STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

Opinion No. 6126 (S.C. Ct. App. filed December 3, 2025)

Lower Court Case Nos. 2022-GS-32-00260A; 2022-GS-32-00261A;
2022-GS-32-00251A; 2022-GS-32-00250A

THE STATE,

RESPONDENT,

V.

JUSTIN TYLER ELLAREE HOPKINS,

PETITIONER

APPELLATE CASE NO. 2022-001567

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS

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CERTIFICATE OF COUNSEL

Counsel for petitioner certifies that the Petition for Rehearing was made and finally ruled on by the Court of Appeals on January 29, 2026.

QUESTIONS PRESENTED

I.

Did the Court of Appeals err in allowing law enforcement to use the existence of a search warrant for a residence to seize a car a mile from the location to be searched simply because a person vaguely fitting the description of a person of interest in their investigation leaves the residence before the search warrant is ready for execution?

II.

Whether the Court of Appeals erred in upholding a search warrant for the alleged residence of a suspect in a criminal investigation that lacked any statement of probable cause that the suspect actually resides in the place to be searched?

STATEMENT OF THE CASE

Petitioner Justin Tyler Hopkins was indicted for one count of burglary in the first degree and three counts of murder by a Lexington County grand jury on August 8, 2022. R. 848. He was tried before the Honorable Debra R. McCaslin and a jury on October 24-28, 2022. R. 1. At trial, petitioner was represented by David Mauldin and Sarah Mauldin. Samuel Hubbard, Suzanne Mayes, and Bruce Norton represented the state.

On December 17, 2019, unknown perpetrators entered an apartment in the Woodland Village apartment complex in Lexington County, shooting and killing two occupants and fatally wounding a third. R. 177, l. 19 – 170, l. 15. The only witness to the event, Donnovin Haynes, lived in the apartment. He was asleep when the shooting started and hid inside a bathroom closet upon waking to the gunshots. R. 218, ll. 1 – 12. Haynes did not see the assailants but believed he heard at least two unknown individuals inside the apartment. R. 223, l 5 – 224, l. 10.

The police focused on petitioner within a few days of the crime. An informant came forward with claims petitioner was attempting to sell a handgun of the caliber used in the crime. R. 828. Police obtained a photograph of petitioner, and at least one witness picked petitioner out of a photographic lineup as being in the area of the shooting when it happened.[1] R. 828.

The police secured a search warrant for apartment 27A at the Landmark Apartment complex rented to Maxie Jacobs, who was not connected in any way with the investigation. R. 543, ll. 12 – 16. Various officers were in place in the vicinity of the apartment complex before the search warrant was signed so they could execute the search. R. 42, ll. 8 - 22. While waiting on the signed search warrant, a vehicle of interest in the investigation, a white dually pickup truck, was observed dropping off an individual who went into apartment 27A. R. 62, l. 14 – 63,

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[1] This witness was not called at trial, but the photographic identification was used to help secure several search warrants, including those at issue in this appeal.

l. 13. Since the pickup truck was a vehicle of interest in the investigation, the police elected to "find a reason" to stop the vehicle. R. 63, ll. 1 - 5. At the time the white pickup truck was stopped, it was being driven by Jeremy Cornish, who was later charged with the same crimes as a co-defendant. R. 419, ll. 6 - 9.[2]

After the white pickup left the apartment complex, another car arrived and a person matching the vague physical description of petitioner left the apartment that was the subject of the search warrant and got into the rear passenger compartment of another car. R. 36, l. 5 – 37, l. 9. The police decided to stop the car as soon as it left the parking lot of the apartment without even the justification of a minor traffic infraction. R. 42, ll. 20-25. During the stop that followed, at least a mile from the place to be searched, two bags were seized and searched, discovering some shell casings and ammunition as well as clothing, including a white T-shirt. [3] R. 68, l. 8 – 72, l. 24.

