

Oct 26 2026

SC Court of Appeals

State of South Carolina, County of Anderson
In the Court of General Sessions, Tenth Judicial Circuit

State of South Carolina,

vs.

Rosmore Wayne Vilardi,

Defendant.

Indictments

2024GS0400221AG, 2024GS0400222AG,
2024GS0400223AG, 2024GS0400224AG

**Amended Order Granting Defendant's
Motion to Suppress Search Warrants of
Single Wide Mobile Home**

Date of Hearing October 9, 2026

Attorneys General Heather Weiss, Joel Kozack, and Sanders Linker

Defendant's Attorneys Shaun Kent, Jack Furse, and King Cutter

Court Reporter Stacy S. Johnson

Presiding Judge Jane H. Merrill

This amended order corrects the citation in the last sentence of the first paragraph under the Order heading on page 10. No other changes are made.

Defendant Rosmore Vilardi moved to suppress two search warrants executed on the single wide mobile home he and his wife, Amy, shared. For the reasons stated herein, the court GRANTS Defendant's motion to suppress.

Attorneys were present as stated above. With the advice and consent of his counsel, Defendant waived his presence at the hearing. The parties waived venue, and the court heard Defendant's motions in Lexington County.¹

Alleged Facts

Amy Vilardi encountered a grim and gruesome scene on November 2, 2015. Amy's mother, Cathy Scott, stepfather, Michael "Mike" Scott, and their respective mothers, Violet Taylor and Barbara Scott, were dead from gunshot and stab wounds at their double wide mobile home² at 2217 Refuge Road. Amy, who lived with her husband Rosmore Vilardi on the same land in a single wide mobile home, called 911. Within hours of Amy's 911 call, a magistrate judge signed search warrants for the single

¹ This order details the court's ruling at the October 9, 2026, hearing. Moments after the court ruled, that state served its Notice of Appeal (2026-002255) on Defendant's attorney in the courtroom. Given the timing, it was impossible for the court to draft, sign, and file its order before the state served its notice.

² Throughout pretrial proceedings, the parties designated the victims' home as the double wide, and Amy and Rosmore Vilardi's home as the single wide. These terms are used to be consistent with the record.

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and double wide mobile homes on the shared land. More than eight years later, Amy and Rosmore Vilardi were charged with murdering the four victims.³

Law/Analysis

Defendant moved to suppress two search warrants executed November 2, 2015, at 4:44 PM and 7:44 PM on the single wide mobile home where he and his wife lived.⁴ Generally, a search warrant, supported by probable cause, is necessary for law enforcement to enter one's home and search for evidence of a crime.⁵

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." U.S. Const. amend. IV. The South Carolina Constitution also provides a safeguard against unlawful searches and seizures. S.C. Const. art. I. § 10. In addition to the constitutional protections, South Carolina statutory law requires probable cause exist when one seeks and executes a search warrant. S.C. Code Ann. § 17-13-140 (1962, as amended).

A search warrant can only issue upon a finding of probable cause. *State v. Bellamy*, 336 S.C. 140, 143, 519 S.E.2d 347, 348 (1999); *State v. Baccus*, 367 S.C. 41, 50, 625 S.E.2d 216, 221 (2006). Probable cause is a "commonsense, nontechnical conception [] that deal[s] with the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians, act." *Ornelas v. United States*, 517 U.S. 690, 695, 116 S.Ct. 1657, 134 L.Ed.2d 911 (1996). Probable cause exists where "the known facts and circumstances are sufficient to warrant a man of reasonable prudence in the belief that contraband or evidence of a crime will be found." *Id.* at 696.

While probable cause is "not a high bar... it is by no means a toothless standard." *State v. Warner*, 436 S.C. 395, 404, 872 S.E.2d 638, 642 (2022) (citing *State v. Jones*, 435 S.C. 138, 145, 866 S.E.2d 558, 562 (2021); *Brinegar v. United States*, 338 U.S. 160, 175-76, 69 S. Ct. 1302, 1310-11, 93 L. Ed. 1879, 1890 (1949) (stating probable cause "has come to mean more than bare suspicion: Probable cause exists where the facts and circumstances

³ In February 2026, an Anderson County jury convicted Amy Vilardi on all counts (2024GS0400217AG, 2024GS0400218AG, 2024GS0400219AG, and 2024GS0400220AG). She is serving four consecutive life sentences. Her appeal (2026-000648) is pending before the South Carolina Court of Appeals.

