

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Georgetown County
Honorable Michael G. Nettles

Appellate Case No. 2025-001649

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SC Court of Appeals

STATE OF SOUTH CAROLINA,

RESPONDENT,

v.

RONNIE TODD, JR.,

APPELLANT.

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STATEMENT OF ISSUES ON APPEAL

Whether the trial court erred by failing to suppress Appellants' statement to police, which contained the location where he had disposed of the alleged murder weapon, when the statement was given pursuant to a custodial interrogation, and Appellant was not provided with *Miranda* warnings?

RESPONDENT'S COUNTERSTATEMENT OF ISSUES ON APPEAL

I. Do the facts here—where Lieutenant Garrett had information that Appellant had just shot two victims but police did not know where the gun was located—fit the quintessential abandoned weapon scenario of *Quarles*, making Lieutenant Garrett's questioning, which was narrowly tailored to locating the abandoned gun, reasonably prompted by a concern for public safety?

II. Based on the overwhelming evidence presented—including the victim's son (who knew Appellant as "Uncle Ron) identifying Appellant as the shooter, surveillance videos showing Appellant retrieving guns an hour before the shooting, and Appellant's multiple threats to kill the victims—is any error is harmless beyond a reasonable doubt?

STATEMENT OF THE CASE

Appellant is presently confined in the South Carolina Department of Corrections serving a life sentence. In February 2024, the Georgetown County Grand Jury indicted Appellant for two counts of murder. (Indictments) On August 4-6, 2025, Appellant proceeded to a jury trial before the Honorable Michael G. Nettles. Ralph J. Wilson, Esquire, represented Appellant, and Deputy Solicitor Scott R. Hixson and Assistant Solicitor Dylan Bagnal prosecuted the case. The jury convicted Appellant as indicted, and Judge Nettles imposed concurrent life sentences. This appeal follows.

STATEMENT OF FACTS

Appellant was indicted for two counts of murder following the fatal shootings of his long-time friend John Altman and Appellant's ex-girlfriend Emily Richitelli. At trial, he was identified as the shooter by Altman's thirteen-year-old son (Child¹)—who knew Appellant as “Uncle Ron.” (Tr. 207). According to Child, he was home with Altman and Richitelli on the night of the shooting and was in the bathroom around midnight when he

heard somebody come in, and I heard a voice, **I knew whose voice it was.** And they said, You want to talk trash? And then I heard about eight gunshots. **But before those gunshots, my father was screaming, Ron, Ron, Ron, Ron, Ron.** And then he went silent, but Emily was still screaming, and then she went silent.

(Tr. 210, emphasis added). Child waited in the bathroom a few minutes; when he walked out, he saw his father's and Richitelli's bodies on the floor. He ran to a neighbor's house, who called 911. (Tr. 211). In the 911 call, Child identified Appellant as the shooter. (State's Ex. 1).

Prior to trial, Appellant moved to suppress his statement to Lieutenant Melvyn Garrett regarding the location of the gun, contending he was in custody when the statement was made but not advised of *Miranda* warnings before giving the statement. (Tr. 105-09, 139-41). The State conceded Appellant was in custody when Lieutenant Garrett questioned him about the location of the gun but asserted the question—“Where is the gun?”—fit the public safety exception of *Quarles*. (Tr. 109-13).

At the pretrial hearing, Lieutenant Garrett testified police responded to Appellant's home the night of the shooting; although they believed Appellant was inside, he would not go outside. (Tr. 114-15). Lieutenant Garrett stated he spoke to Appellant on the phone and told him if he surrendered peacefully, he could talk to his father. He testified Appellant “ended up coming out. I

¹ Child's name is redacted because he is a minor; his testimony begins at page 206 of the transcript.

took him into custody. I asked him where the gun was, he said it wasn't in the house. And we searched the house anyway and then found it was not there. So then I asked him again where is it." (Tr. 116).

Lieutenant Garrett testified Appellant was arrested at 2:26 a.m., and he placed Appellant in his car and allowed him to talk to his father while police searched Appellant's home to ensure "nobody else was in there, to make sure that nobody else was hurt and they didn't find a gun." (Tr. 117, 119). Lieutenant Garrett asked Appellant again where the gun was, and Appellant stated "he had thrown it out between the Detention Center and Highway 701." (Tr. 119). Lieutenant Garrett clarified he asked Appellant where the gun was "to make sure it doesn't fall in the hands of somebody else," and at the time he did not know if anyone else was involved in the shooting. (Tr. 120). He testified police searched the area where Appellant indicated he threw the gun but did not find it. (Tr. 121). When asked on cross-examination why he did not advise Appellant of his *Miranda* rights before questioning him, Lieutenant Garrett clarified he "had no intentions on asking him what he did or not[,] just ask where the gun was." (Tr. 126). After considering argument, the trial court found Appellant was in custody but the questioning fit the public safety exception of *Quarles*.² (Tr. 139-44).

At trial, in addition to Child's testimony, the State presented evidence that police recovered four unique 9-millimeter Underwood casings from the crime scene that were similar to 9-millimeter Underwood casings found in Appellant's home. (Tr. 240-41, 331-34, 397). Investigator Jonathan Griffith testified the casings "had the same characteristics and shape of a Phillips head screwdriver," and he had never seen that type of bullet in fifteen years of law enforcement. (Tr.

