

The State Of South Carolina
In The Court of Appeals

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JAN 06 2020
SC Court of Appeals

Appeal From The Court of General Session 13th Judicial Circuit
Court of Common Pleas Motions Hearing

Alex Kinlaw, Jr., Law Judge
Case No. 2017CP2305529

South Carolina ex rel, W. Walter Wilkins, Solicitor, 13th
Judicial Circuit

VS.

2006 Ford F-350 (vin - 1FTWW31P86ED61140) Property
AND
David Green Jr., and Tonja Flythe-Harkless, Appellant

Pro Se: David Green David Dreen
20 Mc Gee Street
Greenville, S.C. 29601

I.

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New Evidence which was held back from me until after hearing on July 19, 2018

(1) was the stop video minus Deputy Cannon's Body cam footage. I tried to video before hearing but none was given.

(2) Transcript Page 4 and Line 23-25 and 1-15

State that Mr. Green was arrested for a parole warrant from Maryland but new evidence of Dispatch report show that Maryland warrant warned Dep. Cannon to do not arrest twice. The ^{video} transcript also states that Mr. Green was not arrest for a warrant. Looking at the video footage the Deputy was not close enough to see the expired tag when he blue lighted me.

Therefore the stop was not for a expired tag but a lane violation that I already address in Arguments "Language of 56-5-1900". With all the new evidence the stop was illegal and the arrest stated at hearing ~~th~~ was not true. With the illegal stop this whole case should be thrown out and all property return to owners.

F - XIII Page 3 of 6 Lines 16-17 Deputy Incident Report

E-1

GREENVILLE COUNTY DETENTION CENTER

INMATE PROPERTY RECORD

Money not seized

I/M Location: _____

Jumpsuit Size L Shoe Size 8

Name Green, David

ID# 355

Cash 85.-

Date: 07/11/17 ← Date of

Sealed Inmate Garment Bag: TAG# _____

Sealed Inmate Personal Property:

BAG# _____ OF _____ SEQ# 17910576

_____ OF _____ SEQ# _____

_____ OF _____ SEQ# _____

_____ OF _____ SEQ# _____

Jewelry/Miscellaneous:

WMYM

() () Bracelet _____

() () Earrings _____

() () Necklace _____

() () Pendant/Medallion _____

() () Rings _____

() () Watch _____

Cigarettes _____

Cell Phone/Beeper _____

Identification (DL or ID) MARYLAND

Keys _____

Wallet/Change Purse _____

Other _____

Special Money:

Amount: _____

Description: _____

Medication:

Jumpsuit _____

Shirt 1

Pants 1

Shower Shoes 2

Sheets 2

Blanket 1

Towel 1

Washcloth 1

Inmate Handbook _____

I certify that all items issued were serviceable at time of issue. Should I damage or destroy any of the items issued to me, I agree to have the cost of the item(s) deducted from my account. I have received a copy of the Inmate Rules and Regulations and Inmate Handbook.

David Green 7-11-2017

Receiving Signature _____ Date _____

I have checked my property and money as listed and certify same to be correct. I hereby authorize the Director of the Greenville County Detention Center or his staff to check all mail addressed to and from me while I am detained. I certify I have declared and deposited with the Detention Center all money in my possession.

David Green

Inmate Signature _____

Bryan Cole, Bowles

Receiving Officer / Receiving Clerk

EXCESS VAULT ITEMS

Number of Items _____ of _____

Clerk's INT. _____

<u>2</u> Shoes/Boots <u>BIK</u>	Shorts _____
Cap/Hat _____	Sweater _____
Coat/Jacket _____	Skirt _____
Dress _____	Bra _____
<u>1</u> Shirts <u>BIK</u>	Other _____
<u>1</u> Pants <u>BIK</u>	
<u>1</u> Belt <u>BIK</u>	

Large Property Items (suitcases, etc.) _____

Inmate Release Information

Date _____ I acknowledge receipt of all property.

Inmate Signature _____

Releasing Clerk's Printed Name / Signature _____

E-2

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MAR 21 2019

GREENVILLE COUNTY SHERIFF'S OFFICE
Vehicle Impoundment and Inventory Record

Court of Appeals



Owner's name and address known on this date

1826

INCIDENT TYPE - OFFENSE CLASS

POSSESSION COCAINE / MARIJUANA

CASE NUMBER 17-122661 DATE 7/11/17

LOCATION VEHICLE TOWED FROM 85 NORTH MAULDIN RD. 29605

VEHICLE MAKE MODEL YEAR COLOR BODY TYPE VIN (1981 & NEWER VEHICLES HAVE 17 CHARACTERS)
FORD F-350 2006 WHITE TRUCK 1FTWW31P86ED61140

LICENSE PLATE NUMBER STATE TAG YR SPECIAL CHARACTERISTICS OF VEHICLE (ACCESSORIES, DAMAGE, UNUSUAL LIGHTING, ANTENNAS, ETC.)
4CX9088 MD 18

REGISTERED OWNER OPERATOR OWNER'S ADDRESS CITY STATE ZIP
TONTA MECHALE FLYTHE-HARRISS APT 2 WESTMINSTER MD 21157

OPERATOR'S ADDRESS CITY STATE ZIP
DAVID GREEN JR 4957 EDGE MERE AVE BALTIMORE MD 21215

LIEN HOLDER - NO LIEN -

OPERATOR INCARCERATED? CHARGES TICKET NUMBER(S)
YES [X] NO []

TOWING SERVICE IMPOUNDMENT LOCATION OWNER NOTIFIED DATE NOTIFIED TIME NOTIFIED
HALES SERVICE CENTER YES [] NO [X]

IMPOUNDING OFFICER CASE OFFICER HOLD FOR AND REASON
DL CANNON DL CANNON SEIZED

VEHICLE INVENTORY (SECURE ALL VALUABLES)

SPECIAL MECHANICAL ACCESSORIES (GAUGES, PARTS) Factory

ELECTRONIC EQUIPMENT (RADIOS, TAPE PLAYERS, SPEAKERS, TV, ETC.)

SPECIAL WHEELS, WHEEL COVERS, SPARE TIRE Should have had Sattle lite raid and move projector

FIREARMS (RIFLES, PISTOLS, SHOTGUNS, AMMUNITION) Should have had special rims not factor

TOOLS, CLOTHING, OTHER ITEMS MISC CLOTHES, MISC TOOLS

ITEMS SEIZED / IMPOUNDED (SUPPLEMENTAL REPORT ATTACHED) YES [] NO [X]

TOW TRUCK OPERATOR (PRINT NAME) TOW TRUCK OPERATOR'S SIGNATURE
Chuck McCoig Chuck McCoig

VEHICLES SUBJECT TO FORFEITURE

MILEAGE VALUE OTHER

RETURNED TO OWNER DATE CONSENT FORFEITURE DATE

COURT FORFEITURE DATE OPERATIONAL USE DATE

DEACTIVATED DATE TO BE AUCTIONED DATE

SLIP 07-24-2017

JUL 24 2017

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Nothing about a seizure of any thing that was in the truck. But stuff was took out of the truck and wasn't returned.

Sheriff Will Lewis
Greenville County Sheriff's Office

NOTIFICATION OF SEIZURE

Date wrote →
by Deputy

DATE: 2-11-17 CASE #: 17-122661
DEFENDANT(S): DAVID GREEN
ADDRESS: 4957 EDGE MERE AVE BALTIMORE MD 21215

Check one of the following and complete separate forms if necessary for multiple seizure types:

CONSENT:

NON-CONSENT:

EVIDENTIARY CURRENCY: (DO NOT DEPOSIT) <input type="checkbox"/>	BUY-MONEY: (DO NOT DEPOSIT) <input type="checkbox"/>	NARCOTICS: <input type="checkbox"/>	GAMBLING: (INCLUDES MACHINES) <input type="checkbox"/>
DEATH INVESTIGATION: <input type="checkbox"/>	ROBBERY: <input type="checkbox"/>	FOUND: <input type="checkbox"/>	OTHER: <input checked="" type="checkbox"/>
FIREARMS: <input type="checkbox"/>	AMMUNITION: <input type="checkbox"/>		

Total Dollar Amount Seized \$ _____

Total Items Seized _____
(Gambling Machines, Firearms, etc)

ITEMS LIST:

MAKE/DESCRIPTION	MODEL #	SERIAL #
<u>WHITE 2006 F350</u>	<u>FX4</u>	<u>1FTNWJ31P96EDG1140</u>

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DEON M/O Ar Camba
PRINT NAME

632 1 K-10

MANDATORY:

Complete this form, initial below if applicable & submit to Property & Evidence/Records JAN 03 2020

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For your convenience, paperwork may be left in the SEIZURE BOX located in Uniform Patrol

4 McGee Street, Greenville, SC 29601

Non-Emergency Phone Number (864)271-5210 - CrimeStoppers (864)23-CRIME / (864)232-7463

www.gcsso.org

S/TFB 07/24/2017

Dates

2017 JUL 13 PM 12:24

10-26-2017

Date received

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 State of South Carolina ex rel.)
 W. Walter Wilkins, Solicitor, Thirteenth)
 Judicial Circuit,)
 Plaintiff,)
)
 vs.)
 2006 Ford F350)
 (VIN - 1FTWW31P86ED61140))
 Defendant Property and)
 David Green)
 Interested Party)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

