THE STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

APPEAL FROM HORRY COUNTY
Master in Equity

The Honorable Cynthia Graham Howe

RECEIVED
AUG 15 2018
SC Court of Appeals

Case No. 2017-002365

Jimmy A. Richardson, II, Solicitor for the Fifteenth Judicial Circuit, on behalf of the 15th Circuit Drug Enforcement Unit,

Respondent,

v.

Twenty-One Thousand and no/100 Dollars ($21,000) U.S. Currency and Various Jewelry, Defendant Property, and Marvin Joshua White,

Appellant.

RECORD ON APPEAL

Volume I

Counsel of Record:

Ralph J. Wilson, Jr., S.C. Bar No. 76716
Ralph Wilson Law PC
Post Office Box 860
Conway, South Carolina 29528
843-488-1013
attorney@ralphwilsonlaw.com
ATTORNEY FOR APPELLANT

James R. Battle, S.C. Bar No. 73604
Battle Law Firm, LLC
Post Office Box 530
Conway, SC 29528
843-248-4321
jbattle@battlelawsc.com
ATTORNEY FOR RESPONDENT

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STATE OF SOUTH CAROLINA

COUNTY OF HORRY

JIMMY A. RICHARDSON, II, SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15th CIRCUIT DRUG ENFORCEMENT UNIT,

Plaintiff,

vs.

TWENTY-ONE THOUSAND AND NO/100 DOLLARS ($21,000.00) U.S. CURRENCY AND VARIOUS JEWELRY.

Defendant Property,

MARVIN JOSHUA WHITE

Defendant.

FOR THE FIFTEENTH JUDICIAL CIRCUIT
IN THE COURT OF COMMON PLEAS
CASE NO.: 2015-CP-26-3707

CONSENT ORDER OF REFERENCE TO MASTER IN EQUITY

FILED
16 SEP 19 PM 2:29
HELEN WARD
CLERK OF COURT

This matter comes before me on the motion of James R. Battle, of the Battle Law Firm, LLC, as Special Prosecutor for the 15th Judicial Circuit Solicitor's Office in the above-entitled action, seeking to have the same referred to the Honorable Cynthia Graham Howe, Horry County Master in Equity, to hear all matters in the above captioned lawsuit pursuant to Rule 53, SCRCP.

It appears that this is a statutory action under S.C. Code §§ 44-53-520 and 530 for the forfeiture of property allegedly related to the sale and distribution of illegal narcotics. It is proper to refer this action to the Master in Equity to grant such relief as may be appropriate and to determine and enter a final judgment in this action.

IT IS THEREFORE ORDERED that this case be and is hereby referred to the Honorable Cynthia Graham Howe, Horry County Master in Equity, to conduct all further proceedings and enter final judgment in this action pursuant to Rules 53 and 71, SCRCP, and any appeal from said final judgment is to be made directly to the Supreme Court of South Carolina.

MHC

ELECTRONICALLY FILED - 2017 Oct 10 10:28 AM - HORRY - COMMON PLEAS - CASE#2015CP2603707

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

JIMMY A. RICHARDSON, II, SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15th CIRCUIT DRUG ENFORCEMENT UNIT,

Plaintiff,

vs.

TWENTY-ONE THOUSAND AND NO/100 DOLLARS ($21,000.00) U.S. CURRENCY AND VARIOUS JEWELRY.

Defendant Property,

MARVIN JOSHUA WHITE

Defendant.

FOR THE FIFTEENTH JUDICIAL CIRCUIT
BEFORE THE MASTER IN EQUITY
CASE NO.: 2015-CP-26-3707

ORDER OF FORFEITURE

STATEMENT OF THE CASE

Plaintiff brought this action for the forfeiture of the above named Defendant Property pursuant to S.C. Code Section 44-53-520. Plaintiff personally served Defendant with the Summons and Complaint on May 21, 2015, and Defendant's attorney filed an answer on June 18, 2015.

On September 19, 2016, the Honorable Benjamin H. Culbertson filed a Consent Order referring this matter to this Court pursuant to Rules 53 and 71, SCRCP.

A hearing on the merits of this case was held on December 6, 2016 at 1:00 pm before the Honorable Master in Equity Cynthia Graham Howe. Present at the hearing were Plaintiff's Special Prosecutor, James R. Battle, Defendant's attorney, Ralph Wilson, Jr., and Defendant Marvin White. Prior to the factual presentation, Mr. Wilson made a motion for Judge Howe to recuse herself, a motion for a continuance based on Defendant White's request for new counsel,

and a motion to exclude Plaintiff's evidence based on a discovery dispute. After considering their merits, the Court denied Mr. Wilson's motions. The Court gave Defendant White the opportunity to proceed *pro se*, and he chose to go forward with the hearing with Mr. Wilson as his attorney.

During the factual presentation, Plaintiff submitted live testimony and video in support of Plaintiff's allegations. Defendant did not present any evidence or testimony. Based on the undisputed evidence presented by the Plaintiff, the Court makes the following findings of fact:

FACTUAL FINDINGS

1. Agent Derrick Suggs with the 15th Circuit Drug Enforcement Unit ("DEU") has been in law enforcement for nine years and worked in narcotics for four years. He has participated in over 85 controlled drug buy investigations and at least 60 drug-related residential search warrants.

2. In July of 2013, Agent Suggs was informed that Defendant White was selling crack cocaine in Conway, South Carolina. Shortly after Agent Suggs began his investigation of Defendant White, Conway Police Department ("CPD") arrested Defendant White for possession with intent to distribute crack cocaine.

3. In August of 2013, Agent Suggs was informed that Defendant White was using a storage unit at Absco Storage to house guns that he received in exchange for narcotics. When officers executed a search warrant on Defendant White's storage unit, they recovered 22 firearms; 5 of which were stolen.

4. During this time, Agent Suggs also determined that, while Defendant White was incarcerated for the CPD drug charge, he had turned his drug dealing operation over to Shelton M. Brantley.

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5. Agent Suggs conducted a controlled drug purchase with Mr. Brantley and on August 23, 2013 arrested Mr. Brantley for distribution of narcotics. At the time of Mr. Brantley's arrest, he was driving Defendant White's car and had Defendant White's cell phone. Mr. Brantley also told officers that the cell phone belonged to Defendant White.

6. On September 3, 2013, Agent Suggs obtained a search warrant for Defendant White's cell phone and recovered photos of Defendant White holding large sums of money and four videos of Defendant White counting large quantities of $50 and $100 bills. In the photos of Defendant White, he was wearing a black digital watch and manila colored rubber bands on his wrist. He also had distinctive tattoos on his left arm. The same watch, rubber bands, and tattoos can be seen in the videos of Defendant White counting money. In one of the videos, Defendant White commented that he made the money in just one week.

7. In January of 2015, Agent Suggs was informed that Defendant White was again selling narcotics. On January 13, 2015, January 19, 2015 and February 9, 2015, DEU agents used a confidential informant to purchase quantities of crack cocaine from Defendant White.

8. On February 18, 2015, DEU agents executed a search warrant at Defendant White's residence and recovered 209 grams of cocaine, 39 grams of crack cocaine, several tablets of an unknown drug, $7,765.00, and two handguns. Agent Suggs testified all recovered drugs yielded a positive test result for their respective drug, and the street value of these drugs was roughly $25,000.00.

9. On April 24, 2015, Agent Suggs was informed that Defendant White kept the proceeds from his drug sales in a safety deposit box at the Wells Fargo Bank in Conway, South Carolina.

10. Agent Suggs obtained two successive search warrants. The first was to obtain Defendant White's financial information at Wells Fargo. Through this search warrant, Agent Suggs learned

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that Defendant White had a safety deposit box at Wells Fargo. The second search warrant allowed Agent Suggs to search Defendant White's safety deposit box.

11. On April 28, 2015, Agent Suggs executed the search warrant on Defendant White's safety deposit box and recovered the Defendant Property, i.e. $21,000.00 and various jewelry.

12. Agent Suggs testified that the safety deposit box was registered exclusively to Defendant White, and a sign in sheet for the safety deposit box showed that only Defendant White had opened or been given access to the box.

13. Agent Suggs further testified that the cell phone videos of Defendant White counting money appeared to have been filmed in the Wells Fargo bank room.

Defendant White, who was present during the hearing, did not testify and did not present any evidence or testimony refuting Plaintiff's evidence or presenting a legitimate source of the Defendant Property.

LEGAL FINDINGS

Pursuant to S.C. Code Section 44-53-520(a), the following may be seized and forfeited to the State:

> (4) All property, both real and personal, which in any manner is knowingly used to facilitate production, manufacturing, distribution, sale, importation, exportation, or trafficking in various controlled substances as defined in this article;...
>
> (7) all property including, but not limited to, monies, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, and all proceeds including, but not limited to, monies, and real and personal property traceable to any exchange.

In addition, "[a]ny property subject to forfeiture under this article may be seized...if...the seizure is incident to an arrest or a search under a search warrant." S.C. Code § 44-53-520(b).

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"The purpose of a forfeiture hearing is to confirm that the state had probable cause to seize the property forfeited." *Gowdy v. Gibson*, 391 S.C. 374, 379, 706 S.E.2d 495, 498 (2011) (internal citations omitted). "The initial burden lies with the state to show it had probable cause for believing a substantial connection exists between the property to be forfeited and the criminal activity. Once probable cause is shown, the burden shifts to the property owner to show by a preponderance of the evidence that the property was innocently owned." *Id.* "[I]n evaluating traceability, a court may weigh evidence presented to draw its conclusion." *Id.* at 383, 499.

In the instant case, Plaintiff presented extensive evidence that Defendant White engaged in the sale of illegal narcotics. First, Agent Suggs testified that CPD charged Defendant White in 2013 with possession with intent to distribute crack cocaine. Second, Agent Suggs recovered 22 firearms, including 5 stolen firearms, from Defendant White's storage unit and testified that Defendant White accepted firearms in exchange for narcotics. Third, Agent Suggs testified that the DEU used a confidential informant to purchase illegal narcotics from Defendant White on three separate occasions thereafter. Fourth, in a search of Defendant White's home, DEU agents found 209 grams of cocaine and 39 grams of crack cocaine, which collectively had an approximate street value of $25,000.00. At the time of the hearing, these charges were pending in the United States District Court in Florence, South Carolina, and Defendant did not present any evidence to refute this testimony.

In turn Plaintiff presented extensive evidence that the Defendant Property belonged to Defendant White. First, the safety deposit box where Agent Suggs located the Defendant Property was exclusively in Defendant White's name, and the Wells Fargo's entrance record showed only Defendant White having access to the box. Second, no one except Defendant White claimed an ownership interest in the Defendant Property. There was no testimony from any

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innocent third party, and Defendant White did not present any evidence of a legitimate source for the Defendant Property. Lastly, the street value of the narcotics found at Defendant's home was about $25,000.00, so Defendant was engaged in a level of drug dealing equivalent to the value of the Defendant Property.

Defendant's attorney argued that Plaintiff failed to trace the Defendant Property to a specific drug transaction. In support of this position, Defendant relied on *Pope v. Gordon*, 369 S.C. 469, 633 S.E.2d 148 (2006). In *Gordon*, the confiscated funds were deposited into a bank account for a legitimate business that also included legitimate deposits.

In *Gowdy*, the South Carolina Supreme Court rejected Defendant's strict traceability argument. *Gowdy*, 391 S.C. at 383, 706 S.E.2d at 499 ("Notably, in *Gordon*, this Court did not construe traceability so narrow as to require bills be marked or serial numbers be recorded. Neither did this Court require the State prove to an absolute certainty that the money in the bank account was a product of illegal drug transactions."). Instead, *Gowdy* allowed the Court to "make a practical, common-sense decision whether, given all the circumstances set forth...there is a fair probability that the properties to be forfeited are proceeds of illegal drug transactions." *Id.* (internal citations omitted).

In the instant case, Plaintiff presented evidence that: (1) Defendant White's only source of income was selling illegal narcotics, and (2) the Defendant Property in the safety deposit box was Defendant White's. Defendant White did not present any evidence to refute these facts.

Based on the facts presented and law of this State, the Court finds:

(1) Defendant's property was properly seized pursuant to a search of Defendant White's safety deposit box; and (2) the Plaintiff established sufficient probable cause that a substantial

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connection existed between the Defendant Property and Defendant White's criminal activity, and therefore, Plaintiff met the criteria described in S.C. Code Sections 44-53-520(a)(4) and (7).

NOW THEREFORE, IT IS HEREBY ORDERED:

1. The Defendant Property is forfeited to the State pursuant to S.C. Code Section 44-53-520;

2. The 15th Circuit Drug Enforcement Unit is the seizing agency;

3. If the Defendant Property is reduced to proceeds, it is to be disposed of in the following manner:

   a. One Thousand ($1,000.00) Dollars to the seizing agency;

   b. Any monies in excess of this amount to be distributed as follows:

      1. Seventy-five percent (75%) to the seizing agency;

      2. Twenty percent (20%) to the prosecuting agency; and

      3. Five percent (5%) must be remitted to the State Treasurer and deposited to the credit of the general fund of the State.

The Honorable Cynthia G. Howe
Master in Equity for Horry County

Date: October 9, 2017
Conway, SC

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FORM 4

STATE OF SOUTH CAROLINA
COUNTY OF HORRY
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2015 CP-26-03707

Jimmy A. Richardson, II, Solicitor for the Fifteenth Judicial Circuit, on behalf of the 15th Circuit Drug Enforcement Unit

PLAINTIFF(S)

Marvin Joshua White

DEFENDANT(S)

Submitted by: James R. Battle	Attorney for : ☒ Plaintiff ☐ Defendant or ☐ Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

☐ **JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.

☒ **DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. ☐ See Page 2 for additional information.

☐ **ACTION DISMISSED** (*CHECK REASON*): ☐ Rule 12(b), SCRCP; ☐ Rule 41(a), SCRCP (Vol. Nonsuit); ☐ Rule 43(k), SCRCP (Settled); ☐ Other

☐ **ACTION STRICKEN** (*CHECK REASON*): ☐ Rule 40(j), SCRCP; ☐ Bankruptcy; ☐ Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; ☐ Other

☐ **DISPOSITION OF APPEAL TO THE CIRCUIT COURT** (*CHECK APPLICABLE BOX*): ☐ Affirmed; ☐ Reversed; ☐ Remanded; ☐ Other.

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: ☒ See attached order ~~(formal order to follow)~~ ☐ Statement of Judgment by the Court:

ORDER INFORMATION

This order ☒ ends ☐ does not end the case.

Additional Information for the Clerk : Order of Forfeiture

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
n/a		$
		$
		$

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Master in Equity

3073
Judge Code

10/9/17
Date

SCRCP Form 4C (03/2013)

ELECTRONICALLY FILED - 2017 Oct 10 10:28 AM - HORRY - COMMON PLEAS - CASE#2015CP2603707

For Clerk of Court Office Use Only

This judgment was entered on the day of , 20 and a copy mailed first class or placed in the appropriate attorney's box on this day of , 20 to attorneys of record or to parties (when appearing pro se) as follows:

James R. Battle

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

CLERK OF COURT

Court Reporter:

ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

ELECTRONICALLY FILED - 2017 Oct 10 10:28 AM - HORRY - COMMON PLEAS - CASE#2015CP2603707

Pd ✱ JWB

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

Jimmy A. Richardson, II, Solicitor, Fifteenth Judicial Circuit, on behalf of the 15th Circuit Drug Enforcement Unit

Plaintiff(s)

vs.

Marvin Joshua White

Defendant(s)

15 2015-CP - 26- 3707

Submitted By: James R. Battle
Address: PO Box 530
Conway, SC 29528

SC Bar #: 73604
Telephone #: 843 248 4321
Fax #: 843 248 4512
Other:
E-mail: jbattle@battlelawsc.com

2015 APR 9 AM 11:03 HORRY COUNTY

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (*Check all that apply*)

**If Action is Judgment/Settlement do not complete*

- ☐ JURY TRIAL demanded in complaint. ☒ NON-JURY TRIAL demanded in complaint.
- ☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- ☒ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (*Check One Box Below*)

Contracts
- ☐ Constructions (100)
- ☐ Debt Collection (110)
- ☐ Employment (120)
- ☐ General (130)
- ☐ Breach of Contract (140)
- ☐ Other (199)

Torts - Professional Malpractice
- ☐ Dental Malpractice (200)
- ☐ Legal Malpractice (210)
- ☐ Medical Malpractice (220)

Previous Notice of Intent Case # 20____-CP-_____-_____.

- ☐ Notice/ File Med Mal (230)
- ☐ Other (299)

Torts – Personal Injury
- ☐ Assault/Slander/Libel (300)
- ☐ Conversion (310)
- ☐ Motor Vehicle Accident (320)
- ☐ Premises Liability (330)
- ☐ Products Liability (340)
- ☐ Personal Injury (350)
- ☐ Wrongful Death (360)
- ☐ Other (399)

Real Property
- ☐ Claim & Delivery (400)
- ☐ Condemnation (410)
- ☐ Foreclosure (420)
- ☐ Mechanic's Lien (430)
- ☐ Partition (440)
- ☐ Possession (450)
- ☐ Building Code Violation (460)
- ☐ Other (499)

Inmate Petitions
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- ☐ Habeas Corpus (530)
- ☐ Other (599)

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- ☐ Judicial Review (810)
- ☐ Relief (820)
- ☐ Permanent Injunction (830)
- ☒ Forfeiture-Petition (840)
- ☐ Forfeiture—Consent Order (850)
- ☐ Other (899)

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- ☐ Foreign Judgment (710)
- ☐ Magistrate's Judgment (720)
- ☐ Minor Settlement (730)
- ☐ Transcript Judgment (740)
- ☐ Lis Pendens (750)
- ☐ Transfer of Structured Settlement Payment Rights Application (760)
- ☐ Confession of Judgment (770)
- ☐ Petition for Workers Compensation Settlement Approval (780)
- ☐ Other (799)

Appeals
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- ☐ Magistrate-Civil (910)
- ☐ Magistrate-Criminal (920)
- ☐ Municipal (930)
- ☐ Probate Court (940)
- ☐ SCDOT (950)
- ☐ Worker's Comp (960)
- ☐ Zoning Board (970)
- ☐ Public Service Comm. (990)
- ☐ Employment Security Comm (991)
- ☐ Other (999)

Special/Complex /Other
- ☐ Environmental (600)
- ☐ Automobile Arb. (610)
- ☐ Medical (620)
- ☐ Other (699)
- ☐ Pharmaceuticals (630)
- ☐ Unfair Trade Practices (640)
- ☐ Out-of State Depositions (650)
- ☐ Motion to Quash Subpoena in an Out-of-County Action (660)
- ☐ Sexual Predator (510)

BOX 11

Submitting Party Signature: _____ Date: 5/18/15

FOR MANDATED ADR COUNTIES ONLY

Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Clarendon, Colleton, Darlington, Dorchester, Florence, Georgetown, Greenville, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Oconee, Orangeburg, Pickens, Richland, Spartanburg, Sumter, Union, Williamsburg, and York

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

You are required to take the following action(s):

1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.

2. The initial ADR conference must be held within 300 days after the filing of the action.

3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs. (Medical malpractice mediation is mandatory statewide.)

4. Cases are exempt from ADR only upon the following grounds:

    a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;

    b. Requests for temporary relief;

    c. Appeals

    d. Post Conviction relief matters;

    e. Contempt of Court proceedings;

    f. Forfeiture proceedings brought by governmental entities;

    g. Mortgage foreclosures; and

    h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.

5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.

6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: **You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

JIMMY A. RICHARDSON, II, SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15th CIRCUIT DRUG ENFORCEMENT UNIT,

Plaintiff,

vs.

TWENTY-ONE THOUSAND AND NO/100 DOLLARS ($21,000.00) U.S. CURRENCY AND VARIOUS JEWELRY.

Defendant Property,

MARVIN JOSHUA WHITE
Defendant.

FOR THE FIFTEENTH JUDICIAL CIRCUIT
IN THE COURT OF COMMON PLEAS
CASE NO.: 2015-CP-26- 3707

PROOF OF EXEMPTION FROM ADR

HORRY COUNTY
2015 MAY 19 AM 11:03
CLERK OF COURT

PURSUANT to this Court's Standing Order for Alternative Dispute Resolution dated September 7, 2000, I certify that this case is a forfeiture proceeding brought by a governmental entity and is therefore exempt from ADR under S.C. Alternative Dispute Resolution Rule 3(b)(6).

James R. Battle
BATTLE LAW FIRM, LLC
Attorneys for Plaintiff
1200 Main Street
Post Office Box 530
Conway, South Carolina 29528
(843) 248-4321

May 18, 2015

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

JIMMY A. RICHARDSON, II, SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15th CIRCUIT DRUG ENFORCEMENT UNIT,

Plaintiff,

vs.

TWENTY-ONE THOUSAND AND NO/100 DOLLARS ($21,000.00) U.S. CURRENCY AND VARIOUS JEWELRY.

Defendant Property,

MARVIN JOSHUA WHITE
Defendant.

FOR THE FIFTEENTH JUDICIAL CIRCUIT
IN THE COURT OF COMMON PLEAS
CASE NO.: 2015-CP-26- 3707

SUMMONS

HORRY COUNTY
2015 MAY 19 AM 11:03
CLERK OF COURT

TO: THE ABOVE-NAMED DEFENDANT AND ANYONE CLAIMING AN INTEREST IN THE ABOVE-DESCRIBED DEFENDANT PROPERTY:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Complaint on the subscribers at their offices at 1200 Main Street, Post Office Box 530, Conway, South Carolina 29528-0530, within thirty (30) days after the service hereof, exclusive of the day of such service; and if you fail to answer the Complaint, or to otherwise responsively plead to the Complaint, or to otherwise appear and defend, within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

JAMES R. BATTLE
BATTLE LAW FIRM, LLC
Attorneys for Plaintiff
Post Office Box 530
Conway, South Carolina 29528
(843)248-4321

Conway, South Carolina
5/18, 2015.

