

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Sep 11 2025

SC Court of Appeals

Appeal from York County

Honorable R. Keith Kelly, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

LONDELL LASHUN ALSTON,

APPELLANT

APPELLATE CASE NO. 2025-000197

ANDERS BRIEF OF APPELLANT

WANDA H. CARTER
Interim Chief Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
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ATTORNEY FOR APPELLANT

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STATEMENT OF ISSUE ON APPEAL

The trial judge erred in allowing appellant's statements into evidence because said statements were inadmissible as involuntarily given in response to the use of coercive police tactics and communications from police regarding promises of leniency that occurred during the custodial interrogation held in the case.

STATEMENT OF THE CASE

Appellant Londell LaShun Alston was convicted of trafficking in heroin, trafficking in fentanyl, and trafficking in methamphetamine per a trial by jury held at the January 2025 term of the York County General Sessions Court before Judge R. Keith Kelly. Appellant was sentenced to an aggregate forty-year prison term. Assistant Solicitors Marina Hamilton and Heather Burnette prosecuted the case, and Attorney Matthew R. Niemiec appeared on behalf of the state.

Appellant appealed his convictions and sentences. This brief follows.

STANDARD OF REVIEW

The trial judge determines the admissibility of a statement upon proof of its voluntariness by a preponderance of the evidence. State v. Washington, 296 S.C. 54, 370 S.E.2d 611 (1988). On appeal, the conclusion of the trial judge as to the voluntariness of a statement will not be reversed unless so erroneous as to show abuse of discretion. State v. Von Dohlen, 322 S.C. 234, 471 S.E.2d 689 (1996). When reviewing a trial judge's ruling concerning voluntariness, the appellate court does not re-evaluate the facts based on its own view of the preponderance of the evidence but simply determines whether the trial judge's ruling is supported by any evidence. State v. Saltz, 346 S.C. 114, 551 S.E.2d 240 (2001).

ARGUMENT

The trial judge erred in allowing appellant's statements into evidence because said statements were inadmissible as involuntarily given in response to the use of coercive police tactics and communications from police regarding promises of leniency that occurred during the custodial interrogation held in the case.

On July 14, 2023, Officer Dakota Rhoads initiated a traffic stop of a vehicle driven by appellant based on an expired license plate violation. A search of appellant and the vehicle followed, and a gun and narcotics were found inside. R. 69, l. 13 – p. 93, l. 13. Appellant did not own the vehicle and was apparently unaware of the contents inside. R. 217, lines 10-22; R. 94, l.17 - p. 95, l.20; R. 160, line 24 – p. 163, l.4; R. 168, lines 7-12. Officer Sean Leary questioned appellant during his detention at the police station and obtained appellant's statements indicating ownership of the drugs. R. 143, lines 2-5; R. 158, lines 8-13. Prior to trial, defense counsel objected to the admissibility of appellant's statements given to Officer Sean Leary because the same were involuntarily given in the case. R. 24, lines 15-17. An in-camera hearing followed. R. 42, l.11-p. 44. l.1. During the hearing, the facts below were discovered:

Appellant was told by police that he faced 120 years on the pending charges. R. 30, l.14-17.

Appellant was told that the probability of being released to return home was "50/50." R. 30, l.25-p. 31, l.6.

Appellant was told that federal charges (from DEA) were also possible in his case. R. 30, l.9-17.

Appellant was asked to surrender access of his cell phone to police and that refusing to do so meant he might forfeit favorable assistance from police if they had to get a search warrant. R. 31, l.21 - p. 33, l. 6.

Appellant was repeatedly accused of lying to police. R. 30, lines 9-10.

Appellant was in effect offered favorable results if he cooperated.
R. 34, l.16-p.35, l.15.

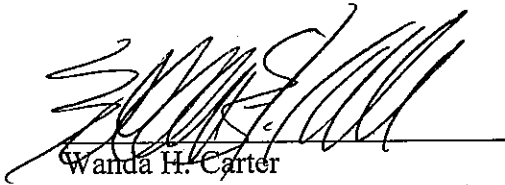
Appellant gave statements about the drugs at issue when questioned by police. R. 142, l. 11 – p. 143, l. 4; R. 144, l. 7 – p. 145, l.5; R. 146, lines 19-21; R. 148, l, 15 – p. 149, l. 18; R. 146, lines 19-20; R. 153, lines 15-23; R. 154, lines 11-16; R. 157, lines 12-24. Officer Leary admitted via his testimony at trial that he told petitioner during the interrogation that he could spend the rest of his life in jail, and that help depended on his (appellant's), answers, i.e. whether he (appellant) "came clean." R. 166, lines 3-7; R. 165, lines 22-25; R. 172, lines 1-7; R. 170, lines.13-17. Officer Leary admitted that he used the word "cooperation" when encouraging appellant to incriminate himself. R. 172, lines 14-20. Also, Officer Leary stated that they would not stop the questioning (75 minutes approximately) in effect until they received the "answers [they] already knew." R. 238, lines 9-10; R. 208, lines 1-6.

