

IN THE COURT OF APPEALS OF SOUTH CAROLINA

Case No 2025. - 001199

Oct 3, 2026

ABDULLAH SEIFULLAH,
Appellant,

v.

STATE OF SOUTH CAROLINA,
Respondent.

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SC Court of Appeals

APPELLANT'S BRIEF IN
SUPPORT OF RELIEF UNDER THE
INTERSTATE AGREEMENT ON
DETAINERS ACT (I.A.D.),
PROSECUTORIAL MISCONDUCT,
AND FOURTH AMENDMENT
VIOLATIONS

Respectfully

Abdullah Seifullah
Oct. 3, 2026

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1. JURISDICTIONAL STATEMENT

This appeal is from a final order entered by the District of South Carolina on 06-05-2025, denying Appellant's motion for relief under the Interstate Agreement on Detainers Act (I.A.D.), codified at S.C. Code Ann. § 17-11-10 et seq. and 18 U.S.C. App. 2. This Court has jurisdiction pursuant to S.C. Code Ann. § 14-3-320 and Rule 203, SCACR.

2. STATEMENT OF ISSUES PRESENTED

1.

Did the trial court err in denying Appellant's motion for relief where the State failed to comply with mandatory procedural requirements of the I.A.D.?

2.

Did the State's failure to timely bring Appellant to trial violate Appellant's rights under Article IV(c) and V(c) of the I.A.D.?

3.

Did the trial court err in finding no prejudice to Appellant despite the delay and procedural violations?

4.

Is dismissal with prejudice the appropriate remedy under the I.A.D. and South Carolina law?

5.

Did the prosecutor commit a Napue violation by knowingly presenting false testimony and failing to correct a witness's perjured testimony regarding the recovery of a firearm in a bag from a room already searched by police, where the prosecutor knew the witness had tampered with the evidence.

6.

Did trial counsel provide ineffective assistance by failing to identify and use a document establishing that the bag color, size, and items found inside, were recovered from a room previously searched by police pursuant to a search warrant? Note who all had body cameras on during said search and the body cameras exhibit A shows no bag present anywhere in the room police searched that states key witness testified she found in the room after police executed a search warrant.

7.

Did the trial court err in denying Appellant's motion to suppress evidence obtained from an illegal consent search of Appellant's private room, where Dana Maldonado—who lacked common authority, joint access, or control over the room—gave consent to police in violation of Appellant's Fourth Amendment rights?

8.

Does the insufficient evidence standard apply?

3. STATEMENT OF THE CASE

This appeal arises from the denial of Appellant's motion to dismiss the indictment based on violations of the Interstate Agreement on Detainers Act.

The State of South Carolina lodged a detainer against Appellant, then incarcerated in Connecticut, and obtained temporary custody pursuant to a Governor's Warrant.

Appellant alleges the State failed to comply with statutory time limits and procedural safeguards required by the I.A.D., resulting in prejudice to his defense.

Additionally, Appellant alleges the prosecutor knowingly allowed a key witness to present false testimony regarding the recovery of critical evidence, and failed to correct that testimony in violation of due process.

Finally, Appellant alleges that a search of his private room was conducted based on the invalid consent of Dana Maldonado, who lacked any authority to authorize entry into Appellant's exclusively controlled living space, rendering the search unconstitutional under the Fourth Amendment and Article I, § 10 of the South Carolina Constitution.

4. STATEMENT OF FACTS

On July 10, 2023, South Carolina lodged a detainer against Appellant, who was serving a sentence in Connecticut.

On December 5, 2023, South Carolina was granted temporary custody via Governor's Warrant, approved by Connecticut's Governor Ned Lamont. (See Petitioner's Exhibit #6b — Signed Governor's Warrant)

Despite these actions, significant delays occurred before Appellant was brought to trial, with the state failing to comply with the I.A.D.'s time frames.

On February 14, 2025, a hearing was held on a motion to dismiss, which was denied.

At trial, a key State witness testified beginning at page 157 of the trial transcript. She claimed that she was in her bedroom texting and getting ready for work while Appellant and co-defendant Branden remained in the apartment. She testified that she did not see them leave and did not know when they left.

However, before police officers executed their search warrant, this same witness entered the room and removed 2 bags 1 red an black gym bag and 1 black an pink backpack containing a firearm extra magazine an bullets.

Thirty days after the police search, she turned in these same 2 bags, claiming she "found it" in the room.

The 2 bags was approximately TWO FEET LONG and ONE FOOT TALL with distinct colors an size.

They contained a firearm, extra magazine, an bullets.

Police had previously executed a lawful search warrant in that exact room searching for a murder weapon and did not find these 2 very sizeable colorful bags.

Note all police conducting this search had body cameras on an these 2 bags were "NOT" present "EVER"....

Body camera footage from the officers who executed the search warrant confirms that the 2 bags was not in the room at the time of the search.

The footage shows the room as searched by police, and no bags of there size is visible anywhere in the room, or of those colors described by States evidence report dated 07/10/23 of the actual bags logged into evidence.

This proves that Dana Maldonado removed the bag before the officers executed the warrant, and that her later claim of "finding" it in the room was false.

