STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
) TWELFTH JUDICIAL CIRCUIT
COUNTY OF MARION) DOCKET NO. 2024-CP-33-00060

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S.C. SUPREME COURT

LARRY A. WHITE #371303,
Plaintiff,
vs.

STATE OF SOUTH CAROLINA,
Defendant.

H E A R I N G
BEFORE THE HONORABLE WILLIAM H. SEALS, JR.

DATE: April 14, 2026
TIME: ***
LOCATION: Marion, South Carolina
TRANSCRIBED BY: Aron Feldstein

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ALSO ATTENDING:

(None)

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EXAMINATIONS

WITNESS FOR THE PLAINTIFF:

(None)

WITNESS FOR THE DEFENDANT:

(None)

EXHIBITS

PARTY	DESCRIPTION	MARKED	RECEIVED
PLAINTIFF'S:			
(None)			
DEFENDANT'S:			
(None)			

(THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)

PROCEEDINGS

THE COURT: Mr. Richardson, can you hear and see us?

MR. RICHARDSON: I can hear, yes, sir.

THE COURT: All right. If you turn your video on, I think we're in good shape.

MR. RICHARDSON: Trying to figure out how to -- okay. There we go.

THE COURT: All right. And, Mr. White, this is your motion.

MR. WHITE: Yes, sir.

THE COURT: All right. I'll be glad to hear from you.

MR. WHITE: Okay. First and foremost, I want to say good afternoon to everyone. Your Honor, today I have a motion on the table for -- on the docket for Franks v. Delaware, pursuant to Franks v. Delaware. And I also filed another motion, which was a petition, but I was trying ---

THE COURT: Hold on one second. Talk a little slower. Your video -- your audio is not real good on this end, echoing in the room or whatever. But take your time to talk.

MR. WHITE: All right. So today we're supposed to be hearing my Franks v. Delaware, hear my motion. And I also had filed a motion for -- it was basically -- it was a petition to the lower court to vacate my conviction and sentence. And I was trying to get that heard on that -- that motion heard on

today's date, too. But I didn't receive a schedule appointment for it, but to -- to give a rundown of my situation, Your Honor -- in December of -- December 22nd, 2016, an incident took place, where Terence Leon Williams was shot during a home invasion. Detective Rogers, Detective Dewayne Rogers applied for a (indiscernible) on my behalf.

And one is for a -- well, one is for accepted murder, but what I was sentenced to was attempted murder and burglary, first degree. Now, the thing is, Your Honor, well, I have everything wrote down, so I don't forget. I got a bad mind. But I was trying to get these issues addressed because I petitioned to the Supreme Court to get the Supreme Court to address the issues. But they told -- they declined to hear them because they have to get heard by the lower court first. So that's why I'm here today.

But the problem is -- okay, the Fourth Amendment to United States Constitution holds that the right of the people to be secure -- to secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated and no warrants shall issue (indiscernible) probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.

Now, the fruit of the poisonous tree doctrine holds that evidence derived from an illegal search or arrest is

deemed fruit of the poisonous tree and is inadmissible. All right. In the Franks v. Delaware, 98 S.Ct. 2674. It's a 1978 case, the United States Supreme Court held that, where a defendant makes a substantial preliminary showing that a false statement knowingly or -- and intentionally, or with reckless disregard for the truth was included by the affiant and a warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, the Fourth Amendment and the Fourteenth Amendment requires that a hearing be held at the defendant's request.

And if, after the evidentiary hearing, the defendant establishes the ponderance of evidence that a false statement morally and intentionally or with reckless disregard for the truth was included by the affiant in the warrant affidavit 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 the probable cause was lacking on the face of the affidavit.

Now, the thing about these warrants -- well, the first thing about the -- the Franks v. Delaware, (indiscernible) -- attempted murder (indiscernible), it says that -- and do you have a copy of the affidavit, because I submitted that with the motion.

THE COURT: Yes sir.

MR. WHITE: If you look at it (indiscernible), it says "On December 22nd at 122 (indiscernible) Court, which is located in Marion County, one Larry Anthony White did commit the crime of attempted murder with malice aforethought, shooting Terence 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 of Law 16-03-0029."

Now if you look at this the affidavit, and you look at the warrant, which the warrant says the same thing as the affidavit. It says that Terrence Leon Williams was shot in the chest area. But, however, I have the (indiscernible) chain of custody form, where they obtained the projectile from the victim. This circle right there, where it says he was shot in the abdomen -- he was shot in the abdomen. So when you look at the patient registration form, it says (indiscernible) Christopher C. Kirby, it said diagnosis 1, FTSW, gunshot wound to abdomen.

