RECEIVED
Jun 08 2026
SC Court of Appeals

STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM GREENVILLE COUNTY

Court of General Sessions
The Honorable Patrick C. Fant, III, Circuit Court Judge

Appellate Case No. 2024-001965

THE STATE,

Respondent,

v.

TRAVIS LEE DOUGLASS,

Appellant.

INITIAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

JOSHUA A. EDWARDS
Assistant Attorney General

Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

CINDY S. CRICK
Solicitor, Thirteenth Judicial Circuit

305 E. North Street
Greenville, SC 29601
(864) 467-8647

ATTORNEYS FOR RESPONDENT

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes, constitutions, and rules

Secondary sources

RESPONDENT'S STATEMENT OF ISSUES ON APPEAL

I. Whether the search of Douglass's cell phone constituted a "general search," and, if so, whether suppression was appropriate.

II. Whether the trial court correctly admitted expert testimony about location data extracted from Douglass's iPhone.

III. Whether Douglass has properly preserved his Miranda argument and shown reversible error in the admission of a statement he made during a traffic stop.

IV. Whether the trial court correctly admitted a first responder's bodycam video showing him administering first aid to the victim.

V. Whether the trial court correctly admitted a video showing Douglass's post-arrest demeanor.

STATEMENT OF THE CASE

A Greenville County grand jury indicted Appellant Travis Douglass for attempted murder and possession of a weapon during the commission of a violent crime. He proceeded to jury trial on November 4–14, 2024, before the Honorable Patrick C. Fant, III, Circuit Court Judge. Douglass was convicted as charged and sentenced to consecutive terms of 25 and 5 years' imprisonment. This direct appeal follows.

FACTS

On April 18, 2023, John Paul Baum was shot in the chest while leaving his place of work, Truluck Thomason Law Firm located at 3 Boyce Avenue in Greenville. Baum was shot from a distance with a .22 caliber rifle. He suffered a punctured and collapsed lung. The bullet fractured his clavicle and just missed the arteries in his upper chest. Tr.p.325–26. Baum survived.

Police responded to the scene and located Baum lying on the ground bleeding from his chest. The responding officer asked Baum if he had "any idea who would want to do this." Baum responded, "No, I don't know. Donna Boyd. . . . A person who said she was going to sue me." State's Exhibit #3.

Detective Thomas Bixby responded to the scene and viewed surveillance footage of Truluck Thomason's parking lot. The video showed Baum being shot, and Bixby noted the direction from which he was shot. Tr.p.936, State's Exhibit #4. Despite a diligent search, police did not recover a cartridge casing from the scene. Tr.p.345–47, 371. At the hospital, Baum told Bixby he had seen a camper, possibly tan in color, parked outside his office building. Tr.p.936–37.

Police canvassed the area and spoke with numerous witnesses. Amanda Johnson, an attorney at a neighboring law firm, testified she noticed a gray van in the parking lot next door when she took a late lunch break that afternoon. Tr.p.358. The parking lot was usually empty because it belonged to a vacant building. Tr.p.351. The parking lot was not easily accessible—there was a small alley leading to the lot—and was not visible from the street. Tr.p.352. She testified the van stood out because it was new, had tinted windows, and was backed into a corner spot that

"had a lot of debris in it." Tr.p.354; State's Exhibits #13, 14. The van was still there when she left work at 5:30. Tr.p.354. A paralegal at the same law firm also noticed the van, finding it unusual that the van was parked there and noting the van's unique appearance. Tr.p.364.

Police obtained video from a surveillance camera at another nearby law firm which bordered the alleyway. Tr.p.375. The video showed the van entering the alleyway at 3:53 and leaving the alley at 6:54. Tr.p.385, State's Exhibits # 11–12, 17–31. Upon reviewing the surveillance videos and 911 call, police determined the van left the parking lot "almost immediately" after Baum was shot. Tr.p.1031. Police noted the van's distinctive features: no license plate, an internet router and air conditioning unit on top, tinted windows, and a solar panel and metal rack on the back. Tr.p.375–77. The van also had an American flag decal under the driver's side mirror and some minor body damage. Tr.p.377. Police determined the van was manufactured by Thor Industries on a Dodge Ram chassis. Tr.p.377. Police reviewed thousands of images in their database of Flock cameras, which generally rely on automated license plate reader technology to capture images of vehicles on public roads. Because the van did not have a license plate, police went through the images manually. Tr.p.378. Police gathered additional surveillance footage from nearby businesses and retraced the van's path through Greenville until it departed on I-385 heading south. Tr.p.379–87; State's Exhibits #17–31.

Police obtained additional surveillance video from Truluck Thomason. The video camera was motion-activated and contained roughly 100 clips from the day of

the shooting. One of these clips showed a man walking through the parking lot at 3:56 in the afternoon and stopping to inspect Baum's car. Tr.p.525, State's Exhibit #82. A detective testified there was a line of sight from Baum's car to where the van was parked. Tr.p.545. Police entered a "BOLO" (be on the lookout) for the suspect vehicle but did not publicly release information about the van so as not to alert the suspect. Tr.p.389.

Nearly a month later, on May 15, a Greenville police officer spotted the van. Police conducted a traffic stop and detained the driver, Travis Douglass. Detective Bixby examined the van and observed unique markings including minor body damage and a recently-removed American flag decal. Tr.p.960. Bixby asked Douglass whether anyone else had been driving the van during the previous two months, and he responded, "not that I know of. . . . I mean I keep it in a public lot." Court's Exhibit #7, timestamp 20:23:20. Douglass refused an interview with police.

Police searched the van and recovered a .22 caliber shell casing beneath a mat under the driver's seat. Tr.p.485, State's Exhibits #64–68. Police swabbed a "porthole window" on the driver's side of the van and found gunshot residue. Tr.p.487, 504; State's Exhibits #69–71. Police seized Douglass's cell phone and obtained a search warrant. Tr.p.795. Police performed an initial, limited extraction of the phone to view "surface level" data such as call logs and text messages— data "you can see on your phone." Tr.p.791–95. Police discovered evidence Douglass was in Greenville on the day of the shooting. Having placed Douglass in Greenville, police obtained an arrest warrant. A detective testified Douglass was "very

emotionless" when he was informed he had been charged with attempted murder. Tr.p.534.

Police spoke with Douglass's estranged wife and learned Douglass had a close childhood friend who lived in Greenville: David Smith. Tr.p.535, 970. Police learned Smith, a contractor, was involved in litigation with Baum's law firm, Truluck Thomason. Tr.p.535. Devin Puriefoy, a partner at Truluck Thomason, explained the firm hired Smith to build a new office building for the firm. Tr.p.579. The firm moved into the new building in 2019 and discovered construction defects. Tr.p.580. The firm sued Smith and his business for $700,000. Tr.p.581–82. Smith did not have liability insurance. Tr.p.641. The case was set for trial in June of 2023. Tr.p.584. Truluck Thomason rejected Smith's proposal to send the case to arbitration on March 3, 2023. Tr.p.584. Puriefoy handled the litigation, which was contentious, but testified Baum probably did some work on the case. Tr.p.582–86. He testified he and Baum had similar builds and drove similar-looking cars. Tr.p.589–91. Puriefoy testified he was 100% sure that David Smith was not the person walking through the firm's parking lot in the surveillance video. Tr.p.592.

Police obtained a warrant to search Smith's house. When police went to execute the warrant, they learned Smith had died in a single-car automobile collision earlier that day, a suspected suicide. Tr.p.535. Police seized Smith's cell phone. Tr.p.536.

Douglass's ex-wife testified at trial that she and Douglass separated in March of 2022. Tr.p.554. She identified the sprinter van and testified Douglass damaged

the van by backing into a cement structure and never had the damage repaired. Tr.p.547. She testified Smith and Douglass were "childhood, lifelong" friends. Tr.p.548. She testified that after she and Douglass moved to Hilton Head, he and Smith "started spending an incredible amount of time together, more time than I had ever known anyone to be together," so much that it became a point of contention in their marriage. Tr.p.549. She testified that on March 30, 2023, Douglass called her in a "manic state." Tr.p.549. She viewed the surveillance video from Truluck Thomason and identified Douglass as the man in the parking lot before the shooting. Tr.p.551; State's Exhibit #82

David Smith's wife, Julie Eldridge testified that Smith and Douglass were close friends and that Douglass was supposed to be visiting them on April 18. Tr.p.604. Smith was at home when she arrived around 4:00 p.m. Smith told her Douglass was not there, so she and Smith went out to dinner in Traveler's Rest without him. Tr.p.604. They arrived at the restaurant at around 5:20 and left at 6:25. Tr.p.606, 757. They went home and stayed there all night. Tr.p.607. Douglass was supposed to be visiting again on the day he was arrested. Tr.p.607. Douglass did not show up, and Smith and Eldridge discovered he had been arrested. After speaking with Douglass on the phone, Smith told his wife that Douglass shot Baum. Tr.p.637, 678. On re-direct, Eldridge clarified that Douglass confessed to Smith that he shot Baum. Tr.p.678. Smith helped Douglass find an attorney. Tr.p.610. Eldridge viewed State's Exhibit #82, the surveillance video from the

Truluck Thomason parking lot. She identified Travis Douglass as the man in the video. Tr.p.619.

