STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Richland County
Robert E. Hood, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MATTHEW S. YOUNG,

PETITIONER

Opinion No. 2025-UP-248 (S.C. Ct. App. Filed July 16, 2025)

APPELLATE CASE NO. 2022-000218

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

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[1] Miranda v. Arizona, 384 U.S. 436 (1966).

CERTIFICATE OF COUNSEL

Counsel for petitioner certifies that pursuant to the South Carolina Court of Appeals' Opinion issued in this case on July 16, 2025, a petition for rehearing was filed on July 31, 2025, which was denied by the South Carolina Court of Appeals on August 13, 2025.

QUESTION PRESENTED

Did The Court of Appeals err in holding that Miranda[2] warnings were not required when police officers approached petitioner at the crime scene per the rationale that the initial contact was an investigatory process because the circumstances clearly indicated that petitioner was in custody and not free to leave the area and that the questions asked were designed to elicit incriminating responses, all of which established the existence of a custodial interrogation where the obligatory constitutional warnings were required to have been given at that time?

[2]Miranda v. Arizona, 384 U.S. 436 (1966).

STATEMENT OF THE CASE

On April 16, 2019, a Richland County grand jury indicted petitioner for murder and possession of a weapon during the commission of a violent crime. Assistant Solicitors April W. Sampson, Carter R. Potts, and Andrew T. Smith called the case to trial before the Honorable Robert E. Hood on February 14-17, 2022. Attorney Foster M. Mathews represented petitioner at trial. The jury acquitted petitioner of murder, but found him guilty of the lesser-included offense of voluntary manslaughter. The jury also found petitioner guilty of possession of a weapon during the commission of a violent crime. Judge Hood sentenced petitioner to five years imprisonment on the weapon conviction and life in prison without the possibility of parole on the voluntary manslaughter conviction.

Petitioner appealed, but on July 16, 2025, his manslaughter conviction and sentence were affirmed by the South Carolina Court of Appeals; and although his weapon conviction was affirmed also, the sentence imposed on the weapon conviction was vacated. See State v. Matthew Scott Young, Unpublished Opinion No. 2025-UP-248 (S.C.Ct.App. filed July 16, 2025). A petition for rehearing was filed on July 31, 2025, and on August 31, 2025, the petition was denied by the South Carolina Court of Appeals.

Petitioner appeals the decision of the Court of Appeals in this case. This petition follows.

ARGUMENT

The Court of Appeals erred in holding that Miranda[3] warnings were not required when police officers approached petitioner at the crime scene per the rationale that the initial contact was an investigatory process because the circumstances clearly indicated that petitioner was in custody and not free to leave the area and that the questions asked were designed to elicit incriminating responses, all of which established the existence of a custodial interrogation where the obligatory constitutional warnings were required to have been given at that time.

Petitioner was sentenced to life without parole after being convicted of voluntary manslaughter and possession of a weapon during the commission of a violent crime. Prior to trial, defense counsel moved to suppress petitioner's statements to law enforcement. During the hearing on the motion, Steven K. Sulser with the Columbia Police Department testified regarding his interactions with petitioner. R. 4, ll. 5-7. Sulser arrived at the scene to find an individual lying on the ground next to a car. R. 5, ll. 16-119. Sulser saw petitioner approaching him from a lawn maintenance truck. R. 5, ll. 20-22. Sulser asked petitioner "Where's the suspect? Did you see who did it?" R. 5, ll. 22-23. Petitioner responded that he did not. R. 5, l. 24. Sulser then directed petitioner to step back so he could establish a crime scene. R. 5, ll. 24-25.

Sulser directed another police officer, Vereen, to go find petitioner and his coworkers. R. 20, ll. 16-23. Vereen parked the police car perpendicular to the work truck. R. 22, ll. 7-12. Vereen asked petitioner and his coworkers for their identification. R. 40, ll. 17-18. Vereen said he needed the men to "**stay right [t]here for a few minutes**" because someone wanted to talk to them. R. 40, ll. 19-22 (emphasis added); R. 44, ll. 8-14. Petitioner explained that he did not feel like he was free to leave at this point because he had been asked – by law enforcement – to stay. R. 40, ll. 23-25.

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[3] Miranda v. Arizona, 384 U.S. 436 (1966).

