



The South Carolina Court of Appeals

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September 9, 2026

Mr. Tommy Evans, Jr., Esquire
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Re: The State v. Gabriel D. Curry
Appellate Case No. 2022-000966

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

Jasmine D. Smith, Deputy
CLERK

cc: Alan McCrory Wilson, Esquire
Melody Jane Brown, Esquire
Donald J. Zelenka, Esquire
Samuel R. Hubbard, III, Esquire
The Honorable Courtney Clyburn Pope

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

The State, Respondent,

v.

Gabriel Dantray Curry, Appellant.

Appellate Case No. 2022-000966

Appeal From Edgefield County
Courtney Clyburn Pope, Circuit Court Judge

Unpublished Opinion No. 2026-UP-434
Heard November 4, 2025 – Filed September 9, 2026

AFFIRMED

Appellate Defender Sarah Elizabeth Shipe, of Columbia,
for Appellant.

Attorney General Alan McCrory Wilson, Deputy
Attorney General Donald J. Zelenka, Senior Assistant
Attorney General Melody J. Brown, Assistant Attorney
General Tommy Evans, Jr., all of Columbia; and
Solicitor S.R. Hubbard, of Lexington, all for Respondent.

PER CURIAM: Gabriel Curry was convicted of murder for the fatal shooting death of his cousin, Dakota Calhoun. Curry challenges the validity of six search

warrants police obtained during the investigation of Calhoun's murder and argues that the evidence seized pursuant to the warrants should have been suppressed. Curry argues the trial court also erred in allowing the admission of cell tower mapping evidence that the State did not disclose until the Friday before trial. We affirm.

BACKGROUND/FACTS

On October 10, 2018, officers found Calhoun's body on the side of the road with a single gunshot wound to the back of the head. Calhoun's brother, Kahlo, reported him missing the morning of October 10 after Calhoun failed to pick up his mother, Angela Barger, from work the night before.

The day of the murder, Calhoun stopped by his mother's work to borrow her cellphone and car so he could run errands with Curry. Barger reported that her car was in "good condition" the day her son came to pick it up – "[t]here was no wreckage, no dents, no scratches, nothing." Multiple eyewitnesses and security camera videos captured Calhoun and Curry throughout the day. Calhoun and Curry returned to the store where Barger worked later in the day to get gas money. The two men left the store at 3:55 p.m. and Calhoun told his mother he was taking Curry home. Calhoun was seen alive for the last time in security camera footage at the Circle K at 4:02 p.m. getting gas with Curry. Then, at 4:28 p.m., Curry is spotted in Circle K and Burger King's security camera videos, in which he is now driving Barger's car alone. While at the Circle K gas station, Curry can be seen walking to the front of Barger's car twice where he appears to inspect the front of the car for damage. Calhoun did not use Barger's phone again after 3:17 p.m.

The next morning, Barger tracked her car to a location off Sandy Springs Road, just a mile down the road from the homes of both Curry's mom and his girlfriend, Kirtrina Dixon. Officers arrived at Sandy Springs Road at 12:15 p.m. and found Barger's car abandoned and wrecked on a dirt road just off the paved road. Officers reported that the car appeared to have hit a sandbank while attempting to turn around. Officers searched the vehicle and found a Burger King receipt dated October 9 at 4:24 p.m.

Family members reported to officers that Curry was the last person seen with Calhoun. During the search for Calhoun, around 1:45 p.m., officers looked for Curry at Dixon's home. Officers reported an odd interaction with Dixon, who was outside in the yard when they arrived. When they indicated they were looking for Curry, "[s]he ran into the house, grabbed her child, came back out, shut both doors[,]" and told them she had not seen Curry. Dixon testified at trial that she lied

to police during this interaction and that Curry was at her home when police arrived, but he instructed her to tell them he was not there. Dixon initially told police that Calhoun had dropped Curry off at her house on the day of the murder, but she later admitted that she did not see Calhoun at all that afternoon and that Curry arrived at her house on foot.

About twenty minutes after officers left Dixon's residence, Curry arrived at the crime scene with Kahlo and confirmed to officers he was with Calhoun the day prior. Curry told officers he and Calhoun had gone to obtain and use heroin and marijuana while the two were together, and Calhoun dropped him off at Dixon's home around 5:00 p.m. When officers asked him about the Burger King receipt, Curry denied going to Burger King. After Curry left the scene, officers located Calhoun's body across the street from Barger's car. Officers noticed the pocket of Calhoun's jeans was pulled out, and they located a .380 cartridge case near his body. Calhoun's car keys and cellphone were missing from the crime scene.