Eldridge testified Smith died two days after Douglass was arrested. On the day before he died, Smith transferred his property interest in his home to his wife. Tr.p.662. The State entered surveillance video showing Smith at a Home Depot store on the morning of his death. Tr.p.615; State's Exhibit #93. Smith's automobile collision occurred at around 10:00 that morning. Tr.p.614. Later that day, police executed a search warrant on the Smith home and recovered two .22 caliber rifles. Tr.p.972.

Police examined the shell casing recovered from Douglass's van and compared its markings with firearms seized from Smith's house. The markings did not show a match to any of the guns. Tr.p.708. However, the firearms examiner testified she was unable to exclude one of the guns, a .22 caliber Ruger, because there were insufficient marks for comparison. Tr.p.708. Neither Douglass's DNA nor his fingerprints were present on the Ruger rifle. Tr.p.740–41, 750.

Police obtained Facebook and Google records for David Smith's accounts. They discovered Smith searched for Devin Puriefoy on Facebook on April 12. Tr.p.974, State's Exhibits #158–60. In March and April of 2023, Smith performed Google searches related to .22 rifles, silencers, PVC pipes, Devin Puriefoy, and how to delete a Ring Doorbell account. In May, Smith searched "vehicle recognition cameras" and "maximum sentence for accessory after the fact." Tr.p.975–78.

Verizon records showed Smith's phone was not in downtown Greenville on the afternoon and evening of the shooting. Calls placed between 4:00 and 4:40 connected to a tower near his home on Paris Mountain. State's Exhibit #123, Tr.p.859–60. Another call and a data session at 5:30 connected with a tower near Traveler's Rest, where Smith and his wife had dinner. State's Exhibit #123, Tr.p.861. The State produced financial statements showing Smith's credit card was used at the restaurant where Smith's wife testified they ate at around 5:30–6:30. The State's cell phone forensics expert, Matthew Wilde, testified it would have been impossible for Smith's phone to be in Greenville at 5:30 p.m. Tr.p.867.

Police obtained a second search warrant and performed a "full extraction" of Douglass's cell phone, which provided them with all the data on the phone's hardware, including location data. Tr.p.791, March 2024 warrant. They also obtained his call detail records and Google records. Verizon records showed Douglass did not make any calls on April 18 until around 7:07 p.m. when he made a call from I-385 near Simpsonville. Tr.p.865. Douglass deleted the call. Tr.p.1244. The Verizon records showed data sessions during the day in Hilton Head. Tr.p.861. However, Wilde explained these were likely "lingering data sessions," roughly six hours long in duration, that occur when a task has started in a certain area and "they just kind of hang on the network and just log and log and log when the phone is not, in fact, in that area." Tr.p.862. He explained that in his unit's analysis of thousands of phone records, data sessions which are shorter in duration are more accurate than long data sessions. Tr.p.870–72.

Other evidence proved Douglass was not in Hilton Head that day. Financial records showed Douglass made purchases at gas stations in Cayce at 11:46 a.m. and again at 8:27 p.m. Tr.p.760–61. Douglass was captured on surveillance video during the 8:27 p.m. stop throwing away items in multiple trash cans at the gas station. Tr.p.761. The video showed Douglass walking towards the entrance to the gas station before turning around and walking back to his van without going inside. Tr.p.763. At 10:46 p.m. his phone was back in Hilton Head. Tr.p.866.

Location data in the form of latitude and longitude coordinates was extracted from Douglass's phone. The data showed he was at Smith's house between 1:13 and 3:09 that day. Tr.p.862, State's Exhibit #123. The extraction data placed Douglass's phone in the parking lot of 3 Boyce Avenue between 3:56 and 6:56 p.m. Tr.p.863, State's Exhibit #123. Wilde testified that, in his experience, the "ending time" of the location session was not always completely accurate, and that it could be off "by a minute or two." Tr.p.863. Douglass deleted several calls he made to David Smith. Tr.p.996, State's 163, 123 and 176.

ARGUMENT

I. The trial court correctly refused to suppress evidence seized from Douglass's cell phone because there was probable cause to search the entire contents of the phone, any overbroad portions of the warrants were severable, and police acted in good faith reliance on the duly issued search warrants.

Douglass argues the trial court erred by refusing to suppress evidence seized from his cell phone pursuant to two duly issued search warrants. He argues the magistrate impermissibly authorized a search of the phone's entire contents, which he asserts made each warrant a "general warrant." The trial court correctly denied the motion to suppress. The warrants properly authorized a full search of Douglass's phone because there was probable cause to search the entire contents of the phone. Even if the clause authorizing police to seize "all digital data" was overbroad, this clause was severable from the other, more specific description of the things to be seized. Further, suppression would not be appropriate because the police acted in good faith reliance on the warrants. Finally, Douglass was not prejudiced because his guilt was conclusively proved by other evidence. This Court should affirm.

A. Standard of review.

On appeal from the denial of a motion to suppress based on the Fourth Amendment, the appellate court reviews the trial court's factual findings for any evidentiary support, but the ultimate legal conclusion is a question of law subject to de novo review. State v. Frasier, 437 S.C. 625, 633–34, 879 S.E.2d 762, 766 (2022).

B. There was probable cause to search the entire contents of Douglass's phone.

The Fourth Amendment was enacted to end the practice of "general searches" that prevailed in colonial America. General searches allowed royal officials to conduct searches by virtue of their office or with "warrants" which expired at the death of the king and allowed the officials to determine when, where, and why they searched. See William J. Cuddihy, The Fourth Amendment Origins and Original Meaning, 602-1791 (Oxford 2009). For example, a Virginia statute authorized every constable to search in "all suspected places" for poached deer skins. Id. at 217. Most famously, the writs of assistance "left customs officials completely free to search any place where they believed [uncustomed] goods might be," providing "no judicial check on the determination of the executing officials that the evidence available justified an intrusion into any particular home." Steagald v. United States, 451 U.S. 204, 220 (1981).

To prevent general searches, the framers of the Fourth Amendment provided that search warrants must be supported by probable cause and particularly describe the "place to be searched" and the "persons or things to be seized." U.S. Const. amend. IV. These complimentary requirements ensure the decision whether to search a particular place is made by a neutral and detached magistrate based on sufficient cause, rather than at the unchecked discretion of an executive officer.

When police execute a search warrant for a dwelling, they may lawfully search "the entire area in which the object of the search may be found . . . ." State v. Cauthen, 447 S.C. 45, 50, 923 S.E.2d 655, 658 (Ct. App. 2025) (citing United States

v. Ross, 456 U.S. 798, 820-21 (1982)) ("When a legitimate search is under way, and when its purpose and its limits have been precisely defined, nice distinctions between closets, drawers, and containers, in the case of a home, or between glove compartments, upholstered seats, trunks, and wrapped packages, in the case of a vehicle, must give way to the interest in the prompt and efficient completion of the task at hand."). This same principle applies to searches of electronic devices. When police cannot know precisely where in a device's memory evidence (such as location data) is stored, they may search every place where the object of the search may be found.

Regarding the description of the "things to be seized," the test for particularity is a pragmatic one. "The degree of specificity required when describing the goods to be seized may necessarily vary according to the circumstances and type of items involved. There is a practical margin of flexibility permitted by the constitutional requirement for particularity in the description of items to be seized." United States v. Cobb, 970 F.3d 319, 327 (4th Cir. 2020), as amended (Aug. 17, 2020). A warrant "need not—and in most cases, cannot—scrupulously list and delineate each and every item to be seized. Frequently, it is simply impossible for law enforcement officers to know in advance exactly what records the defendant maintains or how the case against him will unfold." Id. at 327–28 (citing United States v. Phillips, 588 F.3d 218, 225 (4th Cir. 2009)).

