

THE STATE OF SOUTH CAROLINA
In The Court of Appeals **RECEIVED**

MAY 14 2020

Appeal From Greenville County
Court of Common Pleas SC Court of Appeals

Case No. 2017-CP-23-05529

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

David Green

Appellant.

The Appellant would respectfully request that the Court of Appeals does not dismiss this case. In support Appellant would show the Court the following:

A) The Appellant by Rule 201 of the South Carolina Appellant is an aggrieved Party in this case.

1. Appellant was a listed as a Interested Party in the complaint. Appellant having ties to property in the vehicle, as well as the vehicle in question because his property was inside the vehicle when seized and was not allowed to get any possessions out of the vehicle on (3) three different occasions. The Sheriff's Office Sgt. Scott Matheny A-4. The Solicitor Mr. Gregory

himself said the truck was being Forfeiture on and that no one could get any thing/property out of the truck. Also the courts on (2) two occasions (1) one motion filed by me for return of my property dated March 22, 2018 with the Greenville County Circuit Court but date sent to court's Clerk Office on March 8, 2018 the responds to the motion was "nothing". I was never answered back nor did I seem to be hearing by the courts or Solicitor's Office. Third time I ~~wrote to~~ ^{asked} Judge Kinlaw and told that the property inside the truck was also part of the truck and therefore I/We could not retrieve any belonging out of the truck. Therefore I lost ~~property~~ property which was titles to other vehicles, high end clothing and shoes, jewelry, movie projector, and other ~~of~~ important paperwork to my business, and a engine/motor from out of another Ford F-350 while the one that was inside had needed to be "what is called as Bullet Proofing". This motor came out of a Ford F-350 2003 which the Ford F-350 at hand is a 2006. Therefore the lost of property and vehicle parts would along with being persecuted by the courts and oppressed due to my business stopped because I was not allowed to retrieve my property from/out the truck. Nor have any one else.

2. The appellant is aggrieved due to the truck being evidence in his criminal case and can not/has not been able to have access to his crime scene to use as evidence in his case. After many attempts to gain access for photos of the inside and outside. Which the decision of the Judge Kinlaw has oppress me ~~from~~ by taking the property/vehicle needed to let me effectively defend my case. Therefore by keeping

me away from the vehicle by Solicitor's Office, Greenville County Sheriff's Office, and the judgement by Judge Kinlaw has not only aggrieved me but also oppressed me from defending myself in my criminal case.

B) In *Bivens v. Knight* Supreme Court quoted *Parker v. Brown* stating a aggrieved party is one who has ~~a~~ suffered an injury to person or property.

1. I have been injured in many ways due to the decision by Judge Kinlaw. I have lost property. I have lost business papers need^{ed} to continue my business. I am jured by the lost of evidence needed to defend my criminal case. I'm jured by lost of money in vehicle parts "a motor" that belongs in another F-350 truck that is half mine and half some one elses. Some one I can't contact do to being in detention and don't have his phone number, also due to my phone being in evidence for the state Solicitor. His name is Roger Richard and he lives in Frederick, Maryland. Therefore I've suffered an injury to myself ~~from~~ by the Judge Kinlaw to order the truck be turned/given to Greenville Sheriff's Office and by the lost of my property in the truck and a part of the truck. ~~lost~~ ^{my lost} is a injury to me a person.

C) In case *Bowles v. Darnin* states that a aggrieved party with in statue relating to appeals is a person who is aggrieved by the Judgement or Decree when it operates on the persons rights of property or bears directly upon their

interest. A Substantial Grievance is a denial of some personal or property right or the imposition on a party of a burden or obligation.

1. I was denied the right to my property in the truck at which I was driving at the time when stopped with my luggage, personal business papers and vehicle tags, tools, and vehicle parts. As I said the vehicle is my mother's, but I was helping her to make some extra ~~money~~ "money" myself also by helping to fix the truck and sell the truck. As I work for a used car lot also sometimes i'm out of town picking cars up and my paper work is left in my mother's truck in case of a sale of one of my cars. I have vehicles right now that I can not move or sell do to the titles not being returned to me and the Judge's decision / decree to not allow me to have my property due to it being apart of the forfeited vehicle. This has become a burden lost of property, money due to my business being at a stand still because I can't sell any of the vehicles with out titles. I also have a obligation to my mother ~~and~~ who's the owner of the F-350 Vin# 1FTWW31P86ED61140 and other business investors as in Roger Richard for the motor that is not the motor that's ~~sup~~ suppose to had stayed in this F-350 at hand but was also to get Bullet Proofed and sold for \$6,000 at which he was to receive half of profit. Therefore I am obligated to both of them for the lost of the property at which they had their money invested into.

