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MAR 18 2020

Reference Case: Appellate Case No. 2018-001462

Dear Courts,

Here are General Orders of Vehicle Towing and Impoundment for the Greenville County Sheriff's Office dated rules/procedure. These procedures were not followed in the impoundment of the Ford F-350 truck and its properties inside the truck.

A. G.O.-219 marked policy 1-5 page 1 of 10

B. G.O.-219 - marked drug/Narcotic Related Seizure Documentation #1 page 8

Vehicle Towing and impoundment G.O.-207 Procedure:

A. Last paragraph page 1 of 2 states the vehicle towing and impoundment and inventory Form is to be carefully completed by Deputy on scene, and the Deputy's star number is to be ~~completed~~ included on the Form. Which on the vehicle impoundment and inventory Form was not carefully completed. For special mechanical accessories (Gauges, Parts) it says Factory but this is not true because of there was a satellite radio attached on a mount in the truck. Then electronic equipment (radios, Tape players, Speakers, T.V., Etc..) is ~~not~~ not marked at all when the truck had/has a projector inside and the satellite radio. Next special wheels, wheel covers, spare tire is not marked when truck had special rims on it and the tires was not Factory but more like mud tires. For Firearms there is just a line marked there. Last Tools, clothing, other items was marked Misc clothes, Misc tools when in fact there is so much more that is not marked and none of the officers had their body cams on during the search of the truck. There was a gold chain with plug piece on it, a I-watch, mist sports fan, 4 boxes of ~~Brand~~ brand new tennis shoes, a bag of 10 brand new shorts just brought, a bag of stuff from

Wal Mart of as seen on T.V. things, 2 half Full bottles of alcohol and 2 Full bottles of Moët, 3 high price leather bags (1 MGM book-bag costing \$250.00 and 2 Louis Vuitton bags & one book bag and the other one was a duffel bag both costing together \$600.00). Greenville Sheriff's Office Vehicle Inventory search of property states "G.O-219 page 7" Inventory is based on the idea that Deputy's frequently come into possession of property belonging to other people. There are 3 based primary interests:

1. Protecting the owner's property
2. Protecting a Deputy against ~~the~~ claims of theft or damage
3. Protecting a Deputy and the public against dangerous instruments

This was not done. On G.O-207 it also states that on the Vehicle Impoundment and Inventory Record the Deputy's star number is to be included, but as we can see there is no star number on the Record/Form.

Traffic Ancillary Services G.O-227 page 3 "Dated March 16, 1987" states: In all instances ~~of the~~ when a Deputy tows a vehicle, a letter is to be mailed to the registered owner notifying (1) the location of the vehicle, (2) the description of the vehicle (3) The name of the Deputy who towed the vehicle. Looking at the form it states ~~is~~ in box space for it "owner notified the box is marked no". Therefore no notification was ever sent to the owner unit about April of 2018. Date is in other evidence which the court has already.

G.O-207 page 2 states all closed or locked containers found during inventory searches shall be inventoried. None was inventoried in my case "glove box, arm rests, my clip board" which is a container that

had car and truck titles inside it", none of the luggage which inventoried "to show/state the contents inside them", nor envelopes that was closed.

On GO-219 pages ^{9,10} states Deputy is not to send house keys, office keys, etc. to the Street Crimes Lieutenant and also not to the respective unit Sergeant plus not to the Seizure Coordinator. I did not get my house keys, tool box keys, none of them. Still don't have them.

These are piece of rule of From the Greenville County Sheriff Office that has just come into my custody this week and I did not have until now. This evidence is just to show that the Deputy / Greenville County Sheriff Office did not follow procedures in the impoundment tactics use to the seizure procedures.

I wanted to have pictures taken of the inside of the truck, but have not had access to the vehicle. Due to none of the 5 deputies having a body camera on during the search of the truck there is no footage of the inside of the truck along with all that was inside the truck. I'm suppose to go to trial in April and ~~was~~ would now also ask that my lawyer have access to take pictures of the inside of the truck.

Lawyer Name is Thomas Adducii

Address is 416 East North Street, Greenville, S.C. 29601

Phone number is 864-779-9810 / 864-775-5810

We can see that the ^{Deputy did} arrest ~~was~~ not follow procedures set by in towing and seizing. We also see that the arrest was not what the court was told to be the reason of the arrest do to dispatch saying that the warrant said not to arrest "twice". Also looking at the video of the stop there is no way Deputy can see the expired tag. From the

distance away he was when he turned on his blue lights to stop me. Once he got closer while I was pulling over is only when he saw the expired tag. The stop alone was done due to a non traffic violation "see case" State v. Alston (4th Cir., 2018) which is for 56-5-1900". In my case I was blue lighted for hitting the divider line of the lane on a momentary lane drift. Which happen after the Deputy followed me for 5 exits before he witnessed the single drift. Looking over the many cases of Failure to maintain a single lane 56-5-1900" no officer would have stop me for this momentary drift but if I had continued to swerve down the highway then they would. Due to Deputy's own statement in his report on page 1 and 2 he twice ~~wrote~~ wrote that it was a single instance of it happening. The arrest also used in the hearing was a falsily done arrest. Due to the dispatch report Deputy was told "twice" to do not arrest with the word warning in front of it. Deputy use D.U.S as means of arrest which had already been known by Deputy but used later as means to arrest. Looking at case of "State v. Simmons (4th Cir., 2019)" states that Deputy Cannon ~~was~~ practice is to arrest out of state drivers for D.U.S which is a discrimination done on out of state drivers by singling out only driver he practices to arrest is only out of state and not all drivers. The statement is what he testified in court. This same discrimination was used on my and other people so that he would have means to search their vehicles. Here is all evidence that shows what i'm saying. Please let me/lawyer have access to truck for pictures for crime case. It is part of a crime scene. Thank you!

