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APR 01 2020

SC Court of Appeals

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

V.

2006 Ford F350 (VIN-1FTWW31P86ED61140)  
Defendant Property,

and

David Green, Interested Party, Appellant.

Pro Se : David Green  
20 Mc Gee Street (GCDC)  
Greenville, South Carolina 29601

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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 ~~2~~ 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 ~~transcript~~<sup>video</sup> 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 ~~wh~~ was not true. With the illegal stop this whole case should be thrown out and all property return to owners.

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SC Court of Appeals

Certificate of Service

I, David Green hereby state that a copy of the Attached motion and notice of the Designation of Matter, was served upon the Honorable Court of Appeals For South Carolina and Solicitor's Office to Solicitor Jonathan Martin Gregory for the State of South Carolina Greenville's 13th Circuit, by depositing a copy of the same in the United States Mail with the proper first class postage pre-paid, and was address to his office at 305 East North Street, Greenville, South Carolina 29601 on this 26th day of March, 2020

Respectfully Submitted,  
Pro Se: David Green Jr.  
David Green Jr. #300923-0355  
David Green Jr.

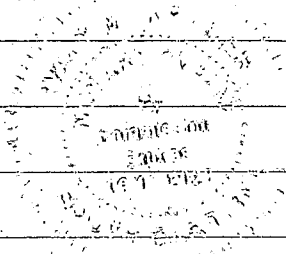
Sworn to and Subscribed Before Me,

This 26 Day of March, 2020

Signed: 

Notary Public of South Carolina

My Commission Expires: September 7, 2028



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Certificate

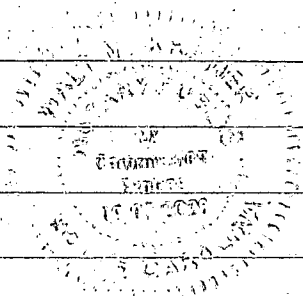
SC Court of Appeals

I, David Green, have wrote and read the document and or papers here included are to the best of my knowledge, information and belief that there is good grounds to support it, and that it is not interposed for delay. On this day of 2020

Respectfully Submitted  
Pro Se : David Green Jr.  
David Green Jr.  
ID # 300923-0355  
20 Mc Gee Street  
Greenville, South Carolina 29601

I, David Green acting Pro se of record that the designation contains no matter which is irrelevant to the appeal

Sworn to and Subscribed Before Me,  
This 26 Day of March, 2020  
Signed: Walt M. R.  
Notary Public of South Carolina  
My Commission Expires: September 7, 2028



Respectfully Submitted,  
Pro Se : David Green Jr.  
David Green Jr.  
ID # 300923-0355  
20 Mc Gee Street  
Greenville, South Carolina 29601  
David Green Jr

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The State of South Carolina SC Court of Appeals  
In The 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

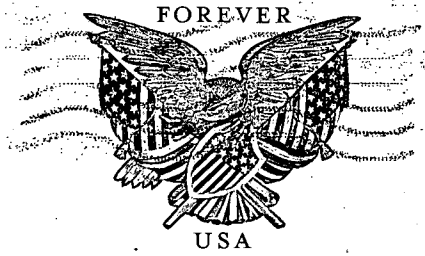
Pro Se: David Green David Green  
20 Mc Gee Street  
Greenville, S.C. 29601

David Green # 300923-0355

Greenville County Detention Center  
20 McGee Street  
Greenville SC 29601

POSTAGE & FEES PAID

30 MAR 2020 PM 11



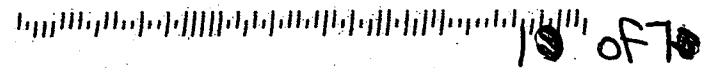
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SC Court of Appeals

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

29211-162929



Statement of Issues

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A-1

APR 01 2020

SC Court of Appeals

- (1) 5<sup>th</sup> amendment states no person shall be deprived of life liberty, nor property without due process of law
- (2) 6<sup>th</sup> amendment states I have a right to a speed trial/hearing in this case
- (3) 6<sup>th</sup> amendment states I am to have compulsory process for obtaining witnesses in my favor
- (4) 6<sup>th</sup> amendment states I have a right to have the assistance of counsel for my defence
- (5) 8<sup>th</sup> amendment states no excessive fines imposed
- (6) 8<sup>th</sup> amendment states nor be inflicted with/by cruel and unusual punishment
- (7) 14<sup>th</sup> amendment No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States
- (8) 14<sup>th</sup> amendment states nor shall they deprive any person of life liberty, or property, with out due process of the law
- (9) 14<sup>th</sup> amendment states nor shall be deny to any person within it's jurisdiction the equal protection of the laws
- (10) 1<sup>st</sup> amendment states prohibiting free exercise there of

- (11) 4<sup>th</sup> amendment states The right of the People against unreasonable searches and seizures
- (12) The Solicitor's negligence pre se for failing to initiate forfeiture proceeding within a reasonable time as provided by § 39-15-1195 (C), 44-53-520 (A), 44-53-530, and 39-15-1195 (A)
- (13) Defendant(s) did not possess a right to a jury trial which under sections 44-53-520, 44-53-530, and 44-53-530 (A), Summon said a Non Jury Trial
- (14) A innocent owner shall not be forfeited. IF such owner was not a consenting party to, prior to, or had no knowledge of the concealment, containment, or transportation of a controlled substance. Subsection 4(A) and 44-53-586
- (15) The defendant(s) was not made aware / known of their right in the forfeiture hearing. Mr. Green could have been intitled to counsel appointed for him in the hearing for the forfeiture. Rule 608/GAL rule 17 SCRPC
- (16) The First hearing Judge did not act as a neutral and detatch Judge. (6th)
- (17) The fact Mr. Green had not been indicted before the forfeiture hearing

