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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

CERTIORARI TO THE COURT OF APPEALS
Appeal From Chesterfield County
The Honorable Paul M. Burch, Circuit Court Judge

Appellate Case No. 2022-000996

THE STATE, ...RESPONDENT,

v.

JAMES DAVID BUSBY,..... PETITIONER.

Opinion No. 2022-UP-239 (S.C. Ct. App. filed June 8, 2022)

RETURN TO PETITION FOR WRIT OF CERTIORARI

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The Court of Appeals properly affirmed the trial judge's admission of evidence collected from Petitioner's truck because the evidence was obtained from a consensual search of the vehicle. Further, even if the search had been improper, the evidence obtained from the search was admissible pursuant to the doctrine of inevitable discovery.

STATEMENT OF THE CASE

Petitioner was indicted by the Chesterfield County Grand Jury for murder, armed robbery, and possession of a weapon during the commission of a violent crime. On July 15–19, 2019, Petitioner proceeded to a jury trial before the Honorable Paul M. Burch. Assistant Solicitors Mary Thomas Johnson-Lee, Esquire and Kernard E. Redmond, Esquire, represented the State; Tonya Copeland-Little, Esquire, represented Petitioner. The jury found Petitioner guilty of voluntary manslaughter, armed robbery, and possession of a weapon during the commission of a violent crime, and he was sentenced to thirty years' incarceration, fifteen years' incarceration, and five years' incarceration, respectively. Petitioner timely filed his appeal. On June 8, 2022, the South Carolina Court of Appeals affirmed the convictions in an unpublished opinion, State v. James David Busby, No. 2022-UP-239. (App. 621-22). A timely filed petition for rehearing was denied on June 22, 2022. (App. 630). A timely Petition for Writ of Certiorari was filed on August 5, 2022. This Return follows.

STATEMENT OF FACTS

Trial Evidence

At approximately 7:30 a.m. on June 19, 2017, Bryan Rivers was about to leave his home on Hurst Cemetery Lane in Chesterfield, South Carolina when a woman pulled into the driveway and up to his home. She told Rivers that she saw a man on top of the nearby hill "laying down taking a nap or something." Rivers went to check on the man and found Victim's corpse, at which point he contacted law enforcement and waited for officers to arrive. (App. 175-76).

Sergeant Grant Polson of the Chesterfield County Sheriff's Office arrived at the scene and observed the corpse was lying next to a red truck. Victim was on his back and missing part of his face as a result of an apparent gunshot wound, and it appeared his pants had been tampered with because the belt had been removed and the pockets were inside-out. Additionally, there was a baseball bat and a small bag near his head. The inside of the truck contained blood spatter and other body tissue throughout. Near the truck, Polson found a tire track for a mud terrain tire. The tire track appeared fresh; due to the remote location of the crime scene and the recently-planted soybean field nearby, he immediately suspected the tire track belonged to the vehicle of someone associated with the crime. (App. 180-82).

Wayne Jordan of the Chesterfield County Sherriff's Office arrived at the scene shortly after, and Polson showed him everything he had observed. Jordan also recognized brain matter and fragments of Victim's head and face in the cab of the red truck. Victim was quickly identified, and Jordan tasked other officers with interviewing Victim's known friends and family. Victim had been staying the past couple nights with his cousin, Clint Gulledge and Clint's wife Rachel Hammond Gulledge. (App. 351). Clint told officers about a dispute between Victim and Petitioner regarding Petitioner's failure to deliver a shotgun purchased by Victim. (App. 354). Rachel provided officers with a possible location for Petitioner, the home of Nicole Deese on Plyler Road.

(App. 196). When detectives arrived at Deese's home, they found a white Chevy pickup truck with tires consistent with the tire tracks found at the crime scene. (App.196-97).

Deese was not home at that time, but officers did find her home later, as well as the Petitioner. Jordan sought Petitioner's permission to search[1] the truck. Petitioner consented and gave Jordan the keys to the truck. (App. 197-98). During the search officers found a set of boots with Victim's driver's license, debit card, and social security card within. (App. 199). At that point, Jordan halted the search and ordered the truck transported to the Chesterfield County Sheriff's Office. (App. 199). Before proceeding further, Jordan obtained a search warrant for the truck's tire impressions as well as for an extensive search inside the vehicle for items including a shotgun, which officers had learned was the murder weapon. (App. 200).