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

JIMMY A. RICHARDSON, II, SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15th CIRCUIT DRUG ENFORCEMENT UNIT,

Plaintiff,

vs.

TWENTY-ONE THOUSAND AND NO/100 DOLLARS ($21,000.00) U.S. CURRENCY AND VARIOUS JEWELRY.

Defendant Property,

MARVIN JOSHUA WHITE
Defendant.

FOR THE FIFTEENTH JUDICIAL CIRCUIT
IN THE COURT OF COMMON PLEAS
CASE NO.: 2015-CP-26- 3707

COMPLAINT

HORRY COUNTY
2015 MAY 19 AM 11:03
CLERK OF COURT

Plaintiff would respectfully allege as follows:

1. Plaintiff is the Circuit Solicitor of the Fifteenth Judicial Circuit of the State of South Carolina and brings this action on behalf of the 15TH Circuit Drug Enforcement Unit..

2. Plaintiff is authorized by § 44-53-530 of the Code of Laws of South Carolina 1976 as amended to initiate this Complaint for the forfeiture of the Defendant Property.

3. Defendant Property is described as follows:

TWENTY-ONE THOUSAND AND NO/100 DOLLARS ($21,000.00) U.S. CURRENCY AND THE FOLLOWING JEWELRY: A GOLD COLORED RING; A GOLD COLORED CROSS; A GOLD COLORED BRACELET; A GOLD COLORED RING WITH CLEAR STONES; TWO SILVER EARRINGS WITH CLEAR STONES, A GOLD COLORED ROPE NECKLACE; A WOMANS RING CONTAINING A CLEAR STONE; A HEART SHAPED NECKLACE CHARM AND A SILVER COLORED RING.

4. In July of 2013 Agents with the 15th Circuit DEU have received information that Marvin J. White has been distributing large amounts of illicit drugs within Horry County. On July 12, 2013 Conway City Police Department arrested Mr. White in reference to Possession with Intent

to Distribute Cocaine and Crack Cocaine during the course of a traffic stop. In August of 2013 Agent Suggs received information that Mr. White was in possession of a large quantity of firearms which he supposedly took in trade for the illicit drugs. Agent Suggs secured a search warrant and did find Mr. White in possession of 22 firearms, 5 of which being entered NCIC as stolen. During the course of that investigation Mr. White's personal cell phone was seized and a search warrant obtained. On the device were multiple videos of Mr. White counting out what appears to be in excess of $20,000 and making statements "this is just one week's work." In January of 2015 and investigation was opened in reference to Mr. White distributing drugs in which Agents utilized a confidential informant to purchase less than one gram of crack from Mr. White on 3 separate occasions. On February 18, 2015 a search warrant was executed on Mr. White's residence in which Agents located in excess of 209 grams of Cocaine and 39 grams of Crack Cocaine as well as $7,695.00 in US Currency. Through investigative means Mr. White is known to possess quantities of U.S. Currency much larger than that which was located but has no reported income. On April 24th, 2015 Agent Suggs received information relayed from Deputy Commander Bishop which advised that Mr. White was in possession of a safety deposit box at the Wells Fargo Bank located at 1412 3rd Ave. in Conway SC. Agent Suggs obtained a search warrant for the safety deposit Box 317 and presented it for review before the Honorable Judge Mayer's in which he found probable cause to approve it. On 4/28/15 Agent Suggs executed it and located $21,000 in US Currency, 3 gold colored rings; I silver colored ring, a gold colored necklace, a gold colored bracelet, gold colored cross, silver pair of earrings and a gold colored heart shaped necklace charm. Based on the agent's training, experience, and participation in other narcotic and financial investigations involving drugs, your affiant knows that drug

distributors use financial institutions to store large amounts of U.S. currency in order to maintain and finance their ongoing drug business...

5. The seizure(s) happened in Horry County.

6. The Defendant Property is monies or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or is proceeds traceable to an exchange in violation of Article 3, Chapter 53, Title 44 of the Code of Laws of South Carolina, 1976, as amended.

7. The Defendant Property is property which was knowingly used to facilitate production, manufacturing, distribution, sale, importation, exportation or trafficking of various controlled substances as defined in Article 3, Chapter 53, Title 44 of the Code of Laws of South Carolina, 1976 as amended.

WHEREFORE, the Plaintiff prays that:

a. The Defendant Property be declared forfeited to the State of South Carolina pursuant to § 44-53-520 of the Code of Laws of South Carolina 1976, as amended;

b. The 15th Circuit Drug Enforcement Unit be declared the seizing agency;

c. The Court transfer the Defendant Property to the seizing agency pursuant to §44-53-520 of the Code of Laws of South Carolina 1976, as amended; and

d. For such other and further relief as the Court deems proper.

James R. Battle
BATTLE LAW FIRM, LLC
Attorney for the Plaintiff
PO Box 530
Conway, South Carolina 29528

Date: 5/18/15

STATE OF SOUTH CAROLINA COUNTY OF HORRY	)	IN THE COURT OF COMMON PLEAS FIFTEENTH JUDICIAL CIRCUIT
JIMMY A. RICHARDSON, II, SOLICITOR, FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15TH CIRCUIT DRUG ENFORCEMENT UNIT, Plaintiff, vs. TWENTY-ONE THOUSAND AND N0/100 DOLLARS ($21,000) U.S. CURRENCY AND VARIOUS JEWELRY, Defendant Property. MARVIN JOSHUA WHITE, Defendant.	)	**Civil Action No. 2015-CP-26-3707** **ANSWER** **(Jury Trial Demanded)**

2015 JUN 18 PM 2:46
LANIE HUGGINS-WARD
CLERK OF COURT
COUNTY

NOW COMES the Defendant, Marvin Joshua White, by and through the undersigned counsel, who respectfully answers and responds to the Plaintiff's Complaint as follows:

1. That the Defendant denies each and every allegation contained in the Plaintiff's Complaint not hereinafter specifically admitted, explained or qualified and demands strict proof thereof.

2. Defendant is without information sufficient to admit or deny the allegations in Paragraph 1, and, therefore, denies the same and demands strict proof.

3. The Defendant objects to Paragraph 2 of Plaintiff's complaint on the basis it calls for legal conclusion and no answer is required. In the event an answer is required, Defendant denies the allegations contained therein and demands strict proof thereof.

4. Defendant is without information sufficient to admit or deny the allegations in

ORIGINAL

Paragraph 3, and, therefore, denies the same and demands strict proof.

5. Defendant is without information sufficient to admit or deny the allegations in Paragraph 4, and, therefore, denies the same and demands strict proof.

6. Defendant is without information sufficient to admit or deny the allegations in Paragraph 5, and, therefore, denies the same and demands strict proof.

7. Defendant is without information sufficient to admit or deny the allegations in Paragraph 6, and, therefore, denies the same and demands strict proof.

8. Defendant is without information sufficient to admit or deny the allegations in Paragraph 7, and, therefore, denies the same and demands strict proof.

WHEREFORE Defendant Marvin Joshua White prays this Court will:

A. Dismiss this forfeiture proceeding with prejudice; and

B. For such other and further relief as this Court deems just and appropriate.

WILSON & WILSON LAW GROUP

Ralph J. Wilson, Jr., SC Bar #76716
1300 2nd Ave., Ste. 212
Conway, SC 29528
Telephone: 843-488-1013
Facsimile: 843-488-1014
Email: attorney@ralphwilsonlaw.com
Attorney for Defendant

June 17, 2015
Conway, South Carolina

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FIFTEENTH JUDICIAL CIRCUIT
COUNTY OF HORRY	)	
JIMMY A. RICHARDSON, II, SOLICITOR, FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15TH CIRCUIT DRUG ENFORCEMENT UNIT,	)	**Civil Action No. 2015-CP-26-3707**
Plaintiff,	)	
vs.	)	**CERTIFICATE OF SERVICE**
TWENTY-ONE THOUSAND AND N0/100 DOLLARS ($21,000) U.S. CURRENCY AND VARIOUS JEWELRY,	)	
Defendant Property.	)	
MARVIN JOSHUA WHITE, Defendant.	)	

2015 JUN 18 PM 2:46
FILED
COUNTY
CLERK OF COURT
PLANIE HUGGINS-WARD

The undersigned employee of Wilson & Wilson Law Group does hereby certify she deposited in the United States Mail, a copy of Defendant's Answer to the person whose name and address appears below, this being done the 18th day of June, 2015, and that sufficient postage was affixed thereto.

James R. Battle, Esq.
Battle Law Firm, LLC
Post Office Box 530
Conway, SC 29528

J. Marburger
Jessica Marburger, Paralegal

June 18, 2015
Conway, South Carolina

STATE OF SOUTH CAROLINA COUNTY OF HORRY JIMMY A. RICHARDSON, II, SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15th CIRCUIT DRUG ENFORCEMENT UNIT, Plaintiff, vs. TWENTY-ONE THOUSAND AND NO/100 DOLLARS ($21,000.00) U.S. CURRENCY AND VARIOUS JEWELRY. Defendant Property, MARVIN JOSHUA WHITE Defendant.	FOR THE FIFTEENTH JUDICIAL CIRCUIT IN THE COURT OF COMMON PLEAS CASE NO.: 2015-CP-26-3707 **INTERROGATORIES TO DEFENDANT**

TO: DEFENDANT MARVIN JOSHUA WHITE AND HIS ATTORNEY RALPH J. WILSON, JR.

Pursuant to Rule 33, S.C.R.C.P., you are required to answer in writing the following Interrogatories, within thirty (30) days from the date of service hereof upon you:

DEFINITIONS

1. "Defendant," "you," "your," or "yourselves," shall mean the Defendant named above and his/her attorney and/or any persons acting on his/her behalf.

2. The term "documents" shall be construed in the broadest possible sense, is intended to be comprehensive, and include, without limitation, electronically stored data, computer data, all papers of any kind, all graphically recorded items, and all electronically or magnetically recorded items such as video tapes, audio tapes, and computer or word processor records and any other items, if anything, that can be requested pursuant to Fed. R. Civ. P. Rule

34. The term "documents" includes originals, drafts, and all documents that differ in any respect from another version of that same document.

3. "Communication" as used herein means any contact, oral or written, formal or informal, at any time or place, under any circumstances, in any manner, whereby information of any nature is transmitted or transferred.

4. "Person" or "persons" as used herein means all individuals and entities, including all natural persons, corporations, partnerships, ventures or other business associations, societies, associations-in-fact, all federal, foreign, state, local or other governmental entities, and all legal entities, including all members, officers, employees, agents, representatives, attorneys, successors, predecessors, assigns, divisions, affiliates and subsidiaries.

5. "Agreement" means any agreement, contract, understanding, or other type of agreement, formal or informal, oral or written, direct or indirect, tacit or express, between two or more persons, and includes within its term any appendix, exhibit, or other item appended or attached to the agreement.

INSTRUCTIONS

1. These interrogatories are continuing in nature, and you must file supplemental answers within a reasonable time after obtaining further or different information.

2. Where the name or identity of a person is requested, please state the person's full name, address, and telephone number.

3. Where the name or identification of a document is requested, please state the date, the writer or sender, the recipient, the title (if any), and identity of who has custody thereof.

4. Where you are requested to describe or to explain something, please state all relevant circumstances, including identification of persons and dates.

5. If any otherwise discoverable information requested herein is withheld based upon a claim that it is privileged or subject to protection as trial preparation materials, please make the claim expressly and describe the nature of the documents, communications, or things not produced or disclosed in a manner that will enable the Defendant to assess the applicability of the privilege or protection.

INTERROGATORIES

1. Give the names and addresses of persons known to the Defendant or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

2. For each person listed in response to the preceding Interrogatory, set forth either a summary sufficient to inform the Plaintiff of the important facts known to or observed by such witness and provide a copy of any written or recorded statements taken from such witness.

3. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the Defendant that relate to the claim or the defense in the case.

4. List the names and addresses of any expert witnesses whom the party proposes to use as a witness in the trial of the case.

5. Set forth Defendant's summary of the events surrounding this incident.

James R. Battle
BATTLE LAW FIRM, LLC
Attorneys for Plaintiff
1200 Main Street
Post Office Box 530
Conway, South Carolina 29528

6/23, 2015

CERTIFICATE OF SERVICE
The undersigned herby certifies that a true copy of the foregoing pleading has been served upon opposing counsel by mailing a copy properly addressed with sufficient postage affixed thereto this 23 day of June 2015
Secretary To:
Battle Law Firm, LLC
P.O. Box 530
Conway, SC 29528
Attorney's for Plaintiff

STATE OF SOUTH CAROLINA COUNTY OF HORRY JIMMY A. RICHARDSON, II, SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15th CIRCUIT DRUG ENFORCEMENT UNIT, Plaintiff, vs. TWENTY-ONE THOUSAND AND NO/100 DOLLARS ($21,000.00) U.S. CURRENCY AND VARIOUS JEWELRY. Defendant Property, MARVIN JOSHUA WHITE Defendant.	FOR THE FIFTEENTH JUDICIAL CIRCUIT IN THE COURT OF COMMON PLEAS CASE NO.: 2015-CP-26-3707 **REQUEST FOR PRODUCTION TO DEFENDANT**

TO: DEFENDANT MARVIN JOSHUA WHITE AND HIS ATTORNEY RALPH J. WILSON, JR.

COMES NOW Plaintiff pursuant to Rule 34, SCRCP, who requests Defendant produce each document or thing within the possession, custody or control of Defendant, his/her counsel, and any other person(s) acting on his/her behalf, which relate directly or indirectly to the subject matter of this action, including but not limited to those documents and things specified below.

Said documents and things are to be produced for inspection and copying on the 30th day after service, at the offices of the Battle Law Firm, 1200 Main Street, PO Box 530, Conway, South Carolina, 29528, and for anything which cannot be so produced, you are required to provide a date, time and place for inspection before expiration of the 30th day after service.

INSTRUCTIONS

1. Each Request shall be deemed continuing so as to require prompt supplemental responses, in accordance with Rule 26, SCRCP, if you obtain or discover further documents responsive to this request between the time of responding to this request and the time of trial.

2. If you claim a privilege as a ground for not responding in whole or in part to any request, in its response to the request you shall (i) identify and describe each such document by date, author, and recipient; (ii) state the privilege or privileges asserted; and (iii) describe the factual basis for the claim of privilege.

REQUESTS TO PRODUCE

1. Any and all statements, photographs, plats, sketches or other prepared documents listed in your responses to Plaintiff's Interrogatories.

2. All reports from expert witnesses.

3. Any and all documents the Defendant intends to use in the trial of this case.

James R. Battle
BATTLE LAW FIRM, LLC
Attorneys for Plaintiff
1200 Main Street
Post Office Box 530
Conway, South Carolina 29528

6/23, 2015

CERTIFICATE OF SERVICE
The undersigned herby certifies that a true copy of the foregoing pleading has been served upon opposing counsel by mailing a copy properly addressed with sufficient postage affixed thereto this 23 day of June 2015
Secretary To:
Battle Law Firm, LLC
P.O. Box 530
Conway, SC 29528
Attorney's for Plaintiff

STATE OF SOUTH CAROLINA COUNTY OF HORRY	)))	IN THE COURT OF COMMON PLEAS FIFTEENTH JUDICIAL CIRCUIT
JIMMY A. RICHARDSON, II, SOLICITOR, FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15TH CIRCUIT DRUG ENFORCEMENT UNIT, Plaintiff, vs. TWENTY-ONE THOUSAND AND N0/100 DOLLARS ($21,000) U.S. CURRENCY AND VARIOUS JEWELRY, Defendant Property. MARVIN JOSHUA WHITE, Defendant.	))))))))))))))))))	**Civil Action No. 2015-CP-26-3707** **DEFENDANT'S RESPONSES TO PLAINTIFF'S INTERROGATORIES TO DEFENDANT**

TO: PLAINTIFF by and through attorney of record, James R. Battle, II:

The Defendant, by and through the undersigned attorney, responds to Plaintiff's First Set Of Interrogatories to Defendant as follows and specifically reserves the right to supplement these responses at a later date.

OBJECTIONS

- Defendant objects to responding to Interrogatories that seek information not reasonably calculated to lead to the discovery of admissible evidence or to the production of relevant information as required by the South Carolina Rules of Civil Procedure.
- Defendant objects to responding to Interrogatories that are overly broad, unduly burdensome, cumulative or duplicative under the South Carolina Rules of Civil Procedure.
- Defendant objects to responding to Interrogatories that exceed the scope and limit of

discovery set forth in the South Carolina Rules of Civil Procedure.

- Defendant objects to responding to Interrogatories to the extent the request seeks documents or other tangible things prepared in anticipation of litigation or trial by Plaintiff or Plaintiff's counsel.
- Defendant objects to responding to Interrogatories to the extent the request seeks information covered by the attorney-client privilege and any and all other privileges provided by South Carolina law.
- Defendant objects to responding to Interrogatories to the extent the request seeks disclosure of mental impressions, conclusion, opinions and legal theories of counsel for Plaintiff or other representatives of Plaintiffs concerning this litigation.

INTERROGATORIES

1. Give the names and addresses of persons known to the Defendant or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.

RESPONSE:

None are known to the Defendant or his counsel at this time.

Defendant reserves the right, pursuant to the South Carolina Rules of Civil Procedure, to supplement this response.

2. For each person listed in response to the preceding Interrogatory, set forth either a summary sufficient to inform the Plaintiff of the important facts known to or observed by such

RESPONSE:

Defendant objects to this interrogatory on the grounds it is overly broad, unduly burdensome, cumulative and/or duplicative and seeks information not reasonably calculated to lead to the discovery of admissible evidence or to the production of relevant information as required by the South Carolina Rules of Civil Procedure.

Defendant reserves the right, pursuant to the South Carolina Rules of Civil Procedure, to supplement this response.

RALPH WILSON LAW PC

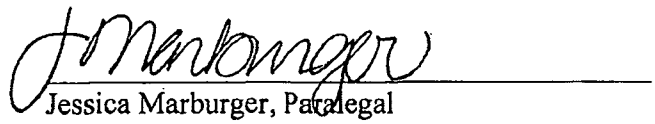
Ralph J. Wilson, Jr., SC Bar #76716
1300 2nd Ave., Ste. 212
Conway, SC 29528
Telephone: 843-488-1013
Facsimile: 843-488-1014
Email: attorney@ralphwilsonlaw.com
Attorney for Defendant

July 29, 2015
Conway, South Carolina

STATE OF SOUTH CAROLINA COUNTY OF HORRY	)))	IN THE COURT OF COMMON PLEAS FIFTEENTH JUDICIAL CIRCUIT
JIMMY A. RICHARDSON, II, SOLICITOR, FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15TH CIRCUIT DRUG ENFORCEMENT UNIT, Plaintiff, vs. TWENTY-ONE THOUSAND AND N0/100 DOLLARS ($21,000) U.S. CURRENCY AND VARIOUS JEWELRY, Defendant Property. MARVIN JOSHUA WHITE, Defendant.	)))))))))))))))))	**Civil Action No. 2015-CP-26-3707** **CERTIFICATE OF SERVICE**

The undersigned employee of **RALPH WILSON LAW PC** does hereby certify she deposited in the United States Mail, a copy of ***Defendant's Responses to Plaintiff's First Set of Interrogatories*** to the person whose name and address appears below, this being done the 29th day of july, 2015, and that sufficient postage was affixed thereto.

James R. Battle, Esq.
Battle Law Firm, LLC
Post Office Box 530
Conway, SC 29528



Jessica Marburger, Paralegal

July 29, 2015
Conway, South Carolina

STATE OF SOUTH CAROLINA COUNTY OF HORRY	)))	IN THE COURT OF COMMON PLEAS FIFTEENTH JUDICIAL CIRCUIT
JIMMY A. RICHARDSON, II, SOLICITOR, FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15TH CIRCUIT DRUG ENFORCEMENT UNIT, Plaintiff, vs. TWENTY-ONE THOUSAND AND N0/100 DOLLARS ($21,000) U.S. CURRENCY AND VARIOUS JEWELRY, Defendant Property. MARVIN JOSHUA WHITE, Defendant.	)))))))))))))))))	**Civil Action No. 2015-CP-26-3707** **DEFENDANT'S RESPONSES TO PLAINTIFF'S REQUESTS FOR PRODUCTION TO DEFENDANT**

TO: PLAINTIFF by and through attorney of record, James R. Battle, II:

The Defendant, by and through the undersigned attorney, responds to Plaintiff's First Set Of Requests for Production of Documents to Defendant as follows and specifically reserves the right to supplement these responses at a later date.

OBJECTIONS

- Defendant objects to responding to Requests for Production of Documents that seek information not reasonably calculated to lead to the discovery of admissible evidence or to the production of relevant information as required by the South Carolina Rules of Civil Procedure.
- Defendant objects to responding to Requests for Production of Documents that are overly broad, unduly burdensome, cumulative or duplicative under the South Carolina Rules of

Civil Procedure.

- Defendant objects to responding to Requests for Production of Documents that exceed the scope and limit of discovery set forth in the South Carolina Rules of Civil Procedure.
- Defendant objects to responding to Requests for Production of Documents to the extent the request seeks documents or other tangible things prepared in anticipation of litigation or trial by Plaintiff or Plaintiff's counsel.
- Defendant objects to responding to Requests for Production of Documents to the extent the request seeks information covered by the attorney-client privilege and any and all other privileges provided by South Carolina law.
- Defendant objects to responding to Requests for Production of Documents to the extent the request seeks disclosure of mental impressions, conclusion, opinions and legal theories of counsel for Plaintiff or other representatives of Plaintiffs concerning this litigation.

