

The State of South Carolina  
In the Supreme Court

Appeal from Richland County  
Court of Common Pleas  
Alison R. Lee Circuit Court Judge

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JUN 27 2019

S.C. SUPREME COURT

CA 2019-000056

2015-CP-40-6787

Tyrone Perry + - - - - - Appellant

vs

SCDC - - - - - Respondent

Petition for Rehearing

Other Counsel of Record  
The McKay Firm  
P.O. Box 7217  
Columbia S.C. 29202

Tyrone Perry # 307797  
430 Oaklawn Rd Q2A-122  
Pelzer S.C. 29869

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JUN 28 2019

SC Court of Appeals

Certificate of Counsel .....  
Questions Presented .....  
Statements of the case .....  
Arguments .....  
Conclusion .....

## Certificate of Counsel

The Appellant certifies that the petition for rehearing was made and finally ruled on by the Court of Appeals on June 10, 2019.

### Questions Presented

- 1) Did the Court of Appeals err in holding that appellant couldn't have an arbitrary decision reviewed due to his indigency status?
- 2) Did the Circuit Court err and violate SCRPC Rule 9 by not developing the facts of Appellant's competency when Appellant stated he was incompetent invoking rule 9(a)?
- 3) Did the Circuit Court err in finding that Appellant was competent with no fiduciary present and no mental health statement although appellant was housed in a mental hospital?

### Statement of the Case

The Appellant was involuntarily committed to a mental hospital on January 16, 2018. On May 21, 2018 the Appellant was transferred to Richland County Court of Common Pleas at 3:30 PM. The night before into the early morning the Appellant received a haloperidol and geodon psychotic mess injection. A few hours later from the mental hospital to Court the Appellant went. The Appellant's primary health care givers had knowledge, but failed to supply mental health statements or accompany the Appellant as his fiduciary to Court to testify on his competency.

### Arguments

- 1) The Appellant has a due process right to have the Courts review an arbitrary decision which violates a persons constitutional rights or matters where laws and facts are erroneous applied. Due to the Appellant being an indigent inmate he was denied the right to have an arbitrary decision that's

not supported by the facts dismiss a meritorious case

2) Pursuant to Rule 9(a) of SCRPC the Appellant raised the fact that he was involuntarily committed to a mental hospital and under the influence of strong psychotropic meds and requested a continuance. Yet raising the capacity of his mental state and invoking Rule 9 of SCRPC. The trial court erred in not granting this being that the Appellant was transported to court from a mental hospital.

3) The trial court ruled the Appellant was competent with no factual basis even though the Appellant along with respondent both agreed the Appellant was in care and custody of a mental hospital. With no mental health statement nor fiduciary the trial court ruled the Appellant competent which is contrary to the facts presented at court. Also the courts only had 2 of the 5 briefs and motions the Appellant filed.

### Conclusion

FOR THE FOREGOING REASONS the Appellant prays the courts remand this case to circuit court so the Appellant can have fundamental fairness and receive a fair trial that the South Carolina and United States Constitution require.

sv Tyrone Perry 307793  
430 Oaklawn Rd Q24-121  
Pelzer S.C. 29664

This 24th day of June 2019

The State of South Carolina

In the Supreme Court

Appeal from Richland County

Court of Common Pleas

Alison R. Lee Circuit Court Judge

CA 2019-00086

2015-CP-40-6787

Tyrone Perry - - - - - Appellant

-VS-

SCDC - - - - - Respondent

Proof of Service

I certify that I have served this petition for rehearing by depositing a copy of it in the U.S. mail postage prepaid to the following:

S.C. Supreme Court  
P.O. Box 11330  
Columbia S.C. 29244

The McKay Firm  
P.O. Box 7217  
Columbia S.C. 29202

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JUN 25 2019

P.C.I. MAILROOM

s> Tyrone Perry 307793

This 24th day of June 2019

Tyrone Perry # 307793

Perry Corr. Institute

430 Oaklawn Rd OLA-122

Peter S.C. 29669

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South Carolina Supreme Court

P.O. Box 11330

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