

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

 ORIGINAL

Certiorari to Spartanburg County
Paul M. Burch, Circuit Court Judge

DAVID ANTHONY TYRE,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2017-001141

PETITION TO FILE
SUPPLEMENTAL APPENDICES

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, the undersigned counsel requests leave in which to file supplemental appendices in the above titled case. In support of this motion, counsel submits the following facts.

1. The Johnson petition for writ of certiorari and copies of the appendices in the above appeal were filed with the Court in the case on December 27, 2017.

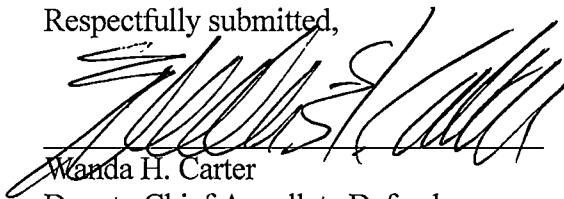
2. However, it has recently come to my attention that a House Detention Order, which was in effect a revocation order, had been issued due to petitioner's mental illness. The Order was relevant to petitioner's PCR claim that counsel failed to develop a mental illness defense and should have been included in the appendices filed in the case (See Order Attached).

3. Therefore, since this Order lended credibility to petitioner's mental illness defense raised at PCR, and because the PCR Judge's Order of Dismissal addressed the matter of

petitioner's mental illness in connection with the related ineffective assistance of counsel claim, then appellate counsel would request that this Court grant the petition for leave to file supplemental appendices containing the House Detention Order within the spirit of compliance under Rule 243(f), SCACR.

WHEREFORE, counsel requests leave in which to file supplemental appendices containing this Order in the above-titled case on appeal.

Respectfully submitted,



Wanda H. Carter
Deputy Chief Appellate Defender

Attorney for Petitioner

January 16, 2018

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Spartanburg County
Paul M. Burch, Circuit Court Judge

DAVID ANTHONY TYRE,

PETITIONER,

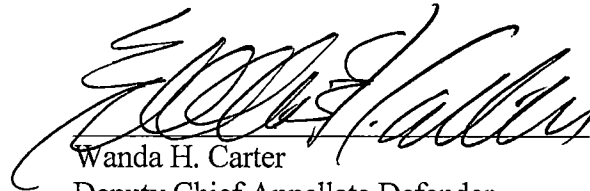
V.

STATE OF SOUTH CAROLINA,

RESPONDENT

CERTIFICATE OF SERVICE

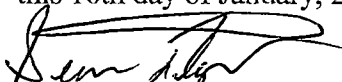
The undersigned attorney hereby certifies that a true copy of the Petition to File Supplemental Appendices in the above referenced case has been served upon Valerie Giovanoli, Esquire, at Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201, this 16th day of January, 2018.



Wanda H. Carter
Deputy Chief Appellate Defender

Attorney for Petitioner

SUBSCRIBED AND SWORN TO before me
this 16th day of January, 2018.



(L.S.)

Notary Public for South Carolina
My Commission Expires: October 30, 2022.



ORIGINAL

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

January 16, 2018

RECEIVED

JAN 16 2018

The Honorable Daniel E. Shearouse
Clerk, S.C. Supreme Court
PO Box 11330
Columbia, SC 29211

S.C. SUPREME COURT

Re: David Anthony Tyre v. State of South Carolina

Dear Mr. Shearouse:

Enclosed are an original and six copies of the Petition to File Supplemental Appendices in the above-captioned case. Thank you for your assistance in this matter.

Sincerely,

Wanda H. Carter
Deputy Chief Appellate Defender

WHC/smf

Enclosure

cc: Valerie Giovanoli, Esquire
David Anthony Tyre #343149