Submitted Respectfully
Darrid Ameen Sr

CERTIFICATE OF SERVICE

I, David Green (ID# 300923-0355) hereby states that a copy of the attached extra/Newly Found Evidence, was served upon, Solicitor Jonathan Gregory of the State of South Carolina Solicitor Office of Greenville County, by depositing a copy in the United States Mail with the proper First class postage prepaid, and was addressed to his office at 305 East North Street, Suite , Greenville, South Carolina 29601. On the 13th day of March 2020

Respectfully Submitted,
David Green Jr.
David Green Jr.
ID # 300923-0355

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SC Court of Appeals



GREENVILLE COUNTY
SHERIFF'S OFFICE

GO - 219

GENERAL ORDERS

SEARCH AND SEIZURE

PURPOSE:

This directive provides guidelines for the execution of a search warrant, and limited exceptions to a search warrant.

POLICY:

It is policy of the Greenville County Sheriff's Office to:

- 1. Provide techniques to accomplish a thorough and legal search.
- 2. Observe the constitutional rights of the persons the warrant is being served upon.
- 3. Minimize the level of intrusion experienced by those who are having their premises searched.
- 4. Provide for the highest degree of safety for all persons concerned.
- 5. Establish a record of the entire execution process.

Search and seizure with a search warrant is preferred unless limited exceptions apply. The key to the successful, legal discovery of evidence or contraband is reasonableness coupled with a deputy's ability to articulate the necessity of search and seizure with or without a warrant.

DEFINITIONS:

SEARCH SITE - The premises or persons to be searched, as explicitly described in the search warrant.

SEARCH PERSONNEL - Sheriff's deputies and support personnel taking part in the execution of a search warrant.

EVIDENCE COLLECTOR - Member of the search team responsible for the possession, packaging, sealing, and marking of all items seized.

SUPERVISING OFFICER - Search team member most knowledgeable about the case and/or responsible for the investigation.

UNIFORMED PERSONNEL AND EQUIPMENT REQUIREMENTS:

A search team will include at least one uniformed deputy. All non-uniformed deputies are to be clearly identified as law enforcement deputies by wearing a Sheriff's Office badge, a distinctive jacket, armband, or some other highly visible indicator of office.

All members of the search team are to be equipped with body armor.

force, necessary under the circumstances, is to be applied to complete the search. If force is used to conduct the search, deputies involved must complete a RTA report.

4. If the detainee resists a cavity search and an insufficient number of deputies are available to restrain the detainee, deputies of the opposite sex may assist in subduing the detainee before he/she is stripped. The detainee is to be subdued with necessary restraints (handcuffs/shackles) before the assisting deputies leave the room.

NOTE - Strip and body cavity searches are to be documented.

INVENTORY OF

VEHICLES/PROPERTY: The concept of inventory is based on the idea that deputies frequently come into possession of property belonging to other people.

Inventory is based on three primary interests:

- 1. Protecting the owner's property.
- 2. Protecting a deputy against claims of theft or damage.
- × 3. Protecting a deputy and the public against dangerous instruments.

A deputy must have lawful custody of the vehicle or property to conduct an inventory. All vehicles and property taken into custody are to be inventoried to insure safety of the public and their interests.

◀ A written report (tow, evidence, incident, supplemental, etc.) is to be completed on all inventoried property.

DRUG RELATED SEIZURES:

BURDEN OF PROOF – Before seizing money related to drug/narcotic activity, the seizing deputy must be prepared to document and later testify to the *articulable* facts that identify the money as proceeds from a drug or narcotic offense. If the seizing deputy is not capable of articulating the facts pertinent to proving the money was generated from drug or narcotic sales, the money must not be seized and is to be booked into detention as part of the arrestee's personal affects.

- The civil process to pursue proceeds from a drug or narcotic offense is separate from the criminal aspect of the case. Mere possession of drugs and money does not constitute grounds for seizure of the money. If the seizing deputy cannot effectively and thoroughly describe the totality of the circumstances that led him or her to seize the money, the Community Services Lieutenant will return the money to its owner.

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SEIZURE VALUES – As a general guideline, the following indicates values that determine whether seizure of property applies to a particular drug related incident:

1. Money - \$1,000.
2. Vehicles - \$2,000.

NOTE – If an amount is less than \$1,000 and there exists articulable facts to prove the money was tied to drug sales, the money can be seized.

