

RECEIVED

Apr 01 2026

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to the Court of Appeals
Appeal from Lexington County
The Honorable Debra R. McCaslin, Circuit Court Judge
Appellate Case No. 2022-001567

THE STATE,

RESPONDENT,

v.

JUSTIN TYLER ELLAREE HOPKINS,

PETITIONER

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

**RETURN TO PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS**

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

S.R. HUBBARD III
Solicitor, Eleventh Judicial Circuit

TOMMY EVANS, JR.
Assistant Attorney General
S.C. Bar No. 65282

Office of the Attorney General
P.O. Box 11549
Columbia, South Carolina 29211-1549
Telephone No.: (803) 734-6305

ATTORNEYS FOR THE RESPONDENT

TABLE OF CONTENTS

PETITIONER’S QUESTIONS PRESENTED.....2

RESPONDENT’S COUNTER STATEMENTS TO QUESTIONS PRESENTED.....3

STATEMENT OF THE CASE.....4

WHY CERTIORARI SHOULD BE DENIED.....6

STATEMENT OF THE FACTS.....8

ARGUMENTS

1. The Court of Appeals was correct in finding that there was sufficient reasonable suspicion and there were exigent circumstances for law enforcement to make a warrantless stop of a vehicle where the Petitioner was a passenger.....13

2. The Court of Appeals was correct in their determination that there was sufficient evidence on the search warrant revealing the apartment to be searched, and evidence was revealed that the Petitioner resided in the apartment, and that evidence of the crime would be found in that apartment17

CONCLUSION.....19

PETITIONER'S QUESTIONS PRESENTED

1. 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?
2. 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?

RESPONDENT'S COUNTER STATEMENT TO QUESTIONS PRESENTED

1. Did the Court of Appeals err in finding that there was reasonable suspicion for the stop of the Petitioner as a passenger in a vehicle since a search warrant was obtained by law enforcement for his residence, and by him leaving with two bags, there was a possibility of a destruction of evidence which presents an exigent circumstance for the warrantless stop?
2. Did the Court of Appeals err in finding that the search warrant was valid since probable cause was presented within the warrant revealing that evidence of the crime would be found within that apartment, and evidence was presented revealing Petitioner did reside within that residence?

STATEMENT OF THE CASE

On August 8, 2022, Justin Tyler Ellaree Hopkins (Petitioner) was indicted by the Lexington County Grand Jury for the three counts of murder and burglary in the first degree (burglary 1st). (R. pp. 848 – 855).

On October 24, 2022, Petitioner appeared before the Honorable Debra R. McCaslin for a trial before a jury of his peers. Representing Petitioner were attorneys David and Sarah Mauldin. Representing the State of South Carolina was Solicitor, Samuel R. Hubbard, III, Deputy Solicitor, Suzanne Mayes, and Assistant Solicitor, Bruce Norton of the Eleventh Circuit Solicitor’s Office.

After five days of testimony, Petitioner was found guilty by a jury of his peers for each count of murder, and burglary 1st (R. p. 823 l. 24 – p. 824 l. 7). After the reading of the verdict, Petitioner appeared before the trial judge for sentencing. The trial judge proceeded to sentence Petitioner to a period of incarceration for the remainder of his natural life for each count of murder, and eighteen years of incarceration for burglary 1st. (R. p. 827 l. 17-21). While serving his sentence, Petitioner filed a timely notice of appeal before the South Carolina Court of Appeals.

On December 3, 2025, the Court of Appeals filed a published opinion affirming the decision of the trial court. *State v. Hopkins*, 447 S.C. 240, 924 S.E.2d 883 (2025). In this case Judges McDonald, Konduros, and Vinson decided that the trial court did not err in deciding that law enforcement was justified in stopping a vehicle the Petitioner was a passenger, due to sufficient probable cause and the existence of exigent circumstances. The Court of Appeals also found that the warrant obtained for Petitioner’s DNA was lawful¹, and sufficient probable cause existed for the search warrant for the search of the Petitioner’s residence.