Shortly thereafter, Sulser and Officer Osagie walked down to a spot a little farther down in the neighborhood where he found Vereen standing guard over petitioner and his two coworkers. R. 6, ll. 12-25; R. 23, ll. 8-11. Sulser asked the trio if they knew or saw who stabbed the individual on the ground, and petitioner responded that he had no idea. R. 7, ll. 7-11. Specifically, Sulser asked petitioner if he had called 911 and stated that he stabbed a man who had approached him in an aggressive manner. R. 8, ll. 1-3; R. 23, ll. 12-22; R. 41, ll. 15-17. Sulser was clear – he was speaking directly to petitioner "in an attempt to establish if he's the one who did the stabbing." R. 23, ll. 20-22. Sulser had received information that petitioner was the one who stabbed the deceased. R. 25, ll. 16-20. Petitioner was a suspect. R. 25, ll. 21-23; R. 26, ll. 2-3. Petitioner did not feel free to leave. R. 41, ll. 22-24.

Petitioner responded to Sulser that it was not him. R. 8, ll. 4-6. Importantly, Sulser told Petitioner "**just stand by real quick**" so he could gather more information from dispatch. R. 8, ll. 6-8 (emphasis added); State's Exhibit #50 (showing Sulser tell petitioner to "hold on one second."). After getting additional information that showed petitioner had not called 911 – his coworker had – Sulser approached petitioner again. R. 8, ll. 9-18. Sulser then advised petitioner that if he were lying, "this could be a serious incident," but that "if he stabbed him due to an altercation … come forward with that information." R. 8, ll. 18-22; State's Exhibit #50. Then, petitioner said he stabbed the deceased. R. 8, ll. 22-23; State's Exhibit #50. Sulser immediately placed petitioner in handcuffs and began walking petitioner toward his patrol car. R. 9, ll. 1-4; R. 42, ll. 2-9; State's Exhibit #50.

While walking petitioner to his car, Sulser commented, "[I]f you stabbed him and it was self-defense, it is what it is." R. 9, ll. 5-10; State's Exhibit #50. According to Sulser, petitioner responded, "I did it. It wasn't self-defense and … I did it." R. 9, ll. 12-15; State's Exhibit #50.

Only then did Sulser advise petitioner of his rights. R. 9, l. 21 – R. 10, l. 2; R. 42, ll. 10-13; State's Exhibit #50. After the advisement, Sulser continued to engage petitioner in conversation by asking about the location of the knife. R. 10, l. 15 – R. 11, l. 1; State's Exhibit #50. Petitioner explained that he continued speaking with Sulser even after being advised of his rights because he had "already told him any - - what was going on anyway." R. 42, ll. 20-25.

Sulser's body worn camera was activated during his entire interaction with petitioner. R. 6, ll. 1-7; State's Exhibit #2; State's Exhibit #50.[4] Sulser also remained present while Christian Ross, the investigator on the case, interrogated petitioner at the scene so that his camera caught the interactions between petitioner and Ross as well. R. 13, ll. 5-17; R. 30, ll. 4-8. Ross first spoke to petitioner when petitioner was handcuffed and seated in Sulser's patrol car. R. 30, ll. 4-6. Petitioner was "already detained and in custody" prior to Ross's arrival. R. 30, ll. 9-10. Thereafter, Sulser took petitioner to police headquarters where petitioner was interrogated by Ross again. R. 17, ll. 17-22.

Defense counsel argued petitioner was in custody at the scene from the very beginning because he had been told by Vereen and Sulser not to leave. R. 52, ll. 15-22. Further, Sulser considered petitioner a suspect at the time based upon the information he had from dispatch. R. 52, ll. 20-25.

The trial judge noted that Sulser was "trying to figure out what happened and who needs to be done what with in really quick fashion." R. 70, ll. 10-13. Next the judge erroneously stated that no one was under formal detention despite evidence to the contrary. R. 71, ll. 23-24. He also erroneously determined that "[i]n custody is the totality of the circumstances that not only includes

[4] State's Exhibit #2 contains the body worn camera footage for all officers on the scene. While this exhibit was not admitted during the trial, it was used during the pre-trial hearing to determine what was admissible. The judge allowed State's Exhibits #50, #51, and #63 to be admitted.

the person's freedom to leave the scene, but the purpose and the place and the length of the questioning must also be considered." R. 71, l. 24 – R. 72, l. 2. However, he rightly noted that "the fact that Sulser may have thought [Petitioner] did it is not dispositive," "the fact that [petitioner] thought he may have not been free to leave is not dispositive" and that it was "an objective standard based upon a reasonable person standard." R. 72, ll. 2-25.[5]