CONSENT FORFEITURE – Occasionally, suspects will consent to forfeiture of their seized money. Once again, consent forfeiture must be coupled with articulable facts, as previously described, with the consent form properly filled-out and sent to the Street Crimes Lieutenant. The **original Consent Forfeiture form** must be sent to the Seizure Coordinator.

A suspect may consent to forfeiture any amount of money, however, there are fees incurred into the Sheriff's Office retaining the money. The Solicitor's Office receives 20% of all seized money and court fees are attached to the overall process. If it is determined that it will not be cost effective to pursue retention of specific amounts less than \$1,000, it may be necessary to return the money.

Drug/Narcotic Related Money Seizure Documentation – The following documents are to be sent to the Seizure Coordinator by the end of shift:

1. Incident Report (Code-5).
2. Original Consent Forfeiture form.
3. Notification of Currency form.

VEHICLES – Before a vehicle is seized for drug/narcotic activity, the seizure must be approved by the Vice & Narcotics Sergeant or the Property Crimes Lieutenant.

Drug/Narcotic Related Seizure Documentation – The following documents are to be sent to the Seizure Coordinator by the end of shift:

- 1. Incident Report (Code-5) citing the name of the vehicle driver, the name of the registered owner, and lien information.
2. Yellow copy of Vehicle Tow and Inventory Record.

In addition to the previously listed documents, the vehicle ignition and trunk keys are to be included with the incident report and tow

sheet. • Do not send house keys, office keys, etc., to the Street Crimes Lieutenant.

NOTE - *Vehicles seized for drug/narcotic related activities are to be towed by the Duty Wrecker to the Greenville County Vehicle Service Center.*

REAL ESTATE SEIZURE – Seizures of real estate will be coordinated through the Asset/Forfeiture Unit of the Greenville County Solicitor's Office.

ASSET FORFEITURE – All property acquired through asset forfeiture is to be accounted for in agency records and disposed of pursuant to legal authority.

**TRAFFIC RELATED
VEHICLE SEIZURES:**

South Carolina Code of Laws §56-5-6240 mandates the seizure of a vehicle operated by the registered owner or by a member of the registered owner's household when the operator is charged with:

1. DUI-3rd and above within 10-years of cause date.
2. DUS 4th and above within 5-years of cause date.

• **Traffic Related Seizure Documentation** - The following documents are to be sent to the Seizure Coordinator by no later than the end of each shift:

1. Incident Report (Code-5).
2. Completed **DUI/DUS Seizure Form**.
3. Yellow copy of Vehicle Tow and Inventory Record.
4. Copy of ticket citing charge for seizure.
5. Defendant's driving record.
- 6. Copy of seized vehicle registration.

In addition to the previously listed documents, the vehicle ignition and trunk keys are to be included with the required documentation.

• Do not send house keys, office keys, etc., to the Seizure Coordinator.

NOTE - *Vehicles seized for DUI/DUS are to be towed by the Duty Wrecker to the Greenville County Vehicle Service Center.*

**LARCENY RELATED
VEHICLE SEIZURE:**

South Carolina Code of Laws §16-13-175 – The motor vehicle used in the commission of a larceny may be seized if the offender is the registered owner of the motor vehicle and the offender used the vehicle during the commission of a larceny. The statute allows officer discretion in seizing vehicles for larceny offenses. Before a

vehicle is seized for larceny activity, the seizure must be approved by the Property Crimes Sergeant or Lieutenant.

SEIZURE VALUE – \$2,000 is the general guideline for seizing a vehicle for a larceny offense.

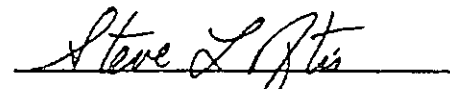
Larceny Related Seizure Documentation - The following documents are to be sent to the Seizure Coordinator by no later than the end of each shift:

1. Incident Report (Code-5).
2. Yellow copy of Vehicle Tow and Inventory Record.
3. Copy of warrant or ticket citing charge for seizure.
4. Copy of seized vehicle registration.
- 5. Original Consent Forfeiture form (if applicable).

In addition to the previously listed documents, the vehicle ignition and trunk keys are to be included with the required documentation.

- ◆ Do not send house keys, office keys, etc., to the respective unit Sergeant.

NOTE - *Vehicles seized for larceny are to be towed by the Duty Wrecker to the Greenville County Vehicle Service Center.*



Steve Loftis, Sheriff



GREENVILLE COUNTY
SHERIFF'S OFFICE

GO - 207

GENERAL ORDERS

VEHICLE TOWING AND IMPOUNDMENT

PURPOSE:

This policy establishes guidelines for:

1. Orderly and efficient operation of a countywide wrecker service rotation system.
2. To assure equitable treatment to all wrecker service agencies that meet and maintain service standards established by the Sheriff's Office.
3. To ensure prompt, fair, and efficient accommodation to all citizens and agencies requiring wrecker services.

PROCEDURE:

Wrecker services participating in the "Wrecker Rotation Plan" are selected:

1. After meeting stringent qualifying requirements established by the Sheriff's Office.
2. After passing an on-site inspection conducted by Selective Enforcement.

Selective Enforcement is responsible for maintaining, updating, and supervising the wrecker list and for assuring Communications has a current list at all times.