¹ The DNA issue has not been presented as part of this Petition for writ of Certiorari.

Petitioner now files this petition for writ of certiorari. Petitioner argues that the Court of Appeals erred in affirming the decision of the trial judge. The Respondent will argue that the Petitioner has failed to reveal how the Court of Appeals erred in deciding that it was lawful for law enforcement to stop the vehicle where the Petitioner was a passenger when there was a search warrant signed by a magistrate, and Petitioner was found leaving the apartment with two bags possibility to destroy evidence. Petitioner has also failed to show that the Court of Appeals erred in finding that the search warrant for the Petitioner's apartment did not have sufficient probable cause, and that Petitioner did not reside in the Apartment that was searched. Respondent would respectfully request this Court dismiss this petition.

WHY CERTIORARI SHOULD BE DENIED

The Supreme Court reviews the Court of Appeals by writ of certiorari only where special reasons to justify the exercise of that power. *Douglas v. State*, 369 S.C. 213, 216, 631 S.E.2d 542, 544 (2000). Pursuant to Rule 242 of the South Carolina Rules of the Appellate Court, “a writ of certiorari is not a matter of right, but of sound judicial discretion and will be granted only where there are special and important reasons. The following, while neither controlling nor fully measuring the Supreme Court’s discretion or power to grant review in general, indicates the character of reasons which will be considered:

1. Where there are novel questions of law;
2. Where there is a dissent in the decision of the Court of Appeals;
3. Where the decision of the Court of Appeals is in conflict with a prior decision of the Supreme Court;
4. Where substantial constitutional issues are directly involved;
5. Where a federal question is included and the decision of the Court of Appeals conflicts with a decision of the United States Supreme Court

Rule 242, SCACR

In reviewing these criteria none applies to the present case. The Court of Appeals properly and unanimously affirmed the decision of the trial court. There have been numerous South Carolina Supreme Court decisions relating to search warrants and the probable cause needed to make them valid. So this is not a novel question of law.

The Constitutional question regarding the 4th Amendment was properly addressed by the Court of Appeals. This decision was not in conflict with any prior decision made by this court; there was no federal question included within the Court of Appeals opinion that conflicted with a

prior opinion made by the United States Supreme Court; and the decision was unanimous. The Court of Appeals decision was lawful, so their opinion should not be subject to review.

STATEMENT OF FACTS

On December 17, 2009, during the early morning hours, Duwan Williams, Sheldon Livingston, Branton Booker and Donnovin Haynes were asleep in their apartment in Lexington County, South Carolina. (R. p. 211 l. 18-20; p. 213 l. 11-13; l. 12-22). There was a knock on the door and Mr. Booker answered. Once he answered he was immediately shot in the chest and right shoulder by either the Petitioner or his co-defendant. As they gained entry they found Mr. Williams laying on the couch, he was shot four times. Either the Petitioner or his co-defendant proceeded to the bedroom of Mr. Livingston where he was shot twelve times. After the shootings, both defendants ransacked the apartment in search of for money, guns, and drugs. In the master bedroom was Mr. Haynes, who woke up due to the gunfire. (R. p. 218 l. 1-6). Mr. Haynes went into the bathroom and hid inside a closet. (R. p. 218 l. 9-10).

While hiding Petitioner kicked in the bedroom door and began looking for items. (R. p. 220 l. 4-7). Petitioner then kicked in the door of the bathroom and attempted to forcibly open the door of the closet where Mr. Haynes hid. (R. p. 220 l. 4-7). Mr. Haynes leaned up against the door fighting Petitioner's attempts to gain entry. Petitioner's co-defendant then yelled, "Here it is, I found it." (R. p. 223 l. 8-12). That is when both defendants left the apartment. Mr. Haynes waited a minute before exiting the closet, he saw Mr. Booker lying in the hallway under a mound of clothes. Mr. Haynes then crawled out of the bedroom window, and ran upstairs to call 911. (R. p. 218 l. 5-7).

