



The Supreme Court of South Carolina

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October 9, 2026

Londell Lashun Alston, 308837
Tyger River Correctional Institution
Upper Yard
200 Prison Yard
Enoree, SC 29335-9308

RECEIVED
Oct 09 2026
SC Court of Appeals

Re: The State v. Londell L. Alston
Appellate Case No. 2025-000197

Dear Mr. Alston:

This responds to your documents received on October 9, 2026. Since you are represented by counsel in the above-referenced case that is pending before the court of appeals, no action will be taken on your *pro se* filing. *Miller v. State*, 388 S.C. 347, 697 S.E.2d 527 (2010); *Jones v. State*, 348 S.C. 13, 558 S.E.2d 517 (2002); *State v. Stuckey*, 333 S.C. 56, 508 S.E.2d 564 (1998); *Foster v. State*, 298 S.C. 306, 379 S.E.2d 907 (1989).

A copy of your documents will be sent to your counsel so that she will be aware of your concerns.

Sincerely,

Patricia A. Howard

CLERK

cc: Wanda H. Carter
Mark Reynolds Farthing
Alan McCrory Wilson
The Honorable Jenny A. Kitchings

THE STATE OF SOUTH CAROLINA IN THE SUPREME COURT OF SOUTH CAROLINA

Londell LaShun Alston,
Petitioner,

v.

State of South Carolina,
Respondent.

Appellate Case No.: 2025-000197

(Appeal from the South Carolina Court of Appeals / York County Court of General Sessions)

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S.C. SUPREME COURT

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS

COMES NOW the Petitioner, Londell LaShun Alston, acting pro se, pursuant to Rule 242 of the South Carolina Appellate Court Rules (SCACR), and respectfully petitions this Honorable Supreme Court for a Writ of Certiorari to review the underlying constitutional issues and trial errors in this matter.

Pursuant to Rule 242(b), SCACR, review by this Court is warranted because this case involves substantial constitutional issues, questions of federal Fourth Amendment law conflicting with United States Supreme Court precedent (*Rodriguez v. United States* and *Beck v. Ohio*), and novel questions regarding the constitutional significance of a 12-minute 50-second dispatch response gap following premature narcotics discovery.

I. QUESTIONS PRESENTED FOR REVIEW

1. Did the lower courts violate the Fourth Amendment and *Rodriguez v. United States* by upholding the suppression ruling where Officer Dakota Rhoads admitted he never issued a traffic citation for the underlying tag infraction, and where narcotics were unlawfully seized at the 10:50 elapsed minute mark, nearly 13 minutes before dispatch responded regarding any federal firearm prohibition at the 12:50 gap mark?
2. Did the trial court commit structural error under the Sixth Amendment by denying Petitioner counsel at the July 18, 2023 preliminary hearing (*Coleman v. Alabama*), and did trial counsel Matthew Niemiec (appointed criminal defense counsel who failed to prepare, failed to show Appellant the body camera or audio evidence until January 20, 2025—the day before trial—refused to raise critical statutory and constitutional violations, misinformed Appellant that the officer 'didn't have to give a ticket,' and actively undermined the defense by stating to the Court that 'you can check me' authorized a full search. This negligence was brought to the attention of Judge Robert Keith Kelly on January 21, 2025, who then issued a coercive ultimatum forcing Appellant to proceed with unprepared counsel or represent himself pro se) (appointed criminal defense counsel who failed to prepare, failed to show Appellant the body camera or audio evidence until January 20, 2025—the day before trial—refused to raise critical statutory and constitutional violations, misinformed Appellant that the officer 'didn't have to give a ticket,' and actively undermined the defense by stating to the Court that 'you can check me' authorized a full search. This negligence was brought to the attention of Judge Robert Keith Kelly on January 21, 2025, who then issued a coercive ultimatum forcing Appellant to proceed with unprepared counsel or represent himself pro se) (appointed criminal defense counsel who failed to prepare, failed to show Appellant the body camera or audio evidence until January 20, 2025—the day before trial—refused to raise critical statutory and constitutional violations, misinformed Appellant that the officer 'didn't have to give a ticket,' and actively undermined the defense by stating to the Court that 'you can check me' authorized a full search. This negligence was brought to the attention of Judge Robert Keith Kelly on January 21, 2025, who then issued a coercive ultimatum forcing Appellant to proceed with unprepared counsel or represent himself pro se) render constitutionally ineffective assistance (*Strickland v. Washington*) by failing to preserve or raise this structural defect?