Douglass argues the warrants for his phone were not sufficiently particularized because they did not contain temporal restrictions or specify the

"sources of data" to be searched. IBOA at 14. But the warrants did specify the types of data police were looking for, such as call logs, text messages, photos and videos, "internet history and usage" data including cookies, WiFi and GPS information, and "saved usage information" for the phone's apps. Court's Exhibit #2, March 2024 warrant. Each type of data carried a fair probability of connecting Douglass with the shooting. See United States v. Williams, 592 F.3d 511, 520 (4th Cir. 2010) (affirming denial of suppression of child pornography seized pursuant to warrant authorizing search of "[a]ny and all computer systems and digital storage media, ... documents, photographs, and Instrumentalities" indicative of suspected crime of harassment by computer); State v. Goynes, 143, 927 N.W.2d 346, 356 (Neb. 2019) (approving similarly broad warrant for cell phone data because "the court had a substantial basis to find probable cause that evidence relevant to the shooting was accessible data in the areas listed").

Police had no way of knowing exactly where evidence would be found in the phone. For example, police knew the phone would contain location data, but they did not know which apps were installed on the phone or in which folders the data would be located. As is discussed below in Issue 2, iPhone data is sorted into many different folders depending on which apps or software created the data. But police were not required to know the unknowable. Police did not go on a "fishing expedition" looking for evidence of separate or unknown crimes. They were looking for evidence of Douglass's involvement in this specific crime, in whatever form. As the Cobb court explained, courts may look to the description of the suspected offense

as a limiting factor even where the warrant does not otherwise contain particularized description of the object of a search. Cobb, 970 F.3d at 328; see also United States v. Blakeney, 949 F.3d 851, 862 (4th Cir. 2020) (explaining warrant, when read with affidavit, sufficiently limited search to evidence of a specific crime where "the warrant applications in this case in fact did describe, to a reasonable degree of specificity, the crimes for which evidence was sought" and thus officers knew to limit their search for evidence of that crime); United States v. Dickerson, 166 F.3d 667, 694 (4th Cir. 1999), rev'd on other grounds, 530 U.S. 428 (2000) (holding warrant was sufficiently particular where it authorized search for "evidence of a bank robbery").

In some cases, a more limited warrant may be required. But in this case, where identity was the primary issue, the State was required to prove malice and intent to kill, the crime was obviously planned, and Douglass took steps to cover his tracks, a full search of the phone's contents was justified to search for location data, browser history, communications, images and the like. See Phillips, 588 F.3d at 226 (explaining in "complex cases . . . courts have routinely upheld the seizure of items described under a warrant's broad and inclusive language . . . . Standing alone, a particular document may appear innocuous or entirely innocent, and yet be an important piece of the jigsaw puzzle that investigators must assemble.").

The May 2023 warrant states that Douglass was caught driving the van used to commit attempted murder, and the cell phone was recovered from the van. The probable cause laid out in the March 2024 affidavit made it clear that this was not a

run-of-the-mill attempted murder, but something more like an attempted assassination. The affidavit details Douglass's attempts to hide his identity by removing the van's license plate during the shooting and removing the American flag decal after the shooting. The affidavit explains that Douglass's physical appearance matched the suspect in the surveillance video.

Police could not have known exactly what they would find in the phone. Take for example State's Exhibit #173. Police discovered a text message which contained a video of Douglass walking on the beach with his dog. This seemingly innocuous video turned out to be valuable evidence because it allowed comparison with the surveillance video of Douglass walking through the parking lot of Truluck Thomason shortly before the shooting. Douglass's distinctive gait and athletic build are easily recognizable. He is even wearing practically the same outfit. Police could not have anticipated they would discover such a uniquely relevant piece of evidence.

This exhibit also illustrates why it was reasonable not to place a time limit on the search. The text happened to be sent two days before the shooting, but it would have been just as valuable if it had been sent two years before. See Commonwealth v. Green, 265 A.3d 541, 554 (Pa. 2021) (holding search warrant for child pornography need not be limited to specific dates). Police did not know how long Douglass had owned the phone, how long he may have been preparing to commit this crime, when he may have communicated with co-conspirators, or, as the solicitor argued, "when the motive was formulated." Tr.p.126. A too-restrictive

search warrant would not be practical or reasonable, and reasonableness is, of course, the touchstone of the Fourth Amendment.

The magistrate's decision whether to place temporal restrictions on the warrant is intertwined with its probable cause determination. Reasonable minds could differ on how far back the phone's contents will have a fair probability of containing evidence of the suspected crime. Reviewing courts show "great deference" to a magistrate's probable cause determination because probable cause is not an exact science. State v. Dill, 423 S.C. 534, 542, 816 S.E.2d 557, 562 (2018). Reflecting the "preference for the warrant process, the traditional standard for review of an issuing magistrate's probable cause determination has been that so long as the magistrate had a 'substantial basis for ... conclud[ing]' that a search would uncover evidence of wrongdoing, the Fourth Amendment requires no more." Illinois v. Gates, 462 U.S. 213, 236 (1983) (citation omitted).

Douglass cites two cases which are distinguishable based on the considerations discussed above. In Taylor v. State, 260 A.3d 602 (Del. 2021), Taylor was suspected of a string of violent crimes, but his identity was not a mystery; he was identified as a suspect by the victims. Id. at 605–08. Further, the crimes were not complex; each involved more-or-less impromptu violence. Id. The only probable cause identified in the affidavit was that "people involved in criminal acts like those described in her affidavit use smartphones to communicate about their illegal acts." Id. at 609. Similarly, in Burns v. United States, 235 A.3d 758 (D.C. 2020), the defendant shot his best friend in an argument over money. There was no question

as to identity and "the warrants were supported by affidavits that established probable cause for only three narrow and discrete items of data." Id. at 767.[1]

Douglass attempted to murder an attorney in broad daylight in the middle of a metropolitan area, a crime that clearly involved significant planning and attempts to evade detection. Identity was the central issue in the case. A broad search of his phone's contents was reasonable and does not violate the spirit of the Fourth Amendment.

C. Any overbroad portions of the warrant were severable.

Even if the warrant was overbroad in granting permission to seize "all digital data" on the phone, this portion of the warrant was severable from the remainder, which directed police to seize specific types of data. See State v. Thompson, 363 S.C. 192, 202, 609 S.E.2d 556, 561 (Ct. App. 2005) (Kittredge, J.) (collecting cases and explaining "overbroad portions of a search warrant may be 'severed' from the portions for which probable cause is found to exist, thus permitting the admission of evidence properly obtained"); Cobb, 970 F.3d at 331 (holding overbroad phrase granting permission to search for "[a]ny and all evidence of any other crimes" was severable from otherwise particularized warrant).

The warrants specifically authorized police to search for "videos . . . including geotagging information," "WiFi network information . . . and GPS information" and "saved usage information" for the phone's apps. There was a "fair probability" each type of data could contain relevant evidence. The two pieces of extracted evidence

[1] Both cases are also wrongly decided on the merits.

with significant probative value are 1) the location artifact placing Douglass at Boyce Avenue at the time of the shooting, and 2) the video of Douglass walking on the beach. These are both types of data identified in the warrants. This renders the "all digital data" clause superfluous and severable. As the Thompson court explained:

> If there was probable cause to issue a search warrant describing particular items to be seized, and such items are found and those items alone constitute the basis of the criminal charge, there is no reason why some additional unsupported language in the search warrant, while to be avoided, should not be severable, particularly where no items seized thereunder are included as a basis for the criminal charge.

Id. at 202, 609 S.E.2d. at 562 (quoting People v. Mangialino, 75 Misc. 2d 698, 706–07 (N.Y. Co. Ct. 1973)).

D. Suppression was not appropriate because police acted in good faith.

Even if the warrants were not sufficiently particularized, the extreme remedy of suppression was not appropriate because police acted in good faith reliance on a duly issued warrant. "[A] warrant issued by a magistrate normally suffices to establish that a law enforcement officer has acted in good faith in conducting the search." United States v. Leon, 468 U.S. 897, 922 (1984) (internal citation omitted). The sole purpose of the exclusionary rule is to deter misconduct by law enforcement. Davis v. United States, 564 U.S. 229, 246 (2011). Courts should suppress evidence only when that purpose is "clearly" served. State v. Carter, 445 S.C. 157, 163, 912 S.E.2d 264, 267 (2025). When police reasonably rely on a judicially approved search warrant, "there is no police illegality and thus nothing to deter." Leon, 468 U.S. at

921. "When officers have acted pursuant to a warrant, the prosecution should ordinarily be able to establish objective good faith without a substantial expenditure of judicial time." Id. at 924.

