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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
In The Supreme Court

APPEAL FROM HORRY COUNTY
Court of Common Pleas
The Honorable Frank Addy Sr., PCR Judge

Appellate Case No. 2025-001743

LA'QUANDIAN J. BROMELL,

Petitioner,

v.

STATE OF SOUTH CAROLINA,

Respondent.

BRIEF OF RESPONDENT PURSUANT TO WHITE V. STATE

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STATEMENT OF ISSUES ON APPEAL

- I. The trial judge did not err in admitting the body-cam recording of the surveillance video.
- II. The trial court properly admitted the cellphone evidence.

STATEMENT OF THE CASE

In October of 2021, the Horry County Grand Jury indicted Petitioner for Murder (2021-GS-26-04475) and possession of a weapon during the commission of a violent crime (2021-GS-26-04476). On April 11-14, 2022, Petitioner proceeded to a jury trial before the Honorable Kristi Curtis. The jury found Petitioner guilty as indicted. Judge Curtis sentenced Petitioner to thirty (30) years for murder and a consecutive five (5) years for possession of a weapon during a violent crime.

On April 22, 2022, a notice of appeal was filed on Petitioner's behalf by Counsel. On November 7, 2022, the Court of Appeals dismissed the appeal for failure to order the transcript as required by Rule 207, SCACR. State v. Bromell, S.C. Ct. App. Order filed Nov. 7, 2022. The Remittitur was sent on January 10, 2023.

Petitioner timely filed a PCR application on April 14, 2023. The evidentiary hearing occurred on July 16, 2025, before the Honorable Frank Addy, Circuit Court Judge. The Court issued an order of dismissal, granting Petitioner a belated direct appeal and denying Petitioner's PCR application and remanding him to the custody of South Carolina Department of Corrections on August 25, 2025. Petitioner filed a timely appeal pursuant to White v. State¹ on April 1, 2026. This brief follows.

¹ White v. State, 263 S.C. 110, 208 S.E.2d 35 (1974).

STATEMENT OF FACTS

At trial, Officer Paul Hamm testified that on June 23, 2020, around 4:00 am, he responded to a residential area and found a body lying on the ground, face down, in a puddle of blood. (App. 123). The body was identified as Heiden Goodman (“Victim”). (App. 126). Officer Jonathan Kelly testified that officers obtained video surveillance from a residence (Veronica Jackson’s house) next to a club; upon review of the video, law enforcement were able to determine persons of interest. (App. 139-40). The video was reviewed around 6:00 am, shortly after the murder. (App. 142). In the video, Victim is observed walking out of the nearby club around 4:00 am and walking towards the house (Veronica’s house). (App. 143). There were two cars nearby: a white Charger and a red Hyundai. (App. 143). The white Charger drove off, and there was a person standing near the red Hyundai. (App. 143). It was determined by people from and familiar with the area that the person in the video had a street name of “Juicy” or “Juicy Fruit.” (App. 144). Officer Kelly testified that the person and vehicle were believed to be the last that passed by Victim before he was killed. (App. 172).

Veronia Jackson, a resident, testified to video surveillance from her house and identified the person that got out of the red car as “Juice.” (App. 191). Jackson identified Victim and Winfred Sherman in the video. (App. 192). Jackson identified Petitioner in the courtroom as “Juice.” (App. 196). Winfred Sherman testified that Petitioner was driving the red car, and Sherman did not have ill will towards Victim and did not shoot and kill Victim. (App. 210-11).

Latreka Green testified that she knows Petitioner and he was called “Juice” or “Juicy Fruit.” (App. 215-16). Green testified that she was in the area on the morning of the incident and saw Victim walking and talking on the phone. (App. 217-18). Green testified that she was sitting in the area and heard gunshots. (App. 218-19). Green testified that Victim was the only person walking up and down the dirt road. (App. 219). Cortisha Hemingway, who was also in the area,

testified that she saw Victim walk past, heard gunshots, and saw someone standing over Victim: the person was not tall and was wearing a jacket with white stripes down the sleeves. (App. 260-62; 263).

Officer Rebecca Phillips responded to the scene and recovered .40 caliber shell casings and fired projectiles near Victim's body. (App. 288-94). Phillips searched Victim's pockets and did not find any weapons. (App. 295). Suzanne Cromer of SLED, qualified as an expert in ballistics and firearm analyzation, testified that she examined the .40 caliber shell casings and fired projectiles and determined that the seven (7) fired projectiles were fired by one firearm. (App. 334-340; 341).

