

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Florence County
Honorable William H. Seals, Circuit Court Judge
Appellate Case No. 2025-000149

THE STATE,

Respondent,

vs.

CARLTON DEVONTE BROWN,

Appellant.

INITIAL BRIEF OF RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

“Whether the trial court erred in denying the motion to suppress the methamphetamine that was found during an unlawful search?”

COUNTER-STATEMENT OF ISSUE ON APPEAL

Did the trial judge somehow err by declining to suppress the methamphetamine discovered through the warrantless search of the rental vehicle when, at the time of that search, the officer possessed a probable cause basis to believe the vehicle contained drugs and other contraband and, therefore, he was constitutionally permitted to search anywhere in the vehicle that could potentially contain the object of his search—more drugs—pursuant to the automobile exception without needing to first obtain a search warrant?

STATEMENT OF THE CASE

In June of 2021, Appellant Carlton Devonte Brown was arrested after he was tracked down following an investigation into a report he assaulted and threatened a woman with a gun, and guns, marijuana, and methamphetamine were subsequently located inside the rental vehicle Appellant had been driving at the time of his arrest. Between July of 2021 and July of 2024, the Florence County Grand Jury indicted Appellant for one count of trafficking in methamphetamine, one count of possession of marijuana with intent to distribute, one count of pointing and presenting a firearm, two counts of possession of a handgun by a person previously convicted of a violent crime, and two counts of unlawful carrying of a pistol. On January 13, 2025, a jury trial was commenced on all the charges except the two for unlawful carrying of a pistol¹ in the Florence County Court of General Sessions with the Honorable William H. Seals, circuit court judge, presiding. At the conclusion of the three-day trial, the jury convicted Appellant of all the charges except pointing and presenting a firearm. Following the verdict, the trial judge sentenced Appellant to concurrent terms of imprisonment of fifteen years for trafficking in methamphetamine, five years for possession of marijuana with intent to distribute, and five years for each count of possession of a handgun by a person previously convicted of a violent crime. Appellant then timely filed a notice of appeal.

¹ The two unlawful carrying of a pistol charges were subsequently dismissed after Appellant's trial concluded. Records for Carlton Devonte Brown, Florence County Twelfth Judicial Circuit Public Index, <https://publicindex.sccourts.org/florence/publicindex/>.

STATEMENT OF FACTS

On the afternoon of June 29, 2021, Laquonda Green (“Victim”) called 911 following a frightening encounter with Appellant, whom—up to then—was her boyfriend, outside her sister’s house located at Brentwood Circle in Lake City, South Carolina. (Tr. pp. 119-120; pp. 132-137; p. 152; p. 178 pp. 182-186). During the call, Victim identified herself by name and reported Appellant, whom she also identified by name, had pulled a gun on her and her kids. (State’s Ex. # 2 (911 Call Recording)). Victim further reported Appellant just left the scene in a silver Chevrolet Equinox rental vehicle² with a specific out-of-state license plate number. (State’s Ex. # 2). In addition to that, Victim indicated Appellant’s vehicle contained guns *and* was “full of drugs.” (State’s Ex. # 2).

In response, Sergeant Carl Majors from the Lake City Police Department rapidly responded to the scene. (Tr. p. 187; pp. 193-194). When he arrived, he met with Victim, who had obvious injuries to her face and a heavily-swollen eye, in a face-to-face encounter. (Tr. pp. 178-179; p. 194; State’s Ex. # 4 (Body Camera Recording)). During their ensuing conversation, Victim—who provided her full name, date of birth, phone number, and address—repeated her account of what had occurred to Sergeant Majors, and she identified Appellant, her former live-in boyfriend, by name as the person responsible for her injuries.³ (Tr. p. 195; State’s Ex. # 4). Victim also provided a description of Appellant’s rental vehicle—which she had personally been inside of earlier that same day—and Appellant himself, and she again reported his vehicle was laden with guns and narcotics. (Tr. pp. 125-130; p. 195; pp. 201-202; State’s Ex. # 4).

² The vehicle was apparently rented in Appellant’s cousin’s name. (Tr. pp. 125-126).

³ According to Victim, her injuries were sustained when Appellant repeatedly struck her in the face with a closed fist during their joint trip back to Florence County from Atlanta, Georgia, on the date of the incident. (Tr. pp. 124-127; p. 180; State’s Ex. # 4).

Ultimately, due to her injuries, Victim was transported to the hospital for treatment, and Sergeant Majors alerted his fellow officers, including Lieutenant John Stewart, to be on the lookout for Appellant's rental vehicle. (Tr. p. 195; pp. 201-202; p. 205; State's Ex. # 4). In addition to that, Sergeant Majors obtained warrants for Appellant's arrest for domestic violence of a high and aggravated nature and pointing and presenting a firearm. (Arrest Warrants).