Petitioner moved to suppress the t-shirt and other evidence seized during the traffic stop as a violation of his rights protected by the Fourth Amendment of the United States Constitution and his rights under the South Carolina Constitution. Petitioner also asserted the search of apartment 27A at the Landmark Apartment complex was defective since the affidavit failed to connect petitioner directly with the place to be searched. The trial judge denied the suppression motions. On October 28, 2022, the jury convicted petitioner of all four charges. Judge McCaslin

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[2] Co-defendant Cornish was tried just before petitioner and the evidence and witnesses at both trials closely matched. R. 48, ll. 9 – 21; 94, ll. 14 – 22; 104, ll. 8 – 14; 110, ll. 11 – 15; 339, ll. 11 – 15. Judge McCaslin also presided over the Cornish trial and made reference to her prior rulings in deciding some of the issues raised at petitioner's trial. R. 23, l. 10 – 24, l. 12; 109, ll. 2 -23; 120, ll. 18 – 25

[3] No firearm used in the crime was recovered. Two handguns seized from the bags during the traffic stop were not connected to the crime or introduced at trial. R. 68, l. 8 – 72, l. 24. The white T-shirt, however, contained DNA material from one of the victims and was introduced during trial.

sentenced petitioner to life imprisonment for each of the murder counts and eighteen years imprisonment for burglary, concurrent. R. 827, ll. 17 – 21.

On direct appeal, petitioner sought relief from the Court of Appeals arguing the trial court erred in failing to suppress the material seized from the unlawful traffic stop and the search of the apartment. On December 3, 2025, the Court of Appeals issued a published opinion denying relief. State v. Hopkins, 447 S.C. 240, 924 S.E.2d 883 (Ct. App. 2025), reh'g denied (Jan. 29, 2026).[4] The Court of Appeals ruled that the traffic stop was proper under Terry v. Ohio,[5] noting that the combination of securing a search warrant and seeing a person who fit petitioner's description entering the vehicle just before the search warrant was to be executed justified the stop of the vehicle. The Court of Appeals also ruled that the information contained in the warrant and supporting affidavit sufficiently connected petitioner with the place to be searched, *relying in part on testimony provided during trial.*

Petitioner sought rehearing, which was denied on January 29, 2026. This petition for certiorari follows.

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[4] A third issue was briefed and argued before the Court of Appeals regarding the validity of petitioner's DNA being seized and tested before law enforcement knew a suspect's DNA profile was available for comparison. The Court of Appeals disagreed and the ruling on this issue is not part of the present petition.

[5] 392 U.S. 1 (1968).

ARGUMENTS

I. The Court of Appeals erred in allowing law enforcement to use the existence of a search warrant for a residence to seize a car a mile from the location to be searched simply because a person vaguely fitting the description of a person of interest in their investigation leaves the residence before the search warrant is ready for execution.

A. The search warrant does not validate the stop.

The police had no authority to stop the car and the evidence seized should have been suppressed as fruit of the poisonous tree from the unlawful stop, detention, and search. R. 29, l. 11 – 31, l. 11. Specifically, defense counsel asserted that the police action permitted at the time of the stop was a search of petitioner's alleged residence under the terms of a search warrant and that the "geographical boundary" and the stop and seizure occurred too far from the area to be searched to justify the stop and detention under Bailey v. United States, 568 U.S. 186, 201 (2013). Since the authority utilized by law enforcement to stop the vehicle was derived from the search warrant for a specific apartment, and the stop of the unrelated car occurred over a mile away from that location, it was outside the geographic dimension which would have authorized law enforcement to forcibly stop the car, seize petitioner, and seize his property.

The facts of the present case are similar to the facts in Bailey. In Bailey, an individual fitting the description of the suspect was observed leaving the residence to be searched shortly before the execution of a search warrant and leaving the scene in a vehicle.[6] Police on scene waiting to execute the search then followed the vehicle away from the scene and pulled them over about a mile from the location to be searched, less than five minutes after they left the scene to be searched. Bailey, 568 U.S. at 190. While acknowledging the justification for detentions of

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6 The physical descriptions in the present case and in Bailey are also similar ("a heavy set black male with short hair" and a heavy set black male with light skin).

individuals in connection with the execution of a search warrant close to the scene, under the facts presented, the United States Supreme Court found the suspect "was detained at a point beyond any reasonable understanding of the immediate vicinity of the premises in question" and that a stop and detention one mile away from the scene to be searched and within five minutes of the suspect's leaving the scene to be searched was not permissible under the authority of a search warrant. Id. at 201.

