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JUL 15 2026

S.C. SUPREME COURT

Dear Mrs. Howard,

I am wishing to file this Petition in this court. Can you be so kind to clock stamp and file this Petition for me? Also can you send me a copy back once it is clock stamped and filed and assigned a case number? I will greatly appreciate your assistance with this matter. I am being illegally confined in prison and if you review this petition, attached exhibits, and case laws you will see that my issues raised have merit. I would like to thank you in advance for your time and I hope you have a blessed day.

Respectfully
Larry A. White
6-10-2025

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JUN 16 2025

S.C. SUPREME COURT

In The Supreme Court
Of South Carolina

Indictment No: 2017-GS-33-0416

Larry A White
Petitioner

C/N: 2025-001180

V.
State Of South Carolina
Respondent

Petition To Vacate Conviction
And Sentence

Petitioner Larry A. White hereby petitions this court for an order to vacate his state sentence of 15 years for Attempted Murder and Burglary First Degree. Petitioner bases this petition on the United States Supreme Court decision in *Giordenello v. United States*, 78 S.Ct. 1245 (1958), and South Carolina Supreme Court decisions in *State v. Hill*, 245 S.C. 76 (1964), *State v. York*, 250 S.C. 30 (1967), and *State v. Harrell*, 262 S.C. 273 (1974). Petitioner will show to this Honorable court that the arrest warrants to which he is sentenced for does not set forth probable cause neither do the affidavits supporting those arrest warrants in violation of the Fourth and Fourteenth Amendments. The Constitutional requirement that no warrant shall issue, but upon probable cause, supported by oath or affirmation and particularly describing the person or things to be seized, applies to arrest as well as search warrants. Petitioner's arrest warrants/~~affidavits~~ affidavit for attempted murder states, On December 22, 2016 at 122 Belin CT which is located in Marion County, One Larry Anthony White did commit the crime of Attempted Murder with malice, aforethought, 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 S.C. Code of Law 16-03-0029. Petitioner's arrest warrant affidavit for Burglary First Degree states, that on 12-22-16 at approximately 12:30 Am at 122 Belin Court, in the county of Marion, One Larry Anthony White and two other subjects did force their way into the residence of Terrance Leon Williams, in the night time hours. While inside of the residence, Larry Anthony White and two other subjects did cause harm to Terrance Leon Williams and carried away some of his personal property. Therefore Larry Anthony White is charged with 1st degree burglary. A violation of South Carolina code of laws 16-11-0311. These two arrest warrants and warrant affidavits are invalid. The purpose of a warrant affidavit is to enable the appropriate Magistrate to determine whether the probable cause required to support issuance of warrant exists. The Magistrate must judge for himself the persuasiveness of the facts relied on by a complaining officer to show probable cause; the Magistrate should not accept without question the affiant's mere conclusion that the person whose arrest is sought has committed the crime.

