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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County
The Honorable Brooks P. Goldsmith, Circuit Court Judge
Appellate Case No. 2023-00475

The State, Respondent,

v.

Thomas Louis Davis, Appellant.

FINAL BRIEF OF RESPONDENT

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ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

TABLE OF AUTHORITIES ii

STATEMENT OF ISSUE ON APPEAL 1

STATEMENT OF THE CASE 2

STATEMENT OF FACTS 3

STANDARD OF REVIEW 9

ARGUMENT 10

Judge Goldsmith properly exercised his discretion in denying Appellant's motion for a directed verdict on each charge because there was evidence from which the jury could find the police officers acted appropriately in attempting to detain Appellant while they were investigating an alleged theft of property by Appellant and then effecting an arrest after Appellant assaulted one of the officers. (Appellant's Issues I, II, and III). 10

CONCLUSION 19

TABLE OF AUTHORITIES

Cases

Birchfield v. North Dakota, 579 U.S. 438 (2016) 13

Brigham City, Utah v. Stuart, 547 U.S. 398 (2006) 13

Florida v. Jardines, 569 U.S. 1 (2013) 15

Graham v. Connor, 490 U.S. 386 (1989) 14

Hester v. United States, 265 U.S. 57 (1924) 15

Katz v. United States, 389 U.S. 347 [1967] 15

Kentucky v. King, 563 U.S. 452 (2011) 13, 14

Lange v. California, 594 U.S. 295, (2021) 13, 14, 18

State v. Davis-Kocsis, 436 S.C. 468, 872 S.E.2d 415 (Ct. App. 2022) 9

State v. Key, 431 S.C. 336, 848 S.E.2d 315 (2020) 13

Tennessee v. Garner, 471 U.S. 1 [1985] 18

United States v. Santana, 427 U.S. 38, (1976) 14, 15

STATEMENT OF ISSUE ON APPEAL

Judge Goldsmith properly exercised his discretion in denying Appellant's motion for a directed verdict on each charge because there was evidence from which the jury could find the police officers acted appropriately in attempting to detain Appellant while they were investigating an alleged theft of property by Appellant and then effecting an arrest after Appellant assaulted one of the officers. (Appellant's Issues I, II, and III).

STATEMENT OF THE CASE

On December 25, 2018, Appellant Thomas L. Davis was arrested on charges of assault and battery and resisting arrest. The matter was called for a jury trial on March 13, 2023, before the Honorable Brooks Goldsmith, Circuit Court Judge. The jury found Appellant guilty of resisting arrest charge and not guilty of assault and battery. This appeal followed.

STATEMENT OF FACTS

On May 16, 2019, the Beaufort County Grand Jury indicted Appellant on one count of resisting arrest arising from an incident on December 25, 2018. Thereafter, on December 19, 2019, the Grand Jury indicted Appellant on one count of assault and battery, third degree, arising from the same incident. The case was called for a jury trial on March 13, 2023, before the Honorable Brooks Goldsmith, Circuit Court Judge.

The State entered as evidence the recording of a 911 call made by Fredericka Washington on December 25, 2018. (State's Exhibit 1 (CD – 911 Call)).[1] During the call, Ms. Washington gave her address, and stated Appellant had taken the keys to her vehicle, which was registered in her name, and refused to give them back to her. She also stated Appellant was taking the license tag off the vehicle. Ms. Washington told the 911 dispatcher that law enforcement should get there quickly or "it is going to get physical" and "someone is going to jail today."

Ms. Washington was coherent throughout the call, spelled her first name for the dispatcher, and responded to every question the dispatcher asked her. Appellant can be heard in the background arguing with Ms. Washington, and at one point, he stated he had a bill of sale for the vehicle which can be found "at the courthouse." Ms. Washington continued to insist the vehicle belonged to her and she wanted her keys.

Deputy Christian Anderson of the Beaufort County Sheriff's Department testified he responded to the 911 call and the information he had was that it involved stolen property. When he arrived at the location, Ms. Washington was outside the residence. Another deputy arrived and they started talking to Ms. Washington, who again insisted the vehicle belonged to her and

[1] State's Exhibit 1 will be transported to the Court.