REQUESTS

1. Any and all statements, photographs,plats, sketches or other prepared documents listed in your responses to Plaintiff's Interrogatories.

RESPONSE:

None.

Defendant reserves the right, pursuant to the South Carolina Rules of Civil Procedure, to supplement this response.

2. All reports from expert witnesses.

RESPONSE:

Defendant has not made any decisions regarding expert witnesses at this time.

Defendant reserves the right, pursuant to the South Carolina Rules of Civil Procedure, to supplement this response.

3. Any and all documents the Defendant intends to use in the trial of this case.

RESPONSE:

None in possession of the Defendant or his attorney at this time.

Defendant reserves the right, pursuant to the South Carolina Rules of Civil Procedure, to supplement this response.

RALPH WILSON LAW PC

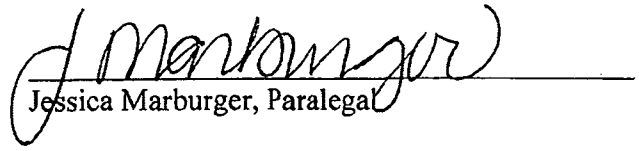
Ralph J. Wilson, Jr., SC Bar #76716
1300 2nd Ave., Ste. 212
Conway, SC 29528
Telephone: 843-488-1013
Facsimile: 843-488-1014
Email: attorney@ralphwilsonlaw.com
Attorney for Defendant

July 29, 2015
Conway, South Carolina

STATE OF SOUTH CAROLINA COUNTY OF HORRY	)))	IN THE COURT OF COMMON PLEAS FIFTEENTH JUDICIAL CIRCUIT
JIMMY A. RICHARDSON, II, SOLICITOR, FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15TH CIRCUIT DRUG ENFORCEMENT UNIT, Plaintiff, vs. TWENTY-ONE THOUSAND AND N0/100 DOLLARS ($21,000) U.S. CURRENCY AND VARIOUS JEWELRY, Defendant Property. MARVIN JOSHUA WHITE, Defendant.	)))))))))))))))))))	**Civil Action No. 2015-CP-26-3707** **CERTIFICATE OF SERVICE**

The undersigned employee of **RALPH WILSON LAW PC** does hereby certify she deposited in the United States Mail, a copy of ***Defendant's Responses to Plaintiff's Requests for Production to Defendant*** to the person whose name and address appears below, this being done the 29th day of July, 2015, and that sufficient postage was affixed thereto.

James R. Battle, Esq.
Battle Law Firm, LLC
Post Office Box 530
Conway, SC 29528



Jessica Marburger, Paralegal

July 29, 2015
Conway, South Carolina

STATE OF SOUTH CAROLINA COUNTY OF HORRY	)))	IN THE COURT OF COMMON PLEAS FIFTEENTH JUDICIAL CIRCUIT
JIMMY A. RICHARDSON, II, SOLICITOR, FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15TH CIRCUIT DRUG ENFORCEMENT UNIT, Plaintiff, vs. TWENTY-ONE THOUSAND AND N0/100 DOLLARS ($21,000) U.S. CURRENCY AND VARIOUS JEWELRY, Defendant Property. MARVIN JOSHUA WHITE, Defendant.	)))))))))))))))))	**Civil Action No. 2015-CP-26-3707** **DEFENDANT'S INTERROGATORIES TO PLAINTIFF**

TO: PLAINTIFF JIMMY A. RICHARDSON, II, SOLICITOR, BY AND THROUGH ATTORNEY OF RECORD, JAMES R. BATTLE, II:

The Defendant, Marvin White, by and through the undersigned attorney hereby serves upon you the following written Interrogatories to be answered separately and in writing by the Defendants, within thirty (30) days after the service hereof under the provisions of Rule 33, SCRCP.

1. Give the names and addresses of persons known to the parties or counsel to be witnesses concerning the facts of the case and indicate whether or not written or recorded statements have been taken from the witnesses and indicate who has possession of such statements.
2. Set forth a list of photographs, plats, sketches or other prepared documents in possession of the party that relates to the claim or defense in the case, regardless of whether you intend to offer the same into evidence or merely use as a demonstrative aid at trial.

3. List the names and addresses of any expert witnesses whom the party proposes to use as a witness at the trial of the case.
4. For each person known to the parties or counsel to be a witness concerning the facts of the case, set forth either a summary sufficient to inform the other party of the important facts known to or observed by such witness, or provide a copy of any written or recorded statements taken from such witnesses.
5. Specifically identify how, from whom and what information was received "that Marvin White has been distributing large amounts of illicit drugs within Horry County" as stated in Paragraph 4 of the Plaintiff's complaint.
6. Identify the specific amount/weight of the substance claimed to be found on Defendant on during the traffic stop in August 2013 as stated in Paragraph 4 of the Plaintiff's Complaint.
7. Specifically identify the "confidential informant" utilized to allegedly purchase crack from the Defendant stated in paragraph 4 of the Plaintiff's complaint. For each purchase list the date, time and location.
8. Identify if and when the substance claimed to be found on Defendant in August 2013, was tested for the presence illegal narcotics and identify the narcotic for which the substance produced a positive test result.
9. Specifically identify how, from whom and what information was received by Deputy Commander Bishop "that Mr. White was in possession of a safety deposit box at the Wells Fargo Bank located at 1412 3rd Avenue in Conway, South Carolina" as alleged in Paragraph 4 of the Plaintiff's Complaint.

RALPH WILSON LAW PC

Ralph J. Wilson, Jr., SC Bar #76716
1300 2nd Ave., Ste. 212
Conway, SC 29528
Telephone: 843-488-1013
Facsimile: 843-488-1014
Email: attorney@ralphwilsonlaw.com
Attorney for Defendant

July 30, 2015
Conway, South Carolina

STATE OF SOUTH CAROLINA COUNTY OF HORRY	)))	IN THE COURT OF COMMON PLEAS FIFTEENTH JUDICIAL CIRCUIT
JIMMY A. RICHARDSON, II, SOLICITOR, FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15TH CIRCUIT DRUG ENFORCEMENT UNIT, Plaintiff, vs. TWENTY-ONE THOUSAND AND N0/100 DOLLARS ($21,000) U.S. CURRENCY AND VARIOUS JEWELRY, Defendant Property. MARVIN JOSHUA WHITE, Defendant.	))))))))))))))))))	**Civil Action No. 2015-CP-26-3707** **DEFENDANT'S REQUESTS FOR PRODUCTION**

TO: PLAINTIFF JIMMY A. RICHARDSON, II, SOLICITOR, BY AND THROUGH ATTORNEY OF RECORD, JAMES R. BATTLE, II:

The Defendant, pursuant to *South Carolina Rule of Civil Procedure* 34, hereby requests that the Plaintiff produce the documents identified below within thirty days at the offices of Ralph Wilson Law, 1300 2nd Ave, Suite 212, Conway, SC 29526 or at such other time and place as shall be mutually agreed upon by the parties.

DEFINITIONS

- DOCUMENT" is to include any form of writing, communication or other means by which information may be transferred or recorded, whether it be by paper, film, audio, video, photograph, slides, microfilm, microfiche, computer printout, compact disc, magnetic tape, computer disk, computer code or other form, including, but not limited to, notes, letters, reports, records, minutes, memoranda, correspondence, telegrams,

schedules, bulletins, data sheets, work sheets, orders, drafts, printouts, binders, notes articles, cassette tapes, laser or computer disks, manuals, test results, analysis, carbon copies, lists, indices, bibliographies, newspapers, circulars, notebooks, periodicals, journals, diaries, calendars, appointment books, charts, tables, papers, agreements, contracts, books, invoices, budgets, payrolls, check stubs, canceled checks, analyses, projections, transcriptions, minutes of meetings of any kind, instructions, announcements, bills of lading, shipping orders, freight bills, advertisements, brochures, pamphlets, binders, institutions, price lists, instructions, announcements, and mechanical or electrical sound recordings or transcripts thereof, electronic mail and any other forms of information preservation. DOCUMENT also means all copies which are not identical to the originals, such as those bearing marginal comments, alterations, notes or other notations not present on the original document as originally written, typed or otherwise prepared.

- "COMMUNICATIONS' shall mean any statement made by one person to another, or in the absence of another, or any DOCUMENT delivered or sent from one person to another.
- "And" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive. The use of the words "include(s)" and "including" shall be construed to mean "without limitation".
- Use of the term "control" when referring to documents or other tangible or intangible things shall mean that you have the right to secure the things or documents or a copy thereof from another person or entity which has actual possession thereof. If any objection raised by you is based in whole or in part on the fact that documents are not in

your possession or custody, then you shall identify the person(s) and/or entities in possession or custody of the documents, and shall further identify the location of the documents with sufficient particularity to allow the Defendant to issue a subpoena to obtain or inspect the documents or things.

- If any document or other tangible thing is responsive to any request stated herein, but is not in your custody or possession, identify the person or entity with possession or custody with sufficient particularity to allow the Defendant to issue a subpoena to obtain or inspect the documents or things.
- If any document was, but is no longer in your possession or subject to your control, state what disposition was made of it, including, but not limited to whether or not it was destroyed or disposed of, by whom, and the date or dates or approximate date or dates on which such disposition was made and why.

REQUEST FOR PRODUCTION

1. Any and all photographs, plats, sketches, or other prepared documents which relate to the claim or defense in this case.
2. All documents identified in your Answers to the Interrogatories propounded by Defendant.
3. All statements, memoranda, notes, diaries, reports, photographs, or other materials that are in any way related to the Plaintiff's allegations contained in the Complaint.
4. Any and all statements whether written, oral, or transcribed of any individual that relates in any manner to the allegations of the Plaintiff, whether said statements have been taken by any and all officers, investigators, adjustors, agents, consultants, or any individuals acting on behalf of the Plaintiff.

5. All statements given by the Plaintiff or by any witness that are in the possession of the Plaintiff or Plaintiff's attorney, whether written or recorded on an audio or video tape recorder or otherwise, that relate to the matters alleged in the Plaintiff's Complaint.

6. Any and all statements and documents, including but not limited to, reports, analysis, studies, letters, correspondence, ledgers, checks, receipts, invoices, memoranda, records or notations of conversations or conferences or other documentation that may pertain to the subject of this action and which may be utilized at the time of trial in any manner whatsoever.

7. Any and all notes, memoranda, reports, documents, or any other tangible material that have been prepared by any expert witness that has been retained or consulted in this matter.

8. Any and all statements and documents, including but not limited to, reports, analysis, or other documentation that may pertain to the search and seizure conducted on April 28, 2015 involving Defendant and Conway Police Department.

9. Any and all documentation showing or tending to show the location of the seized monies which is the subject matter herein.

RALPH WILSON LAW

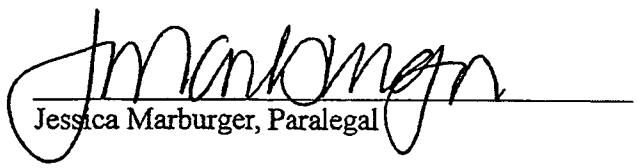
Ralph Wilson, Jr.
1300 2nd Ave., Ste. 212
Conway, SC 29526
Phone: (843)488-1013
Fax: (843)488-1014
attorney@ralphwilsonlaw.com
Attorney for Defendant

Conway, SC
August 3, 2015

STATE OF SOUTH CAROLINA COUNTY OF HORRY	)	IN THE COURT OF COMMON PLEAS FIFTEENTH JUDICIAL CIRCUIT
JIMMY A. RICHARDSON, II, SOLICITOR, FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE 15TH CIRCUIT DRUG ENFORCEMENT UNIT, Plaintiff, vs. TWENTY-ONE THOUSAND AND N0/100 DOLLARS ($21,000) U.S. CURRENCY AND VARIOUS JEWELRY, Defendant Property. MARVIN JOSHUA WHITE, Defendant.	)	**Civil Action No. 2015-CP-26-3707** **CERTIFICATE OF SERVICE**

The undersigned employee of **RALPH WILSON LAW PC** does hereby certify she deposited in the United States Mail, a copy of ***Defendant's Interrogatories to Defendant and Defendant's Request for Production to Plaintiff*** to the person whose name and address appears below, this being done the 3rd day of August, 2015, and that sufficient postage was affixed thereto.

James R. Battle, Esq.
Battle Law Firm, LLC
Post Office Box 530
Conway, SC 29528



Jessica Marburger, Paralegal

August 3, 2015
Conway, South Carolina

STATE OF SOUTH CAROLINA

HORRY COUNTY
SOUTH CAROLINA

SEARCH WARRANT

DATE: September 3rd 2013

Agent D. Suggs

Form Approved by
S.C. Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

AFFIDAVIT

Personally appear before me, one Agent R.D. Suggs who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Specifically any and all incoming, outgoing calls, text messages and voice messages to include telephone numbers from the address book and contacts lists. Any and all saved text messages and voice messages. Any and all photographs and videos saved to the cell phone SIM card.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

H/W model WX8A SN #322421660538 in possession of Shelton M. Brantley

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

I am a Deputy Sheriff, certified in South Carolina. I have been a law enforcement officer for approximately 7 years. I have been employed by the Horry County Sheriff's Office for the past 2 years. I have been involved in other search warrants relating to the seizure of illegal drugs. I am authorized to make searches and seizures. On 08/23/2013 the defendant, Shelton M. Brantley was arrested for Distribution of a Crack in the Conway section of Horry County. It is the affiant's belief that the phone will possibly contain text and voice messages from other people wanting to purchase or talk about illegal drugs.

Sworn to and Subscribed before me
This 3rd day of Oct, 2013

(L.S.)
Signature of Judge

2:15P.M

AFFIANT

Address

Phone

Form Approved by
S.C. Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

SEARCH WARRANT

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNIPALITY OF HORRY COUNTY, SOUTH CAROLINA.

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

H/W model WX8A SN #322421660538 in possession of Shelton M. Brantley

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Specifically any and all incoming, outgoing calls, text messages and voice messages to include telephone numbers from the address book and contacts lists. Any and all saved text messages and voice messages. Any and all photographs and videos saved to the cell phone and SIM card.

This Search Warrant shall not be valid for more than ten days from the date of issuance. A written inventory of all property seized pursuant to this Search Warrant shall be made to,

Bradley D. Mayes

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as practicable; in the event the identity of the person in charge is not know or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Horry County, South Carolina.

September 3rd, 2013 (L.S.)

Signature of Judge

2:45 P.M

RETURN

I RECEIVED THE ATTACHED SEARCH WARRANT ON Sept 3rd, 2013, AND HAVE EXECUTED IT AS FOLLOWS:

ON Sept 4th, 2013, AT 10:10 Am HOURS, I SEARCHED (THE PERSON) DESCRIBED IN THE WARRANT AND (THE PREMISES)

I LEFT A COPY OF THE WARRANT WITH Shelton M. Bradley NAME OF PERSON SEARCHED OR " AT THE PLACE OF SEARCH" WITH in his property at the Jail.

THE FOLLOWING IS AN INVENTORY OF PROPERTY TAKEN PURSUANT TO THE WARRANT:

The entire contents of the phone to include all incoming and outgoing SMS and MMS messages. The call log, contacts, pictures, and video recordings contained on the phone and SIM card.

THIS INVENTORY WAS MADE IN THE PRESENCE OF K. Holt AND W. Lynch

I SWEAR THAT THIS INVENTORY IS A TRUE AND DETAILED ACCOUNT OF ALL THE PROPERTY TAKEN BY ME ON THE WARRANT.

SWORN TO BEFORE ME THIS 9th DAY OF Sept, 2013

SIGNATURE OF DEU AGENT EXECUTING WARRANT

(L.S.)

SIGNATURE OF ISSUING JUDGE

10:50AM

STATE OF SOUTH CAROLINA

HORRY COUNTY
SOUTH CAROLINA

SEARCH WARRANT

DATE: September 3rd 2013

Agent D. Suggs

Form Approved by
S.C. Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA

COUNTY OF HORRY.

AFFIDAVIT

Personally appear before me, one Agent R.D. Suggs who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Specifically any and all incoming, outgoing calls, text messages and voice messages to include telephone numbers from the address book and contacts lists. Any and all saved text messages and voice messages. Any and all photographs and videos saved to the cell phone SIM card.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

LG model LG-P769 SN #303KPTM721849 in possession of Shelton M. Brantley

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

I am a Deputy Sheriff, certified in South Carolina. I have been a law enforcement officer for approximately 7 years. I have been employed by the Horry County Sheriff's Office for the past 2 years. I have been involved in other search warrants relating to the seizure of illegal drugs. I am authorized to make searches and seizures. On 08/23/2013 the defendant, Shelton M. Brantley was arrested for Distribution of a Crack in the Conway section of Horry County. It is the affiant's belief that the phone will possibly contain text and voice messages from other people wanting to purchase or talk about illegal drugs.

Sworn to and Subscribed before me
This 3rd day of Sept, 2013

(L.S.)
Signature of Judge

2:15P.M

AFFIANT

Address

Phone

Form Approved by
S.C. Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

SEARCH WARRANT

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNIPALITY OF HORRY COUNTY, SOUTH CAROLINA.

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

LG model LG-P769 SN #303KPTM721849 in possession of Shelton M. Brantley

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Specifically any and all incoming, outgoing calls, text messages and voice messages to include telephone numbers from the address book and contacts lists. Any and all saved text messages and voice messages. Any and all photographs and videos saved to the cell phone and SIM card.

This Search Warrant shall not be valid for more than ten days from the date of issuance. A written inventory of all property seized pursuant to this Search Warrant shall be made to,

Brittey T. Magers

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as practicable; in the event the identity of the person in charge is not know or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Horry County, South Carolina.

September 3rd, 2013 (L.S.)

2:15 P.M.

Signature of Judge

RETURN

I RECEIVED THE ATTACHED SEARCH WARRANT ON Sept 3rd, 2013, AND HAVE EXECUTED IT AS FOLLOWS:

ON Sept 4th, 2013, AT 1000 HOURS, I SEARCHED (THE PERSON) DESCRIBED IN THE WARRANT AND (THE PREMISES)

I LEFT A COPY OF THE WARRANT WITH Shelton M. Brantly NAME OF PERSON SEARCHED OR " AT THE PLACE OF SEARCH" WITH in his property at the Jail

THE FOLLOWING IS AN INVENTORY OF PROPERTY TAKEN PURSUANT TO THE WARRANT:

The entire contents of the phone to include all incoming and outgoing SMS and MMS messages. The call log, contacts, pictures, and video recordings contained on the phone and SIM card.

THIS INVENTORY WAS MADE IN THE PRESENCE OF K. Holt AND W. Lynch

I SWEAR THAT THIS INVENTORY IS A TRUE AND DETAILED ACCOUNT OF ALL THE PROPERTY TAKEN BY ME ON THE WARRANT.

SWORN TO BEFORE ME THIS 9th DAY OF Sept, 2013 @ 1

SIGNATURE OF ~~DEU~~ AGENT EXECUTING WARRANT

(L.S.)

SIGNATURE OF ISSUING JUDGE

10:00 A.M

STATE OF SOUTH CAROLINA

HORRY COUNTY
SOUTH CAROLINA

SEARCH WARRANT

DATE: September 3rd 2013

Agent D. Suggs

Form Approved by
S.C. Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

AFFIDAVIT

Personally appear before me, one Agent R.D. Suggs who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Specifically any and all incoming, outgoing calls, text messages and voice messages to include telephone numbers from the address book and contacts lists. Any and all saved text messages and voice messages. Any and all photographs and videos saved to the cell phone SIM card.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

LG model GS170 SN #011KPVH501415 in possession of Shelton M. Brantley

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

I am a Deputy Sheriff, certified in South Carolina. I have been a law enforcement officer for approximately 7 years. I have been employed by the Horry County Sheriff's Office for the past 2 years. I have been involved in other search warrants relating to the seizure of illegal drugs. I am authorized to make searches and seizures. On 08/23/2013 the defendant, Shelton M. Brantley was arrested for Distribution of a Crack in the Conway section of Horry County. It is the affiant's belief that the phone will possibly contain text and voice messages from other people wanting to purchase or talk about illegal drugs.

Sworn to and Subscribed before me
This 3rd day of Sept, 2013

#8081 (L.S.)
Signature of Judge

2:45 P.M

AFFIANT

Address

Phone

Form Approved by
S.C. Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

SEARCH WARRANT

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNIPALITY OF HORRY COUNTY, SOUTH CAROLINA.

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

LG model GS170 SN #011KPVH501415 in possession of Shelton M. Brantley

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found.

DESCRIPTION OF PROPERTY

Specifically any and all incoming, outgoing calls, text messages and voice messages to include telephone numbers from the address book and contacts lists. Any and all saved text messages and voice messages. Any and all photographs and videos saved to the cell phone and SIM card.

This Search Warrant shall not be valid for more than ten days from the date of issuance. A written inventory of all property seized pursuant to this Search Warrant shall be made to,

Bradley D Myers

within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as practicable; in the event the identity of the person in charge is not know or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Horry County, South Carolina.

September 8, 2013 (L.S.)

