RECEIVED

Jan 27 2026

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Sumter County
Honorable Alison Renee Lee, Circuit Court Judge

Opinion No. 2025-UP-331 (S.C. Ct. App. Filed October 1, 2025)

Lower Court Case No. 2018-GS-43-00364

THE STATE,

RESPONDENT,

V.

WILLIAM LEE ROSEBORO, JR.

PETITIONER

APPELLATE CASE NO. 2026-000108

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

JESSICA M. SAXON
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR PETITIONER

INDEX

CERTIFICATE OF COUNSEL

Counsel for petitioner certifies that the petition for rehearing was made and finally ruled on by the Court of Appeals on December 18, 2025.

QUESTION PRESENTED

Did the Court of Appeals err in holding that the trial judge properly admitted the marijuana where the state failed to prove a sufficient chain of custody from the time the marijuana was originally seized by the United States Postal Service (USPS) because an unidentified person existed in the chain?

STATEMENT OF THE CASE

Petitioner was indicted during the April 2018 term of the Sumter County grand jury for one count of trafficking marijuana, 100 or more pounds but less than 2000 pounds. R. 311. The state, represented by Christa Bell and Ernest Finney, III, called the case to trial on October 25, 2022, before the Honorable Alison R. Lee and a jury. Petitioner was represented by Michael D. Routzong. R. 1. Prior to the call of the case, the state moved to amend the indictment to the lesser-included offense of possession with intent to distribute marijuana (PWID).[1] R. 2, l. 9 – 3, l. 8. After a three-day trial, Petitioner was found guilty of possession with intent to distribute marijuana. R. 286, ll. 2-13. Judge Lee sentenced Petitioner to eight years' imprisonment, with credit for time served. R. 309, ll. 1-7.

Petitioner timely filed a notice of appeal on November 2, 2022. Final briefing was completed at the end of February and beginning of March 2024. The Court of Appeals issued an opinion affirming Petitioner's conviction and sentence on October 1, 2025. A petition for rehearing was timely filed on October 20, 2025, and denied on December 18, 2025. This petition for writ of certiorari follows.

---

[1] Based upon Petitioner's prior criminal record, the state proceeded forward on the PWID charge as a second offense. R. 3, ll. 1-8.

ARGUMENT

The Court of Appeals erred in holding that the trial judge properly admitted the marijuana where the state failed to prove a sufficient chain of custody from the time the marijuana was originally seized by the United States Postal Service (USPS) because an unidentified person existed in the chain.

Relevant Facts

On January 12, 2018, Michael Rogers, an inspector with the United States Postal Inspection Service branch of the USPS, intercepted a suspicious package. The package, which was addressed to Petitioner at his apartment in Sumter, South Carolina, had drawn Rogers's attention because the name and address on the return label came back as false when run through the law enforcement database CLEAR. R. 17, ll. 3-12; R. 19, ll. 19-25; R. 21, ll. 7-17; R. 27, ll. 7-22; R. 38, ll. 3-7. Upon visually inspecting the parcel, Rogers noted it was tightly taped, had originated in California which is considered a "source area of marijuana" coming to the east coast, and it was shipped priority. Those facts, combined with the bad return address, heighted his suspicion of the parcel. R. 38, l. 13 – 39, l. 14. Rogers requested a drug canine to inspect the box. R. 38, ll. 7-9.

Rogers placed four or five boxes, along with the suspicious parcel, on the floor in a room at the Sumter police department. R. 40, ll. 1-18. Sergeant Cameron Bryant and K-9 Murphy conducted the box inspection. R. 169, l. 17 – 170, l. 8. Neither Bryant nor K-9 Murphy were present in the room when Rogers set up the boxes for inspection. K-9 Murphy was deployed into the room, and Bryant observed changes in his behavior that indicated an alert to narcotics. Specifically, K-9 Murphy displayed a head snap, which is a quick turn of the head whenever he

first identifies the odor he smells, he tracked the scent back to the suspicious parcel, placed his nose on the box, and then gave a final alert by sitting. R. 178, l. 25 – 179, l. 8.