Now when you also look at the police incident report, I have the (indiscernible), where it says the doctor advised officers that the victim was shot in the stomach. Now, Your Honor, also what I have is -- and I submitted this as well -- is the brief summary of the case by Attendant, Mae Rogers (phonetic), where he specifically says (indiscernible) it's -- it's on December 22nd, I, Detective Mae Rogers (indiscernible)

here it says I spoke with Dr. Christopher Kirby, who advised that Terrence Williams was shot in the upper right side of his -- of -- of his abdomen. Now I took the time to -- the reason why these issues were not ready for court is because my counselor was ineffective, and I was unaware of the issues involved.

I was unaware of any -- all this mix up, and my lawyer didn't let me know, really nothing at all. But the thing is, for evidence, Your Honor the -- I took the time to do my research and look up definitions. Your Honor, the abdomen is the part of the body, the lower chest that contains the stomach and vital organs. Now the stomach is the organ in your body where food goes and begins to be digested after you swallow it.

The chest is the front part of the body below the neck and -- hold on -- between the neck and stomach -- yeah, it says, between the neck and the stomach. This means that Detective Rogers committed perjury in order to obtain the next warrant for attempted murder. Now this show -- I'm sure that there's a false statement. And I'm also showing that he says himself that he spoke to the Doctor, and the Doctor told him that the victim was shot in the abdomen, just like I just showed you.

The police incident report, it also says that doctors were advised that the victim was shot in the stomach. Now,

when you remove the incorrect information, the false information, and you replace it with the correct information -- if you look at the rest of this affidavit and the arrest warrant, Your Honor, it does not show -- it does not support a showing of probable cause. The only thing it says is that I did commit these crimes, without telling the magistrate Judge, Kelik Donald Fling, without telling him how he knows that I committed this crime.

It was -- all right, so (indiscernible) just for the record, the magistrate judge job is to sit as a -- a detached neutral and make his independent determination whether probable cause exists. And, just like these -- these warrants, Detective Dewayne Rogers had no personal knowledge of this incident. He's going off the hearsay of what someone told him. Even though in South Carolina, warrants can be issued upon information in the lead.

However, when you -- when an affiant is requesting a warrant upon information and belief, he must state his source of information, and the magistrate should weigh whether that source is reliable enough. If not, the warrant -- the affidavit is invalid. Now that -- that's what it boils down to with -- with -- (indiscernible) Your Honor (indiscernible) that he didn't -- Judge Kelik Donald Fling, when he issued the warrant, he did not make his own independent determination of whether probable cause exists.

This makes the warrants in direct violation of the Fourth and Fourteenth Amendments to the United States Constitution, which made my arrest illegal and the fruits of such arrest inadmissible. I'm supposed to say that I'm being unlawfully confined, Your Honor. As a rhetorical question, how is it possible that I can be held in prison -- how is it that I can be held in prison for a term of 15 years for allegedly shooting Terrence Williams in the chest, when he never been shot in the chest a day in his life, right?

That's a rhetorical question. But the next thing that I was arguing -- well that -- that's -- that's my Franks v. Delaware. But as to the burglary first degree, Your Honor, I was actually arguing in the same vein about the lack of probable cause. If you -- I have the -- the affidavit here, where it says that, on 12 22nd '16, at approximately 12:30 a.m. at 122 (indiscernible) Court in the County of Marion, when Larry Anthony White and two other subjects did force their way into the residence Terrence Leon Williams, in the nighttime hours.

While inside the residence, Larry White and two other subjects did cause (indiscernible) Terence Leon Williams and carried away some of his personal property. Therefore, Larry Anthony White is charged with first degree burglary, in violation of South Carolina Code of Laws, 16-11-0311. It's the same thing, Your Honor, the -- the affidavit does not support

probable cause. It says the same thing.

There's no -- there's notice of probable cause for what's to be issued. And I have cases that -- cases where it has been held, right. I have State v. York, 250 S.C. (indiscernible). That's a 1967 case, where the South Carolina Supreme Court held that the determination of whether there is probable cause for issuance of a warrant must be made by the officer with power to issue the warrant, and not the police officer, the individual who seeks the warrant.

This falls under both the Fourth and Fourteenth Amendment to the United States Constitution. And for the record, Your Honor, we -- I know you know, but just for the record, Your Honor, the Fourteenth Amendment to the United States Constitution states, in part, "No state shall make or enforce any law, which shall oblige the privileges or amenities of civic citizens of the United States, nor shall any state deny any person of life, liberty, or property, without due process of law."

