

THE SOUTH CAROLINA COURT OF APPEALS

LARRY JAMES TYLER, PETITIONER,

v.

STATE OF SOUTH CAROLINA, RESPONDENT.

APPELLATE CASE NO. 2016-002364

RECEIVED

OCT 02 2018

SC Court of Appeals

DECLARATION IN SUPPORT OF PETITIONER'S
RESPONSE TO ORDER FROM THE COURT

LARRY JAMES TYLER STATES:

1. I AM THE PETITIONER IN THE ABOVE-ENTITLED CASE. I MAKE THIS DECLARATION IN SUPPORT OF MY RESPONSE TO THIS COURT ORDER TO ADDRESS THE SEVERANCE VIOLATION IN HIS TRIAL.
2. THIS JAN THE PETITIONER IS IN DOES NOT HAVE A LEGAL MAIL OUT GOING LOG SHEET FOR THE PETITIONER TO SIGN AS A RECORD TO VERIFY HE SENT HIS REPLY TO THIS COURT ON 9-20-2018. THE PETITIONER ALSO SENT ON THE SAME DAY A COPY OF HIS

Address

Telephone Number

E-mail Address

2000
CONFIDENTIAL
FBI/DOJ

RESPONSE TO HIS APPELLANT COUNSEL 2 OF
LA NELLE GRATEY DURANT, AND JAMES BOOKS
JR. THE ATTORNEY GENERAL.

3. I ASKED THE APPELLATE COURT TO SEND
ME A CLOCK STAMPED COPY TO CONFIRM
THEY DID RECEIVE MY RESPONSE, BUT
AS OF THIS DATE I HAVE NOT RECEIVED
ONE.

4. THE APPELLATE DEFENSE I SENT A
LETTER ON 9-10-18 REQUESTING ANOTHER
ATTORNEY TO REPRESENT ME SINCE DURANT
REFUSE TO DO SO. TO THIS DATE I HAVE
NOT RECEIVED A RESPONSE.

5. THE ISSUE OF SEVERING MY TRIALS I ASKED
MY ATTORNEY RICHARD SOMES WEEKS
BEFORE THE TRIALS FOR FEAR OF JURY
PREJUDICE. HE NEVER DID ANYTHING
ABOUT THAT POSSIBILITY.

6. I DID NOT KNOW THAT BECAUSE THE TWO
ALLEGED CRIMES OCCURRED AT TWO DIFFERENT
TIMES, ALMOST TWO MONTHS APART, THAT
THEY SHOULD NOT HAVE BEEN COMBINED INTO
ONE TRIAL UNTIL THREE YEARS LATER AS
I LEARNED ABOUT THE LAW. MY ATTORNEY
NEVER SAID ANYTHING ABOUT IT, OR MY
APPELLATE ATTORNEYS.

7. THE TWO TRIALS WERE IMPROPER TO JOINER

BECAUSE COUNTS DID NOT NATURALLY FLOW FROM EACH OTHER, AND INDICTMENT CONTAINS NO EVIDENCE OF CONNECTION,

8. THE PROSECUTOR DELIBERATELY JOINED THE TRIALS TO INTENTIONALLY PRESUMING THE GUILTY SO I COULD BE FOUND GUILTY.

9. PROSECUTOR HOLT SAYS ON PAGE 153 LINES 2-10: "I'LL TELL YOU WHO'S IMMORAL, DICK. SOMEBODY WHOSE GOT CHILD PORN ON THEIR COMPUTER, AND IS OUT TO SLEEP WITH A NINE YEAR OLD GIRL!" SO HE MADE SURE THIS WAS HIS OPINION WHEN HE SAID: "I'LL", AND HE WANT THE JURY NEVER TO COMPARTMENTALIZE THE TWO CHARGES SEPARATELY, BUT TO MAKE SURE THEY COMBINED THE TWO AS A SINGLE ACT. ASSOCIATING THE ALLEGED CHILD PORN WITH THE ALLEGED CHILD ENTICEMENT. CREATING INTENTIONAL PRESUMPTION.

10. IF I, A LAY PERSON, WAS ABLE TO SEE THE OBVIOUS STRATEGY OF THE PROSECUTION, THEN MY PROFESSIONAL ATTORNEY HAD TO HAVE KNOWN THE SUBSTANTIAL PRESUMPTION THAT WOULD INCUR IN THE TRIAL.