Appellant had taken her keys. (Trial Transcript [TT] pp. 80-81; Record on Appeal [R.], pp. 80-81).[2]

Appellant came out of the residence while the deputies were talking with Ms. Washington, and he was very agitated and yelling. Deputy Anderson testified he asked Appellant to stop yelling so the deputies could continue investigating the situation, and he ultimately stepped off to the side with Appellant to speak with him. Appellant told Deputy Anderson that Ms. Washington was the registered owner of the vehicle and stated he had a bill of sale for the vehicle, but it was in a bank vault he could not access that day because the bank was closed for the Christmas holiday. Appellant further stated Ms. Washington was intoxicated so he took the vehicle's keys and license plate. (TT, pp. 81-83, State's Exhibit 7; R., pp. 81-83).

Deputy Anderson started walking toward the vehicle to get the VIN number to run a check for the registered owner, but the other deputy at the scene got the official vehicle registration card that indicated Ms. Washington owned the vehicle. After the deputies determined the vehicle's ownership, Deputy Anderson asked Appellant to give the vehicle's keys to someone who was on scene, but Appellant refused and started running toward the residence. Having ascertained that the vehicle belonged to Ms. Washington and Appellant admitted having the keys, the deputies attempted to detain Appellant because he had possession of property that did not belong to him, and they did not know if he had a weapon in the house. (TT, pp. 83-85; R., pp. 83-85).

Appellant reached the top step of a small porch in front of the residence before Deputy Anderson could reach him, and Deputy Anderson grabbed Appellant's arm to detain him. Deputy Anderson testified Appellant turned and shoved him in the chest, causing him to slide down the

[2] The Sheriff's Department did not have bodycams at the time, but audio of the incident was captured on the dashcam in Deputy Anderson's patrol car. The dashcam video was entered as State's Exhibit 7, which will be transported to the Court.

porch steps. Deputy Anderson was able to grab the porch rail and avoid falling to the ground. Deputy Anderson and the other deputy on-scene then went back up the steps to place Appellant under arrest for assaulting Deputy Anderson. (TT, pp. 85-88; R., pp. 85-88).

When the deputies tried to restrain Appellant to effect the arrest, Appellant resisted and would not put his hands behind his back in spite of the deputies' multiple demands that he do so. Appellant broke free from the deputies, entered the front door of the residence and as he attempted to slam the door shut, he stated "now you need a warrant." Deputy Anderson's foot was in the doorway, so the door did not shut. Deputy Anderson testified that due to the assault and Appellant's flight into the residence where there may be weapons and other people, he deployed his taser to subdue Appellant with the least amount of physical harm. (TT, pp. 87-90; R., pp. 87-90).

Appellant was placed under arrest and taken out of the residence to the front of Deputy Anderson's patrol car, where everything was videoed by the car's dashcam. Appellant continued to be combative and immediately started threatening legal action against the officers. He also demanded that a supervisor be called to the scene, and a supervisor arrived and spoke to the deputies and Appellant. (State's Exhibit 7).

As required by Sheriff Department protocol when a taser is deployed, emergency medical personnel were called to the scene to remove the taser probes from Appellant's body. They were unable to remove one of the probes at the scene and advised the deputies the probe would have to be removed at the hospital. After Appellant complained of chest pains, EMS had the handcuffs moved from behind his back to the front and prepared to transport Appellant to the hospital. Appellant refused to go with EMS personnel, stating that if he died it was on Deputy Anderson. (State's Exhibit 7).

Appellant was then placed in the backseat of Deputy Anderson's patrol car. Deputy Anderson drove him to the hospital without incident. (State's Exhibit 7).

