STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2015-002009

THE STATE,

Respondent,

v.

WAYNE BEECHER CARTER,

Appellant.

INITIAL BRIEF OF RESPONDENT

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
Assistant Attorney General
S.C. Bar No. 100108

Post Office Box 11549
Columbia, South Carolina 29211
(803) 734-3727

CHRISTINA T. ADAMS
Solicitor, Tenth Judicial Circuit

100 South Main Street
Anderson, South Carolina 29624
(864) 260-4046

ATTORNEYS FOR RESPONDENT

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STATEMENT OF ISSUE ON APPEAL

The trial court properly denied Appellant's suppression motion because the initiation of the traffic stop was supported by probable cause and the officer obtained consent to search the vehicle approximately six minutes into the ensuing stop.

STATEMENT OF THE CASE

On September 3, 2014, officers with the Seneca Police Department seized methamphetamine, a digital scale, baggies, a spoon, and a large quantity of cash from Appellant Wayne Beecher Carter's vehicle following a traffic stop in Seneca, South Carolina. In March of 2015, the Oconee County Grand Jury indicted Appellant for possession with intent to distribute methamphetamine. On September 14, 2015, Appellant proceeded to a jury trial before the Honorable R. Scott Sprouse. On September 15, 2015, the jury convicted Appellant as indicted. Judge Sprouse sentenced Appellant to eight years imprisonment. Thereafter, Appellant filed a timely notice of appeal.

STATEMENT OF FACTS

On the evening of September 3, 2014, Corporal Jefferson of the Seneca Police Department was on road patrol when he observed a vehicle driving with a broken taillight. (Tr. 100-02). Corporal Jefferson detected white light emanating from the rear passenger-side taillight that caught his attention. (Tr. 102, 107, 115-16). He activated his blue lights and pulled the vehicle over at 9:50 p.m. (Tr. 102-03, 113-14; State's Ex. No. 1). Corporal Jefferson approached the vehicle and identified the driver as Appellant, whom he recognized from previous encounters. (Tr. 102-03). Corporal Jefferson asked Appellant for his driver's license and to step out of the vehicle and Appellant complied, exiting the vehicle at 9:55 p.m. (Tr. 103, 114). Corporal Jefferson asked Appellant if he would mind emptying his pockets and Appellant voluntarily complied and handed Jefferson a large quantity of cash. (Tr. 103-04, 118, 125).

At 9:56 p.m., Corporal Jefferson requested consent to search the vehicle and Appellant replied, "Oh sure. Go ahead." (Tr. 104, 110-11, 114-15, 118, 119). Upon receiving Appellant's consent, Corporal Jefferson searched the vehicle and found a black bag under the driver's seat. (Tr. 104, 118). Inside the bag, Corporal Jefferson found a white, crystal-like substance resembling methamphetamine. (Tr. 104, 118). After this discovery, Corporal Jefferson called narcotics officers to the scene. (Tr. 104. 106, 109-10). Corporal Jefferson placed the black bag on the hood of his patrol car, placed Appellant in an investigative detention outside of the vehicle, and waited for the narcotics officers to arrive. (Tr. 104, 109-10).

Narcotics officers from the Seneca Police Department responded to the scene, including Officers Sutherland, Hunnicutt, and McClure. (Tr. 108-09). Officer Sutherland received the black bag from Corporal Jefferson along with $1,053 in cash that had been in Appellant's pocket. (Tr. 130). Officer Sutherland opened the bag and found a substance that was

subsequently determined to be 0.49 grams methamphetamine along with drug paraphernalia, including baggies, spoons, a butane torch, a methamphetamine pipe, a marijuana pipe, and a digital scale disguised to look like an iPhone. (Tr. 130, 152-61, 205). Officer Sutherland confiscated the bag along with its contents and the cash. (Tr. 130-32). Once narcotics officers finished speaking with Appellant, Corporal Jefferson wrote Appellant a warning citation for defective equipment. (Tr. 110, 127-28).

Subsequently, Appellant was indicted for possession with intent to distribute marijuana. (Indictment). At the outset of trial, defense counsel moved to suppress the evidence discovered during the traffic stop. (Tr. 71-75). Defense counsel argued the video of the traffic stop showed Appellant's vehicle had two functional taillights within the requirements of S.C. Code Ann. § 56-5-4730 and, therefore, the stop was invalid. (Tr. 71-75). Defense counsel also argued the continued questioning and detention of Appellant exceeded the scope of the traffic stop and rendered his consent to search invalid. (Tr. 71-75). In response, the solicitor argued there are numerous statutes pertaining to the general condition of automobiles beyond § 56-5-4730, including the defective equipment statute, S.C. Code Ann. § 56-5-5310, which is what the officer cited on Appellant's warning citation. (Tr. 75-79). The solicitor also argued the officer did nothing to extend the traffic stop improperly and noted Appellant's voluntary consent to the search. (Tr. 75-79). Following a reply argument from defense counsel, the trial court took a recess to review the video of the traffic stop in chambers. (Tr. 79-81). After watching the video, the court denied defense counsel's motion to suppress the methamphetamine and other evidence discovered during the traffic stop. (Tr. 81-82). The parties proceeded forward with the trial. At the conclusion of the trial, the jury convicted Appellant as indicted. The trial court sentenced Appellant to eight years' imprisonment.