Police never found the cellphone Calhoun had been using on the day of the murder, nor did they recover the murder weapon. Dixon testified at trial that she saw Curry throw a black handgun into the woods behind her house on the day after the murder. Another witness testified that Curry had showed him a small black pistol in the summer of 2019, which was generally consistent with the type of gun South Carolina Law Enforcement Division (SLED) expert Michelle Eichenmiller testified was used to kill Calhoun.

Officers obtained six search warrants during the investigation that are the subject of this appeal. On October 12, 2018, officers obtained a warrant to search Dixon's home. During the search, officers seized multiple cellphones. On October 15, 2018, officers obtained a warrant to search Curry's cellphone. On October 19, 2018, officers obtained a warrant to search Curry's T-Mobile records. On November 5, 2018, officers obtained a warrant to search T-Mobile records for the phone Calhoun borrowed from his mother and used on the day of the murder, which was never recovered. In December 2021, officers obtained a second search warrant to search Curry's cellphone and a warrant to search Dixon's cellphone. Prior to trial, Curry moved to suppress the evidence obtained from these six search warrants. The trial court denied the motions.

Curry also brought a motion to suppress the cellphone maps and expert witness testimony from FBI Agent Mathew Wilde, arguing the State violated his due process rights, his right to a fair trial, and his Sixth Amendment rights because he did not receive the cellphone mapping exhibits until the Friday before trial. The court denied Curry's motion and admitted the mapping exhibits during Agent Wilde's testimony. The court held that, although the exhibits were not disclosed to

Curry until the eve of trial, the raw data with which the exhibits were created was produced earlier in discovery and was available to Curry.

After a four-day trial, the jury found Curry guilty of murder. He was sentenced to thirty-eight years' imprisonment. This appeal followed.

STANDARD OF REVIEW

"[A]ppellate review of a motion to suppress based on the Fourth Amendment involves a two-step analysis. This dual inquiry means [appellate courts] 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." *State v. Fraiser*, 437 S.C. 625, 633-34, 879 S.E.2d 762, 766 (2022).

The appellate court analyzes the trial court's ruling regarding alleged discovery violations "under an abuse of discretion standard." *State v. Lawton*, 382 S.C. 122, 127, 675 S.E.2d 454, 457 (Ct. App. 2009). "The admission or exclusion of evidence is left to the sound discretion of the trial judge." *State v. Preslar*, 364 S.C. 466, 472, 613 S.E.2d 381, 384 (Ct. App. 2005). "A court's ruling on the admissibility of evidence will not be reversed on appeal absent an abuse of discretion or the commission of legal error, which results in prejudice to the defendant." *Id.* at 472-73, 613 S.E.2d at 384. "Error without prejudice does not warrant reversal." *State v. McWee*, 322 S.C. 387, 393, 742 S.E.2d 235, 239 (1996).

LAW/ANALYSIS

I. Did the trial court err in denying Curry's motion to suppress evidence seized pursuant to the search warrants?

A. Did the search warrant affidavit for Dixon's house, supplemented by oral testimony, establish probable cause?

On October 12, 2018, Investigator James Smith obtained a warrant to search Dixon's home for "clothing, keys, phones, firearms, bullets, shell casings[,] any illegal drugs or narcotics, and any other items involved in criminal enterprise." The search warrant reads as follows:

On October 10[[],] 2018[,], . . . Calhoun was reported missing by his family. With the use of GPS tracking provided by Discount Automotive Used Car Sales in Augusta[,], GA[,], the 2012 Gray Ford Fo[[]]cus . . . was showing being located on

Sandy Springs R[oa]d, in Edgefield County. It was reported by the family that [][Calhoun] was wearing a pink shirt [the] last time he was seen. The car was located and was not occupied. . . . SLED[] was called to assist in a[n] air search of the wooded area around the car. Prior to the arrival of [the] SLED Helicopter[,], a pink object was located in a wooded area on Sandy Springs Rd[.] about 100 feet off the roadway. The pink object found was the deceased body of . . . Calhoun. A hole was observed on the rear of the head of [][Calhoun] that appeared to be a bullet hole. A[n] autopsy that was performed on 11/12/18¹ in Newberry confirmed that Dakota was murdered.