Rogers obtained a federal search warrant to open the suspicious parcel. R. 22, ll. 4-17. He opened the box from the bottom, to avoid damaging the shipping label, and found four silver Mylar bags inside. Within the Mylar bags, he found four vacuum-sealed bags of a green, leafy substance that was later identified as marijuana. The parcel also contained packing popcorn. R. 23, ll. 6-19. The contents of the parcel were photographed and weighed. The parcel was repackaged with just enough marijuana to "make the charge," along with papers and/or books to add back the weight of the removed narcotics. Once the parcel was repackaged and resealed, Rogers conducted a "controlled delivery" where he posed as regular mail carrier and delivered the parcel to an employee at Petitioner's apartment complex office. R. 20, l. 16 – 21, l. 6; R. 22, ll. 16-24; R. 50, ll. 8-15.

While the controlled delivery was occurring, members of the Sumter Police Department drug unit were in the parking lot of Petitioner's apartment complex to conduct surveillance. R. 51, l. 1-5. Investigator Joseph Lane, the lieutenant of the Sumter Police Department drug unit, was part of the surveillance team. R. 58, ll. 11-23. According to Lane, surveillance began at 10:40 a.m. on January 12, 2018. At 10:54 a.m., Rogers was in route to the apartment complex with the repacked parcel which he delivered at approximately 11:02 a.m. At approximately 11:08 a.m., Petitioner was observed entering the apartment complex office. At approximately 11:10 a.m., Petitioner was observed leaving the office of the apartment complex carrying the parcel that Rogers had previously delivered. R. 60, ll. 19-22; R. 63, l. 3 – 64, l. 6.

Petitioner was arrested, the parcel was re-seized, and he was searched incident to arrest. Inside of his wallet, police located a receipt from a post office in California with the parcel

tracking number on it and airline receipts[2] in Petitioner's name for a flight from Columbia, SC to Los Angeles, CA dated for January 9 to January 11, 2018. R. 32, ll. 1-18; R. 33, l. 22 – 34, l. 17; R. 67, l. 13 – 68, l. 14. Joseph Powell, a now-retired drug analyst, tested the contents of the parcel. He determined that each of the four vacuum-sealed bags contained marijuana weighing a total of 1,796.2 grams or 3.9 pounds. R. 132, l. 23 – 133, l. 4; R. 148, ll. 2-6.

At trial, Lane testified about the chain of custody for evidentiary items. He stated that all the items that were seized from Petitioner on January 12, 2018, including the parcel, its contents, and the items found in his wallet, were placed by him into an evidence locker at the Sumter Police Department. Once the evidence was placed into a locker, it could only be removed by the evidence custodians who would take the evidence, label it, and transport it to the proper storage area to await testing or trial. He testified that every time the evidentiary items are handled by a person, that person signed off on a log notating when they handled the evidence and what they did with the evidence. He stated that a "chain of custody is very important when it comes to evidence, very, very important." R. 68, l. 7 – 72, l. 24.

The state called Officer Alexis Carter, one of two evidence technicians for the Sumter Police Department, to testify to the chain of custody. Carter was not employed with the police department at the time of Petitioner's arrest. However, she had been trained by Jim Alsbrook who was the evidence custodian who initially took custody of the evidence in Petitioner's case. R. 97, l. 13-R. 98, 21. When the solicitor attempted to question Officer Carter about the chain of custody log, Counsel Routzong objected and asked to take up a matter of law. R. 100, ll.1-22.

---

2 Petitioner's name was subsequently run through the Airline Reporting Corporation which confirmed that he flew from Columbia, SC to Los Angeles, CA between January 9 and January 11, 2018. R. 42, ll. 8-23.

Counsel Routzong initially argued that Carter was not in the chain of custody from the time the evidence was seized until it was tested and therefore her testimony was not relevant. He believed Carter was going to testify to things done by her predecessor Alsbrook and he believed that was problematic. R. 101, ll. 10-24

Solicitor Bell clarified that Alsbrook was not a witness because he was retired and stated that his testimony would not further the case because he would not have been able to bring the marijuana into court. She asserted that the chain in Petitioner's case consisted of Lane, Powell, the prior evidence custodian Alsbrook, and Carter who brought the marijuana into court. Solicitor Bell argued that Carter, as the current evidence technician, could establish the chain of custody as best as practicable by showing the procedures followed and that it was not necessary or possible to bring Alsbrook in to testify as he no longer worked for the police department. R. 101, l. 10 – 103, l. 19.

