

IN THE SOUTH CAROLINA COURT OF APPEALS

State of South Carolina,
Respondent,
v.
Londell Alston
Appellant.

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JUL 27 2026

SC Court of Appeals

Appellate Case No. 2025-000197

MOTION TO AMEND AND SUPPLEMENT PRO SE BRIEF

COMES NOW the Appellant, pro se, and respectfully moves this Honorable Court for leave to amend and supplement his previously filed pro se brief. In support thereof, Appellant states as follows:

1. Appellant seeks to supplement his brief to present additional constitutional issues concerning the denial of his Motion to Suppress evidence.
2. The additional issues concern the scope of consent, the plain-feel doctrine, probable cause, and the legality of the subsequent vehicle search.
3. Good cause exists to permit amendment because the supplemental arguments further develop issues arising from the record and are necessary to ensure full consideration of substantial constitutional claims.

PROPOSED SUPPLEMENTAL ISSUES

I. THE TRIAL COURT ERRED IN FINDING VALID CONSENT FOR A FULL SEARCH OF APPELLANT'S PERSON.

The record reflects that the officer asked whether he could "check" the Appellant. The appellant responded, "You can check me." When the officer subsequently attempted to broaden the encounter by asking whether he could "search" Appellant, Appellant again responded, "You can check me."

Appellant submits that any consent given was limited to a protective frisk for weapons and did not constitute voluntary consent for a full evidentiary search. The trial court therefore erred in concluding that Appellant consented to an unrestricted search of his person.

II. THE TRIAL COURT ERRED IN FAILING TO FIND THAT THE OFFICER EXCEEDED THE SCOPE OF A PROTECTIVE FRISK.

The purpose of a Terry frisk is officer safety. During the frisk, the officer felt an object later identified as marijuana. The object was not a weapon, and its incriminating character was not immediately apparent through touch.

By further manipulating or investigating the object beyond determining that it was not a weapon, the officer exceeded the permissible scope of a protective frisk.

III. THE TRIAL COURT ERRED IN APPLYING THE PLAIN-FEEL DOCTRINE.

The plain-feel doctrine permits seizure of contraband only when its incriminating nature is immediately apparent upon lawful touch. Here, the officer did not immediately recognize the object as contraband, nor was its criminal nature readily apparent.

Accordingly, the seizure violated the Fourth Amendment and Article I, Section 10 of the South Carolina Constitution.

IV. THE TRIAL COURT ERRED IN FINDING PROBABLE CAUSE TO SEARCH THE VEHICLE.

The officer relied upon the unlawfully seized marijuana to establish probable cause for a warrantless search of a vehicle that Appellant did not own.

Because the seizure was unlawful, the resulting vehicle's search was likewise unlawful, and all evidence recovered should have been suppressed as fruit of the poisonous tree.

V. THE FAILURE TO CHARGE APPELLANT WITH POSSESSION OF MARIJUANA UNDERMINES THE STATE'S CLAIM OF IMMEDIATE APPARENTNESS.

Although the officer relied upon the alleged marijuana to justify the vehicle search, Appellant was never charged with a marijuana offense.

This circumstance undermines the assertion that the object's incriminating nature was immediately apparent and supports Appellant's contention that the officer lacked probable cause to seize the item and search the vehicle.

WHEREFORE, Appellant respectfully requests that this Court grant leave to amend and supplement his previously filed pro se brief and consider the foregoing issues on appeal.

Respectfully submitted,

Londell Alston
Appellant, Pro Se

CERTIFICATE OF SERVICE

I certify that a copy of this Motion to Amend and Supplement Pro Se Brief was served upon the Attorney General's Office and all counsel of record on this 20th day of July 26

Londell Alston
Appellant, Pro Se

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"Certificate of Service"

The Undersigned hereby Certifies that he has serve a true and correct copies of the enclosed, Motion to Amend and Supplement Pro Se Brief, Appellant's Motion to dismiss with Prejudice based upon prosecutorial Misconduct, Structural Due Process violations, and Fundamental Defects in the Proceedings, Appellant's Motion For Relief based upon Brady violations, Prosecutorial Misconduct, Defective Affidavits, and Constitutional Due Process violations, on the persons whose name and address appears below by placing the aforesaid in the properly addressed first class postage affixed envelope and placed in the U.S. Mail this 22 day of July 2026,

Those Served:

Respectfully Submitted
/s/ [Signature]

Jenny Kitchings, Clerk
S.C. Court of Appeals
P.O. Box 11629, Columbia,
SC, 29211

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SC Court of Appeals

Sworn to and Subscribed before me
this 22 day of July
[Signature]
Notary Public

My Comm. Expires JAN. 24, 2035

PAUL DENNIS CRIDER
Notary Public, State of South Carolina
My Commission Expires 1/24/2035

Londell L. Alston # 308837

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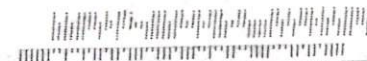
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APPELLANT'S MOTION FOR RELIEF BASED UPON BRADY VIOLATIONS, PROSECUTORIAL MISCONDUCT, DEFECTIVE AFFIDAVITS, AND CONSTITUTIONAL DUE PROCESS VIOLATIONS

NOW COMES the Appellant, Londell Alston, appearing pro se, and respectfully moves this Honorable Court for relief pursuant to Brady v. Maryland, 373 U.S. 83 (1963), the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, and corresponding protections under the South Carolina Constitution.

In support of this Motion, the Appellant states the following:

1. Under Brady v. Maryland and subsequent controlling precedent, the prosecution possesses a constitutional obligation to disclose all exculpatory, favorable, and impeachment of evidence of material to the accused.
2. In the proceedings below, Solicitor Marina Hamilton subpoenaed Dakota Rhoads in connection with the prosecution of the Appellant.
3. At the time Dakota Rhoads was subpoenaed and presented before the lower court, he was no longer employed as an officer with the Rock Hill Police Department.
4. Dakota Rhoads was the arresting officer in this matter; however, Dakota Rhoads was not the officer who obtained, prepared, signed, or executed the arrest affidavits underlying the charges against the Appellant.
5. The arrest affidavits were instead obtained and executed by Andrew W. Gallant.

6. Upon information and belief, Andrew W. Gallant was never present at the scene underlying the alleged offenses and lacked firsthand involvement concerning the facts and circumstances supporting the charges.

7. The arrest affidavits executed by Andrew W. Gallant failed to establish within the affidavits themselves how Gallant possessed sufficient familiarity, personal knowledge, or lawful evidentiary foundation regarding the allegations against the Appellant.

8. Despite being the affiant officer responsible for obtaining the arrest affidavits, Andrew W. Gallant never appeared during trial proceedings and was not subjected to examination or cross-examination regarding the factual basis for the affidavits or his familiarity with the case.

9. Instead, the prosecution presented Dakota Rhoads before the lower court in a manner creating the misleading appearance that the affidavit foundation and evidentiary basis supporting the charges were properly authenticated and constitutionally reliable.

10. Information concerning:

- Dakota Rhoads' employment status;
- Dakota Rhoads' lack of involvement in obtaining the arrest affidavits;
- Andrew W. Gallant's absence from the scene;
- deficiencies concerning Gallant's personal knowledge and familiarity with the case;
- defects within the arrest affidavits themselves; and
- Gallant's failure to appear for trial

constituted material impeachment and exculpatory evidence required to be disclosed under Brady.

11. Upon information and belief, the prosecution failed to timely disclose, adequately clarify, or fully present these material facts to the defense and the lower court.

12. The suppression and nondisclosure of this information substantially impaired the Appellant's ability to:

- challenge probable cause;
- contest the reliability and validity of the arrest affidavits;
- impeach witnesses;
- confront adverse evidence; and
- prepare and present a constitutionally adequate defense.

13. The prosecution's actions violated the Appellant's constitutional rights under Brady v. Maryland and deprived the Appellant of due process and a fundamentally fair proceeding.

14. The lower court compounded these constitutional violations by permitting the proceedings to continue despite the evident defects concerning witness foundation, affidavit reliability, and evidentiary integrity.

15. The cumulative effect of the Brady violations, prosecutorial misconduct, defective affidavits, and due process violations rendered the proceedings fundamentally unfair and constitutionally unreliable.

16. Confidence in the integrity of the proceedings has been irreparably undermined, and dismissal with prejudice is warranted to remedy the constitutional violations presented herein.