Through witness statements and video surveillance it was discovered that . . . Curry was with Dakota just prior to his murder. When deputies went [to] 707 Mt. Zion Rd[.] to locate . . . Curry to ask him about Dakota [being] missing, his girlfriend stated he was not there. A short time later the family [of] [][Calhoun] arrived with [][Curry] who told affiant that he and [][Calhoun] had went [sic] to obtain and use marijuana and heroin. Khalo Calhoun[,], brother of [][Calhoun][,] told I/O that he located [][Curry] at his girlfriend[']s residence on Mt. Zion R[oa]d.

Affiant has been a[n] investigator with the Edgefield County Sheriff's Office for approximately 12 years and a law enforcement officer for approximately 20 years and believes that items contained in the residence at 707 Mt. Zion will assist in the investigation of the murder Dakota Calhoun.

Investigator Smith supplemented the warrant with oral testimony to the magistrate. Unfortunately, he passed away prior to the suppression hearing, so Judge McLaurin testified to his recollection of Investigator Smith's oral testimony as well as notes he made contemporaneously on the face of the warrant. Judge McLaurin's notes stated:

¹ This date was a mistake in the warrant. Below "11/12/18" in the affidavit, the Judge wrote "10/11/18" and initialed his name.

1. Multiple witnesses state that Gabriel Curry and Dakota Calhoun were together in the time leading up to Calhoun's murder.
2. Curry was at residence when sisters were looking for him to question him in regard to the missing person Calhoun. Curry's girlfriend states that he was not there and officers have evidence that this was not true.
3. Items were taken from the vehicle Curry and Calhoun were riding in
4. [A]uto pay date 10/11/18

Judge McLaurin also testified that Investigator Smith told him: (1) "Curry was a person of interest, somebody they wanted to go talk to"; (2) officers knew Curry was in Dixon's home when they attempted to speak with him on October 10 and Dixon indicated "a level of . . . trying to hide something"; and (3) Curry and Calhoun "had been seen together riding around in Calhoun's mother's car and . . . then the car was found not far from where the body was eventually found." Lastly, Judge McLaurin testified that he believed Curry resided with Dixon and the home was close to where officers found Calhoun's body. On cross, Judge McLaurin testified that Investigator Smith did not tell him how they knew Curry was in Dixon's home when they went to talk with him.

After hearing arguments from counsel, the trial court found that the written affidavit along with the supplemental oral testimony established probable cause for the search. The court later found that the written portion alone was sufficient to establish probable cause.

Curry argues that the trial court erred in finding that officers had sufficient probable cause to search Dixon's home. We disagree.

The Fourth Amendment to the United States Constitution provides that "no [w]arrants shall [be] issued, but upon probable cause, supported by [o]ath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. Const. amend. IV. In South Carolina, the statutory warrant requirement is separate and distinct from the Fourth Amendment prohibition against unreasonable searches and seizures. *State v. Covert*, 368 S.C. 188, 195, 628 S.E.2d 482, 486 (Ct. App. 2006). A magistrate may only issue a

search warrant "upon affidavit sworn to before the magistrate . . . establishing the grounds for the warrant." S.C. Code Ann. § 17-13-140 (2014).

In determining whether probable cause exists, the magistrate should consider the "totality of the circumstances." *State v. Missouri*, 337 S.C. 548, 555, 525 S.E.2d 394, 397 (1999). "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 . . . evidence of a crime will be found in a particular place." *State v. Crummey*, 443 S.C. 94, 107, 902 S.E.2d 391, 398 (Ct. App. 2024) (quoting *State v. Kinloch*, 410 S.C. 612, 617, 767 S.E.2d 153, 155 (2014)). Oral testimony may also be used to supplement the search warrant affidavit and establish probable cause. *State v. Jones*, 342 S.C. 121, 128, 536 S.E.2d 675, 678-79 (2000). "The term 'probable cause' does not import absolute certainty. Rather, in determining whether a search warrant should be issued, magistrates are concerned with probabilities and not certainties." *Id.* (quoting *State v. Dupree*, 354 S.C. 676, 683, 583 S.E.2d 437, 441 (Ct. App. 2003)).