2017-CP-23-

SUMMONS
(Non-Jury Trial Demanded)

Date Filed

2017 OCT 25 PM 4: 38

GREENVILLE COUNTY COMMON PLEAS - CASE#2017CP2305529
 GREENVILLE COUNTY COMMON PLEAS - CASE#2017CP2305529
 SHERIFF'S OFFICE
 CIVIL DIVISION

YOU ARE HEREBY SUMMONED and required to answer the Complaint in the above entitled action, a copy of which is herewith served upon you (and which has been filed in the Office of the Clerk of Court) and to serve a copy if your Answer upon the subscribers, at the offices located at the Thirteenth Circuit Solicitor's Office, 305 East North Street, Suite 325, Greenville, South Carolina 29601, within thirty (30) days after the date of such service, exclusive of the day of service, and if you fail to answer the said Complaint within that time, judgment by default will be rendered against you for the relief demanded in the Complaint.

s/ Jonathan M. Gregory
 SC Bar# (#73601)
 13th Circuit Solicitor's Office
 305 East North Street, Suite 325
 Greenville, SC 29601
 (864) 467-8647
 jgregory@greenvillecounty.org
 Attorney for Plaintiff

Greenville, SC
August 25, 2017

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Office of the Clerk of Court
 Greenville, South Carolina
 Paul B. Wickensimer
 Clerk of Court

Circuit Court Division
 Greenville County Courthouse
 305 East North Street
 Greenville, South Carolina 29601
 (864) 467-8551 FAX (864) 467-8540

November 21, 2017

David Green, Jr. #300923-0355
 Greenville County Detention Center
 20 McGee Street
 Greenville, SC 29601.

RE: CA# 2017CP2305529

*Date wrote
 about a hearing
 ↓*

Dear Mr. Green:

I am in receipt of your letter dated November 17, 2017 in which you inquire about the scheduling of this case (CA# 2017CP2305529) for a hearing in the Greenville County Circuit Court. Usually, Common Pleas Non-Jury cases are scheduled for trial sometime after they are 8 months old.

Considering the August 25th, 2017, filing date of this case it should appear on the May 14-18, 2018 Common Pleas Non-Jury Trial Roster. Roster Publication Notification will be sent from the Clerk of Court's office approximately 6 weeks prior to the beginning of the trial term.

Thank you for your inquiry about this.

Sincerely,

Stephen Lopez
 Non-Jury Coordinator

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

IN THE COURT OF COMMON PLEAS
THIRTEENTH JUDICIAL CIRCUIT

2017-CP-23-5529

State of South Carolina ex rel.
W. Walter Wilkins, Solicitor, Thirteenth
Judicial Circuit,
Plaintiff,

AMENDED SUMMONS
(Non-Jury Trial Demanded)

vs.
2006 Ford F350
(VIN - 1FTWW31P86ED61140)
Defendant Property and

David Green, and
Tonja Mechelle Flythe-Harkless
Interested Parties

Date Filed

YOU ARE HEREBY SUMMONED and required to answer the Complaint in the above
entitled action, a copy of which is herewith served upon you (and which has been filed in the
Office of the Clerk of Court) and to serve a copy if your Answer upon the subscribers, at their
offices located at the Thirteenth Circuit Solicitor's Office, 305 East North Street, Suite 325,
Greenville, South Carolina 29601, within thirty (30) days after the date of such service, exclusive
of the day of service, and if you fail to answer the said Complaint within that time, judgment by
default will be rendered against you for the relief demanded in the Complaint.

2018-03-26
GREENVILLE COUNTY
SHERIFF'S OFFICE
CIVIL DIVISION
CASE#20170CP2305529

s/ Jonathan M. Gregory
SC Bar # (#73601)
13th Circuit Solicitor's Office
305 East North Street, Suite 325
Greenville, SC 29601
(864) 467-8647
jgregory@greenvillecounty.org
Attorney for Plaintiff

Greenville, SC
March 26, 2018

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and therefore title/ownership be vested and transferred to the GCSO.

WHEREFORE, Plaintiff respectfully prays:

1. The Defendant Property as set forth in the above-referenced caption shall be forfeited to the State of South Carolina and disposed of pursuant to Section 44-53-530, Code of Laws of South Carolina (1976), as amended;
2. That title/ownership of the Defendant property be vested and transferred to the GCSO;
3. That the Attorney General of South Carolina shall be notified;
4. In the alternative, that the Defendant Property be declared abandoned and that title/ownership of the Defendant property be vested and transferred to the GCSO;
5. For such other and further relief as this Court shall deem just and proper.

Date Filed

ELECTRONICALLY FILED - 2018/Mar 26 10:58 AM - GREENVILLE - COMMON PLEAS - CASE#2017CP2305529

/s Jonathan M. Gregory
 Jonathan M. Gregory (#73601)
 Thirteenth Circuit Solicitor's Office
 305 East North Street, Suite 325
 Greenville, South Carolina 29601
 (864) 467-8647
 jgregory@greenvillecounty.org
 Attorney for Plaintiff

Greenville, South Carolina
 March 26, 2018

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 MAR 21 2019
 SC Court of Appeals

Date wrote by Kathryn Monahan when delivered
 to Mr. Green Look on back for date recieved by Mr. Green

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)
)
 State of South Carolina ex rel.)
 W. Walter Wilkins, Solicitor, Thirteenth)
 Judicial Circuit,)
 Plaintiff,)
)
 vs.)
 2006 Ford F350)
 (VIN - 1FTWW31P86ED61140))
 Defendant Property and)
)
 David Green, and)
 Tonja Mechelle Flythe-Harkless)
 Interested Parties)

IN THE COURT OF COMMON PLEAS
 THIRTEENTH JUDICIAL CIRCUIT

2017-CP-23-5529

SECOND AMENDED SUMMONS
 (Non-Jury Trial Demanded)

Date Filed

2018 APR 12 6 50 PM

GREENVILLE COUNTY
 SHERIFF'S OFFICE
 CIVIL DIVISION
 CASE#2017CP2305529

YOU ARE HEREBY SUMMONED and required to answer the Complaint in the above entitled action, a copy of which is herewith served upon you (and which has been filed in the Office of the Clerk of Court) and to serve a copy if your Answer upon the subscribers, at their offices located at the Thirteenth Circuit Solicitor's Office, 305 East North Street, Suite 325, Greenville, South Carolina 29601, within thirty (30) days after the date of such service, exclusive of the day of service, and if you fail to answer the said Complaint within that time, judgment by default will be rendered against you for the relief demanded in the Complaint.

s/ Jonathan M. Gregory
 SC Bar # (#73601)
 13th Circuit Solicitor's Office
 305 East North Street, Suite 325
 Greenville, SC 29601
 (864) 467-8647
 jgregory@greenvillecounty.org
 Attorney for Plaintiff

Greenville, SC
 April 12, 2018

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 S.C. SUPREME COURT

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PJV004R
8/3/2018 8:46:41AM
Job Number 2500589

Greenville County Detention Center
Inmate Visits

Page 1 of 1
DTEMPLETON

Inmate 0355 GREEN, DAVID Sex M Race B DOB 07/09/1977 Booked 07/11/2017 Cell U ID Pack# 0300923

From Date	Time	To Date	Time	Type	Visitor	Status
07/12/2018	17:35	07/12/2018	18:00	Professional	MCCLAIN, BEN	Visited
08/28/2018	12:13	08/28/2018	13:00	Video - Professional	MCCLAIN, BEN	Visited
08/28/2018	12:13	08/28/2018	13:00	Video - Professional	DALEY, JOSEPH	Visited
06/13/2018	13:30	06/13/2018	14:00	Video - Professional	MCCLAIN, BEN	Cancelled App (Phone)
04/20/2018	11:30	04/20/2018	11:33	Video - Professional	MONAHAN, KATHRYN	Visited
04/09/2018	09:17	04/09/2018	09:20	Video - Professional	MONAHAN, CATHY	Visited
04/04/2018	11:00	04/04/2018	11:12	Video - Professional	STARKS, J.C.	Visited
12/05/2017	18:30	12/05/2017	20:30	Professional	MCCLAIN, BEN	Visited
11/20/2017	10:55	11/20/2017	11:39	Video - Professional	GRUBBS, CHRIS	Visited
10/26/2017	13:50	10/26/2017	14:25	Video - Professional	MARCHANT, LUCAS	Visited
10/02/2017	13:57	10/02/2017	14:25	Video - Professional	GRUBBS, CHRIS	Visited
09/18/2017	09:30	09/18/2017	10:48	Video - Professional	ROBINSON, SCOTT	Visited
09/08/2017	14:35	09/08/2017	15:28	Video - Professional	GRUBBS, CHRIS	Visited
08/30/2017	09:15	08/30/2017	10:05	Video - Professional	GRUBB, CHRIS	Visited
08/29/2017	13:45	08/29/2017	13:45	Professional	GRUBBS, CHRIS	Cancelled App (Phone)
08/25/2017	11:20	08/25/2017	11:30	Professional	GRUBBS, CHRIS	Visited
07/20/2017	10:30	07/20/2017	11:30	Video - Professional	GRUBB, CHRIS	Visited

SAME Person

*****End of Report*****

Same Dates as on the Summons/Complaints
sign by dates by the person on that day of visit

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S.C. SUPREME COURT

E-10.