2:15 P.M

Signature of Judge

RETURN

I RECEIVED THE ATTACHED SEARCH WARRANT ON Sept 3rd, 20 13, AND HAVE EXECUTED IT AS FOLLOWS:

ON Sept 4th, 20 13, AT 1000 Am HOURS, I SEARCHED (THE PERSON) DESCRIBED IN THE WARRANT AND (THE PREMISES)

I LEFT A COPY OF THE WARRANT WITH Shelton M. Brantley NAME OF PERSON SEARCHED OR " AT THE PLACE OF SEARCH" WITH in his possession at the Jail.

THE FOLLOWING IS AN INVENTORY OF PROPERTY TAKEN PURSUANT TO THE WARRANT:

The entire contents of the phone to include all incoming and outgoing SMS and MMS messages. The call log, contacts, pictures, and video recordings contained on the phone and SIM card.

THIS INVENTORY WAS MADE IN THE PRESENCE OF K. Holt AND W. Lynch

I SWEAR THAT THIS INVENTORY IS A TRUE AND DETAILED ACCOUNT OF ALL THE PROPERTY TAKEN BY ME ON THE WARRANT.

SWORN TO BEFORE ME THIS 4 DAY OF Sept 2013

SIGNATURE OF DEU AGENT EXECUTING WARRANT

(L.S.)

SIGNATURE OF ISSUING JUDGE

10:50AM

STATE OF SOUTH CAROLINA

HORRY COUNTY
SOUTH CAROLINA

SEARCH WARRANT

DATE: September 3rd 2013

Agent D. Suggs

Form Approved by
S.C. Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA

COUNTY OF HORRY.

AFFIDAVIT

Personally appear before me, one Agent R.D. Suggs who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Specifically any and all incoming, outgoing calls, text messages and voice messages to include telephone numbers from the address book and contacts lists. Any and all saved text messages and voice messages. Any and all photographs and videos saved to the cell phone SIM card.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

Huawei model HUAWEI H866C SN #N5H9MC9320500711 in possession of Shelton M. Brantley

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

I am a Deputy Sheriff, certified in South Carolina. I have been a law enforcement officer for approximately 7 years. I have been employed by the Horry County Sheriff's Office for the past 2 years. I have been involved in other search warrants relating to the seizure of illegal drugs. I am authorized to make searches and seizures. On 08/23/2013 the defendant, Shelton M. Brantley was arrested for Distribution of a Crack in the Conway section of Horry County. It is the affiant's belief that the phone will possibly contain text and voice messages from other people wanting to purchase or talk about illegal drugs.

Sworn to and Subscribed before me
This 3rd day of Sept. 2013

(L.S.)
Signature of Judge

2:15 P.M

AFFIANT

Address _____

Phone _____

Form Approved by
S.C. Attorney General
Section 17-13-160
March 15, 1978

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

SEARCH WARRANT

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNIPALITY OF HORRY COUNTY, SOUTH CAROLINA.

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

Huawei model HUAWEI H866C SN #N5H9MC9320500711 in possession of Shelton M. Brantley

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Specifically any and all incoming, outgoing calls, text messages and voice messages to include telephone numbers from the address book and contacts lists. Any and all saved text messages and voice messages. Any and all photographs and videos saved to the cell phone and SIM card.

This Search Warrant shall not be valid for more than ten days from the date of issuance. A written inventory of all property seized pursuant to this Search Warrant shall be made to, Bradley D Mayer within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as practicable; in the event the identity of the person in charge is not know or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Horry County, South Carolina.

September 30, 2013 (L.S.)

2:15P.M

Signature of Judge

RETURN

I RECEIVED THE ATTACHED SEARCH WARRANT ON Sept 3rd, 2013, AND HAVE EXECUTED IT AS FOLLOWS:

ON Sept 9th, 2013, AT 10:00 Am HOURS, I SEARCHED (THE PERSON) DESCRIBED IN THE WARRANT AND (THE PREMISES)

I LEFT A COPY OF THE WARRANT WITH Shelton M. Brantley NAME OF PERSON SEARCHED OR " AT THE PLACE OF SEARCH" WITH in his property at his Jail.

THE FOLLOWING IS AN INVENTORY OF PROPERTY TAKEN PURSUANT TO THE WARRANT:

The entire contents of the phone to include all incoming and outgoing SMS and MMS messages. The call log, contacts, pictures, and video recordings contained on the phone and SIM card.

THIS INVENTORY WAS MADE IN THE PRESENCE OF K. Holt AND W. Lynch

I SWEAR THAT THIS INVENTORY IS A TRUE AND DETAILED ACCOUNT OF ALL THE PROPERTY TAKEN BY ME ON THE WARRANT.

SWORN TO BEFORE ME THIS 9th DAY OF Sept 2013 AT

SIGNATURE OF DEU AGENT EXECUTING WARRANT

#3081 (L.S.)

SIGNATURE OF ISSUING JUDGE

10:00AM

ORIGINAL

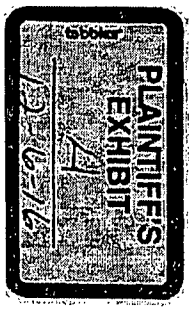
STATE OF SOUTH CAROLINA

COUNTY OF HORRY

SEARCH WARRANT

DATE: April 27th 2015

DEU AGENT: Randall D. Suggs



STATE OF SOUTH CAROLINA

COUNTY OF HORRY SEARCH WARRANT

TO ANY BONDED DRUG ENFORCEMENT UNIT AGENT OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY OF HORRY COUNTY:

IT APPEARING FROM THE ATTACHED AFFIDAVIT THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT CERTAIN PROPERTY SUBJECT TO SEIZURE UNDER PROVISION OF SECTION 17-13-140, 1976 CODE OF LAWS OF SOUTH CAROLINA, AS AMENDED, IS LOCATED ON THE FOLLOWING PREMISES:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THINGS) TO BE SEARCHED

Safety deposit box bearing number "317" registered to the name of Marvin J. White located at the Wells Fargo Bank, 1412 3rd Ave in the Conway section of the County and State aforesaid.

NOW, THEREFORE, YOU ARE HEREBY AUTHORIZED TO SEARCH THE SUBJECT PREMISES FOR THE PROPERTY DESCRIBED BELOW, AND TO SEIZE SUCH PROPERTY IF FOUND:

DESCRIPTION OF PROPERTY

Any and all quantities of illicit drugs, any proceeds derived from the sale of the illicit drugs as well as any and all types of equipment or materials and other devices used to assist in the manufacturing, distribution, storage, or selling of Heroin, Ecstasy, Marijuana, Crack Cocaine or Methamphetamine as well as any and all items of contraband and articles of personal property tending to establish the identity of persons involved in the illicit activities. Any type of documentation or documents written or electronically recorded pertaining to the Distriburion of Cocaine, Ecstasy, Marijuana, Crack Cocaine or Heroin.

THIS SEARCH WARRANT SHALL NOT BE VALID FOR MORE THAN TEN DAYS FROM THE DATE OF ISSUANCE.

A WRITTEN INVENTORY OF ALL PROPERTY SEIZED PURSUANT TO THIS SEARCH WARRANT SHALL BE MADE TO Bradley D Mayer WITHIN TEN DAYS FROM THE DATE OF THIS WARRANT, AND A COPY OF SUCH INVENTORY SHALL BE FURNISHED TO THE PERSON WHOSE PREMISES ARE SEARCHED IF DEMAND FOR SUCH COPY IS MADE.

A COPY OF THIS SEARCH WARRANT SHALL BE DELIVERED TO THE PERSON IN CHARGE OF THE PREMISES SEARCHED AT THE TIME OF SUCH SEARCH IF PRACTICABLE, AND, IF NOT, TO SUCH PERSON AS SOON THEREAFTER AS IS PRACTICABLE. IN THE EVENT THE IDENTITY OF THE PERSON IN CHARGE IS NOT KNOWN OR IF SUCH PERSON CANNOT BE FOUND AFTER REASONABLE DILIGENCE IN ATTEMPTING TO LOCATE THE PERSON, A COPY SHALL BE ATTACHED TO A PROMINENT PLACE ON SUCH PREMISES.

HORRY COUNTY, S. C.

Apr 27th, 2015 Mayer #68 (L.S.)

SIGNATURE OF ISSUING JUDGE

4:10PM

STATE OF SOUTH CAROLINA

COUNTY OF HORRY AFFIDAVIT

DESCRIPTION OF PROPERTY SOUGHT

Any and all quantities of illicit drugs, any proceeds derived from the sale of the illicit drugs as well as any and all types of equipment or materials and other devices used to assist in the manufacturing, distribution, storage, or selling of Heroin, Ecstasy, Marijuana, Crack Cocaine or Methamphetamine as well as any and all items of contraband and articles of personal property tending to establish the identity of persons involved in the illicit activities. Any type of documentation or documents written or electronically recorded pertaining to the Distriburion of Cocaine, Ecstasy, Marijuana, Crack Cocaine or Heroin.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

Safety deposit box bearing number "317" registered to the name of Marvin J. White located at the Wells Fargo Bank, 1412 3rd Ave in the Conway section of the County and State aforesaid.

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

The Affiant has been a Police Officer for approximately ten years. I am employed by the Horry County Sheriff's Office, in Horry County, South Carolina and have been so, for approximately three years. I was asigned to locate and apprehend wanted fugitives. Prior to this time I was employed with the Horry County Police Department assigned to the Community Outreach Team, a proactive team tasked with aggressive enforcement of "high crime" areas. During my tenure there i have attended multiple criminal interdiction schools as well as basic narcotics classes. Under my current employment with the Horry County Sheriff's office I have completed the DEA Narcotics Investigator school and am currently assisgned to the Fifthteenth Circuit Drug Enforcement Unit.

This affidavit provides information in support of my request for a search warrant to be issued for the above described location and safety deposit box.

Since July of 2013 Agents with the 15th Circuit Drug Enforcement Unit have received information that Marvin Joshue White has been distributing large amounts of illicit drugs within Horry County. On July 12th, 2013 Conway City Police department arrested Mr. White in reference to Possession with Intent to Distribute Cocaine and

4/29/15 4:10 PM

Crack Cocaine. During January of 2015 an investigation was opened in reference to Mr. White distributing drugs in which multiple controlled drug purchases were conducted by way of a reliable confidential informant. On February 18th, 2015 a search warrant was executed on Mr. White's residence in which Agents located in excess of 200 grams of Cocaine and 39 grams of Crack Cocaine as well as $7,695 in US currency. Mr. White is known to possess quantities of US currency much larger than that was located in which Agents have located pictures and videos of Mr. White holding what is believed to be in excess of $40,000. Within the past week agents have received information from an anonymous source which advised that Mr. White was in possession of a safety deposit box at the Wells Fargo Bank located at 1412 3rd Avenue in the city limits of Conway SC. Agent Suggs secured and executed a search warrant on the Wells Fargo Bank mentioned above in which it was found that Mr. White did in fact possess a safety deposit box, being box 317, at that location. Based on the affiant's training, experience and participation in other narcotic and financial investigations involving drugs, your affiant knows that drug distributors or traffickers use financial institutions to store large amounts of U.S. currency in order to maintain and finance their ongoing drug business.

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 27 DAY OF April, 2015

SIGNATURE OF JUDGE

4:10PM

AFFIANT

ADDRESS: P.O. Box 1276
Conway, SC, 29526

PHONE: (843) 488-4551

RETURN

I RECEIVED THE ATTACHED SEARCH WARRANT ON April 27th, 2015 AND HAVE EXECUTED IT AS FOLLOWS:

ON April 28th, 2015, AT 12:00 HOURS, I SEARCHED (THE PERSON) DESCRIBED IN THE WARRANT AND (THE PREMISES)

I LEFT A COPY OF THE WARRANT WITH Branch Manager Wells Fargo NAME OF PERSON SEARCHED OR "AT THE PLACE OF SEARCH" WITH the Safety deposit Box

THE FOLLOWING IS AN INVENTORY OF PROPERTY TAKEN PURSUANT TO THE WARRANT:

1. a quantity of US currency in denominations of 100 dollar bills and 50 dollar bills believed to be approximately $21,000 (money was sealed in a money bag and not counted on scene)
2. a black in color "Harley Davidson" jewlry box containing one gold ring, one gold colored cross, and one gold colored bracelet.
3. a long black jewlry box containing one gold colored rings with diamonds and two silver earrings with diamonds.
4. a clear plastic bag containing a gold colored rope neckless, a womans ring containing a clear stone, a heart shapped neckless charm, and a silver colored ring.

THIS INVENTORY WAS MADE IN THE PRESENCE OF C. Guess
AND R. Suggs

I SWEAR THAT THIS INVENTORY IS A TRUE AND DETAILED ACCOUNT OF ALL THE PROPERTY TAKEN BY ME ON THE WARRANT.

SWORN TO BEFORE ME THIS 28 DAY OF April, 2015

SIGNATURE OF DEU AGENT EXECUTING WARRANT

(L.S.)
SIGNATURE OF ISSUING JUDGE

2:18 PM

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

SEARCH WARRANT

DATE: April 27th, 2015

DEU AGENT: Ronald D. Suggs

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF HORRY

Personally appeared before me, one Randall D. Suggs who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Documentation, verification of validity as well as any information regarding any safety deposit boxes, account information, or additional banking records regarding Marvin Joshue White with date of birth being 05/21/1986 and social security number of 090-74-2681 and Champagne Shamira Convers date of birth being 10/19/1992 and social security number unknown at this time

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

The premises to be searched is located at Wells Fargo Bank, 1412 3rd Ave in the Conway section of the County and State aforesaid. The premises are described as safety deposit box and account information regarding Marvin Joshue White and Champagne Shamira Convers.

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

Since July of 2013 Agents with the 15th Circuit Drug Enforcement Unit have received information that Marvin Joshue White has been distributing large amounts of illicit drugs within Horry County. On July 12th, 2013 Conway City Police department arrested Mr. White in reference to Possession with Intent to Distribute Cocaine and Crack Cocaine. During January of 2015 an investigation was opened in reference to Mr. White distributing drugs in which multiple controlled drug purchases were conducted by way of a reliable confidential informant. On February 18th, 2015 a search warrant was executed on Mr. White's residence in which Agents located in excess of 200 grams of Cocaine and 39 grams of Crack Cocaine as well as $7,695 in US currency. Mr. White is known to possess quantities of US currency much larger than that was located in which Agents have located pictures and videos of Mr. White holding the what is believed to be in excess of $40,000. Within the past week agents have received information from an anonymous source which advised that Mr. White was in possession of a safety deposit box at the Wells Fargo Bank located in the city limits of Conway SC. Mr. White in the past has utilized Champagne Convers to conceal his illicit activities such as the rental of storage buildings. Based on the affiant's training, experience and participation in other narcotic and financial investigations involving drugs, your affiant knows that drug distributors or traffickers use financial institutions to store large amounts of U.S. currency in order to maintain and finance their ongoing drug business.

Sworn to and Subscribed before me on

this the 27th day of April, 2015.

Jones #5081 (L.S.)

12:45PM

Affiant

Address P.O. Box 1276
Conway, SC 29526

Phone (843) 488-4351

STATE OF SOUTH CAROLINA

SEARCH WARRANT

COUNTY OF HORRY

To any bonded law enforcement officer of this State or County or the Municipality of Horry.

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

Described within the affidavit.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize such property if found:

DESCRIPTION OF PROPERTY

Described within the affidavit.

This Search Warrant shall not be valid for more than ten days from the date of issuance. A written inventory of all property seized pursuant to the Search Warrant shall be made to the issuing magistrate within ten days from the date of this warrant, such inventory to be signed by the officer executing this warrant, and a copy of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy shall be attached to a prominent place on such premises.

Horry County, S.C.

April 27th, 2015

12:45 PM

(L.S.)

Signature of Judge

RETURN

I RECEIVED THE ATTACHED SEARCH WARRANT ON April 27th, 2015 AND HAVE EXECUTED IT AS FOLLOWS:

ON April 27th, 2015, AT 1300 HOURS, I SEARCHED (THE PERSON) DESCRIBED IN THE WARRANT AND (THE PREMISES)

I LEFT A COPY OF THE WARRANT WITH Joyce Taylor (Branch Manager) NAME OF PERSON SEARCHED OR " AT THE PLACE OF SEARCH" WITH _____

THE FOLLOWING IS AN INVENTORY OF PROPERTY TAKEN PURSUANT TO THE WARRANT:

1. Docmentation containing information regarding the safety deposit box utilized by Marvin J. White to include the safety deposit box number of "317."

THIS INVENTORY WAS MADE IN THE PRESENCE OF C. Guess AND R. Suggs

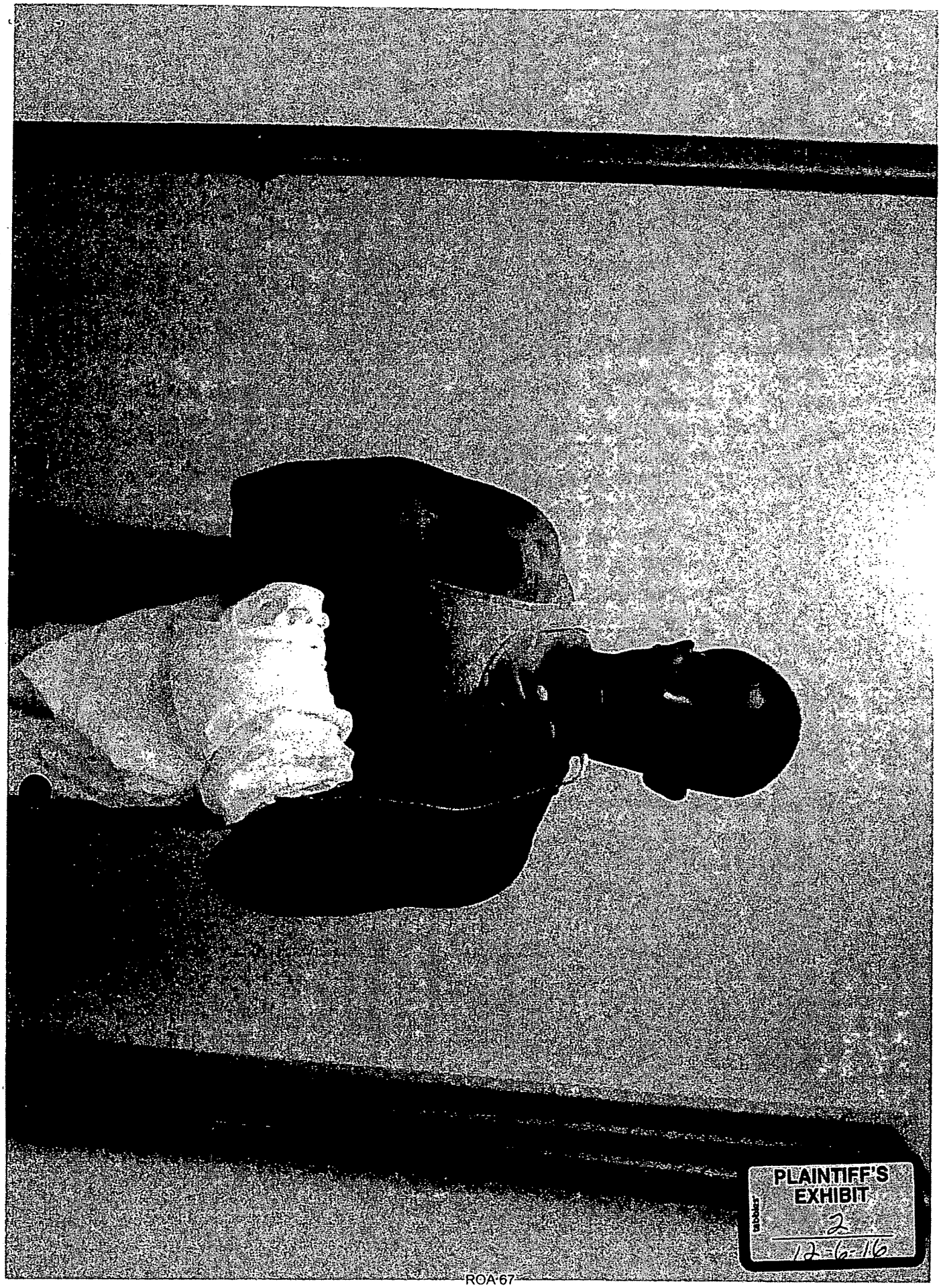
I SWEAR THAT THIS INVENTORY IS A TRUE AND DETAILED ACCOUNT OF ALL THE PROPERTY TAKEN BY ME ON THE WARRANT.