² The State additionally sought to introduce suicidal statements that Appellant made, but the trial court suppressed those statements. (Tr. 109-13, 142-44).

241, 267). Similarly, Investigator Robert Tucker testified, “I’ve been shooting for 40 years and I’ve never seen a bullet like that with that type of corkscrew type bullet at the top. And I’ve never heard of the Underwood brand myself.” (Tr. 333). Police also recovered one particle of gunshot residue from Appellant’s hand, and particles of gunshot residue from the steering wheel of Appellant’s truck. (Tr. 320, 375-77).

The State also presented evidence of Appellant’s movement the night of the murder, which occurred shortly before 12:13 a.m.³ Specifically, Appellant’s home surveillance system recorded the following:

- At 11:08 p.m., Appellant returned home and retrieved an AR-style rifle and a handgun from his garage;
- At 11:19 p.m., Appellant started leaving in his white truck, but he stopped to speak to James Cribb, who was on a golf cart;⁴
- At 11:29 p.m., Appellant left his home;
- At 12:18 a.m., Appellant returned home; he did not have a gun when he exited his truck and did not return to his garage.

(Tr. 247-28, 411-15; State’s Ex. 63, 64, 67-70). Additionally, Appellant’s phone used a tower near his home at 9:08 p.m.; a tower between his home and the crime scene at 12:15 a.m.; and the tower near his home at 12:20 a.m. (Tr. 509-12, 519).

The State also presented evidence that Appellant had threatened to kill the victims. Kevin Thomas, who knew Appellant, testified the relationship between Richitelli and Appellant had ended, and Appellant “told me he was going to kill—kill them.” (Tr. 426-27). The State entered the following text messages from Appellant to J.D. Rogers on July 20, 2022—about ten days before the shooting:

- If someone messing with someone that I love, it’s not going to be good;
- Clear the whole house.

³ The 911 call was placed at 12:13 a.m. on July 21, 2022. (State’s Ex. 1; Tr. 414).

⁴ Cribb confirmed he spoke to Appellant that evening around that time. (Tr. 440-41).

(Tr. 403; State's Ex. 61). The State also entered the following Facebook messages between Appellant and Seth Radcliffe on July 14, 2022—about six days before the shooting:

Radcliffe: What's up homie

Appellant: Bout to kill one our family and not give a dam* someone is fu**ing with what I love and I'm gonna kill that

Radcliffe: Shoot! What in world

Radcliffe: Who's that

Radcliffe: ?

Appellant: I think we all know.

Radcliffe: April?

Radcliffe: Ur fam?

Appellant: No my family dude

Radcliffe: Oh u talking ab ur ole lady

Appellant: Absolutely . . . gonna

Radcliffe: Someone said y'all was taking a break

Radcliffe: Maybe camio said that at q

Appellant: I'll kill something else and something else

Appellant: It's one of my friends n I'm going to get them. I'm killing some people when I get home.

Appellant: No questions about that

Appellant: I love her n it's over

Radcliffe: Ohhh sh**!! So 1 ur friends done try an slip in on u man???

Radcliffe: WTH man??

Appellant: I'm tried [sic] Ashley I'm shooting someone for sure

(State's Ex. 60).

Finally, the State entered evidence that Joshua Tilton was picking up trash by the road two years after the murder when he found a nine-millimeter handgun in the area Appellant said he discarded his gun. (Tr. 249, 300-01, 448-49).

STANDARD OF REVIEW

The admissibility of statements “presents a mixed question of fact and law and therefore involves a two-step inquiry: appellate courts review the trial court's factual findings for any evidentiary support, but the ultimate legal conclusion to be drawn from those facts is a question of law the appellate court reviews de novo.” *State v. Lowery*, 443 S.C. 473, 480, 905 S.E.2d 361, 364 (2024) (internal quotation marks omitted).

ARGUMENT

I. The facts here—where Lieutenant Garrett had information that Appellant had just shot two victims but police did not know where the gun was located—fit the quintessential abandoned weapon scenario of *Quarles*; thus, Lieutenant Garrett’s questioning, which was narrowly tailored to locating the abandoned gun, was reasonably prompted by a concern for public safety.

Appellant argues the trial court erred in denying his motion to suppress a custodial statement⁵ about the location of the gun used in a shooting when he was not advised of his *Miranda* rights before giving the statement. He specifically asserts the statement did not fit the public safety exception of *New York v. Quarles*, 467 U.S. 649 (1984), because there was not an immediate need that justified departing from *Miranda*. (App. Br. 9-10). Appellant contends “[t]he police here had no reason to suspect that gun was in a public place or anywhere where it posed a threat to public safety.” (App. Br. 10).

However, the facts and reasoning of *Quarles* amply support the trial court’s conclusion that the public safety exception applied. Critically, at the time of questioning, Lieutenant Garrett did not know where the gun was located or who had access to it; all he knew was Appellant had just been implicated in a shooting at another location and the gun was not in Appellant’s home. Thus, there was a reasonable basis to believe Appellant had abandoned the gun in a public place, which created an immediate threat to the public.⁶ Because Lieutenant Garrett’s narrowly-focused questioning about the location of the gun fit the *Quarles* public safety exception, the trial court properly denied Appellant’s motion to suppress the statement. Further, due to overwhelming evidence of guilt—including Child identifying “Uncle Ron” as the shooter from the sound of his

⁵ The solicitor agreed the facts indicated Appellant had surrendered and was in custody at the time Lieutenant Garrett asked about the location of the gun. (Tr. 111). The State does not contest this issue.