⁴ Defendant does not challenge the search warrants for the victims' double wide mobile home.

⁵ The state did not argue an exception to the search warrant requirements applies. As such, the court need not decide whether an exception applies.



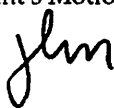
within ... [the officers'] knowledge, and of which they had reasonably trustworthy information, [are] sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed"')).

Although the reviewing court gives great deference to an issuing judge's conclusions, a judge may only issue a search warrant upon a finding of probable cause. *State v. Jones*, 342 S.C. 121, 126, 536 S.E.2d 675, 678 (2000) (citing *State v. Bellamy*, 336 S.C. 140, 519 S.E.2d 347 (1999)). While deference to the magistrate is typically warranted, "reviewing courts will not defer to a warrant based on an affidavit that does not 'provide the magistrate with a substantial basis for determining the existence of probable cause.'" *State v. Weston*, 329 S.C. 287, 293, 494 S.E.2d 801, 804 (1997) (quoting *United States v. Leon*, 468 U.S. 897, 915, 104 S. Ct. 3405, 3416, 82 L.Ed.2d 677, 693 (1984)).

The duty of the reviewing court is to ensure the issuing magistrate had a substantial basis upon which to conclude probable cause existed. *State v. Baccus*, 367 S.C. 40, 50, 625 S.E.2d 216, 221 (2006); *State v. Adams*, 291 S.C. 132, 134, 352 S.E.2d 483, 485 (1987), *overruled on other grounds by State v. Stewart*, 433 S.C. 382, 858 S.E.2d 808 (2021). "In reviewing the validity of a warrant, a [reviewing] court may consider only information brought to the magistrate's attention." *State v. Thompson*, 363 S.C. 192, 200, 609 S.E.2d 556, 560 (Ct. App. 2005).

"In South Carolina, search warrants may be issued 'only upon affidavit sworn to before the magistrate ... establishing the grounds for the warrant.'" *State v. Baccus*, 367 S.C. 41, 50–51, 625 S.E.2d 216, 221 (2006) (quoting S.C. Code Ann. § 17–13–140 (1962, as amended)); *see also State v. McKnight*, 291 S.C. 110, 352 S.E.2d 471 (1987). "The affidavit must set forth particular facts and circumstances underlying the existence of probable cause to allow the magistrate to make an independent evaluation of the matter." *Baccus*, 367 S.C. at 50–51, 625 S.E.2d at 221 (quoting *Franks v. Delaware*, 438 U.S. 154, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978)). "The search warrant 'particular description' requirement is aimed at preventing general warrants—those authorizing 'a general, exploratory rummaging in a person's belongings.'" *State v. Williams*, 297 S.C. 404, 407–08, 377 S.E.2d 308, 310 (1989) (quoting *Coolidge v. New Hampshire*, 403 U.S. 443, 467, 91 S.Ct. 2022, 2038, 29 L.Ed.2d 564, 582 (1971)).

Importantly, "mere conclusory statements which give the magistrate no basis to make a judgment regarding probable cause are insufficient." *State v. Smith*, 301 S.C. 371, 373, 392 S.E.2d 182, 183 (1990). The court considers the totality of the circumstances in



determining if “there is a fair probability that contraband or evidence of a crime will be found in a particular place.” *Baccus*, 367 S.C. at 50, 625 S.E.2d at 221.

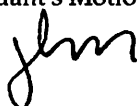
One may supplement the written search warrant affidavit with sworn testimony before the issuing judge, and the reviewing court may consider the sworn testimony presented to a magistrate. *State v. Dill*, 423 S.C. 534, 542, 816 S.E.2d 557, 562 (2018). However, if no supplemental sworn testimony is provided to the issuing judge, the reviewing court’s probable cause determination is limited to the four corners of the search warrant affidavit. *State v. Kinloch*, 410 S.C. 612, 616, 767 S.E.2d 153, 155 (2014).

