

IN THE SOUTH CAROLINA COURT OF Appeals

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

CASE # 2017CP2305529

VS

TONJA MECHELLE FLYTHE
OWNER OF 2006 FORD F-350
(VIN # 1FTWW31P86ED61140)

And

DAVID GREEN JR (SON OF OWNER)

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AUG 27 2018

SC Court of Appeals

NOTICE OF APPEAL

Comes the Defendant, David Green Jr., Pro se and hereby gives Notice to the State of South Carolina of my intentions to appeal the final judgment of this court, to the Court of CIVIL Appeals, and request the court to determine the following issues:

(1) That the decision by the court to forfeit the owner of the property was correct due to laws of South Carolina rules and codes.

(2) The hearing Judge abused the court discretion, when the court made decision based on lack of evidence.

Under the Innocent owner, no property shall be forfeited. If no evidence that prior knowledge the owner knew anything about drugs

being transported with there property case such be quashed and remanded. Case of S.C. Law Enforcement Division vs. Michael and Lance (#22239) provides that Bryant haul drugs on the boat he was acting outside the scope of his authority. Judge in case ruled that Bryant's knowlege could not be imputed to the corporation. The corporation was an innocent owner.

The only statement of evidence the Solicitor used to try and impute ower had knowlege was that the driver (David Green) had been arrested 9 years ago for drugs. In United States vs. Jones, 234 F.3d 234 [351 S.C. 604] (2000) states a prior arrest or criminal record alone does not amount to reasonable suspicion (Also State vs. Donovan Williams). So the 9 year prior charge does not give/show owner had knowlege of any thing illegal to be done of/with Her property.

This decision by the court under § 44-53-530(4)(A), of the South Carolina codes is unconstitutional or repugnant to equal protection and due process under the 5th and 14th amendments to the United States constitution, since there was no proof of knowlege involved in this case to justify the decision by the court hearing proceeding in this case, on the action of forfeiture.

This being the day of August 14, 2018.

Respectfully Submitted,
David Green ID# 300923-0355
Greenville County detention Center

CERTIFICATE OF SERVICE

I, David Green (ID# 300923-0355) hereby states that a copy of the Attached Motion and Notice of Appeal, was served upon the Honorable Court of Appeals, Solicitor Jonathan Martin Gregory for the State of South Carolina, by depositing a copy of the same in the United States Mail with the proper first class postage prepaid, and was addressed to his office at 305 East North Street, Greenville, S.C. 29601, on this 21 day of August 2018

David Green #300923-0355

Witnesses:

Deandre Nesbitt

Deeja Paul

Calvin Brown

Alvin M. Banks

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Office of the Clerk of Court

Paul B. Wickensimer
Clerk of Court for Greenville County
Greenville, South Carolina

www.greenvillecounty.org

July 24, 2018

David Green
Greenville Detention Center
20 McGee St.
Greenville SC 29601

Mr. Green,

Please review the enclosed memorandum regarding appeals.

Thank you for your attention in this matter.

*Greenville County Clerk of Court Office.
Civil Records*

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SOUTH CAROLINA COURT OF APPEALS

<http://www.sccourts.org/appeals/FAQ.cfm>

Clerk of Court

The fifteen-member clerk's office of the Court of Appeals provides services to litigants, media, and members of the general public.

For appeals brought to the Court, the Clerk's Office provides the medium for transferring the legal issues from the litigants to the Judges of the Court, including any motions that may be filed. The South Carolina Appellate Court Rules constitute the chief tool for this activity. In applying these Rules, the Clerk's office has frequent and regular contact with the litigants, whether attorneys or individuals representing themselves. The FAQ of the Court of Appeals contains guidance on preparing an appeal. By assisting litigants in understanding the Rules, the Clerk's office ensures that the appeal reaches the Court in the form most accessible to the Judges, thus securing to the litigants a full and fair hearing.

The Clerk's Office further serves as the scheduling hub of the Court, working with both judges and litigants to set the hearing and submission of cases. Decisions rendered by the judges come to the Clerk's office for filing and for transmission to the interested parties.

The Clerk's Office keeps the records of the Court and makes these records available for inspection and copying. These records remain open to the public during regular work hours of the Court.

Jenny Abbott Kitchings

Clerk of Court

Office Location:

1220 Senate Street
Columbia, South Carolina 29201

Office Hours:

Monday through Friday
8:30 a.m. to 5:00 p.m.
Excluding state holidays

Voice: (803) 734-1890

FAX: (803) 734-1839

Mailing Address:

P.O. Box 11629
Columbia, SC 29211

Cover Letter

Date: 8-18-2018

Dear Ms. Kitchings,

I did the best I can do to complete the task given me. I am not able to get all the Articles and rules do to the lack of this law library here at Greenville County Detention Center. This library is not one for civil case and its also a computer library that does not give forms or anything like that. All I have is a book that gives a Newyork Form based on some of what I needed. I also wanted to let you know that I waiting to get papers not^{ier}ize so I can send them. Also here a copy of what the Greenville County Clerk of Court Paul B. Wickensimer sent to me when I first wrote to him about filing a appeal. I also wrote the Judge for a reconsideration of Judgment. I wrote to the Honorable Stillwell about ~~the~~ appealing the judgment also. All this was done before I talk to/ wrote your office which information was relayed to me by Mr. Paul B. Wickensimer Clerk of court Greenville Co. to write to you. I was never provided any forms or any thing to accomplish the task of appeal. I also need a hold put on the truck because its part of a criminal trial which I should be going to trial for next month. I needed to take pictures of the inside and out side of the truck to show that the Deputy Sheriff's ~~made~~ made false statements and his credibility is ~~is~~ not trust worthy. Thank You for your time and concerns. Thank You! 😊

P.S.

I'm still waiting on a Notary of Public to Noticize The paper work, so instead i'm just going to have witnesses sign the paperwork

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Yours Truly,
David Green Jr.

#300923-0355

David Green Jr.

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State of South Carolina
Greenville County

SC Court of Appeals

David Green, being duly sworn, deposes and says that:

- 1) I am being detained in the Greenville County Detention Center in the State of South Carolina.
- 2) I am about to commence an appeal to the Appellate Division of the South Carolina Court of Appeals, from a judgment entered by the Honorable Judge Alex Kinlaw, Jr. #2763, Green County Court of Common Pleas, in the above entitled action in the office of the Clerk of Greenville County on July 19, 2018, dismissing the Petition brought by Petitioner pursuant to Article of the Civil Practice Law and rules. The appeal is taken from each and every part of said judgment as well as the whole thereof.
- 3) I make this application pursuant to § of the Civil Practice law and rules upon the grounds that I am unable to pay the costs, fees, and expenses necessary to prosecute this action.
- 4) My weekly pay is \$0.00.
- 5) I have \$0.00 in my inmate account.
- 6) I will be unable to prosecute this action or prepare all the documents required unless I am permitted to do so as a poor person.

7) I do not know of any attorney who is willing to represent me in this proceeding without compensation.

Wherefore, I pray that I be permitted:

- (a) to prosecute this action as a poor person;
- (b) to appeal on the original record; and
- (c) that the Court assign a suitable attorney to represent me for that purpose or allow me to proceed Pro se in the matter.

Respectfully Submitted,

David Green #300923-0355
Greenville County Detention
Center
Greenville, South Carolina

Witnesses:

Aline M Banks
Calvin Baker
Dee Ann
Dorinda Webb