When Officers spoke with Deese, they learned that on June 18, 2017, Victim called Deese asking if she would accompany him on a trip to obtain drugs. Petitioner, who was with Deese at the time, forced her to hang up the phone. Shortly after the call, Petitioner informed Deese he was leaving to meet Victim to obtain dope. Hours passed, but Deese never heard from Victim despite expecting a call from him later that evening. Worried, Deese contacted others and asked them to also call Victim and Petitioner. Petitioner eventually returned to the home at a late hour, which seemed odd to Deese given a drug pick-up should not have taken a long time. Deese also observed Petitioner wearing clothing different from what he had left the home in and in possession of a "longer gun." Deese pressed Petitioner for answers, but he refused to say what occurred during his time with Victim. Between the night of June 19 and the morning of June 20, Petitioner finally cracked and told Deese he killed Victim. (App. 377-82).

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[1] In front of the jury, Jordan omitted reference to Petitioner's other charged offenses from Lancaster County, instead explaining he asked to search the vehicle for "a particular item." (App.198, lines 1–14).

SLED Agent Anna Tankersley was one of the crime scene investigators involved in the case. In addition to collecting evidence at the crime scene, she later met Petitioner and received his permission to collect his DNA. Dawn Claycomb, Tankersley's partner at that time, recalled her participation in the investigation, including her collection of evidence from Petitioner's vehicle. In the front seat of Petitioner's truck, Claycomb discovered a pair of jeans and a Maglite flashlight, both of which appeared covered in blood. She also found the I.D. cards found in the initial search of Petitioner's truck. After comparing the tire impressions found at the crime scene with the tires on Petitioner's truck she found the track corresponded with Petitioner's truck tires and could have been made by that tire or any other tire with those characteristics. (App. 225-53). Maryann Boehm was the SLED DNA analyst who reviewed the items collected in the case. Her tests conclusively established the blood found on the Maglite was Victim's while the bloody jeans found in Petitioner's truck contained Victim's DNA in the bloodstains while Petitioner's DNA was the major contributor to the DNA found in the interior waistband of those same jeans. (App. 451-61).

Officers interviewed Petitioner on multiple occasions, during which Petitioner went from claiming he had no knowledge of the murder to later providing officers with information confirming officers' suspicions that he was responsible for Victim's death. Petitioner led officers to a wooded area approximately a quarter of a mile from Deese's home, to the location where a shotgun was buried. On a separate occasion, Petitioner led officers to Lake Terry, where divers located a white plastic bag containing a glove, shotgun shell, spent shotgun shell and a wrench. (App. 210-15).

STANDARD OF REVIEW

In criminal cases, appellate courts sit to review errors of law only. State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006). In Fourth Amendment search and seizure cases, the appellate court is limited to determining whether there is any evidence to support the trial court's findings and can only reverse due to clear error. State v. Flowers, 360 S.C. 1, 5, 598 S.E.2d 725, 727 (Ct. App. 2004); see State v. Brockman, 339 S.C. 57, 66, 528 S.E.2d 661, 666 (2000) ("[W]e will review the trial court's ruling like any other factual finding and reverse if there is clear error. We will affirm if there is any evidence to support the ruling."). The reviewing court may conduct its own review of the record to determine whether the trial judge's ruling is supported by the evidence. State v. Khingratsaiphon, 352 S.C. 62, 70, 572 S.E.2d 456, 460 (2002). However, the appellate court must affirm the trial court if there is any evidence supporting the ruling. See State v. Moore, 415 S.C. 245, 251, 781 S.E.2d 897, 900 (2016) ("[A]ppellate courts must affirm if there is any evidence to support the trial court's ruling."); State v. Morris, 411 S.C. 571, 578, 769 S.E.2d 854, 858 (2015) ("'When reviewing a Fourth Amendment search and seizure case, an appellate court must affirm if there is any evidence to support the ruling.'" (citation omitted)). The appellate court will not reverse merely because it would have reached a different conclusion than the trial judge. State v. Rivera, 384 S.C. 356, 361, 682 S.E.2d 307, 310 (Ct. App. 2009); see Khingratsaiphon, 352 S.C. at 70, 572 S.E.2d at 459 ("In State v. Brockman, . . . [w]e concluded the appellate court would not review the trial judge's ultimate determination de novo but, rather, would apply a deferential standard of review.").