- (1) Notification of Seizure filed with/by Sheriff's Office dated July 11, 2017
- (2) Mrs. Flythe-Harkless called the Sheriff's Office and left a message about coming to get the paper work, mail, etc. out of the truck on 8-~~21~~-17 (no returned call back from left message)
- (3) On the beginning of the August 2017 Mrs. Flythe-Harkless called and spoke to a Supervisor Sgt. Scott Matheny A-4 when she was told that the truck was being used as evidence and she would have to wait until trial was over before she could get her truck back, but that she could come get her belongings out of the truck (told to call ahead of time)
- (4) In July after Mr. Green was arrested Mrs. Flythe-Harkless called the Greenville County Clerks office and was told to call Deputy Al Cannon at 864-895-0178 which she did call that day and left a message July 2017 (no returned call back from message)
- (5) On 10-27-2017 Mrs. Flythe-Harkless spoke to Sgt. Scott Matheny A-4 and was told she would not be able to get her truck back
- (6) On 11-12-17 Mrs. Flythe-Harkless sent a copy of the title to the Ford F-350 Solicitor Jonathan M. Gregory (which he asked for when she talked to him a few days earlier)

- (7) Exact date unknown but it was between 11-12-17 and 11-28-17 Mrs. Flythe-Harkless called Solicitor Gregory and was told that there was nothing he could do because the paper work was already put in and he could not stop it
- (8) On 11-28-17 Mrs. Flythe-Harkless call the Solicitor's Office about if there had been a court date set for the truck (message was left "Carrie Cottl")
- (9) On or about the month January 2018 Solicitor Gregory Filed a motion asking a Judge "Female Judge name Unknown" to declare Forfeiture on the truck because no one had come forward (Judge said no)
- (10) On April 4, 2018 a Greenville News reporter met with 13<sup>th</sup> Circuit Solicitor Walt Wilkins about the case the next day his office sent a summons to the owner by mail (Mrs. Flythe-Harkless)
- (11) On August 25, 2017 Solicitor Gregory Filed a Summons / Complaint Forfeiture (Non-Jury Trial Demanded on Summons)
- (12) On the August 25 date of Complaint / Summons was only Filed to Mr. David Green "interested party" not the owner Mrs. Flythe-Harkless
- (13) On 10-26-2017 was the date Mr. Green was informed of the motion Complaint / Summons (which was delivered by Lucas Marchant)
- (14) On March 26, 2018 a amended complaint / Summons was filed
- (15) On April 12, 2018 a second amendment complaint / Summons was filed

(16) On 7-11-17 Mr. Green told Deputy Al Cannon "the arresting Deputy" that the vehicle "Ford F-350" was his mother which a motor vehicle check was done (owner, insurance, and registered to Mrs. Flythe-Harkless) with her mailing address of 7 Sycamore Street Apt. 2 Westminster, M.D. 21157 also wrote on Impoundment and Inventory

(17) On ~~10~~<sup>10</sup>-28-2017 Mr. Green wrote Solicitor Gregory to make him aware that the truck was not his property but his mother's.

(18) On April 20, 2018 a Ms. Kathryn brought the last complaint/Summons. She also brought me paper work on 4-9-2018 which was for the March 26, 2018 complaint/Summons "Amended motion"

(19) On July 19, 2018 a hearing was finally held the forfeiture hearing in front of Judge Alex Kinlaw, Jr.

# Argument

C-1

(1) The Sheriff's Office nor the Solicitor fail to maintained due process of the law because of many factor. They fail to complete and file matter in a timely manner. The Solicitor knew who the owner was and had knowledge that Mrs. Tenja Flythe-Harkless was the one trying to get her Ford F-350 back, but he tried to have to vehicle forfeited as being abandon. The fact that the owner Mrs Flythe - Harkless nor Mr. David Green was at the first ~~hearing~~<sup>hearing</sup> held. The fact that the Solicitor failed to show or prove that Mrs. Flythe - Harkless knew any thing about any one having to vehicle or that because her son had been locked up over 9 years ago for a drug crime that It was going to happen over on 7-11-17. They fail ~~not~~<sup>not</sup> to deprived the owner of property, because the officer Dep. Al Cannon stated "that he was advise that the vehicle was paid for" then he decided to scize the vehicle and only the vehicle (money was not seized from Mr. David Green). All is a violation of the owner's and Mr. Green's (5<sup>th</sup>).

(2) The Sheriff's Office fail to hold/file the paper work in a timely manner, so that the Solicitor also failed to have a hearing on the case on a timely manner (6<sup>th</sup>)

(3) The State, etc. fail to let Mrs. Flythe-Harkless and Mr. David Green to have compulsory process for obtaining witnesses in their favor due to Mr. Green being detained on a illegal bond and being in Greenville County Detention Center with limited access to his witnesses and evidence. Them both not being aware of the correct court hearing dates (the clerk wrote Mr. Green and told him it should be in April of 2018 but it was in July 2018). (6<sup>th</sup>)

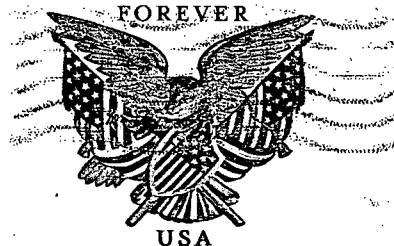
- (4) The interested party Mr. Green was being detained and had been detained and could in no way afford assistance of a Lawyer for the hearing. Mr. Green had been detained for over a year. Due to being detained Mr. Green had no access to a law library (until 3-xx-18) and the interested party plus owner had a good knowledge of the law. (6<sup>th</sup>)
- (5) The fact of the owner Mrs Flythe-Harkless <sup>hadn't</sup> ~~had~~ a knowledge of any crimes that was supposedly committed with her truck nor has any evidence of Mr. Green having knowledge of any drugs nor has Mr. Green been found guilty of any crime/crimes. Therefore there is no fines imposed which would also make the taking of Mrs. Flythe-Harkless excessive (8<sup>th</sup>)
- (6) The fact that the owner Mrs. Flythe-Harkless property been taken due to someone else "supposily" had broke the law and her having no knowledge of what "supposily" happen did inflict cruel and unusual punishment. Even the Judge's decision to forfeit on the vehicle after he repeatedly asked the same question "as to if you knew Mr. Green had her truck" which render the answer of NO many times. (8<sup>th</sup>)
- (7) The fact that Mrs. Flythe-Harkless is a innocent owner who was not charged in/of any criminal case or indictment as to her know anything about drugs or that Mr. Green had used her vehicle the state should not enforce any law which abridge her privileges or her immunities as a citizen of the United States as a innocent owner. (14<sup>th</sup>)

