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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenwood County

Honorable Frank R. Addy, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

AHMAD DETERRIUS EVANS,

APPELLANT

APPELLATE CASE NO. 2025-001900

INITIAL BRIEF OF APPELLANT

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STATEMENT OF ISSUE ON APPEAL

Did the trial court err by denying Appellant's motion to suppress evidence seized pursuant to multiple search warrants where the affidavits in support of the warrants contained both false statements made either knowingly or with a reckless disregard for the truth, and omitted favorable information that was excluded with the intent to make, or in reckless disregard of whether it made, the affidavit misleading to the magistrate judge?

STATEMENT OF THE CASE

A Greenwood County grand jury indicted Appellant on March 31, 2023, for murder, three counts of attempted murder, and possession of a weapon during the commission of a violent crime. R. * (Indictments). A pretrial hearing was held on August 22, 2025, before the Honorable Eugene C. Griffith, Jr. Tr. 1. Appellant's case was called to trial on September 8, 2025, before the Honorable Frank R. Addy, Jr., and a jury. Tr. 1. Assistant Solicitors Andrew Hodges, C. Yates Brown, and Madison Hoffman represented the state. Tr. 1. Chelsea McNeill and Tristan Shaffer represented Appellant. Tr. 1.

On September 16, 2025, the jury found Appellant guilty as indicted. Tr. 914, ll. 5-22. He was sentenced to thirty years for murder, fifteen years for two counts of attempted murder, five years for the third count of attempted murder, and five years for the weapons offense. The sentences for attempted murder and the weapons offense were ordered to be served consecutively to the thirty year sentence for murder, but concurrent to each other, for an aggregate sentence of forty-five years imprisonment. Tr. 938, l. 22 – 939, l. 12.

This appeal follows.

STANDARD OF REVIEW

“The admission of evidence is within the discretion of the trial court and will not be reversed absent an abuse of discretion.” State v. Pagan, 369 S.C. 201, 208, 631 S.E.2d 262, 265 (2006). “An abuse of discretion occurs when the conclusions of the trial court either lack evidentiary support or are controlled by an error of law.” Id.

“Appellate review of a motion to suppress based on the Fourth Amendment involves a two-step analysis.” State v. Frasier, 437 S.C. 625, 633, 879 S.E.2d 762, 766 (2022). “This dual inquiry means we review 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.” Id. at 633-34, 879 S.E.2d at 766.

ARGUMENT

The trial court erred by denying Appellant's motion to suppress evidence seized pursuant to multiple search warrants where the affidavits in support of the warrants contained both false statements made either knowingly or with a reckless disregard for the truth, and omitted favorable information that was excluded with the intent to make, or in reckless disregard of whether it made, the affidavit misleading to the magistrate judge.

Relevant Facts

Shortly before nine o'clock on the night of September 28, 2022, Jamison Hall was shot and killed outside the New Haven Apartments in Greenwood. Hall was standing in front of the mailboxes in the middle of the apartment complex with Tamara Leake, Keyuna Sanders, and Morianna Lomax. The four were talking and listening to music. A car slowly drove into the apartment complex and stopped in front of the mailboxes. A man got out of the driver's seat and fired several shots at the group. Tr. 187, l. 1 – 192, l. 25; Tr. 213, l. 6 – 218, l. 15; Tr. 229, l. 4 – 233, l. 20.

Leake described the shooter as a young, short, Black male with dreadlocks. She said the man was wearing a black hooded sweatshirt with the hood pulled over his head. Leake also told law enforcement that the car was a dark colored Honda or Camry. Tr. 201, l. 13 – 207, l. 13. Sanders could not describe the car or the shooter. Tr. 222, ll. 6-13; Tr. 226, ll. 10-18. Lomax told law enforcement that the shooter was wearing all black and identified the car as a gold Toyota Camry. Tr. 240, ll. 1-7.

Leake was shot in both legs and required surgery. Tr. 193, ll. 6-11. Sanders was shot in the leg and had bullet fragments removed from her body. Tr. 223, l. 24 – 224, l. 11. Lomax had a minor graze wound to her left cheek. Tr. 233, l. 23 – 234, l. 3; Tr. 236, ll. 17-21. Lomax was

so intoxicated that she was ultimately arrested for public drunkenness later that night. Tr. 236, ll. 12-16.

Investigators searched the Flock license plate reader system for any images of a Toyota Camry or similar vehicle. They discovered that a gold Camry with a South Carolina license plate # VHR739, which was registered to Appellant, traveled toward and away from the location of the shooting around the time the shooting occurred. Investigators were able to track the car using public and private surveillance cameras from the area of the shooting to 525 Baptist Avenue, where Appellant's mother and sister lived. About forty-five minutes later, the car was supposedly tracked to 213 Walker Avenue where Appellant lived at time. Law enforcement ultimately executed search warrants at 525 Baptist Avenue and 213 Walker Avenue as well on Appellant's vehicle. Under a bed at 213 Walker Avenue, investigators found a rifle, which was later determined to have fired the casings found near the mailboxes at the New Haven Apartments after the shooting. Tr. 347, l. 25 – 348, l. 6; Tr. 712, l. 23 – 720, l. 6.

