

APPENDIX

Tyler Landon Thornton v. State of Florida

APPENDIX

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- B. Order on Motion Pursuant to Rule 3.850 filed January 14, 2020, Fourth Judicial Circuit, Duval County case number 16-2014-CF-9150
- C. Letter dated August 22, 2015, from Raj Kristo Gupta to Judge Hulsey, Fourth Judicial Circuit, Duval County case numbers 16-2011-CF-5018 & 16-2014-CF-1753

APPENDIX

A

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D20-501

TYLER LANDON THORNTON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

On appeal from the Circuit Court for Duval County.
Kevin Blazs, Judge.

January 21, 2021

PER CURIAM.

We affirm the summary denial of Appellant's timely motion for postconviction relief on the claim that his plea resulted from overweening and fraudulent religious influence of a roommate in the jail, and was therefore not freely, voluntarily, knowingly, and intelligently entered.

ROBERTS, OSTERHAUS, and JAY, JJ., concur.

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*

William Mallory Kent and Ryan Edward McFarland of Kent &
McFarland, Jacksonville, for Appellant.

Ashley Moody, Attorney General, and Julian E. Markham,
Assistant Attorney General, Tallahassee, for Appellee.

APPENDIX

B

IN THE CIRCUIT COURT, OF THE
FOURTH JUDICIAL CIRCUIT, IN AND
FOR DUVAL COUNTY, FLORIDA

CASE NO.: 16-2014-CF-009150-AXXX
DIVISION: CR- G

STATE OF FLORIDA,

v.

TYLER LANDON THORNTON,

ORDER ON MOTION PURSUANT TO RULE 3.850

THIS CAUSE came on for consideration on Thornton's Motion Pursuant to Rule 3.850, Florida Rules of Criminal Procedure, to Vacate Judgment and Sentence, in the Form Required by Rule 3.987, as filed with the Clerk on November 19, 2018, and this Court, having taken judicial notice of the court file per **Section 90.202(6), Florida Evidence Code**, and having considered the two count Second Amended Information, as filed with the Clerk on August 19, 2016, the Judgment and Sentence, as entered on August 29, 2016, and the Order of Sex Offender Probation, as filed with the Clerk on October 4, 2018, and being otherwise fully advised of the premises therein, finds that the Defendant asserts that he received and acted upon faulty and self-interested religious counsel offered by a cell-mate in reaching his decision to accept the State's plea offer, and this Court concludes that the Defendant's reliance on the faulty and self-interested religious counsel of a cell-mate does not render the plea "*involuntary*", under **Rule 3.850(a)(5), Florida Rules of Criminal Procedure**, nor is defective religious counsel a basis for relief for ineffective assistance of legal counsel (***Strickland v. Washington*, 466 US 668 (1984)**) and the Motion is time barred under **Rule 3.850(b)(1), Florida Rules of Criminal Procedure**, and it is, therefore,

ORDERED AND ADJUDGED:

Thornton's Motion Pursuant to Rule 3.850, Florida Rules of Criminal Procedure, to Vacate Judgment and Sentence, in the Form Required by Rule 3.987, as filed with the Clerk on November 19, 2018, is hereby respectfully **DENIED, with prejudice.**

DONE AND ORDERED in Chambers at Jacksonville, Duval County, Florida on this 14th day of January, 2020.



Honorable Kevin A. Blazs
Circuit Court Judge

Copies to:

Office of the State Attorney via e-service

William Mallory Kent, Esquire, via e-service

Tyler L. Thornton #J51216, 20706 US Highway 90 West, Sanderson, Florida 32087

CERTIFICATE OF SERVICE

I do certify that a copy of the foregoing has been furnished to Defendant by U.S. mail and the Office of the State Attorney via email listed above this _____ day of January, 2020.

