

**RECEIVED**

**Jun 28 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Beaufort County

Honorable Robert J. Bonds, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

LATAVIOUS WILLIAMS,

APPELLANT

APPELLATE CASE NO. 2023-001397

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ANDERS BRIEF OF APPELLANT

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WANDA H. CARTER  
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ATTORNEY FOR APPELLANT

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<sup>1</sup> Drug Enforcement Administration (Federal Agency).

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## STATEMENT OF ISSUE ON APPEAL

The trial judge erred in denying defense counsel's motion for a mistrial in response to Police Officer William Squires' statement that he was a police officer and a DEA<sup>2</sup> agent because this suggested to the jury that appellant was a targeted individual who perhaps was the subject of a federal drug investigation in addition to a state drug investigation, which clearly constituted bad character evidence, particularly since the testimony at trial revealed that the traffic stop of appellant was not random, but rather a choreographed and coordinated event orchestrated by police based on investigations into drug dealings allegedly involving appellant.

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<sup>2</sup> Drug Enforcement Administration (Federal Agency).

## STATEMENT OF THE CASE

Appellant Latavious Williams was found guilty of possession of marijuana, trafficking in methamphetamine, and trafficking in cocaine during the August 2023 term of the Beaufort County General Sessions Court before Judge Robert J. Bonds. Appellant was sentenced to imprisonment for a term of fifteen years, suspended upon the service of eight years, and three years probation on both trafficking convictions, and thirty days imprisonment on the marijuana conviction. Assistant Solicitors Monica Main and Hannah Kidd prosecuted the case and Attorney Jared Newman appeared at trial as legal counsel for appellant.

Appellant appealed his convictions and sentences. This brief follows.

### **STANDARD OF REVIEW**

In criminal cases, the appellate court sits to review errors of law only. State v. Baccus, 367 S.C. 41, 625 S.E.2d 216 (2006); State v. Wilson, 345 S.C. 1, 545 S.E.2d 877 (2001); State v. Wood, 362 S.C. 520, 608 S.E.2d 435 (Ct. App. 2004). Appellate courts are bound by the trial court's factual findings unless they are clearly erroneous. State v. Quattlebaum, 338 S.C. 441, 527 S.E.2d 105 (2000); State v. Williams, 326 S.C. 139, 485 S.E.2d 99 (1997); State v. Patterson, 367 S.C. 2189, 625 S.E.2d 239 (Ct. App. 2006); State v. Landis 362 S.C. 97, 606 S.E.2d 503 (Ct. App. 2004).

## ARGUMENT

The trial judge erred in denying defense counsel's motion for a mistrial in response to Police Officer William Squires' statement that he was a police officer and a DEA<sup>3</sup> agent because this suggested to the jury that appellant was a targeted individual who perhaps was the subject of a federal drug investigation in addition to a state drug investigation, which clearly constituted bad character evidence, particularly since the testimony at trial revealed that the traffic stop of appellant was not random, but rather a choreographed and coordinated event orchestrated by police based on investigations into drug dealings allegedly involving appellant.

At trial, Police Officer Craig Karafa stated that he initiated a traffic stop of the vehicle appellant drove on June 11, 2020, in Beaufort County, South Carolina. Officer Karafa cited speeding and a lane violation as the reasons for the traffic stop, and testified that he detected the odor of marijuana when he approached said vehicle. R. 278, l. 5 – p. 282, l. 6. Officer Huggins was also present at the traffic stop. R. 285, l. 8 – p. 288, l. 1. Immediately thereafter, Officer Daniel Mooney arrived on the scene with a K-9 dog that ultimately alerted (via sniff) to the presence of narcotics within said vehicle. R. 289, l. 14 – p. 297, l. 20. Officer William Squires arrived at the scene minutes later, searched the vehicle in question and discovered drugs therein. R. 311, l. 23 – p. 323, l. 22.

During an in-camera hearing held on the legality of the search in the case, it was revealed that members of the violent crimes task force unit at the police department, which was headed up by Officer Squires, had previously been following appellant per an investigation into him in connection with drug dealings in local areas. R. 128, l.15-p. 130, l.13; R. 133, l.9-21; R. 135, l.3-24; R. 137, l.14-p. 140, l.23.

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<sup>3</sup> Drug Enforcement Administration (Federal Agency).

In addition, Officer Squires admitted that he told appellant at the traffic stop that police had been watching and following him for a long time (six months or so), and that there was a team working to apprehend him per the belief that he was committing drug offenses. R. 173, 1.19-p. 176, 1.20. Note that four police officers<sup>4</sup> from this team were assembled at the traffic stop of appellant. At trial, Officer Squires testified as follows:

Solicitor: Where do you currently work?

Officer: I work for the Beaufort County Sheriff's Office.

Solicitor: And how long have you been with the Beaufort County Sheriff's Office?

Officer: Going on 18 years now.

Solicitor: And do you work with any other agencies?

Officer: Yes, I work with the DEA out of Charleston, South Carolina.