The warrants in this case were not a supported by a conclusory, "bare bones" affidavit such that it was facially invalid. The May 2023 affidavit specified that Douglass was suspected of attempted murder, that Douglass was caught driving the van used to commit the crime, and the cell phone was found in the van. The March 2024 affidavit provided more detail showing this was a planned, covert attack. Both warrants listed particular types of data to be seized, all with potential value in this case. Neither warrant simply stated police were looking for "all evidence of any crime." These are not warrants that "no reasonable officer" would rely on.

The fact that police obtained multiple search warrants shows good faith. The first search on May 15 was a limited extraction of data that "you can see on your phone." Tr.p.791–95, State's Memorandum in Opposition to Suppression. After police obtained Verizon records, they obtained a second warrant and performed a "full file extraction" for all the phone's data.[2] Tr.p.806–07, State's Memorandum in Opposition to Suppression, March 2024 warrant. Both the beach video and the location artifact were extracted during the "full file extraction." State's Exhibits

[2] The copy of Court's Exhibit #2 in the Greenville County Clerk's file only contains the initial search warrant. Respondent has independently designated the second warrant, dated March 22, 2024. It is apparent from the trial transcript that both warrants were before the trial court, as evidenced by its ruling that "both warrants are facially valid." Tr.p.136.

#163 and 172, Tr.p.1008. This was not "deliberate, reckless, or grossly negligent disregard for Fourth Amendment rights." Davis, 564 U.S. at 238.

Douglass argues the good faith exception does not apply because police had the ability to limit the scope of the extraction. But this has nothing to do with whether police were entitled to rely on the warrant. The warrant authorized a full extraction. The extent of permission goes to the particularity of the warrant, not whether the police acted in good faith reliance on it.

E. Harmless error.

Even if the trial court erred, Douglass was not prejudiced. See State v. Workman, 443 S.C. 369, 377–78, 905 S.E.2d 119, 123 (2024) (discussing harmless error standard). Douglass was captured on surveillance video scouting Baum's car in the Truluck Thomason parking lot. Both Douglass's wife and Smith's wife identified Douglass as the person in the video. Tr.p.551, 619. Devin Puriefoy testified he was 100% sure that David Smith was not the person seen walking through the firm's parking lot in the surveillance video. Tr.p.592. It is obvious from comparison of the video of Smith at Home Depot that Smith is not the person in the video. State's Exhibit #93. Douglass's one-of-a-kind sprinter van was also captured multiple times on surveillance video, and the State proved through financial records Douglass purchased gas in Cayce both on the way to and from

Greenville that day, and CSLI[3] placed him near Greenville shortly after the shooting. Police recovered gunshot residue and a spent .22 casing from Douglass's van, and incriminating searches from his Google account.

Douglass's attempt to blame the attempted murder on David Smith fell flat, as the State proved through CSLI that Smith was nowhere near the crime scene. As Smith's wife testified, he was at dinner in Traveler's Rest. Smith's wife also testified that Douglass confessed his crime to Smith. Finally, the State proved motive by presenting evidence about Douglass's extremely close relationship with Smith and Smith's antagonistic relationship with the intended target, Devin Puriefoy. As the solicitor argued in closing, David Smith knew Puriefoy personally and interacted with him many times. Smith would not have mistaken Baum for Puriefoy. This Court should affirm.

[3] While Douglass briefly argues the warrant for Verizon records was overbroad, he did not make this argument at trial and did not object when the records were introduced. Tr.p.119, 530. The argument is not preserved. Further, the two pieces of evidence he identifies as prejudicial were both obtained from the extraction. The Verizon records are limited to cellular data and only go back a few months.

II. The trial court correctly admitted reliable expert testimony about location data extracted from Douglass's iPhone.

Douglass argues the trial court abused its discretion by admitting expert testimony from Matthew Wilde, the regional supervisor of the FBI's forensic cellular analysis team. Wilde reviewed historical location data extracted from Douglass's iPhone and testified the data was "consistent" with the phone being present at the scene of the crime. Douglass argues the testimony was not sufficiently reliable because Wilde is not a computer scientist and could not analyze proprietary "code" and "algorithms" which control how the phone logs historic location data. Wilde was not required to be a computer scientist to testify as an expert. Wilde was qualified by many years of experience and extensive training in forensic cell phone analysis, and his testimony was reliable and helpful to the trier of fact. This Court should affirm.

A. Standard of Review.

The admission of expert testimony is reviewed for an abuse of discretion. State v. Wallace, 440 S.C. 537, 541, 892 S.E.2d 310, 312 (2023). An abuse of discretion occurs when the ruling is unsupported by the evidence or controlled by an error of law. Id. (citing State v. Jones, 423 S.C. 631, 636, 817 S.E.2d 268, 270 (2018)). If the record reflects the trial court "exercised its discretion according to law," the appellate court will "almost always" affirm the ruling. Id. at 543, 892 S.E.2d at 313.

B. Relevant facts.

The State offered Matthew Wilde as an expert witness to explain the voluminous historical location data extracted from Douglass's iPhone. Wilde is a Supervisory Special Agent with the FBI and oversees the Bureau's regional team of 27 forensic cell phone examiners. Tr.p.81. He worked in cell phone forensics since 2012, initially as a field agent investigating violent crimes. Tr.p.82. He completed numerous in-depth training courses and testified as an expert approximately 150 times. Tr.p.82–85. He performed hundreds of cell phone extractions. Tr.p.91.

Greenville police seized Douglass's cell phone and used a software program called GrayKey to extract the contents of the phone. Tr.p.796, 808. Police used another program called Cellebrite to organize the data into a readable format.[4] Tr.p.90, 817–88. Wilde reviewed the extracted data.

Wilde explained Apple's operating system (iOS) uses proprietary software which optimizes the phone's ability to determine its precise location. iOS switches seamlessly between four wireless technologies: cellular, GPS, Bluetooth and WiFi. Tr.p.864–65, 897–98. These four technologies provide varying degrees of precision depending on conditions such as the number of cell towers and WiFi access points available in a given location and other factors such as weather, which can affect the efficacy of GPS. iOS is always working to determine the phone's location, even if the phone is not actively being used. iOS determines a phone's location using the most accurate and efficient technology available at the time and shares the

[4] Wilde testified Cellebrite is an industry leader in extraction software and that police departments around the country invest heavily in its software.

coordinates with the phone's various apps, a feature it calls "Location Services."[5] iOS also stores location data in the phone's internal memory. When police "extract" the phone's contents, they can view the location data as latitude and longitude coordinates stored in various folders. In this case, police discovered the location data documenting Douglass's presence at 3 Boyce Avenue in a folder of "Learned Locations of Interest" (LLI). Tr.p.901. iOS creates these location artifacts when the phone is in a location it visits frequently or for a long period of time.[6]

Wilde testified he only considered certain types of stored location data which, in his experience, were accurate. Tr.p.102–03. He automatically discarded categories of data he had previously found to be unreliable. Tr.p.102–03. Douglass introduced a document created by Cellebrite, referred to as a "cheat sheet," which lists the various types of iPhone stored location data and assigns to them a degree of accuracy ranging from "most reliable" to "terrible." Tr.p.909–15; Defense Exhibit #26. The type of data at issue in this case is ranked as "most reliable." Tr.p.912; Defense Exhibit #26.

iOS does not record which wireless technology the phone was utilizing at the time it created the LLI. Tr.p.99. Douglass argued this made the data unreliable. Douglass further argued the State, in order to demonstrate the software's accuracy for Rule 702 purposes, was required to present testimony from a computer scientist

---

[5] Location Services and Privacy, Apple (Feb. 11, 2026) https://www.apple.com/legal/privacy/data/en/location-services/

[6] Heather Mahalik, iOS Location Artifacts Explained, Cellebrite blog (December 21, 2020), https://cellebrite.com/en/series/ctrl-alt-del/ios-location-artifacts-explained/ (Ian Whiffen videoblog at 15:00)

who could examine and explain the "code" and "algorithms" which comprise iOS. However, as Douglass acknowledged at trial and again in his brief, it would be impossible for the State to do so because iOS is proprietary software not available to the general public, and its code is a trade secret protected by law. IBOA at 26–27.