Deputy Clerk

Case No.: 2014-CF-009150-AXXX
KAB/bae

APPENDIX

C

DEAR HONORABLE JUDGE HULSEY,

I am writing this letter because you seem to be my only hope of the truth being brought to the light. Repeatedly I have heard that you are a fair Judge from my Counsel. In a effort to follow along with this train of thought I submit to you copies of evidence my Counsels David Taylor and Philip Baxington have in their possession. Also I have provided pages from the deposition of Senator Steve Wise that this evidence impeaches proving that false statements have been made in order to destroy my name. I have requested several peices of evidence that would prove my innocence but just like in previous times to no avail. Out of respect for your Courtroom I remain silent expecting my counsel to handle my request but after 20 months I reach out to you. I have always felt and maintained that within the Fourth Judicial Circuit because of the behind the scene players I cannot receive Justice. So far nothing has changed. The Most High God of Heaven who I completely love and trust knows my heart. During this 20 months of incarceration I have help save a young man from hanging himself dangling for dear life foam coming from the mouth. I have lead over 245 inmates into Salvation and shared the word of God every day with the 40 inmates I pray with every night before lock down. Every thing I Love has been taking from me. I pray you don't have any personal issve with me I have done you no wrong. If in anyway I have personally offended you I apologize. I am after JUSTICE

FILED 09/22/16 PM 10:45 RUSSEL

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I never in a million years would have felt for the crazy deal Counsel Gropper and ASA Boyle promised me if I knew it was a lie. No one that day of May 16th 2012 told me the charges I plead to could give me a 30 year sentence. I was thoroughly convinced that a term of time serve is what I would end up with no mention on my record because it was to be withheld adjudication. Counsel Gropper only represented me from February 9th 2012 to May 16th 2015, 90 days in which he only polycomed me 2 times and never came in person to show or explain anything about my case or the charges. I went to the State Attorney's office 1 time to speak with ASA Boyle and Jason about other matters which they were pleased with. On May 16th 2012, when I came to the Court room I had no idea I would be offered a deal or what I would be pleading to. They negotiated the deal on the spot. The only details I really new was that I was not pleading guilty, it would be withheld from my record, and the worst they explained I faced was 18 months withheld adjudication. Counsel Gropper did no depositions and would not pursue the evidence I wrote him to get to prove my innocence. Then during the plea Colloquy your Honor told me the maximum of 5 years. Neither the State or Counsel Gropper aided the Court in correcting the record and

properly advising me of the maximum consequences of 30 years. Also during the plea colloquy your Honor never ask me if anyone promise me anything. If you had I would have gone over the details of the promises made to induce my plea. I have always maintained my innocence my plea is proof of that I entered a "Best Interest" plea. My Constitutional rights were violated by Double Jeopardy Count 8 and 9, if I had known I never would have plead. Not to mention I was never shown a amended information the day I plead out and to date Count 8 never states who the victims are. I hired Attorney Regina Wright again when I was at work release in December and retained her in January 2014 before I was arrested on the new false allegations. I have never stopped fighting for my freedom and clearing my name. It was Ms. Wrights choice to wait to file this Motion. I sent an amended or addendum to the Motion she filed please review it. What is important to understand is that I keep requesting evidence but to no avail. The items I request are vital to prove my innocence. No one will listen to me or respond to my request. Counsel Wright is the first to actually look into my claims and see the truth. Your Honor if these items of evidence and depos were to be done on these alleged victims I would

have been cleared of all claims proving my innocence.
See the list of evidence not obtained.

Count 2 - Lisa Root

- A copy of 2007, 2008 taxes returns
H&R Block showing income from 1099 Form
from the venture between Lisa and me.

- Email from 2009 thanking me for paying
her for voice over work.

To date no police report from any period of 2007-11 existed. Lisa Root never filed any action until after February 2011. I requested this evidence to no avail. At restitution hearing testimony from Wanda Xulu was heard who was introduced by Lisa Root to me, to produce a album. He testify that album was completed and over 100 hours was booked in the recording studio at a rate of 50 dollars a hour. That I recorded and worked all 100 hours in the Studio with him to finish the project. He also testified that Lisa Root gave me the investment money via check for payment towards studio time, and Lisa Root and Wanda Xulu were both satisfied with the finish product. I provided proof that the album was released under TuneCore for sale and distribution via iTunes. Lisa Root to date owns the publishing rights to the songs recorded by Wanda Xulu. Evidence proves I completed my part of the agreement with no payment for production.

Count 6 and 7 Johnson Brothers singing Group

- Original contracts signed by Johnson brothers, Power of Attorney, recording agreement, and transfer of responsibility agreement. Court has these documents.

