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RECEIVED

FEB 14 2018

SC Court of Appeals

1. TRIAL JUDGE FAILED TO RECOGNIZE A  
MIS TRIAL 3 OF 11

The Appellant request this court to obtain a copy of the audio recording of his trial. What is missing in the transcript is peremptory witness David Brown saying: "IF I HAD KNOWN HIS WAS A REGISTERED SEX OFFENDER I WOULD HAVE NEVER TAKEN MY GRAND DAUGHTERS OVER TO HIS HOUSE." Judge stopped the trial to declare a mistrial because my criminal history was revealed. This was a structural error - defect that fundamentally undermines the reliability and fairness of the trial and is not harmless error and automatically require reversal. *FURNIVALL*, 499 U.S. at 309-10 (structural errors, as opposed to trial errors, involve defects in fundamental framework by which criminal trials assess guilt); *RANDOLPH v. CARLWAY*, 601 F.3d 66, 72-77 (2d Cir. 2010) (counsel's failure on appeal to raise argument for mistrial was ineffective assistance because argument had good chance of winning as defendant's right to fair trial was clearly violated).

## 2. ABUSE OF DISCRETION

4.05.11

The petitioner would like the court to be aware of the inconsistency in the S.O. codes, and the level of the offense on the sentence sheets of the petitioner.

1. Ind. # 603, the offense level is checked more-violent, but the code is § 16-15-0342 bearing COR code # 3129. EX. 1, EX. A

2. Ind. # 604, offense level is checked more-violent, but the code is § 16-15-0409(A) bearing COR code # 380. EX. 2, EX. B

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

All of these violations falls under the S.O. S.V.P. act, and are considered violent by S.C.'s guidelines as to what a violent crime is. The state has disregarded the Supreme Court's guidelines to what crimes can be considered violent. *Johnson v. U.S.*, 135

S. Ct 2581, JUNE 26, 2015)

The petitioner did four years on an 8 yr. sentence. So it was a more-violent sentence and yet the codes are violent ones.

This is because the court intended to make the petitioner a sexually violent predator at the sentencing stage in which it did. 505.11

There was no need for the state to conduct an adversarial hearing to classify the petitioner as a S.V.P. That was instantly done at the sentencing as a violent offender. This was an invalid act by the court, and an abuse of discretion by the judge.

The fourth conviction code # 605 is also checked non-violent § 16-17-0490 bearing OVR code 0048, but this offense does not fall under the S.V.P. act, so it is non-violent as it stands on the sentence sheet, EX. 3, EX. C.

The other three are not correct and was improper for the court to assign these codes to the petitioner's non-violent sentence.

If in fact the judge made a downward departure in these three convictions, it was never recognized by the S.C. Dept of Corrections, the Parole Board, or the S.V.P. Probable Cause hearing as non-violent offenses. All they saw was the codes and not the offense level on the sentence sheets.

6 of 11

Being by Supreme Court guidelines, in which 5.C. should also be going by, the petitioners.

convictions all should be non-violent and this makes my civil incarceration at present under the 5. U.P. act Double Jeopardy because he is being punished again for the same convictions. *Ohio v. Johnson*, 467 U.S. 493, 496 (1984); *Balk v. U.S.*, 470 U.S. 856, 865 (1985) ("The separate conviction, apart from the concurrent sentence, has potential adverse collateral consequences that may not be ignored.")

The court can also see that the word "intent" is in indictment 2013-05-16-0604, and not in the other three. EX A.

Supporting constructive amendment, (which is considered to be substantive) occurs when the evidence presented at trial proves a crime different from any charged in the indictment or when jury instructions broaden the scope of the indictment by permitting conviction for an uncharged offense. *U.S. v. RANNEY*, 171 F.3d 195, 203-04 (4th Cir. 1999) (constructive amendment because indictment alleged use of firearm in distribution, not during actual of controlled substance but proof at trial)

showed gun used while intending to distribute, 705 11  
not during actual distribution); U.S. v. Chambers,  
408 F.3d 237, 247 (5th Cir. 2013)

### SUPPRESSION OF EVIDENCE

The trial counsel should have made a motion  
to suppress the indictments because of the false  
statement made in the affidavit by officer  
[redacted] the petitioner was made and the  
warrants read an indirect message. The warrants  
and indictments were invalidly obtained by the  
officer through judicial deception. The  
introduction through state action of false  
inculpatory evidence created a groundless  
institution of criminal proceedings against the  
petitioner. CHRISTOPHER V. HARBOUR 536, U.S.  
403, 414, 416 N. 13, 122 S. Ct. 2129 (2002)

(tried to an inadequate result due to missing or  
fabricated evidence in an official cover-up.)