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JAN 03 2020
S.C. SUPREME COURT

ORDER OF TRANSPORT

THE SC DEPT. OF CORRECTIONS IS ORDERED TO TRANSPORT
INMATE FROM THE DEPT. OF CORRECTIONS TO THE GREENVILLE COUNTY COURTHOUSE.

CASE #: 2017CP2305529

INMATE INFORMATION:

INMATE NAME David Green #300923-0355
SCDC LOCATION Greenville County Detention Center

REASON FOR TRANSPORT:

TYPE HEARING: Common Pleas Motions Hearing

DATE NEEDED:

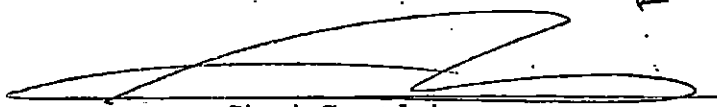
DATE OF HEARING: July 19, 2018 TIME OF HEARING: 11:00 AM

APPEAR BEFORE JUDGE: Alex Kinlaw, Jr

LOCATION: Greenville Co. Courthouse, 305 East North Street, Greenville, SC 29601

IT IS SO ORDERED.

DATE: 6/27 2018


Circuit Court Judge
2158

FILED-CLERK OF COURT
PAUL A. WICKSTROM
GREENVILLE, SC

2018 JUN 28 PM 4: 38

Date Filed then had to be mailed
to Mr. Green

ENTERED COMPUTER
SCANNED

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

JUDGMENT IN A CIVIL CASE
CASE NUMBER 2017CP2305529

South Carolina State Of		David Green	Tonja Mechale Flythe Harkless
-------------------------	--	-------------	----------------------------------

PLAINTIFF(S)	DEFENDANT(S)
Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> 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), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit);
 Rule 43(k), SCRPC (Settled); Other: _____
- ACTION STRICKEN (CHECK REASON): Rule 40(j) SCRPC; Bankruptcy;
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other: _____
- STAYED DUE TO BANKRUPTCY
- 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: _____

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)

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.

E-Filing Note: In E-Filing counties, the Court will electronically sign this form using a separate electronic signature page.

8/21/2018

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

E-11

2 of 2

This judgment was entered on August 21, 2018, and a copy mailed first class or placed in the appropriate attorney's box on August 21, 2018, to attorneys of record or to parties (when appearing pro se) as follows:

Jonathan Martin Gregory 305 E. North Street, Suite 325
Greenville, SC 29601

David Green #300923-0355 Greenville County Detention
Center 20 Mcgee St Greenville, SC 29601
Tonja Mechelle Flythe Harkless 7 Sycamore St Apt 2
Westminster, MD 21157

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

Paul B. Wickensimer Greenville County Clerk Of
Court - Clerk of Court

Court Reporter:

E-Filing Note: In E-Filing counties, the date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgement to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRCF.

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.

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S.C. SUPREME COURT

Motion wrote and filed in Court

E 12

but was never answered. Was wrote before amended
summons dates of April 5 and 16th 2018

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF GREENVILLE

THIRTEENTH JUDICIAL

CIRCUIT

State of South Carolina ex rel,

CASE # 2017-CP-23-05529

W. Walter Wilkins, Solicitor, Thirteenth

Judicial Circuit,

PETITION

Plaintiff,

VS.

REQUESTING PROPERTY

TO BE

RETURNED TO OWNER

2006 Ford F350

(Vin - 1FTWW31P86ED61140)

Defendant Property and

David Green

Interested Party

DUE THE FACTS AS FACTS SET FORTH IN THIS PETITION.

1. Due to the state of South Carolina not describe the property and/or names of all owners of record nor lienholders of record. The 2006 Ford F350 owner is Tonja Mechelle Flythe-Harkless 7 Sycamore St. Apt 2 Westminster, MARYLAND 21157 (Greenville Co. Sheriff's Office vehicle impoundment and Inventory Records).

2. The state of South Carolina did not submit to the court within a reasonable time period following the seizure (7-11-17 to 8-25-17).

3. The petition did not include the person in whose name the conveyance was registered, nor the person who holds the title to the conveyance (Tonja M. Flythe-Harkless owner)
4. State of South Carolina did not give owner notice of hearing, nor rule directed to all persons with interests in the property listed.
5. None of the general allegations was why the truck was seized on 7-11-17 except for #5 in the allegations (S.C. Law Enforcement Division v. Michael and Lance (#No. 22239) 44-53-530(4)(A) provides that property of an innocent owner shall not be forfeited). No evidence that prior knowledge the owner knew anything about any drugs being transported case quashed and remanded.
6. Negligence for failing to initiate forfeiture proceedings within a "reasonable time" as provided by § 39-15-1195 (7-11-17 to date 3-8-18).
7. Negligence to return the goods in a timely manner (Owner contacted the Sheriff's department many times but was told that she wasn't allow to come get the vehicle "F350 truck". The 13th Circuit Solicitor Jonathan M. Gregory, SC. Bar #73601 told owner Tonja Flythe-Harkless that he did not know the truck was hers "once he returned her calls" and to send him a copy of the title to show she was the owner. Once she sent the copy of the title he told her there is nothing he can do about it).
8. State of South Carolina did hold the respondent/owner's property without using in criminal processing (39-15-1195(F))

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E 12

SC Court of Appeals

9. State did not make a report of the items seized to the appropriate prosecution agency within 10 days or a reasonable period of time after the seizure § 39-15-1195(G)

10. The state fail to set forth facts in their petition. (They haven't proved not one fact in petition not even #5)

11. State fail to list on the petition all the names of the owners of record (Tonja Flythe-Harkless owner of record, the registration in her Name, the title in her name, license plate number 4CX9088 "vehicle impound Inventory record sheet" all states she is owner even Deputy Cannon's supplemental report states that she is the owner).

12. Owner (Tonja Flythe-Harkless) was never mailed or notified that the truck forfeiture petition was filed by the state (owner of record may be served by certified mail, to the last known address of records the title (401 S.C. 613) § 39-15-1195(H) this applies to innocent owner James David Farmer v. Florence County Sheriff's Office

13) The state of South Carolina did violate the owner's Due process of the law which is a violation of her 14th amendment and the 5th amendment of the Constitution

Wherefore, Owner "Tonja M. Flythe-Harkless respectfully prays:

1. That her vehicle and anything seized from the vehicle (phones titles, paper work, tags, keys, credit cards, debit cards) all be returned back to her.

State ~~Cross~~ Law

44-53-530:

Owner possess a right to a jury trial where property subject to a forfeiture under sections 44-53-530 and 44-53-520, if property is normally used for lawful purpose "44-53-530(A)". Transcript page 8 lines 8-9 state we fix them and use it until we can sell them. Also on page 9 lines 4-8 owner of ~~fr~~^{the} property states "when ask about the use of the truck" says that the owner uses the vehicle on the regular basis and mainly on the week-ends. ~~so~~^{so} to the truck being used ~~lawfully~~^{by owner} for a lawful purpose she was entitle to a jury trial

2) Actually subjected to a due process challenge. delay in instituting forfeiture proceedings violates the owner due process right "fast and speedy trial"

3) ~~A innocent owner shall not be forfeited unless such owner was a consenting party~~ Shown-in Dates of Solicitor Filing correct paperwork stated on August 25, 2017, next date March 26, 2018, last date April 12, 2018 this time frame took over a 180 days.

3) A innocent owner shall not be forfeited unless such owner was a consenting party to, or privy to, or had knowledge of the concealment, containment, or transportation of controlled substance (44-53-530(4)(A)). Page 8 lines 11-13 ~~she~~^{owner} says to the question of was Mr. Green occupying the vehicle she states "But (She) I did not know that". lines 23-24 she the owner states "That she did not agree to that. Page 9 lines 1-3 she didn't not know until she got the call that Mr. Green was in jail, she did not know Mr. Green had her truck Page 10 lines 2-5 shows that when asked did she know her son ~~had~~^{was using} the vehicle the owner stated No, Sir she did not. Page 14 lines 17-18 shows that when Judge asked is there anything the owner want to tell him she state "How would she have known what her grown son is doing in his private life" so she saying again she did not know what was going on with the tru

at the time Mr. Green had the vehicle, lines 20-21 ^{states} when ask by Judge if she had any ~~for~~ knowledge of son's involvement "involvement to what son has not been found guilty of any crime in any court" by the owner's answer to that was "No". lines 24-25 again shows question ^{Judge} asked: she had no earthly idea answer "No" To her knowledge, ^{Mr. Green} the vehicle was ^{to} help her buy and sell calls. Page 15 lines 16-18 owner states she only found out that her son (Mr. Green) was out of town was when she found out he was arrested in Greenville County. Page 16 lines 1-4 Mr. Green states that he wasn't going to take his Mother's vehicle but his vehicle was with out a radio in his own vehicle so he took his Mother's ^{truck}.