Babcock Furniture contract, sales and delivery documents. These prove they lived at the Apt. in Fleming Island.

- Clay Utilities documents show they open utilities in their names.

- Deposition of Apt. manager they signed the contract lease with to move in. Apt. Management they turned the keys into upon eviction from Unit.

- Deposition Frank Cleveland Studio owner.

He will testify that I paid all the bills from food to production, and transportation.

The Johnson Brothers owe a Studio bill balance.

Count 8 not sure who the victims are but assume from Counsel Gropper it is David Lienecker.

- Copy of David's 2010 taxes writing off expenses as investment in company.

- Pictures of Janet Dubois, Frank Cleveland and me in studio Jacksonville, Florida, working on project.

- Notarized document from Janet Dubois coming to Orlando, Florida to meet with me about voice over project. Then riding to Jacksonville being transported by me to Studio.

- Photos of Orlando meeting with me and Academy Award Winner Janet Dubois, who is in fact my grand mother.
- Letter email from David asking me to buy him out of the business for 49,000 dollars.
- Deposition of David Lienecker about expenses and legal investment in business.
- Copy of David Lienecker's MBA Degree in Business. Which will prove he was in charge of all financial dealings for company. Also a copy of his wife Ginger recording in studio for audio book. The only evidence provided by the State was a business expense ledger which included his personal gas, food, cellphone and website purchases for company.

Count 9 Santionis Restaurant, Janice Miller

- Civil case file from Attorney William Davie's between me and Santionis. Including Contract agreement.
- Copies of 4 tv Commercials that were completed and aired on Comcast.
- Copies of Google Video listing to this day for Santionis Restaurant Fleming Island.
- Email request for website to be taken down from Santionis.

Count 10 - Health Awareness - Sandra Odney

- Email agreement to pay her, email requesting

to pay her within the term of the contract.

- Deposition of David Justice who was the previous web developer that I met with to transfer all Ms. Odney's graphic files. Testify about his experience and difficulty working with her.
- Deposition of Ms. Odney who will testify I was the 3rd website developer who she contacted. She had fired the 2 previous developers. She will testify that after only 60 days she requested refund for work I had already almost completed. I agreed but told her I would give it to her within the contracted time of 6 months.
- Copies of Godaddy Hosting files showing expenses.

If all this evidence had been subpoenaed I would be free and clear of all charges in the 2011 matters.

Now in the 2014 cases I have requested a copy of the Bridge Work release center phone activity log for January 9th 2014, which proves that I called each time I made a move. It matches the GPS proving I complied with the rules of the work release center. Also I asked for a report from the monitoring center showing they never called the device (3M) saying I was out of the area without permission.

Goerge McCredie and Ray Taylor both signed notarized affidavits saying the spoke with and witnessed the phone call with the Bridge Work Release Centers. Mr. Thompson who was monitoring all inmate activity and movement via his Computer showing my location each time I call. Point blank Mr. Thompson is lying!! He gave me permission to go to Orange Park to drop off someone and instructed me to call when I arrived there. Evidence of the phone calls will prove I called when I arrived in orange park, then called again a few minutes later when the vehicle pulled of taking me back to work. Then it will show I called again when I arrived at R & R Used Auto location. Then I called once more when I was leaving R & R to head to the Bridge Work Release Center. Once at the Work Release Center George and I spoke with Mr. Thompson and the supervisor who logged me in returning on time. Your Honor over 1 week Later when I returned on time from work they hand cuffed me and told me that Detective Zipperer called them requesting I be sent back to prison. I received a DR for disobeying a verbal order for going from my assigned work location without

permission. I was confined to the box and lost gain time. I had a DR hearing for this so call escape infraction and was punished by the Dept. of Corrections because it was stated that I never called at all, to get permission. I was transported after my sentence in the box was complete. The arrest affidavit for this 2014 case claimed that On 1/9/2014 without obtaining permission or calling in to the work release center to advise them of a deviation from his allowable route. This is a lie I called and did notify them of my route and travel. The phone records everyone refuses to get prove my innocence. Why if everyone is after the truth won't the State or my Counsels subpoena the Bridge phone records of 1/9/14 to show the truth? I have been locked up on lies for 20 months and I call my attorney every week requesting this evidence. I am brushed off this court issued JAC funds for the purpose of investigation but my request are denied. I request the camera footage from the Bridge front reception area for staff and visitors sign in of 1/9/14 nothing. My family has provided this email evidence to prove the lies told by Senator Wise but still not