Motion to Suppress

Appellant moved pretrial to suppress all evidence obtained as a result of three search warrants, which were executed on October 4, 2022, the day of Appellant's arrest, pursuant to Franks v. Delaware, 438 U.S. 154 (1978). The warrants were for Appellant's mother's house located at 525 Baptist Avenue, Appellant's house located at 213 Walker Avenue, and Appellant's vehicle, a 2009 Gold Toyota Camry. R. * (Motion). The search warrants were marked as Court's Exhibit Nos. 1, 3, and 4 during the pretrial hearing. All three warrants utilize the same wording in the affidavit, and the same investigator presented the search warrants to the magistrate simultaneously.

Defense counsel argued that the affidavits in support of the search warrants included false statements and omitted exculpatory or favorable evidence to Appellant. Counsel asserted that at the time the warrants were obtained, law enforcement had additional information which contradicted the statements in the affidavits and, again, omitted evidence that was favorable to Appellant. He contended that if law enforcement had included the omissions and excluded the false statements than the affidavits would not have established probable cause. Essentially, if the magistrate judge had the “full picture of what the investigation showed at that point, he or she would not have found probable cause existed. Tr. 5, l. 15 – 8, l. 22.

More specifically, counsel argued that the affiant claimed that the description of the shooter given by multiple witnesses matched Appellant. However, only the description given by one witness matched Appellant. Another witness stated the shooter had dreadlocks and Appellant has never had dreadlocks. Counsel maintained that the affiant purposefully excluded this favorable evidence. Tr. 9, l. 18 – 10, l. 21.

Additionally, defense counsel argued that at the time the warrants were obtained, there was evidence, although uncorroborated, that another person other than Appellant was the shooter. Several people had identified Edward Dean as the shooter. However, this exculpatory evidence, counsel asserted, was purposefully omitted from the affidavit. He contended that this was information that should have been presented to the magistrate in order to allow the magistrate to determine whether there was probable cause to search Appellant’s house and car. Tr. 11, l. 11 – 12, l. 13.

Defense counsel also argued that the way the affidavits were written made it appear that all the witnesses were consistent in their identification of the suspect vehicle as a gold Toyota Camry. However, the description given of the car by eyewitnesses varied. Counsel maintained

that one witness said the shooter was driving a gold Camry and another witness said they heard shots fired and a gold Camry leaving the area. Yet, another witness stated the car was a dark colored Toyota Camry or a Honda that looked like a Camry. Accordingly, counsel maintained that the affidavit was misleading. Tr. 12, l. 14 – 13, l. 12.

Moreover, counsel asserted that the affidavits stated that investigators located a vehicle matching the description of the suspect's car on a Flock license plate reader camera "moments before the shooting." However, this car was actually seen on the Flock camera eight minutes before the shooting. Counsel argued it was "misleading at best to say 'moments before' the shooting." Tr. 13, l. 13 – 14, l. 4.

Counsel concluded that law enforcement is not permitted to "pick and choose the facts" and "shade" the evidence to "make it look like there's more evidence than there is." He argued it was improper pursuant to Franks and thus the evidence obtained pursuant to the warrants should be suppressed. Tr. 15, ll. 4-18. Counsel maintained law enforcement is required to be more detailed and accurate in what evidence they are presenting to the magistrate and if law enforcement had done so in this case, the magistrate would not have found probable cause existed. Tr. 21, ll. 9-20.

In Appellant's written motion, which was marked as Court's Exhibit No. 5, defense counsel laid out how the affidavits should have read with the omission of the false information and the inclusion of omitted information. See R. * (Motion).

At the conclusion of the hearing, the judge took the matter under advisement to review Court's Exhibit No. 2, which contained body camera footage and other evidence that contradicted the evidence stated in the affidavit.

On August 27, 2025, Judge Griffith denied Appellant's motion in a written order. R. * (Order). Judge Griffith found "the facts that were argued to be presented to mislead the magistrate or with reckless disregard to distort the presentation to the magistrate are *de minimis*." R. * (Order). The judge concluded that Appellant "failed to meet the necessary threshold of proof to support a full hearing under Franks." R. * (Order). More specifically, the judge found that the affiant did not exclude other observations about the suspect vehicle intentionally or with a reckless disregard for the truth. Rather, law enforcement was merely following leads gained from its investigation. The judge further found that the affiant's statement that a gold Toyota Camry was seen on a Flock camera moments before the shooting, when it was actually seen around eight minutes before the shooting, was not written in reckless disregard for the truth or to mislead the magistrate. Rather, the language was "a generalization of a short amount of time." R. * (Order). Lastly, the judge found that the affidavit did not need to include information that several witnesses named another person as a potential suspect. The judge first noted that it was unknown to the court whether an investigator had already followed up on this lead and determined that this individual was not involved. Second, the judge found the omission of this information was insufficient to suppress the evidence obtained from the search warrants. R. * (Order).