SWORN TO BEFORE ME THIS 28th DAY OF April, 2015

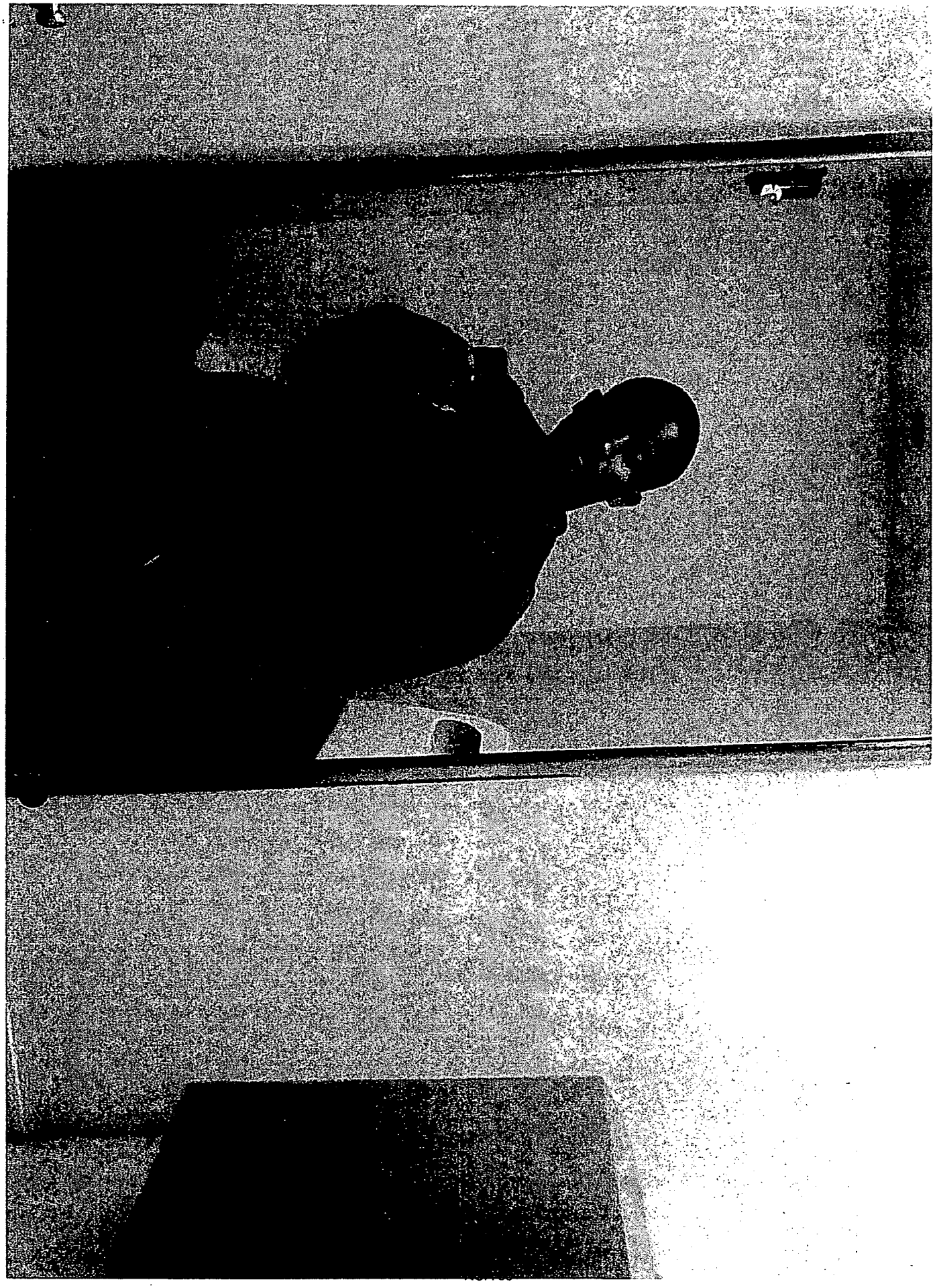
SIGNATURE OF DEU AGENT EXECUTING WARRANT

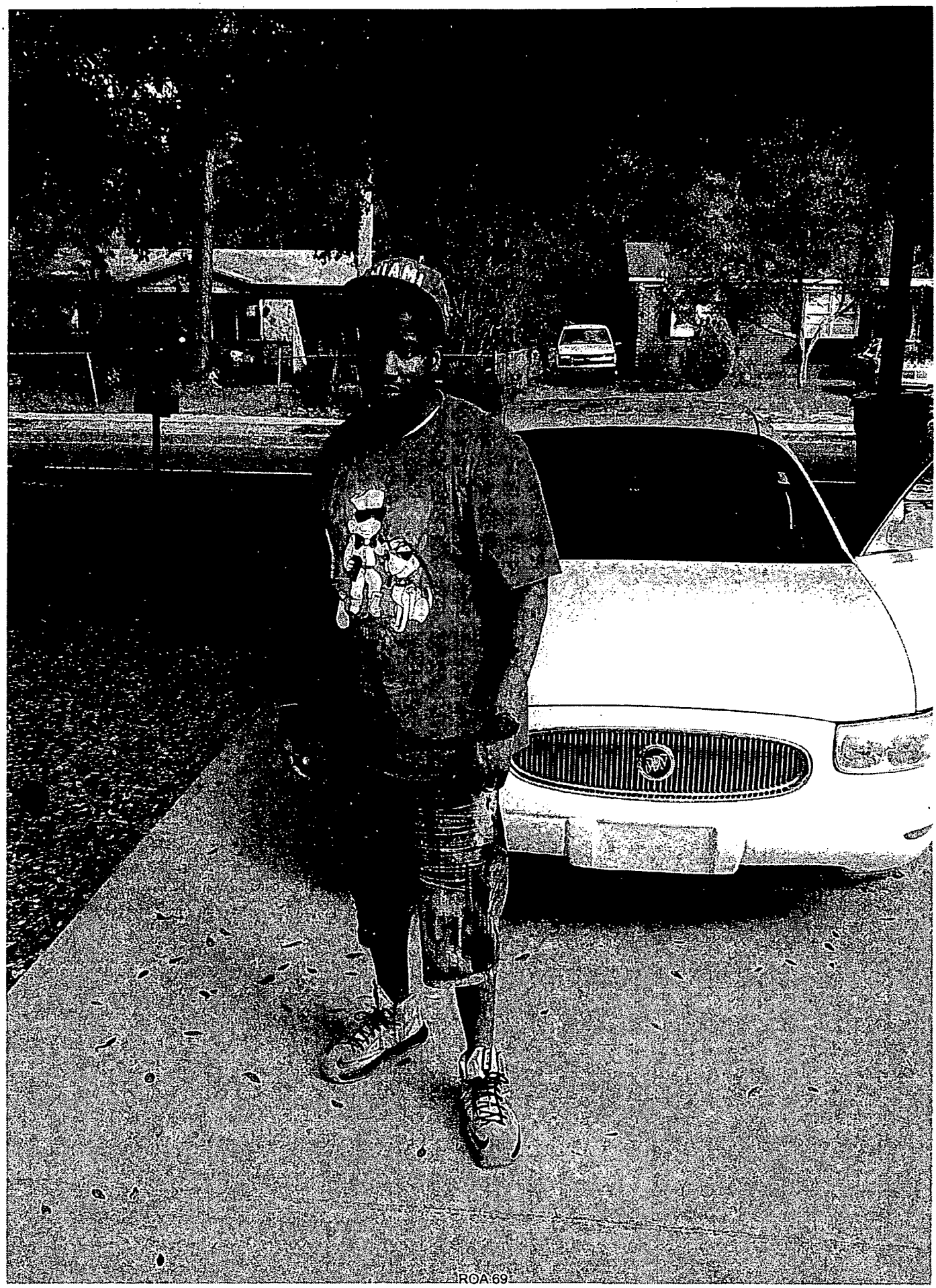
Roger Titus (L.S.)
SIGNATURE OF ISSUING JUDGE

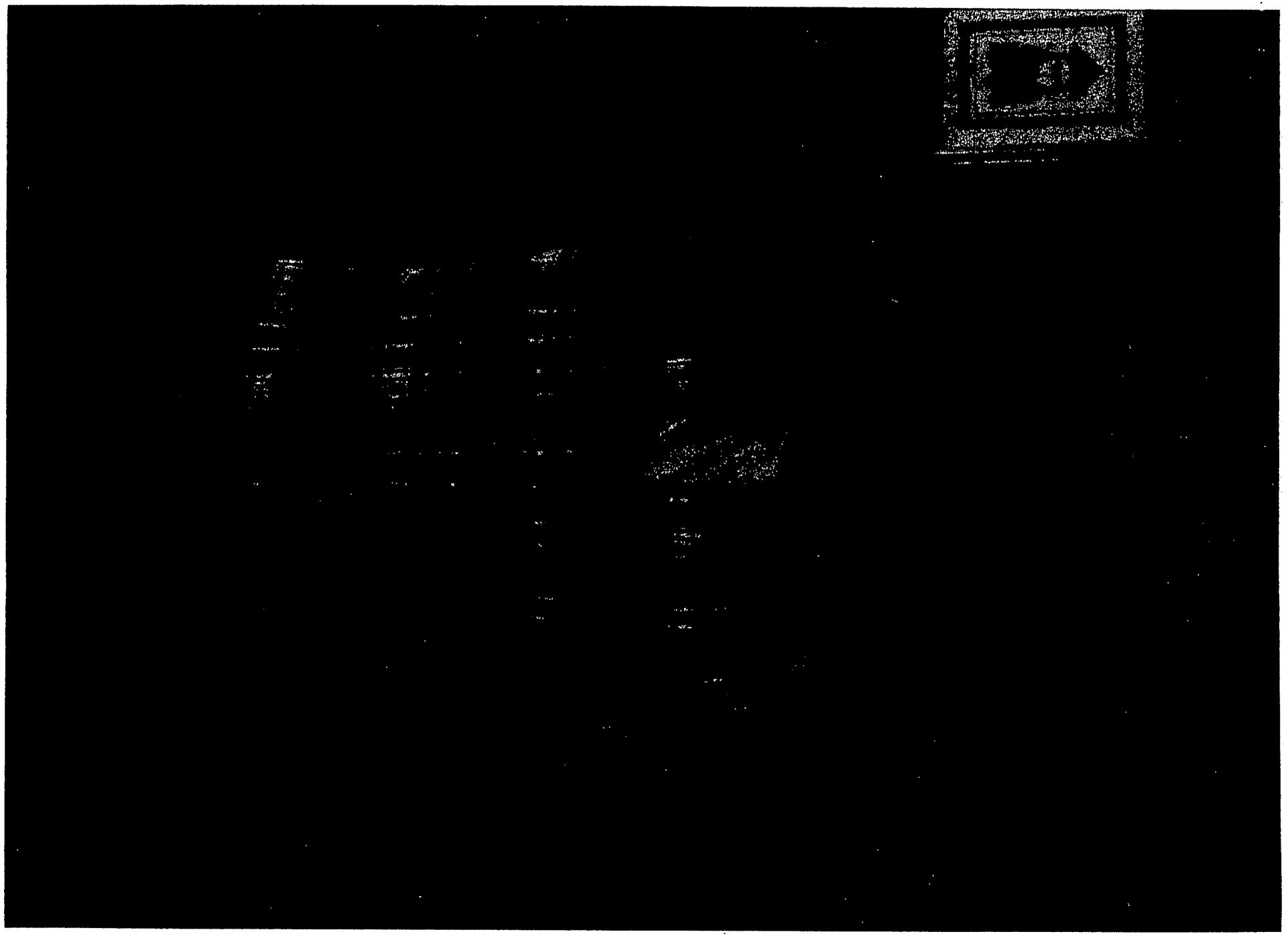
2:18 p.m.

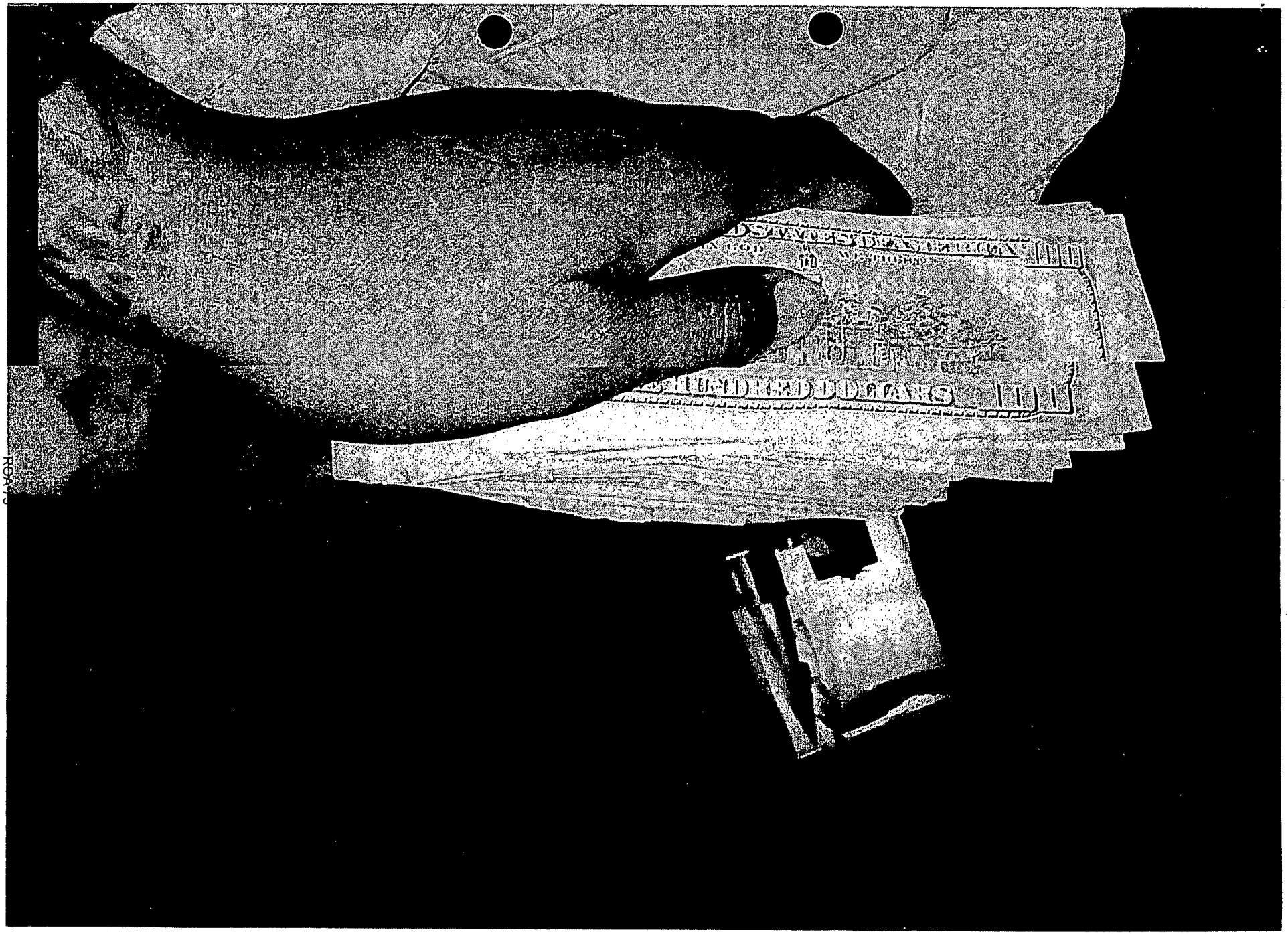


PLAINTIFF'S EXHIBIT
2
12-6-16

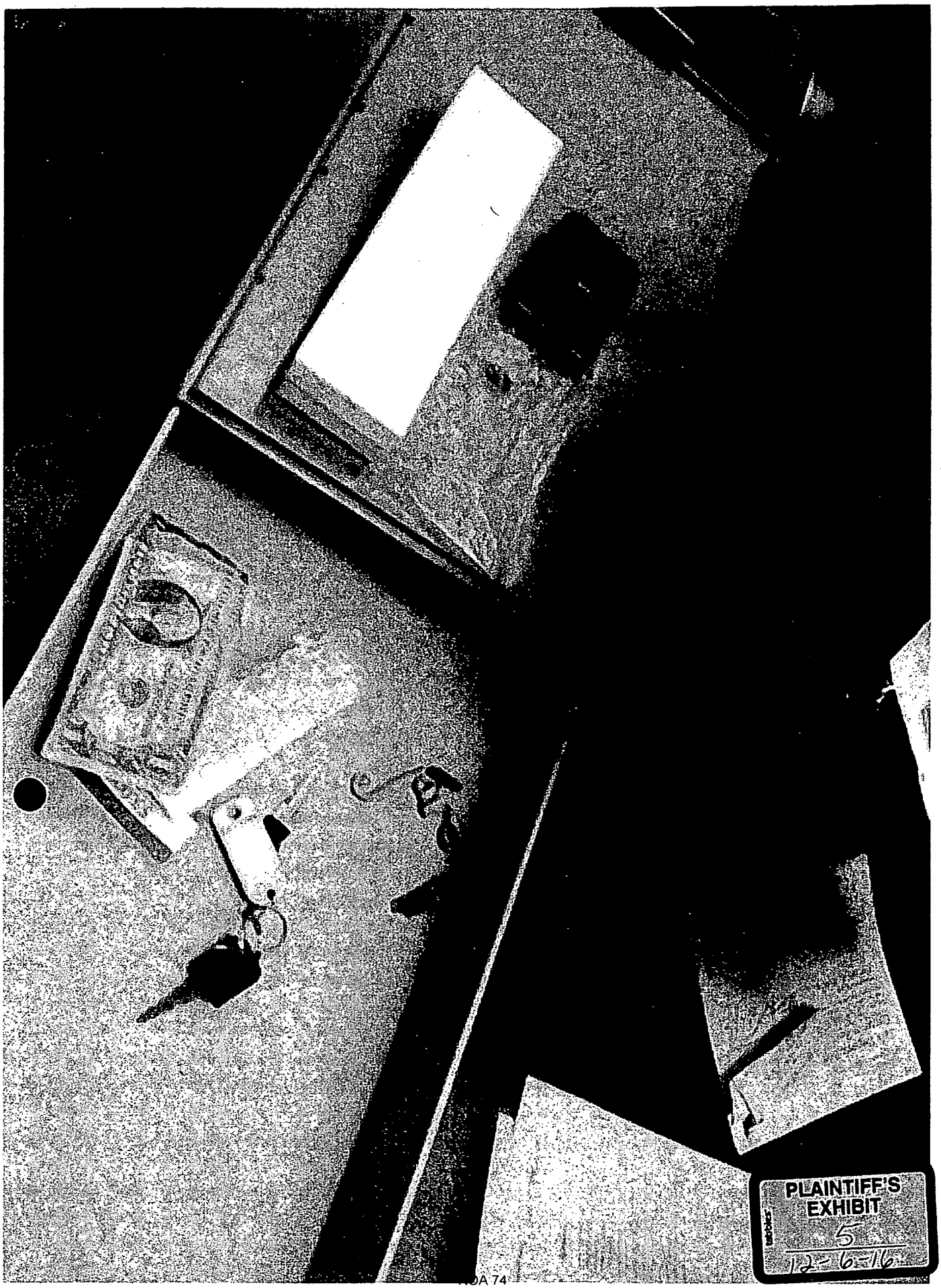








ROA 75


PLAINTIFF'S
EXHIBIT
5
12-6-16

Record of Entries (continued)

Date	Time	Signature	Accompanying Officer
7/7/13	4:10pm		
7/23/13	11:23pm		
7/24/13	1:50		
07/25/13	3:45pm		
07/30/13	3:30p		
8-2-13	9:50 AM		
8-7-13	1:25 pm		
08-08-13	5:00pm		
8-9-13	3:24 pm		
10/3/14	5:35pm		
10/30/14	4:45pm		
11/03/2014	1:20pm		
11/4/14	12:25pm		
11-10-14	12:34		
11-18-14	9:05		
11-25-14	3:40pm		
11-25-14	5:35pm		
12/6/14	12:12pm		
12-12-14	3:40		
12/19/14	1:14pm		
12/26/14	3:15pm		
12/30/14	12:51pm		
12/31/14	4:36pm		
1/9/15	2:35pm		
1/14/15	11:14 AM		
1/16/15	1:20am		

Safe Deposit Box Entrance Record

Open Date 4-8-2013

If the Box is subject to a Safe Deposit Multiple Signature Requirement card, indicate the number of lessee signatures required to access the box

Customer Name (Printed) | Signature

1. Marvin J. White

2.

3.

4.

Record of Entries

Date	Time	Signature		Signature's Initials
4-8-13	12:04			MW
5-2-13	10:45			
5-7-13	12:45			MW
5-13-13	1:10			
5-20-13	2:40			
5-22-13	2:30		CMB	MW
5-23-13	12:20			MW
5-29-13	10:21			
06-04-13	2:40pm			MW
6-6-13	4:57pm			MW
6-10-13	3:57pm			
6-12-13	3:25pm			
6-13-13	10:29am			MW
6-17-13	10:00am			MW
6-19-13	1:55pm			MW
6-19-13	4:00pm			MW
6/20/13	2:02 pm			
6/24/13	10:03 Am			
06/26/13	4:50pm			MM
7-1-13	4:50pm			
07-08-13	11:50am			MM
07-09-13	3:35pm			MM
07-11-13	3:00pm			MM
7/15/13	3:49			MW

RALPH WILSON LAW PC
Attorney & Counselor at Law

Owner & Operator:
Ralph J. Wilson, Jr., Esq.

Telephone: 843-488-10
Facsimile: 843-488-10

August 3, 2015

James R. Battle, Esq.
Battle Law Firm, LLC
PO Box 530
Conway, SC 29528

Re: **Defendant's Discovery Requests to Plaintiff**
Jimmy A. Richardson, II, v. Marvin Joshua White
Civil Action No. 2015-CP-26-3707

Dear Mr. Battle,

Enclosed for service on your please find the *Defendant's Interrogatories to Plaintiff* and *Defendant's Requests for Production to Plaintiff* along with a Certificates of Service for the same.

With kind regards, I remain

Sincerely yours,

Ralph J. Wilson, Jr.

RJWjr/jam

Encl.: as noted

CC: Marvin White

1300 Second Avenue, Suite 212 • P.O. Box 2461 • Conway, SC 29528 •
Office: 843-488-1013 • Fax: 843-488-1014 • Attorney@RalphWilsonLaw.com •
www.RalphWilsonLaw.com

Jessica Marburger

From: Ralph J. Wilson, Jr., Esq. <rwilsonjr@ralphwilsonlaw.com>
Sent: Monday, December 5, 2016 1:42 PM
To: Jessica Marburger
Subject: FW: Marvin White
Attachments: Guilty Plea.pdf; Indictment.pdf; Plea Agreement.pdf

-----Original Message-----
From: James Battle [mailto:jbattle@battlelawsc.com]
Sent: Thursday, December 1, 2016 3:26 PM
To: rwilsonjr@ralphwilsonlaw.com
Subject: Marvin White

Ralph,

Please find attached documents from Marvin White's federal criminal charges, which I may use at trial.

