

I am writing the supreme court to shine light on this really unjust conviction due to a lot of government misconduct and withholding evidence (such as the in-dash camera footage) and the BWC being redacted during the unjust Pat Frisk, where the officer asked Defendant what was inside his pocket, and defendant told the officer it was marijuana. The trial of Londell L. Alston v. The State of York County was very unethical and displays a substantial amount of prosecutorial misconduct and malicious prosecution, I am presenting this to the higher courts due to the unjust judicial system of the county of York. I need really some serious help overturning this very unconstitutional conviction which violated my constitutional rights. I am awaiting your all's response. Also my legal counsel was very ineffective in this whole case, I asked where was the in-dash camera footage along with the BWC of Officer Rhoads. Mr. Niemiec displayed very little concern towards this matter on Monday 1/20/2025 when he came to show me the BWC and to allow me to listen to the audio a day before trial. I wrote his office from August until October to be given my discovery which he had since April 2024. He brought it to me exactly 10 days before trial, which to me was unfair to me due to me wanting to overlook and study the case myself. He tried to cloud my research of caselaw to aid me by stating cases from the 90's would be irrelevant, He also stated that U.S. cases were not to be researched and that I needed South Carolina cases to present my concerns. There was alot of factions by my legal counsel that if he would have shown some concern, the outcome of my case in trial may have been

1. On The week of 1/21/2025 during the trial of Londell L. Alston, Officer Dakota Rhoads formerly of the Rock Hill Police Department was asked by the defendant's Attorney, Matthew Niemiec, why was the defendant not charged with the traffic violation that warranted the stop of the vehicle, which was the 1st probable cause, which is S.C. Code "56-3-840" (Delinquent license and registration), also he asked why was defendant not charged with the marijuana that warranted the search of the vehicle.

1. Officer Rhoads testified he didn't feel the need to charge Defendant with 2 misdemeanors when there were several felonies to charge the defendant about.

2. A police-observed traffic violation, therefore, becomes unlawful if it is prolonged beyond the time reasonably required to complete the mission of issuing a ticket for the violation. A police stop exceeding the time needed to handle the matter for which the stop was made violates the constitution's shield against unreasonable seizures. Since Officer Rhoads never completed a citation or issued a warning, any consent obtained is unlawful prior to the detention. To ignore the purported reason justifying the initial traffic stop, a court may consider that failure when evaluating the objective reasonableness of the stop under the 4th amendment. (U.S. v. Tippetts, 396 F.3d 1132 Id at 139).

3. Officer Rhoads testified he pulled defendant out of the car for safety measures and to conduct a Terry frisk, which he asked defendant to hold his hands behind his back and defendant

Consented to the patdown. Officer Rhoads began digging in defendant's pockets never conducting a Terry Frisk, doing so lead to the discovery of a possession of marijuana crime, when he never concluded the defendant never had weapons.

A. Officer Rhoads Exceeded the scope of the Frisk for protective purposes, by digging in defendant's Jacket pocket. Generally a pat-down of the outer clothing to see if the person is armed and dangerous. Finally the purpose of the Frisk cannot be to search for evidence of a crime. (State V. Hudson 124 Wn. 2d 107, 874 P.2d 160)

1. While Terry does not authorize a search for evidence of a crime, officers are allowed to make a brief, nonintrusive search for weapons if after a lawful Terry stop a reasonable safety concern exists to justify the protective frisk for weapons so long as the search goes no further than necessary for protective purposes. Officer Rhoads exceeded the scope by the intrusion into Defendant's Jacket pocket making the frisk unlawful and the evidence seized (marijuana) inadmissible.

2. On the week of 1/21/2005 during the trial of defendant Londell L. Alston the prosecution presented the (BWC) and not the in-dash footage, by not presenting the indash footage that warranted a suppression of the evidence?

A. In Brady the U.S. Supreme court held that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of good faith or bad faith of the prosecution. No in-dash camera footage, nor a warning citation could be a Brady violation. Defendant told his attorney to show him all the footages, but he only presented what the solicitor gave him which was the in-dash footage.

3. Officer Rhoads discovered the firearm once the Defendant went to retrieve the registration from the Glove Compartment and defendant picked up the firearm to search for the registration.

4. Once Defendant was removed from the car Officer Rhoads had no reasonable suspicion that the individual is armed and dangerous, also he had no grounds to perform anything more than a pat Frisk search.