On appeal the following two issues were raised:

> The trial judge erred when he determined petitioner was not in custody where the totality of the circumstances showed a reasonable person would have not felt free to leave when (1) two armed police officers told petitioner not to leave, (2) multiple armed police officers were around petitioner, (3) the armed police officers expressed their subjective intent that petitioner was not free to leave and would have been prohibited from doing so, (4) a police car was parked perpendicular to petitioner's work truck, and (5) petitioner expressed his subjective believe that he was not free to leave.
>
> The trial court erred by allowing the state to introduce multiple statements made by petitioner during custodial interrogation where petitioner's statements were tainted by the police obtaining incriminating statements from petitioner prior to advising him of his rights pursuant to *Miranda* in contravention of federal and state law.

The Court of Appeals issued the following holding in the case:

Young was questioned in public, unrestrained, in front of his work truck and flanked by co-workers. Although an officer had instructed Young and his co-workers to remain in the area so that police could speak to them, nearly every civilian in the neighborhood had their freedom of movement restricted either by the crime scene tape or by interactions with first responders. While Sulser testified that Young wouldn't have been free to leave the scene at the time Sulser approached him, the trial court correctly determined that this is irrelevant to determining whether Young was in custody. The standard is an objective, reasonable person standard, and the subjective belief of the officer is not a consideration. *See Berkemer v. McCarty*, 468 U.S. 420, 442 (1984).

After a careful review of the body camera footage, we find the trial court correctly characterized Sulser as a first responder trying to quickly figure out what happened rather than

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[5] Defense counsel renewed his objections contemporaneously with the introduction of petitioner's statements during the trial. R. 104, ll. 13-23; R. 137, ll. 4-13; R. 254, ll. 7-22.

an investigator utilizing trained interrogation tactics. As the Supreme Court stated in *Miranda*, "[g]eneral on-the-scene questioning as to facts surrounding a crime or other general questioning of citizens in the fact-finding process" is distinct from the coercive settings outlined in *Miranda*, as "[i]n such situations the compelling atmosphere inherent in the process of in-custody interrogation is not necessarily present." 384 U.S. at 477-78. *See also State v. Easler*, 327 S.C. 121, 128-29, 489 S.E.2d 617, 621 (1997), *overruled on other grounds by State v. Greene*, 423 S.C. 263, 814 S.E.2d 496 (2018) (holding police questioning of suspect who left the scene of a deadly car accident was not custodial interrogation); *State v. Morgan*, 282 S.C. 409, 411-12, 319 S.E.2d 335, 336-37 (1984) (holding a routine investigation into the cause of a traffic accident that had recently occurred did not rise to the level of custodial interrogation); *Barksdale*, 433 S.C. at 335-36, 857 S.E.2d at 563 (holding defendant was not in custody when detained by police and questioned on the roadside following a traffic accident); *State v. Kerr*, 330 S.C. 132, 146, 498 S.E.2d 212, 219 (Ct. App. 1998) (holding policeman conducting a routine investigation of a traffic accident on the roadside had not placed defendant in custody).

The record supports the trial court's ruling that Young was not in custody at the time he admitted to stabbing the victim, and therefore was not subject to custodial interrogation. We consequently find the trial court properly admitted the body camera footage.

Young further argues that the trial court improperly admitted the statements he made to police post-*Miranda*, as those statements were tainted by the prior unwarned statements. We disagree. Because we find that Young was not in custody at the time he made pre-*Miranda* admissions to law enforcement, we also find that Young's post-*Miranda* statements were not tainted by the prior questioning.

Clearly, the commands made by Officers Vereen and Sulser, and Officer Sulser's questions went far beyond any fact-finding or investigatory procedure in the case. Without a doubt, petitioner was in custody when the first officer (Officer Vereen) told him to "stay right [t]there for a few minutes" because someone wanted to talk to them. Officer Vereen stood guard over petitioner while the second officer (Officer Sulser) was en route. Then, when Officer Sulser arrived, petitioner was told to "stand by" and "stay put." Further, the patrol car was parked perpendicular to the lawn maintenance truck effectively blocking petitioner from leaving by way of the truck. When Officer Sulser arrived, he inquired of the petitioner as to who stabbed, and stated that this was a serious incident. Any reasonable person would have believed that he or she was not free to leave, and thus in custody, based on the officers' commands that prohibited petitioner from exiting the neighborhood. Furthermore, the nature of the questioning undoubtedly revealed that

petitioner was in custody. Officer Sulser asked petitioner directly and point blank about whether he stabbed the deceased and if the stabbing was due to an altercation. Hence an interrogation designed to elicit incriminating responses.