The Supreme Court in (indiscernible) held that the requirement that an affidavit on information and beliefs set forth sources of the highest information is so that the magistrate may judicially weigh, not only the information, but the source thereof, in determining whether there is probable cause for issuance of the warrant. The constitutional prohibition against issuers (indiscernible), except upon

probable cause (indiscernible) affirmation is not a grant of power, but it's part of the historic provision securing the people against -- against unreasonable searches and seizures. And its only office is to prescribe minimum standards for issuance of a warrant.

So, Your Honor, I don't want to keep getting the -- the same (indiscernible) it's in there, but State v. Hill, 245 S.C. 76, (1964) held that a warrant issued based on an affidavit of the affiant officer, without setting forth his source of information is anointing each conviction that I -- each conviction that was in these cases, Your Honor, were vacated based on the exact same issues involved in my case.

And today, I'm coming to you today trying to seek justice in getting these issues addressed so that -- so that -- I mean, so that I could be guaranteed what I'm guaranteed by lack of the Constitution. Now, Your Honor, and I want to put this on the record, Your Honor, I'm not going to say that I was a saint when I was out there on the streets. I've been locked up -- I've been incarcerated since I was 20 years old. I just turned 30 years old this year.

I have a 12-year-old daughter turning 13 in June. (Indiscernible) to be out there on the streets, Your Honor. And I -- and I -- I learned my lesson from that. This time that I spend in prison, I educated myself. I've been taking law classes. I'm in purpose of going to law school when I get

out of prison. But, Your Honor, I've been doing a whole lot that changed my life, Your Honor. And this time that I sat in prison, even though I -- I -- I know how the case is and how the case looks, and I know about the mistakes that I made in life.

However, Your Honor, these nine plus years that I spent in prison, I learned a lot. God showed me a lot. It brought me closer to God. Your Honor, I just ask that you -- you -- based on my issues and the merits of my issues, Your Honor. And I think I have something else to say. Let's see -- lastly, I would like to point out that the South Carolina Court of Appeals, in Seabrook v. The Town of Mount Pleasant, 432 S.C. 441, which is a 2020 case, held that there was no (indiscernible) violation steaming from asserting misleading affidavit.

It's asserted the misleading affidavit is supportive of an arrest warrant, only if the correct affidavit establishes probable cause. And, like I just said, Your Honor, when I pointed out if you remove the information of what -- the misinformation, it doesn't establish probable cause, Your Honor. And that's all I want to say, and I thank you for giving me this time to finally get the part produced.

THE COURT: All right. Thank you.

Mr. Richardson, any reply to that?

MR. RICHARDSON: Sure, Your Honor. The -- the issue

as to Franks is moot. Franks deals with challenging warrants, primarily, where we see them in General Sessions Court, search warrants that have incorrect information in them. And they always end up in, you know, pretrial hearing, right before a trial starts. We never see them on arrest warrants because, before a case can go to trial, it has be indicted by a grand jury. And that took place in this case.

And I just looked up the indictment to see what the language was on the attempted murder count, to which Mr. White pled. And it does not mention any location of a wound. It just says that "Larry Anthony White Jr. did in Marion County, on or about December 22nd, 2016, with malice aforethought, attempt to murder Terrence Williams by shooting with a firearm, causing great bodily injury and substantial risk of death, in violation of Section 16-3-29, South Carolina Code of Laws 1976, as amended.

When that gets true billed, that renders the warrant basically meaningless because the charging document that the court considered, that brings the case before the jury or the court for a guilty plea, is the indictment. And, you know, once that indictment is true billed, any sort of pretrial issue as a result -- you know, as it relates to probable cause for a warrant goes out the window. That's why there's no preliminary hearings after an indictment is true build.

So, in that regard, the Franks issue is moot.

However, for the sake of argument, were that not the case, there -- I think there'd have to be some showing of bad faith by the detective in the -- and what he presented to the magistrate. I don't think there's any evidence of that, that's been presented. But again, that's really neither here nor there because the -- I don't think the issue is preserved for any sort of consideration, given that the case was presented to the grand jury on July 27th of 2017 in Marion County.

So, based upon those things, I don't think that there's an appropriate or any remedy with respect to this issue. Now, had there been some type of issue with counsel, you know, post-conviction relief action would have been the appropriate form for that, if -- if there was an allegation of ineffective assistance. But as far as a Franks hearing, I don't think there's any place for that, considering that the case appears to have been true billed and ultimately ended up in a guilty plea.

