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SC Court of Appeals

STATE OF South Carolina
COURT OF APPEALS

APPEAL FROM LEXINGTON COUNTY
COURT OF GENERAL SESSIONS

The Honorable Martha M. Rivers, Circuit Court Judge
Indictment Nos. 2024-GS-32-03462,
2024-GS-32-03463

The State of South Carolina Respondent
v.

Christopher Lamon Carbutt Appellant

I'm writing to appeal my convictions
and sentence set by Judge Martha Rivers
on June 17, 2026. This letter is intended to
show I was denied right to fair trial, and
the State failed to show reasonable suspicion
before, and that the stop complied with the
Fourth Amendment.

Look up this case in Google v. Furst

I appeal my convictions and sentence set by Judge Martha Rivers on June 17, 2006 because, I never recieved my preliminary hearing. Also, I was never informed of my indictments by the Grand Jurors of Lexington County. People V. Furst 1misc 3d 654, 657. My suppression hearing argued that the stop was pretextual, my license plate was not obscured, after suppression was filed officer claimed he misunderstood the law regarding the tag frame, and there was no actual traffic violation. Without an objectively valid violation, Whren v. United States does not justify the stop. Raymond Blake v. Delaware authority supports the principle that an officer's misunderstanding of the law cannot create reasonable suspicion where the conduct is actually lawful. South Carolina law allows tag frames, stopping me for just having one was unconstitutional. Rivers still held the stop valid because, Officer testified that narcotics investigators communicated to make the stop, that I was transporting narcotics. However, the State failed to establish the foundation necessary to justify relying on that information. First, the State never established when that information was communicated to the stopping officer. Timing matters because reasonable suspicion must exist before the stop begins. Without evidence showing the stopping officer possessed that information before activating his blue lights, the court cannot determine whether the stop was supported by reasonable suspicion. Second, the State failed to establish how narcotics investigators reach the conclusion that I was transporting narcotics. Investigator Robert Woods testified that a confidential informant spoke with me, but the call was never recorded because only he monitored it "to protect against exposure." The State presented Woods conclusion but failed to establish the underlying objective facts demonstrating why that conclusion was reliable.

Third, the surveillance testimony did not independently establish reasonable suspicion. Investigators testified they observed only ordinary travel, admitted they never observed drugs before the stop, and acknowledged they lost visual contact with my vehicle before later regaining it. The surveillance therefore corroborated innocent travel rather than criminal activity. These omissions are significant under Fourth Amendment law. Under *Terry v. Ohio*, the State must prove specific and articulable facts supporting reasonable suspicion before a stop. Under *United States v. Cortez* and *United States v. Sokolow*, courts evaluate the totality of the circumstances, but that totality must consist of objective facts known before the stop. Under *United States v. Hensley*, when officers rely on information from other officers, the originating officers must themselves possess facts sufficient to justify the stop. Applying those principles, the State proved only the conclusion contained in the BULO not the factual foundation supporting it. The suppression record does not establish when the BULO was communicated to the stopping officer, what objective facts investigators relied upon before the stop, or how the surveillance corroborated criminal activity instead of innocent travel. Where the State justification for a stop originates from an alleged confidential informant monitored and the issuance of a BULO, the State bears the burden of establishing that the information contained specific articulable facts sufficient to support reasonable suspicion under the Fourth Amendment. *Terry v. Ohio*, 392 U.S. at 21; *Illinois v. Gates*, 462 U.S. at 238.

This requires an evidentiary showing of the content of the alleged communication, the timing of when it occurred, and the basis for its asserted reliability under the totality of the circumstances. *Illinois v. Gates*, 462 U.S. at 233-39. Where law enforcement relies on inter-officer transmission of that information to justify a stop, the State must also demonstrate the underlying factual basis supporting the originating information and its communication through the chain of officers involved. *Whiteley v. Warden*, 401 U.S. at 568; *United States v. Hensley*, 469 U.S. at 231. The State failed to show the content of the alleged communication. No buy location, or time. The State failed to show the timing of when the call occurred, and the timing of when officers surveillance began. Investigator testified that he did not know the time while conducting his surveillance. A conclusory assertion that officers "monitored calls," without production of the underlying communication, contemporaneous documentation, or other objective indicia of its content and reliability, is insufficient to satisfy this burden and prevents meaningful judicial review of whether reasonable suspicion existed at the moment of the stop. The State failed to prove what information was communicated to the stopping officer, when it was communicated, and whether that information established reasonable suspicion before the stop. Reasonable suspicion must be based upon objective, individualized fact rather than generalized suspicion. *Gonzales v. New Mexico*. If the suppression record lacks that foundational proof, the State failed to carry its burden of establishing that stop complied with the Fourth Amendment and the evidence obtained as a result of the stop should have been suppressed.

Christopher Corbitt #401478

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