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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County

Honorable Michael G. Nettles, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RONNIE LEGRAND TODD, JR.,

APPELLANT

APPELLATE CASE NO. 2025-001649

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Whether the trial court erred by failing to suppress Appellant's statement to police, which contained the location where he had disposed of the alleged murder weapon, when the statement was given pursuant to a custodial interrogation, and Appellant was not provided with *Miranda*¹ warnings?

¹ *Miranda v. Arizona*, 384 U.S. 436 (1966).

STATEMENT OF THE CASE

At its February 22, 2023 term, the Georgetown County grand jury indicted Appellant for two counts of murder. R.*(Indictments). The case was tried August 4-6 and 11, 2025, before the Honorable Michael G. Nettles and a jury. Tr. 1. Retained counsel Ralph Wilson, Sr., represented Appellant; Dylan Bagnal and Scott R. Hixson represented the state. Tr. 1. The jury convicted Appellant as charged. Tr. Aug. 11: 82. Judge Nettles sentenced Appellant to concurrent terms of life imprisonment. Tr. Aug. 11: 99.

This appeal follows.

STATEMENT OF FACTS

The state alleged that Appellant shot and killed John Altman and Emily Richitelli, his close friend and ex-girlfriend, respectively, on the night of July 20, 2022. Son, John Altman's thirteen-year-old son, was in the house with Altman and Richitelli the night of the shooting. Tr. 206, ll. 13-14; 207, ll. 2-3. Around midnight, Son went to the bathroom. While there, he heard someone come into the house and say, "you want to talk trash?" He then heard his father say "Ron, Ron, Ron, Ron, Ron," followed by about eight gunshots. Tr. 210, ll. 19-25. After a few minutes, Son came out of the bathroom and found his father lying face down. Tr. 211, ll. 1-14. Son testified that the voice he heard was Appellant's.

A major part of the evidence in Appellant's trial was a unique firearm that had been used to kill Altman and Richitelli. The police recovered 9mm Underwood shell casings, which had the same characteristics as a Phillips head screwdriver. Tr. 236, l. 17; 241, ll. 17-22. The bullets were described by a police officer as "very unique," and a testifying officer stated he had never seen a similar bullet. Tr. 241, ll. 17-22. Two years later, a Springfield X-DM 9mm pistol was found where Appellant told police he had discarded his gun. Tr. 251, ll. 13-18; 262, ll. 17-18. The gun was loaded with eleven (11) Underwood 9mm rounds identical to the ones found earlier in the investigation. Tr. 266, ll. 4-17.

When police determined that Appellant was a suspect, they went to his home to serve arrest and search warrants. When they arrived, the police believed that Appellant was inside his home because they heard noise inside, and his vehicle was warm to the touch. Tr. 115, ll. 7-10. Major Melvin Garrett testified that the police yelled for Appellant to come out, but he did not. Tr. 115, ll. 10-11. Major Garrett obtained Appellant's phone number and sent him a text message. Tr. 115, ll. 11-13. Appellant called Major Garrett back, and the two had a conversation

which was suppressed by the trial court. Tr. 115, ll. 22-24. At the end of the conversation, Garrett told Appellant they would allow him to speak to his father if he surrendered peacefully, which he then did. Tr. 116, ll. 6-8.

Police asked Appellant where the gun was. Appellant responded that the gun was not in the house. Tr. 116, ll. 8-9. The police searched the house anyway and did not find the gun. Tr. 116, ll. 9-11. After allowing Appellant to speak to his father, twenty-to-thirty minutes after they had asked him the first time, the police again asked him where the gun was. This time, Appellant told them he threw the gun out of the car somewhere between the county jail and Highway 701. Tr. 119, ll. 15-20; 120, l. 4. At no point during the encounter was Appellant apprised of his rights under *Miranda*.

Appellant moved to suppress his statement regarding the location of the gun. Tr. 105. The trial court denied the motion in relevant part. Tr. 143, ll. 22-23. The trial court found that since the location of a firearm was involved, the *New York v. Quarles*² public safety exception to the *Miranda* rule applied. Tr. 143, ll. 22-23.

The state used Appellant's statement regarding the location of the gun at trial, and the jury convicted Appellant as charged.

² 467 U.S. 649 (1984).

STANDARD OF REVIEW

This Court's review of both the sufficiency and necessity of *Miranda* warnings is *de novo*. *State v. Lowery*, 443 S.C. 473, 480, 905 S.E.2d 361, 364 (2024).

