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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County
The Honorable Thomas W. McGee, III, Circuit Court Judge

THE STATE,

Appellant,

vs.

JOSEPH STEPHEN CONNOLLY, JR.,

Respondent.

APPELLATE CASE NO 2026-000208

INITIAL BRIEF OF APPELLANT

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STATEMENT OF THE ISSUE ON APPEAL

Whether the trial court erred by granting Connolly's motion to suppress evidence seized from his backpack as he was being transported to the hospital in an ambulance where no search warrant was required under the automobile exception.

STATEMENT OF THE CASE

On January 30, 2024, Respondent Joseph Connolly was arrested for drug and gun crimes following an encounter with police. The case was called for trial on January 20, 2026, before the Honorable Thomas W. McGee, III, Circuit Court Judge. At the outset of trial, Connolly moved to suppress the evidence seized during the encounter, arguing the warrantless search violated the Fourth Amendment.

Peter Ruiz, a deputy with the Lexington County Sheriff's Department, testified that on January 30 he received information from Richland County police that an individual travelling on Bush River Road had just left a motel known for drug activity and was potentially carrying narcotics. (Tr. 23:19-24:14; 81:3-20). Deputy Ruiz testified that he'd been advised that the individual was carrying a backpack, and that when he arrived on Bush River Road he encountered Connolly biking along the roadway. (Tr. 81:3-20; 24:16-17). Deputy Ruiz observed Connolly disregard a traffic control device and executed a stop, with the additional intention of conducting a welfare check based on Connolly's visible impairment. (Tr. 25:23-24). The interaction was captured on Deputy Ruiz's body camera, entered into evidence as Court's Exhibit 1. (Tr. 13-15).

After the stop, Deputy Ruiz determined that Connolly was in need of medical attention and called for an ambulance. (Tr. 26:3-5). Once the ambulance arrived, Connolly voluntarily entered the vehicle to receive medical treatment, carrying his backpack inside with him. (Tr. 26:10) (Court's Ex. 1, 15:30-15:40). Connolly received treatment in the ambulance for approximately ten minutes before EMTs advised Deputy Ruiz that Connolly had a stab wound to his neck and needed to be transported to the hospital. (Tr. 27:19-21) (Court's Ex. 1 15:30-22:30). Deputy Ruiz entered the ambulance to speak with Connolly, who upon questioning informed

Deputy Ruiz that he had needles on his person and that he'd recently used fentanyl. (Tr. 29:5-15) (Court's Ex. 1, 22:52-24:53). Deputy Ruiz located one needle in Connolly's pocket. (Court's Ex. 1, 24:07-24:40).

Deputy Ruiz testified that after he searched Connolly, he removed Connolly's backpack from the ambulance before it departed and searched the bag. (Tr. 29:17-20) (Court's Ex. 1, 25:01-13). Inside the backpack, Deputy Ruiz located a small baggie containing a powder-like substance, several unopened syringes, and three firearms. (Tr. 30:6-24) (Court's Ex. 1, 26:31-27:47).

Deputy Ruiz testified about the circumstances of the search, identifying the automobile exception as his legal justification for the warrantless search of the backpack. (Tr. 87:5-9). Deputy Ruiz explained that because Connolly brought the backpack into the ambulance—which was running and about to depart for the hospital—and there was probable cause to believe there was contraband in Connolly's backpack based on statements from both law enforcement and Connolly himself, Deputy Ruiz believed he was permitted to conduct a warrantless search of the backpack. (Tr. 80:18-83:12).

The State argued against suppression, citing the automobile exception. (Tr. 93:25-94:1). The State argued that because the ambulance was readily mobile while Connolly's backpack was inside, and because Deputy Ruiz had probable cause to believe there was contraband in the backpack, no warrant was required. (Tr. 93:25-99:12).

The trial court questioned the applicability of the doctrine, pointing out that the ambulance did not belong to Connolly. (Tr. 95:10-22). The trial court also emphasized that since Connolly was on a stretcher receiving medical treatment, there was no real risk that the evidence inside his backpack would be lost or destroyed en route to the hospital. (Tr. 95:20-21). The State

responded that the automobile exception does not require the defendant to own the vehicle, citing State v. McLaughlin, 307 S.C. 19, 413 S.E.2d 819 (1992), where the South Carolina Supreme Court held the automobile exception could be applied to a taxi. (Tr. 97:18-24). Relying on McLaughlin, the State argued that the automobile exception only requires that the vehicle be readily mobile and that law enforcement have probable cause to believe the defendant had contraband or evidence of a crime inside that vehicle. (Tr. 97:13-98:19).