⁶ The gun was later found in a ditch on the side of the road—a place accessible to the public.

voice and the fact his father said “Ron” repeatedly before Child heard gunshots, surveillance videos showing Appellant retrieving guns an hour before the shooting, and Appellant’s multiple threats to kill the victims—any error is harmless beyond a reasonable doubt.

a. Quarles carved out a public safety exception for abandoned weapons.

In *Quarles*, the United States Supreme Court created a public safety exception to *Miranda* warnings when officers asked “questions devoted to locating the abandoned weapon.” 467 U.S. at 651. There, police officers encountered a woman who

told them that she had just been raped by a black male, approximately six feet tall, who was wearing a black jacket with the name ‘Big Ben’ printed in yellow letters on the back. She told the officers that the man had just entered an A & P supermarket located nearby and that the man was carrying a gun.

467 U.S. at 651–52. Police “quickly spotted [Quarles], who matched the description,” and when they frisked him, they found an empty gun holster. *Id.* at 652.

After handcuffing him, Officer Kraft asked him where the gun was. [Quarles] nodded in the direction of some empty cartons and responded, “the gun is over there.” Officer Kraft thereafter retrieved a loaded .38–caliber revolver from one of the cartons, formally placed respondent under arrest, and read him his *Miranda* rights from a printed card.

467 U.S. at 652. At Quarles’s subsequent trial, the state trial court excluded the statement “the gun is over there” because the officers had not advised Quarles of *Miranda* warnings. The New York Court of Appeals affirmed. *Id.* at 652–53.

On certiorari, the United States Supreme Court reversed. *Id.* at 653. The Court first reiterated that *Miranda* warnings are prophylactic—preventative measures “to insure that the right against compulsory self-incrimination [is] protected”—rather than “rights protected by the

Constitution.”⁷ *Id.* at 654 (quoting *Michigan v. Tucker*, 417 U.S. 433, 444 (1974) (alteration in original)). As a judicially-created prophylactic rule, *Miranda* “is justified only by reference to its prophylactic purpose, and applies only where its benefits outweigh its costs.” *Maryland v. Shatzer*, 559 U.S. 98, 106 (2010) (internal quotation marks and citations omitted). Thus, there are situations where “adherence to the literal language of the prophylactic rules enunciated in *Miranda* are not required.” *Quarles*, 467 U.S. at 653.

In creating the public safety exception, the *Quarles* Court noted that the police in *Quarles*

were confronted with the immediate necessity of ascertaining the whereabouts of a gun which they had every reason to believe the suspect had just removed from his empty holster and discarded in the supermarket. So long as the gun was concealed somewhere in the supermarket, with its actual whereabouts unknown, it obviously posed more than one danger to the public safety: an accomplice might make use of it, a customer or employee might later come upon it.

Id. at 657. The Court determined the rationale underlying *Miranda* did not “require that it be applied in all its rigor to a situation in which police officers ask questions reasonably prompted by a concern for the public safety.” *Id.* In balancing the benefit of *Miranda* against the need to protect the public, the Court concluded “the need for answers to questions in a situation posing a threat to the public safety outweighs the need for the prophylactic rule protecting the Fifth Amendment’s privilege against self-incrimination.” *Id.* at 657-58; *see also Montejo v. Louisiana*, 556 U.S. 778, 793 (2009) (“When this Court creates a prophylactic rule in order to protect a constitutional right, the relevant ‘reasoning’ is the weighing of the rule’s benefits against its costs.”).

In creating the exception, the Court declined to place police “in the untenable position of having to consider, often in a matter of seconds, whether it best serves society for them to ask the

⁷ The Supreme Court of the United States recently reiterated the prophylactic nature of *Miranda* warnings. *Vega v. Tekoh*, 597 U.S. 134 (2022).

necessary questions without the *Miranda* warnings . . . or . . . give the warnings . . . but possibly damage or destroy their ability to . . . neutralize the volatile situation confronting them.” *Id.* Rather, the *Quarles* Court sought to create a “workable rule to guide police officers” and “lessen[] the necessity of that on-the scene balancing process.” *Id.* at 658-59.

The exception does not depend on the subjective motivation of the officers involved. *Id.* at 656. Thus, in evaluating whether the exception applies, “[t]he imminence of the threat must be considered from the objective perspective of a reasonable person in the position of the officer at the time and *without the benefit of hindsight*.” *State v. Maloney*, 191 So. 3d 969, 975 (Fla. Dist. Ct. App. 2016) (emphasis added). “Although imminence may diminish over time, the public safety exception can still apply over an hour after an arrest or detention if a gun is missing.” *Id.*

“[T]he “prototypical example” for application of the public safety exception is the situation, as in *Quarles*, of a missing weapon.”⁸ *Anderson v. Commonwealth*, 688 S.E.2d 605, 608 (Va. 2010). “Such circumstances generally involve a gun that has been left in a public area and the officers believe that it poses a danger to the public if left unfound. If this is the case, the officers are justified in questioning a suspect about its location without adhering to the requirements of *Miranda*.” *In Int. of J.D.F.*, 553 N.W.2d 585, 588 (Iowa 1996).

Although South Carolina does not have a published appellate opinion with similar facts,⁹

⁸ Respondent does not contend that an abandoned weapon is the only situation where the public safety exception could apply. However, an abandoned weapon—as occurred here—is the quintessential fact-pattern for application of the public safety exception.