Wilde testified that, in his experience, the types of location data he reviewed in this case are reliable and accurate. Tr.p.88, 92. However, he explained he never relies solely on any one piece of data, but looks at all the data available, including other evidence gathered during the investigation. Tr.p.873. Wilde testified he compared every piece of extracted location data with available cellular data provided by Verizon, which is regarded as extremely reliable. Tr.p.87, 102, 868–70. He testified "both datasets were consistent with each other . . . every time." Tr.p.869. This included "RTT" data, which is the most accurate location data available from Verizon. Tr.p.869–70. His work was peer-reviewed by another FBI agent on his team, who concurred with his findings. Tr.p.112.

Wilde testified the location data extracted from Douglass's phone was "consistent with being in the area of 3 Boyce Avenue" between 3:56 and 6:56 p.m. on April 18, 2023. Tr.p.863, 930. He testified the time may not be 100% accurate, but it's "generally in that area of 3:56 and 6:56."

C. The Rule 702 standard.

Rule 702, SCRE, provides: "If scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or to determine a fact in issue, a witness qualified as an expert by knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion or otherwise."

The South Carolina rule is "extraordinarily similar" to the federal rule. State v. Warner, 430 S.C. 76, 86, 842 S.E.2d 361, 366 (Ct. App. 2020), aff'd in part and remanded, 436 S.C. 395, 872 S.E.2d 638 (2022). The United States Supreme Court has noted the "liberal thrust" of the Federal Rules and their "general approach of relaxing the traditional barriers to 'opinion' testimony." Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 579, 588 (1993).

When admitting expert testimony under Rule 702, the trial judge must find the evidence will assist the trier of fact, the expert witness is qualified, and the testimony is reliable. State v. Council, 335 S.C. 1, 20, 515 S.E.2d 508, 518 (1999); State v. White, 382 S.C. 265, 270, 676 S.E.2d 684, 686 (2009). For scientific evidence, the court looks at several factors, including: (1) the publications and peer review of the technique; (2) prior application of the method to the type of evidence involved in the case; (3) the quality control procedures used to ensure reliability; and (4) the consistency of the method with recognized scientific laws and procedures. Council at 19, 515 S.E.2d at 517. However, these factors may not be relevant when evaluating nonscientific or experienced-based expert testimony, which should be evaluated on an individual basis. White at 274, 676 S.E.2d at 688 (analyzing admission of expert testimony regarding canine tracking); Kumho Tire Co. v. Carmichael, 526 U.S. 137, 151 (1999) (recognizing Daubert factors may or may not be relevant to "experience-based" testimony).

A trial judge is not required to decide if the expert's testimony is "correct." State v. Rowland, 444 S.C. 84, 103, 905 S.E.2d 825, 835 (Ct. App. 2024). Rather, the

"correctness of the conclusion reached by an expert's faithful application of a reliable method (and the credibility of the expert who reached it) is for the jury, for the trial judge must remain at the gatepost and not tread on the advocate's or the jury's turf." State v. Moorer, 439 S.C. 525, 545, 888 S.E.2d 725, 735 (Ct. App. 2023). Trial courts are tasked only with determining whether the basis for the expert's opinion is sufficiently reliable such that it be may offered into evidence. State v. Jones, 423 S.C. 631, 639–40, 817 S.E.2d 268, 272 (2018) ("We find Jones's argument conflates reliability with perfection. There is always a possibility that an expert witness's opinions are incorrect. However, whether to accept the expert's opinions or not is a matter for the jury to decide.").

D. The trial court correctly admitted Wilde's testimony.

The trial court's ruling admitting Wilde's testimony is supported by the record. The location data at issue was stored by software which carries strong indicia of reliability and which depends on wireless technology whose reliability is well-established. Wilde had extensive experience and training with iOS location data and he found it reliable in the past. Wilde did not blindly rely on an isolated piece of data but looked at all the information in the case and found it to be consistent. It was not necessary (or possible) for a computer scientist to parse Apple's proprietary code, as this would not assist the jury and would not demonstrate reliability. This Court should affirm.

i. Location Services has inherent indicia of reliability.

As discussed above, iPhones rely on four wireless technologies to determine location: cellular, GPS, WiFi and Bluetooth. While iOS does not record which

wireless technology a phone was using when it logged a "Learned Location of Interest," the reliability of each of the four technologies is well established. See United States v. Duggar, 76 F.4th 788, 795 (8th Cir. 2023) (explaining the "accuracy and reliability" of GPS are "not subject to reasonable dispute") (citing United States v. Brooks, 715 F.3d 1069, 1078 (8th Cir. 2013) (holding trial court properly took judicial notice of the "accuracy and reliability of GPS technology")); accord State v. Brown, 424 S.C. 479, 489, 818 S.E.2d 735, 740 (2018); Carpenter v. United States, 585 U.S. 296, 311 (2018) (observing a cell phone "tracks nearly exactly the movements of its owner" and "the accuracy of CSLI is rapidly approaching GPS-level precision"); State v. Burch, 961 N.W.2d 314, 323 n.11 (Wis. 2021) (explaining "[w]ireless technology is nothing new. It is entirely within the 'ordinary experience of mankind' to use a Bluetooth or Wi-Fi connection to transfer data from one device to another."); United States v. Smith, 110 F.4th 817, 840 n.15 (5th Cir. 2024) (explaining expert's "extensive knowledge, skill, experience, training, and education in historically reliable forms of geolocation, such as CSLI, GPS, and Wi-Fi, allowed him to discuss Google Location History data, which is itself derived from those very sources.").

In addition to the indisputable reliability of the underlying wireless technology, iOS software contains inherent indicia of reliability. First, it is produced by Apple, one of the world's most advanced and highly-valued technological companies. This pedigree matters. See White at 271, 676 S.E.2d at 687 (noting police dog was "a German shepherd that descended from a bloodline of

known police and military working dogs"). Millions of people rely on Apple Location Services every day, and iOS automatically defaults to Location Services for emergency calls.

Other highly-valued companies place their trust in the software as well. Foremost among these is Google, which pays Apple billions of dollars every year in exchange for Apple installing Google as the default search engine in the browsers of new iPhones.[7] When installed on iPhones, Google's apps (including Google Maps) rely on Apple's geolocation software to provide accurate location data to facilitate Google's sophisticated targeted advertising scheme. See Wells v. State, 675 S.W.3d 814, 828 (Tex. App. 2023) (noting "Google relies on the accurate collection of location information as part of its business model to provide location services and targeted advertising"); United States v. Chatrie, 590 F. Supp. 3d 901, 907 (E.D. Va. 2022) (noting "Google's advertising revenue constituted 85.4% and 83.9% of its entire revenue in 2018 and 2019, respectively"); State v. Pierce, 222 A.3d 582, 590 (Del. Super. Ct. 2019), aff'd, 236 A.3d 307 (Del. 2020) (affirming admission of WiFi location data and explaining "[a]ccurate geolocation of a mobile device is an important part of Google's business plan"). The great monetary value of Apple's Location Services software is a strong indicator of its reliability.

ii. Wilde was not required to be a computer scientist.

[7] Leah Nylen, Google's Payments to Apple Reached $20 Billion in 2022, Antitrust Court Documents Show, (March 1, 2024), https://www.bloomberg.com/news/articles/2024-05-01/google-s-payments-to-apple-reached-20-billion-in-2022-cue-says?embedded-checkout=true

While Douglass does not challenge Wilde's qualification as an expert, he argues Wilde was not qualified to testify about the location artifact because he is not a computer scientist and did not examine the "code" and "algorithms" which control iOS's location data storage. But Wilde's testimony was not offered to show how iOS Location Services works on a technical, micro level. Such testimony would not have been helpful to the jury, and it would not have proved the software was reliable. This was a jury trial, not a graduate-level computer science course. Wilde's testimony was offered to show simply that, in his experience, the software does work, or at least that it is sufficiently trustworthy that it can be considered along with other information corroborating its accuracy. Such experience-based testimony is completely proper.

The typical witness offering forensic cellular analysis is a police officer, not a computer scientist. See Wallace at 546, 892 S.E.2d at 314–15 (collecting cases). Police witnesses testify based on experience and training, not scientific knowledge. The State disputes Douglass's assertion that Wilde's testimony was scientific in nature, or that "[s]oftware coding/ engineering is the subject of interpreting the data." IBOA at 25.

