

State of South Carolina  
County of Marion

In The Court of Common Pleas  
Twelfth Judicial Circuit

The State  
Plaintiff  
v.

CLA No: 2024-CP-33-00060  
Indictment No: 2017-GS-33-00416

Larry A. White  
Defendant

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SC Court of Appeals

Rule 59(c) Motion

Defendant Larry A. White moves the Honorable court to Alter or Amend Judge William H. Seats' order denying his motion for relief pursuant to Franks v. Delaware, 438 U.S. 154, and the Fruits of the poisonous tree doctrine. Defendant argued both issues on 4-14-2026. However, in Judge Seats order dated April 23, 2026, he mentions no mention of the Fruit of the poisonous tree arguments. Defendant Larry White's motion has merit and the reasoning for denial and failure to address the issues properly will deny appellate relief. The denial of relief is also an abuse of discretion. Judge Seats erred by holding that the proper time to challenge probable cause in the arrest warrant is prior to indictment and disposition. The United States Supreme Court in Franks v. Delaware has held that, where a defendant makes substantial preliminary showing that a false statement knowingly and intentionally, or with a reckless disregard for the truth, was included by affiant in warrant affidavit, and if allegedly false statement is necessary to finding of probable cause, the Fourth and Fourteenth amendment requires a hearing be held at defendant's request. If after the hearing, defendant establishes by a preponderance of evidence that a false statement knowingly, and intentionally, or with reckless disregard for the truth was included in warrant affidavit, and with the affidavit's false ~~statement~~ material set to one side the remaining content does not establish probable cause, the warrant must be voided and the Fruits excluded to the same extent as if probable cause was lacking on the face of the affidavit. Judge Seats' holding that the proper time to challenge probable cause in arrest warrant is prior to indictment and disposition is incorrect. State v. Dill, 423 S.C. 534 (2018) was a reversed conviction by the South Carolina Supreme Court where a magistrate Judge issued a warrant

based solely on an detective's affidavit which did not supply the magistrate a substantial basis to conclude that probable cause existed. Similarly, in *State v. Smith*, 301 S.C. 371 (1990), the South Carolina Supreme Court has held, An affidavit must contain sufficient underlying facts and information upon which a magistrate may make a determination of probable cause. The Supreme Court held in both cases that mere conclusory statements which give the magistrate no basis to make a judgment regarding probable cause is insufficient. Each case, *Franks*, *Dill*, and *Smith* were challenged after indictment and disposition. Pursuant to the Fourth and Fourteenth amendment to the United States Constitution guarantees the defendant relief no matter if his conviction has become final. Judge Seal's ruling is not the legislative intent of the Fruit of the poisonous tree doctrine, and contrary to clearly established Federal law.

Wherefore, Defendant Larry White moves this Honorable Court to Atter or amend its judgment to which he is entitled relief.

Larry White  
Larry White (571303)  
Perry Correctional Inst.  
430 Oaklawn Road  
Pelzer, SC 29669  
5-4-2026

State of South Carolina  
County of Marion

In The Court of Common Pleas  
Twelfth Judicial Circuit

The State  
Appellee  
V.

CIA No: 2024-CP-33-00060

Indictment No: 2017-GS-33-00416

Larry A. White  
Appellant

certificate of service of Appeals

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SC Court of Appeals

I Defendant / Appellant Larry A. White hereby certify that  
I this date mailed a copy of my Rule 59(e) motion and notice  
of intent to appeal the order denying relief pursuant to Franks  
v. Delaware, 438 U.S. 154, and the Fruit of the poisonous tree  
doctrine by placing a copy of the same in a institutional  
mailbox at Perry Correctional Institution addressed as follows:

Christy M. Gray  
Marion County Clerk of Court  
P.O. Box 295  
Marion, SC 29571

David Richardson  
Deputy Solicitor, 12th Judicial Circuit  
180 North Erby Street, MSC-Q  
Florence, SC 29501

South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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