A document in the record established the bag's colors, an items found inside and confirmed that police had searched the room pursuant to a valid search warrant.

Trial counsel failed to identify, object to, or use this document or the body camera footage to impeach the witness's false account of "finding" the bag.

Dana Maldonado, the owner of the residence and the witness who testified at trial, gave a statement to police establishing the barter agreement.

In her statement, Ms. Maldonado told officers that Abdullah Seifullah and Branden Huertas were coming out to her house to buy guns. She stated that she was going to go to the store and buy guns for them, and that they were going to stay at her house so she could do this for them.

She described it as being for the weekend, like a vacation. This statement confirms that the room was provided to Appellant and Branden as part of the exchange for the firearm purchases—that they had a place to stay specifically because she was buying guns for them and being paid buy defendant for each firearm she buys, Under this agreement, the room was Appellant's exclusive living space.

Dana Maldonado was not allowed in that room.

Her husband would not allow her in that room.

She had no permission to enter, no key, and no control over that room.

She had no authority to give police consent to search Appellant's private room, yet she purported to do so.

5. SUMMARY OF THE ARGUMENT

The State's failure to comply with the mandatory procedural requirements of the I.A.D.—including the 30-day waiting period, notification requirements, and the 120/180 day

speedy trial provisions—constitutes a violation of Appellant's statutory and constitutional rights. The delay and procedural missteps projected Appellant's ability to prepare and present a defense; under both federal and South Carolina law, dismissal with prejudice is the appropriate remedy.

Separately, the prosecutor committed a *Napue* violation by knowingly allowing a key witness to testify falsely.

After appellants arrest states key witness called lead detective stating she found 2 bags in the room that the police missed during there search , she did this 30 days after he was arrested two-foot-long bag containing a firearm, magazine , an extra bullets in a room that police had already searched.

Body camera footage proves the 2 bags were not in the room during the police search.

The prosecutor knew the witness had removed the bag before the search—tampering with evidence—yet failed to correct her testimony.

Compounding this error, trial counsel failed to identify and use the body camera footage and a document in the record establishing the 2 bag's size, color, an items, and the prior police search, depriving Appellant of a meaningful opportunity to expose the witness's perjury.

Finally, the search of Appellant's private room was unconstitutional.

Dana Maldonado's own statement to police established that Abdullah and Branden were staying at her house for the weekend so she could buy guns for them. The room was part of that barter exchange—provided to Appellant as his exclusive living space in return for her firearm purchases.

She lacked "common authority" under *United States v. Matlock* because she did not have mutual use, joint access, or control over Appellant's room. Under *State v. Moultrie* , 271 S.C. 526, 248 S.E.2d 486 (1978); *State v. Middleton* , 266 S.C. 251, 222 S.E.2d 763 (1976); and *State v. VRockman* , S.C. S.E.2d a landlord or owner may not validly consent to a search of a tenant's or occupant's exclusive private room.

Because Dana Maldonado was affirmatively barred from entering by her husband and by the agreement itself, her consent was invalid. All evidence derived from that illegal search must be suppressed.

6. STANDARD OF REVIEW

The appellate court reviews questions of law de novo. Factual findings by the trial court are reviewed for clear error. See *State v. Wilson* , 382 S.C. 133, 676 S.E.2d 684 (2009).

Issues of prosecutorial misconduct involving the knowing use of false testimony present questions of constitutional dimension reviewed de novo. See *Napue v. Illinois* , 360 U.S. 264 (1959).

Fourth Amendment challenges to the validity of a consent search are reviewed de novo, with underlying factual findings reviewed for clear error. See *State v. Pichardo* , 367 S.C. 84, 105, 623 S.E.2d 840, 852 (Ct. App. 2005).

7. LEGAL ARGUMENT

I. The Interstate Agreement on Detainers Act (I.A.D.) and Its Federal Law Status

The I.A.D. is a congressionally sanctioned interstate compact, codified federally at 18 U.S.C. App. 2 and adopted in South Carolina at S.C. Code Ann. 17-11-10 et seq.

It governs the transfer and prosecution of prisoners with pending charges in another jurisdiction. *State v. Welker* , 127 Wash. App. 222, 110 P.3d 1167 (2005); *Carchman v. Nash* , 473 U.S. 716 (1985).

II. Application of the I.A.D. to This Case

Under Article IV(a), the receiving state must request temporary custody via written request, with a 30-day waiting period for the sending state's governor to object.

Article IV(c) requires trial to commence within 120 days of arrival, unless continuance is granted for good cause in open court.

III. Violation of I.A.D. Procedural Requirements

The record demonstrates:

The State failed to bring Appellant to trial within statutory period after temporary custody was granted.

The State did not comply with notice and hearing requirements.

The delay was not attributable to Appellant, nor was good cause for continuance shown on the record.

IV. PREJUDICE TO APPELLANT AND REMEDY SOUGHT

The delay impaired Appellant's defense, including loss of evidence and witnesses.

Under Article V(c), failure to comply with the I.A.D. mandates dismissal with prejudice. See *United States v. Mauro* , 436 U.S. 340 (1978); *State v. Sweatt* , 425 S.C. 150, 819 S.E.2d 371 (Ct. App. 2018).