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When the affidavits and arrest warrants in this case are judged with these considerations in mind, it is clear that it does not muster because they do not provide any bases for the Magistrate's determination that probable cause existed. The affidavits contains no affirmative allegation that the affiant spoke with personal knowledge of the matters contained therein, they do not indicate any sources for the affiant's belief; and they do not set forth any other sufficient basis upon which a finding of probable cause could be made. In Giordenello, the United States Supreme Court held that the seizure in that case was illegal and that the Petitioner's conviction accordingly had to be set aside. In State V. York, the South Carolina Supreme Court held that, Determination of whether there is probable cause for issuance of warrant must be made by officer with power to issue the warrant, and not by police officer or other individual who seeks the warrant. Requirement that an affidavit on information and belief set forth sources of affiant's information is so that Magistrate may judicially weigh not only the information, but source thereof, in determining whether there is probable cause for issuance of the warrant. The constitutional prohibition against issuance of a warrant, except upon probable cause supported by oath or affirmation is not a grant of power but is part of the historic provision securing the people against unreasonable searches and seizures, and its only office is to prescribe minimum standards for issuance of a warrant. In State V. Hill, the Supreme Court of South Carolina held that Affidavit which disclosed no source of information other than an unidentified informer contained no fact or facts as to source of affidavit's information and belief for the judicial consideration of officer issuing warrant and was inadequate. Warrant, which was issued on basis of affidavit on information and belief and State affiant had been informed by informer but set forth no other sources of affiant's information was nullity. In State V. Harrell, the Supreme Court of South Carolina held, Where affidavit for issuance of warrant for search of trailer in which defendant was temporarily residing was deficient because it failed to state sufficient facts for judgment by issuing officer that probable cause existed for search, evidence obtained in search conducted pursuant to warrant was inadmissible and prejudicial in prosecution for receiving stolen goods. The language of the Fourth Amendment, that no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the persons or things to be seized of course applies to arrest as well as search warrants. The protection afforded by these rules, when they are viewed against their constitutional background, is that the inferences from the facts which lead to the complaint be drawn by a neutral and detached Magistrate instead of being judged by the officer engaged in the often competitive enterprise of ferreting out crime. Also in 1975, Joseph C. Coleman, who was the Deputy Attorney General, noted in a letter/order to Sheriff Frank Powell of Richland County that It is not sufficient that an affidavit supporting arrest warrants recite that the acts charged took place; the affiant must explain in his sworn affidavit/statement how he came to his conclusions, the facts upon which he bases such charges. Affidavits and warrants that do not set forth sufficient probable cause are therefore not valid. Petitioner sufficiently shows and offers proof that the affidavits and arrest warrants that he is sentenced for are in violation of the Constitution and are therefore are invalid. Petitioner also shows forth an United States Supreme Court and three (3) South Carolina Supreme Court cases, where it has been held that warrants of this type are illegal and therefore the conviction must be set aside. Magistrate Judge Kelik Donald Fling did not have probable cause to issue these arrest warrants which violated the Constitution. He only issued arrest warrants based on hearsay.

information from the complaining officer who did not have personal knowledge of the matters contained therein. The warrant affidavits contained only conclusory allegations, and no witnesses to the incident are listed on the affidavits in the witness section, neither are they listed in the complaint section of the affidavit. Therefore making the warrants and affidavits invalid and illegal. These invalid warrants and affidavits used to procure an indictment disabled the court of Subject Matter Jurisdiction. These invalid affidavits and arrest warrants make the indictment tainted, void, or nullity. Also in State v. Adams, 409 S.C. 641 (2014) ruled on in the Supreme Court of South Carolina by Supreme Court Judge Kittredge, J. It was stated that, Generally, evidence derived from an illegal search or arrest is deemed Fruit of the Poisonous tree and is inadmissible. United States v. Najjar, 300 F.3d 466, 477 (4th Cir. 2002). Citing Wong Sun v. United States, 371 U.S. 471, 484-85, 83 S.Ct. 407, 9 L.Ed.2d 441 (1963). In State v. Nelson, 336 S.C. 186 (1999) the Supreme Court of South Carolina held, "The Fruit of The Poisonous tree doctrine provides that evidence must be excluded if it would not have come to light but for the illegal actions of the police, and the evidence has been obtained by the exploitation of that illegality." Because of these invalid and illegal warrants that led to Petitioner's illegal arrest, Petitioner pled guilty to these charges rather than to risk receiving a life sentence in prison. These invalid affidavits and arrest warrants which led to the illegal arrest caused Petitioner to take a bite from the Fruit of The Poisonous Tree which made his guilty plea invalid and inadmissible. Petitioner has now been incarcerated for these charges since January 26, 2017. These invalid and illegal arrest warrants that led to the illegal arrest made Petitioner's indictment a product of Fruit of The Poisonous Tree therefore making Petitioner by law entitled to relief in his favor.

Wherefore, For the aforesaid reasons such as lack of Subject Matter Jurisdiction, invalid arrest warrants and affidavits, lack of probable cause, violation of Due Process, and indictment, conviction, and sentence being a product of the Fruit of The Poisonous Tree Doctrine, Petitioner petitions this Honorable Court for an order to vacate conviction and sentence. Petitioner respectfully prays that this Honorable Court take Judicial notice of these issues and case laws and offer him relief in this matter to which he is entitled.

Respectfully Submitted
Larry White
Larry A. White (371303)
Perry Correctional Inst.
430 Oaklawn Road.
Pelzer, SC 29669
6-10-2025

In The Supreme Court
Of South Carolina

) Indictment No: 2017-GS-33-0416
)

Larry A. White (371303)

) CIN: 2025-001180
)

Petitioner

V.

