IN THE COURT OF APPEALS OF SOUTH CAROLINA

The State of South Carolina,
Respondent,
v.
Londell Lashun Alston,
Appellant.
Appellate Case No. 2025- 000197

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SC Court of Appeals

APPELLANT'S PRO SE RESPONSE TO THE ANDERS BRIEF AND SUPPLEMENTAL ARGUMENT FOR REVERSAL INTRODUCTION

Appellant Londell Lashun Alston respectfully submits this response to counsel's brief filed under Anders v. California, 386 U.S. 738 (1967). Appellant requests the independent review required in an Anders proceeding and asks the Court to consider the preserved constitutional issues identified below.

Appellant does not ask the Court to permit hybrid representation. He recognizes that substantive pro se filings generally are not accepted from a person represented by counsel unless submitted by counsel, except for a motion to relieve counsel. He presents this document as a response to the Anders filing and requests that the Court either order full briefing through conflict-free substitute counsel or address the preserved issues under the procedure governing this appeal.

The central issue is chronology. The stop was reportedly initiated because of an expired registration matter. Appellant contends that the officer did not address or resolve that matter and did not complete the traffic mission. Instead, the officer shifted the encounter toward a firearm and narcotics investigation. The firearm was not in plain view. It remained inside the glove compartment until after the officer requested the registration. Appellant opened the glove compartment and lifted the firearm only to retrieve the registration documents located beneath it. The officer allowed Appellant to remain seated and instructed him to place the firearm down. Appellant complied and placed it on the passenger seat with his bank cards, wallet, and phones.

When Appellant later reached toward that seat ,he was retrieving his own identifiable personal property. The body-camera evidence should be examined to determine whether his hands moved toward the firearm or toward those personal items. The officer nevertheless stated, "stop touching the fucking gun," and Appellant responded that he was not touching the gun. Those events occurred before the frisk. The distinctive constitutional point is that proximity is not conduct: the firearm's presence on the same seat did not transform a reach for a wallet, bank cards, and phones into a reach for the weapon.

The officer first asked whether he could check Appellant for weapons. Appellant responded, "you can check me," in the context of that weapons-check request. When the officer later asked more broadly whether he could search Appellant, Appellant again stated, "you can check me." Appellant contends that these statements authorized, at most, a limited weapons check and did not authorize a general evidentiary search for marijuana or other contraband.

The marijuana was allegedly felt only during the later evidentiary search. If the officer had to ask what the object was, examine it, manipulate it, or otherwise investigate it before identifying it, its incriminating character was not immediately apparent under the plain-feel doctrine. The later vehicle search and warrant process must also be examined for independent probable cause, reliable sources, material omissions, and derivative evidence.

QUESTIONS PRESENTED

1. Did the trial court err in denying suppression where the officer failed to address the expired-registration matter, failed to complete the traffic mission, and extended the detention for an unrelated investigation without independent reasonable suspicion?

2. Could the concealed firearm supply reasonable suspicion for any earlier prolongation when it remained inside the glove compartment until after the officer requested the registration?

3. Did the firearm's later revelation justify a Terry frisk without particularized facts showing that Appellant was armed and dangerous?

4. Did Appellant's reach for his bank cards, wallet, and phones provide evidence of dangerousness when the body-camera recording shows that he was retrieving personal property rather than reaching for the firearm?

5. Did the officer's statement that Appellant was "touching the fucking gun" accurately describe the objective movement, or was that assertion contradicted by the video and surrounding circumstances?

6. Did the officer exceed the plain-feel doctrine by seizing an object whose incriminating character was not immediately apparent, and whose identity required further examination?

7. Did Appellant's statements that the officer could "check" him authorize a general evidentiary search, or were they limited to the weapons check the officer initially requested?

8. Did the vehicle search lack consent or independent probable cause where Appellant was a third-party driver, and the officer did not ask for consent to search the vehicle?

9. Did the officer's failure to establish that Appellant owned the firearm, or to run its serial number to determine whether it was stolen or connected to criminal activity, weaken the State's attempt to treat the firearm as evidence tying Appellant to criminal conduct?

10. Did the State disclose material impeachment or credibility evidence concerning Officer Rhoads, including information related to his firing during trial, if that information bores on truthfulness, evidence handling, or his testimony?

11. Was Appellant's later statement involuntary under the totality of the circumstances, and did the later statement issue remain separate from the Fourth Amendment violations that preceded it?

STATEMENT OF FACTS AND CHRONOLOGY

The State's case arose from a traffic stop reportedly initiated because of an expired registration matter. The record should establish when the stop began, what traffic tasks were performed, whether the expired-registration matter was addressed, whether any citation or warning was issued, and when the officer shifted from the traffic purpose to a firearm or narcotics investigation.

Appellant contends that Officer Rhoads did not address the expired registration and did not complete the traffic mission. The absence of a citation or warning is not asserted as an automatic constitutional violation. It is relevant to the chronology and to whether the officer actually completed, abandoned, or bypassed the stated traffic purpose before extending the detention.

After the officer requested the registration, Appellant opened the glove compartment and lifted the firearm to retrieve the registration documents located beneath it. The officer did not find the firearm first. Appellant revealed it while complying with the registration request. The firearm had been legally concealed and was not in plain view before the glove compartment was opened. The officer allowed Appellant to remain seated and instructed him to place the firearm
down. Appellant complied by placing it on the passenger seat with his bank cards, wallet, and phones. Appellant contends that he was not acting dangerously and that his compliance showed his willingness to follow the officer's directions. Appellant was not the owner of the firearm. The officer did not establish that Appellant owned it, and the officer did not run the firearm's serial number to determine whether it was stolen or connected to any criminal activity. Appellant does not contend that the absence of a serial-number check automatically makes the firearm inadmissible or makes
every safety measure unlawful. The point is narrower: without ownership evidence, a stolen-firearm inquiry, or other evidence connecting the weapon to criminal activity, the firearm presence did not independently establish that Appellant was dangerous or involved in a crime.

