

STATE OF SOUTH CAROLINA
COURT OF APPEALS

* IN THE COURT OF APPEALS
* OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA
GREENVILLE COUNTY

* NOTICE OF MOTION
* FOR APPEAL
* CASE # 2017-CP-23-05529

VS

2006 FORD F-350
VIN # 1FTWW31P86ED61140
Defendant Property and

Tonja Mechelle Flythe-Harkless,
and David Green Jr.

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AUG 08 2018

SC Court of Appeals

* * * * *

Comes Now the Defendant(s), David Green and Tonja Flythe-Harkless, and files and serves this Motion for return of Property, as grounds set forth would show and move this Honorable Court, as follows:

1. S.C. Law Enforcement Division vs. Michael and Lance (#22239) 44-53-530(4)(A) provides that property of an innocent owner shall not be forfeited. No evidence that prior knowledge the owner knew anything about any drugs being transported case was quashed and remanded. When Bryant hauled drugs on the boat he was acting outside the scope of his authority and Judge ruled that Bryant's knowledge could not be imputed to the corporation. The corporation was an innocent owner.

2. Nothing was a seizure done on but the truck. On 7-11-2017 Green, David was placed in Greenville County detention center with cash amount^P 85.00 (Inmate Property Record Sheet). Deputy only decided to seize the vehicle due to him being advised that the truck was paid for (Page 4 of 6 lines 11-12 of Dep. Cannon's report).

3. No property should be taken due to a illegal stop which is a violation of the owner's 5th and 14th amendment. (Proof Show of the stop being illegal is on Dep. Cannon's body cam and State has not produce this video to David Green's Lawyer yet). The real stop was for hitting a white divider line (once) and a justing back left with-in the lane. The added tag violation was done / written in report, but is false of the truth and his body cam shows the truth. His report shows it also, but he then covers it up saying also then switches to The expired tag as his first reason for stopping the vehicle (Page 1 of 6 lines 1-3 to page 2 of 6 lines 22-23).

4. The only statement / evidence the Solicitor tried to use as the owner could have known was that David Green was just get out of jail after serving 9 years. Mr. Green wasn't / didn't serve 9 years for drugs, but infact was released from jail in the year of 5/13. Also in United States vs. Jones, 234 F.3d 234 [351 S.C. 604 (2000) because a prior arrest or criminal record alone does not amount to reasonable suspicion (Also State vs. Donovan Williams).

Wherefore, Owner "Tonja M. Flythe - Harkless and David Green" respectfully prays for a Reconsideration of ruling In the case.

Yours Respectfully
David Green Jr.

Date: 7-19-18

Dear Clerk OF Court,

I'm writing you because I would like to file for appeal on the
a Common Pleas case (#2017-CP-23-5529). I was in court today in front of
Judge Alex Kinlaw. The case State of South Carolina ex rel, W. Walter Wilkins
Solicitor, Thirteenth Judicial Circuit, Plaintiff vs. 2006 Ford F350 (vin-1FTW
W31P86ED61140) Defendant Property and David Green, and Tonja Mechelle
Flythe-Harkless Interested Parties. I'm appealing the findings on the
merits of

D) Case Supreme Court of South Carolina South Carolina law Enforcement
Division v. Michael and Lance (No#22239)

A) 44-53-530(4)(A): provides that a property of an innocent owner
shall not be forfeited - No evidence that president owner knew anything about
the drugs being transported case Quashed and Remanded

~~WAL 19-15-185 (18)~~ ~~WAL~~ in a criminal processing must take

Yours Truly,
David Green Jr.
David Green, Jr.

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AUG 08 2018

SC Court of Appeals

David Green #300923-0355

Greenville County Detention Center
20 McGee Street
Greenville SC 29601

GREENVILLE SC 296

20 JUL 2018 PM 3 L



To: Paul B. Wickensimer Clerk of Court
305 East North Street
Greenville, S.C. 29601

29601-219099

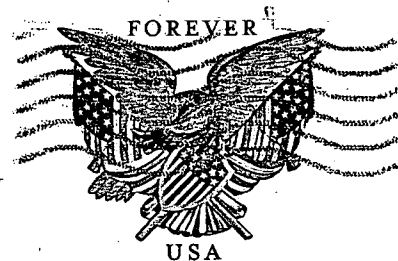


David Green #300923-0355

Greenville County Detention Center
20 McGee Street
Greenville SC 29601

GREENVILLE SC 296

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SC Court of Appeals

29211-162929

To : South Carolina Court of Appeals
Jenny Abbott Kitching (Clerk of Court)
P.O. Box 11629
Columbia, S.C. 29211