V. RELEVANT CONDUCT AND ADDITIONAL LEGAL STANDARDS

Relevant conduct includes all acts and omissions by the State impacting Appellant's rights under the I.A.D. The South Carolina Supreme Court has held that strict compliance with the I.A.D. is required, and substantial violations warrant dismissal. See *State v. Sanders* , 288 S.C. 439, 343 S.E.2d 627 (1986).

Additionally, the Sixth Amendment right to a speedy trial reinforces the I.A.D.'s protections. *Barker v. Wingo* , 407 U.S. 514 (1972).

The combination of statutory and constitutional violations compels dismissal.

8. I.A.D. APPLICABLE LAW

1. APPLICABLE LAW

a. In *State of Washington v. Welker* , the court states in relevant part—"I.A.D. is an interstate compact between 48 states, the federal government, and the district of Columbia," (*Welker* , 127 Wash. App. 222, 110 P.3d 1167 (Wash. App. 2005)).

Note: With the State of South Carolina and the State of Connecticut being 2 of the 48 states in agreement with the Interstate Agreement Detainers Act.

I.A.D. Act, Article VIII states—this agreement shall enter into full force and effect as to a party state when such state has enacted the same into law.

b. (*State of Washington v. Welker* , 141 P.3d 8, 157 Wn. 2d 557 (Wash. App. 2006) #11)

Although I.A.D. is an interstate compact, and thus "ultimately a matter of federal law," *Morris* , 126 Wash. 2d at 313 n.4, 892 P.2d 734.

c. Establishing I.A.D. (Interstate Agreement Detainers Act) being a matter of federal law, the petitioner brings forth his memorandum in support of relief under 28 U.S.C. § 2254 writ of habeas corpus to the federal United States court and presents materials in the records, relevant facts, concessions by the State of South Carolina, caselaw, and applicable law to support petitioner's respectfully requested relief.

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2. APPLICABLE LAW — ARTICLE IV(a) OF I.A.D.

(a) The appropriate officer of the jurisdiction in which an untried indictment, information, or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer (see fugitive from justice warrant) and who is serving a term of imprisonment (special parole sentence as of 7-10-23 and/or a sentence imposed in Danbury, CT on 11-20-24) see sentence in record in any party state made available in accordance with I.A.D. Art. V(a).

First, the appropriate officer of South Carolina lodged a detainer on the petitioner:

1.

1st on July 10th, 2023 (fugitive from justice warrant — 5 million dollar bond).

2.

2nd the State of South Carolina was given/granted temporary custody of petitioner on December 5th, 2023 (Governor's Warrant).

This is in accordance with I.A.D. Article IV(a), 1st paragraph hereof, upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in

which the prisoner is incarcerated (see Gov. Warrant) provided that the court, having jurisdiction of such indictment, information, or complaint, shall have duly approved, recorded, and transmitted the request (see Gov. Warrant).

And further provided, that there shall be a period of thirty days after receipt by the appropriate authorities before the request for temporary custody or availability be honored.

Within such a period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his motion or upon motion of the prisoner.

On December 5, 2023, the Connecticut state governor, Mr. Ned Lamont, approved the request for temporary custody of the defendant made by the appropriate authority in South Carolina (see Governor's Warrant).

The request was made by South Carolina authorities to the Connecticut governor, initiating the disposition of said charges and commencing I.A.D. Art. IV(c).

As Justice White's opinion states for the Court in *U.S. v. Mauro*, 436 U.S. 340 — we view Article IV(c) as requiring commencement of trial within 120 days whenever the receiving state initiates the disposition of charges underlying a detainer it has previously lodged against a state prisoner.

With (I.A.D. Interstate Agreement Detainers Act) being a matter of federal law, the petitioner cites relevant and precedent case law in conjunction with the State of South Carolina's concession in their own words on 2-14-25 in open court before Honorable Judge Michael Nettles—(quote) (Judge Nettles) did not answer petitioner's and/or co-defendant's other two relevant arguments.

Also NOTE: I.A.D. is a law that can only be triggered 2 ways, either by the defendant's own written request that has a specific procedure that the defendant MUST follow, as well does the state the state must follow I.A.D. article IV knowing once they do so which they had to have known because they went through the proper paperwork to get the I.A.D. approved and the state was well aware that by filing this the defendant, a governor by right has the opportunity to oppose or file a motion, but neither did, and the State was well aware of what steps they took, and what the next step is but the State failed or refused to take custody of appellant after all the paperwork with all the signatures that were required, it baffles me how the State can try to argue a direct violation of LAW with

"We were not aware the governor warrant was signed" ----

view exhibit document

Dated December 14th 2023

Paperwork has already been completed regarding the EXTRADITION of both BRANDEN an Abdullah from Connecticut. The Horry County Solicitors Office has been made aware of and is working with both prosecutor in Connecticut an with the federal government regarding there cases with the suspects

Petitioner now presents materials in the record, Petitioner's Exhibit #4, co-defendant's transcript for motion to dismiss with prejudice under violation of (I.A.D.) held on 2-14-25. Transcripts of record — Case No.: 2025.GS.26.00420

Date: 2-14-25

Leigh Andrew Waller, Esq. appearing for the State of South Carolina
O'Bryan Martin, Esq. appearing for the co-defendant

--- Argument of Leigh Andrew Waller for the State ---

Lines 10-11 states in relevant part (quoting State of South Carolina):

10.) We initiated the governor's warrant process.

