

Kandy Chestnut 327615
B-0077-A

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S.C. SUPREME COURT

Brief in Support of Post-Conviction Appeal Due to Invalid Warrant and

Uncorroborated Confession

Introduction

This brief supports the post-conviction appeal due to an invalid warrant issued based on an undocumented and uncorroborated confession and a significant delay in obtaining the warrant without further investigation.

Statement of Facts

On December 6, 2018, a burglary occurred in Denmark, located in Bamberg County, SC. The investigating officer, Lieutenant Laquana Linder, collected a latent print from the crime scene and obtained video footage from the victim's home. The victim informed Lieutenant Linder that there was a rumor suggesting that Randy Chestnut had committed the crime; however, there were no witnesses to corroborate this rumor.

A week later, Lieutenant Linder received a call from the Police Chief in the Town of North, indicating that the suspect's sister, Anita Chestnut, worked for him and might have relevant information. On December 18, 2018, Lieutenant Linder contacted Anita Chestnut at the North Police Department to gather more details. Anita Chestnut stated that she had seen the video on the news after receiving a call from her mother regarding the rumor about

her brother, Randy Chestnut. However, she could not identify the individual in the video as Randy Chestnut (see page 22 of the transcript and attached affidavit).

On December 19, 2018, Lieutenant Linder reported that while on routine patrol at a local Piggly Wiggly, she unexpectedly encountered Randy Chestnut among a group of people. Lieutenant Linder described how Randy Chestnut approached her parked patrol car and began to confess to the burglary, using phrases such as "those people" and "taking what's mine." At that moment, Lieutenant Linder failed to activate her body camera or obtain a written statement from Randy Chestnut, allowing him to walk away without further questioning.

Randy Chestnut was arrested on January 21, 2019, for an unrelated offense. On January 22, 2019, he was served a warrant for first-degree burglary. The fingerprint collected at the crime scene on December 21, 2018, was deemed unusable. On January 23, 2019, a day after the warrant was issued, Lieutenant Linder documented the alleged confession in an incident report. She admitted that she had not confirmed Randy Chestnut's identity (see page 22 in the transcript).

Lieutenant Linder stated that Randy Chestnut was not considered a suspect before the alleged confession; however, the incident report dated December 11, 2018, indicated that the victim, Mrs. Jeffcoat, had provided his name, saying, "It's what she heard." This means that when Lieutenant Linder encountered Randy Chestnut on December 19, 2018,

and he made the alleged confession, he was, at the very least, a person of interest. Despite knowing this, Lieutenant Linder did not activate her body camera or provide Miranda warnings to safeguard against self-incrimination. Additionally, Lieutenant Linder admitted that she did not corroborate or conduct further investigation regarding the alleged confession (see pages 179-181 of the transcript). She also testified that she did not seek a warrant immediately after the alleged confession because she claimed she "did not have time" (see pages 180-181 of the transcript).

New Evidence: Sister's Affidavit

Anita Chestnut, the sister of Randy Chestnut, provided an affidavit stating that she could not identify the subject in the video footage as her brother, nor was there any communication between Anita Chestnut and Randy Chestnut before December 19, 2018. This affidavit further undermines the reliability of the evidence used to obtain the warrant and supports the argument that the confession was uncorroborated and undocumented.

Why the New Evidence Should Be Considered Now

The sister's affidavit is crucial because it directly challenges the identification of Randy Chestnut as the suspect. This new evidence was not available during the initial investigation and trial, and it provides a significant basis for questioning the validity of the warrant and the subsequent conviction. The affidavit highlights the following points:

- **Lack of Positive Identification:** Anita Chestnut's inability to identify her brother in the video footage raises serious doubts about the reliability of the evidence used to obtain the warrant.
- **Undermines Probable Cause:** The affidavit further weakens the already insufficient probable cause, as it contradicts the assumption that Randy Chestnut was the person seen in the video.
- **Supports the Argument of Uncorroborated Confession:** The affidavit reinforces the argument that the confession was uncorroborated and undocumented, as Randy Chestnut was not reliably identified as the suspect.