4) must ^{be submitted} set forth to court within a reasonable time period following the seizure and set forth fact upon which the seizure was made. Due to the officer report and the transcript fact are not stated but ^a assumptions is made by Solicitor shown in transcript page 4 lines 12, 15 ^{Solicitor} says he believes not having actual facts - page 5 lines 7-10 he states that the stop for a expired tag but ^{body} cam footage tends to show differently that the was for quoted "it see like the driver Mr. Green might be tired from a long ride" (This video is part of the new unseen evidence). And the ^{expired tags} stop ~~was~~ were not found out until after the stop was made and Mr. Green plus the deputy were standing behind the ^{truck} ~~car~~ (due to this being part of ^{Mr.} Green's criminal case that can't be disclosed at this time because the case is still on going). lines 11-15 states that Mr. Green was want for a parole violation but Deputy's report says warrant for Dangerous Drugs not parole violation also along with that it states that Mr. Green was arrested at that time now the Deputy's report says that Mr. Green was arrested for D.U.S and the ^{warrant} ~~the~~ out of Maryland said do no arrest "2 times" (~~for~~ stated in dispatch report). lines 16-22 ~~states~~ that there was found in the car "truck" 116 grams of heroin (deputy's report).

states 132 grams of heroin, 20 grams of cocaine base; but deputy's report state 22 grams; next solicitor states that there was found 6 grams of Marijuana but deputy's report states 27 grams. With the mismatch of the weights which ^{one} is facts because again the solicitor uses the word he believes on line 14 ^{howing} ~~is~~ he's not for sure about what he's talking about - Page 6 lines: - 5 solicitor states "We" were unaware that the defendant's mother was the ^{registered} owner of the vehicle, but this statement is so untrue due to deputy's report the paperwork of vehicle impoundment and Inventory Record; ^{the calls made} ~~and due to the~~ to Sheriff's office and Solicitor office plus the copy of the title the solicitor received on 11-12-17 - Page 14 lines 1-2 solicitor still uses "the truck" supposedly belonged to therefore the solicitor is not presenting Fact but what he believes

5) Petition shall include the names of all owners of record and lienholder. The solicitor felt to due the work to see who the owner of record was nor if there was any lienholders to the vehicle. The petition stated not the owner but a driver of the vehicle and the petitioner had ^{the proper} paperwork ~~of~~ ^{of who} the owner was when he wrote his petition to the court on August 25, 2017 which was a month and half after the arrest of Mr Green. The solicitor ~~did~~ ^{put} did not do his work completely to ^{get} ~~get~~ the correct peoples name on the petition because he simply ~~did~~ ^{fail} fail to check the paperwork and records.

6) Petitioner shall identify any other person known to the petitioner to have interests in the property. Again the petitioner fell to identify ^{other} ~~in~~ people known to him in the petition until 8 months later and after he had a hearing ^{for} with the forfeiture of the truck with nor of the people identify as neither owner or the ^{Interested} ~~person~~ party ^{to} of the property.

7) Owner of record of record maybe served by certified mail to the last

known address as appears in the records of the government which records the title or lien. As stated the solicitor ~~did~~ did not look to see who was or the records as the owner and was there any lienholders to the property. Nor did he look a Deputy report ~~and~~ ^{or npr} impoundment and inventory record which provide the answers to this Property. Then the owner was not mailed any petition/complaint to the seizure ~~of~~ of her property but was ^{only} mail a summons to appear in court some on April 5, 2018 after a Greenville News paper reporter met with the head Solicitor Walt Wilkins on April 4, 2018 this paper "summons" was 10 months later from the arrest date.

44-53-520

1) 44-53-520(4) which in any manner is knowingly used to facilitate production of trafficking, no vehicle maybe forfeited on to the state under this item unless it used or "intended" for use 44-53-370(A). Looking at transcript page 8 lines 9-10, line 24, page 9 lines 2-3, page 10 lines 2-8, page 14 lines 4-5 solicitor states it ~~seems~~ ^{sounds} like ~~it~~ the truck was a mobile office that "she should have known" (the owner) the truck was being used by Mr. Green but on ^{repeated} pages amount of time throughout the hearing/transcript she states that it was instate business of buying and selling vehicles and that she did not agree to the vehicle being used by Mr. Green to go out of the state with it nor did she know Mr. Green was gone with the vehicle and on page 10 lines 17-19 "states paper work was left in the truck, not to be driven by ^{Mr} Green" and then page 12 lines 3-5 owner of vehicle states the reason that ^{some of the} the paperwork is in the vehicle so that she would be able to get to needed paperwork for ^{the} sale of vehicles due to Mr. Green and Ms. Flythe not

living at the same address she need to have access to the paperwork when she needed some of them because she stated most of them, not all paper-work was in the truck due to us working from home. Page 14, lines 6-12 solicitor uses a 10 year old case as means that the owner of the vehicle "would be put her on notice that this property (which was brought on June by Ms. Flythe) would be for driving to Atlanta and back to Maryland" due to cases State vs. Donovan Williams and United States vs. Jones, 234 F.3d 234 [351 S.C., 604 (2000) states a prior arrest or criminal record alone does not amount to reasonable suspicion that the owner knew what was going to happen" 10 years later." lines 18-25 shows and states that the owner "had no knowledge of her son's involvement (to any crime nor has he been convicted of any crime) she also states when ask if she had no earthly idea" her spouse was No" Therefore the solicitor has failed to show that the owner of the vehicle had any knowledge of any transportation of ~~any~~ ^{and no crimes} ~~Dodge~~ going to be committed with her truck

2) 44-53-520 (a)(b) The report shall provide the following info. (D) The name of owner (2)(B) person in whose name the conveyance is registered to. None of this was done as should have been, but through records from Motor Vehicle, paperwork Deputy submitted "vehicle impoundment ^{plu} Inventory record and deputy's Incident report". Neither was 44-53-520 (a) states that ^{with} -in 10 days or a reasonable period after the seizure shall submit a report to prosecution well as of the ^{months} ~~dates~~ between July (after the 11th) ²⁰¹⁷ to date of ~~8-11-17~~ ^{August 2017} when ~~she~~ ^{the} owner talk to Supervisor Sgt. Scott Matheny A-4 who told the owner that the truck was being used as evidence "not that it was being seized". Her first time finding out that her vehicle being seized was on 10-27-17. Defendant possess a right to a jury trial where property subject to forfeiture under sections 44-53-520 and 44-53-530 when property normally

used for lawful purpose (44-53-530 (A)).

39-15-1195:

(1) negligence per se for failing to initiate forfeiture proceeding with in a reasonable time as provided by 39-15-1195. Regarding forfeiture and disposition must instituted with in a reasonable time is actually subject to a due process challenge delay which violates owner due process right, is a fact intensive inquiry subject to the same consideration applicable to a speedy trial claim (6th amendment). The report must provide the following information with respect to the property: (A) de (D) name of owner "this was not done" (E) name of lien holder (2) (B) person in whose name the conveyance is registered (c) name of lienholder (4)(1) Notice of hearing or rule to show cause accompanied by a copy of the application must be directed to all person entitled to notice as provided in section 44-53-530 (owner ~~is~~ nor party of interest received any notice as provided in section to application bearing that was which Solicitor stated that the property was abandoned). (2) If owner demonstrates to the court that the owner was not a consenting party, or privy to, or did not have knowledge of, the use of the property that made it subject to seizure and forfeiture. (4) civil conspiracy among petitioner's agent (there was a conspiracy with solicitor's office to this case by solicitor knowing who the vehicle belong to, but still sought to have a hearing to declare the truck abandoned. The Deputy knowing who the truck belong to still Filed the papers incorrectly and only ~~the~~ seized the vehicle due to it being paid for because he seized no money or other items in the case. The deputy asked this question due to a interrogation act which time the defendant in the case "Mr. Green" was not under arrest for any crime

When the deputy asked this question "if the truck was paid for" this shows the deputy intentions of the stop made which was also ~~to~~ illegally done, ~~is~~ pretextual with a non traffic violation and lied ~~to~~ report to justify the stop.

