

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED
Apr 20 2026
SC Court of Appeals

Appeal from Spartanburg County

Honorable R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TYLEEK RAYQUAN JOHNSON,

APPELLANT

APPELLATE CASE NO. 2025-001005

ANDERS BRIEF OF APPELLANT

LARA M. CAUDY
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STATEMENT OF ISSUE ON APPEAL

Did the trial court abuse its discretion by admitting evidence that was found during the search of a car found parked behind a mobile home, which was the subject of a search warrant, since the car was not within the curtilage of the property and therefore searched in violation of the Fourth Amendment?

STATEMENT OF THE CASE

A Spartanburg County grand jury indicted Appellant on September 17, 2021, for two counts of murder, two counts of possession of a weapon during the commission of a violent crime, armed robbery, unlawful possession of a handgun, and first degree burglary. R. 861-870. His case was called to trial on May 12, 2025, before the Honorable R. Lawton McIntosh, and a jury. R. 1. Assistant Solicitors Spencer Smith and Tyler Brown represented the state. Michael Morin represented Appellant. R. 1.

On May 16, 2025, the jury found Appellant guilty as indicted. R. 831, l. 22 – 833, l. 4. He was sentenced to fifty years for each count of murder, five years for each count of possession of a weapon during the commission of a violent crime, thirty years for armed robbery, fifty years for first degree burglary, and five years for unlawful possession of a handgun. The five year sentence for unlawful possession of a handgun was ordered to be served consecutively to the other sentences. R. 848, l. 17 – 849, l. 7.

This appeal follows.

STANDARD OF REVIEW

“The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion.” State v. Cauthen, 447 S.C. 45, 49, 923 S.E.2d 655, 658 (Ct. App. 2025) (quoting State v. Pagan, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006)) (internal quotation marks omitted). “An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law.” Id. at 49-50, 923 S.E.2d at 658 (quoting Pagan, 369 S.C. at 208, 631 S.E.2d at 265) (internal quotation marks omitted).

“On appeals from a motion to suppress based on Fourth Amendment grounds, this Court reviews questions of law de novo.” State v. Bash, 419 S.C. 263, 268, 797 S.E.2d 721, 723-24 (2017) (quoting State v. Adams, 409 S.C. 641, 647, 763 S.E.2d 341, 344 (2014)) (internal quotation marks omitted). As to a trial court’s finding of fact, this Court “must affirm ‘if there is any evidence to support it,’ and ‘may reverse only for clear error.’” Id. at 268, 797 S.E.2d at 724 (quoting State v. Brown, 401 S.C. 82, 87, 736 S.E.2d 263, 265 (2012)).

ARGUMENT

The trial court abused its discretion by admitting evidence that was found during the search of a car found parked behind a mobile home, which was the subject of a search warrant, since the car was not within the curtilage of the property and therefore searched in violation of the Fourth Amendment.

Relevant Facts

During the early morning hours of October 25, 2020, two young Black men knocked on the door of Timothy Thompson's house on Walden Circle in Spartanburg, South Carolina. Thompson answered the door while armed with a handgun. The men told Thompson they were having car trouble. Thompson, who worked on cars, let the men inside and agreed to try to help them. Minutes later, one of these two men shot both Thompson and his girlfriend, Kelli Curran, multiple times. The men then stole numerous firearms, including a distinctive assault rifle, and marijuana from the home before fleeing.

Despite being severely injured, Curran was able to call 911 while the men were still inside. However, she did not speak in any detail to the dispatcher until the men left. Curran eventually told the dispatcher what happened and said the men were strangers. Law enforcement and paramedics subsequently arrived. Unfortunately, Curran died within hours of her injuries. R. 475, l. 11 – 476, l. 11. Despite life saving measures, Thompson was eventually taken off of life support on December 11, 2020, and succumbed to his injuries that same day. R. 482, l. 3 – 489, l. 25.

During an investigation, law enforcement developed Kenyatta Lebby, Deandre Fuller, and Appellant as suspects. Photographs discovered on Fuller's Facebook account showed all three suspects with the distinctive rifle stolen from Thompson's house during the burglary. See

R. 432, l. 1 – 447, l. 17. Additionally, an analysis of the historical location information for Lebby, Fuller, and Appellant’s phones supposedly showed all three devices traveling together from Greenville to Spartanburg and then back to Greenville during the early morning hours of October 25, 2020. Each of the three phones supposedly connected to cell towers that were in the vicinity of Thompson’s house on Walden Circle in Spartanburg around two o’clock that morning. R. 601, l. 6 – 630, l. 6.