David Green #300923-0355

Greenville County Detention Center  
20 McGee Street  
Greenville SC 29601

CONFIDENTIAL

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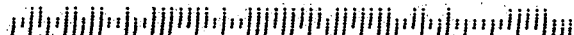
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SC Court of Appeals

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

29211-162929



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APR 02 2020

SC Court of Appeals

C-3

(8) The fact that the owner Mrs. Flythe-Harkless and interested party Mr. Green was deprive of property (owner<sup>of</sup> the truck and Mr. Green Clothes phone in side) with out the shereiff department, Solicitor's Office, and the courts not using the Whole due process of the law to forfeit on any of property. Time limit of filing, Time limit of a hearing in a timely manner, Not filing the correct paper work before the first hearing which Judge said NO to the forfeiture. Do to the Solicitor Gregory's credibility issue in the trying to claim the property as abandon when the truck and the things inside the truck was claim. Even to go as far as he had a copy sent to him of the Ford F-350 trucks "which he asked to be sent to him. He was also sent (2) two letters from Mr. Green between ~~between~~ <sup>between</sup> October 2017 and December 2017. The Sheriff's Office, the in Vehicle Impoundment records, the Deputy's Incident report, the tags, the insurance paperwork and etc. knew exactly who the Ford F-350 belong to from 7-11-17. The Solicitor lacked to do the correct and full filing while all the evidence of owner's name and address was there. (14th)

(9) The fact that equal protection of the laws was not afforded to the owner or the interested party. Neither one of them knew any thing about a hearing that happen before the 7-19-18 hearing. They was not notified by any one. Mr. Green was / has been in the same place "Greenville County Detention Center from 7-11-17 until this day now of 3-16-19. (14th)

(10) The fact the owner equal protection of the law is not upheld as a innocent with no knowledge of the vehicle had been taken or that any one would have used it to do a crime. (14th)

- (11) The Solicitor negligence per se for failing to initiate forfeiture proceeding within a reasonable manner/time as provided by § 39-15-1195 (c), 44-53-520 (A), and 44-53-530, plus 39-15-1195 (A)
- (12) A innocent owner shall not be forfeited. IF such owner was not a consenting party to, or privy to, or had <sup>no</sup> knowledge of the concealment, containment, or transportation of a controlled substance. Subsection (4)(A), 44-53-5
- (13) Defendant did not possess a right to a jury trial which under sections 44-53-520, 44-53-5~~20~~<sup>30</sup>, and 44-53-530 (A). Summons said a Non Jury Trial
- (14) The defendant's was not made known to/of their ~~is~~ right in the forfeiture hearing. That Mr. Green could be entitled to had counsel appointed for him in the hearing. Rule 608 / GAL rule 17, SCRPC
- (15) The the hearing of the forfeiture Judge not acting as a neutral and detach Judge of/ from the Forfeiture, because once She "Judge" had made a decision that they Solicitor's Office could not forfeit the Ford F-350 she should not have acted as a help to the Solicitor's Office by tell them what needed to be done to fix the Solicitor's Office lack of doing the filing of the names "Owner's name on the Complaint/Summons". (6<sup>th</sup>)
- (16) The fact that Mr. Green had not been indicted before the forfeiture hearing (7-19-18) the state has no jurisdiction over the matter / or ~~to~~ to try any case

- 1) Ex parte Foster, 350 S.C. 238, 565 S.E.2d 290 (S.C. 2002). Hamper his ability to defend his case. (GAL is appointed)
- 2) James David Farmer vs. Florence County Sheriff's office, 701 S.E.2d 48, 390 S.C. 358 (S.C. App., 2018)
- 3) Myers vs. Real Property at 1518 Holmes Street, 411 S.E.2d 209, 306 S.C. 232 (S.C. 1991)
- 4) S.C. Law Enforcement Division vs. Michael and Lance (#22239)  
Innocent owner of property
- 5) State vs. Donovan Williams (a prior arrest or criminal record alone does not amount to reasonable suspicion that the owner knew what a person was going to do 9 years later). Also look at United States vs. Jones, 234 F.3d 234 [351 S.C. 604 (2000)]
- 6) Gossett vs. Gilliam supra Rule 17(c) S.C.R.C.P (GAL)

## Conclusion

D-1

- (1) Due to the time delay to submit the proper motion and reports correctly and in a timely manner the case should be dismissed and property returned to owner as provided by § 39-15-1195(c).
- (2) Due to the Judge of the first hearing that none of the interested party or the owner of the property knew about in which the Judge did not act as a neutral and detatch Judge in the case which violated the 14th and 6th amendments The property should be return to the owner
- (3) Due to the many ~~de~~<sup>u</sup>e process of the law issues through out the (1) one year and (2) two week For the hearing which violates the 14th and the 5th amendments the property in the case should be return to owner
- (4) Due to the fact that the owner is a innocent owner the property should be return to the owner Mrs. Tonja Flythe-Harkless
- (5) The Fact that the interested party Mr. David Green Jr. has not been found guilty of any crime and is innocent for all charges There fore is a violation of the 8th, 5th, and 14th amendmen and due to these violations p~~er~~<sup>er</sup> property should by return to the owner
- (6) Due to the Solicitor never ever proving that the owner had knowledge of any crime nor criminal activity or even the use of the truck at the time and date of uses of the Ford F-350

that the property should be return to the owner Mrs. Elythe-Harkless because of the innocent own

(7) Due to the interested party Mr. Green not to have free exercise to obtain witnesses, to be informed of the nature and cause of the accusation, to have been informed of his rights to a jury trial, and to have had the right to assistance of counsel for his defence which violates his right of the 1st, 6th, 14th, 5th amendments

