

STATE OF SOUTH CAROLINA, IN THE COURT OF APPEALS  
COURT OF APPEALS, OF SOUTH CAROLINA

JUN 01 2017

State of South Carolina  
Greenville County

Notice of Motion of Appeals  
For APPEAL Bond Hearing decision  
Cases # 2017A2330206508  
# 2017A2330206510  
# 6102PD390254  
# 6102PD390255

vs.

David Green, Jr.

Now Comes the Defendant, David Green Jr., and files and serve this Motion of Appeal Bond Hearing Decision, as grounds set forth would show and move this Honorable Court, as follows:

A) The 8th amendment give me a right to not have a excessive bail, nor excessive fines imposed, nor cruel and unusual punishment inflicted

1) The bond that was given was a \$35,000 plus a condition of G.P.S monitor. This is a excessive bail because I'm not eligible for a G.P.S monitor due to me not living in the County of Greenville nor in the state of South Carolina. This has been known before and the giving of the bond/bail. Courts have stated that bail conditions of release should not be imposed beyond what is necessary to serve the purpose of ensuring appearance in court. Also that bail conditions are unconstitutionally excessive if they impose restraints that are more than necessary to achieve the

governments interest, preventing risk of Flight and danger to society (Magistrate Judge James C. Francis, IV, Observed). Case United States v. Scott (9th Cir. 2006) states restricted Free movement is unneeded. Court have also noted Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle would lose it's meaning. Also this traditional right of Freedom before conviction permits the hampered preparation of a defense, and serves to prevent the infliction of punishment prior to conviction (Hudson v. Parker From case Stack v. Boyle). United States v. Motlow 7th Circuit stated a bail set higher than an amount reasonably calculated to fulfill the purpose is excessive under 8th amendment. The fixing of bail for any individual defendant must be based upon standards relevant to the purpose of assuring his presence, but not as an assurance they would remain in jail. Defendant is entitled to an opportunity to make a bond/bail in a reasonable amount (Stack v. Boyle), 18 U.S.C §3146(A) and (B) Stated condition(s) will reasonable. Due to my bond being paid and me not being eligible for the G.P.S monitor my bond was revoked with out me ever getting out and that the monitor serves no purpose that can assure that any one will appear for court which is supposedly it's purpose due to many people have removed the monitor and jumped bail many times before it serves no purpose for me. Due to my state of residence the bond should not be a factor requiring bail in a greater amount than if I lived elsewhere due to national means of transport are available to anyone in the United States, irrespective

of his residence. (United States v. Wright). Person arrested for a non-capital offence shall be admitted to bail (Rule 46 (A)(1), 18 U.S.C.).

2) As the condition of G.P.S monitor also adds excessive fines due to a weekly payment along with the \$35,000 bond that was already paid.

3) The bond has caused cruel and unusual punishment inflicted due to defendant being incarcerated for 35 months in detention while awaiting trial and due to this covid-19 he may be waiting longer for a time/date for a jury trial. Like case United States v. Childs (D.S.C. 2020) the defendant is at a higher risk of catching the covid-19 while awaiting trial in detention. Defendant is a broader line diabetic has high blood pressure, is a 42 going on 43 old male "7-9-20", I'm now become a clinically obese at weights of 220 plus pounds at 5'3", has back problems due to mats and poor medical help at this detention center, has also lost a tooth due to dental not offered here bones are hurting could be from not getting milk/calcium/vitamins needed to strengthen the bones, and feet hurt due to not having the proper shoe which causes like of excruciation<sup>ise</sup>, lack of flesh air and sun light due to lack of recreation and paint on the window in my unit.

B) The 5th amendment states that I should not be deprived of life, liberty, or property without due process of the law.

1) Due to a fixed bail that was given to hold me in detention unless I moved to Greenville County South Carolina

leaving Family, wife, children, and job in order be able to make bond. Property has already been Forfeited on that is in the appeal court's now.

c) The 14th amendment states that I should not be denied within this jurisdiction the equal protection of the laws.

d) By the court's / state / solicitor's office holding me on a fixed bond that is using a condition at which i'm in no way eligible for violates this equal protection. Also due to being held on this unconstitutional bond / bail has hampered me from getting evidence in my case, witnesses, information needed for my case, getting lawyers for my forfeiture appeal case and my Federal law suit against a lawyer who had / has ~~cost~~<sup>us</sup> tail his services and took my money without paying it back, I've also lost bond money that I have not been able to get back on this bond that is already paid.