Later that night, Lieutenant Stewart,⁴ who was a narcotics investigator with the Lake City Police Department, was patrolling in the vicinity of Brentwood Circle when he spotted Appellant's silver Chevrolet Equinox. (Tr. p. 202; pp. 209-212; State's Ex. # 1 (Body Camera Recording)). In response, he swiftly initiated a "felony stop"⁵ in order to arrest Appellant on the outstanding warrants. (Tr. pp. 212-213; p. 249; State's Ex. # 1).

Toward the outset of that stop, Lieutenant Stewart handcuffed Appellant, who claimed his name was "Robert Brown," and removed him from the rental vehicle. (Tr. p. 213; p. 216; State's Ex. # 1). Almost immediately after the officer had done so, Appellant readily admitted there was "one" weapon in the vehicle. (Tr. p. 243; State's Ex. # 1). Appellant was then arrested for domestic violence of a high and aggravated nature and pointing and presenting a firearm.⁶ (Tr. p. 218; State's Ex. # 1).

Following Appellant's arrest, Major Dedrick Graham, who was assisting with the stop, and Lieutenant Stewart both looked in the backseat area of the rental vehicle. (Tr. pp. 209-213; p. 217; p. 232; State's Ex. # 1). Inside, they swiftly spotted two handguns—a .38-caliber

⁴ Tragically, Lieutenant Stewart was killed in the line of duty a few weeks after the stop. (Tr. pp. 251-252).

⁵ The stop occurred less than a mile away from Brentwood Circle, which was the location where the earlier incident involving Victim had occurred. (Tr. p. 217).

⁶ During the stop, a dispatcher alerted Lieutenant Stewart that Appellant's license was suspended at that time. (State's Ex. # 1).

revolver and a nine-millimeter pistol—in the rear floorboard *right next to* a plastic bag filled with a large quantity of marijuana that was visible in plain view. (Tr. p. 217; p. 232; p. 243; State’s Ex. # 1).

Subsequent to that, Major Graham transported Appellant to jail while Lieutenant Stewart remained behind and requested a tow truck be dispatched to the scene. (Tr. p. 218; p. 230; State’s Ex. # 1). Roughly twenty-four minutes after the stop had been initiated, Lieutenant Stewart then secured the illegal evidence that had already been discovered before beginning a more comprehensive search of the rental vehicle and its contents. (State’s Ex. # 1). Significantly, during that search, Lieutenant Stewart found a bag full of distinctive multi-colored methamphetamine pills hidden in the vehicle’s ceiling-based sunglasses holder.⁷ (Tr. pp. 236-237; pp. 315-316; State’s Ex. # 1). That illicit contraband was secured, too, and the rental vehicle was then towed from the scene. (Tr. pp. 240-241; State’s Ex. # 1).

Based on the incident with Victim along with what had been uncovered during the stop, Appellant was subsequently indicted for numerous offenses, including trafficking in methamphetamine, and he elected to proceed forward to trial. (Tr. p. 9; Indictments). Toward the outset of trial, defense counsel moved for the methamphetamine found during the search of the rental vehicle to be suppressed, and an in limine hearing was conducted on the matter during which Major Graham recounted the details of what occurred during the stop. (Tr. pp. 69-79).

Following Major Graham’s testimony, defense counsel conceded the marijuana was found in plain view next to the guns during the stop. (Tr. p. 79). Nevertheless, he contended the methamphetamine found hidden in the rental vehicle should be suppressed. (Tr. p. 79). As support for that contention, defense counsel maintained the “appropriate course of action” for the

⁷ Multiple digital scales, tetrahydrocannabinol gummies, and other items associated with drug activity were also located during the search. (Tr. pp. 234-236; p. 255; p. 315).

officers would have been to obtain a search warrant for the vehicle if they thought there were any *additional* drugs in the vehicle after spotting the marijuana in plain view. (Tr. pp. 79-80). Based on that, he asserted the warrantless search that led to the discovery of the methamphetamine was unconstitutional. (Tr. pp. 80-81).

Conversely, the solicitor argued Appellant was arrested on outstanding warrants, which allowed for a search incident to arrest, and his vehicle was towed, which would have led to his vehicle being inventoried pursuant to “standard operating procedure.” (Tr. p. 81). Furthermore, the solicitor argued the officers’ discovery of the marijuana during their search for the gun established a probable cause basis for a search of the rest of the vehicle pursuant to the automobile exception to the warrant requirement. (Tr. p. 81). For those reasons, the solicitor maintained defense counsel’s suppression motion should be denied. (Tr. p. 82).

After considering the matter, the trial judge suppressed the methamphetamine without explanation. (Tr. p. 82). However, after a recess for lunch, the solicitor requested clarification as to the rationale for the trial judge’s ruling, and the trial judge swiftly reversed his earlier decision based on the research he conducted during the break. (Tr. pp. 85-86). More specifically, the trial judge indicated he believed the search that led to the discovery of the methamphetamine constituted a proper inventory search.^{8 9} (Tr. p. 86).