(8) Due to the ruling by Justice Ruth Bader Ginsburg made on Feb. 20, 2018 (Supreme Court of the United State, Washington, D.C.) along with Justice Clarence opinion on the subject of Forfeiture violating the "Due process of law" 14th and 5th amendments. The ruling was that the 8th amendment excessive fine clause protects against retribitnant at all levels goverenment

(9) House members voted / have signed as co-sponsors that abolish civil forfeiture and replaced it with criminal for forfeiture based on a felony conviction. Which in my case I have no felony conviction nor any conviction, Nor does the owner of the vehicle have any charges to be convicted of for any crime(s). House members 102 of 123 signed

E-1

# GREENVILLE COUNTY DETENTION CENTER

Money not seized

## INMATE PROPERTY RECORD

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# 1790576

# \_\_\_\_\_ OF \_\_\_\_\_ SEQ# \_\_\_\_\_

# \_\_\_\_\_ OF \_\_\_\_\_ SEQ# \_\_\_\_\_

# \_\_\_\_\_ OF \_\_\_\_\_ SEQ# \_\_\_\_\_

### Jewelry/Miscellaneous:

WM YM

( ) ( ) Bracelet \_\_\_\_\_

( ) ( ) Earrings \_\_\_\_\_

( ) ( ) Necklace \_\_\_\_\_

( ) ( ) Pendant/Medallion \_\_\_\_\_

( ) ( ) Rings \_\_\_\_\_

( ) ( ) Watch \_\_\_\_\_

Cigarettes \_\_\_\_\_

Cell Phone/Beeper \_\_\_\_\_

Identification (DL or ID) MASSACHUSETTS

Keys \_\_\_\_\_

Wallet/Change Purse \_\_\_\_\_

Other \_\_\_\_\_

### Special Money:

Amount: \_\_\_\_\_

Description: \_\_\_\_\_

Medication: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Jumpsuit \_\_\_\_\_

Shirt 1

Pants 1

Shower Shoes 2

Sheets 3

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 \_\_\_\_\_

Brian Cole

Receiving Officer / Receiving Clerk

EXCESS VAULT ITEMS

Number of Items \_\_\_\_\_ of \_\_\_\_\_

Clerk's INT. \_\_\_\_\_

2 Shoes/Boots BIK

Cap/Hat \_\_\_\_\_

Coat/Jacket \_\_\_\_\_

Dress \_\_\_\_\_

1 Shirts BIK

1 Pants BIK

1 Belt BIK

Shorts \_\_\_\_\_

Sweater \_\_\_\_\_

Skirt \_\_\_\_\_

Bra \_\_\_\_\_

Other \_\_\_\_\_

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



1826

Owner's name and address known on this date

INCIDENT TYPE - OFFENSE CLASS <b>POSSESSION COCAINE / MARIJUANA</b>		CASE NUMBER <b>17-122661</b>	DATE <b>7/11/17</b>
LOCATION VEHICLE TOWED FROM <b>85 NORTH MAULDIN RD 29605</b>			
VEHICLE MAKE <b>TOYOTA</b>	MODEL <b>F-350</b>	YEAR <b>2006</b>	COLOR <b>WHITE</b>
LICENSE PLATE NUMBER <b>4CX9088</b>		STATE <b>MD</b>	TAG YR <b>18</b>
SPECIAL CHARACTERISTICS OF VEHICLE (ACCESSORIES, DAMAGE, UNUSUAL LIGHTING, ANTENNAS, ETC.) <b>TRUCK 1FTWW31P86ED61140</b>			
REGISTERED OWNER <b>TONTA MECHELE FLYTHE-HARKLES</b>		OWNER'S ADDRESS <b>APT 2 7 SYCAMORE ST</b>	CITY <b>WESTMINSTER</b>
OPERATOR <b>DAVID GREEN JR</b>		OPERATOR'S ADDRESS <b>4957 EDGE MERE AVE</b>	CITY <b>BALTIMORE</b>
LIEN HOLDER <b>- NO LIEN -</b>		STATE <b>MD</b>	ZIP <b>21215</b>
OPERATOR INCARCERATED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		CHARGES	TICKET NUMBER(S)
TOWING SERVICE <b>MALES</b>	IMPOUNDMENT LOCATION <b>SERVICE CENTER</b>	OWNER NOTIFIED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DATE NOTIFIED TIME NOTIFIED
IMPOUNDING OFFICER <b>DL CANNON</b>	CASE OFFICER <b>DL CANNON</b>	HOLD FOR AND REASON <b>SEIZED</b>	
<b>VEHICLE INVENTORY (SECURE ALL VALUABLES)</b>			
SPECIAL MECHANICAL ACCESSORIES (GAUGES, PARTS) <b>FACTORY</b>			
ELECTRONIC EQUIPMENT (RADIOS, TAPE PLAYERS, SPEAKERS, TV, ETC.)			
SPECIAL WHEELS, WHEEL COVERS, SPARE TIRE <i>Should have had Saddle lite radio and movie projector</i>			
FIREARMS (RIFLES, PISTOLS, SHOTGUNS, AMMUNITION) <i>Should have had special rims not factor</i>			
TOOLS, CLOTHING, OTHER ITEMS <b>MISC CLOTHES, MISC TOOLS</b>			
<b>ITEMS SEIZED / IMPOUNDED (SUPPLEMENTAL REPORT ATTACHED) YES <input type="checkbox"/> NO <input type="checkbox"/></b>			
TOW TRUCK OPERATOR (PRINT NAME) <b>Chuck McCoig</b>		TOW TRUCK OPERATOR'S SIGNATURE <i>Chuck McCoig</i>	
<b>VEHICLES SUBJECT TO FORFEITURE</b>			
MILEAGE	VALUE	OTHER	
RETURNED TO OWNER ..... DATE	COURT FORFEITURE ..... DATE		CONSENT FORFEITURE: ..... DATE:
DEACTIVATED ..... DATE	TO BE AUCTIONED: ..... DATE:		OPERATIONAL USE ..... DATE:

S-128 BT/24/2817

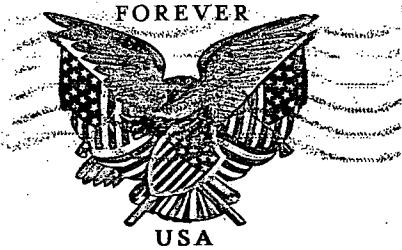
JUL 24 2017

David Green # 300923-0355

Greenville County Detention Center  
20 McGee Street  
Greenville SC 29601

POSTAGE WILL BE PAID BY ADDRESSEE

30 MAR 2020 PM 1:11



**RECEIVED**

APR 02 2020

SC Court of Appeals

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

29211-162929

3 of 7

# My Inventory

1) All my keys

2) 3 leather bags 2 Low<sup>er</sup> vation Book bag + Lugg<sup>age</sup> 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 unworn 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 ~~me~~ stuff. Also missing tooth mouth piece

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 Fleet (~~the~~ truck jack kit on floor behind the back ~~set~~ seats) No visible

13) 1 Black Clip board with catenwater and hold space inside the clip board (with paper woi

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APR 01 2023

SG Court of Appeals

E-3



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

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APR 01 2020

**NOTIFICATION OF SEIZURE**

Date wrote by Deputy →

DATE: 2-11-17

CASE #: 17-12000 SC Court of Appeals

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>1FTNW31P96EDG1140</u>

DEPT: m/o Lt Cannon  
PRINT NAME

PHONE: 632 1 K-10

**MANDATORY:**

\*\*\*Complete this form, initial below if applicable & submit to Property & Evidence/Records\*\*\*

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

4 McGeo Street, Greenville, SC 29601

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

www.gcsso.org

S/TPB 87/24/2817

↑ Dates ↓

2017 JUL 13 PM 12:24

10-26-2017

Date received

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APR 07 2020

E-4

# SC Court of Appeals

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 29 PM 4:30

GREENVILLE 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 of 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)  
 13<sup>th</sup> 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



# 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

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APR 01 2020  
SC Court of Appeals

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  
↓*

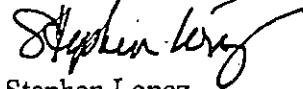
Dear Mr. Green:

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 25<sup>th</sup>, 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,

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APR 11 2020

AMENDED SUMMONS  
(Non-Jury Trial Demanded)

SC Court of Appeals

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

David Green, and  
Tonja Mechelle Flythe-Harkless  
Interested Parties

Date Filed

2018 APR 5 3:53

GREENVILLE COMMON PLEAS COURT  
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 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)  
13<sup>th</sup> 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

Date Filed

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.

/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

RECEIVED

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

RECEIVED

APR 01 2020

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

SC Court of Appeals

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,

SECOND 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

2018 APR 12 3:53 PM

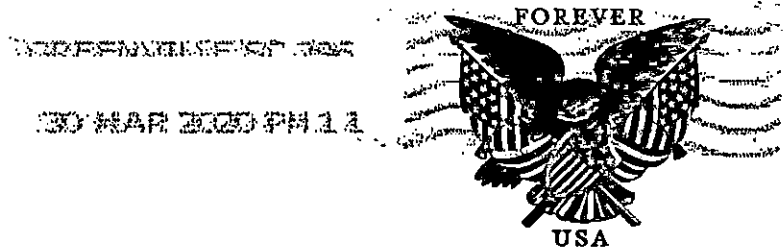
GREENVILLE COUNTY  
SHERIFF'S OFFICE  
CIVIL DIVISION  
CASE#2017CP2305529

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 of 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)  
13<sup>th</sup> 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

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



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APR 01 2020  
SC Court of Appeals

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

29211-162929



E-9

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APR 01 2020

SC Court of Appeals

PJV004R

Greenville County Detention Center

Page 1 of 1  
DTEMPLETON

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

Inmate Visits

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
06/28/2018	12:13	06/28/2018	13:00	Video - Professional	MCCLAIN, BEN	Visited
06/28/2018	12:13	06/28/2018	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

E-10

RECEIVED

APR 01 2020

ORDER OF TRANSPORT SC Court of Appeals

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

[Signature]
Circuit Court Judge

FILED-CLERK OF COURT
PAUL B. WICKHAM

2018 JUN 28 PM 4:38

Date Filed then had to be mailed to Mr. Green

ENTERED COMPUTER
SCANNED

E-11

1 of 2

FORM 4

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

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2017CP2305529

**RECEIVED**

APR 01 2018

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

PLAINTIFF(S)	SC Court of Appeals	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.

Circuit Court Judge	Judge Code	Date
		8/21/2018

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), SCRCP.

---

**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.

---

---

---

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,

REQUESTING PROPERTY

VS.

TO BE

RETURNED TO OWNER

**RECEIVED**

APR 01 2020

SC Court of Appeals

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<sup>r</sup> contacted the Sheriff's department many times but was told that she wasn't allow to come get the vehicle "F350 truck". The 13<sup>th</sup> 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))

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 4C X 9088 "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 14<sup>th</sup> amendment and the 5<sup>th</sup> 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.

David Green - 80720 - 0200  
Greenville County Detention Center  
20 McGee Street  
Greenville SC 29601

POSTAGE & FEES PAID  
MAR 2020 74 1 1



**RECEIVED**

APR 01 2020

SC Court of Appeals

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

29211-162929

5 of 7

APR 01 2020

Transcript Uses

SC Court of Appeals

~~Page 4 lines 23-25 (contradiction is that on 11-12-17, Ms. Tonja Flythe sent a copy of her title to the Solicitor to <sup>show him</sup> that she owns the truck, ~~between 11-12-17 and 11-27-17~~ before the date of 11-12-17. Ms. Flythe talk to ~~the~~ Solicitor Gregory about her being the owner of the truck at hand and she was asked to send a copy of her title to ensure the truck was her truck,~~

Page 5 lines 9-10 argument is that Deputy Cannon did not stop the vehicle for a expired tag. Which new evidence <sup>came up of</sup> ~~of the~~ "a 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 <sup>evidence</sup> 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, 2019)" that Deputy discriminated against ~~him~~ 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~~ thus this is discrimination to driver not from this state.