Appellant then reached toward the passenger seat to retrieve his bank cards, wallet, and phones. Appellant contends that the body-camera recording shows him retrieving those personal items rather than reaching for the firearm. Before the frisk, the officer treated the movement as if Appellant were obtaining the firearm, said, "stop touching the fucking gun," and Appellant replied that he was not touching the gun.
The officer then removed Appellant and conducted a weapons frisk. The narcotics or marijuana were discovered only afterward. Thus, the later-discovered substance could not retroactively justify the earlier detention or the frisk. The firearm revelation before the frisk changes the analysis of the frisk but does not automatically validate it. The State still had to show particularized facts supporting a reasonable belief that Appellant was armed and dangerous immediately before the frisk. The officer first requested a weapons check. Appellant said, "you can check me." The officer then asked whether he could search Appellant, and Appellant again said, "you can check me." Appellant contends that he did not consent to a broad evidentiary search for marijuana or other contraband.

The officer allegedly felt marijuana in Appellant's pocket and asked, "What is this?" If the officer had to investigate the object before identifying it, its incriminating character was not immediately apparent by touch. The State cannot use a later identification to justify the examination that produced that identification.
Appellant informed the officer that the vehicle was not his and that he was operating it as a third-party driver. Appellant contends that the officer never asked for consent to search the vehicle and instead relied on the marijuana allegedly felt during the evidentiary search as probable cause.

The record also indicates that the officer who obtained the warrant was not present at the scene. That fact does not automatically invalidate the warrant. The Court should determine whether the affidavit

accurately identified the sources of information, explained their basis of knowledge, included material facts, and established probable cause without relying on unlawfully obtained evidence or materially misleading omissions.

Appellant reports that Officer Rhoads was fired during trial. The significance of that event depends on the reason for the firing, when the State learned of it, whether the underlying records were disclosed, and whether the information bore materially on Rhoads's credibility or conduct in this case.

On January 23, 2025, the jury found Appellant not guilty of both firearm charges. Appellant does not contend that the verdict, standing alone, automatically establishes that the earlier frisk was unlawful. The verdict is relevant as corroborating context because it is consistent with the absence of proof that Appellant owned, knowingly possessed, controlled, or criminally used the firearm. The appellate argument remains based on the facts known before the frisk, the objective video, the absence of ownership or serial number evidence, and the State's failure to identify particular facts showing that Appellant was armed and dangerous.

STANDARD OF REVIEW

In reviewing a suppression ruling, the appellate court considers factual findings under the applicable deferential standard but reviews the ultimate constitutional question independently. The Court should evaluate the complete chronology and determine whether the facts found establish a lawful detention, frisk, seizure, warrant process, and statement.

In an Anders' proceeding, counsel may seek to withdraw after concluding that an appeal lacks a nonfrivolous issue, but the appellate court must conduct its own review of the record and the issues identified by the appellant. Anders v. California, 386 U.S. 738 (1967); State v. McKennedy, Opinion No. 25415 (S.C. Feb.11, 2002)

ARGUMENT

I. The officer unlawfully prolonged the stop by failing to complete the traffic mission before shifting to an unrelated investigation.

The Fourth Amendment permits ordinary traffic-stop inquiries, including checking a driver's license, determining whether there are outstanding warrants, and checking registration and insurance. Those tasks, together with related safety measures, define the permissible traffic mission.

Under Rodriguez v. United States, 575 U.S. 348(2015), an officer may not extend a completed traffic stop for an unrelated investigation unless independent reasonable suspicion exists. The question is not simply whether the officer asked unrelated questions. The question is whether the firearm or narcotics investigation added time beyond the time reasonably required to address the expired registration matter and complete the traffic mission.

The Court should compare the body-camera timestamps, CAD and dispatch records, officer reports, citation or warning records, and suppression-hearing testimony. It should determine whether Officer Rhoads ever addressed the expired registration, requested and reviewed the information

necessary to resolve it, communicated with dispatch, issued a citation or warning or otherwise completed the traffic purpose of the stop.

If the officer failed to complete the traffic mission and nevertheless extended the detention for a firearm or narcotics investigation, the State must establish independent reasonable suspicion that existed before the prolongation. The concealed firearm could not supply that earlier justification because it remained inside the glove compartment until after the officer requested the registration. The marijuana could not supply it if it was discovered or identified only after the detention had already been prolonged.

The frisk, object examination, seizure, warrant application, and later statement should then be analyzed as possible fruits of the unlawful extension. A later-discovered firearm or substance cannot retroactively provide the justification required for an earlier decision to prolong the stop.

II. The firearm could not justify any earlier detention because it was concealed and was revealed only after the registration request.

Reasonable suspicion must be based on particularized facts known at the time of the challenged detention or search. It cannot be based on evidence discovered later. The firearm was not in plain view. It remained inside the glove compartment until after the officer requested the registration. Before that point, the officer could not rely on the firearm as a fact showing that Appellant was armed or dangerous because the firearm had not yet been revealed or connected to him. The timing is material. If the officer prolonged the stop or shifted toward a firearm or narcotics investigation before the firearm was revealed, the later-revealed firearm cannot retroactively validate that earlier action. Appellant revealed the firearm while complying with the officer's request for registration documents. That fact may explain how the firearm became known to the officer, but it does not justify conduct that occurred before the revelation.

The record also does not establish that Appellant owned the firearm. Nor does it show that the officer ran the serial number to determine whether the firearm was stolen or associated with a reported crime. Those omissions matter because the State may not convert the mere presence of an unidentified firearm into evidence that Appellant possessed criminal instrumentalities or was engaged in criminal activity. The absence of an ownership connection or criminal-history connection does not eliminate the officer's ability to secure an observed weapon as a safety precaution. It does, however, weaken any broader inference that the firearm supplied individualized suspicion beyond the limited fact that a weapon was present in the vehicle.

III. The frisk was unlawful because the State cannot substitute lawful firearm possession and proximity for particularized evidence of dangerousness.

Under Terry v. Ohio, 392 U.S. 1 (1968), a protective frisk requires specific and articulable facts supporting a reasonable belief that the person is armed and dangerous. A generalized concern about officer safety or the mere existence of a firearm does not automatically establish present dangerousness.

The State's theory improperly treats the firearm's location as proof of Appellant's intent. Appellant reached for his wallet, bank cards, and phones. The fact that those items were on the same seat as the firearm did not transform that movement into a reach for the weapon. A firearm's proximity to personal property does not establish that a person reaching for the property is reaching for the firearm. The

relevant question is whether Appellant's observable movement provided an objectively reasonable basis to believe that he was attempting to obtain, control, conceal, or use the weapon.
The record, as Appellant contends, supplies no such fact. Appellant did not draw the firearm, point it, brandish it, threaten anyone with it, or attempt to conceal it. He had complied with the instructions to place it on the passenger seat. His later movement was toward identifiable personal items. If the video confirms that his hands moved toward those items rather than toward the firearm, the objective evidence contradicts the officer's assertion that Appellant was "touching the fucking gun."