Deputies who receive requests from citizens for wrecker service are to advise the party involved that a Wrecker Rotation System is used by the Greenville County Sheriff's Office. Under no circumstances are employees of the Sheriff's Office to suggest the services of a wrecker business. If an operator or owner of a vehicle specifically requests a certain wrecker service, the deputy involved is to notify Communications, who will make immediate contact, if possible, with the service requested.

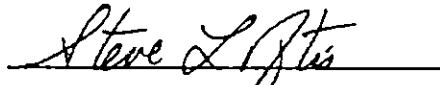
If no particular wrecker service is specified, Communications will notify the wrecker(s) needed from the rotation list. The deputy is advised the identity of the assigned wrecker. The deputy is to ensure each vehicle is released to the appropriate wrecker service.

If the Sheriff's Office is towing a vehicle, a Vehicle Impoundment and Inventory Record form is to be carefully completed by the on-scene deputy and signed by the wrecker driver; the deputy's Star Number is to be included on the form. Wrecker drivers receive a copy from the on-scene deputy who will forward the original along with other required investigative reports for processing through

normal administrative channels. Sheriff's Office policy dictates all closed or locked containers found during inventory searches shall be inventoried. (Florida v Wells, U.S. 1990).

If unsatisfactory service or lack of cooperation is experienced with any wrecker business, a report detailing the issue involved is to be submitted to respective Division Commanders for further investigation. Division Commanders are to forward comments and recommendations to Administrative Services for corrective action.

NOTE – Refer to General Order 227 TRAFFIC ANCILLARY SERVICES for guidelines pertaining to towing abandoned vehicles.


Steve Loftis, Sheriff



GREENVILLE COUNTY
SHERIFF'S OFFICE

GO - 227

GENERAL ORDERS

TRAFFIC ANCILLARY SERVICES

PURPOSE:

Traffic ancillary services are activities that have a direct effect on traffic flow or public safety. They include this agency's responses to citizen-generated requests for assistance.

STRANDED OR DISABLED MOTORIST:

When a deputy encounters a stranded or disabled motorist, he/she is to make every practical effort to obtain needed assistance. The following are areas that may fall within the scope of assistance that can be rendered:

1. Changing flat tire.
2. Calling for wrecker service at owner's request and at their expense of either their choice or a service from the rotation list.
3. Obtaining gasoline in an approved safety container. Gas is to be transported in the vehicle trunk and gas containers are to be empty when not assisting a motorist.
4. Transport motorist to the nearest service station.

Deputies are not to make mechanical repairs to disabled vehicles.

If a deputy enroute to a call-for-service observes a disabled motorist, Communications is to be notified of the motorist's location to assure assistance is dispatched. This is critical for motorists stranded in isolated or hazardous locations.

ROADSIDE EMERGENCY ASSISTANCE:

When assistance rendered to a stranded or disabled motorist is of an emergency nature, the deputy is to contact Communications for assistance needed (fire, medical, or mechanical). The deputy is to stay with the motorist until assistance arrives or the emergency abates.

The deputy may render the following emergency assistance:

1. Medical first-aid.
2. Fire suppression.

The deputy is to act as a communications link to assure a rapid and timely response to the motorist.

The South Carolina Department of Transportation provides assistance to stranded motorists through its SCDOT Incident Response Program (formerly known as SHEP). Prepared to handle a variety of situations, SCDOT Incident Response vehicles make minor repairs to disabled vehicles, assist with traffic control and incident management, and provide first aid until EMS arrives. Communications can notify SCDOT and request an Incident Response vehicle for incidents occurring on interstate highways.

**ROADWAY/ ROADSIDE
HAZARDS:**

Roadway and roadside hazards are frequently contributing factors in traffic collisions. When a deputy identifies a hazard, he/she is to attempt to eliminate the hazard or report it to proper authorities for corrective action. Such hazards include:

1. Debris in roadway.
2. Defects in roadway.
3. Lack of or broken highway safety devices.
4. Lack of or broken traffic control devices.
5. Lack of roadway lighting system.
6. Other roadside hazards such as abandoned vehicles.

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**KEYS LOCKED
IN VEHICLES:**

Deputies may be requested to assist in entering vehicles with the keys locked inside. This will only be done in emergency situations where exists a serious threat to life.

When calls of this nature are received, Communications determines:

1. Weather conditions (heat or cold).
2. If an immediate need exists due to other circumstances that entry must be gained.

The local fire department and/or EMS may be notified if medical or emergency assistance is necessary.

If unusual or emergency conditions do not exist, the citizen is to be advised to notify a locksmith or local garage.

**TOWING
VEHICLES:**

A deputy may tow a vehicle when one of the following circumstances exists:

1. South Carolina Code of Laws §56-5-5630 - Any vehicle abandoned on a right-of-way, road or highway for more than forty-eight (48) hours.

