

I have enclosed some issues
I wish to bring forth to you all
attention. Please observe my matters
and I ask for assistance in handling
these issues accordingly.

Thank You

Have a

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Blessed
day

FEB 24 2025

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S.C. SUPREME COURT

The purpose of a pat-down search is not to discover evidence of a crime, but to allow the officer to pursue his investigation without violence. Officer Rhoads asked Mr. Alston did he have any weapons on him after becoming frantic about the discovery of the firearm that was removed from the glove box by Mr. Alston during a search for the registration, while doing so Officer Rhoads yelled at Alston "Don't touch the F**king Gun", which Mr. Alston can be seen in the video not touching the firearm once he was told to place it on the passenger seat. Due to the circumstances when asked "did he have weapons on him and did he mind if he checked" Mr. Alston stated "you can check me", during this very intense situation Mr. Alston was asked by officer Rhoads again "You mind if I search you" in which Mr. Alston again stated "You can check me". The responses from Mr. Alston were in fact authorization for the officer to check him for weapons, During the protective search Officer Rhoads asked "Mr. Alston what was the item in his jacket pocket" during the protective search. The protective search goes for the discovery of weapons which might harm the officer or others nearby. If the protective search goes beyond what is necessary to determine if the suspect is armed, it is no longer valid under Terry, and its fruit must be suppressed. The Supreme Court of the United States held that evidence obtained during a pat down for weapons is inadmissible. "Minnesota v. Dickerson 508, U.S. at 389" There was no proof of Mr. Alston having common authority and also there is no proof of mutual use and access to the vehicle he was operating, which Officer Rhoads never asked for consent to search the vehicle knowing it was not registered to Mr. Alston. "U.S. v. Gardner, No. 13-4501 4th circuit Feb 07, 2024" Officer Rhoads purpose in an ordinary traffic stop is to enforce the laws of the roadway, and ordinarily to investigate the manner of driving with the intent to issue a citation or warning, in which he applied neither.

"State V. Rivera, 682 S.E. 2d 307, 384 S.C. 356"

Officer Rhoads never issued a citation or warning. The consent was obtained prior to an unlawful detention. When Officer Rhoads asked for consent to conduct a protective search after an unconstitutional detention, the consent procured is per se invalid unless it is both voluntary and not an exploitation of the unlawful Detention.

"U.S. V. Teasley, 3:22-CR-083-FDW-DCK (W.D.N.C. Jan, 20, 23"

The officer as the supreme court instructs, may prolong or extend the stop, but not usurp the stop itself. The primary purpose of the stop is to address the traffic infraction. Officer Rhoads definitively abandoned the prosecution of the stop and embarked on another sustain course of investigation. The investigation into unrelated crime was the whole stop, in other words there was no traffic stop to add time to a Rodriguez. Contemplates because officer Rhoads "Never Addressed" the expired registration (56-3-840) issue to where he could have diligently pursued the mission of the stop. Officer Rhoads actions deviated from the traffic stops mission and constituted a violation of my 4th Amendment right to be free from unreasonable seizures. There was no talks of "Equal Access Rule"

"U.S. V. Buzzard, 1 F.4th 198 (4th Circuit 2021) The permissible duration of a traffic stop is determined by the seizures mission to address the traffic violation that warranted the stop, meaning that it may last no longer than is necessary to effectuate that purpose.

"Rodriguez V. United States, 135 S. Ct. 1609, 191 L. Ed. 2d 492, 575 U.S. 348 2015" Id at 350, 356, 357) This is only the pat-down and traffic stop, there will be alot more things presented by me along this journey to overturn my very unjust conviction. I am awaiting you all's response. Thank You and have a blessed day.

1. We have a lot of Avenues we can take here. We can make stuff happen. We can do as much on our end as you can do on yours. Officer Leary tells Mr. Alston he is not off to a good start, because Mr. Alston told him the car was not his and He didn't know the drugs were in the car.
2. Officers then tell him He could spend the rest of his life in Jail.
3. Investigator Leary says "We can help you out on that kind of thing", to which Mr. Alston says "You want me to tell you that's my stuff - Help you do what you do?"
4. For the next 27 minutes they go back and forth while the story slowly morphs into what they want to hear. During that 27 minutes, Mr. Alston is threatened again with how much time he could get, Threatened with the gravity of his situation. Mr. Alston is told they are not convinced with what he has told them so far and that he is still holding back.
5. Investigator Leary says they believe "Bits and pieces" of his story and telling them "stuff he has heard other places." He then tells Mr. Alston about people who haven't worked with them that are spending their life in jail, and people who have worked with them who are walking around in Charlotte.
6. The police then tell him they work in task force with the federal government and he is lucky it is 4:00 a.m. or a DEA agent would be there talking to him. (A DEA officer did come with a photo book asking about a lot of individuals.) Mr. Alston asks "If I do the right thing by you guys, what can I get?" The Answer - As much as you want
7. Mr. Alston asks what are his chances of going home. Investigator Leary tells him it is 50/50. Mr Alston is made about 10 different promise in various forms and fashion. In the 75 minutes Mr. Alston is threaten 5 times with life in jail or Federal law enforcement.

Booking Report done by officer S. Leary, in which in the section was arrestee armed he checked (NO), but Alston was charged twice with the one firearm out of the Glove Compartment. They asked for consent to search his truck and gave him a permission to search form to obtain buccal swabs from his persons, which they never took any buccal swabs from his mouth as stated for evidence.

8. During the traffic stop after officer Rheads found marijuana in Mr. Alston's jacket during a consentually granted "Terry Frisk", after doing such he searched the vehicle and discover a blue drawstring bag that had the contraband sealed, which infact made the plain view doctrine inapplicable due to the item not being immediately apparent or inadvertent. Mr. Alston was never charged with the traffic violation or the marijuana that gave probable cause. There is item & truffle Runtz marijuana in RHPO Evidence Counter which Mr. Alston was never charged with any marijuana from off his persons or the vehicle which was stated as probable cause. The 4th Amendment equally protects the contents of a closed bag unless the contents are in plain view. The 4th Amendment warrant requirement forbids the warrantless opening of closed bags to the same extent that it forbids the warrantless opening of a small unlocked suitcase or a zippered leather pouch. The automobile exception does not apply so as to permit a warrantless search of any movable container that is believed to be carrying an illicit substance even when the container is placed in a vehicle.

9.



The Supreme Court of South Carolina

PATRICIA A. HOWARD
CLERK OF COURT

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February 24, 2025

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SC Court of Appeals

Londell L. Alston #308837
Kirkland Correctional Inst.
4344 Broad River Road
Columbia, SC 29210

Re: The State v. Londell L. Alston
Appellate Case No. 2025-000197

Dear Mr. Alston:

This will acknowledge your letter received in this office today which relates to the above case at the Court of Appeals. Since you are represented by counsel in this matter(s), no action will be taken on your pro se filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 298 S.C. 306, 379 S.E.2d 907 (1989).

We are forwarding a copy of your letter to your counsel so he can be aware of your concerns.

Sincerely,

Patricia A. Howard

Patricia A. Howard

cc: Matthew Niemiec
Robert Michael Dudek
The Honorable Jenny Abbott Kitchings
Marina Bender Hamilton
Mark Reynolds Farthing
Alan McCrory Wilson

The Supreme Court of South Carolina

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The Honorable Jenny Abbott Kitchings