Here are all cases 1) United States v. Wright (4th Cir., 1973), 2) Stack v. Boyle, 3) Forest v. United States (8th Cir., 1953), 4) Hanes v. United States (6th Cir.), 5) Bennett v. United States (5th Cir.), 6) United States v. Mule (2nd Cir.), 7) Connely v. United States (9th Cir.)

Therefore due to the facts set forth the defendant prays that this Honorable Court respectfully grants defendant bond which is not only a unconstitutional bond but also has become a exceptional reason(s) as circumstances are clearly out of the ordinary, uncommon, and rare.

RECEIVED

JUN 01 2020

CERTIFICATE OF SERVICE

SC Court of Appeals

I, David Green, hereby state that a copy of the attached motion for a appeal of Bond Hearing Decision, was served upon the 13th Judicial Circuit Solicitor's Office of Greenville County South Carolina, 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, Suite 325, Greenville, South Carolina 29601, on this 27th day of May 2020

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

Illegal bail set ~~that~~ is U still holding me now today

THE STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
THE STATE )  
v. )  
DAVID GREEN, )  
07/09/1977 )  
DEFENDANT. )

IN THE COURT OF GENERAL SESSIONS

**RECEIVED**  
ORDER FOR BAIL  
JUN 01 2020  
SC Court of Appeals

FILED OFFICE OF COURT  
PAUL H. WATKINS  
GREENVILLE CO. SC  
2017 SEP 15 AM 11:37

IN RE: WARRANT # (S) CHARGE(S)  
2017A2330206510, Drugs / Trafficking in meth. or cocaine base - 10 g or more, but less  
2017A2330206508 than 28 g - 1st offense,  
Drugs / Trafficking in Heroin, morphine, etc., 28 g or more

This matter is before me on application for bail. Defendant is now confined in the Greenville County Detention Center under the above warrants charging Defendant with the offense(s) listed above. It appears to the Court that bail may be granted for said offense(s).

NOW THEREFORE, on motion of the Defendant,

IT IS ORDERED that the Defendant be and is hereby granted bail in the amount of \$ 35,000 with one or more sufficient sureties to be approved by the:

( ) Clerk of Court ( X ) Magistrate ( ) City Recorder

and, a recognizance bond in the amount of \$ 0 to be signed by the Defendant.

IT IS FURTHER ORDERED that the defendant shall not have contact with the victim in this case and the following additional conditions shall apply:

GPS monitoring, cannot possess any firearms while on bond

IT IS SO ORDERED

Judge, Thirteenth Judicial Circuit

Greenville, SC  
Date: 9-15-17

ISO MOVE:  
C. Grubbs, AL  
Attorney for Defendant  
Chris Grubbs  
Print Name

ISO CONSENT:  
\_\_\_\_\_  
Office of Solicitor  
\_\_\_\_\_  
Print Name

no victim in case but they used for G.P.S condition they added on

with the girl also for the 2 blue tickets that's not part of this bond hearing which should have been

First bond paid  
this has the monitor  
added as a condition

BAIL PROCEEDING  
FORM II

RECEIVED

STATE OF SOUTH CAROLINA  
COUNTY OF Greenville

IN THE Greenville General Sessions

JUN 01 2020

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

SC Court of Appeals

Green, David

NAME OF DEFENDANT

Offense Charged: Drugs / Trafficking in Heroin, morphine, etc., 28 g or more-[2017A2330206508]; Drugs / Trafficking in meth. or cocaine base - 10 g or more, but less than 28 g - 1st offense-[2017A2330206510]

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: \_\_\_\_\_

Nature of Circumstances of Offense; Must Notify Court Immediately of Change of Address \_\_\_\_\_

[Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \$ \_\_\_\_\_ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \$ \_\_\_\_\_, his release to be obtained by payment to the court of \_\_\_\_\_ % (not to exceed 10%) of the full amount of the bond, deposits \$ \_\_\_\_\_ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

(PF)

APPEARANCE RECOGNIZANCE WITH SURETY

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$ 35,000.00

3. That the defendant shall appear at (check one):

the term of COURT OF GENERAL SESSIONS beginning on June 21, 2019 at 9:00 o'clock, AM, at Greenville General Sessions - 305 E. North Street/Greenville County Courthouse/Greenville, SC 29601-2120 / (864) 467-8550/647 and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.

the session of  MAGISTRATE COURT  MUNICIPAL COURT beginning on \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ at \_\_\_\_\_

If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): \$35,000.00 (SB)