This Court has rejected similar arguments in recent years. In State v. Warner, the defendant challenged the reliability of an FBI agent's testimony regarding cell-site location information. The officer was not a computer scientist but explained he relies on the technology "on a daily basis" because it had proven reliable in the past. This Court affirmed, explaining the "reliability of experience-

based expertise is often proven by its success." State v. Warner, 430 S.C. 76, 88, 842 S.E.2d 361, 367 (Ct. App. 2020), aff'd in part and remanded, 436 S.C. 395, 872 S.E.2d 638 (2022).

In State v. Franks, the defendant objected to an officer's expert testimony that he used software to plot cellular location data on a map. State v. Franks, 432 S.C. 58, 71, 849 S.E.2d 580, 587 (Ct. App. 2020). Franks questioned whether the officer could explain the software's "algorithms" to establish the "reliability of the software" used to sort the data. Id. at 69, 849 S.E.2d at 586. The officer "stated he could testify regarding the use of the software and the data it translated but not the algorithms it used." Id. This Court explained the officer was qualified by experience to testify about the phone's historical location despite his inability to explain the software algorithms which sorted the data. Id. at 76, 849 S.E.2d at 590. It held Franks's reliability challenge was unpreserved but addressed the issue anyway, explaining the trial court correctly found "the substance of the testimony was sufficiently reliable." Id. at 77, 849 S.E.2d at 590. See also State v. Young, 432 S.C. 535, 544, 854 S.E.2d 615, 619 (Ct. App. 2021) (explaining CSLI testimony was reliable despite fact officer was not familiar with mapping software's development or peer-review status).

Similarly, Douglass challenges iOS software that receives a wireless transmission, makes a record of the transmission, and stores the data in the phone's internal memory. The trial court correctly allowed Wilde to testify that, in his experience, the software produces reliable results—at least for the specific type of

data he considered. This supported his rather conservative conclusion that the data was "consistent" with the phone's presence at the scene of the crime.

Douglass emphasizes the proprietary nature of iOS—that the State cannot test the reliability of iOS "learned locations" because the code is a trade secret. Tr.p.1206, IBOA at 26–27. This fact does not help Douglass. By this logic, no expert would ever be allowed to testify about the reliability of geolocation artifacts because the public does not have access to the code.

The United States Court of Appeals for the D.C. Circuit addressed a similar argument in United States v. Morgan, 45 F.4th 192 (D.C. Cir. 2022). Morgan contested the reliability of an FBI agent's testimony regarding "drive testing" to determine the signal strength of cellular towers in Washington D.C. Morgan argued the expert could not attest to the reliability of the device he used because he did not have access to the code of the proprietary software and "could not explain the computer algorithms that processed the drive-test data and generated the coverage maps." Id. at 203. The court rejected the argument, explaining:

> [W]e have never held that Rule 702 requires an expert to have a sophisticated understanding of the software underlying her technological tools. If we required expert witnesses to have detailed knowledge of the software underlying their testimony, they could almost never testify on matters related to proprietary technology. For example, "anyone who testifies using any basic software such as Excel ... to provide financial analysis[ ] would be required to be an expert in the algorithms by which Excel codes its formula and calculations." Federal Rule of Evidence 702 does not compel that result. The touchstone of Rule 702 is reliability. Even if Horan could not explain the inner workings of the software that generated the drive-test maps, he could assure the reliability of his drive test and the maps it generated through other means. Horan was indisputably qualified to testify about a technological tool that has earned wide acceptance in a

> relevant industry, and he used the tool in its customary manner. His inability to explain a proprietary algorithm did not pose a categorical bar to a finding of reliability.

Id. (quoting United States v. Nelson, 533 F. Supp. 3d 779, 798 (N.D. Cal. 2021)) (internal citations omitted). See also State v. Dabate, 351 Conn. 428, 476, 331 A.3d 1159, 1196 (2025) ("The defendant argues that Diaz did not establish the reliability of the Fitbit evidence because he could not explain the Fitbit's proprietary internal algorithm that translates the voltage into steps. We disagree. An expert witness does not need knowledge of proprietary information to establish the reliability of data generated by an electronic device."); United States v. Chiaradio, 684 F.3d 265, 278 (1st Cir. 2012) (explaining although FBI agent "was not a programmer, did not know the program's authors, and had never seen the source code, he had significant specialized experience with [the software]" which was sufficient to establish reliability); People v. Rodriguez-Ortiz, 574 P.3d 1196, 1211 (Colo. Ct. App. 2026), cert. granted on other grounds, 2026 WL 361864 (Colo. Feb. 9, 2026) ("[T]o the extent Rodriguez-Ortiz contends that the secret nature of AT&T's proprietary information renders the data unreliable, we conclude that the accuracy of this data goes to its weight and not its admissibility. Indeed, the defense asked the jury to reject the data based on AT&T's disclaimers concerning accuracy, while the People asked the jury to rely on the same data based on Sonnendecker's personal experience with its accuracy.").

Douglass cites Commonwealth v. Arrington, 226 N.E.3d 851 (Mass. 2024), where the Massachusetts Supreme Judicial Court affirmed the trial court's

exclusion of expert testimony concerning a different type of iOS location artifact. The facts of that case are distinguishable. The expert in Arrington, a "crime analyst" with the local district attorney's office, apparently did not have prior experience with "Frequent Location History" data points.[8] Instead, he performed 12 "experiments" with a different model iPhone. The court analyzed the issue under the Daubert factors for scientific evidence, not the ad hoc test for experience-based evidence applicable in this case. See Warner at 85, 842 S.E.2d at 365. Further, the Arrington expert witness offered a more definitive opinion: that "the defendant's phone was within a 143-foot radius" of the crime scene, not that it was "consistent" with being there. Arrington at 857 (emphasis added). Finally, the procedural posture in Arrington is the opposite of this case; the trial court excluded the testimony and the State appealed. Thus Arrington, while distinguishable on its facts, is a reminder that the appellate court applies the deferential abuse of discretion standard of review to a trial court's 702 rulings. See Id. at 867–68 (Lowy, J., concurring) (noting "a party may well meet its burden to show gatekeeper reliability of expert testimony regarding FLH data in another pending or future case"); Kumho Tire Co., 526 U.S. at 152 (explaining "the trial judge must have

[8] According to the Arrington court, Frequent Location History is an earlier version of the "Significant Locations" feature on newer iPhones. Arrington at 855 n.9. However, the data point was different than the one at issue in this case, as evidenced by the court's citation to an Ian Whiffen article criticizing "encryptedB location data." Arrington at 863 n.19. The data at issue in this case, "ZRT" data, is recognized by Whiffen's employer, Cellebrite, as a "most reliable" type of location data. See discussion in Relevant Facts section.

considerable leeway in deciding in a particular case how to go about determining whether particular expert testimony is reliable").

iii. Wilde's methodology was reliable.

Wilde employed trustworthy methodology. He did not blindly trust the location artifact in isolation; he viewed it in context with all the other evidence in the case. Wilde testified he cross-referenced every piece of extracted location data with data he knew to be accurate, such as cellular data from Verizon. Tr.p.87, 102, 868–70, 902. He testified "both datasets were consistent with each other . . . every time." Tr.p.869. See Wells, 675 S.W.3d at 828–29 (explaining officer sufficiently verified the accuracy of Google Location History data by comparing it to CSLI data and other evidence, such as surveillance videos); United States v. Sterlingov, 719 F. Supp. 3d 65, 79 (D.D.C. 2024) (explaining software's "reliability is further corroborated by the investigation that was conducted in this case"). His work was peer-reviewed by another FBI agent on his team, who concurred with his findings. Tr.p.112. Wilde offered conservative testimony.

Douglass presented an expert who criticized Wilde's methodology and pointed to a data point Douglass asserts erroneously placed his phone at 3 Boyce Avenue on the day of his arrest. Douglass maintains on appeal that "[n]o one can explain how the 3 Boyce Avenue geolocation artifact erroneously indicated that the iPhone was at this location on the date of Douglass' arrest." IBOA at 27. He asserts the data was "wrong." IBOA at 24.

The assertion that the data point is "wrong" is dubious even to a lay person and does not accurately reflect the trial testimony. The log in question lists dozens

of location data points, all with the exact same "creation date" as the 3 Boyce Avenue data point—May 15 at 11:16. Defendant's Exhibit #44. Obviously, Douglass could not have been at all these different places at once. As both Wilde and the defense expert explained, the time a record was created by iOS does not necessarily coincide with the time the phone was present at a particular location. Tr.p.1227–31, 905. Douglass's own expert opined that the data was synced to Douglass's phone from another device at the "creation date," not that the phone erroneously indicated it was present at 3 Boyce Avenue at that time. Tr.p.1231.