The first person to respond was Deputy Scott Purdy of the Lexington County Sheriff's Department. When Deputy Purdy arrived, he saw Mr. Haynes standing outside the apartment in pajama pants, no shoes, and no shirt in the December cold. (R. p. 156 l. 21-24). Arriving next was Deputy Barber. When they got to the apartment the door was locked, so they kicked it in. As they

walked inside they saw that there was blood all over the entryway. (R. p. 162 l. 7-10). They walked into the living room and saw Mr. Williams wrapped in blankets struggling to breathe after losing a good amount of blood. (R. p. 163 l. 7-16). The officers walked through the apartment and saw all the clothes from the closets dumped on the floor. They walked into a bedroom and saw a body near the bathroom, they then realized there was also a body under the clothes. (R. p. 164 l. 8-20).

When Detective John Donnelly also of the Lexington Sheriff's Department arrived he saw Mr. Williams was still alive, so he attempted to get a statement. Detective Donnelly asked Mr. Williams if he saw who did this, Mr. Williams could only answer that he was asleep. (R. p. 198 l. 21-24). Both Mr. Livingston and Mr. Booker were determined to be dead at the scene; Mr. Williams was later pronounced dead at the hospital.

After the incident law enforcement was informed by Dale Galloway that he saw a person fitting the Petitioner's description fleeing the incident location. Two other people Christy and Hansen Meneses informed law enforcement they saw someone fitting the Petitioner's description riding a bicycle in the area, that person then got into a white dually pickup and they drove off. Dr. Sabah Kahdim a nearby resident, informed police that his bicycle was stolen. He later identified the bicycle being ridden by the Petitioner as his stolen bicycle (R. p. 349 l. 12-14).

Law enforcement subsequently got information from Taquiem Ketter that the Petitioner was a possible suspect (R. p. 842). Another person, Jamel Patrick, a former roommate of the Petitioner informed law enforcement that Petitioner told him personally that he committed this homicide (R. p. 842).

Later a confidential informant (CI) came to law enforcement and provided information that a 9mm Glock 26 was being sold (R. p. 836). This gun was being sold at a discounted price because it was "hot" and it had "3 bodies" on it . (R. p. 837). The CI told them that the person selling the

gun was a heavy-set black male with a beard named Justin or “Justo” who lived in the Landmark Apartments (R. p. 842). Through this information, social media, and Landmark Apartment records, the Petitioner became a person of interest regarding this crime. Law enforcement later set up a call with the CI and the Petitioner. As law enforcement officers were listening in, the CI called the Petitioner who confirmed that he was selling a Glock handgun for \$380.00 (R. p. 837). They got a photograph of the Petitioner who was positively identified by Mr. Galloway as the person he saw leaving the incident location soon after the incident. (R. p. 842).

With this information Sheriff deputies went to a magistrate to secure a search warrant of the Petitioner’s residence. While attempting to secure this warrant, Detective James Pratt was asked to do surveillance of Apartment 27-A at the Landmark Apartments, where the Petitioner resided. (R. p. 409 l. 23-24). He sat in his unmarked car in the Apartment complex parking lot making sure the apartment was not disturbed and to observe who was going in and out. (R. p. 410 l. 20-23). While Detective Pratt was observing the apartment he saw an identical white dually pickup that was seen leaving the crime scene. (R. p. 414 l. 18-19). Detective Pratt then saw someone matching the description of the Petitioner get out of the truck and walk into apartment 27-A. (R. p. 414 l. 20-22). Detective Pratt notified his supervisor and, (R. p. 416 l. 12-15) he was told to follow that truck, he did, and observed that the license plate lights were out. Detective Pratt waited until they were far enough down the road not to tip off the Petitioner, and he pulled over the white pickup. (R. p. 417 l. 1-5).