The Supreme Court held that if "officers elect to defer the detention until the suspect or departing occupant leaves the immediate vicinity, the lawfulness of detention is controlled by other standards, including, of course, a brief stop for questioning based on reasonable suspicion under Terry or an arrest based on probable cause." Id. at 202.

The state in the present case offered several justifications for delaying stopping the car, including the desire to have a marked patrol car complete the stop due to officer safety concerns. R. 79, l. 18 – 80, l. 8. The trial court was particularly swayed by the concept of officer safety and the need to avoid destruction of evidence. As the trial court noted:

> I understand the argument that it appears from the testimony that the search warrant was going to be executed because it had been signed. This guy comes up, he's there ten minutes, he walks in with no bag and he's carrying bags out. So, you know, I can easily see destruction of evidence and anything else that crosses their mind and I also understand the safety issue of being in an unmarked car and it being late at night and – and they possibly could be armed and dangerous on three counts of murder. Perfectly reasonable to me. And then it says something about *Terry*, but the Courts seem to leave it open and it didn't say *Terry's* like your only aspect. In fact, the case that they sent it back to remand on they found that while they did a pretty good *Terry* stop, they kind of overreached their boundaries on arresting him.

R. 76, l. 1-16.

While the "added safety" of using a marked patrol car to execute the stop was compelling to the trial court may be a consideration when in close vicinity to the place to be searched, it may not serve as an excuse to detain those individuals not in the immediate vicinity of the physical location to be searched. The Supreme Court recognized that in closer cases (when "immediate" vicinity is a closer question) courts may "consider a number of factors to determine whether an occupant was detained within the immediate vicinity of the premises to be searched, including the lawful limits of the premises, *whether the occupant was within the line of sight of his dwelling*, the ease of reentry from the occupant's location, *and other relevant factors*. Bailey at 201 (emphasis added). As the stop here was almost identical to the Bailey stop in terms of geographic distance, the authority of the search warrant as a basis for the stop was improper and the trial court's reliance on the "other factors" of destruction of evidence and officer safety impermissibly extended the geographic reach of the search warrant to allow a seizure well beyond the "immediate vicinity." In effect, the trial court allowed the police to transform their search warrant into an arrest warrant to be executed well away from the premises to be searched in violation of Bailey.

B. The stop was not based upon reasonable suspicion of ongoing criminal activity of the occupants of the vehicle but was an improper extension of the geographic limit of the search warrant in contradiction to *Bailey*.

In upholding the validity of the initial traffic stop of a vehicle unconnected to the police investigation that was not based upon any traffic violation under Terry v. Ohio, 392 U.S. 1 (1968), the Court of Appeals noted "law enforcement had independent, reasonable suspicion to call for a uniformed officer to execute the traffic stop, and the fact that a magistrate found probable cause to believe the suspect's apartment contained evidence of these crimes was an

additional factor appropriate to the analysis." State v. Hopkins, 924 S.E.2d 883 at 892. The Court of Appeals also noted the concern regarding the potential destruction of evidence as a basis to complete a Terry stop. "In addition to all of this, law enforcement was concerned about the potential destruction of evidence—Hopkins exited his apartment that night with two bags, and a confidential informant had previously reported Hopkins' efforts to sell a 'hot' gun with '3 bodies on it.'" Id.