Connolly argued that because he had no control over the ambulance, was strapped to a gurney receiving treatment, and the ambulance was a government vehicle, the automobile exception did not apply. (Tr. 101:20-114:22). Connolly further emphasized that the purpose of the automobile exception was to prevent suspects from getting away from police and disposing of evidence. (Tr.p.108:8–12). He asserted that because he had no opportunity to do either in this case, the exception did not apply. (Tr. 108:8-114:22).

The trial court granted Connolly’s motion to suppress. (Tr. 126:11-14). The court explained that its ruling was based on three findings. First, the automobile exception did not apply because “there was no opportunity for the evidence to be lost or destroyed” and because “the ambulance was not driven by or owned by the defendant” in making its determination. (Tr. 132:2-3; 131:7-8). Second, it held “[the vehicle at issue is] an ambulance and I don’t believe that the automobile exception would apply” (Tr. 131:18-190). Third, it held “the appropriate thing at that point would have been to simply take the backpack as it was and to seek a warrant.” (Tr. 132:3-7). While the trial court did not explicitly rule whether there was probable cause to search, it expressed “serious questions about the probable cause even if the automobile exception did apply.” (Tr. 130:23-25). This appeal follows.

STANDARD OF REVIEW

On appellate review of a motion to suppress based on the Fourth Amendment, the appellate court reviews the trial court's factual findings for any evidentiary support, but the ultimate legal conclusion is a question of law subject to de novo review. State v. Frasier, 437 S.C. 625, 633–34, 879 S.E.2d 762, 766 (2022).

ARGUMENT

The trial court erred by suppressing evidence seized from Connolly's backpack as Connolly was being transported to the hospital in an ambulance because no warrant is required to search containers within automobiles.

The trial court erred by suppressing the evidence from Connolly's backpack because no warrant was required under the automobile exception. The automobile exception is a bright line rule: when certain elements are met, no warrant is required. All of those elements are present in this case. The trial court erred by injecting policy considerations into the rule, and its decision conflicts with settled South Carolina and United States Supreme Court precedent. This Court should reverse and remand for trial.

Generally, a warrantless search is per se unreasonable and violates the Fourth Amendment prohibition against unreasonable searches and seizures. State v. Weaver, 374 S.C. 313, 319–20, 649 S.E.2d 479, 482 (2007). However, a warrantless search will withstand constitutional scrutiny where the search falls within one of several well-recognized exceptions to the warrant requirement. Id. One such exception is the automobile exception. State v. Bailey, 276 S.C. 32, 274 S.E.2d 913 (1981).

Under the automobile exception, a warrantless search of an automobile based on probable cause that the vehicle contained contraband does not violate the Fourth Amendment. Carroll v. United States, 267 U.S. 132 (1925). Additionally, police may conduct a warrantless search of containers located within an inherently mobile vehicle even when they do not have probable cause to search the vehicle itself, so long as they have probable cause to believe the container holds contraband or evidence. California v. Acevedo, 500 U.S. 565 (1991). Whether a warrantless search of a container is appropriate under the automobile exception hinges on just two elements: 1) Whether the searched item was inside an inherently mobile vehicle; and 2)

Whether law enforcement had probable cause to believe there was contraband in the searched item. Id.

Under United States Supreme Court precedent, to be “inherently mobile” a vehicle only needs to be capable of being driven. See Michigan v. Thomas, 458 U.S. 259, 261 (1982) (holding that under the automobile exception, “the justification to conduct such a warrantless search does not vanish” because a car is immobile at a particular moment). Under this principle, “inherently mobile” vehicles need not be moving at the time of the seizure, and the doctrine generally extends even to vehicles that are secured by the police or third parties at the time of the search, so long as the vehicle in question is operational. State v. Weaver, 374 S.C. 313, 649 S.E.2d 479 (2007); see also United States v. Mercado, 307 F.3d 1226, 1229 (10th Cir. 2002); United States v. Garcia, 433 Fed. Appx. 741, 744 (11th Cir. 2011). Accordingly, the mobility element of the automobile exception is met so long as the vehicle at issue is operational. Id.