Investigator Kenneth Marcus testified that he had the opportunity to interview Petitioner and conducted a post-*Miranda* interview. (App. 350). Marcus read Petitioner his Miranda rights, did not promise Petitioner anything or threaten him in any way. (App. 353). Petitioner admitted to being present and admitted to seeing Victim that night. (App. 355-56). Marcus testified that on a video from the day prior to the killing, Petitioner and Victim were seen outside of the club: Petitioner walked by, said something to Victim, and Victim's demeanor changed. (App. 356). Petitioner admitted that he was the person in the picture of the video, admitted that his name was "Juice," and admitted to driving the red car observed. (App. 359).

Pursuant to search warrants, Officers searched Petitioner's residence, including a particular room belonging to Petitioner, and cell phone. (App. 379-90). Cellphone records of Petitioner's Google search history from the day of the murder (June 23, 2020 at 11:55 pm) revealed searches of "does Clorox get rid of blood." (App. 427-28).

STANDARD OF REVIEW

In criminal cases, appellate courts sit to review errors of law only. State v. Baccus, 367 S.C. 41, 48, 625 S.E.2d 216, 220 (2006). “A trial judge has considerable latitude in ruling on admissibility of evidence and his decision should not be disturbed absent prejudicial abuse of discretion.” State v. Clasby, 385 S.C. 148, 154, 682 S.E.2d 892, 895 (2009). “A ruling on the admissibility of evidence is within the sound discretion of the trial court and will not be reversed absent an abuse of discretion.” State v. Washington, 379 S.C. 120, 124, 665 S.E.2d 602, 604 (2008). “An abuse of discretion occurs when the trial court’s ruling is based on an error of law.” Id. “To warrant reversal based on the admission or exclusion of evidence, the [A]ppellant must prove both the error of the ruling and the resulting prejudice, i.e., that there is a reasonable probability the jury’s verdict was influenced by the challenged evidence or lack thereof.” State v. Singleton, 395 S.C. 6, 13, 716 S.E.2d 332, 336 (Ct. App. 2011) (quoting Fields v. Reg’l Med. Ctr. Orangeburg, 363 S.C. 19, 26, 609 S.E.2d 506, 509 (2005)).

“Historically, we have repeatedly noted that appellate courts review and appeal from a motion to suppress based on a violation of the Fourth Amendment under the deferential ‘any evidence’ standard.” State v. Frasier, 437 S.C. 625, 632, 879 S.E.2d 762, 765 (2022). “Pursuant to this standard, our appellate courts ‘will not reverse a trial court’s finding of fact simply because it would have decided the case differently.’” Id. “Appellate review of a motion to suppress based on the Fourth Amendment involves a two-step analysis. This dual inquiry means we review the trial court’s factual findings for evidentiary support, but the ultimate legal conclusion... is a question of law subject to de novo review.” Id. at 633-634, 879 S.E.2d at 766.

ARGUMENT

I. The trial judge did not err in admitting the body-cam recording of the surveillance video.

Petitioner argued that the trial court erred in admitting a second-hand, body cam recording of the surveillance video. Specifically, that the State failed to authenticate it under Rule 901, SCRE and that it did not comply with the best evidence pursuant to Rule 1002, SCRE. This argument lacks merit for two reasons; first, there was no objection to the authentication of the video itself and is therefore not preserved, second, this video was the best evidence pursuant to Rule 1002, SCRE.

“In order for an issue to be preserved for appellate review, it must have been: (1) raised to and ruled upon by the trial court; (2) raised by the Petitioner; (3) raised in a timely manner; and (4) raised to the trial court with sufficient specificity.” State v. Rogers, 361 S.C. 178, 183, 603 S.E.2d 910, 912-913 (Ct. App. 2004). “Issues not raised and ruled upon in the trial court will not be considered on appeal.” State v. Dunbar, 356 S.C. 138, 142, 587 S.E.2d 691, 693-694 (2003). Counsel for Petitioner objected to the video, but not for authentication purposes. The specific objection was “we would object one, based upon the officers, I think, bodycam—bodycam footage of the video actually has commentary, and of course is is that it is not the best evidence, which means that this is not a copy of the actual disc.” (App. 148). However, even if the issue was properly preserved the video was properly authenticated.