While Detective Pratt was pursuing the co-defendant, Lieutenant Jonathan Brock was asked to replace Detective Pratt and continue surveillance. After Lieutenant Brock arrived, he saw a car pull up. Someone matching the Petitioner’s description walked out with two bags, one in each hand. That person got into the back seat of the vehicle. When the car was leaving the complex

Lieutenant Brock radioed for a marked police vehicle to conduct a traffic stop. (R. p. 438 l. 7-11). Lieutenant Brock thought getting a marked police unit would make it safer to make the traffic stop. (R. p. 439 l. 15-20).

Once the stop was made they found the Petitioner in the back seat with the two bags between his legs. (R. p. 448 l. 5). Lieutenant Brock had to get into the back seat with Petitioner because he was not following instructions. (R. p. 447 l. 19; p. 448 l. 5-6). The Petitioner then exited the car and was placed in handcuffs. (R. p. 450 l. 1-2). The Petitioner was then arrested for unlawful possession of a weapon because they found two guns and heroin. (R. p. 75 l. 1-4).

The bags were photographed inside the car and collected. (R. p. 470 l. 19-20). Law enforcement took the bags to headquarters, and obtained a search warrant in order to search these bags. (R. p. 470 l. 23-24). Inside the bags, law enforcement found two white tee-shirts, Petitioner's wallet with his ID, two .38 caliber shell casings, three unfired .38 caliber rounds, and a 9mm brass colored bullet. (R. p. 472 l. 2-6, 7-11; p. 481 l. 4-10).

On December 21, 2019, after acquiring a lawful search warrant a search was executed at the Petitioner's residence. When they attempted to try the master key it appeared the locks had been changed without the permission of the Apartment manager. Since the Apartment manager did not have a key, law enforcement had to break down the door. (R. p. 554 l. 7-11). Once inside officers found a black cell phone, black iPhone, a white and red shirt, a pair of jeans, two pairs of work boots, and a door mat. (R. p. 829).

During the trial, Lexington County Sheriff's Department crime scene investigator Patrick Ward testified. Investigator Ward stated that he found 9mm cartridge casings in the living room, and bedroom. (R. p. 251 l. 19 -21; p. 260 l. 23 – p. 261 l. 1). Agent Ward also testified that the door to the master bedroom was kicked in. The frame and door were damaged and there were visible

footwear tread impressions on the exterior side of the master bedroom door. (R. p. 262 l. 20-23). In Agent Ward's opinion, the foot pattern on the master bedroom door was an aggressive tread pattern consistent with more of a boot than a tennis shoe. (R. p. 283 l. 1-3).

Agent James Green of the South Carolina Law Enforcement Division (SLED) also testified. Agent Green was accepted as an expert in the field of firearms identification. (R. p. 637 l. 20-24). Agent Green testified that the thirteen 9mm shell casings found at the scene were fired by the same gun. (R. p. 640 l. 19-24) Agent Green also testified that the .38 caliber rounds that were found in the Petitioner's bag were also fired by the same gun. (R. p. 649 l. 2; p. 649 l. 25). The fired bullets that were recovered at the scene were from a .38 special or .357 magnum, each round had a similar rifling. (R. p. 651 l. 7-14). Agent Green stated that looking at the projectiles from the scene and from the autopsy, there were at least two separate firearms used. (R. p. 656 l. 22-24).

Testifying during the trial was also SLED Agent Melinda Worley. Agent Worley was accepted as an expert in the field of footwear impression examination and identification. (R. p. 591 l. 4-9). Agent Worley testified that she received three pairs of boots. (R. p. 594 l. 13). There were two that were size ten and a half, and one size twelve. (R. p. 594 l. 17-18). Agent Worley stated that the ten and a half's that were found at the Landmark Apartments were excluded because they were too small and the tread wear on the bottom was too drastic. (R. p. 595 l. 20-25; p. 596 l. 23 – p. 597 l. 1). Agent Worley testified that the size 12 boot impression corresponded in combined class characteristics, wear pattern and some random identifying characteristics as the impression found at the crime scene. (R. p. 600 l. 10-12). She also testified that the size twelve boots were consistent in size to the impression left at the crime scene. (R. p. 600 l. 20-25).