WHEREFORE, the Appellant respectfully requests that this Honorable Court:

- a. Find that Brady violations and prosecutorial misconduct occurred in the proceedings below;
- b. Reverse and vacate any convictions, judgments, or adverse rulings entered against the Appellant;
- c. Find that the arrest affidavits lack sufficient constitutional and evidentiary foundation;
- d. Order disclosure of all exculpatory, impeachment, investigative, personnel, disciplinary, and evidentiary materials relating to Dakota Rhoads and Andrew W. Gallant;
- e. Suppress and exclude testimony, affidavits, and evidentiary representations connected to Dakota Rhoads and Andrew W. Gallant;
- f. Dismiss the charges against the Appellant WITH PREJUDICE; and
- g. Grant for such additional relief as this Court deems just and proper.

Respectfully submitted this 20th day of July, 2016
Londell Alston, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Motion was served upon the South Carolina Attorney General's Office and/or York County Solicitor's Office on this 20th day of July, 26.

Londell Alston

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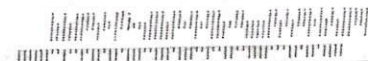
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APPELLANT'S MOTION TO DISMISS WITH PREJUDICE BASED UPON PROSECUTORIAL MISCONDUCT, STRUCTURAL DUE PROCESS VIOLATIONS, AND FUNDAMENTAL DEFECTS IN THE PROCEEDINGS

NOW COMES the Appellant, Londell Alston, appearing pro se, and respectfully moves this Honorable Court for an Order reversing the lower court proceedings and dismissing the charges WITH PREJUDICE due to prosecutorial misconduct, judicial error, structural due process violations, and fundamental constitutional defects that irreparably tainted the proceedings below.

In support of this Motion, the Appellant states as follows:

1. The proceedings in the lower court were fundamentally compromised by the prosecution's reliance upon Dakota Rhoads, a former Rock Hill Police Department officer, who lacked lawful evidentiary authority and direct involvement concerning the arrest affidavits associated with this case.
2. At the time Dakota Rhoads was subpoenaed and presented by the prosecution, he was no longer employed as an officer with the Rock Hill Police Department.
3. Dakota Rhoads was not the arresting officer and was not the officer who obtained, prepared, signed, or executed the arrest affidavits relied upon by the State.
4. Despite lacking direct evidentiary involvement, the prosecution nevertheless presented Dakota Rhoads in a manner designed to create the appearance of official authority, credibility, and lawful involvement in the prosecution of the Appellant.

5. The prosecution knew or reasonably should have known that Dakota Rhoads lacked the foundational involvement necessary to provide competent testimony or evidentiary support regarding the arrest affidavits and charging procedures.
6. The lower court nevertheless allowed such participation over the clear constitutional implications arising from the prosecution's conduct.
7. The actions of the prosecution and the allowance of those actions by the trial court deprived the Appellant of due process of law guaranteed under the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and corresponding provisions of the South Carolina Constitution.
8. The constitutional violations in this matter were structural in nature because they undermined the integrity, fairness, and reliability of the judicial process itself rather than constituting harmless procedural error.
9. The prosecution's actions created false impressions before the court, improperly bolstered the State's case, and deprived the Appellant of a fundamentally fair proceeding.
10. Prosecutorial misconduct rises to the level requiring dismissal with prejudice when the misconduct substantially prejudices the accused and demonstrates reckless disregard for constitutional protections and the integrity of the judicial system.
11. The cumulative effect of the misconduct, judicial error, and evidentiary irregularities rendered the proceedings fundamentally unreliable and incompatible with constitutional standards of fairness and due process.
12. Lesser remedies would be inadequate to cure the constitutional prejudice suffered by the Appellant because the integrity of the proceedings has already been irreparably compromised.
13. Dismissal with prejudice is necessary to preserve public confidence in the judicial system and to deter future prosecutorial abuse and constitutional violations.

WHEREFORE, the Appellant respectfully requests that this Honorable Court:

- a. Reverse the proceedings and rulings of the lower court;
- b. Vacate any resulting convictions, judgments, or adverse rulings entered against the Appellant;

- c. Find that prosecutorial misconduct and constitutional due process violations occurred;
- d. Dismiss the charges against the Appellant WITH PREJUDICE;
- e. Grant any further relief this Court deems just and proper; and
- f. Award any additional relief necessary to remedy the constitutional violations presented herein.

Respectfully submitted this 20th day of July, 2016
Londell Alston, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Motion was served upon the South Carolina Attorney General's Office and/or York County Solicitor's Office on this 20th day of July, 2016

Londell Alston

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