⁹ In *State v. Medley*, 417 S.C. 18, 27 n.5, 787 S.E.2d 847, 852 n.5 (Ct. App. 2016), the South Carolina Court of Appeals declined to apply the public safety exception. That case, however, is factually distinguishable in that it addressed an officer asking the defendant how much he had to drink—not where a missing weapon was located. *See id.* (“Asking Medley how much he had to drink, although perhaps relevant to his own health and safety, was simply irrelevant to the public’s safety.”). Respondent has not found any other published opinions from South Carolina addressing the public safety exception.

other jurisdictions have applied the *Quarles* public safety exception to situations involving a missing or abandoned weapon. For example, in *State v. Hartwell*, 916 S.E.2d 100 (W. Va. 2025), the West Virginia Supreme Court of Appeals applied the public safety exception to the defendant’s response to the question, “Where’s the gun?” *Id.* at 104-05. There, police responded to a 911 call about a shooting; after seeing the deceased victim lying on the porch and being informed that Hartwell “had shot the victim and was inside the house,” police contacted Hartwell and convinced her to go outside. *Id.* at 103. “Trooper Weikle immediately handcuffed [Hartwell] and, as he began to escort her to his cruiser, asked, ‘where’s the gun,’ to which [she] responded, ‘it’s on the couch.’” *Id.* In applying the public safety exception, the West Virginia Supreme Court reasoned that when Trooper Weinkle asked about the location of the gun,

officers had not yet secured the weapon. Prior to their entry into the petitioner’s home, officers knew only that the victim had been shot on the front porch, that the petitioner had apparently gone into the house immediately thereafter, and that she had not been seen again by [witnesses on the scene] during the fifteen to twenty minutes it took for law enforcement to respond to the 9-1-1 call. Thus, after [Hartwell] had exited the house and been handcuffed, the officers still did not know whether there might be someone else inside who had access to the weapon. Further, they did not know whether [Hartwell] had left the weapon in the house or, during the interval of time that elapsed prior to the officers’ arrival, thrown it from a window or back door into the unsecured environs of the property where it might be found by a passer-by or an inquisitive child.

Id. at 108 (footnote omitted).

Likewise, in *Gonzalez v. State*, 906 S.E.2d 705 (Ga. 2024), the Georgia Supreme Court applied the public safety exception to an officer’s question about the location of a knife. There, officers responded to a 911 call about a stabbing. *Id.* at 707. When officers arrived, Gonzalez was standing outside the home with blood on his hands and shirt; officers immediately handcuffed him and asked, “Where is the knife?” *Id.* Gonzalez responded the knife was inside. *Id.* Meanwhile,

other officers had proceeded inside the home, where they found the victim lying on the floor with stab wounds and a knife lying nearby. *Id.*

Prior to trial, Gonzalez moved to suppress his response about the location of the knife, arguing he had not received *Miranda* warnings; the trial court denied his motion. *Id.* at 707-08. On appeal, the Georgia Supreme Court agreed the *Quarles* public safety exception applied, reasoning:

Officers were dispatched to the crime scene following a 911 call regarding a stabbing in progress, so responding officers were alerted to the possibility that they might encounter an armed and violent assailant, whose identity was not yet known to them. After arriving at the crime scene only six minutes after the 911 call was placed, Sergeant White found Gonzalez waiting outside with blood visible on his hands and shirt. Given these circumstances, Sergeant White had a reasonable basis to believe that Gonzalez may have been armed and dangerous. After handcuffing Gonzalez, he asked what was necessary to secure the scene and prevent injury to the responding officers and others present at the scene, specifically, “Where's the knife?” And Sergeant White asked only the single question necessary to locate the knife, which was proper to protect himself, his fellow officers, and the other individuals at the scene.

Id. (internal citation omitted). The *Gonzalez* court rejected Gonzalez’s argument that the exception did not apply because officers already had the weapon when Sergeant White asked where the knife was located, reasoning no evidence showed “Sergeant White could have known that.” *Id.* at 708. *See also Bowling v. State*, 717 S.E.2d 190, 198 (Ga. 2011) (“Like the officers in *Quarles*, Shapiro was confronted with an immediate need to locate a gun that the suspect recently possessed, likely was discarded nearby, and ‘posed more than one danger to the public safety.’ Accordingly, Shapiro's inquiry about the location of the gun was justified.” (quoting *Quarles*)).

Other jurisdictions have applied the public safety exception to situations involving missing or abandoned weapons.¹⁰ In fact, the United States District Court of New Jersey, after analyzing