Within months of his arrest, Appellant gave a statement to law enforcement with his attorney present admitting his involvement in the crime. R. 669, l. 7 – 681, l. 24. However, Appellant testified that he only gave this statement because his then attorney promised him he would receive a bond if he told the officers what happened. R. 106, l. 2 – 109, l. 16. Moreover, Appellant testified that he did not say what the investigators claimed he said during the interrogation. R. 715, l. 1 – 718, l. 2.

Appellant moved pretrial to suppress evidence found during the search of a vehicle located near the rear of a residence that was the subject of a search warrant. R. 120, l. 17 – 122, l. 8. The trial court heard from two witnesses *in camera* on the matter.

Investigator Tracy King with the Greenville County Sheriff’s Office testified that he was contacted on February 16, 2021, by detectives with the Spartanburg County Sheriff’s Office in reference to a murder investigation. The fugitive team, known as the Marshals Task Force, had located a suspect in the case at a trailer in Greenville County. Spartanburg investigators requested assistance from Greenville in obtaining a search warrant for the property where the suspect was found. The address was 3-C Westbrook Drive in Greenville. R. 122, l. 20 – 123, l. 21.

King was the affiant on the search warrant ultimately obtained from a magistrate. He had no independent knowledge of the investigation. Accordingly, all the information he included in the affidavit in support of the search warrant was relayed to him by investigators from Spartanburg. R. 123, l. 22 – 125, l. 16. The search warrant, which was marked as Court's Exhibit No. 3, covered not only the mobile home located at 3 Westbrook Drive, Lot C, Greenville, SC 29611, but also "any and all vehicles and outbuildings located on the property and curtilage of the mobile home." R. 853-859.

During the execution of the search warrant, investigators searched two vehicles, a dark in color, compact car located in the front yard and a silver BMW "that was parked at the back door." R. 126, ll. 17-21. Photographs of these cars were marked as Court's Exhibit Nos. 4-17 during the pretrial hearing and are on file with this Court. R. 125, l. 17 – 126, l. 10. King testified that the silver BMW, as depicted in the photographs, was "parked directly behind the residence in line with the back door." R. 127, ll. 10-20. However, the photographs appear to show the silver BMW parked in the paved driveway for the trailer located at 3-D Westbrook Drive, which is the home directly behind the trailer located at 3-C (the subject of the search warrant). Despite what the photographs show, King maintained that a truck seen in the photographs marked as Court's Exhibit No. 10 and Court's Exhibit No. 11, was "parked in the parking spot for the next location, which I assume would be D." R. 128, ll. 11-19.

King testified that when the search warrant was being executed, he did not have any doubt that the BMW was associated with the residence at 3-C Westbrook Drive. He maintained that Spartanburg County investigators had identified the silver BMW "as being a vehicle that was in some way attached to that residence." R. 129, ll. 12-21.

Investigator Ken Hammett with the Spartanburg County Sheriff's Office testified that he obtained arrest warrants for Deandre Fuller as part of his investigation in this case. Hammett was later notified that the Marshals Task Force had discovered a "potential location" for Fuller. The location was 3 Westbrook Drive, Lot C, Greenville, SC. Hammett relayed information to Investigator King with Greenville "about what was going on." R. 138, l. 23 – 139, l. 22.

Hammett testified that law enforcement had already executed search warrants on Deandre Fuller's social media accounts. There were photographs discovered on Fuller's Facebook account that showed Fuller, Appellant, and their codefendant, Kenyatta Leby, all with a distinctive firearm that was stolen during the robbery on Walden Circle. Hammett testified that police were looking for this firearm as part of their investigation in this case. R. 140, l. 6 – 141, l. 8.

On February 16, 2021, Hammett went to 3 Westbrook Drive, Lot C, with other members of law enforcement to arrest Deandre Fuller. Appellant was at this trailer when police arrived. However, at the time, Appellant was merely a person of interest and was not arrested that day. R. 141, l. 9 – 142, l. 24. When asked, Appellant told Hammett that the BMW belonged to a "female friend" who had driven the car to the trailer that day. Appellant said that he drove a different car to the trailer and that his female friend had left the trailer in the car that Appellant had driven there. Based on the information Hammett had gathered from Appellant, Appellant had not been in the BMW that day. R. 142, l. 25 – 144, l. 11. No one at the residence "claimed to have keys to the vehicle." Accordingly, law enforcement had to force entry into the car to search it. Even after it became clear that police were going to break into the car, no one offered keys to the vehicle. R. 144, ll. 12-20.