In Miranda v. Arizona, 384 U.S. 436, 444 (1966), the United States Supreme Court held "the prosecution may not use statements, whether exculpatory or inculpatory, stemming from custodial interrogation of the defendant unless it demonstrates the use of procedural safeguards effective to secure the privilege against self-incrimination." The Court explained that "custodial interrogation" meant "questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way." Id. Thereafter, the Court required that

> [p]rior to any questioning, the person must be warned that he has a right to remain silent, that any statement he does make may be used as evidence against him, and that he has a right to the presence of an attorney, either retained or appointed. The defendant may waive effectuation of these rights, provided the waiver is made voluntarily, knowingly and intelligently.

Id. This is because "in-custody interrogation[s]" place "inherently compelling pressures" on the persons interrogated. Id. at 467. The Supreme Court described the purposes of the Miranda safeguards: "to ensure that the police do not coerce or trick captive suspects into confessing, to relieve the 'inherently compelling pressures' generated by the custodial setting itself, 'which work to undermine the individual's will to resist, and as much as possible to free courts from the task of scrutinizing individual cases to try to determine, after the fact, whether particular confessions were voluntary." Berkemer v. McCarty, 468 U.S. 420, 434 (1984)

The Supreme Court concluded "the Miranda safeguards come into play whenever a person in custody is subjected to either express questioning or its functional equivalent." Rhode Island v. Innis, 446 U.S. 291, 300-301 (1980). According to the Court, "[t]he latter portion of

this definition focuses primarily upon the perceptions of the suspect, rather than the intent of the police." Id. at 301. "[T]he definition of interrogation can extend only to words or actions on the part of police officers that they *should have known* were reasonably likely to elicit an incriminating response." Id. at 302 (emphasis in original). Whether a suspect was in "custody is determined by an objective analysis of 'whether a reasonable man in the suspect's position would have understood himself to be in custody.'" State v. Ledford, 351 S.C. 83, 88, 567 S.E.2d 904, 907 (Ct. App. 2002). A person is "in custody" when a person's freedom has been restricted. State v. Caulder, 287 S.C. 507, 515, 339 S.E.2d 876, 881 (Ct. App. 1986); see also State v. Neely, 271 S.C. 33, 40, 244 S.E.2d 522, 526 (1978).

The determination of whether a person is "in custody" for Miranda purposes requires "[t]wo discrete inquiries": "first, what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was not at liberty to terminate the interrogation and leave." Thompson v. Keohane, 516 U.S. 99, 112 (1995). "In determining whether an individual was in custody, a court must examine all of the circumstances surrounding the interrogation, but the ultimate inquiry is simply whether there [was] a formal arrest or restraint on freedom of movement of the degree associated with a formal arrest." Stansbury v. California, 511 U.S. 318, 322 (1994) (internal quotations omitted); see also Maryland v. Shatzer, 559 U.S. 98, 112 (2010).

"To determine whether a suspect is in custody, the trial court must examine the totality of the circumstances, which include factors such as the place, purpose, and length of interrogation, as well as whether the suspect was free to leave the place of questioning." State v. Evans, 354 S.C. 579, 583, 582 S.E.2d 407, 410 (2003); see also State v. Williams, 405 S.C. 263, 273, 747 S.E.2d 194, 199 (Ct. App. 2013). "The custodial determination is an objective analysis based on whether a

reasonable person would have concluded that he was in police custody." Evans, 354 S.C. at 583, 582 S.E.2d at 410.

Although the case concerned a traffic stop, it provides some guidance here, particularly in light of the state's concession that the police were detaining petitioner at a minimum. Berkemer v. McCarty, 468 U.S. 420 (1984). Berkemer began with a traffic stop. Berkemer, 468 U.S. at 422-23. A police officer saw the defendant's car weaving, followed him for two miles, stopped him, and directed the defendant to get out of his car. Id. at 423. The defendant was obviously intoxicated. Id. In response to the officer's questioning, the defendant said he drank two beers and smoked marijuana. Id. The officer arrested the defendant and he made further incriminating statements at the jail. Id. at 423-24. At no point did the police give him Miranda warnings. Id. at 424. The Court first rejected the argument that Miranda should not apply to misdemeanor arrests. Id. at 429-34. After rejecting this argument, the Court concluded that the defendant's post-arrest statements at the jail were inadmissible. Id. at 434-35.

