16-15-0405(A), bearing COR code # 380
EX. 2 EX B

3. Indictment case # 606, offense level square is checked non-violent, but the code is § 16-15-385(A)(B); 16-15-0 bearing COR code # 0378
EX 4, EX D

All these violations fall under the S.V.P. act and are considered violent offenses.

So why did the court check the level to be non-violent, and why did the petitioner

get a non-violent sentence of 2 years serving
only four out of eight when the codes are
violent crimes?

30F 87

This is because the court wanted to make the
petitioner a S.V.P. at the sentencing stage.

The ~~release~~ petitioner never received his
sentence sheets until four years later when he
asked his P.O. attorney James Prooper to send
a copy to me. He never saw his commitments
as well until Mr. Prooper sent them.

This was an invalid move on the part of
the court and the petitioner's trial attorney
Richard Jones who kept him in the dark
concerning this plot to make the petitioner
a violent sex offender. SEE PAGE "3A"

4 The petitioner has no access to a law library
and has no idea the proper procedure on
sentencing sheets, but there is a due process
violation when the level on the sheets is
checked non-violent, but the codes are
violent offenses. If the sheets are to be
excepted as non-violent crimes then the
petitioner is currently being illegally held
conspired under the S.V.P. act.

5. Did the judge make a downward

PAGE 9A OF 7

U.S. v. STUCK, 685 F.3d 621, 628 (6th Cir. 2012)
(plain error when court did not find sufficient facts to support highest base offense level);

U.S. v. JONES, 743 F.3d 826, 829-30 (11th Cir. 2014) (plain error when court incorrectly concluded defendant qualified for career criminal enhancement);

departure to these violent crimes and make them non-violent in the petitioner's case? If so, the Dept. of Corrections did not recognize this, or the state of S.C. or the Parole Board. 40587

The probable cause hearing to determine if the petitioner should be classified as an S.V.P. also did not recognize the non-violent level on his sentence sheets.

If they should have, then the petitioner is now serving time twice for the same violations. Double jeopardy. All they saw was the codes and not the level of non-violent.

6. The petitioner is stating that the prosecution applied the wrong S.C. codes to the three indictments that are violent rather than non-violent. He did the fourth charge as non-violent. Indictment case # 605 is also checked non-violent § 16-17-0490 bearing case code 0048. This does not fall under the S.V.P. act.

So why did the judge allow the violent S.C. codes to be listed on the sentence sheets that are marked non-violent offenses? Abuse of discretion by the judge. EX 3, EX 6

INTENT NOT WARRANTED

7. The court case now see in exhibit "A" the indictment 2013-05-16-0604 having the only one out of the four to include the word "INTENT" in its affidavit.

5 OF 27

The trial transcript pg 149, LINES 8-14. Mr. Holt stated he did not have to prove to the jury that the girls got their messages. That the petitioner attempted to get that message to the victim.

The state never presented any evidence to prove this fact. On pg 59 LINE 22. The victim said "she did not read it." To prove that the petitioner was tried to give, intended to give that message to the victim. Also the state never proved that particular message was on the phone when the victim had it.

It is beyond a reasonable doubt that the state had to prove the petitioner had the number read that message and it was never proven. Not even by intent. U.S. v. SAVOIN, 515 U.S. 506, 522-23 (1995) (court's failure to submit issue of materiality to jury in prosecution for making false statements deprived defendant of right to demand that jury find defendant guilty of every element of crime charged).

Presumption is unconstitutional if it 6 of
undermines the factfinder's responsibility to
find the elements of a crime beyond a
reasonable doubt.

Per 149 LINTO 14 the prosecutor in his closing
argument shift the burden of proof to intent
to communicate with a person who is under the
age of 18. The elemental and basic facts that
the petitioner was under in the photos on the
message was on the cell phone and the victim
said it was never validated. So intent should
not have been introduced to the jury.