Please let me know if you have any questions,

James

Please be advised that this e-mail and any files transmitted with it are confidential attorney-client communications or may otherwise be privileged or confidential and are intended solely for the individual or entity to whom they are addressed. If you are not the intended recipient, please do not read, copy or retransmit this communication but destroy it immediately. Any unauthorized dissemination, distribution or copying of this communication is strictly prohibited.

JAMES R. BATTLE
BATTLE LAW FIRM, <http://www.battlevaught.com/> LLC P.O. BOX 530
1200 MAIN STREET
CONWAY, SOUTH CAROLINA 29528
(843)248-4321
jbattle@battlelawsc.com<mailto:jbattle@battlelawsc.com>

From: Graham Howe, Cynthia
To: jbattle@battlelawsc.com; attorney@ralphwilsonlaw.com
Cc: Sadek, Hala
Subject: FW: Jimmy A Richardson, II, et al. v. Marvin Joshua White 2015-CP-26-3707
Date: Thursday, September 14, 2017 2:03:29 PM

Dear Counsel,

Thank you for your patience in this matter. I realize that it has been some time since our merits hearing in this case, and I apologize for the delay in my ruling. I now have had a chance to review my trial notes and my law clerk's notes, as well as the case exhibits, and the cases that you cited during the hearing in this matter. I also have delved further into the matter and have conducted my own research. Please know that I appreciate the professional manner in which you both represented your clients.

After careful consideration, I have determined that the Plaintiff established that there was probable cause to believe that a substantial connection existed between the $21,000 in cash and the jewelry contained in the safe deposit box and Defendant's illegal drug activity. Moreover, Defendant failed to show by a preponderance of evidence that the property was innocently owned.

Mr. Battle, please prepare a proposed order for my signature pursuant to the following reasoning, sending Mr. Wilson a copy for his perusal.

First, I presided over the trial and was keenly aware of the witness as he testified. Agent Randall Derek Suggs, an Horry County Deputy Sheriff, who had been involved with around 85 drug related incidents, I believe, had been a law enforcement officer for 9 years, and a deputy sheriff with Horry County for 4 years when he testified. I was very impressed with his testimony and found him very credible. He had signed the affidavit for the search warrants for the cell phones of Shelton M. Bradley, including voice mails and contact lists and photos saved to the sim cards, etc. That search warrant produced photos of Defendant, one of which appeared to show a smiling Defendant holding a large wad of cash up to his shoulder, folded and encased in a rubber band. In the photos showing Defendant, he appears showing his tattooed arms with a black rubber-like watchband on his left arm. He also generally has one or more plain rubber bands on one of his arms, the same kind of rubber band shown around the wad of cash in the one photo. In one of the photos showing cash held like a hand of cards, it appears to be Defendant's hand, his black, rubber watchband and rubber band on that hand with his tattoo showing.

Additionally, the search warrant produced videos of Defendant talking vulgarly to the camera, "f...k, N...r" and thumbing through wads of cash. There were 4 such videos. All four were similar, similar vulgar language and Defendant counting cash, commenting that he had made the money in just a week.

Agent Suggs also testified for the search warrant for the safe deposit box #317 at Wells Fargo Bank in Conway. That search warrant produced the $21,000 cash and the jewelry at issue in this forfeiture action. It also produced the sign-in sheet for the box, showing that only Defendant had access to the box and that furthermore the Defendant signed into the box on a very regular basis, ie, 7/17/13, 7/23, 7/24, 7/25, 7/30, 8/2, 8/7, 8/8, 8/9, 10/3, 10/30, 11/3, 11/4, 11/10, 11/18, 11/25, etc.

Only Defendant had access to the safe deposit box. Only Defendant signed in to the safe deposit box. There was no evidence that Defendant had a job. There was no evidence that the money shown was fake money, counterfeit money, or play money. The only evidence showed that Defendant was flaunting the money; he appeared to be very proud of it, making comments to support such appearance. There was no evidence that Defendant obtained the money and jewelry legitimately. In fact, everything appeared just the opposite.

Pursuant to 44-53-520(a)(4) and (7), [t]he following are subject to forfeiture:

All property . . . which in any manner is knowingly used to facilitate production, manufacturing, distribution, sale, importation, exportation, or trafficking in various controlled substances as defined in this article;

All property including but not limited to monies or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, and all proceeds including, but not limited to, monies, and personal property traceable to any exchange.

As stated in Gowdy v. Gibson, this Court must make a practical common-sense decision whether, given all the circumstances set forth, there is a fair probability that the properties to be forfeited are proceeds of illegal drug transactions, quoting Illinois v. Gates, 462 US 213 (1983). Here, this property sought to be forfeited is solely under Defendant's control, and he is a known drug dealer.

This case is unlike Pope v. Gordon where the Defendant had a legitimate car detailing business where the detailing business itself dealt in cash. In that case, it was hard for Solicitor Pope to trace the property to the illicit drug trade vs the legitimate car detailing business. Here, there is NO evidence that Defendant White has any legitimate way to produce the $21,000 in cash found in the safe deposit box or purchase the jewelry found there.

Mr. Battle, please expand upon this outline for the proposed order.

Again, thanks to both of you for your hard work in this matter.

With warm regards, I am

Very truly yours,

Cynthia Graham Howe | Master in Equity
Horry County Government
1301 Second Avenue, Conway, South Carolina 29526
Tel 843.915.7852 | Fax 843.915.6310
howec@horrycounty.org | www.horrycounty.org

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1 STATE OF SOUTH CAROLINA
COURT OF COMMON PLEAS
2 COUNTY OF HORRY

3 JIMMY A. RICHARDSON, II, SOLICITOR FOR THE
FIFTEENTH JUDICIAL CIRCUIT, ON BEHALF OF THE
4 15th CIRCUIT DRUG ENFORCEMENT UNIT,

5 Plaintiff,

6 vs. CASE NO. 2015-CP-26-3707

7 TWENTY-ONE THOUSAND AND NO/100 DOLLARS
($21,000.00) U.S. CURRENCY
8 AND VARIOUS JEWELRY,

9 Defendant Property,

10 MARVIN JOSHUA WHITE,

11 Defendant.

12

13 PROCEEDING: SEIZURE HEARING

14 DATE: December 6, 2016

15 TIME: 1:26 p.m.

16 LOCATION: Horry County Government and
Justice Center
17 1301 Second Avenue, 3rd Floor
Conway, SC 29526
18
BEFORE: The Honorable Cynthia Howe,
19 Master in Equity

20 REPORTED BY: Renee H. Tollison, CVR

21 A. WILLIAM ROBERTS, JR., & ASSOCIATES

22 Fast, Accurate & Friendly

23

Charleston, SC	Hilton Head, SC	Myrtle Beach, SC
24 (843) 722-8414	(843) 785-3263	(843) 839-3376
Columbia, SC	Greenville, SC	Charlotte, NC
25 (803) 731-5224	(864) 234-7030	(704) 573-3919

1 APPEARANCES OF COUNSEL:

2 ATTORNEYS FOR PLAINTIFF
JIMMY A. RICHARDSON, II, SOLICITOR FOR
3 THE FIFTEENTH JUDICIAL CIRCUIT,
ON BEHALF OF THE 15th CIRCUIT
4 DRUG ENFORCEMENT UNIT:

5 BATTLE LAW FIRM, LLC
BY: JAMES R. BATTLE II, ESQUIRE
6 1200 Main Street
Conway, SC 29526
7 843-248-4321
jbattle@battlelawsc.com
8

9 ATTORNEYS FOR DEFENDANT
MARVIN JOSHUA WHITE:
10
RALPH J. WILSON, PA
11 BY: RALPH J. WILSON, JR., ESQUIRE
1300 2nd Avenue, Suite 212
12 Conway, SC 20528
843-381-0765
13 rwilsonjr@ralphwilsonlaw.com

14

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(INDEX AT REAR OF TRANSCRIPT)
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1 * * * * * * * * * * *
2 THE COURT: This is the case of Jimmy
3 A. Richardson II, Solicitor for the 15th Judicial
4 Circuit on behalf of the 15th Circuit Drug
5 Enforcement Unit versus Twenty-one Thousand and No
6 Dollars US currency and various jewelry. And this
7 is involving Marvin Joshua White. The case number
8 is 2015-CP-26-3707.
9 There is a consent order of reference
10 to this Court. It is signed by the Honorable
11 Benjamin H. Culbertson, one of our circuit court
12 judges, and it was signed on September the 9th,
13 2016. Therefore, this Court does have jurisdiction
14 of this matter.
15 Mr. Wilson, I see you standing, so you
16 must want to address the Court.
17 MR. WILSON: Your Honor, if it please
18 the Court, Judge.
19 THE COURT: Yes, sir.
20 MR. WILSON: There was an issue brought
21 to my attention back on October 27th by Mr. Battle,
22 his office. And for the record, he told me at that
23 point in time there was -- that Your Honor had
24 retained his office to represent him. And then he
25 described that that particular representation would

1 be brief, Judge.
2 At the time when we originally got this
3 case, we obviously agreed to it. We consented to
4 have it referred to the Master in Equity. My
5 concern at this time point obviously is that that
6 representation based on his word this morning is
7 still continuing. I am asking the Court to
8 entertain a motion to recuse itself at this point
9 in time, Judge, in light of the fact that his
10 office is continuing to represent Your Honor in the
11 matter.
12 And if I may approach, Your Honor --
13 THE COURT: Yes, sir.
14 MR. WILSON: -- briefly.
15 (Mr. Wilson handed up document to the Court.)
16 MR. WILSON: This is a copy of the
17 e-mail that I received back in October.
18 THE COURT: Yes, sir, I am aware of
19 this lawsuit. You know, the strange thing is right
20 now, I can't even remember the name of the
21 gentleman who has brought the lawsuit against me.
22 It's a case that the foreclosure was brought in
23 Florence County, and the gentleman -- I think his
24 name is Gibbs.
25 Is that correct?

1 MR. BATTLE: I think that's correct.
2 THE COURT: I think his name is Gibbs.
3 He actually sued the special referee of Florence
4 County because Florence County doesn't have a
5 master. Because of that, the special referee there
6 could no longer hear the foreclosure action. I was
7 asked if I would hear the foreclosure action here
8 in Horry County. I said: Sure, I'll hear it. I'm
9 the next county over. Before I ever even opened
10 the file, I was named in a lawsuit in, I think,
11 Maryland Federal District Court.
12 And so you're exactly right. Mr.
13 Battle, Mr. James Battle's father Mike Battle, is
14 representing me in that lawsuit. And I hope he's
15 going to have me dismissed in that lawsuit.
16 MR. BATTLE: Your Honor, I spoke with
17 him today. He said the attorney general was
18 handling that matter.
19 THE COURT: That's right. He no longer
20 is representing me. That's correct. I think he
21 was going to represent me as of October, and the
22 County said: We're not going to let you represent
23 her because the attorney general will do it for
24 free. I think that's correct.
25 MR. BATTLE: Yes, Your Honor.

1 THE COURT: So the attorney general is
2 doing it for free. Mr. Battle is not going to
3 represent me. And I've never even met with Mr.
4 Battle on this matter.
5 MR. WILSON: Thank you, Your Honor.
6 Thank you, Judge.
7 THE COURT: Does that make a difference
8 to you, Mr. Wilson? I have not met with anybody on
9 it. I have not even been involved with the
10 gentleman who is suing me, Mr. Gibbs. I have not
11 met with the attorney general or Mr. Battle
12 concerning the matter.
13 MR. WILSON: My only concern, Judge,
14 was whether or not obviously it would be an
15 appearance of impropriety in this case because we
16 do have several issues that are coming up -- I
17 spoke with Mr. Battle about this -- in this case
18 that are going to be significant as to what happens
19 to Mr. White in this case, Judge.
20 THE COURT: Yes, sir.
21 MR. WILSON: That would be it. I do
22 have a couple of other things. Mr. White...
23 Please stand for the Court.
24 Mr. White has informed me this
25 morning -- and, again, Your Honor has the consent

1 order. Brooker, Mr. Brooker, Thurman Brooker, this
2 is regarding his wanting to relieve me off this
3 case, Judge. And I just -- I'm making the motion
4 because my client has asked me to make the motion
5 to have me removed and have Brooker put on.
6 Thurman Brooker represented him on the federal
7 charges.
8 THE COURT: Yes, sir.
9 MR. WILSON: I represented him on the
10 state charges which were dismissed.
11 THE COURT: Yes, sir.
12 MR. WILSON: And he called me.
13 THE COURT: Well, you did a great job,
14 then, on the --
15 MR. WILSON: I worked hard on it,
16 Judge.
17 THE COURT: Well, then I don't know
18 why, Mr. White, you would want Mr. Wilson removed.
19 MR. WILSON: I don't think Mr. White
20 understands what we did to get it dismissed.
21 THE COURT: Okay. That's all right.
22 Would you like to speak, Mr. White?
23 MR. WHITE: Yes, ma'am. My cases were
24 dismissed due to the fact the feds picked up the
25 same cases.

1 THE COURT: Oh, okay. I understand
2 now. So you didn't want to have a double charge
3 because your --
4 MR. WHITE: No, I didn't have a double
5 charge. The feds picked up the case because the
6 the State had the case, and the feds just
7 circumvented the whole case and took it to the
8 federal level.
9 THE COURT: I understand, sir. I
10 understand.
11 MR. WHITE: So the State just dismissed
12 it because it was the same case.
13 THE COURT: I understand.
14 MR. WHITE: That's all it was.
15 THE COURT: Yes, sir.
16 MR. WHITE: And I had to hire another
17 lawyer in my federal case which doesn't -- which to
18 me, it didn't make any sense to hire another
19 attorney when I paid one for these same charges. I
20 thought I made it clear that I wanted to be
21 represented either federally or state --
22 THE COURT: Yes, sir.
23 MR. WHITE: -- because the charge is
24 the same charge. It shouldn't be a trick on words
25 whether you be federal or state, whether you pay

1 $25 or $15,000.
2 THE COURT: I understand.
3 MR. WHITE: Yes, ma'am.
4 THE COURT: All right. Mr. Wilson?
5 MR. WILSON: Your Honor, the motion
6 basically -- just a little bit of background.
7 Thurman Brooker called my office about a month ago
8 and said that he was interested in taking over the
9 case. I said: That's fine. Just send me an order
10 substituting counsel, and I will sign the consent
11 to do it. I had no issues with the case at that
12 point in time trying to get it done. That never
13 happened.
14 Fast forward until yesterday, and Your
15 Honor obviously called or contacted Mr. Brooker's
16 office. And he had signed it, but then when there
17 was no continuance, he said: Look, I'm not going
18 to do this. I'm not going to show up.
19 So we stayed last night to prepare for
20 this particular case. And in doing so, I informed
21 my client we'll be speaking about our fees, but
22 that's not why we're here today. The question is
23 whether or not the Court wants to relieve me in
24 this case or not.
25 I did represent him in the case he was

1 talking about, the state charges, Judge, on drug
2 charges. There were a ton of issues, legal issues,
3 in that case that we raised with the Solicitor's
4 office which forced them to go through the federal
5 arena, if you will.
6 THE COURT: Yes, sir.
7 MR. WILSON: So having said that, he
8 just wants me to ask to be relieved so that he can
9 have Brooker handle his case for him, Judge.
10 THE COURT: Yes, sir, Mr. White?
11 MR. WHITE: Yes, ma'am. I just would
12 like him -- for my attorney to please represent my
13 case because he's been dealing with it on a longer
14 stint. Mr. Wilson had my case -- he had my case
15 for five months, and I paid a certain amount of
16 money. And I feel like my money -- the work wasn't
17 done. I had a bond filed, and I had a motion for
18 supplemental discovery filed and a bond filed. I
19 never went up for bond. The feds picked me up two
20 weeks before my bond got filed, so $6000 for you to
21 file to get my motion of discovery. I think that's
22 good enough.
23 I feel like I got my federal attorney
24 representing me for a longer extent, and he knows
25 more about my case. He's dealt with me more. I've

1 met with him more. I've had more time to spend
2 with him, so I feel like he would have more
3 hands-on approach and more knowledge of my case to
4 fight in a trial, a civil case, for me and my
5 family's money. So that's why I would ask please
6 could my attorney, Mr. Brooker, represent me in
7 this case. And that's what I'm asking.
8 THE COURT: Mr. White, you understand
9 that the issue today is very narrow. It doesn't
10 have anything to do with whether you're -- it
11 really doesn't have anything to do or has very
12 little to do with whether you're guilty or not
13 criminally. It really has to do with your
14 property, with the $21,000 and some jewelry.
15 MR. WHITE: Yes, ma'am, I'm aware of
16 that.
17 THE COURT: I mean, I guess it does
18 have something to do with whether you're guilty or
19 not.
20 MR. WHITE: Yes, ma'am.
21 THE COURT: But it really just has to
22 do with that $21,000 and the jewelry.
23 MR. WHITE: And it has something to do
24 with, okay, if I win my case, this case, this civil
25 case, if I'm going to get back $2000 or I'm going

1 to get back $18,000. You see what I'm saying,
2 ma'am?
3 THE COURT: Yes, sir.
4 MR. WHITE: And it's a lot of stuff,
5 plain old words, when you sign a contract that, oh,
6 well, we represented you in your state case. It
7 got dismissed, so we got it dismissed, so you still
8 owe us $9000. And we're going to take $8000 for
9 representing you in this case. You know, ma'am,
10 like, I ain't trying to get tricked again. You see
11 what I'm saying, ma'am?
12 THE COURT: I understand.
13 MR. WHITE: You know what I'm saying?
14 THE COURT: Well, this Court is not
15 going to trick you, sir. All right. You may sit
16 down.
17 Let me hear from Mr. Battle as to what
18 he has to say about the motion.
19 MR. BATTLE: Thank you, Your Honor.
20 Your Honor, we've had the case scheduled with
21 Mr. Wilson's office since -- I got an e-mail going
22 back to October 12, 2016. Mr. White had ample
23 opportunity to retain new counsel. I have -- we
24 originally filed this complaint May 19th of 2015,
25 so this is not a new lawsuit or a new forfeiture

1 action.
2 Your Honor, we would ask the Court to
3 deny any motion to continue based on a change of
4 counsel.
5 THE COURT: Well, I'm inclined -- I
6 mean, I don't care who represents you, Mr. White.
7 MR. WHITE: Yes, ma'am.
8 THE COURT: You certainly have the
9 right to be represented by whomever you wish. The
10 problem is apparently Mr. Brooker -- is that who
11 you wanted to represent you?
12 MR. WHITE: Yes, ma'am. And he tried
13 to give Mr. Wilson -- this is what he told me and
14 my family.
15 THE COURT: Okay. Now, you may stand,
16 sir.
17 MR. WHITE: Yes, ma'am. I'm sorry,
18 ma'am. I'm sorry.
19 THE COURT: That's okay.
20 MR. WHITE: I just really want to get
21 this point across. I'm in jail. I've been in jail
22 the whole time.
23 THE COURT: Yes, sir.
24 MR. WHITE: I have not had a bond, so I
25 could not -- I even wrote to the Battle Law Firm.