The State rested after Deputy Anderson testified, and Appellant moved for a directed verdict on the grounds the arrest was unlawful because they "were misdemeanor arrests on the curtilage inside [Appellant's] residence without a warrant." He asserted there was no crime for which the deputies could arrest him, he had the constitutional right to resist an unlawful arrest because "this case is a case that is an abuse of the police powers," and he had no intention to assault Deputy Anderson. (TT, pp. 110-117, 121-124, 126; R., pp. 110-117, 121-124, 126).[3]

The State argued the deputies were responding to a 911 call alleging the theft of personal property, they were in the residence's front yard (visible to the public) to investigate that allegation, and Appellant admitted he had Ms. Washington's keys and had removed the license tag from a vehicle registered to Ms. Washington. The information deputies had at that point gave them reasonable suspicion to believe Appellant had stolen Ms. Washington's property and to detain Appellant while they investigated the situation. After Appellant shoved Deputy Anderson when he tried to stop Appellant from running into the residence, there was probable cause to arrest Appellant for assaulting an officer, and everything after that point was associated with effecting that arrest, including the hot pursuit of Appellant as he attempted to evade arrest by entering the residence. (TT, pp. 117-126; R., pp. 117-126).

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[3]Appellant also asked Judge Goldsmith to consider the written Motion to Dismiss the indictments Appellant filed that morning before the trial started, which was not discussed during the pre-trial discussions. (TT, pp. 55-59; R., pp. 55-59). The Motion raised the same arguments made as the basis for a directed verdict. (Motion to Dismiss, dated and filed March 13, 2023; Supp. R., pp. 1-11).

Judge Goldsmith denied Appellant's directed verdict motion. He found there was reasonable suspicion to detain Appellant to determine if Ms. Washington's keys were stolen, which was "the key to the whole thing." (TT, p. 126; R., p. 126).

Appellant testified that Ms. Washington, her step-father, her daughter, and her grandchildren were at his home on Christmas Day 2018. He stated Ms. Washington had been drinking and smoking crack that morning, and he did not want her driving. He further testified the vehicle was registered in Ms. Washington's name, which he did to help her get stability, but it belonged to New Directions Reach Out Ministries. Appellant stated he paid all costs associated with the vehicle, and Ms. Washington had signed a bill of sale transferring the vehicle to New Directions. (TT, pp. 158-161; R., pp. 158-161).

Appellant further testified that when the deputies arrived in response to Ms. Washington's 911 call, he told them the keys he had were his keys and Ms. Washington's keys were in the house, but the deputy would not listen to him. Appellant testified:

> All he know is, he was there and he had the authority, and he wanted to take my keys, and I told him, 'That wasn't gonna happen, so this conversation's over, I'm going in the house. When you get a warrant you come back, you get what you want.' And he got behind me when I'm walking to the house. I didn't run from him, I walked to my house, got up on the steps, and I ran inside the door and shut the door in his face, I did that, okay, but he kicked my door in.

(TT, pp. 161-162; R., pp. 161-162). He further testified the deputies never told him he was under arrest, he only pushed Deputy Anderson away when the deputy attempted to grab him, and Deputy Anderson kicked the front door in after Appellant "slammed it in his face" because Deputy Anderson "was still in hot pursuit." (TT, pp. 168-169, 172-173, 178-180, 183-185; R., pp. 168-169, 172-173, 178-180, 183-185).

The jury found Appellant guilty of resisting arrest and not guilty of assault and battery in the third degree. After denying Appellant's motion for a new trial on the resisting arrest charge,

Judge Goldsmith sentenced Appellant to six months incarceration with credit for one week time served. (TT, pp. 245, 246-257; R., pp. 245, 246-257).

STANDARD OF REVIEW

When ruling on a motion for a directed verdict, the trial court considers the existence of evidence, not its weight, and on appeal from the denial of a directed verdict motion, the appellate court views the evidence and all reasonable inferences in the light most favorable to the State. State v. Davis-Kocsis, 436 S.C. 468, 872 S.E.2d 415, 423 (Ct. App. 2022) (internal citations omitted). The appellate court must find the case was properly submitted to the jury if there is any direct evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused. *Id.*

ARGUMENT

Judge Goldsmith properly exercised his discretion in denying Appellant's motion for a directed verdict on each charge because there was evidence from which the jury could find the police officers acted appropriately in attempting to detain Appellant while they were investigating an alleged theft of property by Appellant and then effecting an arrest after Appellant assaulted one of the officers. (Appellant's Issues I, II, and III).

