

THE STATE OF SOUTH CAROLINA IN THE COURT OF APPEALS

APPEAL FROM DARLINGTON COUNTY

Roger E. Henderson, Circuit Judge

Case No. 2015CP1600788

Appellate Case No. 2018-001442

RECEIVED

Dec 13 2021

SC Court of Appeals

In the Matter of the Care and Treatment of
Larry James Tyler,

Appellant.

AFFIDAVIT OF THOMAS F. McDOW

1. I am the appointed attorney for the appellant Larry J. Tyler.
2. As required by the Court of Appeals instructions dated December 3, 2021, I met with Mr. Tyler at the Darlington County Detention Center for approximately 35 minutes from 11:00 a.m. to 11:35 a.m., Friday, December 10, 2021. My brother, W. Clarkson McDow Jr., a member of the South Carolina Bar, accompanied me.
3. I explained the potential benefits of this appeal and the potential harm and prejudice in dismissing the appeal. I stated that neither I nor anyone with whom I discussed the issue knows any advantage to dismissing the appeal. I asked Mr. Tyler to explain the reasons he wishes to dismiss the appeal. He responded that he is being held illegally, there is no probable cause to hold him, and that I briefed the wrong issues. He also seems to rely solely on the post-conviction relief appeal argued November 4, 2021, but not yet decided. I advised him that even if he is correct on every point, there is no benefit to him in dismissing this appeal, but there is potential prejudice to dismissal. I continued to ask how he can benefit from dismissing the appeal, but he never gave a coherent answer.

4. Mr. Tyler wishes to dismiss his appeal. He declined to sign either of two proposed Affidavits I presented.

5. I complied with the Court's instructions to confer with Mr. Tyler and inform him of the consequences of the withdrawal of the appeal. While he heard the arguments and pleas of my brother and me, he did not appear to accept the facts upon which these arguments were based, nor did he seem to appreciate the consequences of dismissal

Sworn to and subscribed before
me on December 13, 2021

Tabatha J. Jefferies
Notary Public for South Carolina
Tabatha J. Jefferies
My commission expires 6/4/31

/s/ Thomas F. McDow
Thomas F. McDow