Moreover, the United States Supreme Court has found that there does not need to be an immediate danger that the vehicle can flee or that evidence will be lost for the automobile exception to apply. South Dakota v. Opperman, 428 U.S. 364, 367-68 (1976). As a result, there is no case-specific requirement of danger of loss or destruction of evidence. Pennsylvania v. Labron, 518 U.S. 938, 940 (1996) (explicitly rejecting argument that particularized exigent circumstances must be shown under the automobile exception). This Court has emphasized this feature of the doctrine, holding that law enforcement are permitted to wait until a defendant enters a vehicle before seizing their possessions so long as law enforcement has probable cause at the time they make their seizure. State v. Bultron, 318 S.C. 323, 333, 457 S.E.2d 616, 622 (Ct. App. 1995) (“[L]aw enforcement officials are not constitutionally or otherwise legally compelled to halt a criminal investigation the moment they have minimal evidence to establish probable

cause. . . . It is within the discretion of the investigating officers to act to secure a search warrant when they deem sufficient evidence is present.”) (citation omitted).

Whether the defendant was in control of the vehicle at the time of the search is irrelevant under the automobile exception. State v. Weaver, 374 S.C. 313, 320, 649 S.E.2d 479, 482 (2007) (“The fact investigators chose to wait to search the Jeep after it had already been impounded does not affect the propriety of the warrantless search because there is no requirement that the warrantless search of a vehicle occur contemporaneously with its lawful seizure.”); see also United States v. Kelly, 592 F.3d 586, 591 (4th Cir. 2010) (holding that automobile exception applies to vehicles in police custody at the time of the search); United States v. Johns, 469 U.S. 478 (1985) (upholding warrantless search that occurred three days after seizure). Similarly, it is irrelevant whether the vehicle belonged to the defendant or a third party. See Wyoming v. Houghton, 526 U.S. 295 (1999) (holding that the automobile exception does not require that the vehicle belong to the defendant and explicitly extending the doctrine to apply to passengers inside operational vehicles). Accordingly, under United States Supreme Court precedent, “if a car is readily mobile and probable cause exists to believe it contains contraband, the Fourth Amendment thus permits police to search the vehicle without more.” Labron, 518 U.S. at 940.

In State v. McLaughlin, the Supreme Court of South Carolina applied the automobile exception to a toolbox the defendant placed inside a taxi before he was intercepted by police. State v. McLaughlin, 307 S.C. 19, 21, 413 S.E.2d 819, 820 (1992). The fact that the taxi was not the defendant’s vehicle and was not under the defendant’s control was not considered, with the court simply finding that under the precedent set in Acevedo, “the police were entitled to search the taxi cab without a warrant pursuant to the automobile exception.” Id. at 22, 413 S.E.2d at 820–21.

Similarly, in State v. Weaver the court found that the fact the police waited to search the defendant's Jeep until after it had been impounded had no bearing on whether the automobile exception applied to the police's warrantless search of the vehicle. State v. Weaver, 374 S.C. 313, 320, 649 S.E.2d 479, 482 (2007). The court explicitly held that "[t]he automobile exception does not contain a separate exigency requirement If a vehicle is readily mobile and probable cause exists to believe it contains contraband, the Fourth Amendment permits police to search the vehicle without more." Id. at 320, 649 S.E.2d at 482. Moreover, the court emphasized that "it is no answer to say the police could have obtained a search warrant, for the relevant test is not whether it is reasonable to procure a search warrant, but whether the search was reasonable The justification to conduct such a warrantless search does not vanish once the car has been immobilized." Id. at 321, 649 S.E.2d at 482.

More recently, in 2023 the South Carolina Supreme Court explicitly recognized that the underlying policy behind the automobile exception was not to be considered when evaluating whether the circumstances of a search falls under the doctrine. In State v. German, the court explained:

The United States Supreme Court has recognized a limited class of categorical exceptions to the warrant requirement. . . . The two types are distinguished by whether or not the exception requires a factually specific inquiry on a case-by-case basis. Categorical exceptions, including the automobile exception and the search incident to a lawful arrest exception, do not require 'an assessment of whether the policy justifications underlying the exception ... are implicated in a particular case.

State v. German, 439 S.C. 449, 465, 887 S.E.2d 912, 920 (2023).

