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May 06 2022

SC Court of Appeals

STATE OF SOUTH CAROLINA
In the Court of Appeals

Certiorari to Darlington County
Court of Common Pleas
G. Thomas Cooper, Jr., Circuit Court Judge

Appellate Case No. 2016-002364

Larry James Tyler,

Petitioner,

v.

State of South Carolina,

Respondent.

REPLY TO RETURN TO PETITION FOR REHEARING

On March 16, 2022, this Court reversed the PCR court's denial of post-conviction relief, to which the State responded by filing on March 25, 2022, a Petition for Rehearing. This Court requested on April 22, 2022, a return from Tyler. Tyler filed his Return to the Petition for Rehearing on May 2, 2022. The State must respectfully reply to the return to the petition for rehearing pursuant to Rule 240(f), SCACR, to briefly clarify its position.

Tyler's arguments in the Return, which in some respects bear a striking resemblance to the State's arguments in briefing, are adequately addressed by previously filings.

The State, however, is compelled to clarify its previous request for relief. For the reasons set forth in the Petition for Rehearing, the State respectfully requests the Court grant the relief requested in Sections II and III of the Petition for Rehearing: withdraw its opinion and affirm the denial of relief by the PCR court. Should the Court determine not to grant the relief requested in Sections II and III of the Petition for Rehearing, and subject to reservation of the

right to appeal such a denial, the State requests the Court grant the relief requested in Section I of the Petition for Rehearing: amend the opinion to more clearly indicate that (1) Tyler's conviction for second-degree exploitation of a minor remains intact and (2) whether its *Strickland* prejudice reasoning as to the dissemination conviction is intended to also extend to the solicitation and delinquency convictions.

Respectfully submitted,

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By: 
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6 May, 2022

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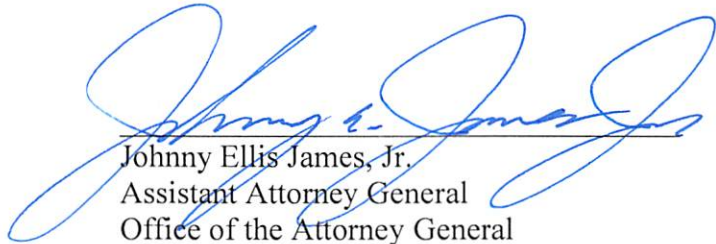
Respondent.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the Petition for Rehearing has been served upon opposing counsel by sending to opposing counsel's primary e-mail address as listed in the Attorney Information System (AIS):

Victor R Seeger, Esquire
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This 6th day of May 2022



Johnny Ellis James, Jr.
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