56-5-1900:

The stop was ~~an~~ illegal stop due to the language of the statute "as nearly as practical" which gives room from error for a person that may have got distracted momentarily to drift to hit a lane divider line. The law cause a Deputy/officer only to stop a vehicle on reasonable suspicion of a crime happening or may be about to happen. Which in this case a single drift would not give the Deputy reasonable suspicion that I may have been intoxicated or tired from a long drive. Together with to total of circumstances that the Deputy was following my truck for 5 exits on the I-85 north highway and didn't see any other incidents other than a single momentary lane breach with it being corrected at once as stated "deputy ~~is~~ saw the truck drift to it's right then drifted back left". Then Deputy says "he notice at one point that I was having trouble ~~is~~ staying in the line". This shows that the incident was a single momentary hit of the line which is not a violation of statute 56-5-1900. The deputy as uses that he notice the tag was expired which the with held stop footage show that the deputy could not have seen the expired inspection stickers that was on the back of the truck tags from the distance he was behind me when he blue lighted me. Also, the missing body cam footage of the stopping/

arresting officer has been absent the rest of the stop footage. This footage of the deputy's body cam would have shown that the deputy did not know the inspection stickers was expired until after the stop and I was asked out the truck where we both was standing behind the vehicle is when he really noticed the inspection sticker was expired. Do to the left out evidence needed "the stop camera footage, his body cam footage, and his fabricated of reports and statements. The deputy there by has violated my 14th and 6th amendment a right to a fair trial which our constitutional amendment states. I still have not ~~seen~~^{seen} the stop footage, but my court appointed criminal defence attorney has told "me what he has seen on the disc that was turned over to him" which was after the hearing took place of this forfeiture case". I believe this evidence was with held from me do to the forfeiture case. As well as this Deputy's body cam footage which after 2 years it's still not ~~not~~ available for us to veiw and to use to show the this other fabricated statement of the deputy. Also due to ~~me~~ me being detained and not having the access I need to the rest of the stop which may also show the time he noticed the expired tag stickers from his patrol dash cam.

1 THE COURT: All right. Do you -- you need to sit
2 down?

3 MS. FLYTHE HARKLESS: Yes.

4 THE COURT: All right. You can have a seat.

5 I'll let both of you have a seat.

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6 EXAMINATION

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7 BY THE COURT:

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8 Q Ma'am, this -- now, this is a -- what -- this is a
9 Ford F-350?

10 A Yes.

11 MR. GREGORY: That is correct, Your Honor.

12 BY THE COURT:

13 Q All right. Ma'am, is that -- is -- that vehicle
14 belongs to you?

15 A Yes, sir.

16 Q When was the vehicle purchased?

17 MS. FLYTHE HARKLESS: When was it? Back in July?

18 BY THE COURT:

19 Q You can't ask him. I'm asking you.

20 A Oh, it's our business.

21 Q You're the one that says it's your vehicle, so I'm
22 asking you.

23 A It's our business.

24 Q What kind of business is it?

25 A We buy cars and trucks. And we sell them.

1 were doing was buying cars, and purchasing cars and
2 trucks, and selling them.

3 Q Where would you get your vehicles from?

4 A We buy them -- we live in the county. People have
5 them sitting outside. We go to other people that we know
6 that have lots and we would buy little -- buy them from
7 them.

8 Q In state or out of state?

9 A Instate.

10 Q Do you know why -- why your son was traveling from
11 Maryland to Georgia?

12 A All I knew is that he was supposed to be taking his
13 brother back to Atlanta. I don't know when they was
14 supposed to go. I knew it was my son -- David's birthday.
15 So I didn't know when they was leaving.

16 When I found out anything is when I searched for my
17 son. I couldn't find him. He didn't call me. And I
18 found out he was in Greensvilles [sic] detention center.

19 THE COURT: All right. Anything from either side?

20 MR. GREGORY: Nothing further, Your Honor.

21 THE COURT: Anything else you want to tell me?

22 MR. GREEN: Yes. As far as them saying that they
23 didn't know that this was her vehicle, he knew it when he

24 ran -- he ran the tag and registration and it came back to
25 my momma.

1 Q To all the other vehicles on the park -- in the lot?

2 A All the other vehicles that we possess as part of the
3 business.

4 Q Okay. You didn't -- you didn't have an office?

5 A No. We worked out of our house.

6 Q All right. And this was -- this was the work vehicle
7 that kept all the documents for all the vehicles that
8 you -- who -- who was the proprietors in the business?
9 You and who else?

10 A Him.

11 Q Just the two of you. The two of you ran the
12 business?

13 A Yes.

14 Q And you had all your business --
15 I'm going to get to you in a minute.

16 And you had all -- all your business documents in the
17 truck?

18 A At that time, yes.

19 Q All right. All bookkeeping records, anything that
20 had anything to do with the business was in that truck?

21 A Most of it, yes. Our titles --

22 Q Where's the rest of it at?

23 A Our titles -- the rest of it was at home.

24 Q Why wouldn't all of it -- why didn't all the other
25 titles and business documents be at your house -- why

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1 I left and went out of town. My truck wasn't ready.

2 The stereo was out of it. So I went away for my birthday.

3 I couldn't take my car, so I took the truck and left with
4 that.

5 Now, like I said, the officer, he knew --
6 Mr. Jonathan knew. He did a revisory. He thought the
7 truck was just mine. And he sent me a -- a Common Plea
8 thing for trial, which was filed back in -- October the
9 25th, which at that time, I related to my mother that they
10 sent me a forfeiture paper.

11 She had already talked to them. I told her that the
12 police got the truck when I got locked up. She called the
13 sheriff's department. They told her that she could come
14 down there and get the stuff out of the truck, but to call
15 them and let them know. Because they was putting in for
16 seizure of the truck.

17 When she called them when she was coming -- when she
18 was able to come down here, they told her that she
19 couldn't get anything out of the truck now because it's --
20 it's being forfeited [sic] on. She talked to
21 Mr. Gregory.

22 And then after that, he waited all the way until
23 April the 16th to refile a second amendment on this with
24 something he had already knew that was not my vehicle from
25 the beginning. He asked her to send him the title -- a

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P R O C E E D I N G S

1
2 THE COURT: This is in the interest of the State of
3 South Carolina v. David Green. This is case number
4 2017-CP-23-05529.

5 And I've got -- Mr. Jonathan Gregory is here; is that
6 correct?

7 MR. GREGORY: That's correct, Your Honor, from the
8 Solicitor's Office.

9 THE COURT: And you're Mr. Green?

10 MR. GREEN: Yes.

11 THE COURT: All right. Tell me about it.

12 MR. GREGORY: Just briefly, Your Honor. I believe
13 this is a hearing to determine whether or not the
14 Defendant, Mr. Green's mother, who is in the courtroom
15 today -- and her name is Tonja Harkless, I believe.

16 MS. FLYTHE HARKLESS: Flythe Harkless.

17 MR. GREGORY: Flythe Harkless.

18 And she is, actually, a part of this action. I'd ask
19 her to come up to the table.

20 THE COURT: All right. Ma'am, you want to come and
21 have a seat next to him?

22 (WHEREUPON, Ms. Tonja Flythe Harkless came forward.)

23 MR. GREGORY: I'll just give you a little background,
24 Your Honor. On May 16th, 2018, she sent a letter to my
25 office in response to the summons and complaint -- a

1 copy of the title to the truck because he thought the
2- truck was mine. I have paperwork right here showing that
3 they have it from the tow yard.

4 THE COURT: But you were a partner in David Green
5 Enterprise, weren't you?

6 MR. GREEN: Yes. I am David Green. And I opened
7 up -- I opened up --

8 THE COURT: Are you in that business with your
9 mother?

10 MR. GREEN: Yes. I took her in because she's
11 shorthand on money. She needed extra -- some extra
12 income. And, obviously, I was already buying and selling
13 cars. I used to work for a car lot. And that's when I
14 started getting the idea of selling cars.

15 THE COURT: All right. Anything else?

16 MR. GREEN: That's all I can really tell you about,
17 other than, you know, the time -- the time that it took
18 for them to do this was way -- way over. It took way too
19 long. He already knew.

20 And all the sudden, it -- it starts switching up
21 from -- by the time I wrote the court of clerk, they told
22 me I should have had this case back in May.

23 THE COURT: I understand.

24 MR. GREEN: And now, it's just coming up.

25 THE COURT: Mr. Gregory, anything else?

1 forfeiture summons and complaint stating that she was an
2 innocent owner of the vehicle. Judge Stilwell then set it
3 for this hearing for today.

4 And I'd be happy to provide the Court a little bit of
5 background, the factual background for the case.

6 THE COURT: Yes, sir. Go ahead.

7 MR. GREGORY: This came out of a car stop on
8 11th, 2017, on I-85 northbound. Sitting next to me is
9 Deputy Cannon with the Greenville County Sheriff's Office.
10 He stopped the vehicle for an expired tag.

11 During the stop of that vehicle after running the
12 Maryland ID of Mr. Green, who was the sole occupant of the
13 car -- Mr. Green was wanted out of Maryland on a parole
14 violation, I believe. And they wanted him extradited back
15 to Maryland. He was arrested at that time.

16 During the search of the vehicle -- he was the sole
17 occupant of the vehicle. They found 110 grams of heroin,
18 as well as -- I'll give you those exact numbers, Your
19 Honor -- 20.83 grams of cocaine base, which was crack
20 cocaine, 111.96 grams of heroin. And it looks like a
21 grand total of 6.93 grams of marijuana were found in the
22 car.

23 Deputy Cannon, as a result of those trafficking
24 charges, seized the Ford F-350 that he was driving that
25 day. And we commenced a forfeiture hearing.