Appellant renewed his motion to suppress at the start of trial. Defense counsel presented Judge Addy with an amended written motion to suppress, which was marked as Court's Exhibit No. 5. Judge Addy was also given the transcript of the pretrial hearing held before Judge Griffith. Defense counsel told the judge that his written motion outlined eight problems with the warrant affidavits. Counsel then repeated a similar argument to the argument he made before Judge Griffith. See Tr. 98, l. 18 – 103, l. 7. In support of his argument, defense counsel marked a

USB drive as Court's Exhibit No. 2, which contains various body camera footage and other evidence showing the statements made in the affidavits is incorrect. Tr. 107, ll. 14-25.

After hearing counsel's argument, reviewing Appellant's written motion and the transcript of the pretrial hearing, Judge Addy denied the motion to suppress. He found Judge Griffith's order "was very well thought out" and supported by State v. Brown, 437 S.C. 550, 878 S.E.2d 364 (Ct. App. 2022). Tr. 104, l. 15 – 107, l. 6.

Discussion

"In Franks v. Delaware, the United States Supreme Court held that the Fourth and Fourteenth Amendments gave a defendant the right in certain circumstances to challenge the veracity of a warrant affidavit after the warrant had been issued and executed." State v. Missouri, 337 S.C. 548, 553, 524 S.E.2d 394, 396 (1999). The Supreme Court in Franks explained, "Where the defendant makes a substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, the Fourth Amendment, as incorporated in the Fourteenth Amendment, requires that a hearing be held at the defendant's request." 438 U.S. at 154.

"Our own supreme court has explained that Franks addresses more than affirmative false statements by law enforcement: 'The Franks test also applies to acts of *omission* in which exculpatory material is left out of the affidavit. To be entitled to a Franks hearing for an alleged omission, the challenger must make a preliminary showing that the information in question was omitted with the intent to make, or in reckless disregard of whether it made, the affidavit misleading to the issuing judge. There will be no Franks violation if the affidavit, including the omitted data, still contains sufficient information to establish probable cause.'" State v. Brown,

437 S.C. 550, 571, 878 S.E.2d 364, 375-76 (Ct. App. 2022) (quoting State v. Missouri, 337 S.C. 548, 554, 524 S.E.2d 394, 397 (1999)).

The affidavits in support of the search warrants for 525 Baptist Avenue (Appellant's mother's house), 213 Walker Avenue (Appellant's house), and the 2009 Gold Toyota Camry (Appellant's car) contained both false statements made either knowingly or with a reckless disregard for the truth, and omitted favorable information that was excluded with the intent to make, or in reckless disregard of whether it made, the affidavit misleading to the magistrate judge.

The affidavits stated that witnesses and victims identified and described the vehicle the shooter exited as being a gold in color Toyota Camry. However, this statement is false. As shown in Appellant's amended motion to suppress, Tamara Leake first told law enforcement that the shooter was in a black Honda or a Camry. Morianna Lomax, who was intoxicated, first said the car was gold and then later identified the vehicle as a gold Toyota Camry. Keyuna Sanders did not see the suspect vehicle at all. Trianna Williams described hearing gunshots and then looking out her window and seeing a gray Toyota Camry leaving the area. Another unidentified witness said the car looked black. As can be seen, the witnesses did not consistently identify the suspect vehicle as a gold Toyota Camry as the affidavit leads the magistrate to believe. Rather, the descriptions of the vehicle were inconsistent.

Additionally, the affidavits maintain witnesses identified the shooter as being between 5'5" and 5'8" in height. However, Lomax merely stated the suspect was a couple of inches taller than 5'2" and Leake described the shooter as short. Leake also stated the shooter had dreadlocks, which was omitted from the affidavits because Appellant has never had dreadlocks.

The affidavits further state that a gold Toyota Camry was seen in the area moments before the shooting. However, the Camry was actually seen approximately 1000 feet away eight minutes before the shooting.

Lastly, the affidavits omitted the fact that multiple people at the apartment complex where the shooting occurred stated that Edward Dean was the shooter. If the affidavits had included this exculpatory evidence, along with the accurate information above, there would have been insufficient evidence to establish probable cause.

Respectfully, because the trial judge erred by denying Appellant's motion to suppress, this Court should reverse Appellant's convictions and remand for a new trial.

CONCLUSION

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

Respectfully submitted,



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Senior Appellate Defender

ATTORNEY FOR APPELLANT

This 8th day of July, 2026.