State Of South Carolina

) Respondent
)

Certificate of Service

I Petitioner Larry A. White hereby certify that I this date mailed a copy of my Petition To Vacate Conviction And Sentence by certified mail by placing a copy of the same in an institutional mailbox at Perry Correctional Institution addressed as follows:

Patricia A. Howard
The Supreme Court Of South Carolina
P.O. Box 11330
Columbia, SC 29211

Larry White
Larry A. White (371303)
Perry Correctional Inst.
430 Oaklawn Road.
Pelzer, SC 29669
6-10-2025

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S.C. SUPREME COURT

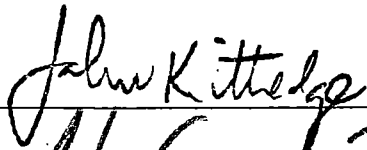
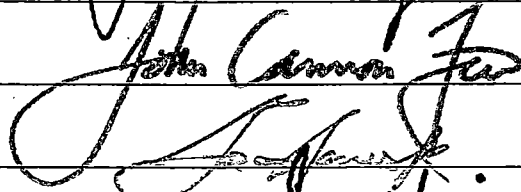
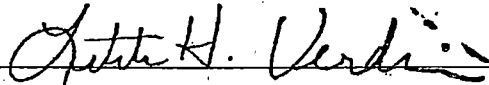
The Supreme Court of South Carolina

ORDER

Pursuant to Rule 245, SCACR, and *Key v. Currie*, 305 S.C. 115, 406 S.E.2d 356 (1991), we decline to entertain the following matters in this Court's original jurisdiction:

1. *Troy Hunter v. State of South Carolina*, Petition for Writ of Mandamus, dated June 4, 2025. Appellate Case No. 2025-001212.
2. *Gregory D. Daniels #297449 v. State of South Carolina*, Motion of Opposition to the Respondents Conditional Order of Dismissal, dated May 16, 2025. Appellate Case No. 2025-001028.
3. *Merlyn Bivens v. York County Management, et al.*, Verified Complaint and Petition for a Writ of Mandamus and Writ of Prohibition Directed to York County Management, received July 2, 2025. Appellate Case No. 2025-001325.
4. *Adebisi Ali v. Judge William Haigh Porter, et al.*, Petition for Writ of Mandamus, dated May 27, 2025. Appellate Case No. 2025-001056.
5. *Larry A. White v. State of South Carolina*, Petition to Vacate Conviction and Sentence, dated June 10, 2025. Appellate Case No. 2025-001180.
6. *Alvin K. Brown Jr. v. State of South Carolina*, Motion for Writ of State Habeas Corpus, dated June 29, 2025. Appellate Case No. 2025-001349.
7. *Mickey Markell Johnson v. State of South Carolina*, Motion to Invoke the Original Jurisdiction of the South Carolina Supreme Court Pursuant to Rule 245(b), dated June 23, 2025. Appellate Case No. 2025-001297.
8. *Joshua Robinson v. State of South Carolina*, Petition for Writ of Habeas Corpus, dated May 20, 2025; Letter to the Court, dated July 12, 2025. Appellate Case No. 2025-001109.

9. *Robert Graham v. Joel Anderson, SCDC, et al.*, Sworn Affidavit Pursuit to Pending Motion/Motion for Clarity and Hearing, dated June 16, 2025. Appellate Case No. 2025-001083.
10. *William D. Allen, Sr. v. Winnifa B. Clark as Orangeburg County Clerk of Court, and Joel E. Anderson as Interim Director of the South Carolina Department of Corrections*, Petition for a Writ of Mandamus and Motion for Dismissal, dated July 9, 2025. Appellate Case No. 2025-001363.

	C.J.
	J.
	J.
	J.

Columbia, South Carolina
July 21, 2025

cc: Troy Hunter
D. Russell Barlow, II
Gregory D. Daniels
Alan McCrory Wilson
W. Jeffrey Young
J. Cameron Halford
Chad Nicholas Johnston
Tracey Colton Green
Jonathan M. Robinson
Austin Tyler Reed
Adebisi Ali
Benjamin H. Culbertson
George M. McFaddin, Jr.
Doris Poulos O'Hara
W. Haigh Porter
Larry A. White
Alvin K. Brown, Jr.
Mickey Markell Johnson
Joshua Robinson
Joel E. Anderson
Robert Graham, Jr.
William D. Allen, Sr.
Winnifa Brown-Clark