Regardless, any criticisms of Wilde's methodology or unexplained data go to the weight of the evidence, not the admissibility of the expert's testimony. Morgan, 45 F.4th at 201 ("Efforts to discredit an expert's methodology by pointing to the limits of the research he undertook go to the weight rather than the admissibility of his testimony. "). The appropriate response is to attack the evidence through cross-examination and presentation of contrary evidence. See Daubert, U.S. at 596 ("Vigorous cross-examination, presentation of contrary evidence, and careful instruction on the burden of proof are the traditional and appropriate means of attacking shaky but admissible evidence."). Wilde may have had a different explanation for this supposed anomaly, but Douglass chose not to cross-examine him about it. But Douglass did present a competing expert who opined that "Travis Douglass' phone was not at 3 Boyce Avenue between 4:00 and 7:00 p.m." Tr.p.1235. The trial court correctly left it to the jury to determine the truth.

Douglass looks for support in Graves v. CAS Med. Sys., Inc., 401 S.C. 63, 735 S.E.2d 650 (2012), where the supreme court affirmed the exclusion of proffered expert testimony intended to prove a products liability claim. But the experts in Graves had no experience with the allegedly defective product, and "none of the experts did much actual testing of the software" it used. Id. at 70, 735 S.E.2d at 653. Instead, the experts relied on "undisputed testimony" from the plaintiffs to conclude, by process of elimination, that defective software "was the most likely cause" of the malfunction. In other words, the experts blindly and unscientifically accepted the plaintiffs' testimony as true and "provided no reason for discounting the evidence to the contrary other than the assertion of the person alleging a failure." Id. at 76, 735 S.E.2d at 657. Wilde never claimed to be a software expert, did not guarantee the data's accuracy, and did not engage in any of the flawed reasoning of the Graves experts. The basis of his opinion was straightforward: in his extensive experience, the software works.[9]

Lastly—to state the obvious—it would be a truly amazing coincidence for Douglass's iPhone to falsely register a learned location at the exact GPS coordinates of the parking lot at 3 Boyce Avenue. Given all the evidence discussed above, and the fact the Douglass was captured on surveillance video in the Truluck Thomason

[9] The State disputes Douglass's assertion that Graves "refuted the idea that interpretation of data produced by software is non-technical, i.e. experiential." IBOA at 26. The court said nothing of the sort. On the contrary, it discussed the experts' lack of experience with the allegedly defective product. Further, the court did not "conclude[] the testimony at issue was scientific . . . ." IBOA at 26. The court expressly declined to categorize the testimony as scientific, explaining the testimony was "unreliable under either standard . . . ." Id. at 75, 735 S.E.2d at 656.

parking lot, confirming the accuracy of the data, the record overwhelmingly supports the trial court's finding that Wilde's testimony was reliable. This Court should affirm.

E. Harmless error.

Even if the trial court erred, Douglass was not prejudiced. The same harmless error analysis as Issue 1 is applicable, except that if the Court affirms the trial court's refusal to suppress evidence seized pursuant to the search warrant it evidence (except for the geolocation artifact) in its analysis as well. This Court should affirm.

.

III. Douglass's argument that his statement to police during the traffic stop was admitted in violation of Miranda is not preserved for review, and Douglass was not prejudiced.

Douglass argues his statement to Detective Bixby during the traffic stop was admitted in violation of Miranda. This argument is not preserved for review because it was not ruled on by the trial court. Even if preserved, Douglass's limited, equivocal statement was not important to the State's case and could not reasonably have affected the result of trial. This Court should affirm.

A. Standard of review.

Appellate courts review a trial court's factual findings for any evidentiary support, but the ultimate legal conclusion to be drawn from those facts is a question of law the appellate court reviews de novo. State v. Lowery, 443 S.C. 473, 480, 905 S.E.2d 361, 364 (2024) (citation and quotation marks omitted).

B. Discussion

The issue of whether Douglass's statements were properly admitted under Miranda is not preserved for appellate review because the issue was not ruled on by the trial court. Miranda v. Arizona, 384 U.S. 436, 440 (1966) (holding police must advise suspect of right against self-incrimination before conducting "custodial interrogation"). The court ruled that Douglass's statements were voluntary but made no findings regarding custodial interrogation. These are distinct issues with distinct factual predicates. See State v. Collins, 442 S.C. 444, 900 S.E.2d 426 (2024) (discussing distinction between Miranda custodial interrogation and Denno voluntariness).

The court stated at the outset of the pretrial hearing that the purpose of the hearing was to address Douglass's Denno claim and his Fourth Amendment claim. Tr.p.138. See Jackson v. Denno, 378 U.S. 368 (1964) (holding defendant is entitled to hearing to determine voluntariness of statement to police). After taking testimony and hearing argument, the trial court ruled that Douglass's statements were given freely, knowingly, and voluntarily:

> As far as the Jackson v. Denno hearing, obviously, the Court has to look at the totality of the circumstances when looking at either a confession or a statement. I do find that the statement in this case was given freely, knowingly and voluntarily. In no way did I find that The Defendant's will was overborne by the totality of the circumstances surrounding the statement.
>
> As far as voluntariness, he was not under the influence. There was not any type of physical or mental disability. There were lawful questions to determine ownership and who had been driving the vehicle. It was extremely limited. There were no threats made. The Defendant was under investigative detention and not arrest. Therefore, any statements made are admissible.

Tr.p.187.

It is clear from the trial court's discussion of the Denno voluntariness factors and its identification of the hearing as a Jackson v. Denno hearing that the court ruled on voluntariness, not custodial interrogation. While counsel argued that a Miranda violation occurred, the trial court did not rule on that issue. See State v. Dunbar, 356 S.C. 138, 142, 587 S.E.2d 691, 693 (2003) ("In order for an issue to be preserved for appellate review, it must have been raised to and ruled upon by the trial judge.") (emphasis added). The appellate court is not a court of first review.

There are no findings regarding custody or interrogation, the factual predicates of a Miranda violation. Accordingly, there is no ruling to review and the issue is unpreserved. See State v. Silver, 314 S.C. 483, 486, 431 S.E.2d 250, 251 (1993) (holding defendant's Miranda custody argument at trial did not preserve Denno argument on appeal).

Even assuming custodial interrogation occurred, any error in admitting the statement is harmless. See State v. Lowery, 443 S.C. 473, 482, 905 S.E.2d 361, 366 (2024) (explaining appellate court "need not decide whether Lowery was in custody" because admission of unwarned statements was harmless). This was not a "confession," but a limited and equivocal admission. Cf. Miranda, 384 U.S. at 440. When Bixby asked Douglass whether anyone else had been driving the van in the past two months, Douglass responded, "not that I know of . . . . I mean I keep it in a public lot." Court's Exhibit #7, timestamp 20:23:20. Bixby asked if anyone else had a key, and Douglass responded "no." He stated he kept the van mostly in Florida and Bluffton. Bixby asked again whether anyone else had been driving the van and Douglass answered, "I don't believe so, no." These limited, equivocal statements were not important to the State's case. See State v. Workman, 443 S.C. 369, 377–78, 905 S.E.2d 119, 123 (2024) ("To say an error did not contribute to the verdict is to find that error unimportant in relation to everything else the jury considered on the issue in question, as revealed in the record, and that the error had little, if any, likelihood of having changed the result of the trial.") (citations and quotation marks omitted).

Douglass argues the statements were "critical to the State in its effort to exclude David Smith as the shooter." IBOA 31. Not so. The State easily excluded Smith as the shooter through other evidence. Smith's wife testified she and Smith were out at dinner in Traveler's Rest when the shooting occurred. The State confirmed this with financial records and cell phone tower data proving Smith's phone was in Traveler's Rest at the time. Tr.p.604–07. The State's expert testified it would have been impossible for Smith's phone to have been in downtown Greenville at the time of the shooting. Tr.p.867. Smith's wife further testified that Douglass confessed his crime to Smith. Tr.p.678–79. Devin Puriefoy testified he was 100% sure that David Smith was not the person in the surveillance video. Tr.p.592. See also State's Exhibit #93 (Home Depot surveillance showing David Smith). Not only were Douglass's statements limited and equivocal, they could have been discarded if the jury truly believed Smith was the shooter. If Douglass was willing to kill for Smith, he was willing to lie to protect him.