“[E]vidence must be authenticated or identified in order to be admissible.” State v. Brown, 424 S.C. 279, 488, 818 S.E.2d 735, 740 (2018). Under Rule 901(b)(1), evidence can be authenticated by having someone with personal knowledge about the material testify to what it purports to be. See State v. Hill, 437 S.C. 107, 118, 876 S.E.2d 328, 334 (Ct. App. 2022). Jonathan Kelly, with the Horry County Police Department, testified that there was surveillance

video at someone's house that was roughly 100 yards away from the incident site. (App. 139-141). Kelly testified that he went to watch this surveillance footage and he recorded portions of the footage on his body camera. (App. 142). Kelly testified that the video being admitted was a disc of his body camera footage and that it had not been altered in any way. (App. 146-147).

Petitioner also argues that the body camera footage does not comply with the best evidence rule. Rule 1002 mandates that “[t]o prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required”, barring exceptions warranted by rules or statute. Rule 1002, SCRE. Rule 1004, SCRE, states that the original is not required, and other evidence of the contents of a writing, recording or photograph is admissible if the originals are lost or have been destroyed unless the proponent lost or destroyed them in bad faith. Rule 1004(1), SCRE. “In particular, the question of whether to admit evidence under the “best evidence rule” is also addressed to the discretion of the trial court.” State v. Halcomb, 382 S.C. 432, 433, 676 S.E.2d 149, 154 (Ct. App. 2009). “The preliminary inquiry into whether there has been sufficient evidence to prove loss, destruction or unavailability of an original document so as to justify the admission of secondary evidence is an inquiry, the answer to which is largely within the discretion of the trial court. Id.

Here, the State offered body camera footage from Kelly that showed him reviewing the surveillance footage. (App. 147). Counsel for Petitioner argued that entry of the video violated the best evidence rule because the State had a copy of the original video and the second-hand version was littered with commentary. (App. 148). The State responded that this video was the best evidence because when the surveillance tape got downloaded, portions of it were compressed which meant “portions of it were sped up and slowed down.” (App. 149). Counsel for Petitioner goes on to argue that it is not best evidence because in the body camera footage it

shows the officer manipulating the video speeding up to go through some of it and capturing the portions of the video relevant to the State. (App. 150). The State responded by stating:

Your Honor, the video is four hours long. The portions that we have are the portions that are relevant that are showing when then victim arrives, when the defendant arrives, when the victim leaves, when the defendant leaves. I'm going to play the portion I believe to be relevant. If the Court wishes, I have no issue with putting the entire four-hour footage into evidence. And Mr. Booker can publish whatever other portions he deems to be relevant.

(App. 150). A bench conference was held after that and afterwards the trial judge stated "So, Mr. Booker, your objection is sustained to the extent that any commentary made during the audio would not be appropriate. So, we're going to allow the video without sound, because my understanding is the original video surveillance did not have audio with it." (App. 151).

Here, the original video was four hours long and when the copy of it was made portions of the video were destroyed or manipulated to where it could not be viewed properly. The body camera footage showed the same footage where it could be viewed properly in a more efficient and timelier manner. The trial judge admitted it without the audio so the commentary in the video would not be heard. The decision on which video is the best evidence is in the discretion of the trial judge, and the trial judge properly used his discretion in admitting the body camera footage instead of the original where portions were destroyed. Therefore, the trial judge properly admitted the body-cam footage of the surveillance video.

II. The trial court properly admitted the cell phone evidence.

Petitioner argues the trial court erred in denying the motion to suppress the cell phone evidence. Specifically, that the search warrant was invalid, the State failed to show it was properly executed and there was not a sufficient foundation established proving it was Petitioner's phone. This argument lacks merit because a motion to suppress was not made, the

search warrant was valid, as explained in Warner and there was sufficient evidence that it was Petitioner's phone.

The United States Constitution protects people from unreasonable searches and seizures. "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, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the person or thing to be seized, and the information to be obtained." U.S. Const. amend. IV. The State of South Carolina also provides people with protections against unreasonable searches and seizures. "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, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, the person or thing to be seized, and the information to be obtained." S.C. Const. art. I, § 10.