ARGUMENT

The trial court properly denied Appellant's suppression motion because the initiation of the traffic stop was supported by probable cause and the officer obtained consent to search the vehicle approximately six minutes into the ensuing stop.

Appellant contends the trial court erred in denying his motion to suppress evidence discovered during the course of a traffic stop. Appellant maintains the traffic stop was illegal because he was not operating the vehicle in violation of S.C. Code Ann. § 56-5-4510 at the time the stop was initiated. Appellant further asserts the continued questioning during the stop exceeded the scope of the stop. To the contrary, the officer lawfully stopped Appellant's vehicle after the officer was able to discern white light emanating from the rear passenger-side taillight. Under these circumstances, the officer had a probable cause basis to believe the driver was committing a traffic infraction, which provided the officer with a lawful basis to initiate a traffic stop. Thereafter, during the course of the stop, the officer obtained Appellant's consent to search the vehicle within six minutes, leading to the discovery of methamphetamine and other drug paraphernalia. The initial stop was lawful and proper, and the officer conducted the stop in a reasonable manner. The trial court properly denied Appellant's suppression motion, and this ruling is supported by the evidence presented during trial. Appellant's conviction should be affirmed.

STANDARD OF REVIEW

In criminal cases, appellate courts sit to review errors of law only. State v. Brown, 401 S.C. 82, 87, 736 S.E.2d 263, 265 (2012). In Fourth Amendment search and seizure cases, the appellate court is limited to determining if there is any evidence to support the trial court's findings and can only reverse due to clear error. State v. Flowers, 360 S.C. 1, 5, 598 S.E.2d 725, 727 (Ct. App. 2004); see State v. Brockman, 339 S.C. 57, 66, 528 S.E.2d 661, 666 (2000) ("[W]e

will review the trial court's ruling like any other factual finding and reverse if there is clear error. We will affirm if there is any evidence to support the ruling."). The reviewing court may conduct its own review of the record to determine whether the trial judge's ruling is supported by the evidence. State v. Khingratsaiphon, 352 S.C. 62, 70, 572 S.E.2d 456, 460 (2002). However, the appellate court must affirm the trial court if there is any evidence in the record to support the ruling. State v. Pichardo, 367 S.C. 84, 96, 623 S.E.2d 840, 846 (Ct. App. 2005). The appellate court will not reverse merely because it would have reached a different conclusion than the trial judge. State v. Rivera, 384 S.C. 356, 361, 682 S.E.2d 307, 310 (Ct. App. 2009), *overruled in part on other grounds by* State v. Provet, 405 S.C. 101, 108, 747 S.E.2d 453, 457 (2013).

ANALYSIS

A. Validity of the Initial Traffic Stop

The Fourth Amendment protects "[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." U.S. Const. amend. IV. This guarantee protects against unreasonable searches and seizures, including those involving only a brief detention. Pichardo, 367 S.C. at 97, 623 S.E.2d at 847. "The touchstone of the Fourth Amendment is reasonableness." Florida v. Jimeno, 500 U.S. 248, 250 (1991). Thus, only unreasonable searches and seizures are prohibited. State v. Foster, 269 S.C. 373, 378, 237 S.E.2d 589, 591 (1977); see Maryland v. Buie, 494 U.S. 325, 331 (1990) ("It goes without saying that the Fourth Amendment bars only unreasonable searches and seizures[.]").

Pursuant to the Fourth Amendment, "[a] police officer may stop and briefly detain and question a person for investigative purposes, without treading upon his Fourth Amendment rights, when the officer has a reasonable suspicion supported by articulable facts, short of probable cause for arrest, that the person is involved in criminal activity." State v. Blassingame,

338 S.C. 240, 248, 525 S.E.2d 535, 539 (Ct. App. 1999); see State v. Robinson, 306 S.C. 399, 402, 412 S.E.2d 411, 413 (1991) ("To justify a brief stop and detention, the police officer must have a reasonable suspicion that the person has been involved in criminal activity."); see also United States v. Sokolow, 490 U.S. 1, 7 (1989) ("[T]he police can stop and briefly detain a person for investigative purposes if the officer has a reasonable suspicion supported by articulable facts that criminal activity 'may be afoot,' even if the officer lacks probable cause." (citation omitted)). The reasonableness of a stop or detention "is measured in objective terms by examining the totality of the circumstances," Ohio v. Robinette, 519 U.S. 33, 39 (1996).

A traffic stop for a suspected violation of law is a "seizure" of the occupants of the vehicle and therefore must comport with Fourth Amendment requirements. Heien v. North Carolina, ___ U.S. ___, ___, 135 S. Ct. 530, 536 (2014) (citing Brendlin v. California, 551 U.S. 249, 255–259 (2007)); State v. Maybank, 352 S.C. 310, 315, 573 S.E.2d 851, 854 (Ct. App. 2002). "Officers need only reasonable suspicion—that is, a particularized and objective basis for suspecting the particular person stopped of breaking the law.'" Id. (citing Navarette v. California, 572 U.S. ___, ___, 134 S.Ct. 1683, 1687–88, (2014) (internal quotation marks omitted)).