At the conclusion of this testimony, defense counsel moved to suppress the evidence found inside the silver BMW.¹ He argued that the car was not within the curtilage of the mobile home located at 3-C Westbrook Drive and therefore was not covered by the search warrant. Counsel maintained that based on the photographs, the car was associated with the mobile home located at 3-D Westbrook Drive, the residence directly behind the home at 3-C. R. 146, l. 18 – 147, l. 23.

The assistant solicitor argued that law enforcement reasonably believed that the silver BMW was connected to the residence at 3-C Westbrook Drive based not only on the car's physical location, but also based on the information obtained from Appellant on scene. Appellant, who was at the trailer at 3-C Westbrook Drive with Deandre Fuller, supposedly told Investigator Hammett that his female friend drove the car that day and parked the car where it was found. Since this female friend was associated with Appellant and Appellant was at the trailer located at 3-C that day, the solicitor argued it was reasonable for police to believe the silver BMW was connected to that residence. R. 147, l. 25 – 148, l. 25.

The solicitor further asserted that Appellant did not have an expectation of privacy in the silver BMW since Appellant claimed the car did not belong to him and that he had not been in the vehicle that day. R. 149, l. 1 – 150, l. 18.

The trial court denied Appellant's motion to suppress. It found that the silver BMW was parked within the curtilage of the property covered by the search warrant based on the testimony and photographs. It also determined that law enforcement had a good faith belief that the car

¹ Law enforcement found a distinctive firearm in the trunk of the silver BMW that investigators believe was stolen during the burglary and armed robbery at Timothy Thompson's house on Walden Circle in Spartanburg on October 25, 2020. R. 423, l. 1 – 426, l. 3.

was subject to the search warrant. Lastly, the court concluded that Appellant did not have an expectation of privacy in the vehicle searched. R. 151, l. 16 – 152, l. 4.

Appellant renewed his objection when the evidence found in the silver BMW was discussed before the jury. R. 421, ll. 1-16 .

Discussion

The trial court abused its discretion by admitting evidence that was found during the search of the silver BMW found parked behind the mobile home at 3-C Westbrook Drive, which was the property searched pursuant to the search warrant, since the car was not within the curtilage of the property and was therefore searched in violation of the Fourth Amendment. Based on the *in camera* testimony during the pretrial hearing and the photographs marked as Court’s Exhibit Nos. 4-17, the vehicle was parked in front of and associated with the mobile home located at 3-D Westbrook Drive.

“The people’s right under the Fourth Amendment to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, extends to the curtilage of the home.” State v. Bash, 419 S.C. 263, 268, 797 S.E.2d 721, 723 (2017) (citing State v. Herring, 387 S.C. 201, 209, 692 S.E.2d 490, 494 (2009)) (cleaned up); See United States v. Dunn, 480 U.S. 294 (1987) and Rogers v. Pendleton, 249 F.3d 279, 287 (4th Cir. 2001). “Warrantless searches and seizures are unreasonable absent a recognized exception to the warrant requirement.” Id. (quoting State v. Wright, 391 S.C. 436, 442, 706 S.E.2d 324, 327 (2011)); See Mincey v. Arizona, 437 U.S. 385, 390 (1978).

“The curtilage of a home is ‘the land immediately surrounding and associated with the home’ and is ‘part of the home itself for Fourth Amendment purposes.’” State v. Bash, 419 S.C. 263, 268, 797 S.E.2d 721, 724 (2017) (quoting Oliver v. United States, 466 U.S. 170, 180

(1984)); See State v. Cauthen, 447 S.C. 45, 50, 923 S.E.2d 655, 658 (Ct. App. 2025). “The curtilage of a home includes ‘outbuildings, the yard around the dwelling, and the garden.’” Cauthen, 447 S.C. at 50, 923 S.E.2d at 658 (quoting State v. Wiggins, 330 S.C. 538, 548 n.15, 500 S.E.2d 489, 494 n.15 (1998)); See 40 Am. Jur. 2d Homicide § 168 (1968). “A lawful search of fixed premises generally extends to the entire area in which the object of the search may be found and is not limited by the possibility that separate acts of entry or opening may be required to complete the search.” Id. (quoting United States v. Ross, 456 U.S. 798, 820-21 (1982)) (internal quotation marks omitted).