SLED Agent Samuel Allen Stewart also testified. Agent Stewart was accepted as an expert in DNA analysis. (R. p. 696 l. 12-16). DNA inside the boots that were found in Appellant's apartment matched the Appellant. These were the identical boots that left the imprint on the master bedroom door. Agent Stewart also testified that the blood found on one of the tee-shirts found in the bag Petitioner possessed matched victim Duwan Williams. (R. p. 713 l. 16-20). Agent Stewart stated that there were DNA samples for ownership of the tee-shirt that were taken from the underarm and the collar. (R. p. 715 l. 2-3). The number one-contributor of this ownership DNA was the Petitioner. (R. p. 715 l. 15-16).

ARGUMENTS

1. The Court of Appeals was correct in finding that there exist sufficient reasonable suspicion and there were exigent circumstances for law enforcement was to make a warrantless stop of a vehicle where the Petitioner was a passenger.

While law enforcement was attempting to obtain a search warrant for the Petitioner's residence Detective James Pratt was at the apartment complex conducting surveillance. While in the parking lot he observed a white truck matching the one eyewitness saw near the crime scene pull up near the apartment of the Petitioner. Someone matching the Petitioner's description got out of the truck and walked into the apartment. Detective Pratt left the parking lot to follow the white truck. (R. p. 414 l. 18-23). Lieutenant Jonathan Brock took over the surveillance. Lieutenant Brock saw a person matching the description of the Petitioner coming out of the Apartment carrying two bags and he got into a vehicle. (R. p. 36 l. 3-12). At that time Lieutenant Brock radioed for a marked car to stop the car the Petitioner was riding in. Lieutenant Brock thought it would be safer than him stopping them in his unmarked vehicle. They were stopped by a marked car from the Lexington County Sheriff's Office about a mile from the complex.

During pre-trial the Petitioner moved to suppress the items found in his possession after the stop. Petitioner argued that law enforcement did not have probable cause to stop the vehicle. Petitioner argued, as he is doing in this petition, that *Bailey v. U.S.* 568 U.S. 186, 133 S.Ct. 1031 (2013) did not allow this stop. The Respondent argues that *Bailey* does not apply. The Court of Appeals agreed with the Respondent's position.

The Petitioner argues that this stop was unlawful due to the distance between the location to be searched and the actual stop. The Petitioner relies on the United States Supreme Court case of *Bailey v. United States*. In *Bailey* law enforcement followed the Petitioner for a mile after they already had secured a search warrant. The United States Supreme Court ruled that although the *Summers*² rule allows officers executing a search warrant to detain the occupants of the premises, this is spatially constrained and limited to the immediate vicinity of the premises to be searched. *Bailey v. United States*, 133 S.Ct. 1031, 185 L.Ed.2d 19 (2013). It is the opinion of the Respondent that neither *Bailey* nor *Summers* applies. This is due to the fact when the officer observed the Petitioner leaving his apartment carrying two bags, this was sufficient for the officer to believe that the Petitioner was in the midst of destroying evidence. If law enforcement believes that a person is going to destroy evidence this is an exigent circumstance, this allows them to conduct a warrantless stop and search.

When a warrantless search falls within one of the well-established exceptions to the Fourth Amendment warrant requirement, the search will survive constitutional scrutiny. *State v. Dobbins*, 420 S.C. 583, 591, 803 S.E.2d 876, 880 (2017). The exigent circumstances doctrine provides an exception to the Fourth Amendment(s) protections against warrantless searches, but only where

² For Fourth Amendment purposes, a warrant to search for contraband found on probable cause implicitly carries with it the limited authority to detain the occupants of the premises while a proper search is conducted. *Michigan v. Summers*, 452 U.S. 692, 101 S.Ct. 2587 (1981).

from an objective standard, a compelling need for official action and no time to secure a warrant exists. *State v. Abdullah*, 357 S.C. 344, 351, 592 S.E.2d 344, 348 (Ct. App. 2004).

At the time law enforcement saw the Petitioner leaving his apartment with possible evidence they had every right to stop him, because exigent circumstances existed. There was a possibility that Petitioner was going to destroy evidence. This created an exigency not created by law enforcement.