Counsel Routzong maintained that Carter's testimony was not relevant because she was not in the chain of custody up until the time the marijuana was tested. He stated the fact that she brought the drugs to court was not relevant to any issue at trial. He asserted the chain of custody was from postal inspector Rogers to the drug analyst Powell, that Carter was not a part of the chain, and that any testimony she could offer was not relevant pursuant to Rule 401, SCRE. R. 103, l. 21 – 106, l. 19. He conceded that the state could have Carter testify that, as the current evidence technician, she had brought the marijuana to court but that anything else she could testify to would not be relevant. R. 107, ll. 1-4.

Counsel Routzong further argued that pursuant to Rule 6, SCRCrimP, that the defense had demanded the presence of all individuals in the chain of custody and the state was required to bring them all to court. He admitted that gaps in the chain could be filled "a little bit" but that

under Rule 6 the state was required to produce the chain witnesses if they were available. R. 107, l. 17 – 109, l. 1. Solicitor Bell stated that Carter was able to testify based on the evidence logs as to how the items were handled as part of the police department's routine practices. R. 112, ll. 2-11. The trial judge ruled that under case law the current custodian of evidence could testify to the records and files showing how the evidence was handled to further establish the chain of custody and that would satisfy the requirements of Rule 6, SCRCrimP. R. 114, l.18 – 116, l. 18.

After the court initially ruled, Counsel Routzong argued additional issues with the evidence log and chain of custody. As to the log, he argued that it did not comport with a proper chain of custody document because it did not contain a sufficient description of the substance or its container to distinguish it and that it did not contain assurances that the substance was delivered in substantially the same condition as when it was received. He relied upon templates provided in the South Carolina criminal procedure rules book to support his argument. He further argued that the gaps could be filled in but only with sufficient documentation such as the forms in the rule book. He also argued that he could not confront the missing members of the chain. R. 117, l. 17 – 121, l. 22.

Solicitor Bell argued the forms defense counsel relied on were suggestions and not required forms. Further, she stated that the chain, as established so far, began with Rogers seizing the package, then went to Lane who deposited the items into evidence and that defense counsel had ample opportunity to cross-examine the witnesses. The chain would be further established once Powell testified, and the state was prepared to offer into evidence the logs documenting the movement of the marijuana into evidence. Thus, the state had established a sufficient chain of custody. R. 121, l. 24 – 123, l. 21.

In reply, Counsel Routzong asserted that there were "clearly" some people in the chain who were not testifying. Further, Counsel Routzong argued that there was an unknown person in the chain, specifically the individual in the apartment complex office that Rogers initially delivered the parcel to. He argued that if the state could not produce that person, then the drugs should be suppressed, and the case dismissed. R. 123, l. 22 – 124, l. 15. Solicitor Bell asserted that Petitioner had been under surveillance the entire time, and when they arrested Petitioner, the parcel appeared to be in the same condition as when it was delivered. Thus, because there was no indication that the parcel had been altered during the amount of time it was in the apartment complex office that the unknown person argument was without merit. R. 124, l. 17 – 125, l. 6.

Quoting State v. Taylor, 360 S.C. 18, 598 S.E.2d 735 (Ct. App. 2004), Counsel Routzong argued that "[w]here the identity of persons handling the evidence is unknown, our courts have consistently held the evidence is inadmissible." Taylor at 23, 598 S.E.2d at 737. He adamantly maintained that because the state could not produce the individual from the apartment complex that the parcel was delivered to that the case should be dismissed. R. 125, l. 7 – 126, l. 1. In response, Solicitor Bell reversed course and argued that the chain of custody only began when law enforcement took custody of the evidence from the Petitioner. Prior to that, the state was not required to prove who handled the package. Solicitor Bell also argued that there was testimony that Petitioner had been under surveillance, that there was a very short time between delivery and pickup of the parcel, and that the parcel was "unscathed in any way." R. 126, ll. 2-19.