11.) To try to get him back.

The petitioner again argues and quotes most relevant and precedent federal case law — U.S. v. Mauro . In U.S. v. Mauro , 436 U.S. 340, 98 S. Ct. 1834, 56 L. Ed. 2d 329, Justice White's opinion for the Court stated:

"We do not accept the government's narrow reading of the provision; we view Article IV(c) as requiring commencement of trial within (120 days) whenever the receiving state initiates the disposition of charges underlying a detainer it has previously lodged against a state prisoner, and any other reading of this section would allow the government to gain the advantage of lodging a detainer against a prisoner without assuming the responsibilities that the agreement intended to arise from such action."

In petitioner's case, the State of South Carolina "initiated" the disposition of the charges on 12-5-23, the day the governor's warrant was granted.

Under Article V(a) of the I.A.D., in relevant part states — in response to the request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such

indictment, information, or complaint is pending against such person in order that speedy and efficient prosecution may be had. (See Governor's Warrant)

In the petitioner's case, the governor signed the governor's warrant granting South Carolina authorities temporary custody and commencing the I.A.D. Article IV(c) 120-day limitation.

In the petitioner's case, the State of South Carolina lodged a detainer on 7-10-23, then initiated the disposition of those charges on 12-5-23 with a 30-day window for the governor and petitioner to disapprove through motion, which neither did.

The respondent either failed or refused to accept temporary custody of the petitioner.

3. APPLICABLE LAW

In *State of Washington v. Welker* , 141 P.3d 8, 157 Wn. 2d 557 (Wash. App. 2006), the court stated that prejudice exists:

"[W]hen a prosecutor has acted in bad faith or without due diligence under the I.A.D., we consider whether the defendant suffered prejudice. See *Olmos*, 129 Wash. App. at 758, 120 P.3d 139."

Ultimately in *Welker* , the court held that, "despite the prosecutor's lack of due diligence, we nevertheless cannot conclude that *Welker* suffered prejudice."

As the court noted, "there is no evidence *Welker* was denied the chance to participate in rehabilitation programs as a result of his trial date."

Nor is there evidence I.A.D. Article IV(a) in relevant part hereof:

Upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated: provided, that the court having jurisdiction of such indictment, information, or complaint shall have duly approved, recorded, and transmitted the request. Provided further, that there shall be a period of thirty days after receipt by the appropriate authorities before the request be honored, within which period the governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

Petitioner shows the court that the State of South Carolina requested custody and was granted custody and was well aware that after 30 days from their request for temporary custody, the law

clearly states custody may not be disapproved, making respondent either failed or refused temporary custody.

Under Article IV(d):

Hereof, but such delivery may not be opposed or denied on the ground that the executive authority (governor's warrant) of the sending state has not affirmatively consented to or ordered such delivery.

The solicitor argued that, while they had filed a request for a governor's warrant under I.A.D. law, the solicitor claimed that the governor's warrant was never signed. See petitioner's exhibit #6a and #6b — co-defendant and petitioner's signed governor's warrant.

--- Governor's Warrant ---

Or approved.

They also mentioned consulting with other solicitors, however, this argument does not excuse their lack of due diligence. It is unheard of for a solicitor to file a governor's warrant and then fail to follow up for 16 months to determine its status. The petitioner submits that this statement is inaccurate.

In see Exhibit #2, detective stated in the "warrant summary" dated December 14th, 2023, that the necessary paperwork for the extradition of Branden Huertas and Abdullah Seifullah from Connecticut had already been completed. The Horry County Solicitor's Office was aware of this and was collaborating with both Connecticut prosecutors and the federal government regarding their cases against the suspects.

This was just 9 days after the governor's warrant was signed and approved.

This evidence indicates that the solicitor's office was informed and acted in bad faith.

Also — see Exhibit #3, e-mail on 10-24-24 from the solicitor's office from (Scott) to (Christie Holt), which states in relevant part:

"We already had the governor's warrant in place on both defendants."

This is proof the respondents acted without due diligence and in bad faith. Exhibit #3 contains material facts in the record.

This has caused the petitioner irreversible prejudice, particularly since a key witness has died, and the delays — whether intentional or accidental — have deprived the petitioner of the ability to construct an effective defense.

5. APPLICABLE LAW

Petitioner submits:

The State of South Carolina was well aware that after 30 days from their request for custody, no one can object to their request. Therefore, respondent's argument on 2-14-25 is moot.

Under I.A.D. Article V(c), in relevant part:

"If the appropriate authority shall refuse or fail to accept temporary custody of said person" — the appropriate court of the jurisdiction where the indictment, information, or complaint has been pending "shall enter an order dismissing the same with prejudice," and any detainer based thereon shall cease to be of any force or effect.