U.S. v. MESSIA, 597 F.3d 1329, 1341 (D.C. Cir.
2010) (instruction that jury may infer ~~offense~~
~~intent~~ ~~inferred~~ ~~permissive~~ ~~presumption~~);
~~offense~~ U.S. defendant intended the probable
consequences of his actions created permissive
presumption); U.S. v. Kellington, 217 F.3d 1084,
1101 (9th Cir. 2001) (verdict against weight of
evidence because court placed improper restriction
on closing arguments in "largely circumstantial
case" against attorney on "obstruction of
justice charges")

CONCLUSION

7 DE 87

For the foregoing reasons, the grant of the petitioner's supplementary brief should support his appeal to dismiss the convictions or remanded to the lower court for a new trial with instructions.

DATE 12-18-17

LARRY J. TYLER

2349 ROGERS RD.

DARLINGTON, S.C. 29532

EX1
0-10

STATE OF SOUTH CAROLINA

COPY

IN THE COURT OF GENERAL SESSIONS

COUNTY OF: Darlington
STATE: VS.
Larry James Tyler
AKA:
Race: Black Sex: M Age: 60
DOB: 1953 SS#: [REDACTED]
Address:
City, State, Zip:
DL#: [REDACTED] SID#: [REDACTED]

INDICTMENT/CASE#: 2013-GS-16-0603
A/W#: DAR0937
Date of Offense: 7/1/2011
S.C. Code §: 16-15-0342
CDR Code #: 3129

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was
TO: Obscene / Criminal solitation of a minor

CONVICTED OF or PLEADS

in violation of § 16-15-0342 of the S.C. Code of Laws, bearing CDR Code # 3129
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: [Signature] 77495 [Signature] 3192
Holt, John SC.Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 8 days/months/years or under the Youthful Offender Act not to exceed 1 years
and/or to pay a fine of \$ 100.00; provided that upon the service of 1 days/months/years and/or payment
of \$ 100.00, plus costs and assessments as applicable*; the balance is suspended with probation for 1

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 523 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ 100.00 plus 20% fee: \$ 20.00

Payment Terms: [REDACTED]
 Set by SCDPPPS
Recipient: [REDACTED]

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCIA Surcharge)	\$5	\$5.00
3% to County (if paid in installments)	\$	\$
TOTAL	\$	\$133.90

1 days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. [REDACTED]
May serve W/E beginning [REDACTED]
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ [REDACTED] beginning [REDACTED]
\$ [REDACTED] paid to Public Defender Fund
Other: [REDACTED]

Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
probation.

Clerk of Court/Deputy Clerk: Michelle North
Court Reporter: Hattie Gordon
Presiding Judge: [Signature]
CLERK OF COURT: 2098
DARLINGTON COUNTY, SC: 2-27-13

[Handwritten signature]
WITNESSES

Eric Hodges

Darlington County Sheriff

Law Enforcement Case #:

495

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant:

**ARREST WARRANT NUMBER
DAR0937**

ARRESTED ON: Direct Presentment

ACTION OF GRAND JURY

True Bill

Grand Jury Foreperson *J. B. Suggs*

Date FEB 21 2013

VERDICT

All Guilty

Petit Jury Foreperson *Patricia J. Wimber*

Date 2/27/13

TRUE CERTIFIED COPY

J. B. Suggs

**CLERK OF COURT RMC
DARLINGTON COUNTY, S.C.**

**DOCKET NUMBER:
2013-GS-16-0603**

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

**Term:
February 2013**

THE STATE

vs.

Larry James Tyler

INDICTMENT FOR

Obscene / Criminal solitation of a minor

§16-15-0342

CDR Code: 3129

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

INDICTMENT FOR

Obscene / Criminal solitation of a minor

MIB.

§16-15-0342

At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of Darlington County present upon their oath:

CRIMINAL SOLICITATION OF A MINOR

CDR: 3129 16-15-342(A)(E)

That Larry James Tyler, a person eighteen years of age or older, did in Darlington County, on or about July 1, 2011 to September 24, 2011, knowingly contact or communicate with or attempt to contact or communicate with [REDACTED], a person who is under the age of eighteen, or a person reasonably believed to be under the age of eighteen, for the purpose of or with the intent of persuading, inducing, enticing, or coercing the person to engage or participate in a sexual activity as defined in Section 16-15-375(5), or with the intent to perform a sexual activity in the presence of that person, in violation of Section 16-15-342, S. C. Code of Laws, 1976, as amended.