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1 The -- as I said, the arrest happened on 7/11. The
 2 first complaint was, actually, filed about a month -- a
 3 little over a month later on August 25th, 2017. At that
 4 time, we were unaware that the Defendant's mother was the
 5 actual registered owner of the vehicle. Once we got
 6 information that she was the registered owner of the
 7 vehicle, we added her to the complaint under our amended
 8 complaint.

9 And that's just the -- the basic facts of the case,
 10 Your Honor.

11 THE COURT: All right. Mrs. -- what's your name?
 12 Ms. Green?

13 MS. FLYTHE HARKLESS: No. Flythe --

14 THE COURT: Stand up for me.

15 MS. FLYTHE HARKLESS: Flythe Harkless.

16 THE COURT: All right. Raise your right hand.

17 WHEREUPON,

18 TONJA FLYTHE HARKLESS,
 19 after first having been duly sworn, testified as follows:

20 THE COURT: Stand up, please.

21 Raise your right hand.

22 Remain standing, ma'am, if you would.

23 WHEREUPON,

24 DAVID GREEN,
 25 after first having been duly sworn, testified as follows:

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1 Q What's the name of the business?

2 A David Ray [phonetic] Enterprise.

3 Q All right. So the car was registered to the business
4 or to you?

5 A It's under my name.

6 Q All right. Was it -- was it --

7 A It's part of the business, Judge.

8 Q All right. What do you use the vehicle for?

9 A We were going to fix it. We fixed it up to sell it
10 and to use it until we could sell it.

11 Q All right. But he was -- he was occupying -- he was
12 using the vehicle --

13 A But I did not know that.

14 Q I'm asking you a question. He was using --

15 A That particular --

16 Q Hold on a second. Two things we can't do. You can't
17 talk when I talk.

18 Do you understand that?

19 A Yes, sir.

20 Q All right. My question is, you agree that he was --
21 he was using the vehicle on the day in question?

22 A No, sir.

23 Q He was not?

24 A I did not agree to that.

25 Q I -- I didn't ask you that. I said, as far as you

1 A Yes, sir.

2 Q All right. So you're telling me that you didn't know
3 that this vehicle -- that your son was using this vehicle
4 on that day?

5 A No, sir. I did not know.

6 Q And you only found that out when?

7 A He got locked up. And we looked for him. And we
8 found out that he was in jail in this county.

9 Q You -- do you still have that business that you --
10 the car business?

11 A Well, it's been on hold because all the papers were
12 in the truck.

13 Q All the papers to what?

14 A All the business papers, all the car liens --

15 Q Why would it be in that truck?

16 A -- the titles --

17 Q Why would it be in that truck?

18 A Because that was the truck we left the things and the
19 paperwork in.

20 Q Why?

21 A That was just the truck, like, it was a work truck.
22 I didn't --

23 Q So it had all the paperwork for all the other
24 vehicles?

25 A Yes, sir.

1 wouldn't all the others be at your house, instead of in
2 the truck?

3 A Because we sell -- we go around and we sell the cars.
4 And that way, I would have the possession -- the paperwork
5 right there in the truck.

6 THE COURT: All right. Mr. Gregory, do you got any
7 questions for her?

8 MR. GREGORY: The only question I have, Your Honor,
9 is --

10 CROSS-EXAMINATION

11 BY MR. GREGORY:

12 Q Just to clarify. The business -- the David Green
13 Enterprise is in his name; correct?

14 A It's under him. But we're both on it --

15 Q Under him?

16 A Yes.

17 Q So he is the registered owner of the business?

18 A Of the business. But I'm the registered owner of the
19 truck.

20 Q Okay. And all the paperwork for that David Green
21 Enterprise was in that truck; correct?

22 A It should have been, most of it.

23 MR. GREGORY: Okay. That's all I have concerning
24 that aspect, Your Honor.

25 THE COURT: All right.

1 MR. GREGORY: In addition to him owning the company
2 that this truck supposedly belonged to with all the
3 paperwork in there that belonged to David Green
4 Enterprise, it sounds like this was a mobile office that
5 she should have known was being used by Mr. Green.

6 Furthermore, according to the Maryland -- the warrant
7 out of Maryland, he had just got out of jail for a
8 nine-year stretch for possession with intent to distribute
9 crack cocaine, Your Honor.

10 So I think all of this combined together would put
11 her on notice that that's what this car was being used
12 for, driving to Atlanta and back to Maryland.

13 EXAMINATION

14 BY THE COURT:

15 Q All right. Anything you want to tell me, ma'am?

16 A Sir?

17 Q Anything you want to tell me?

18 A Yeah. How would I know what my grown son is doing in
19 his private life. I work every day, too.

20 Q You had no -- no knowledge of his involvement --

21 A No, sir.

22 Q When's the first time you found that out?

23 A When he got locked up.

24 Q You had no earthly idea --

25 A No, sir. We were selling. We -- that was what we

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Page 5 lines 9-10 argument is that Deputy Cannon did not stop the vehicle for an expired tag. Which new evidence ^{came up of} the video of the stop which shows that Dep. Cannon stopped the vehicle do to a non traffic violation. And that there ~~is~~ other evidence that could show that the stop was a pretextual due to racial profiling with in the Greenville County Sheriff's Office.

Page 5 lines 11-15 argument B New ^{evidence} shows that Mr. Green was not arrested for a warrant for extradition (evidence found in dispatch report of Mr. Green's criminal case states that the warrant for violation of parole says do not arrest based on that information twice as a later on repeat Supervised release status along with that the Deputy's report says he arrested Mr. Green for Driving Under Suspended which also New Evidence of a United States Court case found "United States v. Simmons (4 Cir. 2018)" that Deputy discriminated against ~~person~~ when arresting him for D.U.S because Dep. Cannon's practice is to arrest all out of state driver for D.U.S & thus this is discrimination to drive not from this state.

Page 5 line 16 argument that due to the ^{illegal} search of the vehicle in violation of the 4th amendment and that the search was illegal due to the fact he was stop illegally by discrimination and arrest due to discrimination

Page 5 lines 23-25 agreement that the truck was seized due to the Deputy knowing the truck was paid for which stem from a interrogation don't with a reading of a Miranda warning thurs being illegally obtained

Page 6 lines 51-3 agreement Solicitor fails to file the correct paperwork in a timely manner "New Evidence Found after hearing on July 2018 from Greenville News reporter Newspaper" (Letter to court of Appeals received Feb 19, 2019), Next under 39-15-1195(A) states that within ~~10~~ (10) ten days or a reasonable period of time after the seizure, shall submit a report and the report must provide the following information with respect to the property seized (D) must have the name of owner Rule 44-53-520 (A) shall in a reasonable time period shall include names of owners of record "Solicitor knew name of owner from the start by proceeded into court says the truck was unclaimed at which Judge said No the forfeiture at that time Judge advised Solicitor to add Ms Flythe's name to the motion. At this hearing neither Mr. Green nor Ms. Flythe was at the hearing nor knew about this hearing which Ms. Green was still being detainee at G.C.D.C. and was brought to the first hearing), Letter from Clerk of Court sent answering Mr Green's letter about a hearing dated Nov. 21, 2017 states that the ~~motion~~ ^{motion of} common Pleas NON Jury trial filed on Aug 25, 2017 "this being a month and a half from date of arrest" thurs being not A correctly and

timely filed motion due to the lack of the Solicitor's Office

b) Page 6 lines 3-8. argument on 7-11-17 ^{Deputy} Cannon's Vehicle impoundment report, Incident report shows that Solicitor should have known this with the statements made by Mr. Green that the truck was his mothers, the vehicle information "tag and registration" all registered Ms Flythe as owner of the vehicle, ^{or about July 18 2017} On date of ~~Aug~~ 2017 Ms Flythe call the Sheriff's Office in order to get truck ^{back} and spoke to Sgt. Scott Matheny A-4 "phone number 864-895-0178" and was told the truck was being used as evidence and she would have to wait until court was over to receive her truck back. Page 15 lines 22-25 I made known to the court that Solicitor From the start

2) Page 8 lines 3-5 argument ^{Ms} Flythe state that the truck ^S illegally is in her name and not under the business name, insurance, tags. On page 12 line ~~13-14~~ ^{QUESTION} 13-14 David Green Enterprise ^S is in his name. ^{An} answer was: It's under him. On lines 17-19 Question So he is the registered owner of the business Answer. But i'm the registered owner of the truck states Ms. Flythe. Page 17 lines ~~8-13~~ ^S 8-13 question Are you in that business with your mother Answer Yes, I took her in because she's short hand on money and ~~that~~ ^{that} obviously I was already buying and selling cars. Due to ~~the~~ this things illegally she "Ms. Flythe" is not part of the business but is called ~~a~~ a part due to me helping her to ^{earn} extra money being short on ~~cash~~ ^{money} and me showing her how to buy/sale vehicles. David Green Enterprise is a Landscape Business but in the state ^{of Maryland} we are allowed to sale 3 cars a year with out being license to sale cars. All David Green Enterprise ~~s~~ vehicles are insured and tag, and registered to the company and not of any one else. lines states clear

looking for me and found that I was in G.C.D.C., § lines 1-4 Page 16. Me (Mr. Green/son) states that his truck wasn't ready due to the stereo/^{not} a radio being in my own truck therefore I was not going to drive ^{my} that mother's truck but my own and being as ^{mine} though wasn't ready I took my mother's truck. So many statements says that the owner never knew I had her truck while I was gone away nor did she know/had knowledge of any drugs being transported in her legally own vehicle.