¹⁰ *See, e.g., United States v. Ferguson*, 702 F.3d 89, 94 (2d Cir. 2012) (applying public safety exception to questioning about location of gun; reasoning that although “Ferguson had reportedly

discharged a firearm during the altercation described in the 911 call, the officers had not found any firearm when they arrested him. Not knowing where Ferguson had gone between the altercation and the arrest—or if he had gone anywhere—the officers confronted the realistic and disquieting possibility that he had hidden a firearm in public.”); *United States v. Simpson*, 974 F.2d 845, 847 (7th Cir. 1992) (applying public safety exception to question about weapons where police responded to a domestic disturbance involving a gun and saw two small children in the apartment, and defendant had left apartment carrying gun but no longer had it when he returned); *United States v. Lawrence*, 952 F.2d 1034 (8th Cir. 1992) (applying public safety exception to question related to location of gun after defendant indicated he discarded a gun while fleeing from police); *Allen v. Roe*, 305 F.3d 1046 (9th Cir. 2002) (applying public safety exception to questioning about missing gun after officers responded to shooting); *State v. Al-Bayyinah*, 616 S.E.2d 500, 508 (N.C. 2005) (applying public safety exception to officer’s question regarding location of knife used in stabbing; rejecting argument that exception did not apply because “police took forty-five minutes to track [defendant] within a thick wooded area” that was secured and “no members of the public were in the area as had been the case in *Quarles*”; finding question necessary to protect officer’s safety and limited to determining location of knife); *State v. Maloney*, 191 So. 3d 969 (Fl. Dist. Ct. App. 2016) (reversing trial court’s suppression of statement; applying public safety exception and noting trial court did not account “for the fact that the missing weapon could have been anywhere, including places where it might be accessible to Maloney, another detainee, a passerby, or even a child”); *In Int. of J.D.F.*, 553 N.W.2d 585, 588 (Iowa 1996) (“The facts in this situation fall within the narrow scope of the exception as defined in *Quarles*. The officers on the scene had good reason to believe that a loaded weapon had been dropped somewhere in a residential neighborhood. The chances of someone coming upon the weapon were good and the officers took appropriate action to secure the area. Because JDF was seen with what appeared to be a gun in his possession, he was the logical target of questioning in an attempt to locate it.”); *State v. Campbell*, 347 So. 3d 653, 654 (La. 2020) (applying public safety exception to defendant’s response to question, “What happened?”; reasoning “officers here were responding to a child’s report of a shooting during a domestic disturbance. They did not know where the weapon was, where the child was, who else might be in the residence, or whether the child or anyone else had access to the weapon. Officers asked the first person they encountered at the scene what happened, and immediately ceased questioning him when he made an inculpatory statement”); *State v. Smith*, 138 A.3d 223, 226, 230 (Conn. 2016) (applying public safety exception to questions about whether defendant had weapons or knew where weapons were; concluding “the unaccounted for dangerous weapons and coassailants posed a threat to the public safety of innocent bystanders, the investigating officers, and the defendant himself”); *State in Int. of A.S.*, 548 A.2d 202, 205–06 (N.J. Super. Ct. App. Div. 1988) (“In *Quarles*, as in the present case, the police officers were confronted with the immediate necessity of ascertaining the whereabouts of a gun which they believed the suspect possessed only moments earlier. We believe the unknown whereabouts of the gun in this case posed a serious danger to the public equal to that in *Quarles*. The limited questioning of A.S. was designed to secure the safety of the police officers and the public and A.S.’s responses pertained only to the whereabouts of the gun.”); *U.S. v. Brown*, 449 F.3d 154, 159 (D.C. Cir. 2006), abrogated in part on other grounds by *Dean v. United States*, 556 U.S. 568 (2009) (finding public safety exception applied to “nonverbal ‘statement’ Brown made to a police officer indicating the location of his gun shortly after his arrest outside the bank” he had just robbed); *Perez v. People*, 479 P.3d 430, 435 (Colo. 2021) (applying public safety exception to question

cases considering the *Quarles* exception, concluded the public safety exception applied in all the cases it examined with a missing weapon: “We have found no contrary appellate rulings on similar facts.” *United States v. Fautz*, 812 F. Supp. 2d 570, 622 (D.N.J. 2011).¹¹

b. The facts here—where Lieutenant Garrett had information that Appellant had just shot two victims but police did not know where the gun was located—fit the quintessential abandoned weapon scenario of Quarles; thus, Lieutenant Garrett’s questioning, which was narrowly tailored to locating the abandoned gun, was reasonably prompted by a concern for public safety.

The trial court properly applied the *Quarles* public safety exception. The fact pattern here fits the abandoned weapon scenario of *Quarles*, where courts have universally applied the public safety exception. When Lieutenant Garrett spoke with Appellant, he was aware that two victims had been fatally shot and had “reason to believe [Appellant] was involved in the homicide.” (Tr. 115, 118, 123; State’s Ex. 1). Thus, like the officers in *Quarles*, Lieutenant Garrett had a reasonable basis to believe Appellant had just used a gun.¹²

Further, like the officers in *Quarles*, police here did not know where the gun was located. Because evidence showed Appellant had recently used a gun, there was an objectively reasonable need to protect law enforcement searching the home and—once police confirmed the gun was not in the home—to protect the public from the abandoned gun. *See Quarles*, 467 U.S. at 657 (“So

“Where’s the gun” after officers found two live shotgun shells in defendant’s pocket following lengthy foot chase through neighborhood); *United States v. Talley*, 275 F.3d 560, 564 (6th Cir. 2001) (applying *Quarles* exception to question, “Where is the gun?” asked after officer executing warrant saw bullets and magazine for semiautomatic pistol in trash can); *United States v. Kelly*, 991 F.2d 1308, 1313 (7th Cir. 1993) (“Moreover, once Kelly produced the .22 cartridges in response to Dixon’s query about drugs, Dixon was permitted to pursue the question of the location of the gun under the public safety exception to Miranda’s requirements.”).

¹¹ The public safety exception has been applied in situations other than a missing or abandoned weapon scenario, but because this case is akin to the abandoned weapon fact pattern of *Quarles*, this Court need not determine how far the exception applies.