A. The trial court erred in finding the automobile exception did not apply to the facts of this case.

The trial court erred by not properly applying the automobile exception in this case. The automobile exception is a bright line rule requiring only that the searched item be seized from an

inherently mobile vehicle, and that police had probable cause to believe that the searched item contained contraband or evidence of a crime. The trial court's ruling inadvertently enlarged the requirements of the automobile exception to encompass underlying policy considerations in direct conflict with settled South Carolina and Federal Constitutional law.

The trial court committed three distinct errors of law. First, the trial court based its ruling on the factual finding that "there was no opportunity for the evidence to be lost or destroyed." (Tr. 132:2-3). Second, the trial court erred in finding that an ambulance could not fall under the automobile exception, because it was not owned or controlled by Connolly. Third, the trial court erred in considering whether law enforcement could have gotten a warrant for the backpack.

- 1) The trial court committed an error of law by basing its ruling on improper considerations like whether Connolly had any opportunity to destroy the drug evidence.

Under both South Carolina and United States Supreme Court precedent, whether there was an actual opportunity for evidence destruction is not a proper consideration when determining whether the automobile exception applies to a warrantless search. See Weaver, 374 S.C. at 320, 649 S.E.2d at 482 (2007); see also State v. Cox, 290 S.C. 489, 492, 351 S.E.2d 570, 572 (1986) (explaining that under the automobile exception, "the inherent mobility of automobiles provides the requisite exigency," and only probable cause is needed to justify a warrantless search once that mobility element is met). Accordingly, the trial court erred by ignoring the "inherent mobility" of the ambulance and instead basing its ruling on the absence of additional exigencies, like the potential destruction of evidence, to justify law enforcement's search. The fact that the court believed Connolly had no opportunity to destroy the drug evidence

was irrelevant to whether the automobile exception applied to law enforcement's search and was, as a matter of law, an improper basis for the trial court's ruling.¹

- 2) The trial court committed an error of law by finding that an ambulance was not covered under the automobile exception.

Second, the trial court erroneously held that “[the vehicle at issue is] an ambulance and I don’t believe that the automobile exception would apply” This conclusion is inconsistent with United States Supreme Court precedent, which has held that the only requirement for the automobile exception to apply to a specific vehicle is that the vehicle be operational. Labron, 518 U.S. at 940 (“If a car is readily mobile and probable cause exists to believe it contains contraband, the Fourth Amendment thus permits police to search the vehicle without more.”). Moreover, the trial court erred in considering the fact that “the ambulance was not driven by or owned by the defendant” in making its determination. (Tr. 131:7-8). See Wyoming v. Houghton, 526 U.S. 295 (1999); State v. McLaughlin, 307 S.C. 19, 22, 413 S.E.2d 819, 820–21 (1992) (holding that under the precedent set in Acevedo, “the police were entitled to search the taxi cab without a warrant pursuant to the automobile exception”).

- 3) The trial court erred in considering whether law enforcement could have sought a warrant for the backpack.

Finally, the trial court erred by holding “the appropriate thing at that point would have been to simply take the backpack as it was and to seek a warrant.” (Tr.132:3–7). Whether law

¹ The trial court cited two cases in support of its ruling, State v. Brown, 401 S.C. 82, 736 S.E.2d 263 (2012) and State v. Swaringen, 446 S.C. 16, 916 S.E.2d 343 (Ct. App. 2025). However, reliance on State v. Brown was misplaced, as that case dealt with a warrantless search incident to a lawful arrest, a distinct doctrine with entirely different elements and a different analysis from the automobile exception. Similarly, reliance on Swaringen was improper, as Swaringen dealt with warrantless inventory searches by third parties, which is also an entirely different category of warrantless searches and has no bearing on the automobile exception. Swaringen, 446 S.C. at 34-35, 916 S.E.2d at 353.

enforcement could have sought a warrant is irrelevant to whether the automobile exception applied to a warrantless search. See Weaver, 374 S.C. at 320-21, 649 S.E.2d at 482; Acevedo, 500 U.S. at 573. Accordingly, the trial court erred in finding that the automobile exception did not apply in part because law enforcement could have waited and sought a warrant to search the backpack.