9) Page 12 lines 12-18 argument is that David Green Enterprise is alone David Green and that David Green is the sole owner of David Green Enterprise alone and the company is registered to David Green, His mother is a worker who he helps out with his business and he is teaching and helping his mother earn extra money through his business, lines 1-4 Page 14 states the solicitor acknowledge that the business belongs to Me "David Green" and that in ~~seems~~ ^{sounds} like it was a mobile office that the owner should have known was being used by me. (but On lines 16-17 ^{Page 11} states papers was in the truck at that time - lines 19-23 page 11 states that not all the bookkeeping records was keep in the truck and some was keep at home - then lines 24-25 page 11 to page 12 lines 1-5 states the only reason the paper was in the truck was so that the owner of the truck would have possession of the paperwork right there" not that the son David Green would have ^{excess} pass to the paperwork") - lines 1-2 page 14 Solicitor states the company is own by David Green and the he has doubt saying "that this truck supposedly belong to the company" show he's not sure the truck is actually part of the David Green Enterprise. Therefore the owner of the truck is not a actual partner but A work/helper in the company who's actually is being taught/~~to~~ showed how to do it her self with her own money

a due process challenge delay in instituting ^{the} forfeiture proceedings violates the owner's due process right and is a fact intensive inquiry subject to the same consideration applicable to a speedy trial claim. So the paper ^{work} of Deputy Cannon "his report" shows owner of the truck as Tonja Flythe - then the vehicle impoundment and Inventory record show the owner of the vehicle was Tonja M. Flythe Harkless address 7 Sycamore Street; the license plate shows Tonja Flythe as owner - the registration shows Tonja Flythe as owner - the fact that Ms. Flythe had call ~~the~~ Solicitor's office and spoke to Mr. Gregory in October 2017 which he ask for a copy of the title to the truck, Section 39-15-1195 (D) the following info with respect to the property seized shall list the ~~name~~ ^{name} of the owner; Section 44-53-520 A) states ~~shall~~ ^{reasonable} include names of owner of record ~~and~~ identify any other person known to the petitioner to have interest - the name of who the vehicle is registered - the title holder - owners of record - and to be serve to the last know address as appears in records of governmental agency which records the title, News report publish on January 2018 states that Solicitor Gregory had filed a motion asking "Judge" female Judge name unknown" to declare forfeiture on the truck because no one had come forward "Judge said NO" this was ^{in the 6th} ~~5~~ months but Solicitor had known who the truck belong to because he talked to the owner ^{on 11/15/17 on Nov. 2017} and had a title - had recieved letters from Mr. Green as to who the ^{truck} belong to back in October 2017. ~~Therefore had~~ ^{news} Therefore had Solicitor done his ^{research} ~~job~~ he would have be was suppose to had done into finding out all the vehicle owner(s) was or just simpling report read the report would have known who the vehicle belong to. Plus the petitioner would have file the petitioner ^{with} the right preson the owner.

12) Page 16 lines 1-4 ^{argument} These lines shows that Mr. Green wasn't planning on taking/using ~~the~~ the truck to go out of town with but was to had left with his own truck. The only reason he didn't leave with his own truck was because he had no radio was in ~~the~~ ^{his} truck. Therefore this statement shows that Ms. Flythe's truck was not attended to be used for the trip to Georgia and that Mr. Green in the spare of the moment left with his mom's vehicle which under Sections 44-53-520 (4) she wasn't in any manner knowingly part to criminal acts ~~nor~~ ^{it intended} was ~~she~~ to be use to facilitate any crime(s). Plus Section 44-53-586 (B)(1) in the case of an innocent owner, that the person "owner" was not a consenting party to nor had knowledge of the use of the property. Also owner is not just the owner but a lien holder due to her name being the sole owner of the vehicle who's ~~sta~~ sole purpose is to make money from her vehicle and under 44-53-586 (C) if lien holder demonstrates that she was not a consenting party to nor did she have knowledge of nor any involvement in any criminal actions and due to the Solicitor's Office not informing the owner of the hearing held in which ~~the~~ a Judge said No to the forfeiture of the vehicle which also the Solicitor's office lied saying that no one had come forward about the truck but in the 5 months passed they had talk to owner about her wanting her truck back and got a copy of the title, had recieved letters from Mr. Green, and a motion was filed for the return of vehicle. So this hearing was done secretly with out the knowledge of the owner or ^a ~~the person~~ of Interested Party awareness of it being held there was no one there to contest and show Ms. Flythe the owner as a innocent owner as to the section 44-53-586 of South Carolina law states. Owner did call Solicitor on 11-28-17 to see if ^{there was} a court date ~~was set~~

13) Page 16 lines 22-25 argument These lines show that the Solicitor's Office

New Evidence

Agency I.D.

GREENVILLE COUNTY SHERIFF'S OFFICE

Case Number

SC0230000

EC5 07/18/2017-12:16:11

Supplemental Report

Ent: banderson 07/19/2017 04:56:58

17000122661

Original Report Status Change Additional Victims Additional Stolen Property Incident Type EXPIRED TAG

Supplemental Report Other Report Additional Defendants Additional Recovered Property Patrol District 06 Page 3 of 6 Pages

I. D. OVERFLOW

Complainant Victim Subject Runaway Wanted Arrest Missing Jail Other

Subject's Name (Last, first, Middle) _____ Victim Relationship To Subject _____ Ethnicity _____ Resident _____ Race _____ Sex _____ Age _____ Date of Birth _____

Address _____ City _____ State _____ Zip Code _____ Patrol District _____ Day Phone _____ Evening Phone _____

Height _____ Weight _____ Hair _____ Eyes _____ Facial Hair, Scars, Tattoos, Glasses, Clothing, Physical, Peculiarities, Etc. _____

Victim No. _____ Visible Injury Yes No Non-Visible Injuries Yes No Complaint of any Non-Visible Injuries Yes No Victim Using Alcohol No Yes Unk Two-Man Veh One Man Veh ALONE Drugs No Yes Type: _____ Detective Other ASSISTED

Subject No. _____ Using Alcohol No Yes Unk Arrested on Current Offense _____ Using Drugs No Yes Unk Type: _____ Cleared By Arrest on Prior Offense _____