D) The Solicitor argues that i'm not entitled to appeal

interest. A Substantial Grievance is a denial of some personal or property right or the imposition on a party of a burden or obligation.

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D) The Solicitor argues that i'm not entitled to appeal

this case due to the truck belong to my mother Tonja Flythe. Looking in the court transcripts the Solicitor is now contradicting what was/he said in court + hisself. On these pages and lines show that Mr. Gregory "Solicitor" stated that he believed the truck was used as a mobile office. Pages 13 and 14 "13:22-25 and 14:1-4".

1) Page 4:18-19 His Just letting the Judge know that Ms. Flythe the trucks owner was a part of the court hearing at which seem to Judge Kinlaw that I was the only one

2) Page 6:3-8 He states that he didn't know that my mother Ms. Flythe was the owner and he added her to the complaint which my name was already on through out all the complaints File as a interested party.

3) Page 7:20-25 owner Ms. Flythe states it's our business "as in I do have a interest to the property also"

4) Page 8:7-~~8~~²⁰ Owner Ms. Flythe states It's part of the business. what do you use the vehicle for "we were going to fix it". We fix it up to sell it. As I've said I had/have a obligation to her and others as part of my business with their money and property that I held that was in the truck

5) Page 10:9-16 the business has been on hold because the papers was in the truck. Owner states that David Green Enterprise which belongs to me David Green the sole owner was on hold because of the papers we could not get out the truck

6) Page 13:3-15 Judge Kinlaw and Me, you're in business with your mother. "yes". 6, you don't deny that you were in the

truck on that day "the day I was stopped in the vehicle".
11, She indicated that all the business records, all the titles to any vehicle that you or your mother sold was in the truck.
"Yes".

6) Page 14: 1-4 Solicitor States In addition to him owning the company that this truck "supposedly" belong to with all the paperwork in there that belongs to David Green Enterprises, it sounds like this was a mobile office that she should have known was being used by Mr. Green". Not saying my mother knew I was leaving town on the day in question nor that it was going to be used for driving to Atlanta and back to Maryland

7) Page ¹⁴ 15 From line 24-25 to 1-2 the owner of the truck states she had no idea that I was /got locked up. We were selling and buying cars, and purchasing cars and trucks and then sell them.

So in the court hearing the Solicitor himself makes the assumption that the truck was part of my business, but now makes a claim that i'm not a aggrieved party, that I suffered no injury to person and property, that I was not denied of some personal property, that I myself was not injured due to the decree/Judgement, was ~~a party~~ ^{not} a Interested party to this property along with my personal property that was inside the vehicle when I was stop in the truck and arrested, that I had no burden or obligations to these procedures/hearings/appeal, and that the decree did not operate on my rights to my personal property as well as one to that of the truck's

Functional parts, etc.. He also contradict his own pursuit of ~~is~~ in court to change what he wants the court to believe now. Judge Kinlaw never stated any reason for the forfeiture of the truck with my property in it, but it seems to me that he did due to me using the vehicle and having paperwork inside "my property" in that vehicle that was part of my business. Although the vehicle was my mother and her not knowing of the use to travel to Atlanta and the truck being seized from me nor knew anything about any drugs being in the vehicle would still make her a innocent owner having no knowledge of any criminal acts going to take place or that had happened with the use of the vehicle that she does own. My helping my mother to get the vehicle fixed and sold. Nor my mother helping me with paperwork and sells in my business makes her a conspirator or knowledgeable of a crime. And as I still sit in detention have I been found guilty of a crime of any drugs. Through out these proceedings the Solicitor has continued to produce non facts and twist the law to fit his case. He didn't know the truck belong to Ms. Flythe until after January of 2018. He states on May 16, 2018 she "Ms. Flythe" sent a letter to his office, but before January, 2018 Ms. Flythe had talk to him on the phone telling that the vehicle was hers. In his factual background for the case he stated the stop the vehicle for an expired tag which is not the fact but was falsily used after the fact as a reason but was not the true reason for the stop as seen on the dash cam of the Deputy who stopped me. Which this evidence had been hidden

From the owner and the Appellant^{an} at time of Forfeiture hearing. It did not come available until after September 2018 where as the forfeiture hearing was held in July 2018. It was stated by Solicitor that due to a Maryland parole violation/warrant was the reason why I was arrested. When in fact Deputy Cannon's report states I was arrested for D.U.S. The fact that the search was illegally done was also left out of the statement. When the first complaint was filed on August 25, 2017 which was a month and half later, but facts show in Deputy's report, towing report, seizure report that all shows Ms. Flythe as the owner of the vehicle. Therefore how could he take the seizure of the vehicle in front of a Judge before the date of July 2018. So he should have known had he read the paperwork in his possession. He was ~~was~~^{AS} also notified by Appellant once he had got the first complaint mail. Solicitor a letter that Ms. Flythe was the owner of the vehicle. Solicitor states that Mr. Green "the appellant" is the owner of the company that this truck supposedly belonged to with all the paperwork in there that belonged to David Green Enterprise, it sounds like this was a mobile office. This is now being contradicted by the Solicitor her in his Motion for Dismissal. He further states Appellant had just got out of jail for a nine-year stretch. This was not true neither because Appellant had only served 5 years not 9 years from January 2008 to May 2013. So he added that due to this reason my mother should have known what ~~the~~ the vehicle was going to be used for "driving to Atlanta and back to Maryland. Now what parent knows everything