In the United Supreme Court opinion of *Kentucky v. King*, the Supreme Court noted:

The exigent circumstances rule justifies a warrantless search when the conduct of the police preceding the exigency is reasonable in the same sense. Where, as here, the police did not create the exigency by engaging or threatening to engage in conduct that violates the Fourth Amendment, warrantless entry to prevent the destruction of evidence is reasonable and thus allowed.

Kentucky v. King, 563 U.S. 452, 462, 131 S.Ct. 1849, 1858 (2011).

The actions of the Petitioner exiting his apartment with two bags, getting into a car only minutes after his co-defendant was stopped by law enforcement, made the actions of law enforcement reasonable. To determine whether reasonable suspicion exists, an officer, through a totality of the circumstances, must have a particularized and objective basis for suspecting the particular person stopped for criminal activity. *State v. Morris*, 411 S.C. 571, 578, 769 S.E.2d 854, 878, *citing*, *United States v. Cortez*, 449 U.S. 411, 417-18, 101 S.Ct. 690, (1981). Reasonable suspicion does not entail a set of legal rules, but entails common sense, nontechnical conceptions that deal with factual and practical considerations of everyday life on which a reasonable and prudent person, not legal technicians act. *United States v. Foreman*, 369 F.3d. 776, 781 (4th Cir. 2004). Police may stop a motor vehicle and briefly detain and question the occupant if they have a reasonable suspicion that the occupant is involved in criminal activity. *Michigan v. Long*, 463 U.S. 1032, 103 S.Ct. 3469, 77 L.Ed.2d 1201 (1983). This suspicion must be based on specific and articulable facts

which taken together with rational inferences from those facts, reasonably warrant that intrusion. *Terry v. Ohio*, 392 U.S. 1, 21, 88 S.Ct. 1868, 1880 (1968).

It is certainly reasonable to expect a law enforcement officer, who is observing a suspect walking out of an apartment in a situation where they are attempting to obtain a search warrant to stop the suspect and he is walking out with bags that possibly contain evidence that he possibly is going to destroy. The Fourth Amendment does not prevent an officer from making a warrantless entry and search if the officer reasonably believes that there is risk that the evidence will be destroyed before he can obtain a search warrant. *Dobbins*, 420 S.C. at 592, 803 S.E.2d at 880. Since the Petitioner got into an automobile there was more of an urgent need to act, because once that vehicle got out of the reach of law enforcement they did not know which direction they were going. The automobile exception to requiring a search warrant exists in recognition of “the ready mobility of automobiles and the potential that evidence may be lost before a warrant is obtained.” *Morris*, 411 S.C. at 580, 769 S.E.2d at 859, quoting, *State v. Cox*, 290 S.C. 489, 491, 351 S.E.2d 784, 787 (2013). Exigent circumstances such as imminent destruction of evidence, the potential for a suspect to flee, or risk of danger to police or others may justify a warrantless entry, but absent hot pursuit, there must be at least probable cause to believe the exigent circumstances were present. *Dobbins*, 420 S.C. at 592, 803 S.E.2d at 880.

Probable cause is defined as good faith belief that a person is guilty of a crime when this belief rests upon such grounds as would induce an ordinary prudent and cautious person, under the circumstances to believe likewise. *State v. Gamble*, 405 S.C. 409, 416, 747 S.E.2d 784, 787 (2013). Determining whether an officer has probable cause to conduct a warrantless search depends on the totality of the circumstances. *Morris*, 411 S.C. at 581, 769 S.E.2d at 859. It is clear when looking at the totality of the circumstances, probable cause existed that the Petitioner was carrying evidence

to potentially destroy. The Petitioner got out of a vehicle that was seen leaving the crime scene that the police were surveilling, and that vehicle was stopped by law enforcement minutes later. Not long after, the Petitioner left his apartment carrying two bags, and got into an automobile with these two bags. It became the duty of Lieutenant Brock to stop this vehicle to save the potential evidence in those bags. Since this exigent circumstance existed there was an exception to obtaining a warrant prior to the stop and search of this motor vehicle. If Petitioner did not have evidence in his possession for destruction then *Bailey* would apply. However, since Petitioner was found in possession of evidence, an exigent circumstance existed allowing for a warrantless stop and search of that vehicle. The decision of the trial court should be upheld.