Thereafter, the trial proceeded forward, and, amongst the evidence and testimony presented to the jury, Major Graham recounted the details of the stop that led to the discovery of

⁸ During the in limine hearing, Major Graham had explained the Lake City Police Department’s “standard protocol” when a driver of a vehicle was arrested was to inventory the vehicle and have it towed from the scene. (Tr. p. 78). Major Graham further stated that happened in Appellant’s case. (Tr. p. 78).

⁹ Following the trial judge’s ruling, the solicitor again reiterated the search was also proper pursuant to the automobile exception. (Tr. pp. 87-88).

Appellant's guns, marijuana, and hidden stash of methamphetamine.¹⁰ (Tr. pp. 209-249). In addition to that, Lieutenant Mitchell Hansen, a forensic chemist from the Florence County Sheriff's Office, testified about his analysis of the substances uncovered during the stop, and he confirmed they constituted 30.73 grams of methamphetamine along with 146 grams of marijuana. (Tr. pp. 302-303; pp. 312-316; State's Ex. # 7 (Drug Analysis Report)).

Notably, during Lieutenant Hansen's testimony, the solicitor offered both the drugs and the drug analysis report into evidence. (Tr. pp. 313-314). On both occasions that evidence was offered, defense counsel directly affirmed he had "[n]o objection" to its admission. (Tr. pp. 313-314). Accordingly, the trial judge expressly admitted the methamphetamine and other evidence "without objection." (Tr. pp. 313-314).

Thereafter, once the State had rested its case, defense—who, again, had specifically indicated he had "[n]o objection" to the admission of the methamphetamine and marijuana when it was actually offered into evidence—sought to renew his earlier in limine motion seeking the suppression of Appellant's methamphetamine. (Tr. pp. 313-314; pp. 339-340; pp. 345-346). Amongst the arguments defense counsel raised as support for that motion, defense counsel contended the search that led to the discovery of the methamphetamine was a "blatant illegal search" because it purportedly neither constituted an inventory search nor a valid search incident to arrest. (Tr. pp. 340-343). In his view, defense counsel suggested the officer should have had the vehicle towed to "the tow yard," obtained a search warrant, and only then conducted the search that led to the discovery of the hidden methamphetamine pills. (Tr. p. 343). However,

¹⁰ During his testimony, Major Graham stated the discovery of the marijuana during the stop gave them probable cause to believe more drugs were inside the vehicles and indicated that was why the entire vehicle was searched. (Tr. p. 239). He further confirmed the department's standard operating procedure was to inventory a vehicle before towing it, but he insisted—in his opinion—Lieutenant Stewart conducted a search incident to arrest and a search based on probable cause instead of an inventory search in Appellant's case. (Tr. p. 239; p. 246).

defense counsel—who never once acknowledged the existence of the automobile exception while renewing his suppression motion—further appeared to concede the officer’s observation of the marijuana in plain view during the initial search of the vehicle established probable cause, but he confusingly suggested the existence of that probable cause “simply” would have justified the issuance of a search warrant. (Tr. p. 345).

After considering the arguments of counsel, the trial judge once again rejected defense counsel’s suppression motion. (Tr. p. 351). In doing so, the trial judge indicated he was relying on the decisions in Arizona v. Gant, 556 U.S. 332 (2009); State v. Brown, 401 S.C. 82, 736 S.E.2d 263 (2012); and “a lot of other cases that [we]re on point in that regard.” (Tr. p. 351).

Following that ruling, the trial proceeded forward, and the case was submitted to the jury once the defense rested, the parties presented their closing arguments, and the jurors were instructed on the applicable law. (Tr. p. 352; p. 379; pp. 387-427; pp. 433-436). After deliberating on the matter for roughly ninety minutes, the jury unanimously convicted Appellant of trafficking in methamphetamine along with several of the other indicted charges. (Tr. p. 436; pp. 440-441).

STANDARD OF REVIEW

In criminal cases, appellate courts sit only to review *preserved* errors of law. State v. Wise, 359 S.C. 14, 21, 596 S.E.2d 475, 478 (2004); see State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006) (“In criminal cases, the appellate court sits to review errors of law only.”). When reviewing a ruling regarding the constitutional propriety of a warrantless search or seizure on appeal, the appellate court will “review the trial court’s factual findings for any evidentiary support” and treat “the ultimate legal conclusion” as “a question of law subject to de novo review.” State v. Frasier, 437 S.C. 625, 633, 879 S.E.2d 762, 766 (2022).

ARGUMENT

The trial judge properly declined to suppress the methamphetamine discovered through the warrantless search of the rental vehicle because, at the time of that search, the officer possessed a probable cause basis to believe the vehicle contained drugs and other contraband and, therefore, he was constitutionally permitted to search anywhere in the vehicle that could potentially contain the object of his search—more drugs—pursuant to the automobile exception without needing to first obtain a search warrant.