"In determining the validity of the warrant, a reviewing court may consider only information brought to the magistrate's attention." *Dupree*, 354 S.C. at 684, 583 S.E.2d at 441. "An appellate court gives great deference to the issuing judge's probable cause determination." *State v. Brown*, 447 S.C. 617, 638, 929 S.E.2d 415, 426 (Ct. App. 2026) (quoting *State v. Robinson*, 415 S.C. 600, 605, 785 S.E.2d 355, 357 (2016)). "Searches based on warrants will be given judicial deference to the extent that an otherwise marginal search may be justified if it meets a realistic standard of probable cause." *Dupree*, 354 S.C. at 683-84, 583 S.E.2d at 441. "We are mindful on review that affidavits . . . are normally drafted by non-lawyers in the haste of a criminal investigation, and should therefore be viewed in a 'common sense and realistic fashion.'" *State v. Gore*, 408 S.C. 237, 247, 758 S.E.2d 717, 722 (Ct. App. 2014) (quoting *State v. Sullivan*, 267 S.C. 610, 617, 230 S.E.2d 621, 624 (1976)). "[T]he ultimate measure of the constitutionality of a government search is reasonableness." *State v. Moore*, 429 S.C. 465, 475, 839 S.E.2d 882, 887 (2020) (quoting *Vernonia Sch. Dist. 47 v. Acton*, 515 U.S. 646, 652 (1995)).

As established by the search warrant affidavits and oral testimony, officers knew through both video surveillance and witness statements that Curry was with Calhoun just prior to his murder and that the two men had been seen together riding around in Calhoun's mother's car. The same vehicle the men were traveling in was found abandoned near Calhoun's body, and the crime scene was in close proximity to Dixon's house. Officers went to Dixon's house looking for Curry, but

she told them he was not there.² A short time later, Calhoun's brother, Kahlo, brought Curry to the crime scene and told officers he found Curry at Dixon's house. When Curry appeared at the scene, he admitted to officers that he had been riding around with Calhoun the day before and stated that the two men had gone to obtain and use heroin and marijuana. Although this is a close issue, most likely exacerbated by the unfortunate passing of Investigator Smith prior to the suppression hearing, we find that the search warrant affidavits and oral testimony were sufficient to establish probable cause.

Curry argues the search warrant affidavit impermissibly relied on anonymous witness statements without identifying the witnesses or establishing their basis of knowledge or credibility. However, Curry overlooks the fact that the warrant also indicates that (1) in addition to "witness statements," video surveillance also showed the two men together just prior to the murder and (2) Curry himself admitted to officers that he was with Calhoun and that the two had spent the day obtaining and using illegal drugs. Thus, to the extent the warrant refers to anonymous "witness statements," that information is superfluous to Curry's own admission that the two were together.

Curry also argues the warrant failed to set forth why officers believed he committed the murder and why they believe items relevant to the investigation would be located at Dixon's residence. As our supreme court has stated, "[i]n determining whether a search warrant is supported by probable cause, the crucial element is not whether the target of the search is suspected of a crime, *but whether it is reasonable to believe that the items to be seized will be found in the place to be searched.*" *State v. Thompson*, 419 S.C. 250, 256, 797 S.E.2d 716, 719 (2017). Thus, at the time investigators sought the warrant for Dixon's home, it was not necessary that they suspected Curry of being the murderer. Rather, law enforcement must have had a reasonable basis to believe that items relevant to the investigation would be found at Dixon's house.

Curry correctly points out that being the last person seen with the victim while he was alive, without more evidence, is not a sufficient basis for a search warrant.

² Although the officer told Judge McLaurin that law enforcement believed Dixon was lying about Curry and "trying to hide something," Judge McLaurin did not recall why officers found Dixon's behavior was suspicious. Because neither the warrant nor the supplemental oral testimony recited the basis for law enforcement's belief that Dixon was lying, we do not consider this fact in our analysis of probable cause.

However, Curry asks this court to ignore the fact that he admitted the two men had spent the day obtaining and using marijuana and heroin and that Calhoun's car and body were found near Dixon's home, where Calhoun's family located Curry. We find it was not unreasonable for police to suspect Calhoun's death may have been connected to his drug use with Curry and their contact with persons selling drugs, an activity our appellate courts have acknowledged is "rife with violence." *State v. Williams*, 427 S.C. 246, 255, 830 S.E.2d 904, 909 (2019) (James, J., dissenting); *see State v. Smith*, 406 S.C. 547, 557, 752 S.E.2d 795, 800 (Ct. App. 2013) (Lockemy, J., concurring) (acknowledging that illegal drug trade "results in shootings and deaths on a very frequent basis"). Because Curry arrived at the crime scene directly from Dixon's house, it was reasonable for police to believe her house was the most likely place to find items relevant to the investigation such as Calhoun's car keys, his cellphone, guns, or bullets.

B. The Search Warrant for Curry's cellphone, Curry's T-Mobile Records, and Dixon's cellphone

Curry argues the trial court erred in finding that the search warrant affidavit for his cellphone, his T-Mobile records, and for Dixon's cellphone established sufficient probable cause. We disagree.