A search warrant affidavit is defective on its face if it fails to articulate 1) concrete facts explaining why law enforcement believes the suspect committed the alleged offense; 2) the nexus connecting the target individual, property, or vehicle to the criminal offense; or 3) the factual basis demonstrating why it’s reasonably believed that evidence will be inside the target location at the time the warrant is requested. *State v. Weston*, 329 S.C. 287, 494 S.E.2d 801 (1997); *State v. Baccus*, 367 S.C. 41, 625 S.E.2d 216 (2006); *State v. Smith*, 301 S.C. 371, 392 S.E.2d 182 (1990).

Our courts uphold search warrants when the supporting affidavit or affidavit and supplemental sworn testimony establish probable cause. Examples of cases in which the court upheld search warrants follow.⁶

- In a murder investigation, an affidavit for a search warrant stated law enforcement confirmed the phone number selling a “hot” firearm matched the number the Defendant provided in his apartment lease paperwork which “gave rise to a fair probability that Hopkins lived in the identified unit,” and law enforcement also confirmed with the property manager that Defendant lived in the specific unit to be searched. *State v. Hopkins*, 447 S.C. 240, 262, 924 S.E.2d 883, 894 (Ct. App. 2025), *reh’g denied* (Jan. 29, 2026) (affirming the conviction and the trial court’s denial of Defendant’s motion to suppress the search warrant).
- In a drug case, the affidavit stated an apartment manager, deemed to be reliable, observed plastic scales, a peculiar odor, and a large quantity of plant material; the law enforcement officer also supplemented the affidavit with sworn testimony about

⁶ While the State cited no case law to support its position at the hearing, the court includes these cases in which search warrants were supported by probable cause.



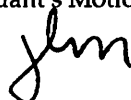
a joint police investigation of this Defendant. *State v. Sullivan*, 267 S.C. 610, 616-17, 230 S.E.2d 621, 624 (1976) (affirming the conviction and supporting search warrant).

- In another drug case, the affidavit alleged an informant saw drugs at the residence to be searched within the past 72 hours, and the same informant previously provided true information leading to convictions. *State v. Williams*, 297 S.C. 404, 406, 377 S.E.2d 308, 309 (1989).
- In an investigation into a home invasion armed robbery, the affidavit included crime details, how the Defendant was developed as a suspect, and that he was arrested on other outstanding warrants; the officer supplemented the affidavit with sworn testimony about photo array identifications, the victim's identification via Facebook, and prior traffic stops linking the codefendants. *State v. Crummey*, 443 S.C. 94, 902 S.E.2d 391 (Ct. App. 2024). The court held the affidavit coupled with sworn testimony provided sufficient probable cause. *Id.*

On the other hand, when search warrants are not supported by probable cause, our appellate courts held the search warrant, and the evidence found pursuant to the execution of such search warrant, should be suppressed. Cases in which the court suppressed search warrants follow.⁷

- A search warrant affidavit stated Defendant was staying in hotel Room 216 since January 1, robbed the hotel manager at knife point on May 12, and "there is every reason to believe the weapon and clothes used in the robbery will be located in the [Defendant's] room," noting the information was "confirmed in person by Sgt. Sherman." *State v. Smith*, 301 S.C. 371, 372, 392 S.E.2d 182, 183 (1990). The court held the statements were mere conclusory assertions that provided the magistrate with no basis for an independent evaluation. *Id.* at 373, 392 S.E.2d at 183 (remanding to the trial court for a hearing to determine if sufficient sworn oral testimony was presented to the magistrate; if not, Smith was entitled to suppression of the evidence and a new trial).
- After Defendant was arrested for robbery and murder, law enforcement wanted to search Defendant's car for evidence of the crime. *State v. Weston*, 329 S.C. 287, 289, 494 S.E.2d 801, 802 (1997). The search warrant affidavit stated a witness reported

⁷ While the Defendant cited most of these cases in its motion, the court includes additional cases it identified in its own research.