2. The Court of Appeals was correct in their determination that there was sufficient evidence on the search warrant revealing the apartment to be searched, and evidence was revealed that the Petitioner resided in the apartment to be searched, and that evidence of the crime would be found in that apartment.

On December 21, 2019, two days after the murder, law enforcement obtained a search warrant for the apartment of the Petitioner. During their investigation law enforcement found out through the manager of the Landmark Apartments that the Petitioner lived in the apartment that was leased to his half-brother. The manager Kim Herlong became aware that the Petitioner has been living in that apartment since the previous Thanksgiving. (R. p. 544 l. 6-8; p. 545 l. 15-10). Ms. Herlong had a discussion with the Petitioner that he would take over the apartment that next January once his half-brother's lease ran out. (R. p. 546 l. 1-3).

The Fourth Amendment of the United States Constitution provides that 'the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated.' *Terry v. Ohio*, 392 U.S. 1, 8, 88 S.Ct. 1868, 1873 (1968), *quoting*, U.S. CONST. amend. IV. The South Carolina Constitution is almost identical except it adds language that makes it even more narrow. The South Carolina Constitution adds "unreasonable

invasions of privacy” SC CONST. Art. I §10. The Petitioner argues that the search warrant was unlawful because there was no probable cause revealing that the Petitioner actually resided in the place to be searched. There is no other claim regarding the probable cause presented to the Magistrate. The only argument by the Petitioner was no probable cause was revealed that the Petitioner actually lived in apartment 27-A of the Landmark Apartments.

Within the affidavit it stated the fact that a CI informed law enforcement that the Petitioner informed him that he was selling a gun with “3 bodies” on it and the shooter matched the description of the Petitioner. That information from social media and the Landmark Apartments, as well as the South Carolina Department of Motor Vehicles made Petitioner a person of interest. (R. p. 830). The affidavit also mentioned that there was a call from the number on the Petitioner Verizon wireless bill “listed for him with the Landmark Apartments.” At the conclusion of the affidavit, it stated:

“The Lexington County Sheriff’s Department is seeking a search warrant in this case for to search the property to preserve and collect any potential evidence related to this incident which may establish the facts of the shooting, which it is reasonably believed at this time will be present at the above listed premises.”

(R. p. 831).

The Court of Appeals ruled that there was sufficient probable cause found in the warrant for the search to be lawful. The description of the apartment location was clear, and the affidavit referenced the apartment records and other information law enforcement had gathered to support that the Petitioner lived in that apartment. The Court of Appeals was correct in finding that there probable cause existed revealing that the Petitioner lived in the apartment that was to be searched. The Court of Appeals was correct in their determination in affirming the decision of the trial judge. This petition should be subject to dismissal.

CONCLUSION

Based on the foregoing reasons, the Respondent submits Petitioner has failed to reveal that the questions presented warrants certiorari review. This Court should deny this petition and let stand the decision of the Court of Appeals.

Respectfully submitted,

ALAN WILSON
Attorney General

DONALD J. ZELENKA
Deputy Attorney General

MELODY J. BROWN
Senior Assistant Deputy Attorney General

TOMMY EVANS, JR.
Assistant Attorney General
S.C. Bar No. 65282

S.R. HUBBARD, III
Solicitor, Eleventh Judicial Circuit

By: s/ Tommy Evans, Jr.
TOMMY EVANS, JR.
S.C. Bar No. 65282

Office of the Attorney General
P.O. Box 11549
Columbia, South Carolina 29211-1549
(803) 734-6305

Columbia, South Carolina
April 1, 2026

ATTORNEYS FOR THE RESPONDENT