II. STATEMENT OF THE CASE

Petitioner Londell LaShun Alston was convicted in the Court of General Sessions for York County following a pretextual traffic stop conducted on July 14, 2023, at approximately 12:32 a.m. by Officer Dakota Rhoads of the Rock Hill Police Department.

Before trial, Petitioner moved to suppress physical evidence and statements resulting from the seizure. The circuit court denied suppression. Following a jury trial—during which trial counsel Matthew Niemiec (appointed criminal defense counsel who failed to prepare, failed to show Appellant the body camera or audio evidence until January 20, 2025—the day before trial—refused to raise critical statutory and constitutional violations, misinformed Appellant that the officer 'didn't have to give a ticket,' and actively undermined the defense by stating to the Court that 'you can check me' authorized a full search. This negligence was brought to the attention of Judge Robert Keith Kelly on January 21, 2025, who then issued a coercive ultimatum forcing Appellant to proceed with unprepared counsel or represent himself pro se) (appointed criminal defense counsel who failed to prepare, failed to show Appellant the body camera or audio evidence until January 20, 2025—the day before trial—refused to raise critical statutory and constitutional violations, misinformed Appellant that the officer 'didn't have to give a ticket,' and actively undermined the defense by stating to the Court that 'you can check me' authorized a full search. This negligence was brought to the attention of Judge Robert Keith Kelly on January 21, 2025, who then issued a coercive ultimatum forcing Appellant to proceed with unprepared counsel or represent himself pro se) failed to raise or preserve the preliminary hearing denial of counsel, and featuring testimony from Officer Rhoads, who testified as a "stay-at-home father"—Petitioner was convicted and sentenced. Following direct appeal proceedings in the Court of Appeals (Case No. 2025-000197), Petitioner seeks discretionary review in this Court to address foundational constitutional violations.

III. REASONS FOR GRANTING CERTIORARI

Under Rule 242(b), SCACR, certiorari is granted where substantial constitutional issues are involved and where state court decisions conflict with United States Supreme Court jurisprudence.

- **Conflict with Federal Precedent:** The trial court's failure to suppress evidence seized at the 10:50 elapsed minute mark—when dispatch did not respond until 12 minutes and 50 seconds later—directly violates the "Justification at Inception" rule (*Beck v. Ohio*, 379 U.S. 89) and the "diligent mission" mandate (*Rodriguez v. United States*, 575 U.S. 348).
- **Structural Constitutional Defect:** The denial of counsel at the preliminary hearing (*Coleman v. Alabama*, 399 U.S. 1) represents a structural breakdown in South Carolina's criminal procedure that requires this Court's supervisory intervention.

IV. ARGUMENT IN SUPPORT OF CERTIORARI

A. The 10:50 Drug Discovery vs. 12:50 Dispatch Gap Violates Rodriguez and Beck

The Fourth Amendment guarantees citizens the right to be secure against unreasonable searches and seizures. In *Rodriguez v. United States*, 575 U.S. 348, the U.S. Supreme Court held that a traffic stop's authority ends when tasks tied to the traffic infraction are completed.

- **Admitted Failure to Ticket:** Officer Rhoads admitted under oath that he never issued a traffic citation or warning ticket for the tag infraction, proving he abandoned the regulatory mission of the stop.