9. PROSECUTORIAL MISCONDUCT:

KNOWING USE OF FALSE TESTIMONY, EVIDENCE TAMPERING, AND FAILURE TO CORRECT PERJURED TESTIMONY

A. Introduction

Independent of the I.A.D. violations, the prosecutor committed reversible error by knowingly presenting false testimony and failing to correct perjured testimony from a key State witness regarding the recovery and handling of critical evidence.

The witness tampered with evidence by removing a three-foot-long bag from a room before police executed a search warrant, then lied to the jury by claiming she "found" it in that same room thirty days later.

The prosecutor knew this testimony was false and knew the witness had interfered with the evidence, yet allowed the false testimony to stand uncorrected.

This conduct violated Appellant's due process rights under the Fourteenth Amendment to the United States Constitution and Article I, § 19 of the South Carolina Constitution.

B. The False Testimony and the Physically Impossible "Discovery"

At trial, a key State witness testified beginning at page 157 of the trial transcript.

During direct examination, the witness gave the following testimony regarding her whereabouts on the night of the incident:

Question: Did Branden and the defendant leave the apartment?

Answer: They stayed.

Question: Did they at any point leave after that?

Answer: Yes, I just don't know when. I went into my bedroom and was texting from there.

Question: Okay.

Answer: And needed to get ready for work and I was in there, I wasn't leaving my bedroom.

Question: Okay, do you know if the defendant and Branden left your apartment once you went in the bedroom?

Answer: They have to have.

Question: Okay?

Answer: They were still in there when I went into my bedroom.

This testimony was false and misleading. The witness had, in fact, entered the room before police officers executed their search warrant and removed 2 bags measuring approximately TWO FEET LONG by ONE FOOT TALL, BLACK AN RED COLOR, BLACK AN PINK, with items of firearm, extra ammunition, an magazines.

The witness did not disclose this material fact to the jury. Instead, she created the false impression that she had been in her bedroom the entire time and had no knowledge of when Appellant or Branden left, or of any evidence in the room.

Thirty days later, this same witness turned in the bag, claiming she "found it" in a room that police had already searched pursuant to a valid search warrant for a murder weapon.

This account was physically impossible. The bag was two feet long and one foot tall—an object of considerable size , red an black color, that no reasonable police search for a murder weapon would miss.

Body camera footage from the officers who executed the search warrant confirms this: the footage shows the room after the police search, and no bag of that size is visible or colors anywhere in the room. The bag simply was not there when police searched.

The only logical inference is that the witness removed the bag before the police search, tampered with the evidence, and then later fabricated a story about "finding" it.

C. The Document and Body Camera Footage Trial Counsel Failed to Identify and Use

A document in the record established the 2 bag's size and colors an items inside—and confirmed that police had executed a lawful search warrant in that room prior to the witness's claimed "discovery."

Body camera footage from the searching officers further confirmed that the bag was not present during the search.

Trial counsel failed to identify this document, failed to obtain or review the body camera footage, failed to object to the witness's false testimony, and failed to use either the document or the footage to impeach the witness.

A bag of that size an colors could not have been overlooked by officers lawfully searching for a weapon, and the body camera footage proves it was not there.

Had counsel identified and used this evidence, the jury would have learned that the witness's story was not merely inconsistent but physically impossible, and that the witness herself had likely secreted the bag before police arrived.

D. The Prosecutor Knew the Testimony Was False

The prosecutor knew, or in the exercise of due diligence should have known, that the witness's testimony was false.

The prosecutor knew that:

1.

The witness had been inside the room before police executed the search warrant;

2.

The witness had removed a bag measuring two foot by one foot , colors black and red from the premises;

3.

Police had previously searched that exact room pursuant to a valid search warrant and found no such bag;

4.

Body camera footage showed the bag was not in the room during the police search;

5.

The witness later turned in the bag thirty days after the search, claiming to have "found" it in a room already searched by police;

6.

A document in the record confirmed the bag's dimensions and colors, an items found inside an the prior police search;

7.

The witness's trial testimony—that she was in her bedroom texting and did not know when anyone left—was materially inconsistent with these facts and physically impossible given the 2 bag's size, an colors.

Despite this knowledge, the prosecutor failed to correct the witness's false testimony. The prosecutor did not disclose the witness's evidence tampering to the jury.

The prosecutor did not correct the record. The prosecutor allowed the jury to rely on testimony that the prosecutor knew was false and physically impossible.

E. Legal Standard

The United States Supreme Court has long held that the knowing use of false testimony or the knowing failure to correct false testimony violates the Due Process Clause of the Fourteenth Amendment. *Napue v. Illinois* , 360 U.S. 264, 269 (1959)

("The same result obtains when the State, although not soliciting false evidence, allows it to go uncorrected when it appears.");

Alcorta v. Texas , 355 U.S. 28 (1957); *Giglio v. United States* , 405 U.S. 150 (1972).