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

TRUE CERTIFIED COPY.
Scott B. Suggs
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

William B. Rogers, Jr.
WILLIAM B. ROGERS, JR.
SOLICITOR

COUNTY OF Darlington
 STATE VS.
Larry James Tyler
 AKA:
 Race: Black Sex: M Age: 60
 DOB: 1953 SS#: [REDACTED]
 Address:
 City, State, Zip:
 DL#: [REDACTED] SID#:

INDICTMENT/CASE#: 2013-GS-16-0604
 A/W#: DAR0938
 Date of Offense: 7/1/2011
 S.C. Code §: 16-15-0405(A)
 CDR Code #: 0380

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was
 TO: Sex / Sexual exploitation of a minor, Second degree

CONVICTED OF or PLEADS

in violation of § 16-15-0405(A) of the S.C. Code of Laws, bearing CDR Code # 0380
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
 ATTEST: [Signature] 77445 Defendant [Signature] 3192
 Holt, John SC Bar# Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 8 days/month/years or under the Youthful Offender Act not to exceed 1 years
 and/or to pay a fine of \$ 133.50; provided that upon the service of 1 days/months/years and/or payment
 of \$ 133.50; plus costs and assessments as applicable*; the balance is suspended with probation for 1

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections. 523 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
 Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing: Ordered PTUP _____ days/hours Public Service Employment
 Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

*Fine:	\$	
§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
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§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL	\$	\$ 133.50

Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling:
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund.
 Other: _____

Appointed PD or appointed other counsel,
 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk Michelle New
 Court Reporter: Hattie Gordon
 CLERK OF COURT JUDGE B. [Signature]
 DARLINGTON COUNTY, S.C. 2048
 Sentence Date: 2-27-13

EX2
0-10

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Darlington
STATE VS.
Larry James Tyler

INDICTMENT/CASE#: 2013-GS-16-0604

A/W#: DAR0938

Date of Offense: 7/1/2011

S.C. Code § : 16-15-0405(A)

CDR Code #: 0380

AKA: _____

Race: Black Sex: M Age: 60

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was TO: Sex / Sexual exploitation of a minor, Second degree

TRUE CERTIFIED COPY

SENTENCE SHEET
Scott B. Surra
CLERK OF COURT
DARLINGTON COUNTY, SC

CONVICTED

in violation of § 16-15-0405(A) of the S.C. Code of Laws, bearing CDR Code # 0380

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Holt, John 77495 SC Bar# _____ Defendant Robert 3192 Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 8 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 523 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____

PTUP _____ days/hours Public Service Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
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§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ca	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk Michelle Norton
Court Reporter: Hattie Gordon
SCCA/217 (03/2011)

Presiding Judge [Signature]
Judge Code: 2048
Sentence Date: 2-27-13

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON) Sex / Sexual exploitation of a minor, Second degree

INDICTMENT FOR

§16-15-0405(A)

At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of Darlington County present upon their oath:

SEXUAL EXPLOITATION OF A MINOR, SECOND DEGREE

CDR: 0380 16-15-0405(D)

That Larry James Tyler did in Darlington County on or about July 1, 2011 to September 24, 2011, knowing the character or content of the material, did distribute, transport, exhibit, receive, sell, purchase, exchange, or solicit material that contains a visual representation of a minor engaged in sexual activity, or he did record, photograph, film, develop, duplicate, produce, or create digital electronic file material that contains a visual representation of a minor engaged in sexual activity, to include image number(s):