2. **South Carolina Code of Laws §56-5-2510** - An unattended vehicle parked on the roadway outside a business or residential district when it is practicable to leave the vehicle off the roadway. An unobstructed width of the highway opposite a standing vehicle must be left for the free passage of other vehicles and clear view of the stopped vehicle must be available from a distance of two hundred feet in each direction upon the highway. This does not apply to disabled vehicles unavoidably and temporarily left in such a position.
3. **§South Carolina Code of Laws §56-5-2520** - Any vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic.
4. Any vehicle from which a deputy makes an arrest and there is no responsible party to assume possession of the vehicle.
5. Any recovered/stolen vehicle where the owner cannot appear in a reasonable time to take possession and after all other means to locate someone to take possession have been exhausted.
6. Any vehicle containing illegal liquor, illegal weapons, or a sufficient quantity of illegal drugs to qualify for seizure of the vehicle.
7. Any vehicle to be held for processing of evidence in the course of an investigation.
8. Any vehicle upon execution of a lawful court order.
9. Any abandoned or derelict motor vehicle after an attempt is made to contact the owner and allow him a reasonable opportunity to retrieve the vehicle.

◁ In all instances when a deputy tows a vehicle, a letter is to be mailed to the registered owner notifying:

1. The location of the vehicle.
2. The description of the vehicle.
3. The name of the deputy who towed the vehicle.

Whenever a vehicle is towed, the **Vehicle Inventory and Impoundment form** is completed by the towing deputy and processed through normal administrative channels as a permanent record pursuant to General Order 207. Relevant vehicle description and towing agency is recorded in a vehicle tow log in Communications.

**TAGGING/TOWING
ABANDONED
VEHICLES:**

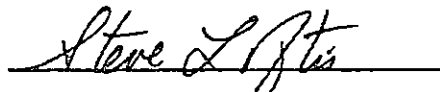
Tagging/towing procedures:

1. When tagging abandoned vehicles, write a **Code 3** case number on the orange vehicle tag.
2. After 48-hours, if the vehicle is towed, use the original case number written on the orange tag. Instruct Communications to change the case number from Code 3 to **Code 5**.
3. Submit the orange tag with the Code 5 to your shift supervisor who will forward the report and tag to Traffic Enforcement.
4. When towing an abandoned vehicle tagged by the SC Highway Patrol, write the Code 5 case number on the orange vehicle tag and attach it to the incident report. Your shift supervisor will forward the tag and report to Traffic Enforcement.

NOTE – Refer to General Order 207 VEHICLE TOWING AND IMPOUNDMENT for guidelines pertaining to requesting a wrecker and completing a Vehicle Impoundment and Inventory Record.

**TRAFFIC
EDUCATION:**

Traffic safety and educational materials are made available to the public through the Traffic Safety Program in public schools.


Steve Loftis, Sheriff

MEMORANDUM

* This came out of a car stop on July 11th, 2017, on I-85 northbound. Deputy Cannon with *
* the Greenville County Sheriff's Office stopped the Plaintiff's vehicle for an expired tag. During *
* the stop of the Plaintiff's vehicle, the Plaintiff was the sole occupant of the vehicle. Deputy *
* Cannon ran the Plaintiff's Maryland ID and found that the Plaintiff was wanted in Maryland for *
* a parole violation, at which time the Plaintiff was arrested. During the search of the vehicle, *
* officers found 110 grams of heroin, as well as 20.83 grams of cocaine base (crack cocaine), and *
* 6.93 grams of marijuana.

It appears from the Complaint that this is an attempt at a Section 1983 action. The Plaintiff is suing his former attorney for alleged civil rights violations. The law firm of W. Benjamin McClain, Jr., L.L.C. Attorney at Law, was hired by the Plaintiff to represent him, in reference to the criminal charges of: Trafficking Meth/Cocaine Base 10G>But<28G 1st, Trafficking Heroin/Morphine 28G or more, Driving Under Suspension, and Marijuana: Possession, Warrant Numbers: 2017A2330206510, 2017A2330206508, 6102P0390254, 6102P0390255. The Plaintiff was formerly represented by a public defender. All proper Motions were filed and served by the Plaintiff's attorney, the Defendant. However, the Plaintiff insisted on directing entirely the litigation and would not follow the advice of his legal counsel. (See Affidavit of Joseph Sage Daly). The Plaintiff wanted the Defendant to be a mere "straw man" to carry out his directions and only his directions, concerning the litigation. Despite repeated instructions from the Court, the Assistant Solicitor assigned to these cases, and the Defendant, the Plaintiff continued to personally contact via letter and otherwise certain South Carolina Circuit Court Judges and the Assistant Solicitor, Howard Steinburg, assigned to this case. Because of the behavior of the Plaintiff, the Defendant filed and served a Notice Of

Respectfully submitted,

Attachments:

Notice Of Motion And Motion
To Relieve And Release Counsel -
W. Benjamin McClain, Jr., LL.C.
Notice Of Motion And Motion To
Relieve And Release Counsel -
David Green
Order For Continuance - Alex
Kinlaw, Jr.
Motion For Continuance - W.
Benjamin McClain, Jr.
Order For Continuance and Order
To Appoint New Counsel – Edward
Miller
David Green – Inmate Search Details
Affidavit of Joseph Sage Daly
Notice Of Investigation – Supreme Court
Of South Carolina – 18-DE-L-0818
Rule 4 Order – 2017CP2305529
Motion For Bond Reduction – Denied –
David Green
Motion To Relieve Counsel – David Green

s/W. Benjamin McClain, Jr.
W. Benjamin McClain, Jr., Esquire
Federal ID No.: 2769
W. Benjamin McClain, Jr., L.L.C.
Attorney at Law
1300 East Washington Street, Suite I
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(864) 271-9098
Facsimile: (864) 271-9099
Email: mcclainwb@gmail.com

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 July
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.

to Section 44-53-520, and Section 44-53-530, Code of Laws of South Carolina (1976) or other statutes.