In *Napue* , the Supreme Court held that a conviction obtained through the knowing use of perjured testimony is fundamentally unfair, "whether the false testimony goes only to the credibility of the witness or to the guilt of the defendant." 360 U.S. at 269. The Court emphasized that "a conviction obtained through use of false evidence, known to be such by representatives of the State . . . cannot be allowed to stand without violating the Fourteenth Amendment." *Id.*

The Supreme Court of South Carolina has addressed this exact scenario in *Riddle v. Ozment* , SC (2006). In *Riddle* , the court held —the prosecutor has an affirmative duty to correct the witness's testimony. The failure to do so constitutes a *Napue* violation ,an prosecutorial misconduct requiring reversal. The *Riddle* court emphasized that a prosecutor may not stand silent while a witness testifies falsely to documents or knowledge.

Additionally, *Holmes v. South Carolina* , 547 U.S. 319 (2006), reinforces that constitutional protections require fair presentation of evidence and truthful witness testimony, and that South Carolina courts may not treat the "strength of the State's case" as a justification for allowing unreliable or false evidence to go uncorrected.

F. Ineffective Assistance of Trial Counsel

Trial counsel's performance fell below an objective standard of reasonableness.

Counsel failed to identify a document in the record establishing that the bag was three feet long and one foot tall and that police had already searched the room pursuant to a valid search warrant.

Counsel also failed to obtain or use body camera footage from the searching officers, which proved the bag was not in the room during the search.

A reasonably competent attorney would have recognized that 2 bags a 2-foot-long bag gym bag black an red in color an the other black an pink backpack, could not have been "found" in a room already searched by police looking for a murder weapon—especially when body camera footage proved the 2 BAGS "WERE NOT THERE"—and would have used that evidence to expose the witness's perjury and evidence tampering.

Counsel's failure to object, to impeach, or to move to exclude the tainted evidence deprived Appellant of a critical defense.

Under *Strickland v. Washington*, 466 U.S. 668 (1984), Appellant need not show that counsel's deficient conduct determined the outcome; rather, he must show there is a reasonable probability that, but for counsel's errors, the result of the proceeding would have been different.

Here, had counsel used the document and body camera footage to show the jury that the witness's story was physically impossible, the jury likely would have discredited the witness and the State's theory of the case..

H. Relief Sought

For the foregoing reasons, Appellant respectfully requests that this Court reverse his conviction on the independent ground of prosecutorial misconduct and ineffective assistance of counsel, or in the alternative, remand for a new trial at which the State is prohibited from using the tainted evidence, the witness's false testimony is corrected, and Appellant is afforded competent counsel.

10. FOURTH AMENDMENT VIOLATION: INVALID CONSENT SEARCH BY DANA MALDONADO

A. Introduction

In addition to the I.A.D. violations and prosecutorial misconduct, the trial court erred in denying Appellant's motion to suppress evidence obtained as a result of an unconstitutional search of Appellant's private room. Dana Maldonado, the owner of the residence and a State witness, purported to give police consent to search a room over which she had no authority, control, or access. Because she lacked "common authority" under *United States v. Matlock*, 415 U.S. 164 (1974), and because the room was Appellant's exclusive living space obtained through a barter agreement, the consent was invalid. Under *State v. Moultrie*, 271 S.C. 526, 248 S.E.2d 486 (1978); *State v. Middleton*, 266 S.C. 251, 222 S.E.2d 763 (1976); and *State v. Vrockman*, S.C. S.E.2d __2006, a landlord or owner may not validly consent to a search of a tenant's or occupant's exclusive private room. The search violated Appellant's Fourth Amendment rights under the United States Constitution and Article I, § 10 of the South Carolina Constitution. All evidence derived therefrom must be suppressed.

B. Factual Background:

The Barter Agreement and Exclusive Control

Dana Maldonado's own statement to police establishes the barter agreement that granted Appellant exclusive use of the room.

In her statement to officers, Ms. Maldonado told police that Abdullah Seifullah and Branden Huertas were coming out to her house to stay to buy guns. She stated that she was going to go to the store and buy guns for them.

She further stated that they were going to stay at her house so she could do this for them, describing the arrangement as being for the weekend, like a vacation.

This statement is critical because it confirms that the room was not merely offered as lodging—it was part of the exchange. Abdullah and Branden had a place to stay specifically because she was buying guns for them.

The room was provided as their living quarters for the weekend in direct furtherance of the firearm transaction. Under this agreement, the room functioned as Appellant's temporary home.

Under the terms of this arrangement:

1.
Appellant would reside in a specific room in Ms. Maldonado's residence for the weekend;
2.
In exchange for room and board and moneys, Ms. Maldonado would purchase firearms on Appellant's behalf;
- 3.

Appellant would then pay Ms. Maldonado for those firearms;

4.

The room was Appellant's exclusive living space.

5.

Ms. Maldonado was not allowed in that room.

6.

Ms. Maldonado's husband would not allow her in that room.

7.

She had no permission to enter, and no control over that room.

This was not a typical landlord-tenant relationship, but it was functionally identical for Fourth Amendment purposes:

Appellant had been granted the right to occupy a specific room exclusively for the weekend, and the owner of the premises had affirmatively relinquished all access to, and control over, that space. The room was Appellant's "house" within the meaning of the Fourth Amendment.