David Smith aside, the State's other evidence against Douglass was overwhelming. As discussed above, Douglass is on video scouting Baum's car shortly before he was shot. State's Exhibit #82. Douglass is plainly identifiable through comparison with the video extracted from his phone. State's Exhibit #173. Both Douglass's wife and Smith's wife identified Douglass as the person in the video. Tr.p.551, 619. The State proved through CSLI and financial records that Douglass travelled to Greenville on April 18, and location data extracted from Douglass's phone placed it at the scene. His equivocal statement to Detective Bixby

was not important to the case, and could not reasonably have affected the jury's deliberations. See Lowery, 443 S.C. at 483, 905 S.E.2d at 366 (finding admission of unwarned statement harmless). This Court should affirm. [10]

[10] As to the merits, while Douglass's detention carried many of the hallmarks of custodial interrogation, the rationale of Berkemer v. McCarty supports the trial court's ruling. Berkemer v. McCarty, 468 U.S. 420, 437 (1984) (explaining a routine traffic stop is more like a Terry stop than custodial interrogation because of the public setting and typically brief nature of the encounter) (citing Terry v. Ohio, 392 U.S. 1 (1968)). As with Terry stops, Bixby was entitled to "ask the detainee a moderate number of questions to determine his identity and to try to obtain information confirming or dispelling the [his] suspicions." Berkemer, 468 U.S. at 439. His questioning was very limited, he did not ask about the shooting itself, and he informed Douglass he would have the opportunity to speak with police if he chose. The fact that police reasonably suspected Douglass of a crime does not automatically render the detention custodial interrogation for Miranda purposes. See State v. Corley, 383 S.C. 232, 244, 679 S.E.2d 187, 193 (Ct. App. 2009) ("Even drawing weapons, handcuffing a suspect, placing a suspect in a patrol car for questioning, or using or threatening to use force does not necessarily elevate a lawful stop into a custodial arrest for Miranda purposes."). However, the Court need not reach the merits because the issue is unpreserved and any error is harmless.

IV. The trial court correctly admitted a first responder's bodycam video showing him administering first aid to the victim.

Douglass argues the trial court abused its discretion by admitting a bodycam video depicting a first responder administering first aid to Baum. The record supports the trial court's ruling that the danger of unfair prejudice did not substantially outweigh the probative value of the video under Rule 403, SCRE. This Court should affirm.

A. Standard of review.

A trial judge's decision regarding the comparative probative value and prejudicial effect of evidence is entitled to great deference of appeal and should be reversed only in exceptional circumstances. State v. Adams, 354 S.C. 361, 378, 580 S.E.2d 785, 794 (Ct.App.2003).

B. Discussion.

The State had the burden to prove beyond a reasonable doubt that Douglass "with intent to kill, attempt[ed] to kill another person with malice aforethought." S.C. Code Ann. § 16-3-29. To meet this burden, the State offered State's Exhibit #3, a video of Mr. Baum receiving medical care at the scene. It was the only evidence visually showing the location of the wound, high on Baum's chest, and was therefore relevant to the elements of malice and intent to kill. See State v. Hawes, 423 S.C. 118, 129-31, 813 S.E.2d 513, 519-20 (Ct. App. 2018) (holding that trial court was within its discretion in admitting autopsy photos of the location and size of victim's knife wounds); State v. Kelley, 319 S.C. 173, 460 S.E.2d 368 (1995) (finding charts,

photographs, and video footage depicting the excess nature of the killing were probative of the issue of malice); State v. Gray, 408 S.C. 601, 609, 759 S.E.2d 160, 164 (Ct. App. 2014) (holding crime scene photos were relevant because they showed how, where, and how many times Victim was attacked). While an ER doctor described the injury, no images were shown of the injury during her testimony. The video thus corroborated testimony about a central fact of the case. See State v. Torres, 390 S.C. 618, 623, 703 S.E.2d 226, 229 (2010) (stating it is not an abuse of discretion for a trial court to admit photographic evidence if it is offered to corroborate testimony).

The video also showed Baum responding to the officer's question who he thought may have shot him. Baum responded, "No, I don't know. Donna Boyd. . . . A person who said she was going to sue me." This led defense counsel to attempt to insert third party guilt as an issue in the case, and to attack the thoroughness of the investigation by insinuating police wrongfully focused on Smith and Douglass. Tr.p.252–54, 277–94. To exclude the video would have created a swearing match about an important piece of evidence.

The danger of unfair prejudice was low. The video was not gruesome. Douglass cites State v. Nelson, 440 S.C. 413, 891 S.E.2d 508 (2023), but in that case the victim had over 100 wounds and her throat was slit, extremely gruesome injuries leaving no question as to her status as dead and the inference of malice that arose from her manner of death. Id. at 425. State's Ex. 3 is more comparable to the audio recording at issue in State v. Davis-Kocsis, 443 S.C. 127, 136, 903

S.E.2d 491, 495 (2024), where the supreme court affirmed the trial court's admission of an audio recording of a friend of the victim who was on the phone with 911 while watching the victim die. Id. at 136, 903 S.E.2d at 495. The court noted that the call, while "raw and emotional," did not create a tendency to suggest a decision on an improper basis or rise to the level of unfair prejudice. Id.

Similarly, the video footage of Mr. Baum is not so upsetting as to suggest guilt on an improper basis. While Baum was understandably in distress after being shot, he remained relatively calm under the circumstances. Throughout the video Baum maintains his composure and answers the officers' questions. The danger of unfair prejudice was low and did not substantially outweigh the probative value. Finally, any error is harmless for the same reasons discussed above. This Court should affirm.

V. The trial court correctly admitted a video showing Douglass's post-arrest demeanor.

Lastly, Douglass argues the trial court erred by admitting a bodycam video of him walking into the police station after his arrest. Douglass argues the video was unfairly prejudicial and an "attack on his right to remain silent." IBOA at 49. The State made no comment on Douglass's silence, and the video does not show Douglass being advised of his right to remain silence or invoking that right. The video was probative because it showed Douglass's emotionless response to being arrested, which tended to show consciousness of guilt. The video also gave the jury another chance to see Douglass walking and was therefore probative of whether Douglass was the person on the Truluck Thomason surveillance video. This Court should affirm.

A. Standard of review.

A court's ruling on the admissibility of evidence will not be reversed on appeal absent an abuse of discretion or the commission of legal error which results in prejudice to the defendant. State v. Adams, 354 S.C. 361, 377, 580 S.E.2d 785, 793 (Ct. App. 2003).

B. Discussion.

As with the first responder's video, State's Exhibit #43 was relevant because it corroborated oral testimony. Multiple witnesses commented on Douglass's unusually calm demeanor during his arrest. Officer Garbutt testified that during the traffic stop Douglass "appeared very calm and did not seem overly concerned with the level of force that he was observing from us, which is a little out of the ordinary for this kind of stuff." Tr.p.456. Officer Nunez also testified about

Douglass's demeanor, describing him as "very calm" and that he "[d]id not appear to be nervous in any way." Tr.p.472. The officer who served the arrest warrant on Douglass testified he was "very emotionless." Tr.p.534. State's Exhibit #43, especially the portion showing Douglass in the elevator at the police station, shows Douglass's calm, emotionless demeanor. The evidence therefore corroborated oral testimony and was relevant to show Douglass's state of mind upon being arrested and his consciousness of guilt. See State v. Weston, 367 S.C. 279, 291, 625 S.E.2d 641, 647 (2006) (holding officer was properly allowed to testify about suspect's "unresponsive" demeanor). The video also shows Douglass walking, which was probative of whether he was the person on Truluck Thomason's surveillance video.

Douglass argues introduction of the video was "an improper attack on his right to remain silent." IBOA at 49. The video does not show Douglass being advised of his rights or refusing to answer questions. The solicitor did not comment on Douglass's refusal to speak with police, either directly or by implication. Cf. Edmond v. State, 341 S.C. 340, 348, 534 S.E.2d 682, 686 (2000) (holding counsel was ineffective for failing to object to "direct and improper references to the exercise of his constitutional rights"). There was no unfair prejudice to Douglass. Finally, erroneous admission of the video would be harmless for the same reasons argued above. This Court should affirm.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

ALAN WILSON
Attorney General

JOSHUA A. EDWARDS
Assistant Attorney General

CINDY S. CRICK
Solicitor, Thirteenth Judicial Circuit

BY: s/ Joshua Edwards
Joshua A. Edwards
Bar # 101188

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

June 8, 2026