



# The Supreme Court of South Carolina

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March 02, 2023

The Honorable Julie J. Armstrong  
100 Broad St Ste 106  
Charleston, SC 29401-2210

## REMITTITUR

Re: The State v. William Holmes  
Lower Court Case No. 2015GS1006088, 2015GS1006090  
Appellate Case No. 2021-001018

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgment of this Court along with the earlier decision of the South Carolina Court of Appeals is enclosed.

Very truly yours,

*Patricia A. Howard*

CLERK

cc: Robert Michael Dudek, Esquire  
Jason Thomas Yonge, Esquire  
Alan McCrory Wilson, Esquire  
Mark Reynolds Farthing, Esquire  
Scarlett Anne Wilson, Esquire

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Supreme Court**

The State, Respondent,

v.

William Holmes, Petitioner.

Appellate Case No. 2021-001018

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**ON WRIT OF CERTIORARI TO THE COURT OF APPEALS**

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Appeal from Charleston County  
R. Markley Dennis Jr., Circuit Court Judge

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Opinion No. 2023-MO-006  
Heard December 13, 2022 – Filed March 1, 2023

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**CERTIORARI DISMISSED AS IMPROVIDENTLY  
GRANTED**

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Jason Thomas Yonge, of Williams, Stitely & Brink, PC,  
of Lexington, and Chief Appellate Defender Robert  
Michael Dudek, of Columbia, for Petitioner.

Attorney General Alan McCrory Wilson and Senior  
Assistant Attorney General Mark Reynolds Farthing, both

of Columbia, and Solicitor Scarlett Anne Wilson, of  
Charleston, for Respondent.

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**PER CURIAM:** We granted a writ of certiorari to review the court of appeals' decision in *State v. Holmes*, Op. No. 2021-UP-249 (S.C. Ct. App. filed June 30, 2021). We now dismiss the writ as improvidently granted.<sup>1</sup>

**DISMISSED AS IMPROVIDENTLY GRANTED.**

**BEATTY, C.J., KITTREDGE, HEARN, FEW and JAMES, JJ., concur.**

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<sup>1</sup> Counsel for Petitioner handled this appeal as part of the Appellate Practice Project. We applaud the professional ability of counsel and admire his willingness to volunteer his time and efforts in representing Petitioner.

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

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

The State, Respondent,

v.

William Holmes, Appellant.

Appellate Case No. 2018-001642

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Appeal From Charleston County  
R. Markley Dennis, Jr., Circuit Court Judge

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Unpublished Opinion No. 2021-UP-249  
Submitted April 1, 2021 – Filed June 30, 2021

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**AFFIRMED**

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Jason Thomas Yonge, of Williams, Stitely & Brink, PC,  
of Lexington; and Chief Appellate Defender Robert  
Michael Dudek, of Columbia, both for Appellant.

Attorney General Alan McCrory Wilson and  
Senior Assistant Attorney General Mark Reynolds  
Farthing, both of Columbia; and Solicitor Scarlett Anne  
Wilson, of Charleston, all for Respondent.

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**PER CURIAM:** William Holmes appeals his convictions for manufacturing crack  
cocaine and possession of cocaine. He argues the trial court erred in denying his

motion to suppress evidence obtained following a knock and talk, asserting the officers lacked reasonable suspicion. We affirm.

On March 6, 2015, officers of the North Charleston Police Department executed a knock and talk on an apartment and observed Holmes and Darell Boston manufacturing crack cocaine. Holmes and Boston were charged with various drug crimes, tried jointly, and found guilty. Before trial, Holmes and Boston both moved to suppress the evidence seized from the apartment, arguing the officers lacked reasonable suspicion and the knock and talk violated their right to privacy under the South Carolina Constitution. *See generally* S.C. Const. art. I, § 10 ("The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated . . ."); *State v. Counts*, 413 S.C. 153, 174, 776 S.E.2d 59, 71 (2015) (holding an officer must have reasonable suspicion of illegal activity before conducting a knock and talk). The trial court found the officers had reasonable suspicion and denied the motions. Holmes and Boston appealed separately, but both asserted the trial court erred in finding the officers had reasonable suspicion.

This court recently decided Boston's appeal, affirming the trial court's finding that the officers had reasonable suspicion and its denial of the motion to suppress. *See State v. Boston*, 433 S.C. 177, 185–86, 857 S.E.2d 27, 31–32 (Ct. App. 2021). Because Boston's and Holmes's appeals concern the same factual circumstances and legal arguments, this court's affirmance of the trial court's finding of reasonable suspicion in *Boston* applies to Holmes's appeal.

Therefore, Holmes's convictions are

**AFFIRMED.**<sup>1</sup>

**WILLIAMS, THOMAS, and HILL, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.

**The Supreme Court of South Carolina**

PATRICIA A. HOWARD, CLERK OF COURT

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THE HONORABLE JULIE J. ARMSTRONG  
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