MR. WHITE: Your Honor, I want to speak on that. That's the purpose -- all right. Like I -- like I started from the beginning, I raised this issue to the Supreme Court, but the Supreme Court declined to here it because it must get heard by a lower court first, before it goes to the Supreme Court. I'm here at the lower court today. And that's also -- so, I mean, into this (indiscernible) the argument that he just made, that's why it's called the fruit of the poisonous tree

doctrine.

Even though an indictment was true billed, and even though I pled guilty and already been -- and I'm already in prison, been in prison for X amount of time, that's called the fruit of the poisonous tree doctrine. Evidence derived from an illegal search for (indiscernible) is the fruit of the poisonous tree, and it's inadmissible.

If my warrants and warrant affidavits lack probable cause, meaning they're invalid for immunity, but everything that came behind the (indiscernible) and the warrant affidavits are the (indiscernible) the legal process. The beginning of the legal process was illegal.

It was illegal so the rest (indiscernible) came behind it -- the plea, indictment -- all of that is inadmissible because it was fruit -- if it wasn't for the illegal actions of -- of Detective Dewayne Rogers, which was getting these warrants, not supported by probable cause, the judge didn't make his own independent determination of whether probable cause exists -- that made my arrest illegal.

And if it wasn't for his illegal actions, there wouldn't have been no indictment, there wouldn't have been no plea. If my lawyer would have pointed this out to me, then this would have been -- this would have been weighed. But see, I was a layman, not having no knowledge of the law. But, like I said, being in prison, I've learned a lot about the law,

civil and criminal. Done won two different lawsuits, like, against SCBC. Your Honor, (indiscernible) everything that I supported to you is supported by case law, not conclusory allegations on this is that -- (indiscernible). Your Honor, is, I -- in -- I have this other case, State v. Dill. It's a 2018 case. 423 S.C. 534. The South Carolina Supreme Court reversed the conviction, where -- and that's another thing. That's another thing to add to what he just said.

He says that pretrial -- and these arguments that I'm raising and these cases that I'm raising are cases that have been convicted, got argued, and reversed. The convictions got reversed after these arguments. So it's not just a pretrial -- pretrial situation. It's post-trial -- post-trial arguments, too, just like Franks v. Delaware. Even though it was a search warrant, Franks v. Delaware opened the door for people to be able to challenge arrest warrants and search warrants, search warrant affidavit, arrest warrant.

Franks opened the door for that. So it doesn't matter whether it's pretrial or post-trial. Just like I told you in Franks, it says, if I can make a preliminary showing false information was intentionally (indiscernible) disregard for the truth, because Detective Rogers knew the truth. It's in his brief summary of the case, where he says, himself, he spoke to Dr. Christopher Kirby, and (indiscernible) that he said that he was shot in his abdomen.

THE COURT: I understand. All right. Let me look at it. I'll study it. I'll know something with the court order soon.

MR. WHITE: (Indiscernible) when I was speaking about State v. Dill, in that case, his name was James Clyde Deal Jr. And he explained to court -- and this is word for word -- the magistrate judge, whose job is to issue these -- these warrants needs to be provided certain information. If the standard has -- has reached the point where we reach the level of information provided by the statement saying, I -- I have a badge, somebody, and I'm not going to tell you who told me something, and I'm not going to tell you what -- take my word for it, this stuff is there.

Like, this is like for a search for, like, take my word for this stuff is there. If that is the standard -- then, if that's the standard that we're at, then what is the reason for having a magistrate judge to make the determination to issue. If that's the case (crosstalk) ---

THE COURT: I understand.

MR. WHITE: Yes, sir.

THE COURT: I understand. I'll study it and let you-all know something. Thank you.

MR. WHITE: Hey, is this being transcribed?

THE COURT: Do what?

MR. WHITE: Is this being -- (indiscernible). Is

your clerk -- is she a stenographer? Is this transcribed?

THE COURT: It is recorded. It is a sealed virtual courtroom.

MR. WHITE: All right. Then how can I -- how would I be able to order a copy of the transcript?

THE COURT: I don't know. I really don't know. That's not my job.

MR. WHITE: I know I can pay for the transcript. I want to know who would I ---

THE COURT: Maybe the clerk of court could help you. I'm not sure.

MR. WHITE: Thank you, sir.

THE COURT: Thank you.

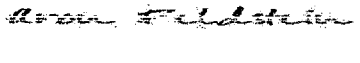
(THERE BEING NOTHING FURTHER, THIS HEARING WAS CONCLUDED.)

CERTIFICATE OF TRANSCRIBER

I, ARON FELDSTEIN, a certified transcriber, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had, and evidence introduced in the trial of the captioned case, relative to appeal, in the Court of Common Pleas, Marion, South Carolina, April 14, 2026.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

September 25, 2026.



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