¹² The 911 call was placed at 12:13 a.m., and Lieutenant Garrett’s questioning about the location of the gun occurred at 2:26 a.m. and 2:37 a.m. (Court’s Exs. 6, 7; State’s Ex. 1).

long as the gun was concealed somewhere in the supermarket, with its actual whereabouts unknown, it obviously posed more than one danger to the public safety: an accomplice might make use of it, a customer or employee might later come upon it.”); *United States v. Mobley*, 40 F.3d 688, 693 (4th Cir. 1994) (“As the *Quarles* Court indicated, the ‘public safety’ exception applies only where there is ‘an objectively reasonable need to protect the police or the public from any immediate danger associated with [a] weapon.’” (quoting *Quarles* at 659 n. 8) (alteration in original)).

c. The facts here presented an immediate need to protect the public from an abandoned weapon.

In attempting to differentiate this case from *Quarles*, Appellant contends this case did not present an “‘immediate need’ that would validate protection under the *Quarles* exception.” (IBOA 8, quoting *Mobley*, 40 F.3d 688, 693 (4th Cir. 1994)). He cites a New Jersey case for the proposition that “if a gun is not ‘believed to be concealed in a public area, with unrestricted access to it by third parties,’ then the threat is not immediate.” (IBOA 9, quoting *State v. Stephenson*, 796 A.2d 274 (N.J. App. Div. 2002)). Unlike the officers in *Stephenson*, however, Lieutenant Garrett had a reasonable basis to believe Appellant had concealed a gun in a public place: compelling evidence showed Appellant had recently shot the two victims, and once police determined the gun was not in Appellant’s home, it was reasonable to believe it had been discarded in a public place.¹³ Because anyone can find an abandoned weapon in a public place, police had an immediate need to locate the weapon. See *United States v. Ferguson*, 702 F.3d 89, 94 (2d Cir. 2012) (applying public safety exception; reasoning although “Ferguson had reportedly discharged a firearm during the

¹³ Although the public safety “exception does not depend upon the motivation of the individual officers involved,” *Quarles*, 467 U.S. at 656, Lieutenant Garrett testified he was concerned about locating the gun to ensure “it doesn’t fall in the hands of somebody else” because “[s]omebody else could get hurt.” (Tr. 120).

altercation described in the 911 call, the officers had not found any firearm when they arrested him. Not knowing where Ferguson had gone between the altercation and the arrest—or if he had gone anywhere—the officers confronted the realistic and disquieting possibility that he had hidden a firearm in public.”); *State v. Maloney*, 191 So. 3d 969 (Fl. Dist. Ct. App. 2016) (noting “the missing weapon could have been anywhere, including places where it might be accessible to Maloney, another detainee, a passerby, or even a child”); *In Int. of J.D.F.*, 553 N.W.2d 585, 588 (Iowa 1996) (applying *Quarles* when police “had good reason to believe that a loaded weapon had been dropped somewhere in a residential neighborhood. The chances of someone coming upon the weapon were good and the officers took appropriate action to secure the area.”); *contra Stephenson*, 796 A.2d at 281 (“Defendant’s motel room was not a public place and was not accessible to the public. . . . There was no basis for the police to believe that, if defendant possessed a gun at all, it was anywhere other than on his person or in his motel room.”).¹⁴

Appellant also contends that because Lieutenant Garrett allowed him to make a thirty-minute phonecall to his father between his initial and subsequent questioning about the location of the gun, police did not have an immediate need to locate the gun. (IBOA 9-10). However, according to body camera footage, the initial and subsequent questioning occurred at 2:26 a.m. and 2:37 a.m.—merely eleven minutes apart. (Tr. 138; Court’s Exs. 6 & 7). Further, as Lieutenant Garrett explained, he did not initially believe Appellant when he said the gun was not in the home. (Tr. 120). Once law enforcement searched the home and confirmed the gun was not in the house,

¹⁴ The rationale of *Stephenson* actually supports applying the public safety exception under the facts presented here. *See* 796 A.2d at 281 (“[T]o the extent that public safety is implicated, the gun must be reasonably believed to be in an unknown location (even if private) which is accessible to third parties and not reasonably capable of being secured. It is the overall circumstances, not merely the location, therefore, that controls.”). The key distinction between *Stephenson* and this case is the underlying facts; however, under the facts here, the *Stephenson* court likely would have applied the public safety exception.

it became more probable the gun was in a public place—thus making Lieutenant Garrett’s subsequent questioning about the location of the gun (which occurred only eleven minutes later) reasonably prompted by a concern for public safety. *See Quarles*, 467 U.S. at 657 (providing the rationale underlying *Miranda* does not “require that it be applied in all its rigor to a situation in which police officers ask questions reasonably prompted by a concern for the public safety”); *Maloney*, 191 So. 3d at 975 “The imminence of the threat must be considered from the objective perspective of a reasonable person in the position of the officer at the time and without the benefit of hindsight.”); *id.* (“Although imminence may diminish over time, the public safety exception can still apply over an hour after an arrest or detention if a gun is missing.”).

