

Larry A. White (371303) )  
Appellant )  
v. )  
State of South Carolina )  
Respondent )

En The Supreme Court of South Carolina  
Appellant C/N: 2026-001101

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MAY 29 2026  
S.C. SUPREME COURT

Appellant's Brief

### Table of Authorities

- 1) Franks v. Delaware, 438 U.S. 154 (1978)
- 2) Fruit of The Poisonous Tree Doctrine
- 3) State v. Dill, 423 S.C. 534 (2018)
- 4) State v. Smith, 301 S.C. 371 (1990)
- 5) Giordenello v. United States, 78 S.Ct. 1245 (1958)

### Questions Presented For Appeal

- 1) Whether Judge William H. Seats erred in denying Appellant's request for relief pursuant to Franks v. Delaware, 438 U.S. 154, and the Fruit of the poisonous tree doctrine?
- 2) Whether Appellant's guilty plea for Attempted Murder and Burglary first degree should be vacated for such warrants being in direct violation of the Fourth and Fourteenth Amendment to the United States Constitution?
- 3) Whether Appellant's arrest was illegal and the Fruits of such arrest inadmissible pursuant to the Fruit of the poisonous tree doctrine?
- 4) Whether the Warrants to which Appellant is incarcerated for are in direct violation of Appellant's rights under the United States Constitution, and South Carolina Constitution?

## Statement Of The Facts

On January 24, 2017, Detective Dewayne Rogers under oath was an affiant to Judge Kelik Donald Fling in Marion, South Carolina and applied for arrest warrants for Appellant's arrest. Two of those warrants, Appellant was sentenced to 15 years in the South Carolina Department of Corrections. Those charges are Attempted murder and Burglary first degree, under indictment number 2017-GS-33-00416. While under oath, Detective Rogers swore to be true submitted affidavits for arrest warrants. The first being attempted murder. Detective Rogers states that on December 22, 2016 at 122 Belin Court. Which is located in Marion County, one Larry Anthony White did commit the crime of attempted murder with malice aforethoughts, by shooting Terrance Leon Williams in the chest area causing injuries that could cause death. Therefore, Larry Anthony White is charged with attempted murder. A violation of SC Code Law 16-03-0029. The warrant affidavit and arrest warrant ~~are~~ are the same with no other supporting facts. Even though the warrant and warrant affidavit says Mr. Williams was shot in the chest, the brief summary of the case completed by Detective Rogers states, that on December 22, 2016, he spoke with Dr. Christopher Courban who advised him that Mr. Williams was shot in the abdomen. Also when you take notice of the police incident report where it indicates that the doctor advised officers that the victim was shot in the stomach. Also the McLeod Health chain of custody form states that the site from where the projectile was obtained is the abdomen. The patient registration form states that Mr. Williams had a diagnosis of a gun shot wound to ~~the~~ the abdomen. Looking at the differences, the abdomen is the part of the body below the chest that contains the stomach and other organs. The chest is the front part of the body between the neck and stomach. This shows that a false statement has been included in the warrant and warrant affidavit by the affiant Detective Rogers with a reckless disregard for the truth. When removing the chest from the warrant affidavit and warrant and replace chest with abdomen, the remainder of the two does not set forth a showing of probable cause. This means

that Magistrate Judge Kelik Donald Fling did not make an independent determination as to whether probable cause existed. Similarly, Appellant's Burglary first degree warrant affidavit and Warrant does not set forth a showing of probable cause but only states that Appellant did commit the crime without Detective Rogers supplying Judge Fling with any information to make his own independent determine. These warrants are in direct violation of both the United States Constitution and South Carolina's Constitution, which made the Appellant's arrest illegal and the Fruits of such arrest deemed Fruit of the poisonous tree and inadmissible. On 4-14-2026, the Appellant had an hearing on both issues. Deputy Solicitor David Richardson argued at the hearing that Appellant's issues should have been raised prior to indictment and disposition. Appellant argued against that conclusion due to the fact that this is not the Legislative intent of the Fruit of the Poisonous tree doctrine. On 4-23-2026, Judge Seals denied Appellant's motion by reiterating David Richardson's conclusion that the proper time to challenge probable cause in the arrest warrant is prior to indictment and disposition. Judge Seals' ruling is not the Legislative intent of the Fruit of the Poisonous tree doctrine, and contrary to clearly established Federal law. Appellant timely filed a notice of appeal to the South Carolina Court of Appeals, which has been transferred to this Honorable Court pursuant to Rule 204 of the South Carolina Appellate Court rules.

### Law And Argument

The Fourth Amendment to the United States Constitution holds, That the right of the people to be secure in the persons, houses, papers, and effects, against unreasonable searches and seizure, shall not be violated, and no Warrants shall issue but upon probable cause, supported by oath or affirmations, and particularly describing the place to be search, and the person or things to be seized. The Fourth Amendment is applicable to the states through the Fourteenth Amendment procedural due process clause.

The United States Supreme Court in *Franks v. Delaware*, 438 U.S. 154 (1978) has held that where a defendant establishes by a

Preponderance of evidence that a false statement was included by the affiant knowingly and intelligently, or with a reckless disregard for the truth, and with the affidavit's false material set to one side, the affidavit's remaining content is insufficient to establish probable cause, the warrant must be voided and the fruits of the warrant must be excluded to the same extent as if probable cause was lacking on the face of the affidavit. The Fruit of the poisonous tree doctrine also holds, that evidence derived from an illegal search or arrest is deemed fruit of the poisonous tree and is inadmissible.

In *State v. Dill*, 423 S.C. 534 (2018), the South Carolina Supreme Court reversed a conviction where a magistrate 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. The Supreme Court held that mere conclusory statements which give the magistrate no basis to make a judgment regarding probable cause is insufficient.

In *State v. Smith*, 301 S.C. 371 (1990), the Supreme Court has held, An affidavit must contain sufficient underlying facts and information upon which a magistrate may make a determination of probable cause. In *Smith* the Supreme Court reversed the conviction holding that the affidavit set forth no facts as to why police believed Smith robbed the Master Host Inn. Although the record revealed that police relied upon information from an informant, there was no indication that that fact was made known to the magistrate, or that the magistrate made any determination of the informant's reliability.

Also, the United States Supreme Court in *Giordenello v. United States*, 357 U.S. 493 (1958), held that a complaint containing no affirmative allegations that the complaining officer spoke with personal knowledge of the matters contained therein and not indicating any source for the officer's belief and not setting forth any other sufficient basis upon which a finding of probable cause could be made did not provide a sufficient basis upon which a finding could be made did not authorize the United States Commissioner to issue

Warrant. The United States Supreme Court therefore reversed the conviction.

Each case that Appellant has cited in his "Table of Authorities" was held to be reversed after conviction. Two of which are United States Supreme Court cases. This evidences that Judge Seal's ruling is contrary to clearly established Federal law. His ruling is also not the Legislative intent of the Fruit of the poisonous tree doctrine.

### Conclusion

Appellant requests that this Honorable Court find that his July 30, 2018 guilty plea to attempted murder and burglary first degree invalid, inadmissible, and his confinement in violation of his Fourth and Fourteenth Amendment rights to the United States Constitution and vacate his conviction and sentence.

Respectfully Submitted  
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5-27-2026

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