The trial judge ruled that Taylor did not apply under the circumstances of Petitioner's case because the chain of custody was designed to make sure evidence was not tampered with after it was seized from the defendant in a case, not whether it was tainted before it was given to a defendant. The judge ruled the state had to establish the chain of custody from the time the

marijuana was seized from the defendant's person through testing and that the case law applied once the evidence came into law enforcement's hands. Relying on case law that the state was not required to produce every person in a chain of custody, the trial judge overruled defense counsel's objection and motion to suppress the drugs and dismiss the case. R. 127, l. 2 – 129, l. 19.

Counsel Routzong renewed his objection to the sufficiency of the chain when the state moved the evidence logs and chain of custody documents into evidence, when the state recalled Officer Carter to the stand, and when the state moved the marijuana into evidence. R. 153, ll. 14-24; R. 159, l. 4 – 160, l. 20; R. 167, l. 22 – 168, l. 8. During the motion for a directed verdict, Counsel Routzong again referenced the insufficient chain of custody and argued that the case law stated the chain begins when the evidence is initially seized by law enforcement or had initial control over the evidence and that the initial control and seizure in Petitioner's case occurred when postal inspector Rogers opened the parcel pursuant to the search warrant. He argued that the state had a gap in the chain, namely the unknown office personnel who took initial delivery of the package, and that gap was fatal to their case. R. 184, l. 6 – 187, l. 21; R. 192, ll. 7 – 193, l. 20. The state asserted it had established a sufficient chain of custody and that defense counsel's argument went to the weight, not the admissibility, of the evidence. R. 187, l. 23 – 192, l. 6

The trial judge ultimately ruled that the case law did not address the circumstances where a parcel was delivered to a non-law enforcement person who was not cooperating with law enforcement in some capacity. In ruling, the trial judge stated that the case law did not support the requirement "that the intervening person to whom the package was delivered in this particular case to the office of the apartment complex, does not required that they have to come in and testify as to what happened to the package." Additionally, the judge found there was

testimony to support that the package and the contents did not appear to have been changed from the time that Rogers delivered it and that there was only a short period of time when the package was in the apartment complex office. The trial judge denied defense counsel's motion for the direct verdict and to dismiss the case. R. 197, l. 22 – 201, l. 24.

Discussion

The trial judge's ruling regarding the chain of custody was based on an error of law. The case law is clear that the chain of custody for evidence begins with law enforcement's initial seizure and interaction with the evidence. In Petitioner's case, the initial seizure of the evidence occurred when Rogers opened the parcel, removed three of the four packages of marijuana, and then resealed the parcel for the controlled delivery. The state was required to identify every person in that chain of custody from that point forward and it failed to do so when it could not identify the civilian that the parcel was initially delivered to at the apartment complex. That gap in the chain was fatal, and the narcotics should have been suppressed.

"A party offering into evidence fungible items such as drugs or blood samples must establish a chain of custody as far as practicable." State v. Taylor, 360 S.C. 18, 22–23, 598 S.E.2d 735, 737 (Ct. App. 2004) (internal citations omitted). "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).

The identity of the persons who handled the evidence must be established. 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). A complete chain of evidence, tracing possession from the

evidence's initial control to its final analysis, must be established as far as practicable. State v. Carter, 344 S.C. 419, 424, 544 S.E.2d 835, 837 (2001). A missing link in a chain of custody creates an issue of admissibility. Id.

"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." State v. Carter, 344 S.C. 419, 424, 544 S.E.2d 835, 837 (2001) (internal citations omitted). "On the other hand, where the identity of persons handling the specimen is established, we have found evidence regarding its care goes only to the weight of the specimen as credible evidence." Id. (internal citations omitted). "In other words, where there is a weak link in the chain of custody, as opposed to a missing link, the question is only one of credibility and not admissibility." Id. (internal citations omitted).