Finally, Appellant asserts that “police here had no reason to suspect that gun was in a public place or anywhere where it posed a threat to public safety.” (IBOA 10). However, this argument ignores compelling evidence that Appellant had just used a gun that the officers did not find in his home. Because the gun was not in Appellant’s home, Lieutenant Garrett was “confronted with the immediate necessity of ascertaining the whereabouts of a gun which [he] had every reason to believe” Appellant had discarded somewhere other than his home. *Quarles*, 467 U.S. at 657. Thus, “overriding considerations of public safety justif[ied his] failure to provide *Miranda* warnings before he asked questions devoted to locating the abandoned weapon,” and the trial court properly applied the public safety exception. *Id.* at 651.

d. Mobley did not involve an abandoned weapon and is factually distinguishable from this case.

In *United States v. Mobley*, 40 F.3d 688 (4th Cir. 1994), the Fourth Circuit Court of Appeals declined to apply the *Quarles* public safety exception to the facts of that case. There, FBI agents went to Mobley’s apartment to serve a search warrant and arrest warrant for distribution of crack cocaine. Mobley answered the door naked and was immediately secured “against the wall while

the others made a security sweep of the apartment to see that there was no one else present.” *Id.* at 690. After officers ensured no one else was in the apartment, Mobley was permitted to get dressed. *Id.* When he returned to the living room, he was advised of his *Miranda* rights and invoked his right to counsel. *Id.* Thereafter, an officer asked if there was anything in the apartment that could endanger officers conducting the search warrant, and Mobley “stated that there was a weapon in the bedroom closet.” *Id.* at 690-91.

Prior to trial, Mobley filed a motion to suppress based on a *Miranda* violation, but the trial court denied his motion based on *Quarles*. On appeal, the primary issue before the Fourth Circuit Court of Appeals was whether the *Quarles* public safety exception could apply once a defendant has been advised of his *Miranda* rights and invoked his right to counsel. *Id.* at 692. After concluding the public safety exception could apply post-*Miranda*, the Court determined the facts did not fit the public safety exception:

Mobley was encountered naked; by the time he was arrested, the FBI already had made a security sweep of his premises, and they had found that he was the sole individual present, and that the apartment was a residence for Mobley alone. As he was being led away, an FBI agent asked him whether there were any weapons present. These facts contrast sharply with those of *Quarles* There is nothing that separates these facts from those of an ordinary and routine arrest scenario. There was no explanation at any time as to what extraordinary circumstances prompted this question, and we must conclude that there were none.

Id. at 693. Critically, the Court found “the public safety exception is a valid and completely warranted exception to the *Miranda* and *Edwards* rule,” although it did not apply to the facts of *Mobley*. *Id.* The Court reasoned, “Absent such circumstances posing an objective danger to the public or police, the need for the exception is not apparent, and the suspicion that the questioner is on a fishing expedition outweighs the belief that public safety motivated the questioning that all understand is otherwise improper.” *Id.*

The facts of *Mobley* are distinguishable. In *Mobley*, officers were serving an arrest warrant and had no information that Mobley had a weapon or had recently used a weapon. Here, however, officers were responding to a 911 call about a homicide, and Appellant had been implicated as the shooter. Thus, officers could reasonably conclude Appellant had recently used a gun. Further, unlike *Mobley*—where any potential weapon would be in a private residence that had already been secured—the questioning here occurred (1) before police had secured Appellant’s home and (2) after police had determined the recently-used gun was not in Appellant’s home (and thus could be anywhere—including a public place). Unlike the present case, *Mobley* did not involve the missing or abandoned weapon scenario. Thus, it is not controlling.

e. The majority of jurisdictions have not adopted a test, and doing so is not necessary to resolve this case.

In his brief, Appellant urges this Court to adopt a test adopted by New Jersey. (IBOA 9). Under that test, the public safety exception would apply “only where the circumstances indicate ‘(1) there [is] an objectively reasonable need to protect the police or the public; (2) from an immediate danger; (3) associated with a weapon; and that (4) the questions asked were related to that danger and reasonably necessary to secure public safety.’” *State v. Elkwisni*, 894 A.2d 1180, 1191 (App. Div. 2006) (quoting *Stephenson*, 796 A.2d at 274)). However, because these facts fit the quintessential abandoned weapon scenario of *Quarles*, there is no reason for this Court to adopt a test.

Further, the majority of jurisdictions—including the Fourth Circuit—that have considered the public safety exception have not adopted or applied a test; rather, they have relied on the language of *Quarles*. See, e.g., *United States v. Mobley*, 40 F.3d 688 (4th Cir. 1994); *United States v. Ferguson*, 702 F.3d 89, 94 (2d Cir. 2012); *United States v. Simpson*, 974 F.2d 845, 847 (7th Cir. 1992); *United States v. Lawrence*, 952 F.2d 1034 (8th Cir. 1992); *Allen v. Roe*, 305 F.3d 1046 (9th

Cir. 2002); *State v. Al-Bayyinah*, 616 S.E.2d 500, 508 (N.C. 2005); *State v. Maloney*, 191 So. 3d 969 (Fl. Dist. Ct. App. 2016); *In Int. of J.D.F.*, 553 N.W.2d 585, 588 (Iowa 1996); *State v. Campbell*, 347 So. 3d 653, 654 (La. 2020); *State v. Smith*, 138 A.3d 223, 226, 230 (Conn. 2016); *United States v. Brown*, 449 F.3d 154, 159 (D.C. Cir. 2006), abrogated in part on other grounds by *Dean v. United States*, 556 U.S. 568 (2009); *Perez v. People*, 479 P.3d 430, 435 (Colo. 2021).