ARGUMENT

The Court of Appeals properly affirmed the trial judge's admission of evidence collected from Petitioner's truck because the evidence was obtained from a consensual search of the vehicle. Further, even if the search had been improper, the evidence obtained from the search was admissible pursuant to the doctrine of inevitable discovery.

Petitioner argues the Court of Appeals erred in affirming the trial judge's decision to allow the State to introduce evidence discovered during the search of Petitioner's vehicle because the search violated Petitioner's rights under the Fourth Amendment and S.C. CONST. art. I, § 10. Petitioner's argument is invalid because the admissibility of evidence is within the discretion of the judge, the items were obtained pursuant to a consensual search and, even if the search was improper, the contested items would have inevitably been discovered during the course of law enforcement's investigation into Victim's death.

Suppression Hearing

Prior to trial, Petitioner's trial counsel moved to suppress evidence obtained from Petitioner's truck during a preliminary search by officers. Trial counsel claimed the search was made without Petitioner's consent and without probable cause. Notably, the search was made pursuant to warrants from Lancaster County relating to Petitioner's theft of a gun, but the weapon was already in possession of the Lancaster County Sheriff's Office when officers searched the vehicle. Expecting trial counsel's motion, the State presented witnesses explaining the facts which led to the search. (App. 63).

Jason Catoe, a criminal investigator with the Lancaster County Sheriff's Office, testified he was contacted by Wayne Jordan of the Chesterfield County Sheriff's Office on June 21, 2017. Jordan asked Catoe whether he knew Petitioner. Catoe informed Jordan they were investigating Petitioner for a robbery and a stolen gun, and that they had enough probable cause to obtain

warrants[2] for Petitioner's arrest. Jordan asked Catoe to get the warrants, and Catoe agreed to get the process started. Catoe, however, was not in the office at that moment because he was attending a class. He contacted his lieutenant, who he had emailed the night prior for approval of the warrants after meeting with the victim who had purchased the stolen weapon from Petitioner. The victim gave Catoe the gun during their meeting and Catoe told his lieutenant as much when seeking approval to obtain the warrants. After Catoe contacted his supervisor about his conversation with Jordan, the arrest warrants were approved and then presented to a magistrate judge by a different officer. As soon as the warrants were signed, Catoe contacted Jordan to let him know they were in NCIC. However, Catoe never relayed to Jordan that he had already recovered the gun. (App. 64-70).

Jordan also testified, explaining he contacted Catoe after their initial investigation into Victim's death led officers to identify Petitioner as a person of interest in the case. After the Lancaster County Sheriff's Office obtained the warrants, Jordan and other officers went to the home of Nicole Deese, where officers believed Petitioner to be staying. At the home, officers noticed Petitioner's truck had special mud grip tires which appeared to match the tire impressions from the scene of the murder. After officers knocked on the door, Deese answered and told officers that Petitioner was in a back bedroom of the home. Jordan, alone, walked to the bedroom and found Petitioner. After confirming his identity, Jordan informed him he had arrest warrants from Lancaster County. Jordan described the remainder of the conversation between the two men as:

> Where's the pistol? He said I don't have a pistol. I said, man, I need to search your car for a pistol. He said, okay, no problem, I don't have a pistol. I said where's your keys. He said they're in my pocket. I said I need your keys. He took – he reached in his pants pocket, pulled his keys out to his truck, and handed them to

[2] The arrest warrants were for receiving stolen goods less than $2,000 and obtaining goods by false pretense. (App. 67).

> me. I handcuffed him. We walked outside. We started our search. I physically unlocked the car and then myself and Sgt. Burns started our search.

(App. 73-76).

Before long, the men discovered a boot with a black-in-color t-shirt inside of it. Sgt. Burns pulled the t-shirt out and found two ID cards belonging to Victim. Jordan immediately ended the search, put the shirt, boots, and ID cards back as they were found, and immediately called for the transport of the vehicle to the Sheriff's Office where it could be secured. (App. 76-78).

Jordan testified that, had Petitioner refused the search of the vehicle, officers would still have ultimately seized the vehicle due to the evidence of Petitioner's involvement in Victim's death. Officers were already aware from another witness, Rachel Hammond, that Petitioner and Victim were in an ongoing dispute over a shotgun the former was supposed to sell to the latter but was never delivered; notably, Victim had been killed with a shotgun. Hammond had informed officers Victim was very upset he never received the weapon. Further, the fact that Petitioner's truck tires matched the unique impression found at the crime scene meant officers had probable cause supporting a search warrant for the vehicle. Later, after the car was towed, Jordan obtained search warrants to collect tire impressions and search the interior of Petitioner's vehicle. (App. 78-84).