Page 5 line 16 argument that due to the <sup>illegal</sup> 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 thus being illegally attained

Page 6 lines 1-3 agreement Solicitor fails to file the correct paperwork in a timely manner "New Evidence Found after hearing on ~~7~~ 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) 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 owner 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 <sup>nor</sup> Ms Flythe was at the hearing nor knew about this hearing which Ms Green was still being detained 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 <sup>Motion of</sup> ~~plea~~ Common Pleas NON Jury trial filed on Aug 25, 2017 "this being a month and a half from date of arrest" thus being not A correctly sand

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

b) Page 6 lines 3-8 argument on 7-11-17 <sup>Deputy</sup> ~~the~~ ~~step~~ 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, <sup>or about July 14<sup>th</sup> 2017</sup> On ~~date of Aug~~ 2017 Ms Flythe call the Sheriff's Office in order to get truck <sup>back</sup> and spoke to Sgt. Scott Matheny A-4 "phone number 864-895-0178" and was told the truck was being used as evidence ~~at~~ 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 <sup>Ms</sup> ~~the~~ Flythe state that the truck <sup>is</sup> illegally is in her name and not under the business name, insurance, tags. On page 12 lines ~~13-14~~ <sup>Question</sup> 13-14 <sup>David</sup> Green Enterprise <sup>is</sup> in his name <sup>Answer</sup> 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 <sup>8-13</sup> ~~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~~ <sup>that</sup> 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~~ <sup>a</sup> part due to me helping her to <sup>earn</sup> extra money being short on ~~cash~~ <sup>money</sup> and me showing her how to buy/sale vehicles. David Green Enterprise is a Landscape Business but in the state <sup>of Maryland</sup> ~~we~~ 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 clearly

that's it under my name not hers, under 44-53-530(4)(A) provide therefor the vehicle is not under ~~the~~<sup>my</sup> company's name nor legally part of the company but is listed ~~is~~<sup>in</sup> a private own which line 5 of page 8 states, lines 1-2 page 5 states, lines 13-15 states

g) Page 10 lines 2-8 arguement here is that the owner never knew I had the vehicle, under section 44-53-530(4)(A) a innocent owner shall not be forfeited unless such owner is a consenting party or had knowledge of concealment, containment, transportation of which ~~the~~<sup>the</sup> owner states she had NO knowledge of me having the vehicle at all until I was arrested already, ~~Cases State v. Donovan Williams United States v. Jones, 234 F.3d 234 (351 S.C. 604 (2000))~~ state that a prior arrest or criminal record alone does not amount to re Case Supreme Court S. of South Carolina 327 S.E.2d 327, 284 S.C. 368 - South Carolina law Enforcement Division v. Michael and Lance (No. #22239) under 44-53-530(4)(A) that Bryant was acting outside the scope of his authority. Judge ruled that Bryant's knowledge could not be imputed to the company and the company was a innocent owner therefore no evidence of owner knowing anything about drug being transported Case Quashed and Remanded, section 44-53-586(B)(1) states if a owner ~~shows~~<sup>demon</sup>strates to the court by a preponderance of the evidence that the owner was not a consenting party nor had knowledge of the use of the property which made it subject to seizure and forfeiture the ~~own~~<sup>owner</sup> is a innocent owner, lines 17-21 P. owner states she had no idea of what her son does in his private life and also states that she had no knowledge of his involvement Answer was "NC lines 22-25 page 14 states again that she had "no earthly idea" about me having her car answer "ND" line 25, lines 10-18 page 15 again states the owner she didn't know when I was leaving and only found out once she wa

looking ~~for~~ 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/<sup>not</sup> radio being in my own truck therefore I was not going to drive <sup>my</sup> ~~that~~ mother's truck but my own and being as <sup>mine</sup> ~~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.

g) 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 ~~sounds~~ <sup>sounds</sup> like it was a mobile office that the owner should have known was being used by me. (but On lines 16-17 <sup>Page 11</sup> 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 <sup>excess</sup> ~~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<sup>er</sup>/helper in the company who's actually is being taught/ ~~showed~~ showed how to do it her self with her own money

10) Page 14 lines ~~6-12~~<sup>6-12</sup> argument here is that just because of a pass charge a person can't say what one is going to do in the future, Cases State v. Donovan Williams and United States v. Jones, 234 F.3d 234/351 S.C. 604 (2000) states that a prior arrest or criminal record alone does not amount to reasonable suspicion that the owner knew what was going to happen with the years after in the future "9 years later", therefore lines 16-17 page 7 question was when was the truck purchased answer Back in July which was the same month of owners ~~son~~<sup>son</sup> arrest but tags on her truck was for ~~the~~<sup>the</sup> month of June 2017 and there is No way the owner could know what was going on with the truck and was never charge of any crime at all.

11) Page 15 lines ~~3-9~~<sup>3-9</sup> argument The Judge asked a question of where would "the owner of the truck" get her vehicles from In state or out of state and the owner of the truck states In state, therefore to her knowledge the business was to be done in the state which is Maryland not in Georgia; lines 10-15 page 15 also shows Judge asked "did the owner of the truck know why her son was traveling to Georgia" she states He was to had been taking his brother back but didn't when ~~he~~<sup>they</sup> was supposed to go Therefore owner never knew that he vehicle was gone because she didn't even know when they was suppose to be going no did she know when they were leaving. By her the owner of the truck not knowing / had knowledge that her sons left in her truck there is no way she could have know the ~~the~~<sup>truck</sup> was being used for transporting ~~of~~ any drug