Counsel should have requested a Frank's  
hearing on the invalid arrest warrants. FRANK,  
438 U.S. at 185-86; off at this hearing the  
counsel proves by a preponderance of the evidence  
that a false statement was knowingly or  
recklessly included in the warrants affidavit,

and that with the false materials set aside the remaining content is insufficient to establish probable cause, any evidence seized pursuant to that warrant must be suppressed. *U.S. v. Rice*, 478 F.3d 204, 211 (6th Cir. 2007); *U.S. v. Gonzalez*, 1810, 412 F.3d 1102, 1109-11 (9th Cir. 2005) B of 4

### PRESUMPTION OF CORRECTNESS

#### NOT APPLY TO CONCLUSIONS OF LAW

The many issues presented by the petitioner over the ineffectiveness of counsel can not be regarded by the lower courts of S.C. as presumptions of correctness because his performance is a mixed question of law and fact, not a question of fact subject to pre-AEDPA standards.

*Brayton v. Comm'r, Ala. Dep't of Corr.*, 719 F.3d 1292, 1300 (11th Cir. 2013); *Gonzalez v.*

*Thaler*, 710 F.3d 267, 274-75 (5th Cir. 2013);

The attorneys assigned to represent the petitioner's P.C.R. appeals were so ineffective it was as though the plaintiff had no legal defense at all. If the plaintiff, who is just a lay man, out of due diligence is able to discover all these errors that took place at his trial,

then the only conclusion to the performance of 90% of all his counsel is deliberate lack of defense which deprived the petitioner of his substantive or procedural rights to which the law entitled him. *GANNON V. GOODES*, 706 F.3d 1148, 1166 (9th Cir. 2013); *U.S. V. RODRIGUEZ*, 675 F.3d 48, 57-58 (1st Cir. 2012); *GRANT V. LOCKETT*, 709 F.3d 224, 238 (3d Cir. 2013)

### CONSTITUTIONAL ERRORS

The facts underlying the petitioner's claims in light of all the evidence as a whole, show by clear and convincing evidence that, but for the constitutional error, no reasonable factfinder would have found the petitioner guilty of the offenses due to the police and prosecutor's misconduct which violated the petitioner's substantive due process. which caused a miscarriage of justice. *Mc CLESKEY V. ZANT*, 499 U.S. 467, 494, 495 (1991)

The Sixth Amendment guarantees the right to effective assistance of counsel in criminal prosecutions. *Padilla v. W.G.*, 559 U.S. 366, 364 (2010); *McMANN V. RICHARDSON* 397 U.S. 759, 771 n. 14 (1970). Petitioner's constitutional error happened when his counsel's deficient performance

prejudiced the defendant, resulting in an 10 of 11  
unreliable or fundamentally unfair outcome  
in the proceeding. Counsel failed to make  
provisions for witness, officer Eric Hodges, about  
his bid to the grand jury about the petitioner  
in order to obtain warrants and indictments  
against him. *GRANT V. LOCKETT*, 709 F.3d 2224,  
239 (3d Cir. 2013); *U.S. V. HERRERA*, 412  
F.3d 577, 581-82 (5th Cir. 2005). Counsel  
knew the sentencing guidelines S.C. used to  
determine a crime to be violent went contrary to  
Federal Supreme Court guidelines, and yet he  
allowed the court to sentence the petitioner under  
violent crimes.

illegal custodial derogation  
The petitioner did not receive the  
propylactic procedural mechanism that  
requires a suspect to receive a warning;  
Miranda, before custodial interrogation  
begins. Officer Hodges conducted an  
investigative video of the petitioner which was  
used at trial and he was never given the  
warning before the video was made. *MIRANDA*,  
384 U.S. at 444; *S. O. B. V. N.C.*, 131 S. Ct.

2394, 2401 (2011) (substance of the Miranda warnings must be given prior to questioning) 11 OF 11

The Court held that unless the suspect is warned of his First Amendment rights, any pretrial statements elicited from the suspect are inadmissible at trial.