1 I talked to Mr. Battle on the phone, and he said he
2 could not talk to me. You know what I'm saying?
3 THE COURT: Because you were
4 represented by counsel. You understand that?
5 MR. WHITE: Yes, ma'am. I've been
6 trying to get in contact, but it's hard -- I'm in
7 Florence County -- to get in contact with
8 Mr. Wilson.
9 THE COURT: Yes, sir.
10 MR. WHITE: Every time I call his
11 office, I can't speak to him. I speak to an
12 assistant or personal secretary or something.
13 THE COURT: Mr. Wilson must have been
14 out of the office or with a client.
15 MR. WHITE: He's always in a meeting or
16 he's always -- I've seen him one time.
17 THE COURT: Yes, sir.
18 MR. WHITE: I've seen him totally for
19 the whole time he had this case, I've seen him
20 three times.
21 THE COURT: Yes, sir.
22 MR. WHITE: And the last time I seen
23 him was in October when he came to tell me that he
24 had a date for my trial. I said: Did you speak to
25 Mr. Brooker? He's been trying to get in contact

1 with you. He said: I haven't talked to him.
2 Mr. Brooker said: I left a message with his
3 secretary. Mr. Brooker went to his office with the
4 consent forms about three weeks ago.
5 THE COURT: Yes, sir.
6 MR. WHITE: And he said that he could
7 not get in contact with Mr. Wilson. Then he's been
8 waiting on -- I've been calling him. I even had my
9 family call Mr. Wilson. I talked to Ms. Marlboro.
10 I talked to Jasmine at his office and said I would
11 like him to please make sure that this transfer
12 goes immediately so Mr. Brooker can have time to
13 review my forfeiture because if you grant him a
14 week, he can have it -- he'll be here. I know
15 what's going to happen even if I win this case.
16 It's like I lost. You see what I'm saying?
17 THE COURT: No, sir.
18 MR. WHITE: On the grounds that, okay,
19 if I win this case, then you give me back my
20 $21,000. Then he, somebody somehow I end up
21 getting $5,000. You see what I'm saying?
22 THE COURT: No, sir.
23 MR. WHITE: I mean...
24 THE COURT: You mean you wind up
25 spending that money on attorney's fees? Is that

1 what you're talking about?
2 MR. WHITE: No, because my fees, I made
3 it very clear, like, I never signed nothing saying
4 he'd get a third. I never signed saying nothing
5 about -- he hasn't told me what I own him yet. He
6 still hasn't told me.
7 THE COURT: I mean, if you were to win
8 the case, wouldn't you get your money back?
9 MR. WHITE: No. I mean, when he takes
10 what he wants to take out of it, then give me the
11 money.
12 THE COURT: Oh, I see what you're
13 saying. You're afraid the attorney would get the
14 money?
15 MR. WHITE: Yes, ma'am, that's what I'm
16 saying.
17 THE COURT: I've got you.
18 MR. WHITE: Yes, ma'am, that's what I'm
19 saying because it's a reason why it took so long
20 for him not to give this to Mr. Brooker. And I
21 tried to call him on my case during federal. I
22 said, Man, please work with me. You can get the
23 rest of the money out of this forfeiture. Please
24 keep my case. I'm not representing you. It was,
25 like, I couldn't get in contact with him. I

1 couldn't call. For somebody to do me like that, I
2 really feel like, okay, I don't want him
3 representing me on this case. I expressed that to
4 him. I expressed that to him in October.
5 THE COURT: Well, it's usually a
6 two-way street when attorneys -- is it Booker or
7 Brooker.
8 MR. WHITE: It's Brooker.
9 THE COURT: Well, Mr. Brooker, even
10 though he can't talk to him on the phone, there's
11 always e-mail and what we call snail mail. You
12 don't just have to talk to him on the phone. You
13 can communicate by e-mail and that kind of thing.
14 It's my understanding that -- well, I don't know.
15 What I know is yesterday I get a consent order
16 substituting counsel where Mr. Wilson is going to
17 give up representing you and Mr. Brooker is going
18 to take over representing you. And that's fine,
19 but what I had my law clerk, Ms. Sadek, do is call
20 Ms. Brooker and say: This is perfectly fine, but
21 what I want you to know, Mr. Brooker, is this case
22 is going forward tomorrow. This case is scheduled.
23 I've already signed an order of transport, and
24 Mr. White is going to be in town last night.
25 MR. WHITE: Yes, ma'am. I guess he

1 felt like he didn't have enough time.
2 THE COURT: That's right.
3 MR. WHITE: He didn't have enough time.
4 THE COURT: That's right. But, now,
5 Mr. Brooker and Mr. Wilson, both have known, and
6 you have known, that this case was scheduled for
7 today at 1 o'clock for quite some time.
8 MR. WHITE: Yes, ma'am. Yes, ma'am.
9 THE COURT: And this order substituting
10 counsel apparently was just e-mailed or faxed
11 yesterday. I don't know when it was signed by both
12 attorneys, but it was sent over to my office,
13 hand-delivered, yesterday. And that's perfectly
14 fine. I was very happy to have signed it, but I
15 just wanted Mr. Brooker to realize that this case
16 was scheduled for today. And I didn't know if he
17 knew it or not because he had not been involved in
18 the case.
19 Once he talked to my law clerk and
20 found out that it was scheduled for today, he said
21 he understood that a motion for continuance was
22 supposed to have been scheduled and heard -- and he
23 assumed it was going to be granted -- he withdrew
24 his consent to an order substituting counsel.
25 MR. WHITE: Because nobody probably

1 sent him the stuff in time. You see what I'm
2 saying? Like he has to wait on Mr. Wilson to give
3 him all this stuff. He told --
4 THE COURT: He could have gotten in his
5 car and driven to Horry County.
6 MR. WHITE: He did. He went to
7 Mr. Wilson's office.
8 THE COURT: Well, I don't know anything
9 about that, but all I'm telling you is we've got a
10 problem, and the problem is this case has been
11 scheduled for quite some time.
12 MR. WHITE: Since October, yes, ma'am.
13 THE COURT: Yes, sir. And I know
14 you're at a loss because you've been in prison.
15 You've been in jail, and your hands have been tied.
16 MR. WHITE: Yes, ma'am.
17 THE COURT: But in --
18 MR. WHITE: And I don't have no family
19 to get on Mr. Wilson. My people are in New York.
20 My mother is dead. I have no father. I have no
21 family to go down to his office --
22 THE COURT: I understand. I
23 understand. And I feel for you, but the Court has
24 had this scheduled for quite some time, at least
25 since October. And now here we are December the

1 6th for the hearing.
2 I can assure you that Mr. Wilson has a
3 wonderful reputation, and it appears as if he spent
4 last night preparing for the hearing, and I think
5 he spent some time with you preparing for today's
6 hearing.
7 MR. WHITE: I -- you're talking -- I
8 only spoke to him -- you're talking about just now?
9 THE COURT: Well, he has prepared for
10 today's hearing.
11 MR. WHITE: I don't have no paperwork
12 or nothing from a year, from almost a year ago that
13 he sent me.
14 THE COURT: But that was on your
15 criminal matter.
16 MR. WHITE: No. He had the civil case
17 too.
18 THE COURT: Okay.
19 MR. WHITE: He had both of them each
20 time, and he was supposed to represent me for both
21 of them. And when I took federal, that's when he
22 said: I'm not representing you on the state, but
23 I'll keep your forfeiture. I'm like, I want you to
24 represent me for both of them. That's why I was
25 trying to explain. I guess I didn't express it the

1 right way to you. And it was like, no, I'm not
2 going to represent you. I couldn't talk. I tried
3 to call his office so many times, and his secretary
4 said: He's not representing you anymore. And I
5 said: Well, I thought he still had me for the
6 forfeiture. I'm trying to ask them. You can take
7 money out of the forfeiture if you'll please
8 represent me because my family don't have -- my
9 family was paying for my lawyer.
10 THE COURT: I understand.
11 MR. WHITE: And my grandmother is old.
12 She came from New York because she -- that's my
13 grandmother right there.
14 THE COURT: Yes, sir. And I'll give
15 you some time just to talk with your grandmother
16 today.
17 MR. WHITE: And all I'm saying is that
18 it's on purpose because all this -- my lawyer asked
19 two -- Mr. Brooker asked two weeks ago for them to
20 send the file so he could prepare, and he never got
21 the file to him. And then when I kept calling his
22 office, ma'am -- all this is on purpose -- I didn't
23 even get a consent form within 24 hours for my
24 lawyer to represent me, for Mr. Brooker to
25 represent me. You see what I'm saying, ma'am? All

1 this is on purpose because I'm in jail. So all
2 this is to, like, cross me over or to -- I've got
3 you. I'm going to get this out of you. I'm going
4 to get this out of you. Because if you wasn't
5 going to represent me, why didn't you leave both
6 cases? Why would you try to hold onto my
7 forfeiture?
8 THE COURT: Mr. White, why would he
9 want to get you?
10 MR. WHITE: To me, it's all about
11 money. It's all about money, ma'am. Some people
12 are built on money.
13 THE COURT: Okay.
14 MR. WHITE: And you know, some lawyers
15 do this because they love justice; some lawyers do
16 this because they want to get paid.
17 THE COURT: Yes, sir.
18 MR. WHITE: And you know, it's a reason
19 why people do people like this. You see what I'm
20 saying?
21 THE COURT: Okay. I don't believe Mr.
22 Wilson did that in this case. Mr. Wilson, as far
23 as I know, is a good attorney, and I think he'll do
24 a good job for you today. I'm going to deny the
25 motion for a continuance. I think you'll see that

1 Mr. Wilson does a good job.
2 MR. WHITE: Yeah, but I ain't going to
3 get my money. I ain't going to get my money.
4 THE COURT: Well, let's see. Let's see
5 what happens.
6 All right, Mr. --
7 MR. WILSON: I've got another issue,
8 Judge.
9 THE COURT: You've got another issue?
10 MR. WILSON: Yes, Your Honor.
11 THE COURT: All right, Mr. Wilson.
12 Let's hear the other issue.
13 MR. WILSON: And just for the record,
14 the Court denied the motion to relieve me?
15 THE COURT: I didn't -- no, sir, I
16 didn't deny the motion to relieve you; I denied the
17 motion for continuance.
18 MR. WILSON: All right, Judge.
19 THE COURT: I would grant the motion to
20 relieve you.
21 MR. WHITE: So if you relieve him, what
22 happens?
23 THE COURT: But I don't want -- I don't
24 think it's proper to relieve you today and make
25 Mr. White proceed pro se.

1 MR. WILSON: Yes, Your Honor. Thank
2 you, Judge. All right.
3 Do you want to go forward?
4 MR. WHITE: I have to go by myself?
5 THE COURT: No, sir.
6 MR. WHITE: I wouldn't. I mean -- what
7 do you mean?
8 THE COURT: Mr. Wilson, didn't you
9 prepare last night for this hearing?
10 MR. WILSON: I did, Judge.
11 MR. WHITE: I do want him relieved off
12 my case, but I'm not an attorney. But I do want
13 him relieved off my case, ma'am. I want him
14 relieved with extreme prejudice. I want him off my
15 case.
16 THE COURT: You want to proceed pro se?
17 You want to proceed representing yourself today?
18 Because I'm not going to continue this.
19 MR. WHITE: No, ma'am.
20 THE COURT: Okay. I think Mr. Wilson
21 will do you a good job today.
22 THE COURT: All right, Mr. Wilson.
23 MR. WILSON: Judge, the major issue in
24 the trial -- and it's going to be a major issue for
25 the defense in this case, Your Honor -- we served

1 on the State and through Mr. Battle's office back
2 on August 3rd a letter of service -- certificate of
3 service request for production as well as
4 defendant's interrogatories and defendant asking
5 for photographs, videos, witnesses, et cetera, et
6 cetera. The stock stuff that's given. That was
7 never responded to.
8 THE COURT: Okay.
9 MR. WILSON: There's been no response
10 by the State. As a matter of fact, I know that
11 Mr. Battle has set up a camera -- or excuse me -- a
12 video and a DVD player or CD player, but nothing
13 was ever given to us at all. No audio, no
14 witnesses. Nothing. The only three documents I
15 ever received, which I find it odd -- I talked with
16 Mr. Battle this morning, and he said that, well, we
17 never -- you guys never sent a request for
18 discovery.
19 Your Honor, if I may approach.
20 THE COURT: Certainly.
21 (Mr. Wilson handed up document to the Court.)
22 MR. WILSON: And I sent copies of this
23 this morning to Mr. Battle, Your Honor --
24 THE COURT: Yes, sir.
25 MR. WILSON: -- so he would have a copy

1 of the actual letter and the certificate of service
2 but not the actual documents requesting it because
3 I didn't want anybody to do anything weird. But
4 our concern is this, is that now they propose to
5 take $21,000 from Mr. Marvin White, and they have
6 not produced one document that they intend on
7 putting up. Not one witness they intend on putting
8 up. And I would submit to the Court that under the
9 rules, the federal rules as well as the state
10 rules, that anything that was not provided or
11 produced under discovery requests is to be
12 admitted. Excuse me. To be not admitted in to
13 trial. And my serious concern here is that they've
14 gone to great lengths, obviously, to get the video
15 from the bank and other things that would suggest
16 that -- I would assume that what he's going to
17 offer it as evidence, but again, none of that stuff
18 has been shown to him. And the defendant is right.
19 He never got a document in this matter. Not one
20 document. Never one video. And the reason is
21 because it was never produced by the State to us.
22 I did represent Mr. White in a criminal
23 matter, but, again, because of the legal issues
24 they had with the search warrant and other things
25 going on, they had a hard time tying the dots to

1 Mr. White. In this particular case, we've not
2 received one document, Judge. I would ask the
3 Court to exclude any testimony, any witnesses.
4 This is not a criminal matter. It's a
5 civil matter, so we would have had an opportunity
6 to depose witnesses, go over evidence, obviously to
7 pour over it. We would ask that the Court excuse
8 or dismiss any particular evidence in this matter
9 because of the lack of response from the plaintiff.
10 And this was actually last year, I believe, when we
11 served this.
12 THE COURT: Well, that's not exactly
13 how it works in circuit court. Did you make a
14 motion to compel?
15 MR. WILSON: No, your Honor. We made
16 no motion because I see nothing in case law which
17 suggests there is a mandate to assist the State
18 with its case in seizure actions. Not with other
19 cases, but this is a seizure action where they
20 brought -- they're trying to actually take his
21 money. There is no mandate to assist him with his
22 case in seizure actions, Judge. They're
23 responsible for making certain that if we serve the
24 request to get any information to us so that we can
25 go over it and so they can have it for trial, and

1 obviously we have an opportunity to go through
2 these things in civil matters. Nothing was ever
3 given. And Mr. Battle, to his credit, acknowledged
4 that this morning, that they never sent it, because
5 they thought that they didn't have to.
6 THE COURT: They thought they didn't
7 have to?
8 MR. WILSON: That's correct, because
9 they thought that we did not obviously give them
10 any request, but we did. And I think Rule 33
11 through 37 pretty much sums it up.
12 THE COURT: Yeah, but Rule 37 requires
13 a motion to compel before you have sanctions
14 awarded.
15 MR. WILSON: Judge, it says may.
16 THE COURT: You're skipping over the --
17 you're skipping right over to the sanction of
18 saying if they cannot produce it, they can't go
19 forward and produce documents at trial, which is
20 one of the sanctions.
21 MR. WILSON: No, Judge, I'm not. I'm
22 not jumping to sanctions. What I'm saying is that
23 we're now at trial. This is not a motion for
24 summary judgment. This is not a me coming in for a
25 motion to compel. The rule says may. You may.

1 And in all the case law that I've read, there's no
2 mandate to put the State on notice or put the
3 plaintiff on notice that they haven't actually
4 turned over documents to us. They have an
5 obligation to do it once it's served. So it says
6 may. It doesn't say shall or must. And it's an
7 option that is held by obviously the defendant. We
8 didn't bring the action against Mr. White. The
9 State brought the action as the plaintiff, so their
10 burden and obligation is to obviously respond to
11 requests. That's the issue.
12 And then there's massive case law on
13 it, Judge. I have a copy of two cases. The court,
14 one in Gowdy and the other court, I believe, in
15 Gibson, Judge --
16 THE COURT: Let me see those cases.
17 MR. WILSON: Thank you, Your Honor.
18 The Court's indulgence, Your Honor.
19 THE COURT: There had only been
20 discovery requests sent there, not a court order?
21 MR. WILSON: That's correct, Your
22 Honor. That's correct. Judge, there are two cases
23 on point. My apologies. There are two cases on
24 point that actually talk about this. My apologies.
25 We thought we had them in the file from last night

1 when we were working, so I apologize that we don't
2 have them in there. But there are two cases which
3 talk about whether or not there is a mandate or
4 whether or not the State needs to actually show
5 evidence or if they show evidence that if they
6 haven't sent it to us and we made a formal request
7 for it -- this is not where we called him up or
8 sent an e-mail saying, tell me what you've got.
9 But he actually supplemented what he thought was
10 discovery on yesterday which shows that he really
11 thought they had to because, again, why would he
12 send me then three more documents?
13 THE COURT: I'm sure he's supposed to.
14 MR. WILSON: Right, he's supposed to
15 send it.
16 THE COURT: I'm sure he's supposed to.
17 But the question is if he hasn't, is he totally
18 precluded from producing the documents at trial?
19 MR. WILSON: Well, it's a civil case,
20 Judge. If he doesn't produce his witnesses, what
21 opportunity does the defendant have to depose them?
22 If he doesn't produce his witnesses or his
23 videotape, what chance do I have to show that
24 they're not relevant or all the other pertinent
25 things that you would do in a trial?

1 You know, again, I am at a loss for
2 having the ability to actually go forward with this
3 case because, again, they have yet to give us even
4 a search warrant which would be germane to whether
5 or not they had a right to go in this man's safe
6 deposit box. We haven't received one thing.
7 THE COURT: What cases are you relying
8 on?
9 MR. WILSON: Judge, I don't have the
10 names on them. We can look them up real quick.
11 THE COURT: That's okay.
12 MR. WILSON: We found them last night,
13 Your Honor. My apologies.
14 THE COURT: Okay. Go ahead.
15 MR. WILSON: Judge, what we're asking
16 for obviously is that putting him at a disadvantage
17 in this trial by not turning over those items is
18 highly prejudicial to my client.
19 THE COURT: Okay. What items are you
20 talking about?
21 MR. WILSON: Anything they have. We
22 don't know what they have. They never turned over
23 one document. They obviously are planning on
24 playing a video. He was in here earlier preparing
25 it, so they have that. I never saw this video. It

1 was never produced to me at all, period. And,
2 again, the obligation is on the State. It's on the
3 plaintiff.
4 THE COURT: And in the underlying
5 criminal matter, you weren't provided any
6 documents?
7 MR. WILSON: Judge, because we got the
8 case dismissed so quickly -- and I know my client
9 has his own view of this -- there were no documents
10 that were really provided to us. We got some
11 search warrants that related to the car, but not a
12 search warrant that was related to the actual bank
13 safe deposit box. That was never given to me. And
14 I'm being completely honest with the Court although
15 I think it's a separate matter, and I don't think
16 that obviously we be held that, you know, if it was
17 given to us, but that was never given to us.
18 This case was a bad case in criminal
19 court which is why the feds took it, but it was
20 also something obviously that the court felt -- the
21 Solicitor's office felt that it needed to go to the
22 US Attorney's Office, and they had a right to do
23 that. I've got no qualm with that, but my issue is
24 now you have a case now, and the defendant is here
25 and I'm here. And obviously I don't have the

1 things that we would need to contest what the State
2 has given.
3 And, again, the obligation is not on us
4 to assist them in any manner whatsoever with their
5 case trying to take his stuff. You know, it would
6 be malpractice for me to say, hey, you forgot about
7 this. Don't forget to send me that stuff. He has
8 to actually make it available to me once I ask for
9 it.
10 Now, if I didn't ask for it, it would
11 be a whole different story. I would agree with the
12 Court. But we asked for it. And this morning when
13 I sent him the actual letter, I don't know if he
14 knew we had already sent it, but we had, Judge.
15 One of the cases, Your Honor, is
16 samples versus Mitchell, a 2007 case.
17 THE COURT: Okay. Let me get that
18 site. Samples versus Mitchell?
19 MR. WILSON: Yes, Your Honor.
20 THE COURT: What's the site for that,
21 please?
22 MR. WILSON: It is Court of Appeals
23 South Carolina case, Rosie Marie Samples,
24 Appellant, Vincent Louis Mitchell, Respondent,
25 Number 2747, November 3, 1997 is what it says, Your

1 Honor.
2 THE COURT: I'm sorry. What was the
3 site?
4 MR. WILSON: That's the only thing I
5 see on here, Judge. I don't see any other
6 information regarding it.
7 THE COURT: What year?
8 MR. WILSON: This is a 2007 case, Your
9 Honor, but it was decided in 1997.
10 THE COURT: So 1997? We ought to have
11 a site for it if it's a 1997 case.
12 MR. WILSON: Indulgence, Your Honor. I
13 don't see a site on here, Your Honor. All I see is
14 just a case caption and then the date that it was
15 decided.
16 THE COURT: Okay. Let me hear from --
17 are you through with that argument, Mr. Wilson?
18 MR. WILSON: Yes, Your Honor.
19 THE COURT: All right. Mr. Battle, let
20 me hear from you, sir.
21 MR. BATTLE: Sure. Your Honor, I never
22 saw Mr. Wilson's discovery request. I didn't know
23 anything about it until this afternoon when he
24 called and said that he had sent them to me, and
25 the certificate of service said August 2015.

1 THE COURT: August 3, 2015.
2 MR. BATTLE: Right. I e-mailed back
3 and said: Well, can you just send me the discovery
4 request. And I never got an e-mail back. In all
5 my e-mails and conversations with Mr. Wilson, never
6 once has he mentioned to me, hey, where is your
7 discovery responses, so I'm at a loss as far as
8 Mr. Wilson's discovery request. We searched our
9 office when I got off the phone with him. I can't
10 find any record that we ever received those.
11 THE COURT: Okay. Usually -- I don't
12 know. I don't know exactly how you practice, but
13 when I was practicing, if I didn't receive the
14 responses to discovery, I would generally send a
15 little note saying: I haven't received your
16 discovery responses. Could you send them with to
17 me within 30 days? And then if I didn't get them,
18 then I would do a motion to compel.
19 MR. WILSON: And that would be the
20 tactic that I would have used had this been a
21 normal civil case. What we've noticed is that
22 there are a lot of cases that are going through the
23 system that are not worked properly and according
24 to the rules, and we've noticed that in only
25 seizure cases. We've had the same issue go on

1 before where things haven't been disclosed or
2 discussed. It happened to me in a trial actually,
3 Judge Culbertson with Mr. Battle, where there was a
4 video that was never produced to us they showed at
5 trial.
6 THE COURT: Well, this doesn't even
7 mention a video.
8 MR. WILSON: But it says: Any
9 communications that are audio or video in nature,
10 reports. It covers everything. It's the natural
11 rule, Judge.
12 THE COURT: Well, I mean, regardless of
13 that, my point is you go from August the 3rd, 2015
14 until yesterday before you say anything about I
15 have not received your discovery responses. What
16 gives?
17 MR. WILSON: There is no -- again,
18 Judge, there is no case law -- and we've looked
19 last night. I looked. I scoured. There is no
20 case law which places a mandate on the defendant to
21 place the State or the plaintiff on notice to seize
22 his own property.
23 THE COURT: Well, no, no, no. You
24 don't even have to do discovery.
25 MR. WILSON: Right. Exactly.