448595.jpg (Russian Website); 549632, Z51G3mh4YO; Z5163mh4YO (image file #2); wcfYVtY4N; WcfY1VtY4N (image 2); tn85972_61_2205; #1-005.jpg; #2-006.jpg; #5-20.jpg.jpeg; #6-216.jpg; #7-22.jpg.jpeg; #8-221.jpg; #9-Copy-231.jpg; #12-47.jpg.jpeg; #13-68.jpg.jpeg; #14-82.jpg.jpeg; #15-02.jpg.jpeg; #16-03.jpg.jpeg; #17-Cherish006.jpg; #18-cutie.jpg.jpeg; #19-stella0012.jpg; #20-sugar.jpeg; #21-sugar0013.jpg; #22-sugar0018.jpg; #26-tn32.jpg.jpeg; #27-tncherish010.jpg.jpeg; #28-tnardling0017.jpg.jpeg; #29-tnardling0018.jpg.jpeg; #30-tnliliana0007.jpg.jpeg; #31-tnliliana0017.jpg.jpeg; #32-tnliliana0025.jpg.jpeg; #33-tnlolly0002.jpg.jpeg; #34-tnlolly0003.jpg.jpeg; #35-tnlolly0017.jpg.jpeg; #36-tnlolly0028.jpg.jpeg; #37-tnpeach0016.jpg.jpeg; #38-tnpeach0026.jpg.jpeg; #39-tnpeach0027.jpg.jpeg; #40-tnstella0031.jpg; #11-416c85285a.jpg.jpeg, in violation of Section 16-15-0405, S. C. Code of Laws, 1976, as amended.

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

TRUE CERTIFIED COPY

CLERK OF COURT / MAG
DARLINGTON COUNTY, SC

William B. Rogers, Jr.

WILLIAM B. ROGERS, JR.
SOLICITOR

[Handwritten Signature]
WITNESSES

Eric Hodges

Darlington County Sheriff

Law Enforcement Case #:

495

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

**ARREST WARRANT NUMBER
DAR0938**

ARRESTED ON: Direct Presentment

ACTION OF GRAND JURY

True Bill

Grand Jury Foreperson

[Handwritten Signature]

Date

FEB 21 2013

VERDICT

All Guilty

Petit Jury Foreperson

Patricia H. Winburn

Date

2/27/13

**DOCKET NUMBER:
2013-GS-16-0604**

The State of South Carolina

County of Darlington

COURT OF GENERAL SESSIONS

Term:
February 2013

THE STATE

vs.

Larry James Tyler

INDICTMENT FOR

Sex / Sexual exploitation of a minor, Second degree

§16-15-0405(A)

CDR Code: 0380

TRUE CERTIFIED COPY

William B. Rogers, Jr., Solicitor

**CLERK OF COURT/FMC
DARLINGTON COUNTY, S.C.**

EX 3
0-3

STATE OF SOUTH CAROLINA

COUNTY OF Darlington
STATE VS.

Larry James Tyler

AKA: _____

Race: Black Sex: M Age: 60

DOB: _____ SS#: _____

Address: _____

City, State, Zip: _____

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Minor / Contributing to the delinquency of a minor

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2013-GS-16-0605

A/W#: DAR0939

Date of Offense: 7/1/2011

S.C. Code § : 16-17-0490

CDR Code #: 0048 **TRUE CERTIFIED COPY**

SENTENCE SHEET
CLERK OF COURT / OAC

CONVICTED **DARLINGTON COUNTY, SC**

in violation of § 16-17-0490 of the S.C. Code of Laws, bearing CDR Code # 0048
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: John Holt 77495 SC Bar# Defendant [Signature] 3192 SC Bar# Attorney for Defendant

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 3 days/month/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 523 days

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
Total: \$ _____ plus 20% fee: \$ _____
_____ days/hours Public Service Employment

Payment Terms: _____
 Set by SCDPPPS _____
Obtain GED
Attend Voc. Rehab. or Job Corp. _____

Recipient: _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing

*Fine: _____ \$
§ 14-1-206 (Assessments 107.5 %) _____ \$
§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$
§ 56-5-2995 (DUI Assessment) \$12 \$
§ 56-1-286 (DUI Breath Test) \$25 \$

Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$

Proviso 90.5 (SCJA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90
Other: _____
\$ _____ paid to Public Defender Fund