Appellant contends the trial judge reversibly erred by denying the motion to suppress the methamphetamine found hidden inside the rental vehicle. As support for that contention, Appellant—while tellingly steering clear of the automobile exception—maintains “[t]here was no justification for the warrantless search of Appellant’s car under either the inventory search or search incident to arrest exceptions.” Importantly though, prior to the search of the rental vehicle that led to the discovery of Appellant’s hidden stash of methamphetamine pills, Lieutenant Stewart had a probable cause basis to believe there was a fair probability the rental vehicle contained drugs. As a result, the officer could properly and permissibly search anywhere in the rental vehicle that could potentially contained concealed drugs pursuant to automobile exception without violating Appellant’s federal or state constitutional rights. Therefore, the search that led to the discovery of the methamphetamine was not unconstitutional in any way, and the trial judge was correct when he declined to suppress that evidence. Appellant’s convictions should be affirmed.¹¹

¹¹ Notably, as previously explained, defense counsel—despite making an in limine motion seeking the suppression of the methamphetamine prior to the evidentiary phase of Appellant’s trial getting underway—affirmatively indicated to the trial judge he had “[n]o objection” to that evidence’s admission when the solicitor actually sought to introduce it during trial. (Tr. pp. 313-314). Thus, despite the earlier objection raised, the trial judge ultimately admitted that evidence “without objection.” (Tr. pp. 313-314). Under such circumstances, defense counsel’s earlier objection was *abandoned* instead of simply not renewed, and any issue concerning the admission of Appellant’s methamphetamine was not properly preserved for appellate review since that evidence was expressly admitted without objection during trial. See Burke v. AnMed Health, 393 S.C. 48, 55, 710 S.E.2d 84, 88 (Ct. App. 2011) (“When a party states to the trial court that it

Both the Fourth Amendment of the United States Constitution and Article I, Section 10 of the South Carolina Constitution provide protections to our citizens against unreasonable searches and seizures. U.S. Const. amend. IV (“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated[.]”); S.C. Const. art. I, § 10 (“The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated[.]”). Furthermore, primarily to guard against invasive technological advancements, the South Carolina Constitution also expressly protects our citizens from “unreasonable invasions of privacy.” S.C. Const. art. I, § 10; see State v. Forrester, 343 S.C. 637, 647, 541 S.E.2d 837, 842 (2001) (“[T]he drafters of our state constitution’s right to privacy provision were principally concerned with the emergence of new electronic technologies that increased the government’s ability to conduct searches.”).

Through the additional provision regarding invasions of privacy, “the people of South Carolina have indicated that searches and seizures that do not offend the federal Constitution may still offend the South Carolina Constitution.” State v. Weaver, 374 S.C. 313, 322, 649

has no objection to the introduction of evidence, even though the party previously made a motion to exclude the evidence, the issue raised in the previous motion is not preserved for appellate review.”); see also State v. Jones, 435 S.C. 138, 144, 866 S.E.2d 558, 561 (2021) (“[A] different approach is warranted where a court rules after a[n in limine] hearing on a constitutional issue. Under those circumstances, the ruling is final and, unless something changes during trial that may reasonably cause the trial judge to alter the pretrial ruling, no further objection is required to preserve the issue for appellate review.”); cf. State v. Dicapua, 373 S.C. 452, 455, 646 S.E.2d 150, 152 (Ct. App. 2007) (“Dicapua’s sole objection to the videotape came in the form of a motion in limine to suppress the videotape because of its lack of audio. Once the State moved to enter the videotape into evidence and publish it to the jury, however, Dicapua’s counsel specifically stated he had ‘no objection.’ We find this amounted to a waiver of any issue Dicapua had with the videotape.”). Therefore, notwithstanding the merit-based problems with Appellant’s arguments on appeal, the issue Appellant is attempting to now raise can and should be rejected as procedurally barred. See Rule 220(c), SCACR (“The appellate court may affirm any ruling, order, decision or judgment upon any ground(s) appearing in the Record on Appeal.”).

S.E.2d 479, 483 (2007). Thus, “the South Carolina Constitution favors an interpretation offering a higher level of privacy protection than the Fourth Amendment.” Id. However, the South Carolina Constitution by its express language only forbids searches, seizures, and invasions of privacy that are *unreasonable*. S.C. Const. art. I, § 10. As a result, *only* unreasonable searches, seizures, and invasions of privacy are impermissible in our state. See State v. Foster, 269 S.C. 373, 378, 237 S.E.2d 589, 591 (1977) (“It is only unreasonable searches and seizures that are prohibited.”); see also Heien v. North Carolina, 574 U.S. 54, 60 (2014) (“To be reasonable is not to be perfect[.]”); Illinois v. Rodriguez, 497 U.S. 177, 185 (1990) (“It is apparent that in order to satisfy the ‘reasonableness’ requirement of the Fourth Amendment, what is generally demanded of the many factual determinations that must regularly be made by agents of the government . . . is not that they always be correct, but that they always be reasonable.”).