The constitutional distinction is between being armed and being armed and dangerous. The State's theory would eliminate that distinction. Under that theory, every lawful gun owner could be frisked whenever a wallet, phone, identification card, or other personal item happened to be near a firearm. That would replace individualized suspicion with a categorical rule: lawful firearm plus nearby reaching equals dangerousness. The Fourth Amendments require more.

The officer's pre-frisk command shows his interpretation of the movement, but it does not prove what the Appellant was touching. Appellant's immediate response that he was not touching the gun is relevant to the objective sequence. If the video shows Appellant retrieving his personal property, his response was a factual correction rather than evasive conduct.

The officer had safety options short of a frisk. He could have ordered Appellant to stop reaching, keep his hands visible, step away from the seat, or wait while the officer secured the firearm. Those options do not automatically decide the constitutional issue, but they distinguish control of access from proof of dangerousness. A command addressing potential access to a weapon is not the same as particularized evidence that the person is dangerous.

The initial glove-compartment episode does not cure the deficiency. Appellant lifted the firearm only to retrieve the requested registration documents. That conduct may have justified heightened caution or temporary control of the weapon. It did not automatically establish that Appellant was dangerous later, after he complied with the instruction to place the firearm down and reached for separate personal items. The absence of ownership and serial number information further limits the inference the State may draw from the firearm. The officer did not establish that the firearm belonged to Appellant, was stolen, or was connected to criminal activity. Thus, the State cannot use the weapon's unidentified status to add an unsupported criminal implication to the officer's interpretation of Appellant's movement. At most, the firearm's presence justified a focused safety response. It did not eliminate the requirement to identify particular facts showing that Appellant himself was dangerous before the frisk.
The January 23, 2025, acquittal on both firearm charges reinforces that evidentiary gap when considered with the objective record. The acquittal is not offered as a retroactive substitute for the Terry analysis. Rather, it is consistent with the absence of proof connecting Appellant to ownership, knowing possession, control, or criminal use of the firearm. The State therefore should not be permitted to treat the firearm's mere presence as conclusive proof that Appellant was reaching for it or was dangerous, particularly where the video shows him reaching for personal items and the officer did not establish ownership, stolen status, or a criminal connection.

The later discovery of marijuana cannot retroactively justify the frisk. The State must establish the facts known immediately before the frisk began. If those facts show only lawful firearm possession, compliance, and a reach toward identifiable personal property, the frisk was not supported by the required particularized suspicion.

IV. The plain-feel doctrine did not authorize the later evidentiary seizure if the object was not immediately recognizable as contraband.

Under Minnesota v. Dickerson, 508 U.S. 366(1993), an officer conducting a lawful pat-down may seize an object only when its incriminating character is immediately apparent. The officer may not manipulate or continue investigating an object beyond the lawful scope of the frisk merely to determine what it is.

Appellant contends that the marijuana was discovered only after the frisk expanded into an evidentiary search. Officer Rhoads allegedly asked, "What is this?" If that question reflected uncertainty about the object's identity, the object was not immediately apparent as contraband by its feel, texture, or mass. The Court should compare the officer's exact words and actions with the body-camera recording and suppression testimony.

The State must establish both that the frisk was lawful and that the object's incriminating nature was immediately apparent without further examination or manipulation. If either requirement is missing, the seizure was unlawful.

V. The limited weapons-check consent did not authorize a broad evidentiary search.

The officer first asked whether he could check Appellant for weapons. Appellant responded, "you can check me." The officer then asked more broadly whether he could search Appellant. Appellant again said, "you can check me." Appellant contends that he never gave general consent to search for marijuana, narcotics, or other evidence.

Consent must be evaluated under the totality of the circumstances, including the words used, the questions asked, the scope of the original request, the duration and conditions of the detention, and whether the person understood that consent could be limited. See Florida v. Jimeno, 500 U.S. 248(1991). In context, Appellant's response to a request to check for weapons authorized, at most, a weapons check. The officer could not obtain broader consent by rephrasing the request and then treating the same limited response as unlimited permission. The alleged marijuana seizure therefore requires an independent lawful basis if it exceeded the weapons-check scope.

VI. The vehicle search was not supported by Appellant's consent, and allegedly tainted evidence could not automatically establish probable cause

Appellant informed the officer that the vehicle was not his and that he was a third-party driver. Appellant contends that the officer never asked him for consent to search the vehicle. The State therefore cannot rely on vehicle-search consent that was never requested or given.

The State's probable-cause theory depends on the legality of the preceding evidentiary search and the immediate recognition of the substance. If the marijuana was discovered through an unlawful frisk, unauthorized evidentiary search, or manipulation beyond the plain-feel doctrine, it cannot supply probable cause for the vehicle search unless an exception to the exclusionary rule applies.

The Court should determine whether the officer had probable cause independent of the challenged search, whether the automobile exception was otherwise satisfied, and whether independent source, inevitable discovery, or another exception applies.

VII. The warrant must be evaluated for probable cause, source reliability, material omissions, and derivative evidence

The fact that the warrant affiant was not present at the scene does not automatically invalidate the warrant. The issue is whether the affidavit, viewed as a whole, established a fair probability that evidence would be found and accurately disclosed the sources and basis of the information.

The Court should examine whether the affidavit identified the source of each material fact, explained the basis of knowledge, accurately described the traffic stop and expired registration matter, disclosed the firearm's concealment and timing, described the frisk and alleged firearm reach, explained when the substance was recognized, and disclosed facts bearing on the legality of the detention and seizure.

If Appellant can make the substantial preliminary showing required by Franks v. Delaware, 438 U.S. 154 (1978), concerning a deliberate or reckless false statement or material omission necessary to probable cause, the appropriate remedy is a hearing and reconsideration of the warrant. Even absent a Franks hearing, the Court should determine whether the warrant depended on unlawfully obtained information and whether the State can establish an independent lawful source.

VIII. The alleged firearm-reach testimony must be evaluated against the objective record and material credibility evidence.

Appellant does not ask the Court to decide a bare credibility dispute. He asks the Court to compare the officer's testimony with the body-camera recording, timestamps, reports, dispatch evidence, and physical layout of the passenger seat.