11. SO YES MY ATTORNEY WAS INEFFECTIVE DUE TO HIS DELIBERATE ALLOWANCE OF GUILTY PRESUMPTION THAT WAS THE DIRECT

RESULTS OF BEING FOUND GUILTY,

4 OF 5

12. IF ALL THE OTHER ERRORS ARE FOUND TO BE VIABLE FACTORS IN MY TRIAL, IT SUPPORTS THAT NOT ONLY MY ATTORNEY WAS INEFFECTIVE, BUT CONSPIRED WITH THE PROSECUTION IN THE MALICIOUS PROSECUTION OF THE PETITIONER.

WHEREFORE, THE PETITIONER'S REPLY TO THE COURT ORDER SHOULD BE GRANTED.

I DISCLOSE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNED THIS _____ DAY OF _____, 2018.

Larry J. Tyler

CERTIFICATE OF SERVICE

5 OF 5

THIS IS TO CERTIFY I HAVE SERVED THE
OPPOSING PARTY'S COUNSEL A COPY OF:
DECLARATION IN SUPPORT OF PETITIONER'S
RESPONSE TO ORDER FROM THE COURT"
AT THE ADDRESS BELOW:

JAMES BOONE SR.
BOX 11549
COLUMBIA, S.C. 29211-1549

Larry J. Tyler

LARRY J. TYLER

DATE 9-27-2018

DARLINGTON, S.C. 29532

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Darlington County Detention Center

CHARGE RECEIPT

Inmate ID: 27980
Inmate Name: LARRY JAMES TYLER
Inmate Location: B107
Receipt No: 00100814
Receipt Date: 8/30/2018
Receipt Time: 9:03 AM

Officer: W R BRUNSON 1032000000121	Withdrawal (Minus/Charge)	Deposit (Plus/Addition)	Balance
Charge Inmate LARRY JAMES TYLER (#27980) invoiced \$0.00 for Postage & Stationary			\$-6.88
Inmate Total Balance:			\$-6.88
Inmate Signature:			

9-27-18

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

S.C. APPEALS COURT
BOX 11628
COLUMBIA, S.C. 29211

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SC Court of Appeals

TO: THE COURT OVER CASE NO. 2016-002364,

I AM THE APPELLANT IN THE ABOVE
CASE. I AM NOTIFYING YOU THAT I SENT
MY REPLY TO YOUR ORDER ON 9-20-2018
THROUGH THE STATE MAIL DEPARTMENT.

ROSENA JAMES IS THE MAIL CLERK. THIS
MAIL DOES NOT HAVE AN OUT GOING REGULAR
MAIL LOG SHEET TO SIGN AND THIS
DENIES ME ACCESS TO THE COURT'S

BECAUSE I CAN NOT CONFIRM THAT I
SENT COURT ORDERED RESPONSE.

ATTACHED IS MY DECLARATION THAT
I DID SEND A REPLY TO THE ORDER.

PLEASE SEND A CHECK STAMPED COPY
TO ME TO VERIFY YOU RECEIVED THIS
NOTIFICATION AND DECLARATION.

THIS SHERIFF'S OFFICE IS DETERMINED
TO FORGIVE MY CHANCE FOR AN APPEAL,

POWICE MISCONDUCT IS THE PRIMARY
REASON I WAS FOUND GUILTY AND THIS
IS WHY THE GOVERNMENT INTERFERES
WITH MY MAIL TO THE COURTS.

PLEASE LET ME KNOW IF YOU RECEIVED
MY REPLY TO YOUR COURT ORDER.

SINCERELY,

Mr. Larry J. Tyler

9-27-2018

CC:

S.C. SUPREME COURT, C.M. S.C.

APPELLATE DEFENSE, C.M. S.C.

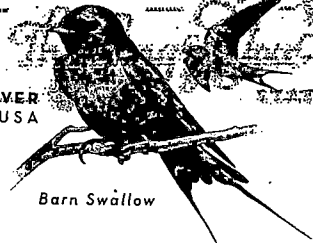
U.S. DISTRICT COURT, C.M. S.C.

S.C. ATTORNEY GENERAL, C.M. S.C.

L. PHARO
2349 ROBERTS RD.
DARLINGTON, S.C. 29532

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