Generally speaking, warrantless searches are considered to be unreasonable per se unless they fall under an exception to the warrant requirement, and any evidence seized as the result of an unreasonable search typically must be excluded from trial. Weaver, 374 S.C. at 319, 649 S.E.2d at 482; see State v. Peters, 271 S.C. 498, 501, 248 S.E.2d 475, 476 (1978) (instructing searches conducted without a warrant are per se unreasonable unless an exception to the warrant requirement is applicable). However, “warrantless searches are allowed when the circumstances make it reasonable . . . to dispense with the warrant requirement.” Kentucky v. King, 563 U.S. 452, 462 (2011). Regarding the situations where a warrantless search is considered to be constitutionally reasonable, South Carolina courts have recognized several exceptions to the warrant requirement, including: (1) the search incident to lawful arrest exception; (2) the hot pursuit exception; (3) the stop and frisk exception; (4) the automobile exception; (5) the plain view exception; (6) the consent exception; (7) the abandonment exception; (8) the exigent

circumstances exception; and (9) the inventory search exception. State v. Miller, 423 S.C. 95, 100, 814 S.E.2d 166, 169 (2018); State v. Brown, 401 S.C. 82, 89, 736 S.E.2d 263, 266 (2012); State v. Herring, 387 S.C. 201, 209, 692 S.E.2d 490, 494 (2009); see State v. Lemacks, 275 S.C. 181, 183-184, 268 S.E.2d 285, 286 (1980) (rejecting a constitutional challenge to a routine inventory search of a vehicle that was raised pursuant to both the federal constitution and the state constitution).

Of those exceptions, the automobile exception, which is based on the ready mobility of automobiles coupled with the lessened expectation of privacy in such vehicles, is a particularly long-recognized and well-established one. State v. Bailey, 276 S.C. 32, 36, 274 S.E.2d 913, 915 (1981); State v. Pope, 410 S.C. 214, 225, 763 S.E.2d 814, 820 (Ct. App. 2014); see California v. Carney, 471 U.S. 386, 390-392 (1985) (discussing the lengthy history of the automobile exception); Carroll v. United States, 267 U.S. 132, 149 (1925) (recognizing more than a century ago a warrantless search of a vehicle is constitutionally proper if supported by a probable cause basis to believe the vehicle contains contraband); State v. Cox, 290 S.C. 489, 491, 351 S.E.2d 570, 571 (1986) (“The two bases for the exception are: (1) the ready mobility of automobiles and the potential that evidence may be lost before a warrant is obtained; and (2) the lessened expectation of privacy in motor vehicles which are subject to governmental regulation.”). Pursuant to it, law enforcement officers—as a matter of both state and federal constitutional law—can conduct a warrantless search of an automobile based solely on the existence of probable cause, which simply means there is a fair probability contraband or evidence of a crime will be found. State v. Bultron, 318 S.C. 323, 332, 457 S.E.2d 616, 621 (Ct. App. 1995); see Pennsylvania v. Labron, 518 U.S. 938, 940 (1996) (“If a car is readily mobile and probable cause exists to believe it contains contraband, the Fourth Amendment thus permits police to search the

vehicle without more.”); Weaver, 374 S.C. at 322, 649 S.E.2d at 483 (“Once the officers have probable cause to search a vehicle, the state constitution’s requirement that the invasion of one’s privacy be reasonable will be met.”); see also Kaley v. United States, 571 U.S. 320, 338 (2014) (recognizing the probable cause standard “is not a high bar”); Illinois v. Gates, 462 U.S. 213, 238 (1983) (identifying probable cause as “a fair probability that contraband or evidence of a crime will be found”). Critically, when probable cause exists for a vehicle search, the search can be extended to every part of the vehicle—and its contents—potentially containing the search’s object without the need for a search warrant. Bultron, 318 S.C. at 332, 457 S.E.2d at 621; see also Wyoming v. Houghton, 526 U.S. 295, 307 (1999) (“We hold that police officers with probable cause to search a car may inspect passengers’ belongings found in the car that are capable of concealing the object of the search.”); United States v. Ross, 456 U.S. 798, 825 (1982) (“If probable cause justifies the search of a lawfully stopped vehicle, it justifies the search of every part of the vehicle and its contents that may conceal the object of the search.”). And, that remains true regardless of whether the automobile has been impounded, temporarily immobilized, or otherwise taken into the custody and control of law enforcement at the time of the search. Florida v. Meyers, 466 U.S. 380, 382 (1984); see State v. Bonilla, 429 S.C. 253, 278, 838 S.E.2d 1, 14 (Ct. App. 2019) (“The justification to conduct such a warrantless search does not vanish once the car has been immobilized.” (citations and internal quotations omitted)); State v. Moore, 377 S.C. 299, 310, 659 S.E.2d 256, 262 (Ct. App. 2008) (“[I]f there is probable cause to search a vehicle at the time it is seized, this rationale does not disappear merely because the vehicle is taken into police custody or immobilized.”).