The issue is material because the alleged firearm reach may have supplied the justification for the frisk, detention, and later seizure. The Court should determine whether the video shows Appellant retrieving his bank cards, wallet, and phones; whether his hands contacted the firearm; whether the accusation occurred before the frisk; and whether any other specific fact supported a reasonable belief that Appellant was armed and dangerous.

Appellant also reports that Officer Rhoads was fired during trial. Firing alone does not establish a Brady v. Maryland, 373 U.S. 83 (1963), or Giglio v. United States, 405 U.S. 150 (1972), violation. The Court should determine the reason for the firing, whether the state knew of the underlying information, whether it was disclosed, and whether it was material to the officer's credibility or conduct in this case.

IX. The later statement issue does not eliminate the earlier Fourth Amendment claims

Appellant acknowledges that counsel identified the later involuntary-statement issue in the Anders's brief. The statement occurred after the traffic mission was allegedly left incomplete, the detention was extended, the frisk occurred, the object was examined, and evidence was seized.

The Court should separately determine whether the statement was voluntary under the totality of the circumstances, including the duration and conditions of detention, questioning, warnings, promises or

threats, physical or psychological pressure, and Appellant's condition. See Arizona v. Fulminante, 499 U.S. 279 (1991).

A later statement cannot retroactively validate earlier unconstitutional conduct. If the earlier seizure was unlawful, the State must address whether the statement and other evidence were fruits of that violation or were obtained from an independent lawful source.

X. The Court should evaluate the connected chain of events and remand for findings if the record is incomplete.

The issues are interconnected. The traffic mission defines the lawful duration of the stop. The timing of the officer's failure to address the registration affects whether the detention was prolonged. The timing of the concealed firearm affects whether it could justify an earlier prolongation. The firearm's revelation before the frisk means the frisk must be analyzed separately under Terry. The timing and manner in which the substance was recognized affect the plain-feel analysis. The frisk affects the seizure, the seizure may affect the warrant, and the warrant and seized evidence may affect the statement and conviction.

The Court should not permit one unsupported step to supply the justification for the next. A later-revealed firearm cannot justify an earlier prolongation. A firearm revealed before the frisk does not automatically validate the frisk. A substance identified only after examination cannot automatically justify the examination that revealed its identity. And an officer's statement that a driver was touching a gun does not itself prove that the driver touched it.

At minimum, the Court should remand for findings concerning the timestamped chronology, the officer's failure to address or complete the expired-registration mission, the timing of the firearm revelation and frisk, the movement toward personal property, the timing and manner of substance recognition, the officer's credibility evidence, the warrant affidavit, and the causal relationship between the stop and the evidence.

The requested remedy follows the evidence-by-evidence causal chain. If the stop was unlawfully prolonged, the State must identify an independent lawful basis for each later intrusion. If the frisk was unsupported, the State must show an exception that breaks the connection between the frisk and the object seizure. If the object was unlawfully examined or seized, the State must show an independent source for the vehicle search, warrant, interrogation, and statements. If no such exception exists, the physical evidence and statements derived from the unlawful conduct should be suppressed, and the conviction should be vacated or the case remanded for a new trial without that evidence.

Appellant does not ask the Court to treat any single fact as automatically dispositive. He asks the Court to apply the required objective analysis to the complete sequence. The combination of an incomplete traffic mission, a firearm revealed only during compliance with the registration request, a later reach toward identifiable personal property, an officer's disputed description of that movement, a frisk preceding the narcotics discovery, and a possible expansion from a weapons check into an evidentiary search presents a concrete constitutional claim requiring relief or, at minimum, a new suppression determination.

REQUEST FOR RELIEF

Appellant respectfully requests that this Court:

1. Conduct the independent review required in an Anders proceeding;

2. Reject the conclusion that the appeal presents no nonfrivolous issue;

3. Order full briefing by conflict-free substitute appellate counsel if the Court determines that the Anders process cannot adequately address the preserved issues;

4. Hold that the traffic stop was unlawfully prolonged if the record establishes that the officer failed to address the expired registration, failed to complete the traffic mission, and continued the detention for an unrelated investigation without independent reasonable suspicion;

5. Hold that the concealed firearm could not provide reasonable suspicion for any earlier detention before it was revealed;

6. Hold that the frisk was unlawful if the State cannot identify specific facts known after the firearm was revealed and before the frisk showing that Appellant was armed and dangerous;

7. Hold that Appellant's reach for identifiable personal property did not establish dangerousness merely because the property was located near the firearm;

8. Consider that the officer did not establish Appellant's ownership of the firearm or run its serial number to determine whether it was stolen or connected to criminal activity, and hold that the unidentified firearm did not, without more, establish that Appellant was armed and dangerous;

9. Consider the January 23,2025 jury verdict finding Appellant not guilty of both firearm charges as corroborating context, while evaluating the legality of the frisk under the facts known before it occurred;

10. Hold that the plain-feel doctrine did not justify the seizure if the substance was not immediately recognized as contraband and was identified only after additional examination or manipulation;

11. Hold that the vehicle search was unlawful if the State cannot establish consent or probable cause independent of the challenged evidentiary search;

12. Review the alleged firearm-reach testimony against the objective record and material credibility or disciplinary evidence concerning Officer Rhoads;

13. Review the warrant affidavit for probable cause, source reliability, material omissions, false statements, and derivative evidence;

14. Determine whether Appellant's later statement was involuntary or was obtained as a result of earlier unlawful conduct;

15. Reverse the conviction and remand for dismissal or a new trial after suppression of unlawfully obtained evidence; or

16. Alternatively, vacate the suppression ruling and remand for a new hearing with the complete body-camera, CAD, warrant, verdict, disciplinary, and disclosure records; and

17. Grant any other just and proper relief.

Respectfully submitted,

Londell Lashun Alston, Pro Se

200 Prison Road

Enoree, South Carolina

Date:

DECLARATION

I declare under penalty of perjury that the factual statements in this response based on my personal knowledge are true and correct to the best of my knowledge. Statements concerning transcripts, recordings, reports, warrants, disciplinary records, and docket materials must be verified against the original or certified record.

Executed on:

Londell Lashun Alston

CERTIFICATE OF SERVICE

I certify that on 10/2/26 , I served a true copy of this response and any permitted attachments on counsel of record for the State and Wanda H. Carter by the authorized method of service at the addresses shown in the appellate docket.