INITIALS OF DEFENDANT X J

PER OFB GPS MONITORING, CANNOT POSSESS ANY FIREARMS WHILE ON BOND

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

SIGNATURE OF JUDGE \_\_\_\_\_

04/12/2019  
DATE

Second bond paid on 2 charge with a max sentence of 30 day I had to pay 2 year from arrest date. Time was done like 24 times. Bond not needed

BAIL PROCEEDING FORM II

STATE OF SOUTH CAROLINA  
COUNTY OF Greenville

IN THE West Greenville Summary Court

STATE OF SOUTH CAROLINA

ORDER SPECIFYING METHODS AND CONDITIONS OF RELEASE

Green, David

NAME OF DEFENDANT

Offense Charged: DUS / Driving under suspension, license not suspended for DUI - 1st offense-[6102P0390254]; Drugs / Possession of 28g (1 oz) or less of marijuana or 10g or less of hash - 1st offense-[6102P0390255]

At a bail proceeding conducted by the undersigned judge, for the defendant named above, it was determined by the court (check one or both):

- The release of the defendant on recognizance will not reasonably assure his appearance as required.
- The release of the defendant on recognizance will result in an unreasonable danger to the community.

This determination was based upon the following findings of fact: \_\_\_\_\_

Nature of Circumstances of Offense; Must Notify Court Immediately of Change of Address \_\_\_\_\_

[Considerations: Nature and Circumstances of the offense charged, the defendant's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and any record of flight to avoid prosecution or failure to appear at other court proceedings.]

THEREFORE, IT IS HEREBY ORDERED:

1. That the above named defendant be released from custody on the condition that he will personally appear before the designated court at the place, date and time required to answer the charge made against him and do what shall be ordered by the court and not depart the State without the permission of the court and be of good behavior.
2. That the above named defendant be released from custody provided as follows (check all that apply):

CASH IN LIEU OF BOND

The defendant, acknowledges himself to be indebted to the State of South Carolina in the sum of \$ \_\_\_\_\_ to secure his release from custody. Should the defendant fail to comply with all terms and conditions of this Order, this sum of money is subject to being forfeited to the State.

CASH PERCENTAGE IN LIEU OF BOND

The defendant, acknowledging himself to be indebted to the State of South Carolina in the full amount of \$ \_\_\_\_\_, his release to be obtained by payment to the court of \_\_\_\_\_ % (not to exceed 10%) of the full amount of the bond, deposits \$ \_\_\_\_\_ to secure his release from custody. Should the defendant fail to perform the conditions of this Order, the full amount shall be levied on his real and personal property for the use of the state.

APPEARANCE RECOGNIZANCE WITH SURETY (PE)

The defendant will provide good and sufficient surety approved by the court, in the form hereinafter set forth in this Order, acknowledging an indebtedness to the State in the amount of \$ 1,293.00.

3. That the defendant shall appear at (check one):

- the term of COURT OF GENERAL SESSIONS beginning on \_\_\_\_\_ at \_\_\_\_\_ o' clock, \_\_\_\_\_ at \_\_\_\_\_ and remain there throughout that term of court. If no disposition is made during that term, the defendant shall appear and remain throughout each succeeding term of court until final disposition is made of his case, unless otherwise ordered by the court.
- the session of  MAGISTRATE COURT  MUNICIPAL COURT beginning on May 13, 2019 at 10:00 o' clock, AM, at West Greenville Summary Court - 301 University Ridge, Suite 5100/Greenville, SC 29601 / (864) 467-4640. If no final disposition is made during that session, the defendant shall appear at such other times and places as ordered by the court.

Bond Amount(s): \$1,293.00 (CS) or \$1,293.00 (SB)

INITIALS OF DEFENDANT X JB

4. That the defendant will notify the court promptly if he changes his address from the one contained in this order and he will comply with those conditions described hereinafter in the Order.

Alexis Brigg for Huals  
SIGNATURE OF JUDGE

04/15/2019  
DATE

Bond revoked due to conditions  
I'm was not eligible for. Bonds was  
paid on April 12, 2019 and the two  
30 day charges was paid on April 15, 2019. As we see 15 days later Judge revoked  
bond due to me not being eligible For G.P.S monitor that was given knowing that  
I was not eligible for monitor to start with

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )  
 )  
vs. )  
 )  
 )  
 )  
 )  
David Green )

Defendant

IN THE COURT OF  
GENERAL SESSIONS

2017A2330206510  
2017A2330206508

HIP/Weekender/Day-Reporter  
Termination Order

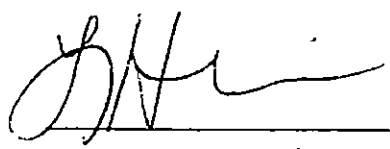
19 APR 30 PM 12:52  
Paul Wickensmier ODC GVL SC

This matter comes before me by the staff at the Greenville County Detention  
Center. On April 15, 2018 the Defendant, David Green was ordered to the  
Home Incarceration Program (HIP) as a special condition of his her bail.