Defendant was driving a Datsun at the time of the incident and the identified Datsun was registered to Defendant. *Id.* The affidavit was defective because it contained mere conclusory statements, set forth no facts explaining why law enforcement believed Defendant Weston committed the crime, and did not link the vehicle or items inside to the crime itself. *Id.* at 290, 494 S.E.2d at 802 (reversing Kelvin Watson's convictions for murder and armed robbery because of a defective search warrant affidavit).

- In a search warrant affidavit for Defendant's home, the affiant reported that when Defendant was arrested at his home for murder and first degree burglary, officers observed a smoldering clothing pile on the ground and blood stains inside and outside the vehicle Defendant recently drove. *State v. Baccus*, 367 S.C. 41, 47, 625 S.E.2d 216, 219 (2006). The Supreme Court held the search warrant affidavit contained conclusory statements, lacked specificity, and failed to set forth any facts about why police believed Baccus committed the crime, leaving the magistrate without a substantial basis to find probable cause. *Id.* at 52, 625 S.E.2d at 221-22 (suppressing the search warrant but affirming the conviction because of other overwhelming evidence of guilt).
- A year after the *Baccus* decision, the Court of Appeals reversed Omar Gentile's drug trafficking conviction, holding the totality of circumstances failed to establish probable cause because heavy foot traffic verified outside does not establish drug sales inside; the odor tip was unverified and unrecorded; and, the arrest of a visitor leaving with drugs added nothing because officers did not search the visitor prior to entry or verify the drugs came from inside. *State v. Gentile*, 373 S.C. 506, 515-16, 646 S.E.2d 171, 175-76 (Ct. App. 2007).
- Even when an affidavit contained more than 1,000 words about a years long investigation, the court held the affidavit lacked sufficient detail to demonstrate a fair probability that evidence or drugs would be found at the address they searched because brief visits to the home prior to drug sales lacked a sufficiently specific temporal and spatial nexus to show drugs were stored at the Defendant's parents' home and a 2009 tip was stale when the search warrant was signed in May 2010. *State v. Thompson*, 419 S.C. 250, 258, 797 S.E.2d 716, 720 (2017) (reversing drug trafficking convictions).

- In a manufacturing methamphetamine case, our Supreme Court held the affidavit's "active lab" assertion was an unverified conclusory claim not attributed to the informant when the informant's tip only referenced common household items without explaining how they were used, even though the officer testified the informant was reliable and had been used in two prior cases resulting in arrests. *State v. Dill*, 423 S.C. 534, 544, 816 S.E.2d 557, 563 (2018) (reversing Defendant's conviction).
- In *State v. Warner*, the Supreme Court agreed with Defendant that the search warrant affidavit lacked probable cause. 436 S.C. 395, 404, 872 S.E.2d 638, 642 (2022). The search warrant affidavit stated "[i]nformation was received through crime stoppers indicating that Justin Warner is a possible suspect. The informant's information was corroborated and a record search revealed that Warner has this listed number to him." *Id.*
- A search warrant affidavit stated the officer "is informed by Informer and has good reasons to believe" that occupants of the home possessed illegal whiskey, but the Supreme Court held the affidavit was a complete nullity because it failed to disclose any underlying facts or source reliability. *State v. Hill*, 245 S.C. 76, 82-83, 138 S.E.2d 829, 831-32 (1964).

Analysis of Search Warrant Affidavits in Present Case

On November 2, 2015, law enforcement obtained and executed four search warrants, two for the single wide and two for the double wide. The double wide was first searched at 3:00 PM, and the single wide was first searched at 4:44 PM. The identical initial search warrant affidavits for both homes follow.

On November 2, 2015, deputies with the Anderson County Sheriff's Office responded to 2217 Refuge Road in Pendleton, SC in reference to a report of several deceased individuals. Upon arrival, deputies located four deceased subjects in the double-wide mobile home on the property. All four subjects had apparent gunshot wounds. The complainant who reported the incident to law enforcement lives in the single-wide mobile home also on 2217 Refuge Road and did enter the double-wide prior to calling law enforcement. This is in reference to Anderson County Sheriff's Offices case number 2015-20728 and the affiant believes that a search of the residence will yield evidence pertinent to this investigation.