Meanwhile, the search-incident-to-arrest exception is another well-recognized exception permitting a warrantless search. United States v. Robinson, 414 U.S. 218, 235 (1973). Pursuant

to the search-incident-to-arrest exception, “[p]olice officers may make a search of an arrestee’s person and the area within his immediate control for weapons and destructible evidence without first obtaining a search warrant.” State v. Ferrell, 274 S.C. 401, 405, 266 S.E.2d 869, 871 (1980); see State v. Freiburger, 366 S.C. 125, 132, 620 S.E.2d 737, 740 (2005) (noting the historical rationales for the “search incident to arrest” exception are the need to disarm a suspect in order to take him into custody and the need to preserve evidence for later use at trial). And, when the arrestee was an occupant of a vehicle, the search-incident-to-arrest exception historically permitted officers to search the passenger compartment of the automobile from which the arrestee was removed. See Thornton v. United States, 541 U.S. 615, 622-623 (2004) (“The need for a clear rule, readily understood by police officers and not depending on differing estimates of what items were or were not within reach of an arrestee at any particular moment, justifies the sort of generalization which Belton enunciated. Once an officer determines that there is probable cause to make an arrest, it is reasonable to allow officers to ensure their safety and to preserve evidence by searching the entire passenger compartment.” (footnotes omitted)); New York v. Belton, 453 U.S. 454, 460 (1981) (“[W]e hold that when a policeman has made a lawful custodial arrest of the occupant of an automobile, he may, as a contemporaneous incident of that arrest, search the passenger compartment of that automobile.” (footnotes omitted)). However, under more-recent precedent, a search of an automobile is constitutionally permissible pursuant to the search-incident-to-arrest exception “only if the arrestee is within reaching distance of the passenger compartment at the time of the search *or* it is reasonable to believe the vehicle contains evidence of the offense of arrest.” Arizona v. Gant, 556 U.S. 332, 351 (2009) (emphasis added); see Ramos v. Louisiana, 590 U.S. 83, 108 (2020) (recognizing it “changed the law for searches incident to arrests” through the Gant decision); Brown, 401 S.C. at 90, 736

S.E.2d at 267 (explaining “the Supreme Court departed from twenty-eight years of precedent and altered the rule it had announced in Belton” through its decision in Gant).

In the case sub judice, the trial judge properly declined to suppress the methamphetamine discovered through the warrantless search of Appellant’s rental vehicle because that search was entirely constitutionally reasonable under the circumstances involved. Significantly, that is true because the vehicle search that occurred in Appellant’s case was justified at various points by multiple exceptions to the warrant requirement.

Initially, prior to initiating the stop of Appellant’s vehicle, the officers possessed probable cause to believe Appellant’s rental vehicle contained both guns *and* drugs based on the information they had received and had been able to corroborate up to that point. Specifically, before initiating the stop, Victim—during a non-anonymous, face-to-face encounter—provided detailed information to law enforcement about Appellant, Appellant’s actions that day, and the rental vehicle Appellant was driving at the time. See State v. Driggers, 322 S.C. 506, 511, 473 S.E.2d 57, 60 (Ct. App. 1996) (“[A] non-confidential informant should be given higher level of credibility because he exposes himself to public view and to possible criminal and civil liability should the information he supplied prove to be false.”); cf. Pope, 410 S.C. at 225, 763 S.E.2d at 820 (“Harris was not a confidential informant and exposed himself to criminal liability should the information he supplied to officers prove to be false.”). In addition to that, Victim—relying on her own personal knowledge—informed law enforcement the vehicle contained both guns and drugs. See State v. Robinson, 415 S.C. 600, 605, 785 S.E.2d 355, 357 (2016) (explaining the veracity and basis of knowledge of a person supplying information are considerations in determining whether probable cause exists); cf. Driggers, 322 S.C. at 511, 473 S.E.2d at 60 (“Klepp–Egge’s detailed statement regarding his first-hand observations provides him with built