C. Legal Standard:

Common Authority and Joint Access

The Fourth Amendment prohibits unreasonable searches and seizures. U.S. Const. amend. IV; S.C. Const. art. I, § 10. A warrantless search is per se unreasonable unless it falls within a recognized exception. One such exception is consent. *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973). However, third-party consent is valid only when the consenting party possesses "common authority over or other sufficient relationship to the premises or effects sought to be inspected." *United States v. Matlock*, 415 U.S. 164, 171 (1974).

As the *Matlock* Court explained, "common authority" rests "on mutual use of the property by persons generally having joint access or control for most purposes, so that it is reasonable to recognize that any of the co-inhabitants has the right to permit the inspection in his own right." *Id.* at 171 n.7. The burden of establishing that common authority rests upon the State. *Illinois v. Rodriguez*, 497 U.S. 177, 181 (1990).

Dana Maldonado did not have "mutual use," "joint access," or "control" over Appellant's room.

She was barred from entering by her husband.

She was barred by the agreement itself.

She had no right to enter.

She could not clean it, search it, or permit others to enter it. Under *Matlock*, she therefore lacked the authority to consent to a police search of that room.

11. INSUFFICIENT EVIDENCE STANDARD

The Standard: *State v. McDowell*

The governing standard in South Carolina is well-established: the evidence, viewed in the light most favorable to the State, must be sufficient to permit a reasonable inference of the defendant's guilt beyond a reasonable doubt. When the State relies on circumstantial evidence, it must be sufficient to exclude every other reasonable hypothesis consistent with innocence.

Direct Reversal for Insufficient Evidence

State v. [Defendant] — Circumstantial Evidence Reversal (July 2026)

In a July 2026 decision, the South Carolina Court of Appeals reversed murder and weapon convictions after finding the State's circumstantial evidence insufficient to support a reasonable jury verdict. The court held that the evidence, even viewed in the light most favorable to the State, did not establish the necessary inferences for guilt beyond a reasonable doubt. This is a recent and directly on-point example of an appellate reversal on sufficiency grounds in a murder case.

Cases Where Insufficient Evidence Was Central to Relief

State v. Felder (2019)

The South Carolina Supreme Court vacated a murder conviction and granted post-conviction relief (PCR) in *State v. Felder*. The Court emphasized that "the evidence in this case was primarily circumstantial" and that "there is no evidence in the record that conclusively links Felder to the murder." Because the evidence of guilt was not overwhelming, the Court found that trial counsel's failure to object to prejudicial evidence (a reference to a pending lynching charge) created a reasonable probability of a different outcome. This case is significant because the Supreme Court explicitly noted the lack of conclusive evidence as a factor in finding prejudice.

Related Doctrinal Framework

Third-Party Guilt and Strength of the State's Case

While not a pure sufficiency case, *Holmes v. South Carolina* (U.S. 2006) is highly relevant. The U.S. Supreme Court overturned the South Carolina Supreme Court's rule that third-party guilt evidence could be excluded based on the strength of the prosecution's case. The South Carolina rule had allowed trial courts to exclude defense evidence of third-party guilt when the State's case was "strong enough"—particularly when supported by forensic evidence. The U.S. Supreme Court held this rule unconstitutional because it improperly focused on the prosecution's case strength rather than the probative value of the defense evidence. This case

illustrates how South Carolina courts historically treated the "strength of the State's case" as a dispositive factor, which has implications for how sufficiency challenges are evaluated.

State v. Rice (2007)

The South Carolina Court of Appeals decision in *State v. Rice* was vacated and remanded by the U.S. Supreme Court in *Holmes*. The South Carolina Supreme Court had excluded third-party guilt evidence based on the strength of the State's forensic evidence, even though the defense strenuously challenged the reliability of that evidence. The U.S. Supreme Court found that the South Carolina rule failed to examine the credibility of the prosecution's witnesses or the reliability of its evidence. This case is instructive for sufficiency challenges involving forensic or circumstantial evidence.

D. South Carolina Law:

Landlords and Owners Cannot Consent to Search of Tenant's Room

The South Carolina Supreme Court has squarely held that an owner or landlord cannot validly consent to a search of an occupant's private room. In *State v. Moultrie*, 271 S.C. 526, 248 S.E.2d 486 (1978), the Court held that "a hotel manager may not effectively consent to a search of a guest's room" and "a landlord may not validly consent to a search of a tenant's room." *Id.*

In *State v. Middleton*, 266 S.C. 251, 222 S.E.2d 763 (1976), the Supreme Court addressed the validity of consent given by a third party and the reasonableness of an officer's reliance on that consent. The Court emphasized that consent must come from a party with actual authority over the premises, and that an owner who has relinquished control to an occupant cannot later claim the power to waive that occupant's constitutional protections.

In *State v. VRockman*, S.C. S.E.2d], [the Supreme Court] reinforced the principle that a person who lacks joint access, mutual use, or control over a particular area of a residence cannot validly consent to its search. Where an occupant maintains exclusive possession of a room, the owner's general property interest in the building does not extend to that private space for Fourth Amendment purposes.