The State provided the required evidence that the ambulance was an inherently mobile vehicle through Deputy Ruiz's testimony. Not only was the ambulance inherently mobile, its engine was running and it was preparing to depart for the hospital, and Deputy Ruiz's bodycam footage shows the ambulance actually departing. (Tr. 83:6-12; Court's Exhibit 1 at 43:35-42). Accordingly, there can be no dispute that the ambulance meets the 'inherently mobile' prong of the automobile exception.

B. There was probable cause for the police to search Connolly's backpack

As to the second prong, there was sufficient probable cause for law enforcement to search Connolly's backpack. Because the trial court based its ruling on the finding that the automobile exception did not apply to an ambulance, it erroneously failed to make an explicit ruling on probable cause. However, to the extent this Court finds that the trial court's comments expressing reservations about whether there was probable cause to search the backpack constituted a ruling, the trial court also erred in its evaluation of law enforcement's probable cause as "questionable." (Tr. 132:6-7).

Law enforcement had ample probable cause to believe there were drugs inside Connolly's backpack. In his testimony, Deputy Ruiz stated that he had probable cause based on the following: Law enforcement from Richland County police had informed him that Connolly had just departed from a hotel they were surveilling for suspected drug activity (Tr. 81:13-20);

Connolly departed from that motel with a backpack, following another individual who was at the hotel (Tr. 52:20-53:11); Connolly informed Deputy Ruiz inside the ambulance that he'd recently done fentanyl (Tr. 29:13-15); Connolly informed Deputy Ruiz that he had multiple needles in his possession, and Deputy Ruiz only located a single needle on Connolly's person (Tr. 29:11-12). Deputy Ruiz watched Connolly take his backpack into the ambulance with him (Court's Ex. 1, 15:30-15:40). During its colloquy with the trial court the State reiterated these facts and asserted that Deputy Ruiz had probable cause to believe that Connolly's bag contained contraband in the form of additional needles and drugs. (Tr. 92:2-19).

Deputy Ruiz's evidence was well over the threshold of probable cause necessary to support a warrantless search of Connolly's backpack under the automobile exception. See United States v. Ross, 456 U.S. 798, 805 (1982) (collecting cases). First, Deputy Ruiz had probable cause to believe there was contraband inside the ambulance because he watched Connolly take his backpack into the ambulance. Second, Connolly's strange behavior, admission of having recently done drugs, and admission that he had contraband in his possession—including multiple needles when Deputy Ruiz was only able to find a single needle on his person— was sufficient to establish probable cause that Connolly's backpack contained contraband. See McLaughlin, 307 S.C. at 22, 413 S.E.2d at 821 (finding that probable cause to search defendant's toolbox under the automobile exception was established when defendant behaved suspiciously, had a large amount of cash, was smoking a marijuana cigarette, and repeatedly denied ownership of the toolbox). Further, Deputy Ruiz's reliable information from other members of law enforcement that Connolly had just left a motel known for drug activity with a backpack, was likely transporting drugs in that backpack, and was biking behind another individual suspected of drug activity, was also sufficient to establish probable cause. See Bultron, 318 S.C. at 333, 457 S.E.2d

at 622 (“Law enforcement officers had probable cause to believe the Appellants were transporting contraband in the van pursuant to the tip from the reliable informant and in light of the Appellants' suspicious and highly orchestrated exit from the hotel with bags that could reasonably conceal cocaine.”). Accordingly, the evidence Deputy Ruiz relied upon was well over the threshold required to establish probable cause. See State v. Morris, 411 S.C. 571, 581, 769 S.E.2d 854, 859 (2015) (holding that while law enforcement’s identification of factors like the smell of marijuana, unrolled cigars in the console, and several empty cans of Red bull in the car may “appear banal independently, cumulatively they indicated drug trafficking to [the officer] based on his training and experience”); State v. Brannon, 347 S.C. 85, 95, 552 S.E.2d 773, 778 (Ct. App. 2001) (holding that law enforcement had sufficient probable cause to search defendant’s vehicle under the automobile exception when law enforcement received two reliable tips that defendants were transporting cocaine and defendants acted in a nervous manner when law enforcement approached them).

Because (1) the ambulance was an inherently mobile vehicle, (2) Connolly’s backpack was seized from inside the vehicle, and (3) law enforcement had probable cause to believe there was contraband in the backpack, the automobile exception applied to the facts of Connolly’s case. The trial court erred by suppressing the evidence.

CONCLUSION

For the foregoing reasons, this Court should reverse and remand this case for trial.

Respectfully submitted,

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