(State V. Vickery, 399 S.C. 507, 732 S.E. 2d 218)

(State V. Taylor, 401 S.C. 104, 736 S.E. 2d 668)

Terry v. State 392 U.S. 97, 30 88 S.C.T. (1968)

B. Dickerson, 508 US at 379, 113 S.Ct 2130 In Dickerson, the officer was in the lawful position to feel the lump in Dickerson's pocket.

However Officer Rhoads determined the item was contraband only after conducting a further search. The Supreme court held that this further search was not authorized by Terry or any exception to the warrant requirement.

because the further search was constitutionally invalid, the seizure of the marijuana was likewise unconstitutional. The BWC officer Rhoads wore has a redacted moment and within this segment there officer Rhoads grabbed Defendants jacket pocket and asked what was in defendants pocket. Defendant stated in that segment to the officer it was marijuana.

State V. Scott 518 N.W. 2d 347, Id at 348) The seizure of marijuana exceeded the scope of a Terry stop because officer Rhoads asked defendant to identify the object.

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I am writing you all to get this very unjust conviction overturned. I've enclosed Key Factors that will place a vision on my case that will allow a higher adjudicator to see and also acknowledge the points I am presenting to you. I ask that my case be taken serious, as well as being granted the opportunity to be represented by someone that will not handle my case as my prior lawyer did. He continuously lied about watching the video hundreds of times and once we watched it together there were alot of things he stated he knew and he didn't. I saw him 3 times and the third time was 1/20/25 and we went to trial 1/21/25 through 1/23/25. He put up little to no fight, he wasn't prepared to the best of his ability, his defense in my case was little to no defense, he only objected to matters of my concern instead of all possible points to aid him in a great defense. The county of York Judicial System neglected the actions of an Traffic Stop that was abandoned. I was poorly represented and convicted, even though the officer violated my 4th Amendment by unreasonable seizure, by failure to issue a citation or give a warning.

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## "Legal interception"

1. Defendant was operating a white dodge magnum (SC Tag # 5005PG) which the license plate and decal were expired.

A. This is the probable cause that gave officer Rhoads authority to initiate the traffic stop.

## "Due Diligence"

1. Officer Rhoads informed defendant the reason for the stop, and requested his license, registration, and proof of insurance. Defendant began searching the glove compartment and picked up a firearm while searching for the registration.

A. Once officer Rhoads became aware of the gun, he took measures to acquire officer safety. While doing so he willfully abandoned the "mission" of running the defendant's license to know of any suspensions, outstanding warrants, or prior traffic violations. As he testified in trial he ran the license to obtain information if the defendant was allowed to have or be around firearms.

## "Officer Safety"

1. The initial protective seizure of the firearm was permissible, but the officer's actions ran afoul of the 4th Amendment while he searched for evidence of a gun crime completely unrelated to the purpose of the stop, without reasonable

suspicion to do so, while continuing to hold both the firearm and defendant hostage.

A. The presence of a firearm justifies only the officers reasonable belief that defendant whose propensities were unknown at the time was armed and potentially dangerous. This does not create reasonable suspicion or probable cause that defendant was committing a crime, nor does it justify the prolonged investigatory detention.

B. Defendant was not attempting to conceal it, nor was there an issue with the firearms serial number, nor did defendant's conduct indicate the firearm might be evidence of criminal activity.

### "Protective Search on Terry Frisk"

1. Officer Rhoads asked defendant did he have any weapons on his persons. Defendant stated no, the officer then asked may I check you for weapons, Defendant stated you can check me officer Rhoads then asked can I search you, and the defendant stated again you can check me.

A. Defendant gave consent with knowledge of a pat-down being conducted for weapons. The law does not allow further search or manipulation of an object when it is clearly not a weapon and its incriminating nature is not immediately apparent.

3. Consequently, officer Rhoads exceeded the limited scope of the pat-down search authorized by Terry when he went inside defendant's pocket to discover the marijuana. The limited search authorized by Terry is not to discover evidence of a crime, but to allow the officer to pursue his investigation without fear of violence.