Arrestee Armed Yes No Weapon Type _____ On View Arrest Summoned Custody

Juvenile Disposition Handled Released Referred To Other Authority

Arrest Location

NARRATIVE

HIM OFF.. HE THEN STATED HIS LITTLE BROTHER WENT UP TO MARYLAND TO ATTEND A FUNERAL AND THAT HE DROVE HIM BACK DOWN TO GEORGIA TO DROP HIM OFF. I ASKED GREEN WHOSE FUNERAL HIS BROTHER ATTENDED AFTER VERIFYING THAT THIS WAS ACTUALLY HIS BLOOD BROTHER AND NOT A FRIEND THAT HE WOULD CALL HIS BROTHER. GREEN STATED THAT HE DROPPED HIS BROTHER OFF IN GEORGIA ABOUT 2 AM. ABOUT THIS TIME I NOTICED THAT GREEN'S DL OUT OF MARYLAND WAS SUSPENDED AND THAT HE WAS LISTED ON NCIC OUT OF MARYLAND FOR AN UNLIMITED EXTRADITION WARRANT FOR DANGEROUS DRUGS. THE NCIC HIT ALSO STATED THAT HE WAS KNOWN TO BE ARMED AND DANGEROUS AND HAD VIOLENT TENDENCIES. AT THIS POINT I HAD DISPATCH CONFIRM THIS AND TO GO AHEAD AND SEND A TEN MINUTE HIT TO MARYLAND REGARDING THE NCIC HIT. I ASKED GREEN IF HE WAS RESPONSIBLE FOR EVERYTHING IN THE VEHICLE AND HE SAID YES THAT HE WAS. I THEN ASKED HIM IF HE TRAVELED WITH ANY FIREARMS AND HE SAID NO. I ASKED HIM IF THERE WAS ANYTHING ILLEGAL IN THE TRUCK AND HE SAID NO. I THEN WENT DOWN THE LIST OF ILLEGAL DRUGS MARIJUANA, COCAINE, METH AND HEROIN AND IF HE HAD ANYTHING LIKE THAT IN THE CAR AND HIS RESPONSE WAS NO. I THEN, DUE TO THE EXTENT OF THE NCIC HIT (ACTIVE WARRANTS OUT OF MARYLAND AND THAT HE WAS LISTED AS ARMED AND DANGEROUS ETC), EXITED MY PATROL TAHOE AND WALKED AROUND TO WHERE GREEN WAS STANDING I GRABBED A HOLD OF HIS LEFT ARM AND PLACED HANDCUFFS ON HIM. I ADVISED HIM THAT HE WAS UNDER ARREST FOR THE DRIVING UNDER SUSPENSION AND THAT HE WAS WANTED OUT OF MARYLAND. I EXPLAINED TO HIM THAT WE WERE IN THE PROCESS OF SENDING MARYLAND A TEN MINUTE HIT TO SEE IF THEY WANTED HIM AND HE SAID OK. I ASKED HIM ABOUT HIM HAVING A LEASH FOR HIS DOG AND HE STATED THAT HE DID AND THAT IT WAS IN THE TRUCK. GREEN ALSO STATED THAT HE HAD A LITTLE BIT OF MARIJUANA IN THE TRUCK AS WELL. I ASKED HIM WHERE IT WAS LOCATED AND HE SAID INSIDE A BOOK BAG WHERE HIS DOG WAS. I THEN ADVISED DISPATCH TO GO AHEAD AND CALL ANIMAL CONTROL OUT TO MY LOCATION REGARDING THE DOG IN ORDER TO TAKE CUSTODY OF IT. DEP. GIBSON TOOK CONTROL OF GREEN AT THIS POINT. DEPUTIES REESE, HARRISON AND JUMPER ARRIVED ON SCENE AND PROVIDED ASSISTANCE WHILE I CONDUCTED A PROBABLE CAUSE SEARCH OF THE VEHICLE DUE TO GREEN'S ADMISSION OF THE MARIJUANA IN THE TRUCK. WE WERE ABLE TO GAIN CONTROL OF THE BLACK PIT BULL DOG WHO WAS INSIDE THE TRUCK WITH MY LEASH. DEP. REESE WAS ABLE TO THEN GET THE DOG OUT OF THE TRUCK VIA THE LEASH SO THAT WE COULD CONDUCT THE PROBABLE CAUSE SEARCH. I STARTED MY SEARCH WITH THE HELP OF DEP. HARRISON AND REESE. WHILE I SEARCHED THE BACK SEAT AREA I LOCATED TWO RED PLASTIC CONTAINERS THAT HAD A GREEN PLANT MATERIAL SUBSTANCE INSIDE WHICH DID FIELD TEST POSITIVE FOR MARIJUANA. THIS WAS LOCATED INSIDE A BOOK BAG BROWN COLORED RIGHT WHERE GREEN ADVISED ME IT WAS. ALSO IN THE SAME BACK I LOCATED A ROLLED BLUNT WITH GREEN PLANT MATERIAL INSIDE THAT DID FIELD TEST POSITIVE FOR MARIJUANA. ABOUT THIS TIME DISPATCH ADVISED THAT MARYLAND SENT A RETURN HIT REQUESTING THAT WE PLACE A HOLD ON GREEN REGARDING THEIR ACTIVE WARRANTS ON HIM. AS WE CONTINUED TO SEARCH THE TRUCK I WAS ADVISED BY DEP. HARRISON THAT HE LOCATED AN OPENED PADDED MANILA ENVELOPE WHICH HE LOCATED IN THE DRIVERS DOOR POCKET THAT CONTAINED

PROPERTY

Status	Property Type	Quantity	Property Make	Color	Description	Serial # / OAN	Value

ADMIN

Subject Identified Yes No Subject Located Yes No Active Admin Closed Arrested Under 18 Ex-Cleared Under 18 Unfounded Arrested 18 and Over Ex-Cleared 18 and Over

Reason For Exceptional Clearance Offender Death No Prosecution Victim Declines Cooperation Extradition Denied Juvenile No Arrest

Reporting Officer(s)	Date	Unit#/Star#	Approving Officer	Date	Unit#/Star#
CANNON, JAMES	07/11/2017	K-10 / 00632	JONES, TIMOTHY	07/17/2017	6 / 00187
Follow Up Investigation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (officer)			/		

New Evidence

07/11/2017 18:40:02 SMT/TAT UL ARM

07/11/2017 18:40:02 MNU/PI-MD1506599

07/11/2017 18:40:02 SOC [REDACTED]

07/11/2017 18:40:03 SOC [REDACTED]

07/11/2017 18:40:03 SOC [REDACTED]

07/11/2017 18:40:03 NIC/W217729551 DTE/20161201 0928 EST DLU/20170317 1448 EST

* 07/11/2017 18:40:03 IMMED CONFIRM WARRANT AND EXTRADITION WITH ORI

* 07/11/2017 18:40:03 WARNING - DO NOT ARREST BASED ON THIS INFORMATION

07/11/2017 18:40:04 MKE/PROBATION OR SUPERVISED RELEASE STATUS

07/11/2017 18:40:04 ORI/MD004545G NAM/GREEN.DAVID PAUL SEX/M RAC/B

07/11/2017 18:40:04 DOB [REDACTED] HGT/503 WGT/216 HAI/BLK

07/11/2017 18:40:05 OCA/801694

07/11/2017 18:40:05 VLD/20170702

07/11/2017 18:40:05 DPE/20220103

07/11/2017 18:40:05 DSS/20090103 SON/THOMAS,JESSICA A SOT [REDACTED]

warrant which it says do not arrest
warrant says probation or supervised release status

New Evidence

07/11/2017 18:40:05 DNA/N

07/11/2017 18:40:06 ORI IS P & P MONDAWMIN TERM 2 BALTIMORE [REDACTED]

07/11/2017 18:40:06 NIC/C433962455 DTE/20161220 1509 EST DLU/20170702 0135 EST

* 07/11/2017 18:40:06 - DO NOT ARREST REPEAT - PROBATION OR SUPERVISED RELEASE STATUS RECORD again it's repeated
probation or supervised release status

07/11/2017 18:40:06 AGENCY VIA NLETS, BASED ON THIS INFORMATION - PLEASE CONTACT SUPERVISING

07/11/2017 18:40:07 TELEPHONE OR EMAIL TO ADVISE OF CONTACT WITH SUPERVISED INDIVIDUAL.

07/11/2017 18:40:07 PLEASE BE ADVISED THAT SUPERVISING AGENCY MAY NOT BE

07/11/2017 18:40:07 OPERATIONAL 24/7. Here he still has not got a call back to hold me on warrant

* 07/11/2017 18:51:56 K10 LOCALS

* 07/11/2017 19:00:12 UNIT 630 LANFORD [REDACTED]

* 07/11/2017 19:02:32 K10 REQ DUTY 10-55

* 07/11/2017 19:03:53 HALES [REDACTED]

07/11/2017 19:25:01 K10 A/C 10-6

Other Officers Call

Duty Recker/tow truck called

AC arrived after call

* 07/11/2017 22:39:44 Route Closed: MAIN 05 - it took a 4 hours and 14 mins after stop

07/11/2017 22:39:45 Incident Closed: 17/07/11 22:39

Certificate of Service.

I, David Green, hereby state that a copy of the attached Designation of matter, was served upon the 13th Circuit Solicitor's Office, of Greenville County, by depositing a copy of the same in the United States Mail with the proper First class postage prepaid, and was addressed to his Office Solicitor Jonathan Martin Gregory, Esquire, at 305 East North Street, Suite 325, Greenville, South Carolina 29601, on this month of December 18, 2019

Respectfully Submitted,
David Green Jr.
David Green Jr.

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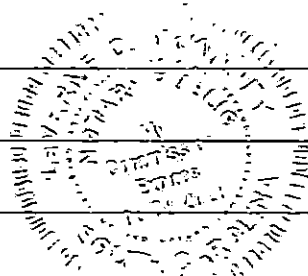
JAN 02 2020

SC Court of Appeals

Sworn to and Subscribed Before Me,
This 23 Day of December 19

Signed [Signature]
Notary Public of South Carolina

My Commission Expires: August 8, 2028

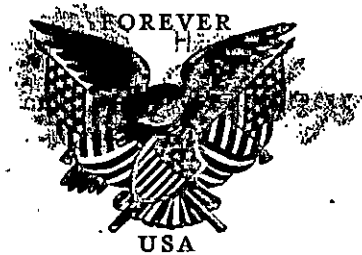


David Green # 300923 -0355

Greenville County Detention Center
20 McGee Street
Greenville SC 29601

GREENVILLE SC 296

30 DEC 2019 17:41 L



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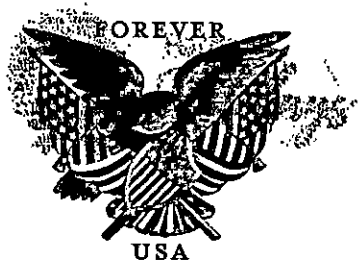
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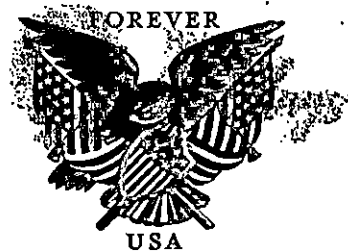
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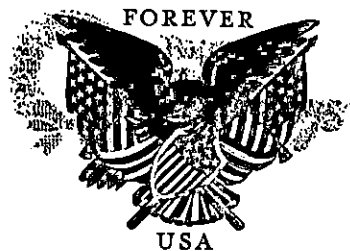
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David Green # 300923-0355

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