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their child/children are doing at all times in their lives, None. Mainly a grown one. Now the truck was brought in June of 2017 so how could someone know that a vehicle they brought was a month later with a broke engine in the truck it would be used to drive to a place by chance to the Appellant's vehicle not having a radio in it that ~~was~~ stolen out of the vehicle at a mechanics car lot and the radio was suppose to had been in the day before trip. As a reminder a trip that was not plan on ~~before~~ a week before the date. This makes no sense at all, but was said by Solicitor in order to win a case. That theory is not a reasonable conclusion from the Facts at hand. Especially ~~from~~ of a person who has the means to drive other vehicles and can provide proper tags on any vehicle his owner or on ^{the} car lot where he works at besides his own business. As we can see that through out these proceeding "Complaints Filed, for Feiture hearing, and this appeal the appellant has been ^{personally} ~~a~~ person listed and known to be a Interested party of the ~~per~~ property / properties at hand. Now that I've appealed the ~~lost~~ for forfeiture case and the Facts are known and ~~is~~ seen to be true now I don't have a interest in the property. Which we can clearly see that in one form or another I do. As Justice Ruth Bader Ginsburg says the 8th amendment's excessive-Fines clause protects against government retribution at all levels "those convicted, or even suspected of committing a crime. I have a standing to the property not that the truck belongs to me but I was helping my mother to make some extra money by help fixing the truck and selling the truck. I've lost property that was in the

truck that I was not able to regain due to the Sheriff's Office, Solicitor's Office, and the Court's decision/decree. I'm still right now am injured due to the action/decision/decree because this property at hand "all the properties inside also are evidence to my case that I am having to due with out. The truck is a crime scene in my case that the Deputy made statements to that can only be seen the truth to his statements ~~is~~ by the showing of the truck inside and outside also from a distance away from the truck therefore making the truck valuable evidence that i'm deprived of by the forfeiture. The property inside the truck is also evidence due it showing the Deputy's false statements made especially when none of the Deputies had on their body cams to record any of the Deputy's "Cannons" accounts nor any one elses accounts who assisted in the stop or search of the truck. Looking at the argument the Solicitor uses to Dismiss this appeal I can not see how any of it is true. Please look carefully at the evidence you have already with the transcript and see that it is all there. ~~is~~ Including other evidence that was purposely with held until after the forfeiture hearing and by the state holding me in detention in violation of my 8th amendment with a excessive bond. My bond has been paid but i'm still held in detention due to a bond condition I can never get unless I move to Greenville." which I live in Maryland" and they also knew this to but it didn't stop them from placing it on my bond as a condition. Thank You For your time.

Respectfully Submitted,
David Green

CERTIFICATE OF SERVICE

I, David Green, hereby states that a copy of the attached Motion was served upon the 13th Judicial Circuit Solicitor Office and Solicitor Jonathan Gregory of the Greenville County Solicitor's Office, by depositing a copy of the same in the United States Mail with proper first class prepaid postage, and was addressed to 305 East North Street, Greenville, South Carolina 29601, on this 8th day of May 2020.

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

South Carolina State Of
PLAINTIFF(S)

David Green et al
DEFENDANT(S)



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.
- 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:

Tonya Mechelle Flythe's Harkless' Request for Relief is DENIED. The Defendant property that is the subject of this action is FORFEITED to the Greenville County Sheriff's Office.

ORDER INFORMATION

This order ends does not end the case. See Page 2 for additional information.

For Clerk of Court Office Use Only



This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 07/19/2018.