"A magistrate may issue a search warrant only upon finding of probable cause." State v. Dupree, 354 S.C. 676, 684, 583 S.E.2d 437, 441 (Ct. App 2003). "The South Carolina General Assembly has enacted a requirement that search warrants may be issued 'only upon affidavit sworn to before the magistrate...establishing the grounds for the warrant.'" State v. Bellamy, 336 S.C. 140, 143, 519 S.E.2d 347, 348 (1999) (quoting S.C. Code Ann. §17-13-140(1985)). "The affidavit must contain sufficient underlying facts and information upon which the magistrate may make a determination of probable cause." Dupree, at 684, 583 S.E.2d at 441. The facts contained in the affidavit must be so closely related to the time of the issuance of the warrant to justify a finding of probable cause at that time. State v. Winborne, 273 S.C. 62, 64, 254 S.E.2d 297, 298

(1979). The term “probable cause” does not mean absolute certainty, but magistrates should be concerned with probabilities not certainties. Dupree, at 683, 583 S.E.2d at 441. “A warrant is supported by probable cause if, given the totality of the circumstances set forth in the affidavit, there is a fair probability that contraband or evidence of a crime will be found in a particular place.” State v. Kinloch, 410 S.C. 612, 617, 767 S.E.2d 153, 155 (2014).

During trial, the State attempted to admit State’s exhibits 65, 66, and 67 which were cell phone records of Petitioner’s phone. (App. 392). Counsel for Petitioner objected to the records on the basis of the proper foundation not being laid. (App. 393). When the jury exited the courtroom Counsel for Petitioner elaborated on his objection stating no evidence was shown that the evidence was secured by a properly executed search warrant and that the warrant obtained was insufficient as well as there was no evidence that the phone itself belonged to Petitioner. (App. 394). The State argued that this was an inopportune time to contest the search warrant, that a motion to suppress was never filed and a search warrant cannot be entered at trial, so Petitioner’s argument was untimely. (App. 395-396). Counsel for Petitioner argued that the search warrant was insufficient because a magistrate judge did not have jurisdiction to issue a search warrant outside of its jurisdiction. (App. 396-397). The trial judge cited to State v. Warner,² that came out that day of trial. In State v. Warner, a magistrate in Anderson County signed a search warrant for T-Mobile records that were housed in the state of New Jersey. Id. Our Supreme Court held that T-Mobile clearly does business in South Carolina, in particular Anderson County, and therefore is subject to the jurisdiction of Anderson County Magistrate and that it is not beyond the power for the magistrate to issue a search warrant. Id. Petitioner argues in his brief that this was a case that neither party was privy to and came out the third day of trial

² State v. Warner, 436 S.C. 395, 872 S.E.2d 638 (2022).

and months after the warrant was drafted and relevant information obtained from the warrant. There is nothing improper about the trial judge using the most relevant case law on an issue. Warner did not overturn any laws it simply clarified for the courts regarding the exact issue in question during this trial. It would have been improper to ignore the Supreme Court ruling and find that the magistrate did not have jurisdiction making the search warrant insufficient.

The trial judge then asked if they wanted to address the objection based on the no evidence of the cell phone belonging to Petitioner. (App. 402). The State argued that while there was no subscriber information that said Petitioner was the owner of the phone, the phone was plugged into a charger in a room that was determined to be Petitioner's, based on pictures that were up in the room. (App. 402-403). Counsel for Petitioner argued that this was a stretch and an insufficient foundation for the nexus the State sought to establish between Petitioner and the phone. (App. 403). The State responded that whether the State proved Petitioner's phone was really his phone was a question for the jury. (App. 403). The trial judge ruled stating that he did find sufficient circumstantial evidence of ownership for it to go in front of the jury and that it did not prevent Counsel for Petitioner from cross-examining and arguing about whether or not the phone belonged to him. (App. 406). During cross-examination the witness was asked whether he could tell who the owner of the cellphone was and his response was that he could not based off of the records. (App. 416). Counsel for Petitioner also argued in his closing argument that the phone was not Petitioner's. Therefore, there was sufficient evidence to send to a jury that the phone was Petitioner's and even if there wasn't, it was harmless error.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgments and convictions of the lower court should be affirmed.

Respectfully submitted,

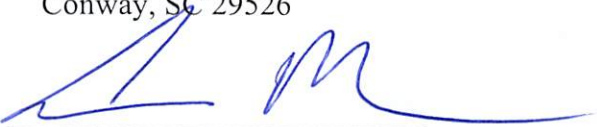
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