Appellant contends Judge Goldsmith erred in denying his motion for a directed verdict on the grounds the deputies improperly came onto Appellant's property without a warrant, there was no basis for Appellant's warrantless arrest, and based on those circumstances, Appellant was entitled to use reasonable force to prevent the entry into his home. Appellant's version of the facts and circumstances surrounding the events on Christmas Day 2018 is misleading and overlooks very important facts and circumstances that completely belie his contentions.

Of particular importance is the 911 call audio (State's Exhibit 1) and the dashcam audio/video from Deputy Anderson's patrol car (State's Exhibit 7), and the State craves reference to those exhibits for a full understanding of the circumstances that arose on Christmas Day 2018. The exhibits speak the truth louder than any testimony or photographs.

As a threshold matter, Appellant's claim that Ms. Washington was "audibly intoxicated on the 911 call" is not supported by the call audio. What is clear from the audio is that Ms. Washington was extremely angry and agitated because Appellant had the keys to a vehicle registered to her, he removed the vehicle license plate (while the 911 call was on-going), and she wanted to leave the premises in her vehicle. There was no "slurring" of words, needless "rambling," or talking "non-sensibly." To the contrary, Ms. Washington's speech was clear and understandable (including the profanity), she was able to spell her name for the 911 dispatcher, she responded appropriately to all the 911 dispatcher's questions, and she engaged in coherent -

albeit heated - discussions with people in the residence about her demand for her keys and her desire to leave the premises. (State's Exhibit 1).

What is also clear from the audio is that Ms. Washington made several threatening statements about what was going to happen if officers did not respond quickly. It was an obvious domestic disturbance, which are some of the most dangerous situations for law enforcement, and when Deputy Anderson and another deputy arrived, there was the threat of possible violence.[4]

The audio from the dashcam video substantiates Deputy Anderson's trial testimony that Ms. Washington was standing in the front yard of the residence, where the vehicle was located, and Appellant was not in the yard when they arrived. The deputies asked Ms. Washington what was going on, and within seconds, Appellant came out of the residence and was yelling in the background. (State's Exhibit 7 at 1:10-1:16).

Deputy Anderson very calmly asked Appellant what the problem was and Appellant, who was very agitated, commenced a diatribe about Ms. Washington being high and that he paid for the vehicle. He also stated he had a bill of sale for the car, and when Deputy Anderson asked him if he had a copy of the bill of sale, Appellant stated it was in a vault at the Regents Bank. Deputy Anderson then asked Appellant who the car was registered to, Appellant admitted the vehicle was registered to Ms. Washington, but declared "she's not getting it out of this yard." (State's Exhibit 7 at 1:17-2:34).

Approximately ten seconds later, Appellant started yelling "don't put your hand on me" and sounds of a scuffle are heard. The deputies are then heard ordering Appellant to put his hands

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[4]Appellant's claim that "four (4) uniformed deputies" arrived in response to the 911 call is not accurate. The dashcam video is clear that only two patrol cars arrived initially. After Appellant was arrested for assaulting Deputy Anderson, Appellant demanded that supervisors be summoned to the scene, and a supervisor and another deputy subsequently arrived in response to that demand.

on his head, sounds of a scuffle continue, and Deputy Anderson shouted "you will be tased." (State's Exhibit 7 at 2:43-3:05). Approximately five seconds later, Appellant stated "now you need a warrant." (State's Exhibit 7 at 2:43-3:11).

The scuffle continued and the deputies ordered Appellant to put his hands behind his back. Ms. Washington injected herself into the fray, stating Appellant had a bad heart and telling the deputies to let him go, but she then repeatedly demanded that Appellant "give me my keys." She ultimately asked the deputies if they could get her keys for her and was told "not right now." Appellant is heard stating "I have witnesses," "you kicked my door in," and "you will regret this." (State's Exhibit 7 at 3:12-4:17).