12) Page 15 lines 22-25 argument of them knowing from the start of who the truck belong to from the ~~the~~ beginning date of 7-11-17 and ~~the~~ the Solicitor also if ~~the~~<sup>would</sup> papers have followed Section 44-53-530 states that

a due process challenge delay in instituting <sup>the</sup> 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 <sup>work</sup> 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~~ <sup>name</sup> of the owner, Section 44-53-520 (A) states ~~shall~~ <sup>reasonable</sup> 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 <sup>in the 6th</sup> months but Solicitor had known who the truck belong to because he talked to the owner <sup>on Nov. 2017</sup> and had a title - had recieved letters from Mr. Green as to who the <sup>truck</sup> belong to back in October 2017. ~~Therefore had~~ Therefore had Solicitor done his <sup>research</sup> ~~jobs~~ he would have ~~be~~ suppose to had done into finding out all the vehicle owner(s) was or just simply report read the report would have known who the vehicle belong to. Plus the petitioner would have file the petitioner <sup>with</sup> the right preson the owner

Page 16 lines 22-25 argument here is the timing the Solicitor took ~~to~~ to bring the owner to trial and to file the correct paperwork in a timely manner. Section 39-15-1195(C) <sup>states</sup> negligence per se for failing to initiate forfeiture proceeding within a reasonable time - Section 44-53-520 petition must ~~set~~ be submitted to the court within a reasonable time period following the seizure and shall set forth facts upon which the seizure was made, Section 44-53-530 a delay in instituting forfeiture proceeding violates the owner's right to due process which is the same consideration applicable to a speedy trial claim which owner never got any paperwork until after April 4, 2018. "when the news reporter met with the head Solicitor Mr. Wilkins" was a summons mailed to Ms. Flythe the owner of the truck, ~~the~~ <sup>The</sup> amended complaint was until March 26, 2018 then the second amendment <sup>ed</sup> complaint wasn't until April 12, 2018 with the trial not until a year and 8 day later. Now this being the same as a fast and speedy trial which is a 180 days "6 months" from July 11, 2017 until March 26, 2018 was 234 days before the Solicitor Mr. Gregory ever ~~put~~ <sup>filed</sup> the proper paperwork with the court with him knowing who the owner was way before the filing date. Therefore the Solicitor's Office had ~~not~~ <sup>all</sup> the knowledge need to complete the paperwork need ~~to~~ in a timely manner file with the court but failed to do so. Also Solicitor's Office went through with a court motion <sup>saying</sup> ~~said~~ <sup>asking</sup> ~~that~~ a Judge to declare a forfeiture on the truck <sup>5 or 6</sup> months after the arrests which ~~at~~ by that time he had talked to the owner and had her send a copy of the title plus had a motion filed from Mr. Green to challenge the forfeiture before this hearing was done" which ~~neither~~ Mr. Green or Ms. Flythe was made known of this hearing with Mr. Green being in Greenville Detention Center ~~at~~ <sup>the</sup> whole time.

12) Page 16 lines 1-4 <sup>argument</sup> 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~~ <sup>his</sup> truck. Therefore this statement shows that Ms. Flythe's truck was not attended to be used for the trip to Greogic and that Mr. Green in the spare of the moment left with his mom's vehicle which under Section 44-53-520 (4) she wasn't in any manner "knowingly party to criminal acts nor was ~~she~~ <sup>it intended</sup> 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 consending 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 came 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 secretely with out the knowledge of the owner or ~~the person~~ <sup>a</sup> 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 <sup>there was</sup> a court date ~~was set~~

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

took over a 180 days to send the owner any paperwork" which was only a summons to come to court" and <sup>she</sup> never got a Complaint sent to her at all. Due to sections 44-53-530 (4), 44-53-520 (A) to be served to last known address<sup>35</sup>. This was not done and Due to Sections 39-15-1195 and 44-53-530 a delay instituting a forfeiture proceeding violates the owner's Due process right which from 7-11-17 to 7-19-2018 with out a complaint sent to her at all ~~then no court~~ <sup>then no court</sup> summon mailed to her from 7-11-17 to 4-~~8~~<sup>5</sup>-18. which to a fast and speedy trial right there is a 180 days and if counted on the the proper filing of Complaint would have been up in January 2018. With the Solicitor having all the proper information<sup>but</sup> he did not in a reasonable time period of time after the seizure (10 days) ~~the~~ the report must provide the following information (D) name of owner which was not done until the month of March 26, 2018 this is not in a reasonable time period for stated 10 days ~~to~~ now to the used of 258 days" with the Solicitor ~~having~~ having all the fact need to have done the paperwork correctly. Solicitor had a copy of the owner's title to the truck on the date of 11-12-17 and talk to Ms. Carrie Cotton on the date of 11-28-17 to see if a <sup>court</sup> date was set for her property" this ~~was~~ <sup>call was</sup> to the Solicitor's office. lines 20-22 ~~shows~~ <sup>shows</sup> that I wrote the clerk of court ~~and~~ and was told the case should be held in the month of May 2018 not 2 ~~months~~ <sup>months</sup> after that this ~~case~~ case was delayed.

## Cover Of Greenville Sheriff General Orders

Page 1 of 10 Search and Seizure

- 1) Provide techniques to accomplish thorough and legal search\*
- 2) Observe the constitutional rights of the person

Page 4

Search of a vehicle: or arrest when the Deputy initiating the search has probable cause to believe the vehicle contains contraband or evidence of a crime and it is impractical to obtain a search warrant\*

Exigent Circumstances: To protect life and property\*, and to preserve evidence from being destroyed or removed\*

Search Incident to arrest: allow complete search for weapons, implements of escape, or evidence of the arrestee's crime\*

③ The immediate surrounding area from which the arrestee could seize a weapon or destroy evidence\*

P.7 ~~Inventories of Vehicles~~ Drug Related Seizure: burden of proof states if seizing deputy is not capable of articulating the facts pertinent to proving the money (but such be to all property) was generated from drug or narcotic sales, the money (property also) must not be seized and to be booked into detention center as part of the arrestee's personal affects

The civil process to pursue proceeds from a drug or narcotic offense is separate from criminal aspect of the case\*. Mere possession of drugs and money does not constitute grounds for seizure\* of the money (and or property also should be included here). IF Deputy cannot effectively and thoroughly describe the totality of circumstances that led him/her to seize the money (property also), it will be returned

RECEIVED

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APR 01 2020

SC Court of Appeals

Respectfully Submitted By,

David Green Jr.

