

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Florence County
Thomas A. Russo, Circuit Court Judge

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S.C. SUPREME COURT

Opinion No. 2024-UP-128 (S.C. Ct. App. filed April 17, 2024)

Lower Court Case No. 2017-GS-21-00588

THE STATE,

RESPONDENT,

V.

ROYAL DANIEL WILLIAMS, III,

PETITIONER.

APPELLATE CASE NO. 2024-000838

REPLY TO RETURN TO PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS

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Williams stands by the arguments in his petition concerning the merits of the appeal. This Reply is to address the state's contention that Petitioner's argument has now changed. Return to Petition, at 9. This is not so. Petitioner has always contended that the 2016 warrant was no longer valid, so law enforcement officers were required to obtain a new one before requesting his cell-site location information from Sprint in 2019. At trial, counsel argued the 2016 warrant "became void" ten days after it was issued and that in 2019 "they did not submit a new warrant to Sprint, in which they were required to because that old warrant was dead." R. 358:1-7. In his brief at the Court of Appeals, Williams argued the location information should have been suppressed "because the original warrant was stale and law enforcement did not obtain an additional warrant." Final Brief of Appellant, at 20-21. At oral argument, when further pressed on "prejudice" under *Weaver*, counsel made the same argument Petitioner does now: "Ultimately the prejudice is they violated his Fourth Amendment rights by just completely not getting a warrant when they were supposed to." April 2, 2024, Oral Argument, at 9:24-9:45. That was the exact same argument made at trial: "the prejudice would be . . . underneath the Fourth Amendment . . . he has an expectation of privacy in these documents . . ." R. 372:23-373:1. And it is the same argument made in the petition, "Williams did not need to show prejudice for the same reasons anyone subjected to a warrantless search does not have to show prejudice: the Fourth Amendment requires suppression regardless." Petitioner for a Writ of Certiorari, at 10.

Williams's theory has always been the same: Under *Carpenter*, officers are required to obtain a warrant before requesting cell-site location information. In 2019, the old warrant they had was no longer valid, and they failed to obtain a new one. Therefore the 2019 request was a warrantless search and the location information should have been suppressed. The state's argument

this theory has changed is a procedural red herring based on a refinement of Williams's argument and a different writing style by new appellate counsel.

Williams respectfully requests this Court grant the petition for a writ of certiorari and order full briefing on the issue presented.



Jordan Wayburn
Appellate Defender

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This 31st day of October, 2024.