After the initial searches, law enforcement obtained two additional search warrants for the homes. Law enforcement executed the second search warrant on the single wide at 7:44 PM and on the double wide at 11:30 PM. The second search warrant affidavit varied slightly from the earlier ones, though once again, the language was the same for both homes.

On November 2, 2015, deputies with the Anderson County Sheriff's Office responded to 2217 Refuge Road in Pendleton, SC in reference to a report of several deceased subjects in the double-wide mobile home on the property. The victims appeared to have gunshot wounds and injuries consistent with an edged weapon. The complainant who reported the incident to law enforcement lives in the single-wide mobile home also on 2217 Refuge Road and did enter the double-wide prior to calling law enforcement. Also, the male victim in the residence is known to deal in gold/jewelry and usually has a large sum of cash according to neighbors. This is in reference to Anderson County Sheriff's Offices case number 2015-20728 and the affiant believes that a search of the residence will yield evidence pertinent to this investigation.⁸

There is no dispute – the affiant did not supplement the affidavits with sworn testimony. (See transcript of October 9, 2026, hearing). As such, the court must only consider the four corners of the search warrant affidavit to determine if it is supported by probable cause. *State v. Kinloch*, 410 S.C. 612, 616, 767 S.E.2d 153, 155 (2014); *State v. Thompson*, 363 S.C. 192, 200, 609 S.E.2d 556, 560 (Ct. App. 2005).

The court specifically asked the state to identify the exact language that constituted probable cause to search the single wide. The State eventually identified a single sentence in the search warrant affidavits: The complainant who reported the incident to law enforcement lives in the single-wide mobile home also on 2217 Refuge Road and did enter the double-wide prior to calling law enforcement. The same sentence is included in the single wide mobile home four-sentence search warrant affidavit (executed at 4:44 PM) and the five sentence search warrant affidavit (executed at 7:44 PM).

This single sentence establishes three things: 1) the complainant (Amy Vilardi) lived in the single wide mobile home at 2217 Refuge Road; 2) the mobile home is

⁸ The bold font indicates new language added to this affidavit. The underlined language is the only reference to the single wide trailer in all four search warrant affidavits.



located on the same property (2217 Refuge Road) as the double wide; and, 3) the complainant (Amy Vilardi) entered the double wide before calling 911.

Being geographically close to or at a crime scene calling 911, without more, is insufficient probable cause. *State v. Weston*, 329 S.C. 287, 90, 494 S.E.2d 801, 802 (1997). At most, the Vilardi search warrant affidavits contain “mere conclusory statements which give the magistrate no basis to make a judgment regarding probable cause...” *State v. Smith*, 301 S.C. 371, 373, 392 S.E.2d 182, 183 (1990). Considering the totality of the circumstances, the search warrant affidavit “contain[s] conclusory statements, lack[s] specificity, and fail[s] to set forth any facts about why police believed [Amy and /or Rosmore Vilardi] committed the crime, leaving the magistrate without a substantial basis to find probable cause.” *Baccus*, 367 S.C. at 52, 625 S.E.2d at 222.

The court finds the Vilardi search warrant affidavits are vague and lack details and specificity. *State v. Baccus*, 367 S.C. 41, 625 S.E.2d 216 (2006); *State v. Gentile*, 373 S.C. 506, 646 S.E.2d 171 (Ct. App. 2007).

The court finds the Vilardi search warrant affidavits contain mere conclusory statements which are insufficient to form a basis on which a magistrate may determine if probable cause exists. *State v. Smith*, 301 S.C. 371, 373, 392 S.E.2d 182, 183 (1990); *State v. Weston*, 329 S.C. 287, 494 S.E.2d 801 (1997); *State v. Baccus*, 367 S.C. 41, 625 S.E.2d 216 (2006); *State v. Dill*, 423 S.C. 534, 816 S.E.2d 557 (2018); *State v. Warner*, 436 S.C. 395, 872 S.E.2d 638 (2022).

