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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Lexington County
Honorable Thomas W. Cooper, Jr., Circuit Court Judge
Appellate Case Tracking No. 2023-001288
Opinion No. 2026-UP-426

State of South Carolina, Respondent,

vs.

Steven Daniel Brown, Appellant.

PETITION FOR REHEARING

On August 26, 2026, this Court, in an unpublished opinion, State v. Brown, Op. No. 2026-UP-426 (S.C. Ct. App. filed August 26, 2026), reversed Appellant's conviction for trafficking methamphetamine, holding the trial court erred by refusing to suppress drug evidence because the State failed to sufficiently establish a chain of custody.

In its opinion this Court stated: "The inclusion of the Ziploc bag in State's Exhibit 7 without explanation causes a break in the chain of custody because the manner of handling has not been reasonably demonstrated....without testimony accounting for the addition of the Ziploc bag to State's Exhibit 7 prior to Geitz sealing of the box, the reason for its presence is left to conjecture." This court distinguished this case from State v. Carter, 344 S.C. 419, 554 S.E.2d 835 (2001), stating "Unlike the missing sample at issue in Carter, Brown could not have used this evidence to 'contradict [] the State's evidence negating tampering' without acquiescing to its introduction and thus prejudicing his own defense." However, unlike in Carter, where there was a totally

unexplained gap because three tubes went in and only two tubes were in the box when it was opened, we know exactly what happened to the drugs in this case. The State intentionally did not present the evidence of the search of the house in front of the jury for fear of prejudice to Appellant. This was not at all an incomplete chain, but details were intentionally omitted and the chain was established by other evidence.

"It is unnecessary.... [t]hat the police account for 'every hand-to-hand transfer' of the item; it is sufficient if the evidence demonstrates a reasonable assurance of the condition of the item remains the same from the time it was obtained until its introduction at trial." State v. Hatcher, 392 S.C.86, 95, 708 S.E.2d 750, 754 (2011). "To expect the [prosecuting authority] to produce every possible individual who may have had fleeting contact with the evidence would cause unnecessary logistical problems concerning chain of custody." Id. (citing to Commonwealth v. Herman, 288 Pa. Super. 219, 431 A.2d 1016, 1019 (1981) (holding the absence of testimony from a crime lab custodian who merely logged in the seized marijuana was not fatal to the chain of custody where the officers who seized the drugs and the chemist who tested them did testify at trial)). "[I]f they identify of each person handling the evidence is established, and the manner of handling is reasonably demonstrated, no abuse of discretion by the trial court is shown in admitting the evidence absent proof of tampering, bad faith, or ill motive." State v. Sweet, 374 S.C. 1, 6, 647 S.E.2d 202, 205-206 (2007). Furthermore, "where there is a weak link in the chain of custody, as opposed to a missing link, the question is only one of credibility and not admissibility." State v. Carter, 344 S.C. 419, 424, 544 S.E.2d 835, 837 (2001). "The ultimate goal of chain of custody requirements is simply to ensure that the item is what it is purported to be." Hatcher at 96, 708 S.E.2d at 755.

There were text messages establishing that approximately 7 pounds of methamphetamine were going to be trafficked. When Geitz began speaking to Appellant, he immediately stated that "its on the floor board." Approximately 7 pounds of methamphetamine, based on field weight, was seized by Geitz. He testified that he seized the drugs to submit it to the Lexington County Evidence Center. He did not say he testified to sealing the box on scene where the drugs were taken from the vehicle. There is nothing in his testimony that indicates that the evidence was not secured by him or that the evidence was handled by someone else. There are simply omitted details about him securing it in his care while police went to Appellant's home to execute a search warrant. Walker testified that she received the box from the evidence custodian and all the seals made by Geitz were still secured and signed by him. Walker testified that the box had not been tampered with. She further testified that the box contained three packages equaling approximately 6.5 pounds of methamphetamine along with an additional separate bag that contained 5.2 grams. Every person in the chain is identified, the box was sealed and had not been tampered with. The evidence is exactly what it was purported to be: approximately 7 pounds of methamphetamine. The evidence and testimony presented reasonably identified who was in possession of the evidence and what was done with it between its seizure and analysis. Geitz could not testify to more details without alluding to other criminal activity by Appellant. There is no reasonable reason to believe that the evidence had been tampered with.

Therefore, pursuant to Rule 221(a), SCACR, this Court should grant the State's petition for rehearing and affirm Appellant's conviction because the trial court did not abuse its discretion in instructing the jury on voluntary manslaughter.

CONCLUSION

For all the foregoing reasons coupled with the reasons articulated in the State's brief and during oral argument before this Court, the State respectfully asks this Court to reconsider the matter pursuant to Rule 221(a) of the South Carolina Appellate Court Rules, vacate its prior opinion, and issue a new opinion affirming the decision of the Circuit Court.

Respectfully submitted,

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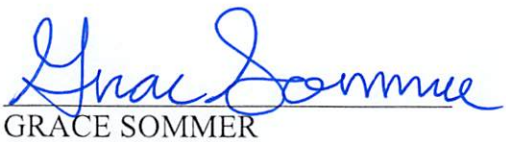
Steven Daniel Brown, Appellant.

PROOF OF SERVICE

I, Grace Sommer, certify that I have served the State's Petition for Rehearing on Robert T. Williams, Sr., Esquire and Jason Thomas Yonge, Esquire, counsel of record for the Appellant, by electronic mail to the address listed for counsel in AIS.

I further certify that all parties required by Rule to be served have been served.

This 10h day of September, 2026.



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