"Where the identity of persons handling the evidence is unknown, our courts have consistently held the evidence is inadmissible." Taylor, at 23, 598 S.E.2d at 737. In cases where the identity of a person handling the evidence was unknown "the party offering the [evidence] failed to trace the handling of the evidence from the time it was gathered until it was tested. As a result, the identity of the people who had control of the evidence and what was done with it during their possession was left to speculation." Taylor, at 24, 598 S.E.2d 735, 737

Admittedly, "each person who handled the evidence is not required to testify." State v. Sweet, 374 S.C. 1, 7, 647 S.E.2d 202, 206 (2007). When "other evidence establishes the identity of those who have handled the evidence and reasonably demonstrates the manner of handling of the evidence, our courts have been willing to fill gaps in the chain of custody due to an absent witness." Id. However, evidence is inadmissible under this rule when the offering party omitted

a link in the chain of possession by failing to establish the identity of each custodian at least as far as practicable. State v. Governor, 362 S.C. 609, 612, 608 S.E.2d 474, 475 (Ct.App.2005).

The state failed to prove a sufficient chain of custody during Petitioner's trial. The chain of custody began when Inspector Rogers intercepted the parcel and opened it subject to the federal search warrant that he had obtained. Rogers then removed three of the four packages of marijuana and left only one package in the parcel. From that point forward, the state was required to prove the chain of custody as far as practicable, which required proving the identity of all persons in the chain.

The uncontradicted testimony was that Rogers delivered the parcel to Petitioner's apartment complex office and left it with an unknown person for approximately ten minutes. The person who accepted the initial delivery of the parcel was never established. The fact that this person was a civilian uninvolved in the case, or that the package was only in their possession of a limited period, does not negate the fact that the state failed to even identify who they were. Further, the state did not even make a base effort to identify the person who accepted initial delivery of the parcel must less attempt to identify them "as far as practical." This left a gap, a missing link, in the chain of custody that under the established jurisprudence of this state was fatal to the prosecution of Petitioner. See State v. Carter and State v. Governor, *supra*.

Notably, there was no testimony as to what occurred to the three packages of marijuana that were not included in the controlled delivery. After Rogers removed those packages, it was not clarified what he did with them or how he secured them. However, it was uncontradicted that law enforcement officers had three of the four packages of marijuana from the parcel in their possession *prior to* the controlled delivery. This further establishes that the chain of custody began when Rogers opened the parcel and not when, as the judge ruled, the parcel was seized

from Petitioner. Even the solicitor initially admitted that the chain of custody started with Rogers and only began to backtrack when Counsel Routzong argued that the chain of custody failed because the state did not and could not identify who Rogers delivered the parcel to.

The Court of Appeals held 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). However, 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, Petitioner 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 Petitioner 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 Petitioner 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 shows that an unidentified person accepted the package from Rogers and held it for approximately ten minutes until Petitioner retrieved the package. 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).

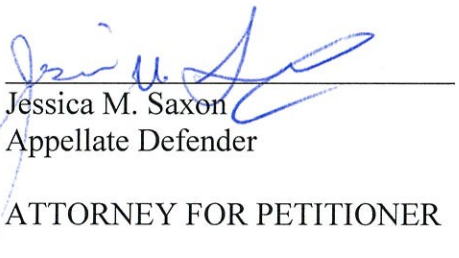
The state failed to establish a chain of custody as far as practicable. While every person who handled the evidence does not have to be hauled into court to testify, it was paramount that the state at least identify every person in the chain and identify how the evidence was handled and stored, from the time Rogers took possession of the parcel through testing. In Petitioner's case the State failed to trace the evidence from the time it was gathered until the time it was tested, and the jury was left to speculate as to who had control over the marijuana and what may have happened to it for ten minutes. The trial judge's ruling that the chain did not begin until

Petitioner was arrested was in error and allowed the state to circumvent the requirements of providing a complete chain of custody.

CONCLUSION

Based upon the foregoing, Petitioner respectfully requests that this Court grant the petition for writ of certiorari to the Court of Appeals to allow full briefing on the issue presented.

Respectfully Submitted,



Jessica M. Saxon
Appellate Defender

ATTORNEY FOR PETITIONER

This 27th day of January, 2026.