- *5. On or about July 11, 2017, deputies with the GCSO stopped the Interested Party on *
- * I85 for a traffic violation. During a lawful search of the Interested Party's vehicle, * the deputies located 132.3 grams of heroin, 22 grams of crack cocaine, and 27.2 grams of marijuana. The Interested Party told the deputies he was traveling to Maryland from Georgia. The deputies seized the 2006 Ford F350 (VIN - 1FTWW31P86ED61140) the Interested Party was driving since it was being used to facilitate illegal drug activity. All events occurred in Greenville County.

FOR A FIRST CAUSE OF ACTION

DECLARATION OF RIGHTS AS TO FORFEITURE OF DEFENDANT PROPERTY

- 6. Each and every allegation is realleged as if fully set forth herein.
- 7. The Plaintiff is informed and believes he is entitled to an Order of the Court declaring the above listed Defendant Property abandoned and title/ownership be vested and transferred to the GCSO.

FOR A SECOND CAUSE OF ACTION
IN THE ALTERNATIVE,
ABANDONMENT OF DEFENDANT PROPERTY

- 8. Each and every allegation is realleged as if fully set forth herein.
- 9. In the alternative to the first cause of action, the Plaintiff is informed and believes he is entitled to an Order of the Court declaring the Defendant Property to be abandoned and therefore title/ownership be vested and transferred to the GCSO.

Search was not a 2
legal search

INMATE SEARCH: DETAILS

Warrant hold was placed on

Inmate Description and Location

Inmate Holds



Picture Date: 7/11/17

Name / ID Number: GREEN, DAVID / 0355
 Gender: MALE
 Race: BLACK/AFRICAN A
 Year of Birth: 1977
 Hair Color: BLACK
 Eye Color: BLACK
 Height: 5' 03"
 Weight: 144 lb
 Housing Unit: U

* Maryland Parole Commission WNO:110905 OFF: Parole Violation *
 * Hold Date: 7/12/17 *

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INMATE CHARGES:

- ALL 1 2 3 4 5 6 7

THE CHARGE IS AS FOLLOWS:

Charge 100; FUGITIVE FROM JUSTICE
 Arresting Agency: SHERIFF'S OFFICE
 Sentence: 07/12/2017 - No Bond set by Judge

Charge Date: 7/11/17
 Trial Judge: GEN SESSIONS

Warrant: 2017A2330206507
 Committing Judge: GARRISON

BOND SATISFIED AND THIS CHARGE HAS BEEN RELEASED:

Charge 200; TRAFFICKING METH/COCAINE BASE 10G>BUT<28G 1ST
 Arresting Agency: SHERIFF'S OFFICE
 Bond: 09/15/2017 - Surety Bond of \$35000.00

Charge Date: 7/11/17
 Trial Judge: GEN SESSIONS

Warrant: 2017A2330206510
 Committing Judge: GARRISON

THIS CHARGE HAS BEEN RELEASED:

Charge 300; TRAFFICKING HEROIN/MORPHINE 28G OR MORE
 Arresting Agency: SHERIFF'S OFFICE
 Sentence: Included with the previous Charge

Charge Date: 7/11/17
 Trial Judge: GEN SESSIONS

Warrant: 2017A2330206508
 Committing Judge: GARRISON

BOND SATISFIED AND THIS CHARGE HAS BEEN RELEASED:

Charge 400; DRIVING UNDER SUSPENSION
 Arresting Agency: SHERIFF'S OFFICE
 Bond: 07/12/2017 - Cash Bond of \$653.00 or Surety Bond of \$653.00

Charge Date: 7/11/17
 Trial Judge: FISHER

Warrant: 6102P0390254
 Committing Judge: GARRISON

BOND SATISFIED AND THIS CHARGE HAS BEEN RELEASED:

Charge 500; MARIJUANA: POSS
 Arresting Agency: SHERIFF'S OFFICE
 Bond: 07/12/2017 - Cash Bond of \$640.00 or Surety Bond of \$640.00

Charge Date: 7/11/17
 Trial Judge: FISHER

Warrant: 6102P0390255
 Committing Judge: GARRISON

THE CHARGE IS AS FOLLOWS:

Charge 600; VIOL OF HIP
 Arresting Agency: SHERIFF'S OFFICE
 Sentence: 04/30/2019 - Bond Revoked

Charge Date: 4/30/19
 Trial Judge: GEN SESSION

Warrant: 2017A2330206510
 Committing Judge: VERDIN

THE CHARGE IS AS FOLLOWS:

Charge 700; VIOL OF HIP
 Arresting Agency: SHERIFF'S OFFICE
 Sentence: 04/30/2019 - Bond Revoked

Charge Date: 4/30/19
 Trial Judge: GEN SESSIONS

Warrant: 2017A2330206508
 Committing Judge: VERDIN

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GP1-114837 • J4710001

I have never been released on these charges because bond was not satisfied due to me not being eligible for a G.P.S monitor. Therefore I was not violated for HIP because I was never eligible for it. Judge revoked my bond when I went to have tool

Impoundment Form no Deputy star number. Notice was never sent to owner. In complete due to valuables not being listed. Nor no listed containers in form.