in credibility.’ ” (citation omitted)). And, assuming that information was not sufficient standing alone to be credited by the officers such that they had a probable cause basis to believe drugs and other contraband would be present inside the rental vehicle, Lieutenant Stewart was able to corroborate many of the details of the provided information before conducting any searches by tracking Appellant down inside the rental vehicle, which matched the description provided by Victim, and confirming from Appellant himself there was a weapon inside it. See Alabama v. White, 496 U.S. 325, 331 (1990) (“[B]ecause an informant is shown to be right about some things, he is probably right about other facts that he has alleged, including the claim that the object of the tip is engaged in criminal activity.”); Gates, 462 U.S. at 244-245 (“It is enough, for purposes of assessing probable cause, that corroboration through other sources of information reduced the chances of a reckless or prevaricating tale, thus providing a substantial basis for crediting the hearsay.” (citation and internal quotations omitted)); see also Florida v. Harris, 568 U.S. 237, 243-244 (2013) (“A police officer has probable cause to conduct a search when the facts available to him would warrant a person of reasonable caution in the belief that contraband or evidence of a crime is present. . . . All we have required is the kind of fair probability on which reasonable and prudent people, not legal technicians, act.” (citations, brackets, and internal quotations omitted)); United States v. Ortiz, 669 F.3d 439, 446 (4th Cir. 2012) (explaining the probable cause standard “is not particularly demanding, and the evidence need not provide the officers with an air-tight case, nor even a case satisfying the preponderance standard”); cf. State v. Goodman, 401 So. 3d 761, 764 (La. Ct. App. 2024) (concluding an officer had probable cause to search a vehicle pursuant to the automobile exception after the victim reported Goodman pointed a gun at her, Goodman’s vehicle was stopped as a result, and Goodman admitted to the officer there was a gun inside his vehicle during the stop).

Significantly, in light of that inherently-reliable information that was able to be at least partially corroborated in important respects, the officers had a probable cause basis to believe Appellant’s rental vehicle contained drugs, and, thus, the officers could—pursuant to the automobile exception—validly search anywhere inside the vehicle where drugs might be found, which included the vehicle’s sunglasses holder. See Carroll, 267 U.S. at 149 (“On reason and authority the true rule is that if the search and seizure without a warrant are made upon probable cause, that is, upon a belief, reasonably arising out of circumstances known to the seizing officer, that an automobile or other vehicle contains that which by law is subject to seizure and destruction, the search and seizure are valid. The Fourth Amendment is to be construed in the light of what was deemed an unreasonable search and seizure when it was adopted, and in a manner which will conserve public interests as well as the interests and rights of individual citizens.”); Weaver, 374 S.C. at 320, 649 S.E.2d at 482 (“If a vehicle is readily mobile and probable cause exists to believe it contains contraband, the Fourth Amendment permits police to search the vehicle without more.”); see also Gates, 462 U.S. at 241 (“Our decisions applying the totality-of-the-circumstances analysis . . . have consistently recognized the value of corroboration of details of an informant’s tip by independent police work.”). Therefore, the search that led to the discovery of the hidden methamphetamine was entirely reasonable and constitutionally proper,¹² and, as a result, the trial judge—regardless of the grounds he articulated when denying

¹² Moreover, to the extent defense counsel appeared to suggest during trial Appellant’s removal from the scene somehow triggered a need for a search warrant, the automobile exception—as previously noted—remained applicable regardless of whether Appellant was personally capable of removing the vehicle from the scene at the time of the search. Bonilla, 429 S.C. at 278, 838 S.E.2d at 14; see Michigan v. Thomas, 458 U.S. 259, 261 (1982) (“[T]he justification to conduct such a warrantless search does not vanish once the car has been immobilized; nor does it depend upon a reviewing court’s assessment of the likelihood in each particular case that the car would have been driven away, or that its contents would have been tampered with, during the period required for the police to obtain a warrant.”); Texas v. White, 423 U.S. 67, 68 (1975)

defense counsel’s suppression motion—acted correctly by declining to suppress the methamphetamine that was found hidden inside the rental vehicle. See State v. Goodstein, 278 S.C. 125, 128, 292 S.E.2d 791, 793 (1982) (explaining an appellate court “is not, as a general rule, bound by the reasoning adopted below if the record discloses a correct result” and instructing: “No principle in the disposition of appeals is more firmly established than that a right decision upon a wrong ground will be affirmed.” (citations and internal quotations omitted)).

However, even assuming for argument’s sake Lieutenant Stewart and Major Graham somehow did not have probable cause before they first looked inside the rental vehicle during the stop, suppression still would not have been warranted in Appellant’s case under the circumstances involved. That is true because, toward the very beginning of the stop and prior to any search, Appellant was under arrest for—in part—pointing and presenting a firearm. In light of that, it was constitutionally proper for the officers—who had already heard Appellant admit there was a weapon in the vehicle—to search the vehicle incident to Appellant’s arrest because it was entirely reasonable for them to believe the vehicle contained a gun, which unquestionably constituted evidence of the offense of arrest. Gant, 556 U.S. at 351; cf. Robinson v. State, 407 S.C. 169, 190, 754 S.E.2d 862, 873 (2014) (concluding the second justification for a warrantless search of an automobile pursuant to the search-incident-to-an-arrest exception to be applicable when it was reasonable to believe the vehicle contained evidence of the crime for which Robinson and his associates had been arrested). Indeed, perhaps best demonstrating that fact, defense counsel did not even attempt to challenge the propriety of the search that led to the

(reaffirming “police officers with probable cause to search an automobile at the scene where it was stopped could constitutionally do so later at the station house without first obtaining a warrant”).

discovery of Appellant's guns. See State v. Bryant, 372 S.C. 305, 315-316, 642 S.E.2d 582, 588 (2007) (instructing an issue conceded at trial cannot later be argued on appeal).