Londell Lashun Alston

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REFERENCES

Anders v. California, 386 U.S.738 (1967)
Terry v. Ohio, 392 U.S. 1(1968)
Rodriguez v. United States, 575 U.S. 348(2015)
Minnesota v. Dickerson, 508 U.S. 366(1993)
Florida v. Jimeno, 500 U.S. 248(1991)
Franks v. Delaware, 438 U.S. 154(1978)
Brady v. Maryland, 373 U.S. 83(1963)
Giglio v. United States, 405 U.S. 150(1972)
Arizona v. Fulminante, 499 U.S. 279(1991)
State v. McKennedy, Opinion No. 25415 (S.C. Feb. 11, 2002)

RECORD-CITATION AND EXHIBIT CHECKLIST

Issue	Record support to insert before filing
Traffic-stop chronology	Body-camera timestamps, CAD or dispatch records, suppression transcript, and officer reports.
Expired-registration mission	Registration inquiry, request registration, citation or warning records, and charging documents.
Failure to complete the mission	Exact timestamp and transcript page showing the shift to firearm or narcotics activity before resolution of the registration matter.
Firearm timing	Video showing that the firearm was concealed in the glove compartment until after the officer requested registration and was revealed before the frisk.
Firearm ownership and status	Record evidence identifying the firearm owner, whether Appellant denied ownership, whether the officer ran the serial number, and whether any record showed that the firearm was stolen or connected to criminal activity.
Firearm verdict	Certified verdict form, docket entry, and judgment showing that on January 23,2025, the jury found Appellant not guilty of both firearm charges.
Personal-items movement	Video showing the driver reaching for bank cards, wallet, and phones; location of those objects relative to the firearm; and whether the firearm was touched.
Frisk basis	Exact facts known after firearm revelation and before frisk, including commands, compliance, threats, resistance, and any alleged furtive movement.
Alleged firearm reach	Transcript pages, video timestamps, officer reports, and comparisons between the officer's assertion and the objective recording.
Substance recognition	Exact words and actions, including "What is this?", video timestamp, object description, and evidence of manipulation or further examination.
Consent scope	Exact wording of both weapons-check questions and Appellant's responses.
Vehicle search	Evidence that the vehicle was third-party operated, no consent was requested, and the alleged marijuana was used as probable cause.
Warrant	Application, affidavit, warrant, return, issuing judge's materials, sources, and basis of knowledge.
Officer Rhoads firing	Termination of reason, date, internal affairs findings, and disclosure records.
Involuntary statement	Recording, transcript, Miranda evidence, and suppression of ruling.
Preservation	Motion, objection, ruling, and record pages for each issue

IN THE COURT OF APPEALS OF SOUTH CAROLINA THE STATE OF SOUTH CAROLINA,

Respondent,
v.
LONDELL LASHUN ALSTON,
Appellant.
Appellate Case No. 2025-000197

APPELLANT'S PRO SE RESPONSE TO ANDERS BRIEF AND SUPPLEMENTAL MEMORANDUM OF LAW FOCUSING ON THE COMPLETION OF THE TRAFFIC STOP, THE UNLAWFUL CONTINUED DETENTION, AND THE UNLAWFUL PROTECTIVE FRISK

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I. INTRODUCTION

Appellant Londell Lashun Alston respectfully submits this pro se response to appointed appellate counsel Anders's brief. Appellant asks this Court to conduct the independent review required in an Anders proceeding and to consider the nonfrivolous Fourth Amendment issues presented by the denial of his motions to suppress.

This response focuses on the constitutional events beginning when the officer diverted from the traffic mission without ever concluding it and ending when the officer initiated a protective frisk. The issue is not whether a firearm was ultimately found, or whether an officer later interpreted Appellant's movement as suspicious. The issue is whether, at each moment of police action, the officer possessed the legal justification required by the Fourth Amendment. The relevant sequence is:

lawful traffic stop → traffic mission interrupted or diverted → continued detention while the traffic matter remained unresolved → weapons questioning and attempted search → Appellant's movement toward personal belongings → protective frisk.

A traffic stop is a seizure. Its constitutional justification is limited by the traffic mission that caused the stop. The officer may not materially prolong or divert the stop to investigate unrelated criminal activity while leaving the traffic mission unresolved unless independent reasonable suspicion exists. Even during a lawful traffic stop, the officer may not frisk a person merely because the person is in a vehicle or because a firearm is somewhere nearby.

A frisk requires particularized reasonable suspicion that the person being frisked is armed and dangerous.

The record and objective recording should therefore be reviewed chronologically. The officer's later discovery of a firearm cannot, by itself, establish that the earlier detention was lawful. Nor does the mere presence of a firearm automatically establish that Appellant was dangerous or authorize a general evidentiary search.

Where the record or recording leaves a material factual dispute unresolved, Appellant respectfully requests a remand for appropriate findings or a new suppression hearing rather than affirmance on an incomplete record.

II. QUESTIONS PRESENTED

1. Whether the officer unlawfully prolonged or diverted the traffic stop before concluding the traffic mission, without independent reasonable suspicion of criminal activity.

2. Whether any purported consent to a search was voluntary and sufficiently specific when the officer continued the detention while leaving the traffic mission unresolved.

3. Whether the officer had specific and articulable facts establishing reasonable suspicion that Appellant was armed and dangerous before initiating the protective frisk.

4. Whether the officer's interpretation of Appellant's movement was objectively reasonable where Appellant was retrieving his wallet, bank cards, and cellular telephone from the seat where the firearm was located.

5. Whether the matter should be remanded for further findings or a new suppression hearing if the certified record and objective recording do not permit the appellate court to determine when the officer diverted from the traffic mission, what traffic tasks remained, or what the officer actually observed before the frisk.

III. STANDARD OF REVIEW

A suppression of ruling presents both factual and constitutional questions. South Carolina appellate courts give deference to supported factual findings, but the appellate court may review the entire record, including objective video evidence, to determine whether the Fourth Amendment was violated. State v. Frasier, 438 S.C. 47, 881 S.E.2d 111(2022); State v. Tindall, 388 S.C. 51,694 S.E.2d 1(2010).

In Frasier, the South Carolina Supreme Court explained that when an appellate court reviews the same video evidence viewed by the trial court, it is not required to defer to a trial court's characterization of what the recording objectively shows. Frasier, 438 S.C. at 58–61,881 S.E.2d at 117–19. The appellate court should independently examine the recording and the surrounding circumstances.