However, when the traffic stop occurred on December 21, 2019, the police had no reasonable suspicion *that the vehicle they pulled was connected to any crime that evening* and made the decision to stop the car regardless of the lack of any ongoing or suspected criminal activity by the occupants of the car. "[W]hile reasonable suspicion is not a high bar and 'is a less demanding standard than probable cause and requires a showing considerably less than preponderance of the evidence, the Fourth Amendment requires at least a minimal level of objective justification for making the stop.' This inquiry involves the totality of the circumstances, and '[c]ourts must give due weight to common sense judgments reached by officers in light of their experience and training.'" State v. Frasier, 437 S.C. 625, 635, 879 S.E.2d 762, 767 (2022).

At its heart, the Terry exception is designed to deter and prevent ongoing criminal activity, not to pull vehicles over in order to search bags that may be inside the car. Prior to the stop, officer Johnathan Brock observed someone of the "proper" height (short) and "weight" (heavy) leave the apartment to be searched under a facially invalid search warrant for Apartment 27A and get into the unrelated car's rear compartment. R. 35, l. 12 – 36, l. 22. While Brock was aware a search warrant had been issued, and this Court focuses on the probable cause claims contained in the search warrant application as generally known to law enforcement, that warrant

was not ready for execution at the time Brock observed this individual. R. 37, ll. 10-21. Brock also admitted the lighting was poor, and he was unable to properly see the individual beyond generic height and weight. R. 36, l. 5 – 37, l. 9. While police had a reasonable suspicion that petitioner was connected to the earlier crime, *the police did not have a reasonable suspicion of criminal activity surrounding the vehicle in question* and elected to stop and seize the car solely because someone who may have been petitioner was seen leaving the location to be searched and getting in the back seat of the car carrying "kind of like bags." This should be contrasted to the approach to stopping the vehicle of interest that same night driven by co-defendant Cornish, as officers used a minor traffic violation to justify the initial stop of that vehicle. R. 418, ll. 19 – 25. Absent a similar pretextual traffic violation, the stop here was conducted based solely upon the existence of the search warrant and not any reasonable suspicion of *ongoing criminal activity* envisioned under Terry v. Ohio, 392 U.S. 1 (1968).

The "fear" of destruction of evidence would not justify a Terry stop as that exception to the 4th Amendment is itself, like Terry, an exception to the warrant requirement. Therefore, even if an "exigent circumstance" of "imminent destruction of evidence" could justify police action when someone drives away from a place to be searched, no such exigent circumstances existed in this case *as there was no ongoing criminal activity or public emergency* that would fall within the typical exigent circumstance fact pattern. The limitation of this lack of emergency is mirrored in Bailey:

> The need to prevent flight, however, if unbounded, might be used to argue for detention of any regular occupant regardless of his or her location at the time of the search, e.g., detaining a suspect 10 miles away, ready to board a plane. Even if the detention of a former occupant away from the premises could facilitate a later arrest if incriminating evidence is discovered, "the mere fact that law enforcement may be made more efficient can never by itself

> justify disregard of the Fourth Amendment." Mincey v. Arizona, 437 U.S. 385, 393, 98 S. Ct. 2408, 57 L.Ed.2d 290.

Bailey, 568 U.S. at 199.

The Court of Appeals' opinion correctly noted the initial stop and seizure here unlawfully extended the reach of the search warrant under Bailey v. United States, 568 U.S. 186 (2013). However, in justifying the improper seizure of the automobile, the Court of Appeals incorrectly found justification as an investigatory stop under Terry v. Ohio, 392 U.S. 1 (1968). The improper stopping of the vehicle in which petitioner was a passenger and the subsequent search and seizure of the two bags inside the vehicle was unlawful and may not be cured by the end result. Simply put, "[i]n law, the ends do not justify the means." State v. Frasier, 437 S.C. 625, 637, 879 S.E.2d 762, 768 (2022) (*quoting* State v. Adams, 409 S.C. 641, 763 S.E.2d 341 (2014)). The Court of Appeals erred in finding that the observations of a person fitting the general description of a suspect in an ongoing criminal investigation leaving a place to be searched under a search warrant justifies a Terry stop of a vehicle over a mile away from the location to be searched. Allowing a Terry stop of a vehicle because a passenger resembles a suspect in an already completed crime that police are investigating would so impermissibly expand the concept of "ongoing criminal activity" as to make such phrase meaningless. It would improperly expand the already generous authority law enforcement has in stopping vehicles for non-criminal offenses.