Our Supreme Court recognized Berkemer's important distinction between routine traffic stops and accidents in State v. Easler, 327 S.C. 121, 489 S.E.2d 617 (1997). After noting that routine traffic stops do not constitute custodial interrogation, the Court wrote that the situation in Easler was different because "the officers, having been advised there had been an accident and that someone had left the scene, went looking for that individual based upon a description given by two eyewitnesses." Id. at 127, 489 S.E.2d at 620-21. The Court found that the officers interrogated Easler, but ultimately upheld the trial judge's ruling that Easler was not in custody. Id. See also State v. Medley, 417 S.C. 18, 787 S.E.2d 847 (Ct. App. 2016) (holding that the circuit judge erred in finding a defendant was not in custody and that officers should have known that questions about drinking were likely to elicit an incriminating response); State v. Coyle, 567

A.2d 870, 874-75 (Del. 1989) (describing custodial encounter at an accident scene as in "that twilight zone" left by Berkemer's decision not to adopt a bright-line rule).

In another case from our Supreme Court, Evans, the defendant went to the police station accompanied by her family. Evans, 354 S.C. at 581, 582 S.E.2d at 408. Two police officers took the defendant "into a back office to take her statement." The officers never advised the defendant of her Miranda rights. Id. at 581, 582 S.E.2d at 409. The police knew that the deadly fire they were investigating started with an accelerant. Id. at 581 n.2, 582 S.E.2d at 408 n. 2. The police told the defendant they did not believe her explanations for the fire. Id. at 581, 582 S.E.2d at 409. The two policemen left the room and sent in a female SLED agent, who used a sympathy tactic. Id. The two women were in the room for at least forty-five minutes. Id. at 582, 582 S.E.2d at 409. The SLED agent followed the defendant to the bathroom and waited outside the door. Id.

The Evans Court found that the defendant was in custody even though she was not formally arrested until shortly after making the statement. Id. at 584, 582 S.E.2d at 410. When analyzing whether the defendant was free to leave, the Court emphasized that the SLED agent accompanied her to the restroom and waited outside the door. Id. The Court was also persuaded that the defendant was "in custody" because she was interviewed in a back office in the police station, her cousin was not allowed to go into the interview room, and the interview lasted three hours. Finally, the officers' purpose of the interview changed from a routine inquiry to questioning of a suspect when the female officer entered the interrogation room. Id.

Here, the officers' commands and inquiries established that petitioner believed, as any reasonable person would have believed, that there was no freedom to leave the scene, and that the officers' questions asked were designed to elicit incriminating responses. The circumstances in this case proved that there was custodial interrogation of petitioner at the crime scene. Additionally,

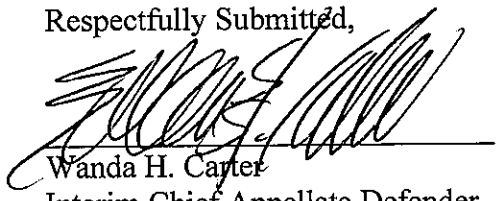
petitioner's statements given subsequently at the police station were inadmissible as tainted due to the initial custodial interrogation violation in the case.

The Court of Appeals erred in holding that petitioner was neither in custody nor being interrogated at the crime scene and that no Miranda warnings were required then because the circumstances indicated clearly that a custodial interrogation was in process then and that Miranda warning were required at that time.

CONCLUSION

Based on the foregoing argument, counsel for petitioner would request that this Court grant the petition and allow full briefing on the issue raised above.

Respectfully Submitted,



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ATTORNEY FOR PETITIONER

This 12th day of September, 2025.

STATE OF SOUTH CAROLINA
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Certiorari to the Court of Appeals
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THE STATE,

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Opinion No. 2025-UP-248 (S.C. Ct. App. Filed July 16, 2025)

APPELLATE CASE NO. 2022-000218

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Petition for Writ of Certiorari to the Court of Appeals and Appendix in the above-referenced case has been served upon Joshua A. Edwards, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and the South Carolina Court of Appeals; and on Matthew S. Young, #229227, at Kirkland Correctional Institution, 4344 Broad River Road, Columbia, SC 29210, this 12th day of September, 2025.

Wanda H. Carter
Interim Chief Appellate Defender

ATTORNEY FOR PETITIONER