The trial judge's determination of the voluntariness of a statement must be made on the basis of the totality of the circumstances. State v. Childs, 299 S.C. 471, 385 S.E.2d 839 (1989). The factors to be considered in making this determination include the background, experience, and conduct of the accused, length of the interrogation, police misrepresentations, and whether threats of violence were put forth. State v. Childs, supra. Moreover, if a suspect's will is overborne by coercive police tactics and his capacity for self-determination is impaired, then the confession would be found involuntarily given. State v. Miller, 375 S.C. 370, 652 S.E.2d 444 (2007), citing to Colorado v. Connelly, 479 U.S. 157 (1986). See also State v. Saltz, 346 S.C. 114, 551 S.E.2d 240 (2001). Additionally, a statement that is induced by a promise of leniency is involuntary if so connected with the inducement as to be a consequence of the promise. State v. Peake, 291 S.C. 138, 352 S.E.2d 487 (1987).

In the case at bar, appellant's statements were not given voluntarily due to the police coercion, threats, promises of leniency, and misrepresentations that took place during the custodial interrogation of him at the police station. The trial judge erred in admitting appellant's involuntarily statements into evidence at trial.

CONCLUSION

Based on the foregoing argument, counsel for appellant would request that this case be reversed and remanded to the lower court for a new trial.

A handwritten signature in black ink, appearing to read 'Wanda H. Carter', is written over a horizontal line.

Wanda H. Carter
Interim Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 11th day of September, 2025.

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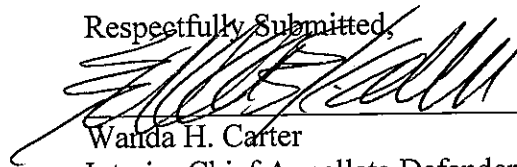
PETITION TO BE RELIEVED AS COUNSEL

Counsel for Londell Alston states that:

1. She is Interim Chief Appellate Defender for the South Carolina Office of Appellate Defense and was appointed to represent appellant.
2. She has reviewed the record of appellant's trial before Judge R. Keith Kelly, which was held on Jan. 21-23, 2025, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.
3. She has, pursuant to Anders v. California, 386 U.S. 738, 87 S.Ct. 1396 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Londell Alston.

Respectfully Submitted,


Wanda H. Carter
Interim Chief Appellate Defender

ATTORNEY FOR APPELLANT

This 11th day of September, 2025.

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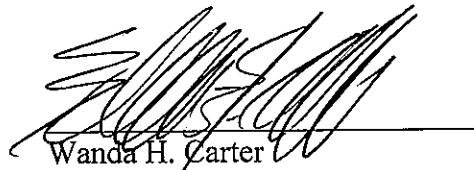
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**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) Entire Trial Transcript
- (2) Indictments
- (3) State's Exhibit #1
- (4) State's Exhibit #20

I certify that this designation contains no matter which is irrelevant to this appeal.



Wanda H. Carter
Interim Chief Appellate Defender

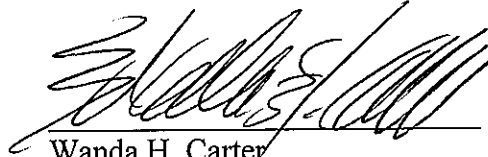
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ATTORNEY FOR APPELLANT

This 11th day of September, 2025.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."



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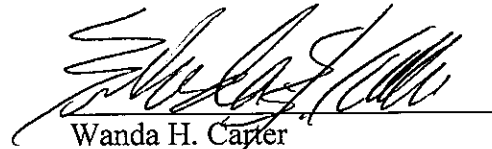
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APPELLATE CASE NO. 2025-000197

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Designation of Matter in the above-referenced case has been served upon Mark Farthing, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Londell Alston, #308837, at Tyger River Correctional Institution, 200 Prison Road, Upper Yard, Enoree, SC 29335-9308, this 11th day of September, 2025.



Wanda H. Carter
Interim Chief Appellate Defender

ATTORNEY FOR APPELLANT