The ultimate question is whether the challenged detention and search were reasonable under the Fourth Amendment to the United States Constitution and article I, section of the South Carolina Constitution.

IV. STATEMENT OF RELEVANT FACTS

Appellant relies on the certified record, the suppression-hearing transcript, and the body camera or other objective recording. The following facts should be supported with exact record citations before filing:

1. The officer initiated a traffic stop for [identify the precise traffic violation]. expired decal "5/-3-340" **[R. 9-11; Tr. 70]**

2. The officer obtained or had access to the information necessary to address the traffic violation, including Appellant's license, registration, insurance, and/or warrant information. **[R. 22, R.1-6; Tr. 71]**

3. The officer never concluded the traffic mission before diverting the encounter to weapons questioning, search requests, and frisk. **[R. 9-24; Tr. 71]**

4. Instead of ending the encounter, the officer continued questioning and shifted the encounter toward weapons and a search while Appellant remained inside the vehicle. **[Body-camera at 3:25:31; Tr. 78]**

5. Officer Rhoads testified that he did not issue Appellant a ticket or warning because he had obtained too many felony charges from the traffic stop. **[Tr. 105-106]**. This testimony is significant because it confirms that the traffic disposition was withheld while the officer pursued felony charges arising from the encounter.

6. Officer Rhoads also testified that Appellant was never charged with the marijuana allegedly discovered during the encounter. **[Tr. 105]** Appellant does not ask the Court to decide guilt or innocence from that fact. The testimony is relevant, however, to the officer's characterization of the object, the purpose and scope of the frisk, and whether the asserted traffic mission was being used as a vehicle for an unrelated investigation.

7. Appellant had placed the firearm on the seat beside him, on or near the same seat where his personal belongings were located. Appellant remained inside the vehicle. **[Body-camera at 3:25:31; Tr. 78]**

8. Officer Rhoads asked whether Appellant had any weapons on his person. Appellant answered "No." **[Body-camera at 3:27:12; 3:28:35]**

9. Officer Rhoads then asked whether he could check the Appellant. Appellant responded, "You can check me." **[Body-camera at 3:27:12; 3:28:25]**

10. Officer Rhoads then asked a further question in substance whether Appellant would allow him to search Appellant. In the context of the ongoing detention and the officer's prior request to "check" him, the question was coercive or, at minimum, reasonably understood as a request for the same limited weapons check. Appellant repeated the same response: "You can check me." **[Body-camera at 3:27:12; 3:28:35]**

11. Appellant's belongings—including his wallet, bank cards, and cellular telephone—were on the seat beside him. The officer interpreted Appellant's movement as an attempt to reach toward a firearm and initiated a frisk. The movement occurred before the frisk. **[Body-camera at 3:26:12]**

12. The officer's later testimony and the objective recording should be compared to determine whether Appellant actually reached for the firearm, touched the firearm, attempted to obtain it, or merely reached toward personal belongings located nearby. **[Body-camera at 4:34:59; 4:35:07 Tr. 98-99]**

13. During or after the frisk, the officer discovered [describe the object precisely as the officer initially described it]. The issues concerning the object's handling, identification, and any later vehicle search are reserved unless the State establishes an independent lawful basis for those actions. **[Tr. 79]**

Appellant does not ask this Court to accept an unsupported factual assertion. He asks the Court to review the objective recording and certified record and to determine whether the trial court applied the correct constitutional rules to the actual sequence of events.

V. ARGUMENT

A. THE TRAFFIC STOP BECAME UNLAWFUL WHEN THE OFFICER DIVERTED FROM AND PROLONGED THE UNCONCLUDED TRAFFIC MISSION WITHOUT INDEPENDENT REASONABLE SUSPICION.

The Fourth Amendment permits a traffic stop based on probable cause or reasonable suspicion that a traffic violation occurred. But the seizure is limited in scope and duration.

The officer may conduct tasks tied to the traffic violation and related roadway safety, including checking the driver's license, determining whether warrants exist, checking registration and insurance, and issuing a citation or warning. The officer may not use the unresolved traffic stop as a platform for an unrelated weapons investigation and thereby add time to the detention.

The Supreme Court's decision in Rodriguez v. United States, 575 U.S. 348 (2015), controls the duration question. A traffic stop's tolerable duration is determined by its mission. Authority for the seizure ends

when tasks tied to the traffic violation are, or reasonably should have been, completed; an officer cannot avoid that limit by simply failing to finish the traffic task before undertaking an unrelated investigation. An officer may ask unrelated questions if those questions do not measurably extend the stop. But the officer may not divert from the traffic mission and prolong the stop to pursue an unrelated criminal investigation without independent reasonable suspicion.

South Carolina follows the same rule. In State v. Tindall, the South Carolina Supreme Court held that further detention for questioning after the officer had effectively completed the traffic-related work was unlawful where the officer lacked reasonable suspicion of a serious crime. 388 S.C. at [Tr.71, R.9-19], 694 S.E.2d at [Tr.40, R.12-24. The principle applies equally where the officer does not finish the traffic task because he diverts the encounter into an unrelated investigation: the officer cannot create additional detention time by postponing the traffic mission.

The same principle controlled in State v. Frasier. There, the Court rejected a collection of generalized observations—including nervousness, sweating, and allegedly suspicious behavior—as insufficient to establish reasonable suspicion to prolong the traffic encounter. 438 S.C. at [Tr. 71], 881 S.E.2d at [Tr. 40].

Here, the record should establish the precise point at which the officer diverted from the traffic mission: Traffic mission interrupted or diverted at [request supplementation/ settlement of the record under Rule 212, PG.71]. Officer continued questioning or sought a search at [request supplementation/ settlement of the record under Rule 212, PG.71]. No new specific fact indicating criminal activity was identified before the continued detention at [request supplementation/ settlement of the record under Rule 212, PG.71].

The officer's own testimony supplies important evidence concerning that diversion. Officer Rhoads testified that he did not issue a ticket or warning because he had obtained too many felony charges out of the traffic stop. [106] That testimony supports the conclusion that the traffic matter was not simply being processed in the ordinary course. Instead, the traffic disposition was withheld while the officer pursued felony charges arising from the encounter.

The testimony also confirms that Appellant was never charged with the marijuana allegedly discovered. [105] That fact does not, standing alone, determine whether the object was contraband or whether the search was lawful. It does, however, bear on the officer's stated purpose, the scope of the frisk, and the reliability of any assertion that the object immediately supplied probable cause for further investigation. The State should not be permitted to characterize the encounter as a traffic stop when convenient, but as a completed felony investigation when defending the additional detention.