Given the significance of this new evidence, it must be considered in the post-conviction appeal to ensure a fair and just determination of Randy Chestnut's case.

Legal Standard

Probable cause requires reliable and corroborated information. A confession must be documented promptly and corroborated to be considered trustworthy. Additionally, law enforcement must act quickly and diligently when pursuing warrants.

Argument

A. Lack of Probable Cause

The warrant was issued without sufficient probable cause. The deficiencies in the evidence include:

- The video footage was poor quality and did not identify the suspect.

- The fingerprints were invalid and not on file.
- There were no witnesses to the crime.
- The confession was undocumented and uncorroborated.

B. Delay and Lack of Investigation

Without further investigation to corroborate the confession, the officer's 41-day delay in obtaining the warrant undermines probable cause. This delay raises significant questions regarding the reliability and urgency of the information used to establish probable cause.

C. Failure to Complete Incident Report

The officer's failure to complete an incident report for the confession until after the warrant was issued significantly undermines its credibility and reliability. This oversight demonstrates that the confession was neither documented nor verified correctly when it was made.

D. Court's Ruling on Voluntariness

Although the court determined that the confession was voluntary, this finding does not resolve the procedural errors and lack of corroboration that weaken the probable cause for the warrant. The alleged voluntary nature of the confession does not eliminate the necessity for proper documentation and a timely investigation.

E. Constitutional Violations

Fourth Amendment Violations

- Unreasonable Searches and Seizures: The delay in obtaining the warrant and the inadequate investigation violate Randy Chestnut's Fourth Amendment rights, safeguarding against unreasonable searches and seizures.

Fifth Amendment Violations

- Self-Incrimination: Randy was identified as a person of interest and was investigated as a suspect when he allegedly confessed. The failure to provide Miranda warnings before Randy Chestnut's confession violates his Fifth Amendment rights, which were designed to protect against self-incrimination.

Fourteenth Amendment Violations

- Due Process: The procedural errors, such as the failure to promptly document the confession and the absence of corroboration, clearly violate Randy Chestnut's right to due process under the Fourteenth Amendment. This amendment unequivocally protects individuals from being deprived of life, liberty, or property without due process of law.

F. Application of Case Law

Franks v. Delaware

In *Franks v. Delaware*, a defendant has the right to contest the truthfulness of statements made in a warrant affidavit. The failure to mention that the confession was undocumented and lacking corroboration, along with the absence of supporting evidence, the delay in reporting, and the incomplete incident report, misled the magistrate.

United States v. Leon

The good faith exception does not apply when a warrant is based on false information or unreasonable actions. The delay, lack of investigation, and failure to complete an incident report are unreasonable and undermine the warrant's validity.

Spencer v. Krause

Deliberate fabrication of evidence by law enforcement violates constitutional rights and undermines the warrant's validity. The officer's actions in delaying the warrant, failing to investigate further, and not completing an incident report are akin to fabricating evidence.

Steagald v. United States

Emphasize the necessity of obtaining valid warrants based on accurate information. The delays, insufficient investigation, and lack of a completed incident report suggest that the information used to procure the warrant was neither correct nor reliable.

Case Law on Confession Admissibility

Miranda v. Arizona

Suspects must be informed of their rights before being interrogated by police. Any confession obtained may be ruled inadmissible if these rights are not communicated.

18 U.S. Code § 3501

This statute outlines the factors that courts must consider in determining the voluntariness of a confession, including the time elapsed between arrest and arraignment, whether the defendant knew the nature of the offense, and whether the defendant was advised of their rights.

Conclusion

For the reasons stated, the evidence obtained through the invalid warrant should be suppressed, and the conviction should be overturned. The delay, lack of investigation, failure to complete an incident report, and failure to administer Miranda warnings further undermine the warrant's validity and the evidence's reliability.

Appendix

Affidavit from Anita Chestnut

Copy of incident report 01/23/2019

Copy of incident report 12/11/2018