After Appellant was subdued and handcuffed, Deputy Anderson walked him out to the patrol car. On the way to the patrol car, Appellant repeatedly stated, "you kicked my door in," and "you did not have a warrant." (State's Exhibit 7 at 4:18-5:03).

While standing in front of the patrol car, Appellant engaged in a continuous tirade about violations of his constitutional rights, demanded that the deputies contact their supervisors, stated he was "going to sue the socks off you," and claimed he had "it all on tape."[5] He then refused medical assistance from emergency medical personnel. (State's Exhibit 7 at 5:04-14:00).

A supervisor arrived and Deputy Anderson is heard telling him what happened. When asked what Appellant was arrested for, Deputy Anderson stated Appellant was at least going to be charged for assaulting him. After Deputy Anderson gave more details about what happened, the supervisor stated Appellant would also be charged with resisting arrest. (State's Exhibit 7 at 14:58-23:00).

[5] No such videotape, if it indeed existed, was ever produced.

The dashcam video shows that after Appellant was subdued and taken to the patrol car, the deputies treated him respectfully and talked to him calmly. Appellant was belligerent and combative, constantly talked about his constitutional rights, and told his brother to call Appellant's attorney. He continued his rant while Deputy Anderson drove him to the hospital for medical care until he apparently realized Deputy Anderson was not going to engage in any discussion with him. (State's Exhibit 7 at 5:03-50:00).

The State does not dispute Appellant's contention that the Fourth Amendment protects a person from unreasonable warrantless searches and seizures, and a person's home is entitled to heightened protections. Appellant's arguments, however, dismiss a very significant exception to the warrant requirement.

The ultimate touchstone of the Fourth Amendment is reasonableness, and "the warrant requirement is subject to certain exceptions." Brigham City, Utah v. Stuart, 547 U.S. 398, 403 (2006). The exigent circumstances exception to the Fourth Amendment warrant requirement permits the warrantless entry of private property when police are in hot pursuit of a fleeing suspect. State v. Key, 431 S.C. 336, 848 S.E.2d 315, 319 (2020) (*citing* Birchfield v. North Dakota, 579 U.S. 438 [2016]). "Police officers may enter premises without a warrant when they are in hot pursuit of a fleeing suspect." Kentucky v. King, 563 U.S. 452, 460 (2011).

Cases involving fleeing misdemeanants are assessed on a case by case basis, and when the totality of circumstances, including the flight itself, shows an emergency, such as a threat to the officer himself, the police may act without waiting for a warrant. Lange v. California, 594 U.S. 295, 308, (2021). (Such cases "will almost always *also* involve a recognized exigent circumstance—such as a risk of escape, destruction of evidence, or harm to others—that will still justify warrantless entry into a home" . . . "nine times out of 10 or more.")

Id. at 314–15 (Kavanaugh, A.J., concurring opinion) (internal citations omitted). "The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation." Graham v. Connor, 490 U.S. 386, 396–97 (1989).

"[W]arrantless entry is categorically allowed when a person is arrested and escapes." *Id.* at 315 (Thomas, A.J., concurring in part and concurring in judgment).

> As our precedents make clear hot pursuit is not merely a setting in which other exigent circumstances justifying warrantless entry might emerge. It is itself an exigent circumstance. And we have never held that whether an officer may enter a home to complete an arrest turns on what the fleeing individual was suspected of doing before he took off, let alone whether that offense would later be charged as a misdemeanor or felony. It is the flight, not the underlying offense, that has always been understood to justify the general rule: "Police officers may enter premises without a warrant when they are in hot pursuit of a fleeing suspect."

Id. at 320 (*quoting* King, 563 U.S. at 460) (Roberts, C.J., concurring in judgment).