If the officer left the traffic mission unresolved and instead continued detaining Appellant to ask about weapons, seek consent, or investigate unrelated criminal activity, the detention required independent reasonable suspicion once that detour measurably prolonged the stop. The traffic violation itself could not supply that additional justification indefinitely.

The State may argue that the officer had not yet physically handed Appellant a citation or warning. That fact does not defeat the claim. Under Rodriguez, the question is whether the unrelated investigation added time to the stop and whether the officer detoured from tasks tied to the traffic mission. An officer

cannot preserve authority to prolong a seizure simply by delaying or withholding the traffic disposition while conducting unrelated investigation.

The State may also rely on generalized factors such as nervousness, a movement in the vehicle, the presence of a firearm, or an officer's subjective concern. Those facts must be evaluated in context and at the time the detention was prolonged. They cannot be treated as automatic proof of criminal activity. In Frasier and Tindall, the Supreme Court required more than a collection of ambiguous, innocent facts before allowing a traffic encounter to continue beyond its traffic purpose. The officer's admission that he withheld the traffic ticket or warning because of the felony charges further supports the conclusion that the stop was being prolonged for an unrelated investigation.

Accordingly, if the certified record shows that the officer diverted from the unresolved traffic mission and that no particularized reasonable suspicion existed before the detention was prolonged, the continued detention violated the Fourth Amendment.

B. THE OFFICER'S REQUEST TO SEARCH DID NOT CURE THE UNLAWFUL DETENTION UNLESS THE STATE PROVED VOLUNTARY, UNEXPLOITED CONSENT.

An officer may request consent to search during a lawful encounter. But consent obtained after an unconstitutional detention does not automatically purge the constitutional violation. The State bears the burden of proving that consent was voluntary and was not an exploitation of the unlawful detention. State v. Tindall; State v. Adams, 377 S.C. 334, 659 S.E.2d 272 (Ct. App. 2008).

The actual exchange matters. According to the record as presently understood, Appellant remained inside the vehicle after placing the firearm on the seat beside him with his belongings. Officer Rhoads asked whether Appellant had any weapons on his person; Appellant said no. Rhoads then asked whether he could check Appellant, and Appellant responded, "You can check me." Rhoads followed with a further, coercive question in substance asking whether Appellant would allow him to search Appellant. Appellant repeated, "You can check me." [request supplementation/ settlement of the record under Rule 212]

Appellant does not contend that the phrase "you can check me" can never constitute consent. The issue is whether the State proved voluntary consent to the particular search that followed, considering the totality of the circumstances. The repeated phrase should be understood in context: the officer first asked about weapons on Appellant's person, then asked to "check" him, and then repeated the request in a coercive form. Appellant's answer was consistent with permission for a limited Terry frisk for weapons — not an unlimited evidentiary search for drugs or other contraband.

The circumstances include:

- whether the officer had diverted from the traffic mission before concluding it;
- whether Appellant remained detained and was not free to leave;
- whether the officer's request was phrased as a question or a command;
- whether the second question was coercive and whether it reasonably expanded the scope of the first request;
- whether the officer directed Appellant where to stand or place his hands;
- whether the officer displayed authority or was accompanied by other officers;

• whether Appellant's statement reflected voluntary permission or submission to an ongoing police encounter; and
• whether the search exceeded the scope reasonably conveyed by the words "check me".

In Frasier, the South Carolina Supreme Court held that the defendant did not voluntarily consent where his words and conduct, viewed in the context of the police encounter, reflected submission rather than free and voluntary permission. 438 S.C. at [request supplementation/ settlement of the record under Rule 212], 881 S.E.2d at [request supplementation/ settlement of the record under Rule 212].

Thus, the State cannot avoid the prolonged-detention rule simply by pointing to the words "you can check me." If the officer had already unlawfully extended the stop, the State must prove that the consent was both voluntary and sufficiently independent of that illegality. Moreover, even if the words constituted consent, the State must prove consent to the search actually conducted. A response to a weapons-check request does not automatically authorize an evidentiary search for narcotics. On this record, the appellate court should examine the recording rather than rely on a conclusory characterization of the exchange.

C. EVEN IF THE DETENTION REMAINED LAWFUL, THE FRISK REQUIRED PARTICULARIZED REASONABLE SUSPICION THAT APPELLANT WAS ARMED AND DANGEROUS.

A traffic stop does not automatically authorize a frisk of the driver or passenger. In Terry v. Ohio, 392 U.S. 1(1968), the Supreme Court distinguished a limited protective frisk from a general search for evidence. Before conducting a pat down, the officer must be able to identify specific and articulable facts supporting a reasonable belief that the particular person is armed and dangerous.

Arizona v. Johnson, 555 U.S. 323(2009), applies that rule directly to traffic stops. The Court held that although a lawful traffic stop permits police to detain the vehicle's occupants while addressing the traffic violation, the officer must separately possess reasonable suspicion that the person to be frisked is armed and dangerous. The traffic stop alone is not enough.

The frisk inquiry therefore has two separate requirements:

1. The detention must be lawful; and
2. The officer must reasonably suspect that the person subjected to the frisk is armed and dangerous.

If the traffic stop had already been unlawfully prolonged, the first requirement fails. But even assuming the detention remained lawful, the second requirement still had to be satisfied before the frisk began. The officer's subjective belief is not enough. The question is whether the facts known to the officer at the moment the frisk was initiated would lead a reasonable officer to believe that Appellant was armed and dangerous. The Court should consider the totality of the circumstances, including what the officer actually saw, what Appellant said, where Appellant's hands were, whether Appellant made a threatening movement, whether the firearm was visible, and whether Appellant was attempting to obtain it.

D. THE OFFICER'S INTERPRETATION OF THE MOVEMENT WAS NOT AUTOMATICALLY OBJECTIVE REASONABLE SUSPICION BECAUSE APPELLANT WAS RETRIEVING PERSONAL BELONGINGS FROM A SEAT WHERE A FIREARM WAS LOCATED.

Appellant acknowledges that the movement toward the firearm's location occurred before the frisk. He therefore does not argue that the officer relied on a post-frisk event to justify an already completed frisk. The issue is instead whether the pre-frisk movement, accurately viewed in context, established reasonable suspicion that Appellant was armed and dangerous.