Clerk of Court/ Deputy Clerk Michelle Norton
Court Reporter: Hattie Gordon
SCCA/217 (03/2011)

Presiding Judge: [Signature]
Judge Code: 2048
Sentence Date: 2-27-13

EXC

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DARLINGTON)

Minor / Contributing to the delinquency of a minor

§16-17-0490

At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of Darlington County present upon their oath:

CONTRIBUTING TO DELINQUENCY OF MINOR

CDR: 0048 16-17-0490

That Larry James Tyler, being over eighteen (18) years of age, did in Darlington County, on or about July 1, 2011 to September 24, 2011, knowingly and willfully encourage, aid, or cause or influence one [REDACTED], a minor, to violate a law or municipal ordinance; or to become incorrigible or ungovernable and beyond the control of her parents or guardian; or to become habitually truant, or to without just cause and without consent of her parent or guardian to repeatedly desert her home; or to engage in an occupation which is in violation of the law; or to associate with immoral or vicious persons; or to frequent a place the existence of which is in violation of law; or to habitually use obscene or profane language; or to beg or solicit alms in a public place under pretence; or to so deport herself to willfully injure or endanger her morals or health or the morals or health of others, in violation of Section 16-17-490, S. C. Code of Laws, 1976, as amended.

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

TRUE CERTIFIED COPY.

Scott B. Sizer
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

William B. Rogers, Jr.

WILLIAM B. ROGERS, JR.
SOLICITOR

CO: 7 OF
 STA: 3
 VS: Darlington
 Larry James Tyler
 AKA:
 Race: Black Sex: M Age: 60
 DOB: [REDACTED] 1953 SS#: [REDACTED]
 Address:
 City, State, Zip:
 DL#: [REDACTED] SID#:

INDICTMENT/CASE#: 2013-GS-16-0606
 A/W#: DAR0940
 Date of Offense: 7/1/2011
 S.C. Code: § 16-15-0385(A)(B); 16-15-0
 CDR Code #: 0378

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Obscene / Disseminating harmful material or exhibiting harmful performance to minors

in violation of § 16-15-0385(A)(B); 16-15-0 of the S.C. Code of Laws, bearing CDR Code # 0378
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)
 The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
 ATTEST: [Signature] 77405 Defendant
[Signature] 3192 Attorney for Defendant
 Holt, John SC Bar# [REDACTED]

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 8 days/months/years or under the Youthful Offender Act not to exceed 1 years
 and/or to pay a fine of \$ 100.00, provided that upon the service of 1 days/months/years and/or payment
 of \$ 100.00; plus costs and assessments as applicable*; the balance is suspended with probation for 1
 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
 by the State Department of Corrections. 523 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

_____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____
 Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk: Michelle Neeter President Judge: [Signature]
 Court Reporter: Hattie Gordon Judge Code: 2040
 SCCA/217 (03/2011) CLERK OF COURT/ JAC 2-27-13
 DARLINGTON COUNTY, S.C.

EX 4

CO: Y OF Darlington
 STA: VS:
Larry James Tyler
 AKA:
 Race: Black Sex: M Age: 60
 DOB: 1953 SS#: [REDACTED]
 Address:
 City, State, Zip:
 DL#: [REDACTED] SID#:

INDICTMENT/CASE#: 2013-GS-16-0606
 A/W#: DAR0940
 Date of Offense: 7/1/2011
 S.C. Code §: 16-15-0385(A)(B); 16-15-0
 CDR Code #: 0378

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No
 In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS
 TO: Obscene / Disseminating harmful material or exhibiting harmful performance to minors

in violation of § 16-15-0385(A)(B); 16-15-0 of the S.C. Code of Laws, bearing CDR Code # 0378
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC) §17-25-45
 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury, (defendant's initials)
 The plea is Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.
 ATTEST: [Signature] 7.7.11 Defendant: [Signature] 3.19.12
 Holt, John SC Bar# _____ Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
 for a determinate term of 8 days/months/years or under the Youthful Offender Act not to exceed 1 years
 and/or to pay a fine of \$ 1, provided that upon the service of 1 days/months/years and/or payment
 of \$ 1, plus costs and assessments as applicable*; the balance is suspended with probation for 1