Finally, the foregoing test could prove too restrictive in future cases. For example, although the foregoing test requires a weapon, other jurisdictions have applied the public safety exception in situations that do not involve a weapon. *See, e.g. State v. Carton*, 145 A.3d 555, 560 (Maine 2016) (“Federal courts have held that the public safety exception applies to law enforcement questioning related to the location of a gassing generator or other methamphetamine manufacturing equipment.”); *id.* (collecting cases); *United States v. Lester*, 98 F.4th 768, 774 (6th Cir. 2024) (“Applying those principles [of *Quarles*] here, the officer didn't overstep by screening for items that could “stick or harm” him during the pat-down.”); *State v. Widmer*, 461 P.3d 881, 884, 890 (N.M. 2020) (applying public safety exception to question prior to search incident to arrest, “Is there anything on your person that I should know about?”; reasoning “[t]he potential for Defendant having objects on his person [such as sharp needles] that threatened officer safety ‘outweigh[ed] the need for the prophylactic rule protecting the Fifth Amendment's privilege against self-incrimination’” (quoting *Quarles*, 467 U.S. at 657) (third alteration in original)); Because *Quarles* is factually on point and controlling, this Court does not need to adopt a test to resolve this case.¹⁵

¹⁵ Although the Court does not need to adopt the New Jersey test to resolve this case (and doing so may prove too restrictive in future cases), if the facts of this case were applied to the New Jersey test, the exception would still apply.

II. Based on the overwhelming evidence presented—including Child (who knew Appellant as “Uncle Ron”) identifying Appellant as the shooter, surveillance videos showing Appellant retrieving guns an hour before the shooting, and Appellant’s multiple threats to kill the victims—any error is harmless beyond a reasonable doubt.

Based on the overwhelming evidence of guilt, any error is harmless beyond a reasonable doubt. “The failure to suppress evidence for possible *Miranda* violations is harmless if the record contains sufficient evidence to prove guilt beyond a reasonable doubt.” *State v. Medley*, 417 S.C. 18, 29, 787 S.E.2d 847, 853 (Ct. App. 2016). “Harmless error rules, even in dealing with constitutional errors, serve a very useful purpose insofar as they block setting aside convictions for small errors or defects that have little, if any, likelihood of having changed the result of the trial.” *Id.* (internal quotation marks omitted).

Here, Child identified Appellant—whom he knew as Uncle Ron—as the shooter in his 911 call. (State’s Ex. 1). Although Child was in the bathroom when the shooting occurred, he recognized Appellant by his voice. (Tr. 210). Additionally, Child testified his father said “Ron Ron Ron Ron Ron” —Appellant’s first name—immediately before Child heard gunshots. (Tr. 210).

In addition to Child’s immediate identification of Appellant as the shooter, Appellant’s home surveillance system recorded the following from the night of the murder:

- At 11:08 p.m., Appellant returned home and retrieved an AR-style rifle and a handgun from his garage;
- At 11:19 p.m., Appellant started leaving in his white truck, but he stopped to speak to James Cribb, who was on a golf cart;
- At 11:29 p.m., Appellant left his home;
- At 12:18 a.m., Appellant returned home; he did not have a gun when he exited his truck and did not return to his garage.¹⁶

(Tr. 247-28, 411-15; State’s Ex. 63, 64, 67-70). Further, Appellant’s phone used a tower near his home at 9:08 p.m.; a tower between his home and the crime scene at 12:15 a.m.; and the tower

¹⁶ The 911 call was placed at 12:13 a.m. (State’s Ex. 1).

near his home at 12:20 a.m. (Tr. 509-12, 519). Police recovered one particle of gunshot residue from Appellant's hand, and particles of gunshot residue from the steering wheel of his truck. (Tr. 320, 375-77).

Additionally, police recovered 9-millimeter Underwood casings from Appellant's home that were similar to the 9-millimeter Underwood casings recovered from the crime scene. Notably, two officers testified to the uniqueness of these casings, which "had the same characteristics and shape of a Phillips head screwdriver." (Tr. 241, 267). Investigator Griffith testified he had never seen that type of bullet in fifteen years of law enforcement, and Investigator Tucker testified he had not seen a bullet like that in forty years of shooting guns. (Tr. 241, 267, 333).

Although the foregoing was sufficient to convict Appellant, the State additionally presented evidence that Appellant had threatened to kill the victims. Thomas, who knew Appellant, testified the relationship between Richitelli and Appellant had ended, and Appellant "told me he was going to kill—kill them." (Tr. 426-27). The State entered the following text messages from Appellant to J.D. Rogers on July 20, 2022—about ten days before the shooting:

- If someone messing with someone that I love, it's not going to be good;
- Clear the whole house.

(Tr. 403; State's Ex. 61). The State also entered Facebook messages between Appellant and Radcliffe about six days before the shooting wherein Appellant stated

- "Bout to kill one our family and not give a dam* someone is fu**ing with what I love and I'm gonna kill that";
- "I'll kill something else and something else";
- "It's one of my friends n I'm going to get them. I'm killing some people when I get home.";
- No questions about that"; "I love her n it's over"; and
- "I'm tried [sic] Ashley I'm shooting someone for sure."

(State's Ex. 60). Based on the foregoing overwhelming evidence, any error in the admission of Appellant's statement about the location of the gun was harmless beyond a reasonable doubt.

CONCLUSION

Based on the foregoing, this Court should affirm.

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This 19th day of October, 2026.