ARGUMENT

The trial court erred by failing to suppress Appellant's statement to police, which contained the location where he had disposed of the alleged murder weapon, when the statement was given pursuant to a custodial interrogation, and Appellant was not provided with *Miranda* warnings.

The trial court affirmatively found that Appellant's statements were made pursuant to a custodial interrogation. However, the trial court applied the public safety exception to the *Miranda* rule. But the public safety exception does not apply here, because, if it did, it would apply in every single case involving a firearm. For the reasons that follow, the trial court should have suppressed Appellant's statement informing police where he had thrown the alleged murder weapon and his earlier statement that the gun was not in the house. Further, because the nature of Appellant's answer rendered it essentially a confession, the error was not harmless. This Court should reverse.

A. The statements were elicited during a custodial interrogation.

The trial court found that Appellant's statements were made pursuant to a custodial interrogation. Tr. 143, ll. 14-16 ("I do indeed find...*Miranda* applies, he was under arrest at the time. He was not free to leave...."). The trial court's decision on this part of the analysis is not the basis of this appeal, but it is still important to understand why the trial court's decision on this point was correct.

Statements elicited during a custodial interrogation may not be admitted as evidence unless the state demonstrates that certain procedural safeguards were used to secure the Fifth Amendment right against self-incrimination. *Miranda v. Arizona*, 384 U.S. 436, 444 (1966). "*Miranda* conditioned the admissibility at trial of any custodial confession on warning a suspect

of his rights: failure to give the prescribed warnings and obtain a waiver of rights before custodial questioning generally requires exclusion of any statements obtained.” *Missouri v. Seibert*, 542 U.S. 600, 608 (2004).

Whether a person was in “custody is determined by an objective analysis of ‘whether a reasonable man in the suspect’s position would have understood himself to be in custody.’” *State v. Williams*, 405 S.C. 263, 273, 747 S.E.2d 194, 199 (Ct. App. 2013) (quoting *State v. Ledford*, 351 S.C. 83, 88, 567 S.E.2d 904, 907 (Ct. App. 2002), itself quoting *State v. Easler*, 327 S.C. 121, 128, 489 S.E.2d 617, 621 (1997)). “Custody” occurs when a person’s freedom is restricted. *Id.* (citing *State v. Caulder*, 287 S.C. 507, 515, 339 S.E.2d 876, 881 (Ct. App. 1986)). Whether freedom has been restricted is an objective determination; the Court must ask: “Would a reasonable person have believed he was in custody?” *State v. Navy*, 386 S.C. 294, 301, 688 S.E.2d 838, 841 (2010); see also, *Michigan v. Chesternut*, 486 U.S. 567, 576 (1988) (inquiry is whether suspect “could reasonably have believed he was not free to disregard the police presence and go about his business”).

Here, Appellant was convinced to come out of his house by police and was immediately placed into handcuffs. Tr. 116, ll. 21-25. The police witness who testified at the pre-trial hearing conceded as much. Tr. 116, l. 25. Appellant was placed in the back of a police car. Tr. 119, ll. 8-9. Then, still prior to rendering *Miranda* warnings, Appellant was asked “where’s the gun?” Appellant had been placed under arrest, placed in handcuffs, and was placed in the back of a police car. Thus, his freedom had been restricted. *Williams*, 405 S.C. at 273, 747 S.E.2d at 199. Further, “where’s the gun” is “express questioning.” *State v. Walker*, 430 S.C. 411, 418, 844 S.E.2d 405, 408 (Ct. App. 2020) (quoting *State v. Brown*, 389 S.C. 84, 92, 697 S.E.2d 622, 627 (Ct. App. 2010)) (defining “interrogation”). And in any event, the trial court’s conclusion as to

custody possesses evidentiary support. *See Navy*, 386 S.C. at 301, 688 S.E.2d at 841 (circuit court's custody determination will be affirmed if findings are supported by the record). Therefore, Appellant's statements regarding the location of the gun were given during a custodial interrogation. The trial court correctly concluded as much.

B. The public safety exception did not apply.

After concluding that *Miranda* applied, however, the trial court proceeded to apply the public safety exception and find that the statement was admissible. That was error.