And, during the unchallenged search that led to the discovery of Appellant's guns, the officers located a large bag of marijuana in plain view right next to those guns. See State v. Beckham, 334 S.C. 302, 317, 513 S.E.2d 606, 613 (1999) ("Under the 'plain view' exception to the warrant requirement, objects falling within the plain view of a law enforcement officer who is rightfully in a position to view the objects are subject to seizure and may be introduced as evidence."). Importantly, upon making that discovery, the officers acquired—assuming they did not already have it—a probable cause basis to believe the rental vehicle might contain *more* drugs. See Michigan v. Thomas, 458 U.S. 259, 261-262 (1982) (explaining the discovery of contraband during a valid search can establish a probable cause basis to believe there was contraband elsewhere in the vehicle, which would justify a warrantless search pursuant to the automobile exception); United States v. Stevenson, 43 F.4th 641, 648 (6th Cir. 2022) (explaining the discovery of marijuana inside a vehicle establishes a probable cause basis justifying a search of the entire vehicle for marijuana); United States v. Baker, 719 F.3d 313, 319 (4th Cir. 2013) (recognizing the discovery of contraband during a traffic stop supports an objective belief more contraband is inside the stopped vehicle); cf. United States v. Johnson, 383 F.3d 538, 545-546 (7th Cir. 2004) ("Cook's discovery of a banned substance (drugs) on Johnson's person clearly provided him with probable cause to search the trunk of the vehicle, including any containers (*i.e.*, the briefcase) therein, since the officer had a reasonable basis for believing that more drugs or other illegal contraband may have been concealed inside." (footnote omitted)); United States v. Garrett, 959 F.2d 1005, 1007-1008 (D.C. Cir. 1992) (concluding the discovery of drugs in a pouch that came from a vehicle provided officers with probable cause to believe "additional

drugs might be found there” and, therefore, allowed the officers to search the entire vehicle along with any containers found inside it). Resultantly, pursuant to the automobile exception, the officers could search anywhere in the vehicle more drugs might have been concealed, and, therefore, Lieutenant Stewart’s search of the sunglasses holder that led to discovery of Appellant’s hidden cache of methamphetamine pills was entirely proper and constitutionally reasonable. See Bultron, 318 S.C. at 332, 457 S.E.2d at 621 (Ct. App. 1995) (explaining the automobile exception to the general warrant requirement “allows law enforcement officials to conduct a search of an automobile based on probable cause alone due to the lessened expectation of privacy in motor vehicles traveling on public highways”).

Accordingly, since the officers did nothing unconstitutional or improper in searching Appellant’s vehicle after he was validly arrested, there were no legitimate constitutional-based grounds upon which Appellant’s methamphetamine could be excluded from evidence during trial, and the trial judge correctly rejected defense counsel’s suppression motion.¹³ See Peak v. Peak, 283 S.C. 489, 489-490, 323 S.E.2d 67, 67 (Ct. App. 1984) (“We have long held that a right decision upon a wrong ground will be affirmed.”); see also Sec. & Exch. Comm’n v. Chenery Corp., 318 U.S. 80, 88 (1943) (“[W]e do not disturb the settled rule that, in reviewing the

¹³ Moreover, even assuming the search of the rental vehicle was somehow unconstitutional, suppression of the methamphetamine still would not have been warranted in Appellant’s case because the methamphetamine would have inevitably been discovered during a routine inventory search of the rental vehicle that would inevitably have occurred before it was towed from the scene had it not already been searched. See State v. Cardwell, 425 S.C. 595, 601, 824 S.E.2d 451, 454 (2019) (“[T]he inevitable discovery doctrine provides that illegally obtained information may nevertheless be admissible if the prosecution can establish by a preponderance of the evidence that the information would have ultimately been discovered by lawful means.”); cf. United States v. Pritchett, 749 F.3d 417, 437 (6th Cir. 2014) (“Moreover, the discovery of the items in the trunk of Rollins’ vehicle falls within the inevitable discovery exception to the exclusionary rule. . . . Even if Rollins had not heard from Deputy Bell or awaited his arrival, he would still have arrested Rollins for lack of a valid drivers’ license, and he would still have inventoried Rollins’ vehicle before having it towed.”).

decision of a lower court, it must be affirmed if the result is correct ‘although the lower court relied upon a wrong ground or gave a wrong reason.’ The reason for this rule is obvious. It would be wasteful to send a case back to a lower court to reinstate a decision which it had already made but which the appellate court concluded should properly be based on another ground within the power of the appellate court to formulate.” (citations omitted)). Appellant’s convictions should be affirmed.

CONCLUSION

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

Respectfully submitted,

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