Tonja Mechelle Flythe Harkless for Tonja Mechelle Flythe Harkless
 Tonja Mechelle Flythe Harkless for Tonja Mechelle Flythe Harkless
 David Green #300923-0355 for David Green
 David Green for David Green #300923-0355

NAMES OF TRADITIONAL FILERS SERVED BY MAIL



GREENVILLE COUNTY SHERIFF'S OFFICE
Vehicle Impoundment and Inventory Record

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		OWNER'S ADDRESS ADT2 7 SYCAMORE ST		CITY WESTMINSTER	STATE MD
OPERATOR DAVID GREEN JR		OPERATOR'S ADDRESS 4957 EDGE MERE AVE		CITY BALTIMORE	STATE MD
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
IMPOUNDING OFFICER AL CANNON		CASE OFFICER AL CANNON		HOLD FOR AND REASON SEIZED	
VEHICLE INVENTORY (REPORT ALL VALUES)					
SPECIAL MECHANICAL ACCESSORIES (GAUGES, PARTS) Factory					
ELECTRONIC EQUIPMENT (RADIOS, TAPE PLAYERS, SPEAKERS, TV, ETC.)					
SPECIAL WHEELS, WHEEL COVERS, SPARE TIRE <i>Should have had Saddle life rinds and moive projector</i>					
FIREARMS (RIFLES, PISTOLS, SHOTGUNS, AMMUNITION) <i>Should have had special rims not factor</i>					
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 <i>Chuck McCoig</i>					
VEHICLES SUBJECT TO FORFEITURE					
MILEAGE	VALUE	OTHER			
RETURNED TO OWNER DATE	CONSENT FORFEITURE: DATE:				
COURT FORFEITURE DATE	OPERATIONAL USE DATE:				
DEACTIVATED DATE	TO BE AUCTIONED: DATE:				

S/IPS 07/24/2017

JUL 24 2017

My Inventory

- ① All My Keys
- ② 3 leather bags 2 Lou^{is}vaton 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. (Reciecs 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 Ba Black # Gray lounge bags with Polo clothes (under clothes and regular clothes) also 1 Robbin Jeans set # 2 pair of Robbin J pants.
- ⑤ 1 movie projector ~~small~~
- ⑥ A bag of stuff from Walmart brought in Stone Mountain GA (recede in the truck) 1 dog mat cooler, 1 bacon Brack (microwavable) ~~plates~~ and other ~~me~~ stuff.
- ⑦ 1 electric winch (tool) ~~or~~
- ⑧ Sterio system bass booster kit
- ⑨ CD
- ⑩ 2 Mango Fruit (got from grand mother in College Park GA)
- ⑪ 1 satilite radio receiver
- ⑫ Regular tools to fix the truck Flat (~~the~~ truck jack kit on floor behind the back ~~set~~ seats) No visiable
- ⑬ 1 Black Clip board with catewaster and hold space inside the ~~3~~ clip board (with paper we

Date: 10-5-19

Dear Clerk of Court,

My name is David Green. I'm writing in order to get a copy of a motion I had wrote to the for a Civil Forfeiture Case (#2017 CP 2305529). I had asked about this motion for the Return of Property which I believe was file/sent to the court between the dates of October 2017 and May 2018. I'm in Appeal court and can use all the paperwork and court hearing dates. There was a hearing held before the hearing date of July 19, 2018. [This hearing was not known to the owner nor the Interested Party of the property until 2019]. I have learned of hearing by The Greenville County News Paper January 2019. So this information is need for my appeal case in the South Carolina Court of Appeals. Please send all you have on this case. Thank you!

Reference Case
No. #2017 CP 2305529

Yours Truly,
David Green Jr.
David Green Jr.

Never recieved the ~~1~~ First

hearing date when Solicitor

falsily stated that no one claimed

the truck and put it in court as abandoned

when he was answered and told who to get in touch with back in 9/17

mailed 10-16-19

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

* IN THE COURT OF COMMON PLE
* THIRTEENTH JUDICIAL
* CIRCUIT

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

* CASE # 2017-CP-23-05529

PETITION

VS.

REQUESTING PROPERTY
TO BE
RETURNED TO OWNER

2006 Ford F350
(Vin - 1FTWW31P86ED61140)

ENTERED COMPUTER
RECEIVED

MAY 14 2020

CC Court of

gn

Defendant Property and
David Green

Interested Party

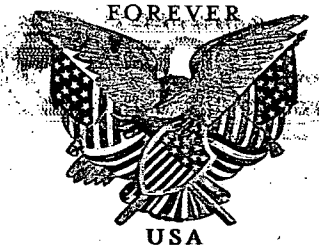
DUE THE FACTS AS FACTS SET FORTH IN THIS PETITION

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).

GREENVILLE SC 296

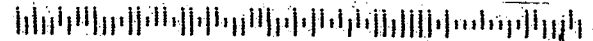
23 MAY 2020 PM 2 L



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

29211-162929

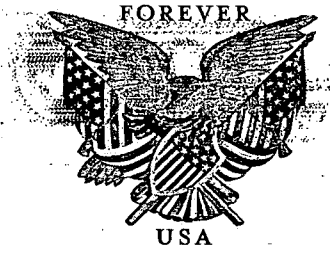


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David Green #300923-0355

Greenville County Detention Center
20 McGee Street
Greenville SC 29601

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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

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