"An exception to the Fourth Amendment rule prohibiting detention absent probable cause must not diverge from its purpose and rationale." Bailey, 568 U.S. at 194. Terry is an exception to the Fourth Amendment to allow law enforcement the opportunity to stop persons who create "reasonable suspicion" of ongoing criminal activity to allow intervention before a crime occurs. The expansion of Terry to allow "investigative stops" of vehicles because an occupant may be a

person of interest in a completed crime diverges from the exceptions purpose and rationale. Moreover, the South Carolina Constitution, with an express right to privacy provision included in the article prohibiting unreasonable searches and seizures, favors an interpretation offering a higher level of privacy protection than the Fourth Amendment." State v. Forrester, 343 S.C. 637, 645, 541 S.E.2d 837, 841 (2001). "[T]he federal Constitution sets the floor for individual rights while the state constitution establishes the ceiling." Id. at 647, 541 S.E.2d at 842. Thus, "[t]he focus in the state constitution is on whether the invasion of privacy is reasonable, regardless of the person's expectation of privacy" in the place searched. State v. Weaver, 374 S.C. 313, 322, 649 S.E.2d 479, 483 (2007). "By articulating a specific prohibition against 'unreasonable invasions of privacy,' the people of South Carolina have indicated that searches and seizures that do not offend the federal Constitution may still offend the South Carolina Constitution." Id.

Here, the action of law enforcement in ignoring the geographic restrictions of their search warrant to stop the car in which petitioner was a passenger was a violation of both the United States Constitution and South Carolina's Constitution. This Court should grant the petition and review the decision of the Court of Appeals allowing an expanded Terry stop of a vehicle, unrelated to a traffic offense, to swallow the rule.

II. The Court of Appeals erred in upholding a search warrant for the alleged residence of a suspect in a criminal investigation that lacked any statement of probable cause that the suspect actually resides in the place to be searched.

As to whether the search warrant for the Apartment 27A was supported by probable cause that petitioner actually resided in (or was in some other way connected with) the place to be searched, the Court of Appeals applied facts and information developed during trial in finding probable cause and failed to acknowledge the defect in the search warrant at issue concerning the

connection between petitioner and the place to be searched as presented to the magistrate in 2019. Much of the opinion from the Court of Appeals pulls from information presented to the jury during trial. Petitioner does not contest that the evidence *presented during trial* established a connection between petitioner and Apartment 27A of the Landmark Apartment complex. However, testimony provided during trial (in this case in October of 2022) does not alter the information before the magistrate when the search warrant was originally approved in December of 2019. The probable cause portion of the search warrant established the basis for suspicion of petitioner being involved in the crime, with some reference to his phone number being listed with Landmark Apartments. R. 830 – 831. The search warrant, despite acknowledging being in touch with the Landmark Apartment complex to confirm the phone number was consistent with petitioner's cellular phone, did not inform the magistrate of who leased apartment 27A (Maxie Jacobs) or what connection, if any, petitioner had with apartment 27A.

The Court of Appeals noted that "Sergeant Burt explained that Hopkins had been positively identified as the individual getting into the white dually truck on the day of the murders and that an LCSD officer who lived at the Landmark Apartments as a courtesy officer was able to confirm Hopkins lived in apartment 27A." State v. Hopkins, 924 S.E.2d at 894. Certainly, *during the suppression hearing on the first day of trial*, Burke claimed Investigator Zylstra was a courtesy officer at Landmark and confirmed that petitioner resided in Apartment 27A. R. 61, l. 23 – 62, l. 4. Had that information provided by Burke in October of 2022 been provided to the magistrate in December of 2019, then probable cause would have been established that Petitioner did in fact have a connection with Apartment 27A. However, there is no testimony or evidence in the Record that information was ever relayed or provided to the magistrate. The Court of Appeals also noted that "the property manager confirmed Hopkins had