"If the suspect does escape into his own home, his privacy interest is diminished because he was the one who chose to move his encounter with the police there." *Id.* at 327-328 (internal citations omitted). A citizen cannot thwart an otherwise proper arrest set in motion in a public place by retreating into a private place. United States v. Santana, 427 U.S. 38, 42–43, (1976). The fact that a pursuit ended almost as soon as it began does not render it any the less a "hot pursuit" sufficient to justify a warrantless entry into the suspect's residence to affect an otherwise proper arrest. *Id.*

Further, "[w]hile it may be true that under the common law of property the threshold of one's dwelling is 'private,' as is the yard surrounding the house," a suspect standing in the doorway of the dwelling is not in a public place where there is any expectation of privacy. *Id.* "What a person knowingly exposes to the public, even in his own house or office, is not a subject of Fourth

Amendment protection." *Id.* (*citing* Katz v. United States, 389 U.S. 347, 351 [1967]). When standing in the doorway, the subject is "as exposed to public view, speech, hearing, and touch as if she had been standing completely outside her house." *Id.* (*citing* Hester v. United States, 265 U.S. 57, 59 (1924)).

In this case, the deputies responded to a 911 call from Appellant's residence that involved a report of stolen property with threats of potential violence. When they arrived, Ms. Washington was in the front yard and the deputies went into the yard to speak with her and investigate the situation. The deputies were not there to search for evidence, and went no further than necessary to assess the situation. *See* Florida v. Jardines, 569 U.S. 1, 8 (2013) (a police officer not armed with a warrant may approach a home and knock because that is no more than a private citizen might do).

It was immediately clear from Ms. Washington's statements and demeanor that the situation was a potentially volatile domestic dispute, and within seconds Appellant came out of the house in a clearly agitated state. Deputy Anderson tried to deescalate the situation by calmly engaging with Appellant while investigating ownership of the vehicle. When it became apparent that the deputies were going to verify the vehicle was indeed registered to Ms. Washington and Appellant had no right to take her keys or the license plate, however, Appellant attempted to flee into the house.

At that point, the deputies had reasonable suspicion to believe Appellant stole property belonging to Ms. Washington, to detain Appellant while the investigation continued, and to believe Appellant was fleeing with stolen property in his possession. When Deputy Anderson attempted to stop Appellant on the front porch, Appellant pushed him and he almost fell down the porch steps. The sounds of that scuffle can be heard on the dashcam audio, and Deputy Anderson is

heard ordering Appellant to put his hands on his head and warning that Appellant would be tased if he did not comply.

Appellant did not comply and after breaking away from the deputies, he stepped inside the residence's front door, turned around and said "now you have to get a warrant," and tried to shut the door. The door did not close because Deputy Anderson's foot was in the doorway. Given Appellant's aggressive and agitated demeanor, as well as Appellant's assault on him and continued resistance, Deputy Anderson was understandably concerned about any weapons and other people that might be in the residence.

While still standing on the front porch, Deputy Anderson deployed his taser through the doorway in an effort to effectuate the arrest that started after Appellant assaulted him on the front porch. Even after being tased, Appellant refused to put his hands behind his back and continued to struggle with the deputies, but they were ultimately able to subdue and handcuff him. As shown by the dashcam video, it was less than five minutes from when the deputies arrived and when Deputy Anderson got Appellant to the front of his patrol car.

Thus, the deputies legitimately came into Appellant's front yard to investigate the circumstances of the 911 call, including the possibility of violence. The investigation revealed the vehicle at issue was registered to Ms. Washington and Appellant admitted he had her keys and that he removed the license plate from the vehicle. While the deputies were investigating, Appellant attempted to flee and Deputy Anderson attempted to detain him for investigative purposes. Appellant assaulted Deputy Anderson, who arrested Appellant for that assault and Appellant vigorously resisted that arrest. Under the circumstances, Deputy Anderson was in hot pursuit of an individual who had just assaulted him and then refused to comply with commands intended to

effectuate the arrest for that assault, and the individual's demeanor raised legitimate concerns about the safety of the deputies and others.