GREENVILLE COUNTY SHERIFF'S OFFICE
Vehicle Impoundment and Inventory Record

Time → 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 FORD	MODEL F-350	YEAR 2006	COLOR WHITE	BODY TYPE VIN (1981 & NEWER VEHICLES HAVE 17 CHARACTERS) TRUCK 1FTWW31P86ED61140	
LICENSE PLATE NUMBER 4CX9088	STATE MD	TAG YR 18	SPECIAL CHARACTERISTICS OF VEHICLE (ACCESSORIES, DAMAGE, UNUSUAL LIGHTING, ANTENNAS, ETC.)		
REGISTERED OWNER TONTA MECHELE FLYTHE-HARRISS		OWNER'S ADDRESS APT 2 7 SYCAMORE ST		CITY WESTMINSTER	STATE ZIP MD 21157
OPERATOR DAVID GREEN JR		OPERATOR'S ADDRESS 4957 EDGE MERE AVE		CITY BALTIMORE	STATE ZIP MD 21215
LIEN HOLDER - NO LIEN -					
OPERATOR INCARCERATED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		CHARGES		TICKET NUMBER(S)	
TOWING SERVICE MALES		IMPOUNDMENT LOCATION SERVICE CENTER		OWNER NOTIFIED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DATE NOTIFIED TIME NOTIFIED
IMPOUNDING OFFICER AL CANNON		CASE OFFICER AL CANNON		HOLD FOR AND REASON 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					
FIREARMS (RIFLES, PISTOLS, SHOTGUNS, AMMUNITION)					
TOOLS, CLOTHING, OTHER ITEMS MISC CLOTHES, MISC TOOLS					
ITEMS SEIZED / IMPOUNDED: (SUPPLEMENTAL REPORT ATTACHED? YES <input type="checkbox"/> NO <input type="checkbox"/>					
TOW TRUCK OPERATOR (PRINT NAME) Chuck McCoig		TOW TRUCK OPERATOR'S SIGNATURE Chuck McCoig			
VEHICLES SUBJECT TO FORFEITURE					
MILEAGE	VALUE	OTHER			
RETURNED TO OWNER DATE	COURT FORFEITURE DATE		CONSENT FORFEITURE: DATE:		
DEACTIVATED DATE	TO BE AUCTIONED: DATE:		OPERATIONAL USE DATE:		

S/TPB 87/24/2817

JUL 24 2017

Deputy star number

- 1 - Greenville SO
- 2 - Greenville PD
- Other _____

**GREENVILLE COUNTY DEPARTMENT OF PUBLIC SAFETY
PROPERTY & EVIDENCE REPORT**

1. Status - Check one only: <input checked="" type="checkbox"/> PGS Evidence <input type="checkbox"/> MM Evidence <input type="checkbox"/> Seizure/FF <input type="checkbox"/> Safekeeping <input type="checkbox"/> Recovered <input type="checkbox"/> Found <input type="checkbox"/> Other: _____				2. Case # 1-17-122661	
3. Date of Impound: 7-11-17		4. Time of Impound: 1826		5. Case Type: TRAFFICKING HEROIN etc	
6. Name of: <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Owner DAVID GREEN			7. Where Property was Impounded (Give exact location/address & business information) 1-85N @ Mauldin RA		

8. Item #:	9. Quantity:	10. Weight (Drugs Only)	11. Description (include make, model, serial #, caliber/action, color, etc.)	12. NCIC Yes	12. NCIC No
AC1	1		VISA CREDIT ONE CARD TO DAVID GREEN		
AC2	1		MASTER CARD PLATINUM CARD TO DAVID GREEN		
AC3	1		BANK OF AMERICA VISA CARD TO DAVID GREEN		
AC4	1		WETS STOPPERS CLUB CARD		
AC5	1		MASTER CARD GOLD CARD TO DAVID GREEN		
AC6	1		MANILLA PADDED ENVELOPE		
AC7	1	22.2g	PLASTIC BAG W/ WHITE ROCKS (22.2g)		
AC8	1	132.2g	ZIP LOCK BAG W/ GRAY BROWN BRICK POWDER SUBSTANCE		
AC9	2	27.2g	RED PLASTIC CANNISTERS W/ GREEN PLANT MATERIAL		
AC10	1	1.6g	ROLLED BLUNT W/ GREEN PLANT MATERIAL		

13. Firearms Unloaded Verification: UFCV (Clerk Verified): _____ Initials / Date _____ UFOV (Officer Verified): _____ Initials / Date _____