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 523 days
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
 Set by SCDPPPS _____

Recipient: _____

*Fine:	\$
§ 14-1-206 (Assessments 107.5%)	\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
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§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114 (BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
Proviso 90.5 (SCCJA Surcharge)	\$5
3% to County (if paid in installments)	\$3.90
TOTAL	\$1331.00

_____ days/hours Public Service Employment
 Obtain GED
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling:
 Random Drug/Alcohol testing
 Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____
 Appointed PD or appointed other counsel, § 47-12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk: Michelle Naylor Presiding Judge: [Signature]
 Court Reporter: Hattie Gordon Judge Code: 2048
 SCCA/217 (03/2011) CLERK OF COURT: [Signature] 2-27-13
 DARLINGTON COUNTY, S.C.

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF DARLINGTON)

Minor / Contributing to the delinquency of a minor

§16-17-0490

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CONTRIBUTING TO DELINQUENCY OF MINOR

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

TRUE CERTIFIED COPY,

Scott B. Sizer
CLERK OF COURT/RMG
DARLINGTON COUNTY, S.C.

William B. Rogers, Jr.

WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

INDICTMENT FOR

Obscene./ Disseminating harmful material to minors

§16-15-0385(A)(B); 16-15-0

At a Court of General Sessions, convened on February 21, 2013, the Grand Jurors of Darlington County present upon their oath:

DISSEMINATING HARMFUL MATERIAL TO MINORS

CDR: 0378 16-15-0385(A)(B),(D)

That Larry James Tyler did in Darlington County on or about July 1, 2011 to September 24, 2011, knowing the character or content of the material, sell, furnish, present or distribute to a minor, [REDACTED] material that is harmful to minors, or that the defendant did allow the minor to review or peruse material that is harmful to minors, to wit: did knowingly give a cell phone to a juvenile female which contained nudity, particularly photographs of himself, in violation of Section 16-15-0385(A)(B)(D), S. C. Code of Laws, 1976, as amended.

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

TRUE CERTIFIED COPY
William B. Rogers, Jr.
CLERK OF COURT/RMC
DARLINGTON COUNTY, S.C.

William B. Rogers, Jr.
WILLIAM B. ROGERS, JR.
SOLICITOR

[Handwritten Signature]
WITNESSES

Eric Hodges
Darlington County Sheriff
Law Enforcement Case #:

495

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant:

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant:

ARREST WARRANT NUMBER
DAR0940

ARRESTED ON: Direct Presentment

ACTION OF GRAND JURY

TRUE BILL

Grand Jury Foreperson: *[Signature]*
Date: FEB 21 2013

VERDICT

All Guilty

Petit Jury Foreperson: *[Signature]*
Date: 2/27/13

TRUE CERTIFIED COPY.
[Signature]
CLERK OF COURT/RMG
DARLINGTON COUNTY, SC

DOCKET NUMBER:
2013-GS-16-0606

The State of South Carolina
County of Darlington

COURT OF GENERAL SESSIONS

Term:
February 2013

THE STATE

vs.

Larry James Tyler

INDICTMENT FOR

Obscene / Disseminating harmful material to minors

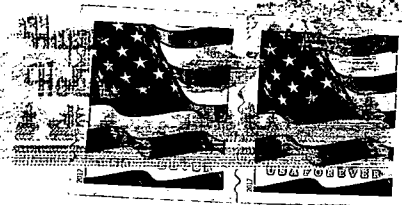
§16-15-0385(A)(B); 16-15-0

CDR Code: 0378

[Signature]
William B. Rogers, Jr., Solicitor

LARRY TYLER
2349 ROOBERS RD.
DARWINGTON, S.C. 29532

COLUMBIA SC 290
28 DEC 2017 PM 11



RECEIVED

JAN 02 2018

SC Court of Appeals

S.C. SUPREME COURT
BOX 11 330
COLUMBIA, S.C. 29211

29211-133030