After hearing the witnesses' testimony, the trial judge said that he had not heard any evidence contrary to Jordan having permission to conduct the search. "So as it stands, the evidence indicates he was given permission to [perform] the search. So the motion to suppress is denied." (App. 85). To protect itself on the record, the State also indicated that it believed the challenged evidence was also subject to inevitable discovery based on the information known by officers at that time. The trial judge acknowledged the argument, and trial counsel made no further arguments on the issue. (App. 85).

Analysis

Consent to Search

Warrantless searches and seizures are reasonable within the meaning of the Fourth Amendment when conducted under the authority of voluntary consent. Palacio v. State, 333 S.C. 506, 514, 511 S.E.2d 62, 66 (1999). "Undoubtedly, a law enforcement officer may request permission to search at any time." State v. Pichardo, 367 S.C. 84, 105, 623 S.E.2d 840, 851 (Ct. App. 2005). Whether consent to search was voluntary or the product of duress or coercion, express or implied, is a question of fact to be determined from the totality of the circumstances. State v. Wallace, 269 S.C. 547, 550, 238 S.E.2d 675, 676 (1977); State v. Mattison, 352 S.C. 577, 584, 575 S.E.2d 852, 855 (Ct. App. 2003). The State bears the burden of establishing the voluntariness of the consent. Schneckloth v. Bustamonte, 412 U.S. 218 (1973); Mattison, 352 S.C. at 584, 575 S.E.2d at 855. In a custodial situation, the custodial setting is a factor to be considered in determining whether consent was voluntarily given; however, custody is not, by itself, enough to demonstrate a coerced consent to search. Mattison, 352 S.C. at 584, 575 S.E.2d at 855. "The issue of voluntary consent, when contested by contradicting testimony, is an issue of credibility to be determined by the trial judge." Mattison, 352 S.C. at 584-85, 575 S.E.2d at 856; State v. Dorce, 320 S.C. 480, 482, 465 S.E.2d 772, 773 (Ct. App. 1995). A trial judge's conclusions on issues of fact regarding voluntariness will not be disturbed on appeal unless so manifestly erroneous as to be an abuse of discretion. Mattison, 352 S.C. at 585, 575 S.E.2d at 856.

Under our state constitution suspects are free to limit the scope of the searches to which they consent. State v. Forrester, 343 S.C. 637, 648, 541 S.E.2d 837, 843 (2001); State v. Funderburk, 367 S.C. 236, 240, 625 S.E.2d 248, 250 (Ct. App. 2006); Mattison, 352 S.C. at 585,

575 S.E.2d at 856. When relying on the consent of a suspect, a search must not exceed the scope of the consent granted or the search becomes unreasonable. Forrester, 343 S.C. at 648, 541 S.E.2d at 843; Funderburk, 367 S.C. at 240, 625 S.E.2d at 250; Mattison, 352 S.C. at 585, 575 S.E.2d at 856. Even in a situation where police have received a general and unqualified consent, "'the police do not have carte blanche to do whatever they please.'" Forrester, 343 S.C. at 648-49, 541 S.E.2d at 843 (quoting 3 Wayne R. LaFave, *Search and Seizure* § 8.1(c), at 612 (3d ed. 1996)). The scope of the consent is measured by a test of "'objective' reasonableness - what would the typical reasonable person have understood by the exchange between the officer and the suspect?" Florida v. Jimeno, 500 U.S. 248, 251 (1991); Mattison, 352 S.C. at 585-86, 575 S.E.2d at 856. Conduct falling short of "an unequivocal act or statement of withdrawal" is not sufficiently indicative of an intent to withdraw consent. Mattison, 352 S.C. at 587, 575 S.E.2d at 858; United States v. Alfaro, 935 F.2d 64, 67 (5th Cir. 1991). Effective withdrawal of consent to search requires unequivocal conduct, in the form of either an act, statement or some combination of the two that is inconsistent with consent previously given. Mattison, 352 S.C. at 585, 575 S.E.2d at 858; Burton v. United States, 657 A.2d 741 (D.C. 1994).