- The 12-Minute 50-Second Dispatch Gap: The objective record establishes that narcotics were seized prematurely at the 10:50 elapsed minute mark. Dispatch did not respond regarding any federal firearm prohibition until 12 minutes and 50 seconds after the drugs were already found.
- Retroactive Justification Prohibited: Under *Beck v. Ohio*, 379 U.S. 89, the legality of a search depends upon facts known to the officer at the time of the search. Because narcotics were seized at 10:50 without dispatch support, later-acquired information cannot travel backward in time to cure an unlawful seizure (*State v. Williams*, 439 S.C. 202).

B. Preliminary Hearing Denial of Counsel Constitutes Structural Error

On July 18, 2023, Judge Walton Henry Beck forced Petitioner to proceed through the preliminary hearing pro se over repeated invocations of the Sixth Amendment right to counsel (*Coleman v. Alabama*). This structural error tainted the entire prosecution. Trial counsel Matthew Niemiec (appointed criminal defense counsel who failed to prepare, failed to show Appellant the body camera or audio evidence until January 20, 2025—the day before trial—refused to raise critical statutory and constitutional violations, misinformed Appellant that the officer 'didn't have to give a ticket,' and actively undermined the defense by stating to the Court that 'you can check me' authorized a full search. This negligence was brought to the attention of Judge Robert Keith Kelly on January 21, 2025, who then issued a coercive ultimatum forcing Appellant to proceed with unprepared counsel or represent himself pro se) (appointed criminal defense counsel who failed to prepare, failed to show Appellant the body camera or audio evidence until January 20, 2025—the day before trial—refused to raise critical statutory and constitutional violations, misinformed Appellant that the officer 'didn't have to give a ticket,' and actively undermined the defense by stating to the Court that 'you can check me' authorized a full search. This negligence was brought to the attention of Judge Robert Keith Kelly on January 21, 2025, who then issued a coercive ultimatum forcing Appellant to proceed with unprepared counsel or represent himself pro se) (appointed criminal defense counsel who failed to prepare, failed to show Appellant the body camera or audio evidence until January 20, 2025—the day before trial—refused to raise critical statutory and constitutional violations, misinformed Appellant that the officer 'didn't have to give a ticket,' and actively undermined the defense by stating to the Court that 'you can check me' authorized a full search. This negligence was brought to the attention of Judge Robert Keith Kelly on January 21, 2025, who then issued a coercive ultimatum forcing Appellant to proceed with unprepared counsel or represent himself pro se)'s subsequent failure to preserve the issue constitutes ineffective assistance under *Strickland v. Washington*, 466 U.S. 668.

V. CONCLUSION

WHEREFORE, Petitioner Londell LaShun Alston respectfully requests that this Honorable Supreme Court grant this Petition for a Writ of Certiorari to review the decision of the Court of Appeals, reverse the suppression ruling, and vacate his unconstitutional convictions.

Respectfully submitted,
Londell LaShun Alston
Petitioner Pro Se
Date: August 17, 2026

REFERENCES

- [1] Suppression Hearing Transcript and Dispatch Logs, *State v. Alston*, Case No. 2025-000197.
- [2] Trial Transcript and Record of Testimony, Officer Rhoads ("stay-at-home father" status).
- [3] Rule 242(b), South Carolina Appellate Court Rules (SCACR).
- [4] *Rodriguez v. United States*, 575 U.S. 348 (2015).
- [5] *Beck v. Ohio*, 379 U.S. 89 (1964).
- [6] *Coleman v. Alabama*, 399 U.S. 1 (1970); Preliminary Hearing Transcript, July 18, 2023.
- [7] Officer Rhoads Suppression Testimony, Case No. 2025-000197.
- [8] *State v. Williams*, 439 S.C. 202 (2022).
- [9] *Strickland v. Washington*, 466 U.S. 668 (1984).

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TYGER RIVER MAILROOM

The Supreme Court of South Carolina
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S.C. SUPREME COURT

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