Appellant was able to give his version of events at trial, but his continuing belligerence was evident, he contradicted himself, and the evidence contradicted him on several points. For instance, he testified Ms. Washington's family was in the house "when the officer shocked me on both legs." Then he submitted as evidence two pictures purportedly showing wounds in his abdomen from the taser, and he claimed one of the taser barbs punctured his kidney. His abdomen and kidney are not close to his legs, so his original version was contrary to his subsequent claims. (TT, p. 158, 170-171, Defendant's Exhibits 3 & 4; R., pp. 158, 170-171, Supp. R. 17-18, 19-20).

Appellant also testified he had a dislocated lumbar and cracked bone in his spine, so he could not have run toward the house. On cross-examination, however, Appellant denied assaulting Deputy Anderson and testified he is a black belt in karate, and if he had assaulted Deputy Anderson "he'd feel it." (TT, pp. 183-184; R., pp. 183-184). If Appellant was in fact a black belt in karate and skilled enough to make Deputy Anderson "feel it" if he assaulted him, Appellant was certainly capable of running toward the house.

Significantly, Appellant testified that after Deputy Anderson grabbed him and he "pushed" Deputy Anderson's hand away, he "opened [his] door real quick, got in there and slammed it in [Deputy Anderson's] face, **because he was still in hot pursuit**, and he kicked my door in." (TT, p. 185; R., p. 185) (emphasis added). Thus, Appellant knew Deputy Anderson was "in hot pursuit" after Appellant fled and shoved Deputy Anderson away. In addition, if Deputy Anderson kicked the door in as Appellant alleged, there would be some sound indicating such a forceful kick on the door. No such sound is heard on the dashcam audio. (State's Exhibit 7).

As Chief Justice Roberts asked, when a fleeing suspect jumps over a fence in the course of a pursuit, then stands in the yard claiming it is his home and tells the pursuing officer to stay away – "What is the officer to do?." Lange, 594 U.S. at 319. In this case, Deputy Anderson was faced with an aggressive, combative person who had admitted he took property that belonged to someone else and then fled while the investigation was on-going. When Deputy Anderson tried to detain the person for investigative purposes, the person assaulted him and resisted efforts to effectuate the arrest for that assault, then stepped over the threshold of a house. The officers did not know what or who might be in that house. For safety purposes, Deputy Anderson deployed his taser to subdue the person, which was only partially effective. Only then did the deputies cross the threshold of the house to complete the arrest that started outside the house.

The deputies clearly were in hot pursuit of a subject who had just assaulted one of the deputies and was under arrest when Deputy Anderson deployed his taser, and the deputies then crossed the threshold into the house to make the arrest for assaulting a police officer and resisting arrest. The fact that the offenses charged were misdemeanors rather than felonies is not determinative. *See* Lange, 594 U.S. at 305 (a felon is not always more dangerous than a misdemeanant) (*citing* Tennessee v. Garner, 471 U.S. 1 [1985]). Rather, the totality of the circumstances establishes the deputies acted lawfully in this case, and Appellant's arguments fail.

CONCLUSION

Based on the foregoing reasons, the State respectfully submits Appellant's conviction for resisting arrest should be affirmed.

Respectfully submitted,

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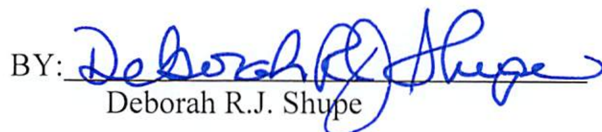
BY: 
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ATTORNEYS FOR RESPONDENT

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The State, Respondent,

v.

Thomas Louis Davis, Appellant.

PROOF OF SERVICE

I, Grace Sommer, certify I served the Final Brief of Respondent on Appellant via the email address reflected in the AIS system:

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I further certify that all parties required by Rule to be served have been served.

This 29th day of October, 2024.

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From:	Grace Sommer
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Good Afternoon Mr. Newman,

Attached please find the Final Brief of Respondent in The State v. Thomas Louis Davis (2023-000475). This Brief will be filed today with the Court of Appeals via email.

If you would, please confirm receipt of this email.

Thank you!

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