been living in 27A and that he had recently completed the paperwork to assume his half-brother's lease." State v. Hopkins, 924 S.E.2d at 894. This information was presented during trial and does not appear in the search warrant itself. *Compare* R. 543, l. 12 – 545, l. 23 *with* R. 830 – 831. The Court of Appeals also noted the "night before the search, LCSD again confirmed this information with the Landmark office." Id. Again, none of this information was presented to the magistrate in December of 2019. R. 830 - 831. Rather, it was information developed at trial years after the search warrant was executed. Probable cause is not determined by what is developed over the course of an investigation and then presented years later at trial, but what is presented to the magistrate at the time the search warrant is signed. Here, the information provided to the magistrate failed in a crucial step: connecting petition with the specific apartment to be searched.

In determining the validity of a search warrant, "the crucial element is not whether the target of the search is suspected of a crime, but whether it is reasonable to believe that the items to be seized will be found in the place to be searched." State v. Thompson, 419 S.C. 250, 256–57, 797 S.E.2d 716, 719 (2017) (*quoting* Zurcher v. Stanford Daily, 436 U.S. 547, 556 (1978) (emphasis supplied). Thus, under the "totality of the circumstances set forth in the affidavit" is there "a fair probability that evidence of a crime will be found in the particular place to be searched." Thompson, 419 S.C. at 256–57, 797 S.E.2d at 719. In the present case, the state completely omitted information connecting petitioner to a specific residence within the apartment complex (specifically to Apartment 27A) that would justify a search warrant against that apartment number (27A) versus any other apartment within the entire Landmark Apartment complex. Since the supporting affidavit was void of any connection between petitioner and the specific apartment number to be searched, the Court of Appeals erred in finding sufficient details

presented at trial filled in the requisite information for the magistrate. The Court of Appeals erred in finding the existence of probable cause supporting the search of Apartment 27A.

While the Court of Appeals did not touch upon the state's asserted good faith reliance on the invalid search warrant since it incorrectly found the search warrant was not defective, good faith would not excuse the complete lack of any connection between the probable cause claims in the search warrant and a specific address to be search – here Apartment 27A. An apartment complex contains individual residences with rights of privacy protected from warrantless intrusions. A search warrant allowing a search of a "home" on a residential street without unique identification such as a street number or distinguishing characteristic would be facially invalid and "good faith" that officers happened to search the correct home would not survive constitutional challenge.

"When police officers 'act with an objectively 'reasonable good-faith belief' that their conduct is lawful,' trial courts will not exclude evidence seized as a result of that conduct, even though it later turns out the conduct violated the constitution." State v. Carter, 445 S.C. 157, 162, 912 S.E.2d 264, 267 (2025). However, our courts have been reluctant to use "good faith" to excuse improper compliance with the warrant requirement absent exigent circumstances like those present in Carter. For example, "the good faith exception is not available, where, as here, the warrant issued is based on a search-warrant affidavit of the officer which contained representations known to be false." State v. Robinson, 415 S.C. 600, 609, 785 S.E.2d 355, 359–60 (2016).

There is no viable excuse in the record for law enforcement's failure to disclose information regarding who leased Apartment 27A to the magistrate for consideration. Since that was not the petitioner, the omission is telling. At the time the search warrant affidavit was

signed, law enforcement knew, or should have known, the lease holder on Apartment 27A was not petitioner but one Maxie Jacobs. Despite this knowledge, authorities made no effort to close the loop for the magistrate and explain petitioner's connection to Jacobs or Apartment 27A.[7]