The prosecution did not and cannot demonstrate that the statements obtained on the video was in compliance with Miranda. U.S. V. HARRIS, 734 F.3d 278, 285 (4th Cir. 2013) (statement inadmissible, because defendant was not read Miranda warnings prior to interrogation); same U.S. V. CHADWICK, 668 F.3d 190, 193 (5th Cir. 2012)

### CONCLUSION

For the foregoing reasons, the supplemental brief should be received and the petition be granted and all convictions overturned, or reversed and case remanded to the lower court for new trial.

DATE 2-7-2018

HARRY J. TYLER

2349 ROGERS RD.

DARLINGTON, S.C. 29532

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)(B)

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

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

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

0-10

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: Obscene / Criminal solitation of a minor

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

**TRUE CERTIFIED COPY,**  
**SENTENCE SHEET**  
*Just B. Jasso*  
 CLERK OF COURT  
 DARLINGTON COUNTY, SC

CONVICTED OF \_\_\_\_\_  
 APPEALS

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 Defendant [Signature] 3192 Attorney for Defendant SC Bar#  
 Hblt, John 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 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 Nartin  
 Court Reporter: Hattie Gordon  
 SCCA/217 (03/2011)

Presiding Judge [Signature]  
 Judge Code: 2098  
 Sentence Date: 2-27-13

2013-05-16-0603

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: [REDACTED] SS#: [REDACTED]  
Address:  
City, State, Zip:  
DL#: [REDACTED] SID#: [REDACTED]

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] 77495 Defendant [Signature] 3192 Attorney for Defendant  
Holt, John V SC Bar# [REDACTED] [REDACTED] 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.

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 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

Recipient: \_\_\_\_\_

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: \_\_\_\_\_

*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	\$
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§ 56-1-286 (DUI Breath Test)	\$25	\$
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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	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

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

CLERK OF COURT Judge

Clerk of Court/Deputy Clerk Michelle North  
Court Reporter: Hattie Gordon

[Signature]  
Sentence Date: 2-27-13

DARLINGTON COUNTY, S.C. 29048

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

0-10

EX 2

COUNTY OF Darlington  
 STATE Darlington  
 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: Sex / Sexual exploitation of a minor, Second degree

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  
 CLERK OF COURT  
 DARLINGTON COUNTY, SC

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: Holt, John 77495 SC Bar# Defendant R. [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 8 days/months/years or  under the Youthful Offender Act not to exceed 1 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. 513 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	\$
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§ 56-1-286 (DUI Breath Test)	\$25	\$
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§ 14-1-213 (Drug Court Surcharge)	\$150	\$
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§ 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 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 )

INDICTMENT FOR

Sex / Sexual exploitation of a minor, Second degree

§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); wcfY1VtY4N;
- 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-tndarling0017.jpg.jpeg; #29-
- tndarling0018.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/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  
DAR0938**

**ARRESTED ON: Direct Presentment**

**ACTION OF GRAND JURY**

Grand Jury Foreperson: *[Signature]*

Date: *FEB 21 2013*

**VERDICT**

*All Guilty*

Petit Jury Foreperson: *[Signature]*

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**

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

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

EX 4

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

0-10

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

TRUE CERTIFIED COPY, 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 / Disseminating harmful material or exhibiting harmful performance to minors

CONVICTED OF... DARLINGTON COUNTY, SC

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

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

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 PTUP Total: \$ plus 20% fee: \$ Payment Terms: Set by SCDPPPS

Recipient:

Table with 2 columns: Description and Amount. Includes items like § 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, § 56-1-286 (DUI Breath Test) \$25, Proviso 47.9 (Public Def/Prob) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 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 \$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 Neatm Court Reporter: Hattie Gordon SCCA/217 (03/2011)

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

STATE OF SOUTH CAROLINA

INDICTMENT FOR

COUNTY OF DARLINGTON

)  
)  
)

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.  
SOLICITOR

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

*William B. Rogers, Jr.*

*[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

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

TRUE CERTIFIED COPY.

*[Signature]*  
William B. Rogers, Jr., Solicitor  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

EN 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

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  
Shirley B. Swartz  
CLERK OF COURT/JAC

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

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     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	\$
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

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.

