

# The South Carolina Court of Appeals

The State, Appellant,

v.

Joshua Kenneth Brookins, Respondent.

Appellate Case No. 2024-001212

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## ORDER

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On July 23, 2024, Appellant filed a notice of appeal from an oral ruling excluding "any testimony or evidence" of the death of Jonathan Tedder and the circumstances of Tedder's death at Respondent's trial for distribution of fentanyl. The parties submitted memoranda addressing whether the ruling is immediately appealable at this court's request. After careful consideration of the memoranda, we allow the appeal to proceed for now. *See State v. McKnight*, 287 S.C. 167, 168, 337 S.E.2d 208, 209 (1985) (holding "[a] pre-trial order granting the suppression of evidence which significantly impairs the prosecution of a criminal case is directly appealable" under section 14-3-330(2)(a) of the South Carolina Code (2017)). However, this order merely allows the appeal to proceed at this time and does not finally determine whether the underlying oral ruling is subject to immediate review.



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FOR THE COURT

Columbia, South Carolina

cc:

Austin Newman Smith, Esquire  
Alan McCrory Wilson, Esquire  
Mark Reynolds Farthing, Esquire  
Jennifer Michelle Cloud, Esquire  
Robert Michael Dudek, Esquire

**FILED**  
**Sep 03 2024**

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