David Green Jr.

One of the Interested Parties

CERTIFICATE OF SERVICE

I, David Green Jr., hereby states that a copy of the Attached Petition for release of property, was served upon the W. Walter Wilkins, Solicitor of the Thirteenth Judicial Circuit Court, by depositing a copy of the same in the United States Mail with the proper first class postage prepaid, and was addressed to his office at 305 East North Street Greenville, South Carolina, 29601, on this 8<sup>th</sup> day of March, 2018.

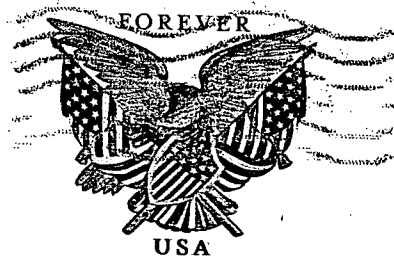
David Green Jr. # 300923-0355

David Green #300923-0355

Greenville County Detention Center  
20 McGee Street  
Greenville SC 29601

GREENVILLE SC 296

POSTAGE WILL BE PAID BY ADDRESSEE



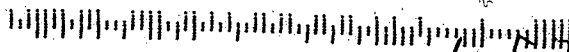
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APR 01 2020

SC Court of Appeals

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

29211-162929



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APR 01 2020

SC Court of Appeals 2 of 2

Vehicle Towing and Impoundment Page 1 of 2

Procedure: IF the Sheriff's Office is towing a vehicle, a Vehicle Impoundment and Inventory Record Form is to be carefully completed by the onscene Deputy and signed by the wrecker driver; the Deputy's Star number is to be included on the form.

Traffic Ancillary Services Page 3:

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.

Looking at the Sheriff's Office own General Orders / procedures of towing, seizure, vehicle towing and impoundment, and Traffic Ancillary Services. We see that a lot of the proper procedures was not followed. Mainly the Traffic Ancillary Service mailing the owner of the vehicle the proper notifications of her vehicle being towed nor being seized. Page 5 of search and seizure also states Deputy's should be prepared to justify their actions with facts supporting a reasonable belief an emergency ~~exit~~ existed.

As in the designation of matter shows this case didn't rest on facts but a assumption for what happen. The Solicitor can provide no fact to what happen or of what the Deputy says happen. Just so found out that not one Deputy who searched the truck had a body cam on. I'm still not found guilty of a crime nor was I at the time of forfeiture hearing was I Indicted by a grand Jury for any crime. Nor can I talk about my crime case. Vehicle was not mine nor under my business name.



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.**

voluntary and not coerced. Factors that may be considered in determining voluntary consent include the following:

- 1. The number of deputies present at the time consent is requested. Is the consenter legally qualified to give consent for search of the premises?
- 2. Time of day.
- 3. Manner of request.
- 4. Display of weapons by search team.
- 5. Whether consenter is in custody.

Consent to search is to be obtained in writing using an approved **Consent to Search** form. This form advises the individual they have the right to withhold consent and is the only warning required. The consenter controls the conditions, scope, and time of the search, and may revoke consent.

**STOP AND FRISK** - When a deputy has articulable reasons to fear for his safety, he may conduct a limited search for weapons using a pat down of the outer clothing. Objects felt and believed to be weapons may be retrieved and subsequently used as grounds for arrest if the object's possession is unlawful.

✖ **SEARCH OF A VEHICLE** - A vehicle found on the open road or other public place may be searched without a warrant, consent, or arrest when the deputy initiating the search has probable cause to believe the vehicle contains contraband or evidence of a crime and it is impractical to obtain a search warrant. This exception to the warrant requirement is based on the Carroll Doctrine due to a vehicle's mobility.

The scope of this type of search is the same as with a warrant and may therefore extend to any part of the vehicle where evidence sought could be located. The search may extend into any container found within the vehicle wherein the evidence could be secreted.

**EXIGENT CIRCUMSTANCES** - The law recognizes that under certain emergency circumstances, the requirement of a search warrant is waived and a deputy may properly make warrantless entry.

**Immediate warrantless entry is justified:**

- ✖ 1. To protect life and property.
- ✖ 2. To arrest a fugitive in hot pursuit.
- ✖ 3. To preserve evidence from being destroyed or removed.

- Deputies effecting warrantless entry should be prepared to justify their action with facts supporting a reasonable belief an emergency existed.

**CRIME SCENE SEARCHES** - A crime scene may present exigent circumstances permitting a warrantless search of the entire premises or area for protection of life and property. A deputy may respond to an emergency and seize evidence in plain view. Any extended search directed against a person possessing Fourth Amendment protection in a premise is to be done with a search warrant or consent.

- **SEARCH INCIDENT TO ARREST** - The authority to search following a full custody arrest is an exception to the warrant requirement and allows a full, complete search for weapons, implements of escape, or evidence of the arrestee's crime. The search is to be made at the time and place of arrest or as soon thereafter as practical.

Search incident to arrest includes:

1. The person of the arrestee.
2. Portable personal property in the possession,
- 3. The immediate surrounding area from which the arrestee could seize a weapon or destroy evidence.

Reasonable force may be used to overcome resistance to accomplish a search incident to full custody arrest.

**PROTECTIVE SWEEP** - When an arrest is made, a protective sweep of a residence or building may be conducted if a deputy has reasonable suspicion that accomplices or others are present and they could jeopardize the safety of deputies or an arrestee. A protective sweep is limited to a brief inspection of only those places where a person could be concealed. Evidence or contraband discovered in a protective sweep may be seized or the observation used to obtain a search warrant.

Anytime a deputy is in a place that he has the lawful right to be and observes evidence or contraband in plain view, he may seize it.

**STRIP AND BODY  
CAVITY SEARCHES:**

Because they are the most pervasive invasions of the right to privacy, strip and body cavity searches may be justified only under extraordinary circumstances. A strip search without a warrant will be deemed unreasonable unless the deputy has a clear indication the evidence is under the clothing. The deputy must be

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.



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

- 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:**