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

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

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

*William B. Rogers, Jr.*

WILLIAM B. ROGERS, JR.  
SOLICITOR

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

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 Presentation to Grand Jury, (defendant's initials)  
 The plea is:  Without Negotiations or Recommendation,  Negotiated Sentence,  Recommendation by the State.  
 ATTEST: [Signature] 77495 Defendant: [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 \$ 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: \$ \_\_\_\_\_ days/hours Public Service Employment  
 Payment Terms: Obtain GED   
 Set by SCDPPS Attend Voc. Rehab. or Job Corp. \_\_\_\_\_  
 May serve W/E beginning \_\_\_\_\_

Recipient: \_\_\_\_\_

*Fine:	\$	
§ 14-1-206 (Assessments 107.5%)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 00.00
§ 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
<b>TOTAL</b>		<b>\$ 133.90</b>

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

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

LARRY JAMES TYLER,

PETITIONER

V.

STATE OF SOUTH CAROLINA

RESPONDANT

APPELLATE CASE NO. 2016-002364

---

APPELLATE'S MOTION THAT THE APPEAL  
BE HEARD ON THE FULL RECORD FROM THE  
COURT BELOW, THE COMPLETE FILE OF THE  
SHERIFF'S DEPARTMENT, AND THE SECRET  
SERVICE.

---

PURSUANT TO RULE 24(C), FED. R. APP. P.,  
PETITIONER LARRY JAMES TYLER REQUEST  
THIS COURT TO HEAR THIS APPEAL TO INCLUDE  
THE FULL CASE FILES OF THE POLICE DEPT.,

Respectfully submitted,

**SWEENEY, WINGATE & BARROW, P.A.**

s/Mark V. Gende

Mark V. Gende Fed. I.D. No. 9448

John E. Tyler Fed. I.D. No. 10622

Sweeny, Wingate & Barrow, P.A.

Post Office Box 12129

Columbia, SC 29211

(803) 256-2233

**ATTORNEYS FOR THE DEFENDANT**

**JOANNE TICE**

Columbia, South Carolina

January 22, 2018

THE SECRET SERVICE IN COLUMBIA, THE 2 OF 2  
AUDIO RECORDING OF THE TRIAL, AND  
THE COMPLETE FILE OF THE PETITIONER'S  
ATTORNEY RICHARD JAMES.

1. THE SECRET SERVICE FILE WILL VERIFY  
THAT NO CHILD MOAN WAS EVER FOUND ON  
THE PETITIONER'S COMPUTER.
2. THE AUDIO RECORDING WILL PROVE THIS  
TRIAL SHOULD HAVE BEEN DECLARED A  
MISTRIAL DUE TO DORIS BROWN REVEAL-  
ING MY PRIOR CRIMINAL HISTORY TO THE  
JURY.
3. THIS COMPLETE SHERIFF'S DEPT FILE  
WILL REVEAL THAT IT WAS OFFICER  
ERIC HADGEE THAT TOLD THE WARRANT  
COURTS THAT THE PETITIONER WAS ALONE  
IN PHOTOS. NOT THE VICTIMS.

4-7-2018

LARRY J. TYLER

2349 ROBERTS RD

CHARLOTTE, S.C. 28932

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

LARRY JAMES TYLER,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDANT

APPELLATE CASE NO. 2016-002364

---

APPELLATE'S DECLARATION IN SUPPORT  
OF HIS BRIEF

---

- PETITIONER, LARRY JAMES TYLER STATES:
1. I am the petitioner in the above entitled matter.
  2. I make this declaration in support of my supplemental brief.
  3. This case alleges that the state of South Carolina wrongfully convicted the petitioner of four sex crimes due to police and



# The South Carolina Court of Appeals

JENNY ABBOTT KITCHINGS  
CLERK

V. CLAIRE ALLEN  
DEPUTY CLERK

POST OFFICE BOX 11629  
COLUMBIA, SOUTH CAROLINA 29211  
1220 SENATE STREET  
COLUMBIA, SOUTH CAROLINA 29201  
TELEPHONE: (803) 734-1890  
FAX: (803) 734-1839  
[www.sccourts.org](http://www.sccourts.org)

January 29, 2018

Larry James Tyler, #354459  
Darlington County Detention Center  
2349 Rogers Road  
Darlington SC 29532

Re: Larry Tyler v. State  
Appellate Case No. 2016-002364

Dear Mr. Tyler:

This office has received your copy request dated January 5, 2018. In response, we have enclosed the copies you have requested.