14. I hereby acknowledge that the above list represents all property taken from my possession and that I have received a copy of this report:
Signature: _____ Date: _____

15. Impounding Officer (print full name): **M/O A. CANNON**
Signature: *[Signature]*

16. Star #: **632**
17. Unit #: **K-10** *

19. Investigating Officer & Star #: **Same**

20. Received by (print name)	21. Signature	22. Storage location	23. Date	24. Time
M/O A. Cannon	<i>[Signature]</i>	locker 009	7-11-17	2150
J. Coley	<i>[Signature]</i>	PC Storage	7-12-17	9:48

25. Authorization for Disposition: It is the authorizing officer's responsibility to notify owners to claim property

<p>Type of Disposition:</p> <p><input type="checkbox"/> Cleared for Destruction/Auction: Items: _____</p> <p><input type="checkbox"/> Authorize for Release Items: _____</p> <p><input type="checkbox"/> Authorize deposit (GPD use - money) Items: _____</p> <p>Name: _____</p> <p>DL / ID: _____</p>	<p>Authorized By:</p> <p>Officer Name (print): _____</p> <p>Signature: _____</p> <p>Date: _____</p> <p>Firearms Release Verification: NCIC/CCH Check:</p> <p>Name: _____</p> <p>Date: _____</p>
--	---

08/06/2017

7

My Inventory

- 1) All my keys
- 2) 3 leather bags 2 Low^{er} vation Book bag + Lugg^{age} bag also 1 MGM book bag
- 3) ~~4 Pair of Tennis shoes 3 brand new pair and 1 ~~old~~ most like new pair 3 Nike new~~
other like new tennis shoes and 1 new pair of Polo boots. (Receipts of shoe in truck)
- 4) ~~3~~ other bags of clothes and 1 hygienic luggage bag (1 bag of new clothes just brought and unwornen from Stone Mountain Mall in GA, 2 Black + grey luggage bags with Polo clothes (under clothes and regular clothes) also 1 Robbin Jeans set + 2 pair of Robbin Jer pants.
- 5) 1 movie projector ~~small~~
- 6) A bag of stuff from Wal-mart brought in Stone Mountain GA (receipts in the truck)
1 dog mat cooler, 1 bacon rack (microwavable) ~~plates~~ and other ~~the~~ stuff.
- 7) 1 electric winch (tool) ~~or~~
- 8) Stereo system bass booster kit
- 9) CD
- 10) 2 Mango Fruit (got from grand mother in College Park GA)
- 11) 1 satellite radio receiver
- 12) Regular tools to fix the truck flat (~~the~~ truck jack kit on floor behind the back ~~set~~ seats)
- 13) No visible
- 13) 1 Black Clip board with cotewater and hold space inside the ~~3~~ clip board (with paper woi

Things that was inside the truck that was not inventoried
from the so call inventory search

What dispatch of Greenville Sheriff Office report said about the warrant from Maryland on date of 7-11-17

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 NICW217729551 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

warrant which it says do not arrest
warrant says 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]

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 REPEAT - PROBATION OR SUPERVISED RELEASE STATUS RECORD again it's repeated
- DO NOT ARREST probation or supervised release status

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

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 Beaker/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

A

David Green # 300903-0355
Greenville County Detention Center
20 McGee Street
Greenville SC 29601

GREENVILLE SC 296

16 MAR 2020 PM 4 1



RECEIVED

MAR 18 2020

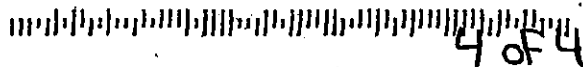
SC Court of Appeals

To : South Carolina Court of Appeal
Jenny Abbott Kitchings, Clerk

P.O. Box 11629

Columbia, S.C. 29221

29211-162929

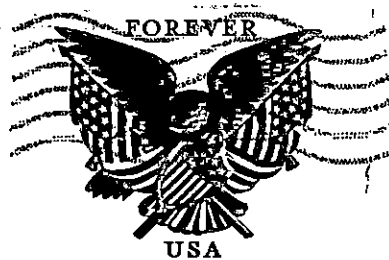


David Green #300923-0355

Greenville County Detention Center
20 McGee Street
Greenville SC 29601

GREENVILLE SC 296

16 MAR 2020 PM 4 1



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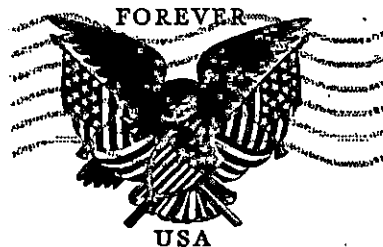
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David Green #300923-0355

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16 MAR 2020 PM 4 1



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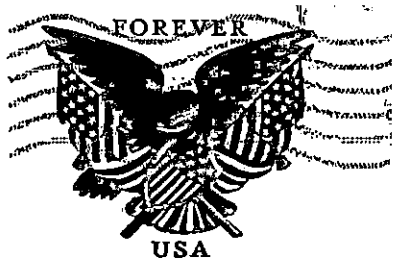


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Greenville County Detention Center
20 McGee Street
Greenville SC 29601

GREENVILLE SC 296

15 MAR 2020 PM 4 1



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