The record as presently described indicates that the appellant was retrieving personal belongings, including his wallet, bank cards, and cellular telephone—from the vehicle seat where the firearm was located. [Tr.97, r.8-24, Tr.98, R.11-25, Tr. 99 1-5] The officer later testified, after reviewing the recording, that Appellant was reaching toward personal items. [Tr.97, R.24]

That evidence creates a material constitutional question. A movement toward personal property is not necessarily a movement toward a weapon merely because a weapon is nearby. The presence of a firearm in a vehicle does not automatically establish that every person near the firearm is dangerous, nor does it authorize an unlimited search of that person.
The Court should examine the recording to determine:
1. where Appellant was positioned;
2. where the wallet, bank cards, and phone were located;
3. whether the firearm was visible to the officer;
4. what Appellant's hands actually moved toward;
5. whether Appellant touched or attempted to obtain the firearm;
6. whether the movement was brief or threatening;
7. what the officer said immediately before the frisk; and
8. precisely when the frisk began.

If the objective evidence shows a nonthreatening effort to retrieve personal property rather than an effort to obtain a firearm, the officer's interpretation must still be objectively reasonable under the totality of the circumstances. The fact that Appellant had placed the firearm on the seat beside him does not eliminate the distinction between reaching for the firearm and reaching for belongings located on the same seat. A later discovery of a firearm cannot substitute for the required pre-frisk analysis.

The State may argue that the officer acted reasonably because officer safety is important. Appellant agrees that officer safety is important. But Terry requires a constitutional balance: the frisk must be based on particularized reasonable suspicion and must remain limited to its protective purpose. Officer safety does not eliminate the requirement of specific facts, and it does not convert every ambiguous movement into proof that a person is armed and dangerous.

E. THE FRISK COULD NOT BE USED AS A GENERAL EVIDENTIARY SEARCH.

Even if the Court concludes that the officer had sufficient suspicion to initiate a protective frisk, the frisk's scope remained limited. A pat down authorized for weapons is not a general search for drugs or other evidence.

The officer was permitted to take reasonable steps to determine whether Appellant possessed a weapon. The officer was not automatically permitted to manipulate, squeeze, move, or explore an object whose nature was not immediately apparent in order to find evidence of a crime. The scope of the frisk must therefore be analyzed separately from the justification for beginning it.

The record should identify:

- what the officer initially felt;
- whether the object felt like a weapon;
- whether the officer immediately recognized its nature;
- whether the officer manipulated or further examined it;
- when the officer removed it; and
- whether the officer's actions remained tied to the search for weapons.

These facts are also relevant to Minnesota v. Dickerson, 508 U.S. 366 (1993), if the State relies on a "plain-feel" theory. Under Dickerson, an object discovered during a lawful protective frisk may be seized only when its incriminating character is immediately apparent. If additional manipulation was required to determine that the object was contraband, the seizure exceeded the lawful scope of the frisk.

The sequence matters. If the detention was unlawful, the frisk was unlawful. If the frisk was unlawful, an object discovered through it is presumptively tainted. If the frisk was initially lawful but the officer exceeded its protective scope, the resulting seizure may still be Unlawful.

F. THE COURT SHOULD NOT AFFIRM WITHOUT REVIEWING THE OBJECTIVE RECORDING AND RESOLVING THE MATERIAL TIMING QUESTIONS.

The constitutional questions cannot be resolved by isolating one fact—the presence of a firearm—and treating it as automatic authorization for the entire encounter. The Court should review the complete objective recording and transcript in chronological order. At a minimum, the record must permit the Court to determine:

1. the original reason for the traffic stop;
2. when the officer diverted from the traffic mission and what traffic tasks remained;
3. what traffic-related tasks remained, if any;
4. when the officer continued the detention for unrelated investigation;
5. what facts supported reasonable suspicion of criminal activity at that moment;
6. what Appellant said in response to the officer's search request;
7. whether the statement was voluntary consent or submission to authority;
8. what the officer observed before initiating the frisk;
9. whether Appellant was reaching for personal property or attempting to obtain the firearm; and
10. whether the frisk remained limited to its protective purpose.

If the recording resolves these questions in Appellant's favor, the challenged evidence should be suppressed. If the record is inadequate to resolve them, the proper remedy is a remand for additional findings or a new suppression hearing. The Court should not treat missing or unresolved record evidence as a reason to deem the constitutional claim frivolous under Anders.

VI. FRUIT OF THE UNLAWFUL DETENTION AND FRISK

The later evidence must be analyzed as the possible fruit of the earlier constitutional violations. If the officer unlawfully prolonged the traffic stop, and that unlawful detention led to the search request, movement, frisk, and discovery of evidence, the State must establish an independent lawful basis for the later evidence or prove attenuation, inevitable discovery, or another recognized exception.

The State may not simply assume the validity of each earlier step. The constitutional chain must be proven in order: lawful traffic detention → lawful continued detention → voluntary consent or lawful frisk → lawful seizure → independent basis for any later vehicle search.

If an earlier link fails, evidence obtained through exploitation of that illegality must be excluded unless the State establishes a genuinely independent source or other applicable exception. State v. Tindall; Wong Sun v. United States, 371 U.S. 471(1963).

Appellant's present argument is directed primarily to the point at which the officer diverted from the unresolved traffic mission and to the point at which the officer initiated the frisk. Appellant respectfully requests that the Court preserve the derivative-evidence issue and grant whatever relief follows from its ruling on those initial constitutional violations.

VII. CONCLUSION AND RELIEF REQUESTED

For the foregoing reasons, Appellant respectfully requests that this Court:

1. conduct the independent review required in the Anders proceeding;
2. hold that the traffic stop was unlawfully prolonged or diverted before the traffic mission was concluded, absent independent reasonable suspicion;
3. hold that the State failed to establish voluntary and unexploited consent to the search, if the search was justified by consent;
4. hold that the officer lacked particularized reasonable suspicion that Appellant was armed and dangerous before initiating the frisk;
5. suppress the evidence obtained as a result of the unlawful detention and frisk, together with any derivative evidence;
6. reverse the judgment and remand for a new trial if suppression of the evidence requires that result; or,
7. Alternatively, remand for further factual findings, review of the complete objective recording, or a new suppression hearing if the present record is insufficient to resolve the material's constitutional questions.

Appellant requests any other relief authorized by law.

Respectfully submitted,

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