State v. VRockman S.C. S.E.2d]

The rationale across these cases is clear: when an occupant has been granted exclusive possession of a room, the owner retains no privacy interest in that space and therefore cannot waive the occupant's constitutional protections. *Chapman v. United States*, 365 U.S. 610 (1961) (landlord could not validly consent to search of tenant's home); *Stoner v. California*, 376 U.S. 483 (1964) (hotel clerk could not validly consent to search of customer's room).

Here, Dana Maldonado was the owner, but she was not the occupant of Appellant's room. She had no privacy interest to waive. She could not validly consent to a search of Appellant's private

space any more than a hotel manager could consent to a search of a guest's room. Under *Moultrie* , *Middleton* , and *VRockman* , her consent was invalid as a matter of law.

E. The Room Was Appellant's Exclusive Domain

The facts establish that Appellant had a reasonable expectation of privacy in the room, and that society is prepared to recognize that expectation as reasonable. *Katz v. United States* , 389 U.S. 347 (1967). Appellant lived there for the weekend pursuant to the barter agreement. His belongings were there. He controlled access. The owner and her husband were affirmatively excluded. This is precisely the type of "separate and exclusive" control that defeats a claim of common authority by another occupant.

Even under *Georgia v. Randolph* , 547 U.S. 103 (2006), the Supreme Court recognized that a co-occupant's authority to consent is limited to areas over which they share control. The Court stressed that its prior precedents did not authorize a search "over the express refusal of consent by a physically present resident." *Id.* at 106. While Appellant was not present to object, the more fundamental point is that Dana Maldonado was not a "co-occupant" of the room at all. She was a stranger to that space. Her consent was no more valid than that of a neighbor or passerby.

F. The Search Was Unreasonable and the Evidence Must Be Suppressed

Because Dana Maldonado lacked common authority over Appellant's room, her consent could not justify the warrantless search of that room. The State cannot meet its burden of proving valid consent under *Matlock* or *Rodriguez* . Under *State v. Moultrie* , *State v. Middleton* , and *State v. Rockman* , a South Carolina court must suppress evidence obtained through such an invalid consent search.

The exclusionary rule requires suppression of not only the direct evidence obtained during the illegal search, but also any derivative evidence discovered as a result. *Wong Sun v. United States* , 371 U.S. 471 (1963). The firearm, the bag, and any statements or evidence flowing from their discovery are fruits of the poisonous tree and must be excluded.

G. Relief Sought

Appellant respectfully requests that this Court reverse his conviction and suppress all evidence obtained as a result of the illegal search of his private room, or in the alternative, remand for a new trial with instructions to exclude all such evidence.

Practical Considerations for Sufficiency Challenges

When raising an insufficient evidence claim in a South Carolina murder case, the following principles apply based on the case law:

1.

Viewing Evidence in the Light Most Favorable to the State: The appellate court must view all evidence and reasonable inferences in the light most favorable to the State. This is the standard framework.

2.

Circumstantial Evidence Standard: When the State relies on circumstantial evidence, it must be sufficient to exclude every other reasonable hypothesis consistent with innocence. The Felder case demonstrates that when the evidence is "primarily circumstantial" and lacks conclusive links, relief may be available.

3.

Strength of the State's Case in PCR Context: In post-conviction relief, the strength of the State's case is a critical factor in the prejudice analysis. As Felder shows, when the evidence is not overwhelming, errors by trial counsel are more likely to be deemed prejudicial.

4.

Recent Appellate Reversal: The July 2026 Court of Appeals decision reversing murder convictions for insufficient circumstantial evidence represents the most current application of these principles.

12. CONCLUSION

For the foregoing reasons, the trial court's order should be reversed, and the indictment dismissed with prejudice. In the alternative, if this Court finds that the I.A.D. violations do not mandate dismissal, Appellant respectfully requests reversal of his conviction based on one or more of the following independent grounds:

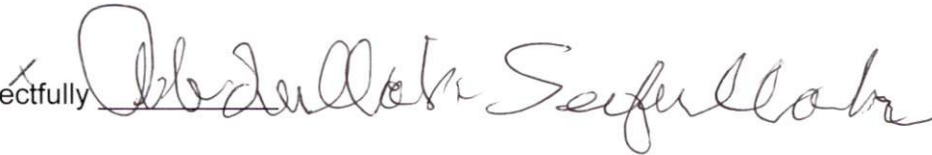
1. The prosecutor's knowing use of uncorrected false testimony in violation of *Napue v. Illinois*, 360 U.S. 264 (1959), and *Riddle v. Ozment*, S.C. (2006);

2. Trial counsel's ineffective assistance in failing to identify and use a document and body camera footage proving the witness's testimony was physically impossible;

3. The unconstitutional search of Appellant's private room based on the invalid consent of Dana Maldonado, who lacked common authority under *United States v. Matlock*, 415 U.S. 164 (1974), *State v. Moultrie*, 271 S.C. 526, 248 S.E.2d 486 (1978), *State v. Middleton*, 266 S.C. 251, 222 S.E.2d 763 (1976), and *State v. VRockman*, [S.C. S.E.2d].

13. CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Brief was served upon the following counsel of record by first-class United States Mail, postage prepaid, and/or electronic mail on this 9th day of September, 2026.

Respectfully 

Abdullah Seifullah

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