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IN THE SOUTH CAROLINA COURT OF APPEALS

The State of South Carolina,
Respondent,

v.

Christopher Lamar Corbitt,
Appellant.

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S.C. SUPREME COURT

Appeal From Lexington County Court of General Sessions

The Honorable Martha M. Rivers, Circuit Court Judge

Indictment Nos. 2024-GS-32-03462 and 2024-GS-32-03463

APPELLANT'S ARGUMENT

Introduction

This appeal concerns whether the State satisfied its constitutional burden of proving that the warrantless stop of Appellant's vehicle complied with the Fourth Amendment.

The trial court denied Appellant's motion to suppress after concluding that law enforcement possessed sufficient justification to stop Appellant's vehicle. The suppression hearing record, however, does not establish the facts necessary to support that conclusion.

Although the State asserted that narcotics investigators developed information from a confidential informant, conducted surveillance, and directed the stopping officer to stop Appellant's vehicle, the State failed to establish the objective factual foundation required by the Fourth Amendment before the seizure occurred.

Because the State failed to prove either a valid traffic violation or constitutionally sufficient reasonable suspicion, the evidence obtained following the stop should have been suppressed.

Question Presented

Whether the trial court erred in denying Appellant's motion to suppress when the State failed to prove that the traffic stop was supported by either:

1. a lawful traffic violation; or
2. reasonable suspicion supported by specific, articulable facts known before the stop.

Standard of Review

A warrantless traffic stop constitutes a seizure under the Fourth Amendment.

The State bears the burden of proving that such a seizure was constitutionally reasonable.

Whether reasonable suspicion existed is determined from the facts presented during the suppression hearing and must be based upon objective facts known before the stop began.

Argument

I. The State Failed to Establish That the Stop Was Supported by a Lawful Traffic Violation.

The stopping officer testified that he initiated the stop based upon the vehicle's license plate frame.

However, the suppression hearing did not establish that Appellant's vehicle violated South Carolina law.

If no traffic offense occurred, the stop cannot be justified solely because officers wished to investigate unrelated criminal activity.

Although officers may possess investigative motives, the Fourth Amendment still requires an objectively lawful basis for the seizure.

Accordingly, once the alleged traffic violation failed, the State was required to prove that reasonable suspicion independently justified the stop.

II. The State Failed to Establish the Necessary Foundation for the Collective-Knowledge Doctrine.

The State relied heavily upon testimony that narcotics investigators instructed the patrol officer to stop Appellant because he was allegedly transporting narcotics.

However, the suppression record does not establish the essential constitutional foundation required to rely upon collective knowledge.

Specifically, the State failed to establish:

- when investigators developed the alleged information;
- when the BOLO was issued;
- when the information was communicated to the stopping officer;
- exactly what information was communicated;
- whether that information contained objective facts rather than investigative conclusions.

Timing matters.

Reasonable suspicion must exist before an officer activates emergency lights and seizes a vehicle.

Without evidence establishing when the stopping officer actually received the information, the suppression court could not determine whether reasonable suspicion existed at the moment the seizure began.

III. The State Failed to Establish the Reliability and Content of the Confidential Informant Information.

Investigators testified that a confidential informant communicated with Appellant through a monitored but unrecorded telephone conversation.

The State explained that the conversation was not recorded to protect the informant's identity.

However, the Fourth Amendment requires courts to evaluate the factual basis supporting reasonable suspicion.

The suppression record contains no evidence establishing:

- the substance of the alleged communication;
- the specific information conveyed;
- when the communication occurred;
- why investigators believed the information was reliable beyond their own conclusions.

Instead, the State asked the suppression court to accept the investigators' conclusion that Appellant was transporting narcotics without presenting the objective facts

supporting that conclusion.

The Fourth Amendment requires objective facts, not conclusory assertions.

IV. The Surveillance Testimony Corroborated Innocent Conduct Rather Than Criminal Activity.

The investigators testified they conducted surveillance.

However, they also acknowledged:

- they observed only ordinary travel;
- they never observed a drug transaction;
- they never observed any criminal conduct before the stop;
- they lost sight of Appellant's vehicle before later locating it again.

Surveillance confirming only innocent travel does not itself establish reasonable suspicion.

Without independent observations of criminal activity, the surveillance testimony failed to supply the missing constitutional foundation.

V. The State Failed to Carry Its Burden Under the Fourth Amendment.

The Supreme Court has consistently held that reasonable suspicion must rest upon specific and articulable facts known before the stop.

Where officers rely upon information communicated through other officers, the originating officers themselves must possess constitutionally sufficient facts.

Here, the suppression hearing established only that:

- officers monitored an unrecorded confidential informant communication;
- surveillance occurred;
- a BOLO was issued;
- the patrol officer made the stop.

The suppression hearing did **not** establish:

- what facts investigators actually possessed;
- when those facts were acquired;
- when those facts were communicated to the stopping officer;
- what objective facts the stopping officer knew before initiating the seizure.

Without those findings, the State failed to satisfy its burden of proving the stop complied with the Fourth Amendment.

Conclusion

This appeal is not based upon speculation concerning what investigators may have known.

Rather, it is based upon what the State actually proved during the suppression hearing.

The Fourth Amendment requires the State to establish, through competent evidence, that reasonable suspicion existed before the seizure occurred.

Because the suppression record fails to establish the factual foundation necessary to support either the alleged traffic violation or the State's collective-knowledge theory, the denial of the motion to suppress constitutes reversible error.

Accordingly, Appellant respectfully requests that this Court:

1. Reverse the order denying the motion to suppress;
2. Vacate the resulting convictions and sentences; and
3. Remand this matter for further proceedings consistent with the Fourth Amendment and the South Carolina Constitution.

Respectfully submitted,

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