The search warrant for Curry's cellphone was obtained on October 15, 2018. It was also obtained by Investigator Smith, signed by Judge McLaurin, and like the warrant for Dixon's house, the face of the warrant indicates it was supplemented by oral testimony. The search warrant for Curry's T-Mobile phone records was obtained on October 19, 2018. It was also obtained by Investigator Smith and the face of the warrant likewise indicates it was supplemented by the oral testimony of Investigator Smith. This warrant was signed by Magistrate Betsy Carpenter, but unlike the previous warrants, the State did not call Carpenter as a witness at the suppression hearing. Although Investigator Smith would presumably have given Judge Carpenter similar testimony to what he gave Judge McLaurin, there is no evidence in the record as to the substance of Investigator Smith's oral testimony to Judge Carpenter.

The search warrant for Dixon's cellphone was obtained on December 13, 2021. This warrant was signed by yet another magistrate, and it was obtained by Officer Ireland, neither of whom testified at the suppression hearing. This warrant was obtained much further along in the investigation, after law enforcement found the Burger King video showing Curry driving Barger's car alone. Unlike the previous warrants, however, this warrant contains no indication it was supplemented by oral testimony.

The body of each of these three warrants is nearly identical to the warrant for Dixon's home; however, these warrants contain an additional sentence that Calhoun's cellphone and car keys were missing from the crime scene and that Calhoun and Curry had also obtained and used Xanax in addition to marijuana and heroin.

As in our analysis of the search warrant for Dixon's residence, we find it crucial that Curry was seen with Calhoun just prior to the murder in surveillance videos, he admitted the two had spent the day procuring and using illegal drugs, he arrived at the scene only after being brought there by Calhoun's family, he came to the crime scene directly from Dixon's house, and Calhoun's phone and car keys were not found at the crime scene. As set forth above, considering the totality of the circumstances, it was reasonable to believe that "clothing, keys, phones, firearms, bullets, shell casings, any illegal drugs or narcotics, and any other items involved in criminal enterprise" would be found at Dixon's residence.

We are also mindful here that law enforcement acted in good faith in seeking search warrants for the cell phones. There is no allegation that officers sought to mislead the magistrates when seeking the warrants, and there is nothing in the record to suggest that the magistrates were acting merely as a "rubber stamp" for law enforcement. In addition, we do not find the affidavit "so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable." *United States v. Leon*, 468 U.S. 897, 923 (1984) (setting forth the above "good faith exceptions" to the exclusionary rule). We find the purpose of the exclusionary rule in deterring law enforcement misconduct is not implicated here, and, thus, even if we were to find the warrants facially lacking in probable cause, suppression of the evidence obtained from the search warrants is not warranted under these circumstances. *See State v. Moore*, 429 S.C. 465, 482, 839 S.E.2d 882, 891 (2020) (declining to suppress evidence when no police misconduct occurred; thus, the purpose of the exclusionary rule would not be served).

C. The Search Warrant for Barger's Cellphone Records

Curry argues the circuit court erred in denying his motion to suppress the T-Mobile records from Barger's cellphone, the cellphone Calhoun was using the day of the murder. We find Curry lacks standing to challenge a search warrant for Barger's cellphone records.

"Fourth Amendment rights are personal rights . . . [that] may not be vicariously asserted." *United States v. Haqq*, 278 F.3d 44, 47 (2d Cir. 2002) (quoting *Rakas v. Illinois*, 439 U.S. 128, 133-34, (1978)). A defendant's Fourth Amendment rights are violated "only when the challenged conduct invaded *his* legitimate expectation

of privacy rather than that of a third party." *United States v. Payner*, 447 U.S. 727, 731 (1980); *see also United States v. Villegas*, 899 F.2d 1324, 1333 (2d Cir. 1990). "The proponent of a motion to suppress has the burden of establishing that his own Fourth Amendment rights were violated by the challenged search or seizure." *Rakas*, 439 U.S. at 130 n.1.

Curry makes no argument that he had an expectation of privacy in Barger's cell records. Rather, Curry argues he has standing to challenge the warrant because the State sought to use the evidence obtained pursuant to the warrant against him. At the suppression hearing, when the prosecutor pointed out that the search warrant was for the victim's mom's phone, Curry's lawyer replied, "Judge, I don't think that matters. When you're getting something under a search warrant and you anticipate introducing it against someone, we have standing to object."