As an initial matter, the State notes Petitioner's concern over the presence of probable cause demonstrated his fundamental misunderstanding of the requirements of a consensual search: Jordan did not need a reason or probable cause to initiate a consensual search of Petitioner's vehicle. Although Jordan believed he was looking for the stolen pistol due to Catoe's failure to inform him that the Lancaster County Sheriff's Office already obtained the weapon, he could have requested the search even without believing he would find evidence specifically related to the Lancaster County charges. See Palacio, 333 S.C. at 514, 511 S.E.2d at 66. Appellant was arrested pursuant to a lawful warrant and officers were free to ask for his consent to search after that arrest.

Cf. Pichardo, 367 S.C. at 105, 659 S.E.2d at 851 ("Undoubtedly, a law enforcement officer may request permission to search at any time. However, when an officer asks for consent to search after an unconstitutional detention, the consent procured is per se invalid unless it is both voluntary and not an exploitation of the unlawful detention.") Further, even if Jordan had known the weapon was recovered, he still could have requested to search that vehicle. Thus, the question of whether Lancaster County had possession of the stolen firearm and Jordan's knowledge of that fact is irrelevant to the determination of the constitutionality of the search.

The constitutionality of the search boils down to a single issue: whether Petitioner willingly gave consent to the search. In affirming the convictions, the Court of Appeals cited to Palacio v. State[3] holding the constitutional immunity to unreasonable searches and seizures can be waived by valid consent. (App. 620). "Whether a consent to search was voluntary or the product of duress or coercion, express or implied, is a question of fact to be determined from the totality of the circumstances." State v. Greene, 330 S.C. 551, 557, 499 S.E.2d 817, 820 (Ct. App. 1997). "A trial judge's conclusions on issues of fact regarding voluntariness will not be disturbed on appeal unless so manifestly erroneous as to be an abuse of discretion." Id. While Petitioner was arrested immediately before officers requested to search his vehicle, the totality of the circumstances demonstrate Petitioner voluntarily gave his consent for the search. The fact Petitioner was placed under arrest immediately before he gave consent does not, by itself, render the consent involuntary. See Mattison, 352 S.C. at 584, 575 S.E.2d at 855. In Mattison, this Court found that the defendant's presence among four police officers, squad cars with flashing blue lights, and a drug dog did not, as a matter of law, render his consent involuntary. Id. at 585, 575 S.E.2d at 585. Notably, Petitioner's arrest occurred in much more relaxed and in even less "coercive" circumstances than

[3] Palacio v. State, 333 S.C. 506, 514, 511 S.E.2d 62, 66 (1999)

Mattison: Petitioner was arrested by a single officer, in a bedroom of a home where he had been staying, and was not placed in handcuffs until after he had pulled his keys from his pocket and given them to Jordan. When Jordan requested the search, Petitioner said "okay, no problem." Further, Petitioner never placed any limits on the scope of the search, nor did the record reveal any overt act, threat, or other method of coercion by law enforcement. Petitioner failed to present any testimony or other evidence contradicting the State's evidence that his consent was willing. See Mattison, 352 S.C. at 584-85, 575 S.E.2d at 856 ("The issue of voluntary consent, when contested by contradicting testimony, is an issue of credibility to be determined by the trial judge.") Accordingly, the Court of Appeals properly found the trial judge did not abuse his discretion in finding Petitioner willingly gave his consent to the search of his vehicle.

Inevitable Discovery

The "fruit of the poisonous tree" doctrine provides that evidence may be excluded if it is the product of unconstitutional police conduct. See Wong Sun v. United States, 371 U.S. 471 (1963). But more is required than simple but-for causation. As explained in Wong Sun:

> We need not hold that all evidence is 'fruit of the poisonous tree' simply because it would not have come to light but for the illegal actions of the police. Rather, the more apt question in such a case is 'whether, granting establishment of the primary illegality, the evidence to which instant objection is made has been come at by exploitation of that illegality or instead by means sufficiently distinguishable to be purged of the primary taint.'

Id. at 487–88 (internal citation omitted).

