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**Oct 20 2025**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Sumter County

Honorable Alison Renee Lee, Circuit Court Judge

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Opinion No. 25-UP-331 (Filed October 1, 2025)

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THE STATE,

RESPONDENT,

V.

WILLIAM LEE ROSEBORO, JR.

APPELLANT

APPELLATE CASE NO. 2022-001551

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PETITION FOR REHEARING

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On October 1, 2025, this Court affirmed the trial court's admission of the drug evidence, finding the state established a sufficient chain of custody. This Court found that while "Roseboro contends the chain of custody was insufficient without the testimony of an apartment complex employee, there was no testimony or evidence providing an employee received the drug evidence during the controlled delivery to Roseboro." State v. Roseboro, Op. No. 2025-UP-331 (S.C. Ct. App. filed October 1, 2025). Pursuant to Rule 221(a), SCACR, Appellant respectfully requests this Court rehear the matter and consider the significant points overlooked and/or misapprehended by this Court as discussed below.

The Record reflects that Postal Inspector Rogers delivered the package to an unknown person at the apartment complex. During the cross-examination of Rogers, defense counsel asked:

Q: Okay. And at the apartment complex you delivered it to the apartment, *somebody in that office*?

A: *Yes, sir*, it was at the office. That's where the parcel delivered to so people can come pick them up.

R. 50, ll. 10-15. The question put to Rogers was whether the package was delivered to *somebody* in the office, and Rogers answered that question in the affirmative. Therefore, there is testimony in the Record that the parcel was delivered to an unidentified employee at the apartment complex during the controlled delivery.

Further, the trial court acknowledged that the parcel was delivered to an intervening party at the apartment complex office. It noted there was no case law that addressed the circumstance where “there’s a package that’s delivered to a non-law enforcement person, a person who is not cooperating with law enforcement in any way, someone who’s not in a [sic] undercover capacity” and ruled “the case law does not require that there be – that the intervening person to whom the package was delivered in this particular case to the office of the apartment complex, does not require that they have to come in and testify as to what happened to the package.” R. 198, l. 23 – 199, l. 3; R. 199, ll. 20-25.

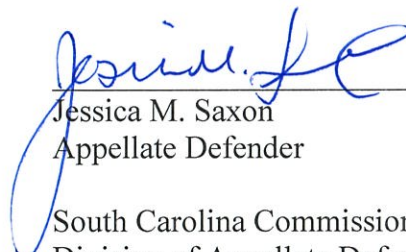
Even the solicitor, in arguing that the chain was complete, did not argue that there was not an unknown individual in the chain. The state argued that defense counsel’s argument was without merit because the box was intact when it was delivered, Appellant was under surveillance the entire time, and upon arrest “there’s no indication whatsoever that there was anything to upset the integrity of that package.” R. 124, l. 7 – 125, l. 6. Defense counsel

presented State v. Taylor, 360 S.C. 18, 598 S.E.2d 735 (Ct. App. 2004), which requires suppression of evidence when the identity of persons handling the evidence is unknown, and the state then changed its argument. In changing its argument, the state did not to say that there was not a person at the apartment complex but claimed the chain of custody did not start until Appellant was arrested. R. 126, ll. 2-19. The trial court accepted this argument and ruled as a matter of law that the chain did not start until after Appellant was arrested, and thus, the chain was complete. However, the law is clear that the chain begins when law enforcement takes *initial* control of the evidence – in this case, when Rogers opened the suspicious parcel.

The Record reflects that an unidentified person accepted the package from Rogers and held it for approximately ten minutes until Appellant retrieved the package. “A party offering into evidence fungible items such as drugs or blood samples *must* establish a chain of custody as far as practicable.” Taylor, 360 S.C. at 22–23, 598 S.E.2d at 737 (internal citations omitted) (emphasis added). “Where the analyzed substance has passed through several hands, *the evidence must not leave it to conjecture as to who had it and what was done with it between the taking and the analysis*. While the proof of chain of custody need not negate all possibility of tampering, it must establish a complete chain of evidence as far as practicable.” Id. (internal citations omitted) (emphasis added).

The law is clear. While the state is not required to bring every person in the chain of custody into court to testify, it is required to *identify every person in the chain* and how that person handled the evidence. See State v. Cribb, 310 S.C. 518, 522, 426 S.E.2d 306, 309 (1992), citing Raino v. Goodyear Tire and Rubber Co., 309 S.C. 255, 422 S.E.2d 98 (1992) (The identity of the persons who handled the evidence must be established.); State v. Trapp, 420 S.C. 217, 231, 801 S.E.2d 742, 749 (Ct. App. 2017) (When an analyzed substance has passed through

several hands, the identity of individuals who acquired the evidence and what was done with the evidence between the taking and the analysis must not be left to conjecture.). The failure to establish the identity of a person who initially received the parcel, and what that person did with the fungible narcotic evidence for ten minutes, created an issue of admissibility that was fatal to the state's case. Had the state but gotten the name of the individual in the office who accepted the initial delivery of the package and how the package was stored until it is picked up by the recipient, then the chain would have been complete. See State v. Trapp, 420 S.C. 217, 231, 801 S.E.2d 742, 749 (Ct. App. 2017) (If the identity of each person handling the evidence is established, and the manner of handling is reasonably demonstrated, the circuit court does not abuse its discretion in admitting the evidence absent proof of tampering, bad faith, or ill-motive.) However, the state failed to procure that information or produce it at trial. This created a gap in the chain, not merely a weak link, and such a gap in the chain of custody demands suppression. See State v. Carter, 344 S.C. 419, 424, 544 S.E.2d 835, 837 (2001) (In applying this rule, we have found evidence inadmissible only where there is a missing link in the chain of possession because the identity of those who handled the [evidence] was not established at least as far as practicable).

  
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Jessica M. Saxon  
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ATTORNEY FOR APPELLANT

This 20th day of October, 2025.

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

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Appeal from Sumter County

Honorable Alison Renee Lee, Circuit Court Judge

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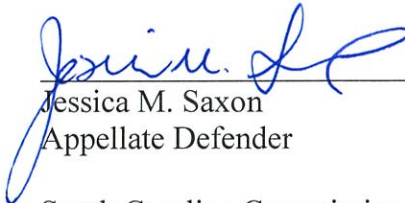
WILLIAM LEE ROSEBORO, JR.

APPELLANT

APPELLATE CASE NO. 2022-001551

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 Rehearing in the above-referenced case has been served upon Ambree M. Muller, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on William Lee Roseboro, #389383, at Kirkland Correctional Institution, 4344 Broad River Road, Columbia, SC 29210, this 20th day of October, 2025.



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Jessica M. Saxon  
Appellate Defender

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PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

## Warren, Kaylynn

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**From:** Warren, Kaylynn  
**Sent:** Monday, October 20, 2025 11:27 AM  
**To:** Ambree Muller  
**Cc:** Saxon, Jessica; Grace Sommer  
**Subject:** 2022-001551 The State v. William Lee Roseboro, Jr.  
**Attachments:** 2022-001551 The State v. William Lee Roseboro, Jr. Petition for Rehearing.pdf

Good Morning,

Attached for service in the above-referenced case is the Petition for Rehearing which will be filed today, October 20, 2025, with the Court of Appeals via email filing.

Respectfully,

Kaylynn

**Kaylynn Warren**

Administrative Assistant

South Carolina Commission on Indigent Defense

Division of Appellate Defense

(803) 734-1330