We reject this argument and find that Fourth Amendment jurisprudence requires the defendant to show he or she had a legitimate expectation of privacy in the place or thing to be searched. *See Rakas*, 439 U.S. at 133-34 (rejecting "target theory" that any criminal defendant at whom a search was directed would have standing to contest the legality of the search); *United States v. Beaudion*, 979 F.3d 1092, 1099 (5th Cir. 2020) (holding the defendant lacked Fourth Amendment standing to challenge a warrant that allowed law enforcement to track the location of his girlfriend's cellphone); *United States v. Serrano*, No. 13 CR. 58(KBF), 2014 WL 2696569, at *7 (S.D.N.Y. June 10, 2014) (holding that a defendant who did not put forward an affidavit asserting his privacy interest in a cellphone registered to his wife could not rely on the government's intention of linking him to the phone at trial as a basis for a privacy interest); *United States v. Oakes*, 320 F. Supp. 3d 956, 962 (M.D. Tenn. 2018) (holding that a defendant who claimed no ownership interest in a cellphone had not established the necessary personal Fourth Amendment interest to challenge the State's collection of cell-site location information for the phone); *United States v. Ray*, 541 F. Supp. 3d 355, 380 (S.D.N.Y. 2021) (holding the defendant did not establish he had a legitimate expectation of privacy in cellphones belonging to the victim and his codefendant); *State v. O'Donnell*, 210 A.3d 815, 821 (Me. 2019) (holding that a defendant lacked standing to challenge the constitutionality of the government's acquisition of a third-party's cell-site location information).

II. Did the trial court err in allowing the State to admit into evidence cellphone mapping data that was not disclosed to Curry until shortly before trial?

Curry argues that the trial court abused its discretion by admitting the cellphone mapping data because the State did not disclose the mapping data until the eve of trial and he therefore did not have enough time to hire an expert to evaluate the data. We disagree.

"The requirements of Rule 5 [of the South Carolina Rules of Criminal Procedure] . . . are judicially created discovery mechanisms for use in criminal proceedings." *State v. Kennerly*, 331 S.C. 442, 453, 503 S.E.2d 214, 220 (Ct. App. 1998), *aff'd*, 337 S.C. 617, 524 S.E.2d 837 (1999). Under Rule 5, the State should allow the defendant to copy and inspect "books, documents, photographs, tangible objects, building or places . . . which are within the possession, custody or control of the prosecution, and which are material to the preparation of his defense or are intended for use by the prosecution as evidence in chief at the trial" Rule 5(a)(1)(C), SCRCrimP. In addition, the rule requires disclosure of "any results or reports of . . . scientific tests or experiments" in the State's possession. Rule 5(a)(1)(D), SCRCrimP. If the trial judge determines the State has violated Rule 5, the judge has the discretion to fashion a proper remedy. *See State v. Salisbury*, 330 S.C. 250, 267, 498 S.E.2d 655, 664 (Ct. App. 1998), *aff'd as modified*, 343 S.C. 520, 541 S.E.2d 247 (2001). The judge may "prohibit the party from introducing evidence not disclosed, or it may enter such other order as it deems just under the circumstances." Rule 5(d)(2), SCRCrimP.

Curry brought a motion to suppress the cellphone maps and expert witness testimony from Agent Wilde. Agent Wilde used the cellphone data from both Curry's phone and Barger's phone to create an illustrative map to demonstrate which cell towers were used for the calls and in which general area the caller was located. On the Friday before trial at 5:12 p.m., the State sent defense counsel an email containing the maps.

Curry argued that the State violated his due process rights, his right to a fair trial, and his Sixth Amendment rights by not disclosing the evidence sooner and the trial court abused its discretion in failing to suppress the evidence. In opposition, the State argued that it sent defense counsel an email on June 16, 2022, notifying Curry that the State planned to introduce cellphone mapping evidence but that it did not receive the maps from its expert until the Friday before trial. Additionally, the State argued that the FBI generated the maps using cellphone mapping data produced previously in discovery and sent to Curry in 2018.

We find the trial court did not abuse its discretion and that there was no legal error in admitting the maps. The State provided Curry with the maps contemporaneously with its own receipt of the information. While the State did not receive or disclose Agent Wilde's illustrative map earlier in discovery, it

provided the underlying data from which the map exhibit was created as early as 2018. Curry was therefore in possession of the same data as the State for a sufficient period of time to analyze the data and obtain his own expert witness if necessary.

CONCLUSION

For the above reasons, Curry's conviction and sentence are

AFFIRMED.

WILLIAMS, C.J., and THOMAS and CURTIS, JJ., concur.