Solicitor: And what's the DEA?

Defense Counsel: Your Honor.

Court: Yeah, come on up.

Defense Counsel: I have an objection and a point of law.

R. 302, 1.3-20.

Defense Counsel objected and moved for a mistrial when the jury heard of Officer Squires' DEA association because this information was bad character evidence as the message was that appellant was under both state and federal drug surveillance for drug dealings. R. 303, 1.1-304, 1.7; R. 305 lines 1-6. R. 308, 1.14-p. 309, 1.8. The police were in possession of a fully

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<sup>4</sup> Officers Matthew Hudgins, Craig Karafa, Daniel Mooney, and William Squires.

outlined DEA drug investigation summary targeting appellant based on his alleged involvement in drug dealings. See Court Exhibit #2 at R. 485 The trial judge denied the mistrial motion. R. 309, lines 9-16.

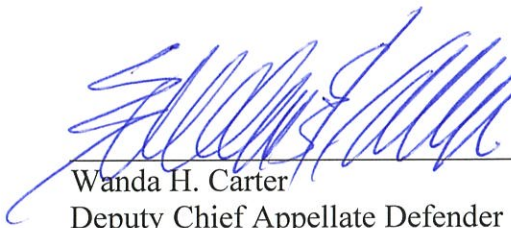
This DEA evidence resulted in bad character evidence assigned to appellant because it unfairly suggested that he possessed a propensity to commit drug crimes. The prejudice was obvious because this added an additional layer of law enforcement surveillance (federal) that led to speculation that appellant was heavily immersed in drug activities. This information was extremely prejudicial because appellant was being tried on drug charges in the case.

In State v. Brown, 344 S.C. 70, 543 S.E.2d 552 (2001), the Court found error in the admission of the defendant's violent tendencies raised during his murder trial because this was improper bad character evidence presented to establish a propensity to commit the crime with which he was charged. See Rule 404(a), SCRE, which states that evidence of a person's character or a character trait is not admissible for the purpose of proving action in conformity therewith on a particular occasion. See also Rule 403, SCRE, that prohibits an undue tendency to suggest a decision on an improper basis due to the "danger of unfair prejudice" or "misleading the jury." Note further that a defendant's character cannot be attacked unless he first places his character in issue. Mitchell v. State, 298 S.C. 186, 379 S.E.2d 123 (1989).

The trial judge erred in failing to declare a mistrial in appellant's case based on inadmissible bad character evidence that surfaced about him at trial. A court should grant mistrial when there exists a "manifest necessity" to do so. State v. Anderson, 322 S.C. 89, 470 S.E.2d 103 (1996).

**CONCLUSION**

Based on the foregoing argument, appellant's convictions should be reversed and his case remanded to the lower court for a new trial.



Wanda H. Carter  
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 28th day of June, 2024.

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\_\_\_\_\_

PETITION TO BE RELIEVED AS COUNSEL  
\_\_\_\_\_

Counsel for Latavious Williams states state:

1. She is Deputy Chief Appellate Defender for the South Carolina Office of Appellate Defense and was appointed to represent appellant.
2. She has reviewed the record of appellant's trial before Judge Robert J. Bonds, which was held on August 21-25, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Latavious Williams.

Respectfully Submitted,



Wanda H. Carter  
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 28th day of June, 2024.

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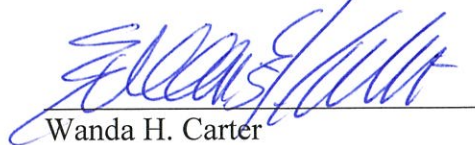
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**DESIGNATION OF MATTER TO BE  
INCLUDED IN RECORD ON APPEAL**  
\_\_\_\_\_

Appellant proposes the following be included in the Record on Appeal:

- (1) Entire Trial Transcript
- (2) Indictments
- (3) Court's Exhibit #2 (Report)

I certify that this designation contains no matter which is irrelevant to this appeal.



Wanda H. Carter  
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This 28th day of June, 2024.

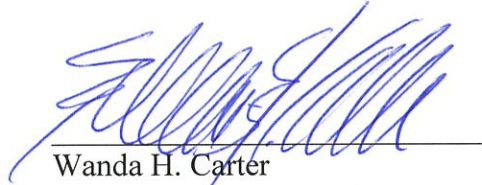
**CERTIFICATE OF COUNSEL**

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

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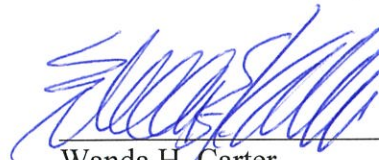
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CERTIFICATE OF SERVICE

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Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Designation of Matter in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Latavious Williams, #290579, at Trenton Correctional Institution, 84 Greenhouse Road, Trenton, SC 29847, this 28th day of June, 2024.



Wanda H. Carter  
Deputy Chief Appellate Defender

ATTORNEY FOR APPELLANT