## "Not Guilty"

1. Defendant picked up a firearm in search of a Registration, Due to officer safety concerns and Officer Rhoads misunderstanding that Defendant wasn't touching a firearm. Officer Rhoads asked Defendant did he have any weapons on him and did he mind that he checked, Defendant gave consent to the Terry Frisk twice, which officer Rhoads exceeded the scope of the "Terry Frisk" when he didn't conduct a pat-down to conclude Defendant was not armed and dangerous. Once he began digging inside the Defendant's pockets, before concluding his protective search to discover the marijuana that was not immediately apparent or incriminating.

A. Warrant 2023A4610201803 - "possession of a weapon during the commission of a violent crime." Defendant was found "Not Guilty".

Warrant 2023A4610201804 - "Possession of a Firearm or Ammunition by a person convicted of possession with intent to distribute or distribution of a controlled substance." Defendant was found "Not Guilty".

B. The firearm led up to the removal of the Defendant from the car, to open the door for the "Terry Frisk", which was not conducted properly within the requirement of the protective search.

By doing so the marijuana was immediately under the actions of it being inadmissible, and with the correct search "Terry Frisk or Pat-down" becoming unlawful due to officer Rhoads exceeding the scope of the "Terry Frisk"; anything such as contraband being discovered after the unlawful search is under "The Fruit of The Poisonous Tree Doctrine" which now brings forth the "Exclusionary Rule", which excludes evidence that was gained in violation of your 4<sup>th</sup>, 5<sup>th</sup>, or 6<sup>th</sup> Amendments. Also characterizing the contraband as inadmissible evidence.

## "Marijuana as Probable Cause to search vehicle"

1. Once Defendant gave officer Rhoads consent to conduct the "Terry Frisk", the officer located one gram of marijuana inside Defendants jean Jacket pocket, Due to the marijuana located on Defendants Person at the time he exited the vehicle, officer Rhoads performed a probable cause search of the vehicle.

A. 4<sup>th</sup> Amendment states "No warrant shall issue, But upon probable cause"; why was there no warrant issued for the one gram of marijuana or the 30 grams of marijuana THC? "If the "Terry Frisk" would have been properly done by concluding no weapons were on defendant before diggin inside his coat pocket, The marijuana found gave probable cause to search the vehicle for more marijuana. The 4<sup>th</sup> Amendment only specifies that no warrant shall issue, but upon Probable cause. It clarifies no certain warrant, but only that a warrant shall issue. Due to the possession of marijuana being committed in the officer's presence S.C. Code "56-7-15" was applicable to issue a Uniform Traffic Ticket to charge Defendant with the marijuana which the officer also willfully neglected.

## "Abandonment of the 'Mission' of the traffic stop"

1. In trial officer Rhoads testified He ran defendant's license to check if Defendant was allowed to possess or be around any firearms. When the mission of the stop is to check Driver's license for suspensions or any outstanding warrants, Registration, proof of insurance, and does Defendant have any unpaid tickets. Officer Rhoads never began nor resumed the purpose which warranted the whole encounter, which was traffic violation "56-3-840" "Delinquent license and Registration". The traffic stop's primary "Mission" is "to address the traffic violation that warranted the stop. Where reasonable suspicion of criminal activity separate and apart from the traffic violation exists, The officer as the supreme court instructs, may prolong or extend the stop, but not usurp the stop itself. Any on-scene investigation into other crimes, detours from that primary traffic Related mission. The complete abandonment of the mission of the traffic stop is not tolerated by the 4<sup>th</sup> Amendment. The investigation into unrelated crime was the whole stop, in other words there was no traffic stop to add time to because officer Rhoads "Never Addressed" the expired registration issue, to where he could have diligently pursued the mission of the stop. Officer Rhoads actions deviated from the traffic stop's mission and constituted a violation of my 4<sup>th</sup> Amendment right to be free from unreasonable seizures. Also officer Rhoads never gave defendant a warning or a citation to finalize the traffic stop, which is necessary to effectuate the purpose of the stop.

A. Officer Rhoads Definitively abandoned the "Mission" of the stop when he ran defendant's license for the purpose of checking to verify if defendant was to possess or be around a firearm, which was the entire mission. There is no proof of Officer Rhoads ever concluding his "mission" of the stop, Also the Body Worn Camera will also verify this facts as well, there was never any verbal warning or Uniform Traffic Ticket ever issued to Defendant, rendering the traffic stop also unreasonable due to the complete abandonment of addressing the traffic violation that initiated the whole purpose of the encounter. The trial transcript will also be able to verify the factual surroundings of this letter.

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