The Supreme Court of the United States has identified four factors courts should consider in deciding whether an area is part of the curtilage of a home: “the proximity of the area claimed to be curtilage to the home, whether the area is included within an enclosure surrounding the home, the nature of the uses to which the area is put, and the steps taken by the resident to protect the area from observation by people passing by.” United States v. Dunn, 480 U.S. 294, 301 (1987).

Based on the *in camera* testimony during the pretrial hearing and the photographs marked as Court’s Exhibit Nos. 4-17, the silver BMW was not within the curtilage of the mobile home located at 3 Westbrook Drive, Lot C, Greenville, the property searched pursuant to the warrant. The BMW was parked in the paved driveway in front of 3-D Westbrook Drive. The area where the vehicle was parked appeared to be associated with and within the curtilage of the mobile home located at 3-D Westbrook Drive, not 3-C Westbrook Drive. Because the BMW was not within the curtilage of 3-C Westbrook Drive, it was searched without a warrant in violation of the Fourth Amendment.

Additionally, no exceptions to the warrant requirement were met in this case. Law enforcement did not have probable cause to search the silver BMW associated with 3-D Westbrook Drive. Accordingly, the trial court erred by denying Appellant's motion to suppress and admitting the evidence found during the unlawful search of the BMW during trial.

Respectfully, this Court should reverse Appellant's convictions and remand for a new trial.

CONCLUSION

Based on the foregoing argument, Appellant respectfully requests this Court reverse his convictions and remand for a new trial.

Respectfully submitted,

_____

Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 20th day of April, 2026.

STATE OF SOUTH CAROLINA

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APPELLANT

APPELLATE CASE NO. 2025-001005

PETITION TO BE RELIEVED AS COUNSEL

Counsel for Tyleek Johnson states:

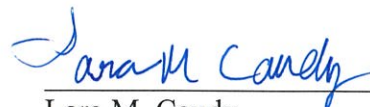
1. She is an appellate defender for the South Carolina Office of Appellate Defense and was appointed to represent Appellant.

2. She has reviewed the record of Appellant's trial, which was held on May 12-16, 2025, before the Honorable R. Lawton McIntosh, and, in her opinion, the appeal is without legal merit sufficient to warrant a new trial.

3. She has, pursuant to Anders v. California, 386 U.S. 738 (1967), briefed an arguable legal issue which arose during the course of the trial.

WHEREFORE, she asks the Court to relieve her as counsel for Tyleek Johnson.

Respectfully Submitted,



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 20th day of April, 2026.

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**DESIGNATION OF MATTER TO BE
INCLUDED IN RECORD ON APPEAL**

Appellant proposes the following be included in the Record on Appeal:

- (1) Complete Trial Transcript Dated May 12-16, 2025;
- (2) Court's Exhibit No. 2 (Waiver Form);
- (3) Court's Exhibit No. 3 (Search Warrant);
- (4) Court's Exhibit No. 4-17 (Photographs);
- (5) Court's Exhibit No. 18 (Tow Report);
- (6) Indictments;
- (7) Sentence Sheets.

I certify that this designation contains no matter which is irrelevant to this appeal.



Lara M. Caudy
Senior Appellate Defender


South Carolina Commission on Indigent Defense
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PO Box 11589
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(803) 734-1330

ATTORNEY FOR APPELLANT

This 20th day of April, 2026.

CERTIFICATE OF COUNSEL

The undersigned certifies that to the best of my ability this Anders Brief of Appellant complies with Rule 211(b), SCACR, and the April 15, 2014, order from the South Carolina Supreme Court entitled “Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings.”


Lara M. Caudy
Senior Appellate Defender

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

ATTORNEY FOR APPELLANT

This 20th day of April, 2026.

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CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Anders Brief of Appellant and Designation of Matter in the above referenced case has been served upon Melody J. Brown, Esquire, at her primary email address listed in the Attorney Information System (AIS); and on Tyleek Johnson, #378425, at Allendale Correctional Institution, 1057 Revolutionary Trail, Fairfax, SC 29827, this 20th day of April, 2026.



Lara M. Caudy
Senior Appellate Defender

ATTORNEY FOR APPELLANT

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SC Court of Appeals