While *Miranda* provides a general rule, sometimes “the need for answers to questions in a situation posing a threat to public safety outweighs the need for the” *Miranda* rule. *New York v. Quarles*, 467 U.S. 649, 657 (1984). This public safety exception to the *Miranda* rule is “a narrow exception.” *Id.* at 658. It applies only where there is “an objectively reasonable need to protect the police or the public from any immediate danger associated with [a] weapon.” *Id.* at 659 n.8. In other words, there must be a “demonstration of an ‘immediate need’ that would validate protection under the *Quarles* exception...” *United States v. Mobley*, 40 F.3d 688, 693 (4th Cir. 1994); *cf. State v. Medley*, 417 S.C. 18, 27 n.5, 787 S.E.2d 847, 852 n.5 (Ct. App. 2016) (rejecting contention that asking DUI suspect “how much he had to drink” was relevant to the “public’s safety,” even though it may have been relevant “to his own health and safety”).

The facts of the *Quarles* case demonstrate how the exception works. In that case, a young woman approached two police officers and told them she had just been raped, and gave a description of the alleged rapist, including that he had just entered a supermarket and was carrying a gun. 467 U.S. at 651-52. The officers went into the supermarket and saw a man matching the description gave by the woman. *Id.* at 652. When he saw the officers, he ran to the back of the store. *Id.* When police caught him, they located a shoulder holster which was empty.

Id. Prior to apprising him of the *Miranda* warnings, officers asked him where the gun was, and the man nodded in the direction of some empty cartons and said, “the gun is over there.” *Id.* The New York state courts excluded the statement as violative of *Miranda*. *Id.* at 653. The Supreme Court reversed, finding that the danger that “an accomplice might make use of [the gun], [or] a customer or employee might later come upon it,” outweighed the need for the *Miranda* rule. *Id.* at 657. The point is to prevent police officers from needing to perform an “on-the-scene balancing process,” due to the “limited time and expertise” of police officers “to reflect on and balance the social and individual interests involved in the specific circumstances they confront.” *Id.* at 658 (quoting *Dunaway v. New York*, 442 U.S. 200, 213-14 (1979)).

Over time, several different tests have emerged to determine when the public safety exception applies. In New Jersey, for example, the courts have created a four-factor test which holds that the *Quarles* exception applies where “circumstances indicate (1) there [is] an objectively reasonable need to protect the police or the public; (2) from an immediate danger; (3) associated with a weapon; and that (4) the questions asked were related to that danger and reasonably necessary to secure public safety.” *State v. Elkwisni*, 384 N.J. Super. 351, 369, 894 A.2d 1180, 1191 (App. Div. 2006) (internal quotation marks omitted; alteration in original). A key component to this test is the immediacy of the public danger; if a gun is not “believed to be concealed in a public area, with unrestricted access to it by third parties,” then the threat is not immediate. *See generally*, *State v. Stephenson*, 350 N.J. Super. 517, 796 A.2d 274 (App. Div. 2002).

Here, Appellant was arrested at his home. Police first asked him whether the gun was in the house, which he answered in the negative. The police still searched his house and found nothing. Appellant was then asked again where the gun was. Police allowed Appellant, prior to

answering this question, to have a twenty-to-thirty-minute-long phone conversation with his father. Then, finally, Appellant told the police where he had thrown the gun. At no point during this encounter did the police inform Appellant of his *Miranda* warnings, despite having taken him into custody. These facts are a far cry from *Quarles*. Appellant was arrested in his own home, not during hot pursuit. The officers who arrested him apparently had a dire need to locate the firearm but not so dire that it could not wait half-an-hour for Appellant to speak with his father. The police should have given Appellant *Miranda* warnings.

The *Quarles* exception is *narrow*. *Quarles*, 467 U.S. at 658. It applies only where there is an “*immediate need*” justifying departure from the *Miranda* rule. *Mobley*, 40 F.3d at 693 (emphasis added); *Elkwisni*, 384 N.J. Super. at 369, 894 A.2d at 1191. If the *Quarles* exception were to apply in this case, it would apply in every single case involving a weapon—which Garrett testified was his understanding. Tr. 131, l. 18 – 132, l. 8. However, it cannot be simultaneously true that *Quarles* creates a “narrow exception” to *Miranda* and that it applies in every case involving a firearm. “The mere fact that a gun was involved is not sufficient.” *United States v. Jackson*, 544 F.3d 351, 360 n.9 (1st Cir. 2008). The police here had no reason to suspect that gun was in a public place or anywhere where it posed a threat to public safety. Therefore, they should have apprised Appellant of his rights under *Miranda*.

For these reasons, the trial court erred in admitting Appellant’s statement regarding the location of the discarded gun and the statement that the gun was not in the house. This Court should reverse and remand for a new trial.

CONCLUSION

For the foregoing reasons, this Court should reverse Appellant's convictions and sentences and remand this case for a new trial.



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ATTORNEY FOR APPELLANT

This 4th day of May, 2026.