Contrasting Robinson with State v. Herring, 387 S.C. 201, 692 S.E.2d 490 (2009) is instructive. In Herring, this Court found a good faith exception due to the time and problems associated with an active shooting investigation and that "officers made a good faith attempt to comply with the affidavit procedures. . ." Id. at 215, 692 S.E.2d at 497. Here, investigators were under no pressure associated with an active shooting investigation as the shootings here occurred almost a week before. There were no exigent circumstances demanding action that excuse the requirement that the search warrant inform the magistrate of the connection to the place to be searched and the investigation. The present affidavit does not make that connection and good faith should not excuse such a failure absent the exigent circumstances seen in other cases that have relied upon good faith to avoid the impact of a defective (or absent) search warrant. Thus, good faith does not serve to save a defective on its face warrant. *See* State v. Covert, 382 S.C. 205, 209–10, 675 S.E.2d 740, 743 (2009) ("Here, we do not reach the question whether there exists a good faith exception to the statute where a defective warrant is issued, since under South Carolina law an unsigned warrant is not a warrant and is not capable of being issued within the meaning of § 17–13–140.").

Here, the supporting affidavit completely omitted any connection between the place to be searched (Apartment 27A) and the probable cause assertions. On its face, the search warrant

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[7] That petitioner could have been connected to Apartment 27A before the search warrant was issued was established at trial though the testimony of Kim Herlong. R, 543, l. 12 – 545, l. 23. The Court of Appeals improperly cited to this information as supporting probable cause.

lacks sufficient detail connecting the location to be searched and the probable cause assertions, making good faith reliance inapplicable.

This Court should grant the petition and clarify the proper evaluation of the validity of a search warrant is based upon facts known by the magistrate who issued the warrant and not the facts developed and presented during trial and the suppression hearing. The Court of Appeals erred in failing to require the search warrant to connect the place to be searched in some manner to the crime. In this case, that place was Apartment 27A and the connection required some information that petitioner resided or was in some way connected to that specific Apartment rather than the Apartment complex generally.

CONCLUSION

For the foregoing reasons, petitioner requests that this Court grant the petition and review the opinion of the Court of Appeals which erroneously extended the geographic scope of a search warrant and improperly expanded the scope of information examined on appeal in reviewing the validity of a search warrant to testimony presented years after the warrant was issued and executed.

Respectfully Submitted,

Gary H Johnson
Appellate Defender

ATTORNEY FOR PETITIONER

This 2nd day of March, 2026.

RECEIVED
Mar 02 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Certiorari to Lexington County

Honorable Debra R. McCaslin, Circuit Court Judge

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THE STATE,

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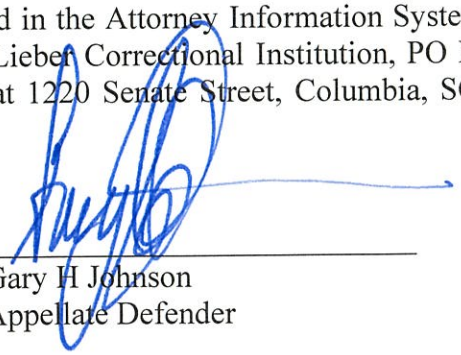
JUSTIN TYLER ELLAREE HOPKINS,

PETITIONER

APPELLATE CASE NO. 2022-001567

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 in this case have been served on Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Justin Tyler Ellaree Hopkins, #389389, at Lieber Correctional Institution, PO Box 205, Ridgeville, SC 29472; and the Court of Appeals, at 1220 Senate Street, Columbia, SC 29201, this 2nd day of March, 2026.



Gary H Johnson
Appellate Defender

ATTORNEY FOR PETITIONER

Leverett, Scott

From: Leverett, Scott
Sent: Monday, March 2, 2026 4:44 PM
To: Melody Brown
Cc: 'abennett@scag.gov'; Johnson, Gary
Subject: 2022-001567 - State v. Justin Hopkins - Petition for Writ of Certiorari to the Court of Appeals
Attachments: 2022-001567 - State v. Justin Hopkins - Petition for Writ of Certiorari to the Court of Appeals.pdf

Dear Ms. Brown,

Attached please find a copy of the petition for writ of certiorari to the Court of Appeals in the above referenced case that is being filed today with the Supreme Court and the Court of Appeals.

-Scott Leverett
Admin. Asst. for Gary Johnson
Appellate Defense