1 THE COURT: There's no mandate to even
2 do discovery.
3 MR. WILSON: Right.
4 THE COURT: But my point is if you --
5 the practice or kind of the policy or the practice,
6 at least around here, normally is you send a
7 discovery request, and you know, it may not ever
8 get there. Unless you hand-deliver it, you don't
9 know if it gets there or not. But what most people
10 normally do is, you know, after a couple of months
11 at least -- you know, they're supposed to answer it
12 within 30 days, 35 days. I usually waited two
13 months or so -- call them and say, are you going to
14 answer that or what's the deal? Do you have
15 problems? Then if they don't, then you send them a
16 letter and say, you know, you promised me you were
17 going to send it. Are you going to do it? And
18 then you move to compel.
19 MR. WILSON: Judge, it's highly
20 prejudicial to the defendant to have to tell the
21 State -- this is not an action where you have two
22 parties honestly who are suing each other. That's
23 not what this is. This is the State promulgating
24 an action regarding seizure.
25 THE COURT: Well, it's not prejudicial

1 to remind the State to give you documents that may
2 help you defend your case. How can that be
3 prejudicial?
4 MR. WILSON: It is highly prejudicial
5 when if I right now -- if I go and I say, you know
6 what, I've got to remind him. Let's say a month
7 ago I reminded him that, oh, you forgot to send --
8 THE COURT: You're not reminding him to
9 prove his case. You reminding him to give you
10 documents that may help you defend your case.
11 MR. WILSON: But the procedure requires
12 the burden -- the burden is on the State.
13 THE COURT: I understand the burden of
14 proof.
15 MR. WILSON: Right.
16 THE COURT: I understand the burden of
17 proof. He's the plaintiff, so he's got to prove
18 his case, but that's the same in any civil case.
19 MR. WILSON: That's correct, but --
20 THE COURT: But you want to get
21 documents from him that are going to help you.
22 Otherwise, you wouldn't have sent him the discovery
23 request. So when he didn't send you the discovery
24 request, you say, I want that discovery. Do you
25 want it or not?

1 MR. WILSON: No. I want the discovery
2 if they have it, but I asked for it. I didn't get
3 it.
4 THE COURT: So you call up and say,
5 where is it.
6 MR. WILSON: There's no mandate in the
7 rules, Judge. There is no rule that says I've got
8 to call him or compel. The reason the rule is
9 written the way it is, it says, may compel. We
10 don't have to. We don't have to compel him.
11 THE COURT: Read Rule 37.
12 MR. WILSON: There's no mandate in the
13 rule. I read it last night ten times, Judge.
14 There's no mandate in that rule. It says: You may
15 file a motion to compel. You don't have to. But
16 the State still has an obligation to respond. And
17 if they don't respond, then obviously they can't
18 use it in trial. They can't use it.
19 Now, we have done cases together
20 before, you know, and Mr. Battle will send me stuff
21 via e-mail. He sent me, again, three documents
22 additional to what I guess he thought he sent me,
23 which I knew then he thought there was some
24 discovery hanging out there because why would he
25 send it?

1 THE COURT: No. He said he never -- he
2 doesn't believe he ever got your discovery request.
3 MR. WILSON: Then, Your Honor, I would
4 beg the question to the Court then why did he send
5 me three documents a day ago?
6 THE COURT: Let's ask him.
7 Mr. Battle, why did you send him three
8 documents three days ago?
9 MR. BATTLE: Your Honor, they had to do
10 with Mr. White's federal indictment, and I sent
11 them as a professional courtesy.
12 THE COURT: There you go.
13 MR. WILSON: Judge, he has not
14 responded to the discovery request. Obviously, he
15 wants to put up a video. He has witnesses or at
16 least one witness here who wants to testify who was
17 never divulged to the Defense.
18 THE COURT: I'm sorry. What? I didn't
19 get that. What did you say, sir?
20 MR. WILSON: What I'm saying is that
21 there's a video he wants to show which may depict
22 this defendant that I have not seen. He also wants
23 to put up a witness to divulge information to the
24 Court that I have no idea about. And the whole
25 purpose --

1 THE COURT: Me either. I don't know.
2 MR. WILSON: But Your Honor is not
3 trying the case. It's me with my defendant. And
4 Your Honor has no interest in this case. He does,
5 Judge. He has a severe interest. And again --
6 THE COURT: Absolutely. He's got quite
7 a bit of property at stake.
8 MR. WILSON: Absolutely. And it's
9 incumbent upon the State, again, to respond to this
10 stuff. And again, we see these all the time where
11 they're --
12 THE COURT: I think he would have
13 responded had he known that it was there.
14 MR. WILSON: And, again, that may be
15 the case. I don't know what happened to it, but I
16 do know this, that it is common practice in court
17 when someone is not served discovery or they have
18 refused to turn over a document, regardless of
19 whether or not there's been a motion to compel, if
20 we don't receive it, then they can't bring it into
21 court. And that is the issue we have here today.
22 And obviously for obvious reasons, for strategic
23 reasons or whatever my reasons were, I didn't feel
24 it necessary to warn or remind the State to bring a
25 case against my client. That's their

1 responsibility. The procedure obviously --
2 THE COURT: That's not what I'm saying.
3 No, sir.
4 MR. WILSON: Yes, Your Honor.
5 THE COURT: That's not what I'm saying.
6 We're talking about discovery documents. He has
7 the documents regardless of whether he gives them
8 to you or not.
9 MR. WILSON: Not just the documents,
10 Judge. You're talking about witnesses. You're
11 talking about videos.
12 THE COURT: I understand.
13 MR. WILSON: Audio. These are
14 documents that are related to whether or not they
15 had a right to even go into -- I haven't even
16 looked at it. I haven't seen it. Whether they had
17 a right to go into the safe or not, the safe
18 deposit box. Those are things that are germane
19 that should be turned over. And that's my issue.
20 And, again, it would be completely, in my opinion,
21 a miscarriage of justice to allow the State to go
22 forward. It's no difference from ambush by trial
23 which is another term that the court uses when they
24 talk about turning discovery over. Again, I've
25 seen this happen before. This happens a lot.

1 THE COURT: What happens a lot?
2 MR. WILSON: Where, again, items in
3 these seizure cases throughout the State are not
4 being turned over. They're not being turned over
5 and then used in trial because, again, it's not a
6 criminal trial. It's a civil trial that is pretty
7 much, you know, governed by different rules than
8 you have in criminal court.
9 Right now if I'm in a murder trial or a
10 drug trial, they can come up to me the day of the
11 trial and say, look, this is my witness list. It
12 doesn't work that way in civil cases because you
13 have a right to depose under the rules. So again,
14 the mandate is on the State, and there's a burden
15 on them in this case. There is a written
16 enumerated burden on the State to prove in seizure
17 cases that they have probable cause. And, again,
18 it's incumbent upon them to turn that over
19 regardless of whether I filed a motion to compel.
20 They refused to do it or choose not to do it,
21 whatever reason. I don't know why. But to me, as
22 a lawyer, it doesn't matter. It's about his
23 procedural rights being protected. You know, my
24 job as his lawyer is to govern the case
25 accordingly. When obviously I realized and saw

1 that they hadn't turned it over, why in the world
2 would I go then and tell him, look, James, man,
3 you've got a problem with this case. Turn over
4 discovery that you intend on using against my
5 client at trial. It is adverse to his position
6 which goes against one of the cardinal rules that I
7 am obviously governed by. I just can't do anything
8 adverse to his position, and that would be
9 absolutely adverse to his position, Judge.
10 And I think the Court -- honestly, I
11 know you're making the argument that I should do
12 it, but the argument in my opinion --
13 THE COURT: I'm not making an argument.
14 MR. WILSON: My issue is that they
15 should want to do it. If they want to bring him to
16 trial and take his property, they should want to
17 turn the documents over. They should want to make
18 sure I have the video. That should make sure these
19 things are done in a timely fashion so that when
20 they come to trial, then Mr. White says, look, I've
21 seen X, Y and Z. It's not incumbent upon me. He's
22 the defendant. He has no responsibility or burden
23 in this case whatsoever. The burden is entirely
24 upon them in these seizure cases entirely.
25 THE COURT: I mean, it's a civil case.

1 MR. WILSON: That's right.
2 THE COURT: The plaintiff doesn't just
3 automatically say here are my documents.
4 MR. WILSON: No. They do it when you
5 give them an actual document which says, give me
6 your documents, give me your recordings.
7 THE COURT: When you give them a
8 document request. And Mr. Battle says in this case
9 he never received the document request.
10 MR. WILSON: And yet Mr. Battle and I
11 have done business before. The paralegal that
12 actually sent the actual certificate of service and
13 mailed it out is here to with us today, Judge. You
14 can question her.
15 THE COURT: I'm not saying -- no, I
16 don't think Mr. Battle is saying she didn't send
17 it.
18 MR. WILSON: I understand.
19 THE COURT: I don't think he's saying
20 that at all.
21 Mr. Battle, are you saying that?
22 MR. BATTLE: I don't know, Your Honor.
23 I just know I never got that document with any of
24 those discovery requests.
25 THE COURT: I mean, she signed a

1 certificate of mailing saying she sent it.
2 MR. WILSON: She mailed it off.
3 THE COURT: Yes, sir.
4 MR. WILSON: And we do this all the
5 time. This happens all the time with cases that
6 we've done before in the past. But what's telling
7 to me -- and, again, for the Court, just for the
8 record, obviously my concern is that he e-mailed me
9 three documents on yesterday or the day before
10 yesterday which I received which I thought was
11 noteworthy because, again, if there's no
12 responsibility, if that's truly how he feels,
13 there's no responsibility to give any information
14 to me, why send me three documents? It's
15 supplemental discovery, Judge. That's what it is.
16 And he was supplementing what he thought he already
17 sent. We never received anything.
18 THE COURT: I mean, I guess it all
19 depends on how he characterized it when he sent it
20 to you. When I was practicing, I would say what it
21 was. I would say, I've enclosed the following, and
22 I would attach it to a document entitled what it
23 was.
24 MR. WILSON: Your Honor, what he said
25 was: Ralph, please find the attached documents for

1 Marvin White's federal criminal charges which I may
2 use at trial, which is discovery.
3 THE COURT: No, sir. When I did -- I
4 mean, I would say, answers or responses to requests
5 for discovery, and I would attach it so that when I
6 came into court, we didn't have this problem. You
7 knew exactly what it was.
8 MR. WILSON: And I understand that.
9 But, again, my practice is different. My
10 responsibility to this client is different. This
11 is a different, you know, issue when the State is
12 trying to seize property.
13 THE COURT: Well, when I came into
14 court, you knew it was a response to discovery
15 because it was attached, and it said exactly what
16 it was.
17 MR. WILSON: Right. Again, we never
18 received any of that. He's saying he never
19 received a request.
20 THE COURT: Exactly.
21 MR. WILSON: I'm saying that we sent it
22 to him and that again --
23 THE COURT: Nobody is disputing that.
24 I don't dispute -- I believe your paralegal that
25 she mailed it. I believe Mr. Battle when he says

1 he didn't get it. I don't disbelieve either one of
2 you.
3 MR. WILSON: I understand, Judge.
4 THE COURT: I have no reason to
5 disbelieve either one of you.
6 MR. WILSON: I understand. But my only
7 issue here is, again, advocating my client's
8 position, which I think is a fair one. Again,
9 there is no reason why these things shouldn't have
10 been produced. And inasmuch as I should jump up
11 and down --
12 THE COURT: Well, there is a reason not
13 to produce them. If you never received a request
14 for production, I wouldn't have produced them. Why
15 would I produce them if nobody ever requested them?
16 MR. WILSON: And that goes back the
17 same way, Judge. And if I made the request to him,
18 then why would I ask him to send it to me when I
19 realize obviously I've got trial in three months.
20 It would do me well not to even ask for it. He
21 can't put it up without it. He can't put it
22 through --
23 THE COURT: Yes, you can. In civil
24 court, you certainly can.
25 MR. WILSON: Judge, we would --

1 THE COURT: You can do it every day. I
2 did it every day.
3 MR. WILSON: Judge, we were just in
4 front of -- and James will tell you this. We were
5 just in front of --
6 THE COURT: If you don't request it, I
7 don't have to give it to you.
8 MR. WILSON: If I don't request it,
9 that's right.
10 THE COURT: Exactly. And he says you
11 didn't request it.
12 MR. WILSON: No. He said he didn't see
13 it, Judge, not that I didn't request it. I
14 requested it. So that's the issue. He said he
15 didn't see it. That's a different thing. The
16 issue for me is whether or not he did get it at
17 some point in time and they just honestly either
18 missed the ball on it or whatever.
19 THE COURT: Okay.
20 MR. WILSON: That's the issue for me.
21 THE COURT: Well, I'm just playing
22 devil's advocate here. If you don't have to make a
23 motion for an order compelling discovery to get an
24 order for sanctions, why would you ever do -- why
25 would you ever make a motion to compel to get an

1 order for sanctions? One of the sanctions is
2 leaving the evidence out of court.
3 MR. WILSON: Yeah. And I think, again,
4 that goes back to the actual subject matter.
5 Again, if this is a case where obviously I have a
6 personal injury case going on and I'm asking for,
7 let's say, a medical document or a document
8 regarding a car and it's, you know, issues or
9 defects, I know that document is with them. I have
10 an interest in it in going ahead and saying,
11 look -- and that's why the rule is written, may
12 file motion to compel. There is no obligation on
13 me to assist or warn the State about what it has
14 done or hasn't done. And again, even in a
15 plaintiff's case, in a PI case, I would have no
16 obligation to warn them and say, look, you haven't
17 served X, Y, and Z on me if you want those
18 documents. My job is to advocate for him and to
19 guard his position as carefully as I can.
20 THE COURT: Well, what's the
21 difference? You haven't told me the difference in
22 the two.
23 MR. WILSON: Between the actual two
24 situations?
25 THE COURT: Yes, sir.

1 MR. WILSON: It's the facts, Your
2 Honor. The facts. I mean, here you have a search
3 warrant. You have -- I imagine. I hope they have
4 one. You have a videotape which I would assume is
5 going to show my client in a bad light. You have
6 also other evidence that they may have which I
7 don't really care to see. It's not something I
8 want. It's not something I want at all. And it's
9 not going to help my client at all. So
10 procedurally, their responsibility is to give it to
11 me.
12 THE COURT: No, sir.
13 MR. WILSON: There is no difference.
14 THE COURT: So there is no difference?
15 MR. WILSON: No, no. What I'm saying
16 is there is no difference from my original argument
17 is what I'm saying. There's no difference to my
18 original argument. Again, I don't have to have the
19 documents. I don't have to even get them. They
20 don't have to turn them over. If I want to file a
21 motion to compel, that is a part of my strategy in
22 my case. My job is to make sure I don't do --
23 THE COURT: I don't see any difference
24 in the two cases.
25 MR. WILSON: Judge, his position would

1 be adversely affected. If I decided right now --
2 let's say two or three months ago I decided that
3 I'm going to go ahead and say, you know what,
4 James --
5 THE COURT: You're assuming. You're
6 assuming that what he has is bad.
7 MR. WILSON: I'm not assuming. I've
8 been in trial with James, and I know how -- Judge,
9 I know how these cases work. I know what they have
10 to prove. I know what documents they get from the
11 State and from the feds.
12 THE COURT: Most of it is going to be
13 bad, but not all. You don't know that all of it is
14 going to be bad.
15 THE COURT: All the stuff that they
16 produce every single time I do these cases -- and
17 I've done a lot of them throughout the state --
18 it's always bad information because they get to
19 cherry pick from the information they want from the
20 files. What I'm saying to the Court is that if
21 they don't turn it over, there is no obligation on
22 me that I have ever read in any case to actually
23 make them do their job. That's their
24 responsibility.
25 And, again, I would point back to the

1 Court's earlier argument. The Court's right.
2 Should I be jumping up and down? Yes, if it
3 affected my client's interest in a good way. But,
4 again, they should be jumping up and down if they
5 want to take his money. They should be, Ralph,
6 knocking on my door, as they did a day ago, and
7 going, look, we need to give you this stuff. You
8 need to have this because we're going to put these
9 people up on the stand. Like he said, I'm going to
10 use this at trial. He said that in his e-mail.
11 I'm going to use this at trial. Yeah, if he's
12 going to use it at trial, there's a reason to
13 disclose it.
14 The gentleman sitting to his left, I
15 would assume is his witness. I don't know who he
16 is. I have no clue. Never talked to her, never
17 saw her, never saw a witness list. Nothing. The
18 only documents I have from Mr. Battle's office are
19 the three documents he sent me which was yesterday
20 or day before yesterday. And he said, this is what
21 I intend to use at trial. That is discoverable
22 material. He knew that because we just had a case
23 in front of Judge Culbertson where Judge Culbertson
24 denied the same motion that I had when I didn't
25 have the witness on the list. You can't use it if

1 it's not on there. If it's been asked for and you
2 don't produce it, then you can't use it. That is
3 black-letter law in cases, and it's the rule. And
4 my concern here, again, is not for --
5 THE COURT: I don't see a rule that
6 says that.
7 MR. WILSON: My concern -- Rule 37,
8 Judge, talks about it. It talks about these
9 issues, Your Honor. But my concern --
10 THE COURT: Rule 37 -- I've got Rule 37
11 right in front of me.
12 MR. WILSON: Judge, Rule 37 in the
13 first and eighth, it says: A party, upon
14 reasonable notice to the other party and all
15 persons affected thereby, may apply -- may apply --
16 THE COURT: May apply for an order
17 compelling discovery as follows. You didn't do
18 that.
19 MR. WILSON: That's right. No, I
20 didn't. I did not. Actually, I admit that to the
21 Court. I actually did not ask for an order to
22 compel discovery.
23 THE COURT: Well, you just said there's
24 a rule right on point.
25 MR. WILSON: No. What I'm saying is

1 that the rule says may, but the option belongs to
2 me. That's what I'm saying to the Court.
3 THE COURT: Well, you didn't get an
4 order.
5 MR. WILSON: No, I didn't get an order.
6 Absolutely not.
7 THE COURT: But now you're asking for
8 one.
9 MR. WILSON: No, I'm not. I'm asking
10 for a ruling based on the fact that they haven't
11 actually gone ahead -- because my next step if the
12 Court grants my motion -- obviously I'm going to go
13 ahead and ask the Court to rule in my client's
14 favor. That's what I'm going to ask for, Judge. I
15 mean, that's my plan.
16 To be honest with you, again, I would
17 say this to you. My responsibility as a lawyer is
18 not to help him affect his case. That is not my
19 job. That's why the rules were written the way it
20 is. My job is not to help him affect his case and
21 his position. And if that's procedural due process
22 or substantive due process --
23 THE COURT: You know, part of it might
24 be when you make these motions, you know, if you
25 had made this motion and if you'd come in front of

1 me or Judge Culbertson, that's when James or
2 Mr. Battle would have come up and said, I'm sorry.
3 I didn't even know you served it on me. And I
4 guarantee you Judge Culbertson or I would then say,
5 well, Mr. Battle, apparently you have been served,
6 and here it is. And any judge would have given him
7 30 days to respond.
8 MR. WILSON: I understand. But, again,
9 I would go back to my original argument.
10 THE COURT: Don't you think?
11 MR. WILSON: I don't know, Judge,
12 because if you're on the day of the trial --
13 THE COURT: I guarantee you no udge
14 would then say, case over. You cannot put up any
15 witnesses. You cannot put up any documents. Case
16 over. Case dismissed. That would not happen.
17 Judge Culbertson wouldn't do it, I wouldn't do it,
18 Judge Hyman wouldn't do it, if you had made a
19 motion to compel.
20 MR. WILSON: The question for the
21 defendant is this. Whether or not it would be
22 adverse to his position -- excuse me -- to my
23 client if I asked for that information. I don't
24 need to. There is no requirement to do it. Yes,
25 it's common practice, and there are times when I

1 will send letters out in PI cases and say, look --
2 but, again, it doesn't require me to do it. The
3 rule does not require me to do it. Their job is to
4 prosecute their case. They're trying to take his
5 property, not trying to sue him for money. They're
6 trying to --
7 THE COURT: Look, you've already said
8 that over and over again. They're trying to
9 prosecute their case.
10 MR. WILSON: Right.
11 THE COURT: You're trying to say, I
12 asked for the documents.
13 MR. WILSON: That's right.
14 THE COURT: And I asked for the
15 interrogatories.
16 MR. WILSON: That's right.
17 THE COURT: They didn't respond, but I
18 didn't make a motion under the rule.
19 MR. WILSON: The rule doesn't
20 require --
21 THE COURT: I understand that. You've
22 said that probably now the tenth time.
23 MR. WILSON: Yes, Your Honor.
24 THE COURT: I'm saying if you had made
25 the motion, that's when you have found out that

1 Mr. Battle never got your request.
2 MR. WILSON: Again, Judge, I think
3 that, you know, if the Court is taking the position
4 that the onus is on the defendant, it's not.
5 THE COURT: I'm not saying the onus is
6 on the defendant.
7 MR. WILSON: If he wants to take the
8 money, he should go ahead, as a plaintiff normally
9 does, make sure that you've got everything you
10 intend on putting up. That's what plaintiffs do.
11 The obligation is on the plaintiff, not -- and I
12 think the Court is being --
13 THE COURT: What obligation?
14 MR. WILSON: To turn over information.
15 THE COURT: No, sir, it is not.
16 MR. WILSON: So the defendant's
17 obligation, then, is to put them on notice that
18 they have not turned anything over?
19 THE COURT: No, sir.
20 MR. WILSON: Judge, it can't be both
21 ways. What I'm saying is that his obligation is to
22 turn it over. And if you don't even --
23 THE COURT: You don't even have to do
24 discovery.
25 MR. WILSON: If he wants to -- but we