Very truly yours,

*V. Claire Allen, Deputy*

CLERK

cc: LaNelle Cantey DuRant, Esquire  
Valerie Garcia Giovanoli, Esquire

prosecutor misconduct, and ineffective  
assistance of counsel.

205 6

3. The petitioner alleges that the prosecuting officer Eric Hodges fabricated lies in order to obtain warrants and indictments against him. The petitioner was subsequently denied substantive due process at his trial because his public defender never presented evidence of the government's malicious prosecution. The prosecutor deliberately created the condition that the petitioner would be civilly committed in an institution for long periods in the initial charges.

4. The trial judge and the petitioner's counsel failed to call the trial due to witness Davis Brown bring up the petitioner's prior criminal record.

5. Davis Brown told the jury it was a registered sex offender.

6. This prejudiced the jury to believe it was guilty of the charges against me.

7. The state intentionally left this statement by Davis Brown out of the trial transcript to prevent discovery and a valid reason for a new trial.

8. The audio recording of the trial will reveal the statement of Miss Brown. That is

if it hasn't been erased by now. A Electronics expert could determine if the recording has been altered. 3.05.6

9. Trial judge abused his discretion by allowing the prosecutor to charge the petitioners with violent S.C. Code convictions that are illegally charged as violent but not according to Federal Supreme Court guidelines for crimes of violence. As set out in *JANSON V. U.S.*, 135 S. Ct. 2551, 50 Wk 26, 2015)

10. The sentence sheets are clear and convincing evidence that the state deliberately made the petitioners criminally eligible S.V.P. at the end of his sentence.

11. Not any of the petitioners convictions are violent by Federal standards and that makes the S.C. S.V.P. act illegally flawed when many of the crimes claiming violent are not violent and has put the petitioners civilly committed illegally.

12. Since the petitioners counsel did not move to suppress the invalid warrants and indictments due to false statements by the police in the affidavit the entire trial was illegal because the government never had probable cause to

arrest the petitioner, and the following search and seizure warrants were issued along with any alleged evidence seized. 4 of 6

13. He should have made a motion to suppress the obtained evidence.

14. The lower courts never accepted the petitioner's claim of ineffective assistance of counsel for presumption of correctness. This can not be applied because an attorney's performance is a mixed question of law and fact.

15. My direct appeal attorney did not even address the properly preserved dispositive verdict denial which deprived the petitioner of a substantive or procedural right he was entitled to.

16. Not any of the appeals counsel wanted to address the over 200 errors the petitioner has found through the exercise of due diligence.

If the petitioner found this number of errors it stands to infer that not any of his counsel ever had an intent to properly and effectively defend the plaintiff/petitioner.

17. By law, the petitioner is guaranteed the right to effective assistance of counsel by the Sixth Amendment of the United States.

18. The plaintiff was severely deprived of this guarantee.

19. The petitioner was prejudiced by the counsel's 5056  
performance falling below an objective standard  
of reasonableness and caused the petitioner to  
be found guilty of four sex crimes he never  
committed.

20. The petitioner is now, due to the wrongful  
convictions, facing the rest of his life in a  
mental institution. All due to a police officer  
and prosecutor creating a crime to convict  
the petitioner. Also due to his public defender  
~~was~~ not defending me but intentionally allowing  
the prosecutors to develop an "intent" charge and  
not even objecting or defending the petitioner  
against it.

21. The Petitioner has just learned that he was  
supposed to have been given the Miranda  
warnings before officer Rodger made the  
investigation video of the petitioner, and this  
was illegal to present that video to the jury  
at trial. As the prosecution submitted  
illegal evidence at trial.

22. It prejudiced the jury against the petitioner  
because the jury heard the petitioner say he was  
infatuated with the alleged victim. The  
prosecutor twisted that statement to make the  
jury believe the petitioner was desiring her.

sexually.

0056

13. The petitioner's counsel allowed this illegal video to be played for the jury. Another piece of evidence of his ineffectiveness.

WHEREFORE, the petitioner's motion for supplemental brief should be granted.

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

DATE 2-7-2018

Larry J. Taylor