The court finds the Vilardi search warrant affidavits do not include facts explaining why law enforcement believes the suspect (Amy and /or Rosemore Vilardi) committed the alleged offense. *State v. Hill*, 245 S.C. 76, 138 S.E.2d 829 (1964); *State v. Smith*, 301 S.C. 371, 392 S.E.2d 182 (1990); *State v. Weston*, 329 S.C. 287, 494 S.E.2d 801 (1997); *State v. Baccus*, 367 S.C. 41, 625 S.E.2d 216 (2006); *State v. Warner*, 436 S.C. 395, 872 S.E.2d 638 (2022).

The court finds the Vilardi search warrant affidavits show no nexus connecting the target property (the single wide) or suspect (Amy and /or Rosemore Vilardi) with the alleged offense. *State v. Weston*, 329 S.C. 287, 494 S.E.2d 801 (1997); *State v. Gentile*, 373 S.C. 506, 646 S.E.2d 171 (Ct. App. 2007); *State v. Thompson*, 419 S.C. 250, 797 S.E.2d 716 (2017); *State v. Dill*, 423 S.C. 534, 816 S.E.2d 557 (2018).

The court finds the Vilardi search warrant affidavits offer no factual basis demonstrating why it is reasonably believed that evidence of the crime will be found



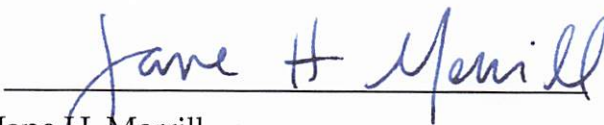
inside the target location (the single wide) when the warrant was requested. *State v. Hill*, 245 S.C. 76, 82-83, 138 S.E.2d 829, 831-32 (1964); *State v. Weston*, 329 S.C. 287, 494 S.E.2d 801 (1997); *State v. Baccus*, 367 S.C. 41, 625 S.E.2d 216 (2006); *State v. Gentile*, 373 S.C. 506, 646 S.E.2d 171 (Ct. App. 2007); *State v. Thompson*, 419 S.C. 250, 797 S.E.2d 716 (2017); *State v. Dill*, 423 S.C. 534, 816 S.E.2d 557 (2018).

The court considered the totality of the circumstances. Simply put, the search warrant affidavit left the magistrate without a substantial basis to find probable cause. *State v. Hill*, 245 S.C. 76, 138 S.E.2d 829 (1964); *State v. Smith*, 301 S.C. 371, 392 S.E.2d 182 (1990); *State v. Weston*, 329 S.C. 287, 494 S.E.2d 801 (1997); *State v. Baccus*, 367 S.C. 41, 625 S.E.2d 216 (2006); *State v. Gentile*, 373 S.C. 506, 646 S.E.2d 171 (Ct. App. 2007); *State v. Thompson*, 419 S.C. 250, 797 S.E.2d 716 (2017); *State v. Dill*, 423 S.C. 534, 816 S.E.2d 557 (2018); *State v. Warner*, 436 S.C. 395, 872 S.E.2d 638 (2022).

Order

Four members of the Pendelton, SC community in Anderson County were brutally murdered. The court recognizes and understands the violent nature of these crimes. Nevertheless, it would be improper for the court to arbitrarily apply or ignore the law based on the seriousness of any crime. "Constitutional rights cannot be accorded to anybody unless they are accorded to everybody." *State v. Austin*, 306 S.C. 9, 11, 409 S.E.2d 811, 812 (Ct. App. 1991) (citing *State v. Williams*, 285 S.C. 544, 331 S.E.2d 354 (Ct. App. 1985)).

As detailed herein, the state did not offer sufficient evidence amounting to probable cause in their search warrant affidavits for the single wide mobile home. As such, the court GRANTS Defendant's motion to suppress the search warrants of the single wide mobile home. It is so ordered.



Jane H. Merrill

Presiding Circuit Court Judge, Tenth Judicial Circuit

October 23, 2026

Greenwood, South Carolina