Filed a discovery including these vital pieces of evidence that prove my innocence. Why did it take the State from the time of my arrest til December 2014 to turn over the discovery they had? Why were they granted a continuance for depositions and did not do them at all during that time. This was done to avoid trial and come up with this violation of Probation stuff. They defrauded the court we were scheduled for trial.

Both sets of attorneys possess the link to the video online that I produced, completed, presented to the Board of Fish for Life and Steve Wise as agreed per contract. Both the State and investigator Zipperer possessed this video from day one because he mentioned it during our interview. Zipperer said the video brought tears to his eyes it was so good. He told me I should go work for someone and start out small. Then he turned the recorder off on his desk and made mean ~~racist~~ comments to me. He told me my mother would be dead before I get out of prison because ~~of~~ my dealings with white people. I am not nor have been a racist I am an American citizen who loves my God, my Country and the people in this great Nation of ours. My family, friends and some associates want me to see the

role they feel racism plays in my situation but I keep wanting to believe that one day I will be treated fair. That continues to be my prayer. I ask you to look at the evidence I attached that proves I have been lied on and treated unfairly. These emails should be enough to throw these cases out. The State keeps on violating my Constitutional rights of Double Jeopardy. If the Dept of Corrections charged me and sentenced me for not calling to get permission while I was property of the State of Florida, Dept of Corrections. How can I be charged again for the same Criminal episode twice with this false Escape charge. Also Schemes to Defraud and Theft toll a Double Jeopardy violation.

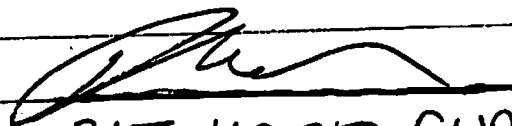
Please review this letter and also the addendum I provided filed on the Clerk of Courts. I deserve to be R.O.R. to clear my name and I have a job and family still waiting for me. You Have the Power to do what is right by me and set me free. My family is ready to send these emails and the depositions to the media to show how a U.S. Senator lied under oath to keep me looking guilty when the truth is I am innocent. Help me clear my name let the truth and Justice prevail Your Honor.

It is bad when the State Attorney Angela Corey knew I was involved in a major Car accident nearly losing my life in the summer of 2010. My ribs broken, my Sternum cracked, back damaged and I was unconscious. I was under doctors care on strong pain medication and therapy up until the day I was arrested for the 2011 cases. Richard Mette checked on me in the Hospital. Sam Garrison and his wife checked on me I still helped build his website, social media and introduced him at El Bethel Holiness Church during his Campaign while in pain. I help the Justice Coalition on the committee for the event at Baptist (1st) Church which several Judges like Soud, and staff of the State Attorney's office including people involved in my case and Angela Corey who personally asked me about my injuries. No one has asked the simplest question why would a person who worked for the Public Defender's office Clay County Juveniles, who turned down receiving a salary to help young people in trouble voluntarily, no pay! Guardian Et Litem volunteer who installed a new bedroom for a family for FREE at the request of Judge Dan Wilinsky

who is on video at a community event thanking me for my hard work. Juvenile Justice (Clay) Council built a free website, while serving as Vice Chairman voluntarily. Pray Jacksonville at WWW.GAY every month faithfully voluntarily with members of City Council and the community. Meninak Community organization voluntarily. Why would I chase after the things I have been accused of? It makes no sense at all. I left being in the music industry full time to get involved in ministry. My wife and I were helping people. Thank you for reading this letter I am simply a widows son trying to make it back home to my family. I have grand babies I have never held. Pray and seek God to know what has been done to me is someones personal vendetta not justice on the states part. God Bless you and your family. Sorry for being long winded with this letter but for 20 months I have waited for justice.

Respectfully Submitted this 22nd of August 2015.

cc: my family


RAJ KRISTO GUPTA
#2014 004855