Therefore, it is ordered that the above named defendant:

- Be required to serve \_\_\_\_\_ days/months/years to satisfy this sentence.
- Be reinstated to the program.
- Other: Bond Revoked

IT IS SO ORDERED.



Judge, 13<sup>th</sup> Judicial Circuit

Greenville, South Carolina  
Dated: 4/30, 2018

I had never been release from detention  
on these charges because of not being eligible  
for monitor therefore I never violated any  
HIP program.

ENTERED  
COMPUTER

Paul  
Wickensmier

### INMATE SEARCH: DETAILS

Would have been out on this Parole violation a week after being release to hold. Others have been release to holds

Inmate Description and Location



Picture Date: 7/11/17

Name / ID Number: GREEN, DAVID / 0355  
Gender: MALE  
Race: BLACK/AFRICAN A  
Year of Birth: 1977  
Hair Color: BLACK  
Eye Color: BLACK  
Height: 5' 03"  
Weight: 141 lb  
Housing Unit: U

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

INMATE CHARGES:

- ALL 1 2 3 4 5 6 7

THE CHARGE IS AS FOLLOWS:  
Charge 100: FUGITIVE FROM JUSTICE  
Arresting Agency: SHERIFF'S OFFICE  
Sentence: 07/12/2017 - No Bond set by Judge

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

Warrant: 2017A2330206507  
Committing Judge: GARRISON

BOND SATISFIED AND THIS CHARGE HAS BEEN RELEASED:  
Charge 200: TRAFFICKING METH/COCAINE BASE 10G>BUT<28G 1ST  
Arresting Agency: SHERIFF'S OFFICE  
Bond: 09/15/2017 - Surety Bond of \$35000.00

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

Warrant: 2017A2330206510  
Committing Judge: GARRISON

THIS CHARGE HAS BEEN RELEASED:  
Charge 300: TRAFFICKING HEROIN/MORPHINE 28G OR MORE  
Arresting Agency: SHERIFF'S OFFICE  
Sentence: Included with the previous Charge

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

Warrant: 2017A2330206508  
Committing Judge: GARRISON

BOND SATISFIED AND THIS CHARGE HAS BEEN RELEASED:  
Charge 400: DRIVING UNDER SUSPENSION  
Arresting Agency: SHERIFF'S OFFICE  
Bond: 07/12/2017 - Cash Bond of \$653.00 or Surety Bond of \$653.00

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

Warrant: 6102P0390254  
Committing Judge: GARRISON

BOND SATISFIED AND THIS CHARGE HAS BEEN RELEASED:  
Charge 500: MARIJUANA: POSS  
Arresting Agency: SHERIFF'S OFFICE  
Bond: 07/12/2017 - Cash Bond of \$640.00 or Surety Bond of \$640.00

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

Warrant: 6102P0390255  
Committing Judge: GARRISON

THE CHARGE IS AS FOLLOWS:  
Charge 600: VIOL OF HIP  
Arresting Agency: SHERIFF'S OFFICE  
Sentence: 04/30/2019 - Bond Revoked

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

Warrant: 2017A2330206510  
Committing Judge: VERDIN

THE CHARGE IS AS FOLLOWS:  
Charge 700: VIOL OF HIP  
Arresting Agency: SHERIFF'S OFFICE  
Sentence: 04/30/2019 - Bond Revoked

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

Warrant: 2017A2330206508  
Committing Judge: VERDIN

- Back to List Back to Search Visitation

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

David Green #300923-0300

Greenville County Detention Center  
20 McGee Street  
Greenville SC 29601

GREENVILLE SC 296

MAY 2020 PM 2 L



**RECEIVED**

JUN 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



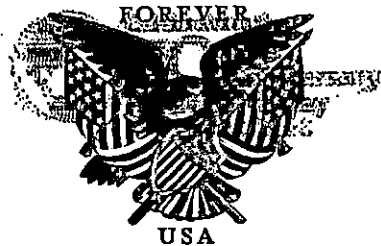
1 of 2

David Green #300923-0355

Greenville County Detention Center  
20 McGee Street  
Greenville SC 29601

GREENVILLE SC 296

25 MAY 2020 PM 2 L



**RECEIVED**

JUN 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