Any evidence seized as the result of an unreasonable search and seizure typically must be excluded from trial. State v. Weaver, 374 S.C. 313, 319, 649 S.E.2d 479, 482 (2007). The inevitable discovery doctrine is an exception to the exclusionary rule which requires the State to establish by a preponderance of the evidence the same evidence seized unlawfully would have been discovered inevitably by lawful means. See State v. Jenkins, 398 S.C. 215, 227, 727 S.E.2d

761, 767 (Ct. App. 2012) (citing State v. Brown, 389 S.C. 473, 483, 698 S.E.2d 811, 816 (Ct. App. 2010); Nix v. Williams, 467 U.S. 431, 447 (1984) (holding evidence may be admitted despite a violation of the Fourth Amendment "if the government can prove that the evidence would have been obtained inevitably and, therefore, would have been admitted regardless of any overreaching by the police"). When the doctrine applies, the evidence will not be suppressed despite the fact it was obtained pursuant to an illegal search. Brown, 389 S.C. at 483, 698 S.E.2d at 816.

In Nix, officers violated the defendant's Sixth Amendment right to counsel by speaking with him after agreeing with his lawyer not to communicate with the defendant. As a result of the communications, the defendant led the officers to the location of a missing child's body. The United States Supreme Court acknowledged the violation of the Sixth Amendment, but found because individuals were already canvassing the area, the body would have been inevitably discovered. The Court explained its reasons for not excluding the evidence based on the constitutional violation saying:

> Exclusion of physical evidence that would inevitably have been discovered adds nothing to either the integrity or fairness of a criminal trial. . . . Suppression, in these circumstances, would do nothing whatever to promote the integrity of the trial process, but would inflict a wholly unacceptable burden on the administration of criminal justice.

Nix, 467 U.S. at 446. The Court continued that exclusion was not necessary to cure an ill or to ensure fairness, finding:

> Fairness can be assured by placing the State and the accused in the same positions they would have been in had the impermissible conduct not taken place. However, if the government can prove that the evidence would have been obtained inevitably and, therefore, would have been admitted regardless of any overreaching by the police, there is no rational basis to keep that evidence from the jury in order to ensure the fairness of the trial proceedings. In that situation, the State has gained no advantage at trial and the defendant has suffered no prejudice. Indeed, suppression of the evidence would operate to undermine the adversary system by putting the State in a worse position than it would have occupied without any police misconduct. Williams' argument that inevitable discovery constitutes impermissible balancing of values is without merit.

Id. at 447.

Even if the Court of Appeals had found the search of Petitioner's vehicle was non-consensual, the evidence would still have been properly admitted at trial because it inevitably would have been discovered at a later point in time. Unquestionably, in Petitioner's case, the law enforcement officers that investigated the murder had probable cause to procure a search warrant for the vehicle based on the numerous pieces of evidence they had obtained up to that point, especially the fact that Petitioner's tires matched the impressions found at the crime scene. Additionally, officers had already learned about the dispute between Petitioner and Victim over a shotgun transaction, and a shotgun also happened to be the murder weapon. In fact, Jordan testified officers were already prepared to obtain a warrant to search the vehicle based on the information in their possession and only proceeded without the warrant because of Petitioner's consent. Other evidence obtained by law enforcement in the subsequent days and weeks only supports the inevitability of the search warrant: Victim's phone records placed Petitioner and Victim in contact with each other the night of the murder and that contact led to the discovery that cell tower data also placed the men in proximity of each other during that period. Eddins and Parker both observed a white truck consistent with Petitioner's following or driving near Victim before the latter disappeared, and Petitioner even informed Parker that he had attempted to meet up with Victim. Notably, none of this evidence was obtained from the contents of Petitioner's vehicle. These facts, taken together, readily establish the search warrant would have been obtained independent of the alleged constitutional violation. See Nix, 467 U.S. at 443

Petitioner's argument that the Chesterfield County Sheriff's Office contacted the Lancaster County Sheriff's Office because it lacked probable cause to obtain its own warrant ignores the record presented by the State. The State, within the first day or two of its investigation, established Petitioner as a person of interest and, shortly before his arrest, discovered that his tire tread matched

that found at the crime scene. This, along with the evidence subsequently uncovered by law enforcement, supported a **search** warrant of the vehicle. However, the Chesterfield County Sheriff's Office discovered the Lancaster County Sheriff's Office already had enough evidence to obtain an **arrest** warrant for Petitioner, preventing him from fleeing or destroying potential evidence while it took the time to obtain warrants based on its own investigation of Victim's death. Utilizing the Lancaster County arrest warrant was merely a matter of convenience for the Chesterfield County Sheriff's Office.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and convictions of the lower court be affirmed.

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