"Reasonable suspicion 'is not readily, or even usefully, reduced to a neat set of legal rules, but, rather, entails common sense, nontechnical conceptions that deal with factual and practical considerations of everyday life on which reasonable and prudent persons, not legal technicians, act.'" State v. Provet, 391 S.C. 494, 500, 706 S.E.2d 513, 516 (Ct. App. 2011) (quoting United States v. Foreman, 369 F.3d 776, 781 (4th Cir. 2004)). "In this highly fact-specific inquiry, reasonable suspicion 'is a fluid concept which takes its substantive content from the particular context in which the standard is being assessed.'" State v. Wallace, 392 S.C. 47, 51-52, 707 S.E.2d 451, 453 (Ct. App. 2011) (quoting Foreman, 369 F.3d at 781). The reasonable

suspicion standard "is a less demanding standard than probable cause and requires a showing considerably less than preponderance of the evidence[.]" Illinois v. Wardlow, 528 U.S. 119, 123 (2000). "Reasonable suspicion is more than a general hunch but less than what is required for probable cause." State v. Willard, 374 S.C. 129, 134, 647 S.E.2d 252, 255 (Ct. App. 2007); see State v. Rogers, 368 S.C. 529, 534, 629 S.E.2d 679, 682 (Ct. App. 2006) ("Reasonable suspicion is something more than an inchoate and unparticularized suspicion or hunch.").

The reasonableness of a stop or detention "is measured in objective terms by examining the totality of the circumstances." Robinette, 519 U.S. at 39. The test regarding whether reasonable suspicion exists is an objective assessment of the circumstances, and the officer's subjective motivations are irrelevant. Provet, 405 S.C. at 108, 747 S.E.2d at 457 (citations omitted). However, the initiation of a traffic stop is reasonable per se when probable cause exists to believe a traffic violation has occurred. State v. Williams, 351 S.C. 591, 598, 571 S.E.2d 703, 707 (Ct. App. 2002); see Whren v. United States, 517 U.S. 806, 810 (1996) ("An automobile stop is thus subject to the constitutional imperative that it not be 'unreasonable' under the circumstances. As a general mater, the decision to stop an automobile is reasonable where the police have probable cause to believe that a traffic violation has occurred."). A law enforcement officer's subjective intentions generally play no role in a Fourth Amendment analysis. See State v. Corley, 383 S.C. 232, 241, 679 S.E.2d 187, 192 (Ct. App. 2009).

"[P]robable cause is a flexible, common-sense standard." Texas v. Brown, 460 U.S. 730, 741 (1983). "The very term itself, 'probable cause,' does not import absolute certainty." In re Care and Treatment of Brown v. State, 372 S.C. 611, 619, 643 S.E.2d 118, 122 (Ct. App. 2007). The probable cause standard merely requires that the facts and circumstances available to the officer at the time of a stop would warrant a reasonably cautious person in the same situation to

believe an offense has been committed and the person stopped committed it. See Brown, 372 S.C. at 619-20, 643 S.E.2d at 122 (instructing probable cause only requires that the facts available to an officer would warrant a man of reasonable caution in the belief that an offense has been committed and that the accused committed it); see also Wortman v. City of Spartanburg, 310 S.C. 1, 4, 425 S.E.2d 18, 20 (1992) ("Probable cause is defined as a good faith belief that a person is guilty of a crime when this belief rests on such grounds as would induce an ordinarily prudent and cautious person, under the circumstances, to believe likewise."). Importantly, the probable cause standard does **not** demand any showing that the officer's belief was correct or more likely true than false. Brown, 460 U.S. at 742. "Probable cause may be found somewhere between suspicion and sufficient evidence to convict." Blassingame, 338 S.C. at 250, 525 S.E.2d at 540.

Pursuant to S.C. Code Ann. § 56-5-4510, "[e]very motor vehicle . . . shall be equipped with at least one tail lamp mounted on the rear which, when lighted as herein required, shall emit a **red light** plainly visible from a distance of five hundred feet to the rear . . . ." (emphasis added). Additionally, S.C. Code Ann. § 56-5-4590 provides, "[r]ear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a **red color**." (emphasis added). Furthermore, S.C. Code Ann. § 56-5-5310, "[n]o person shall drive or move on any highway any vehicle unless the equipment thereon is in **good working order** and adjustment as required in this chapter and the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway." (emphasis added).

In the present case, Corporal Jefferson properly and lawfully stopped Appellant's vehicle after developing a probable cause basis to believe Appellant was committing a traffic violation.

Corporal Jefferson testified he was on a routine road patrol when he observed a vehicle with a broken taillight. (Tr. 100-02). Corporal Jefferson further noted he detected white light emanating from the rear passenger-side taillight that caught his attention. (Tr. 102, 107, 115-16). Furthermore, a review of State's Exhibit No. 1 shows a clear distinction in the color of the right taillight as opposed to the left taillight. (State's Ex. No. 1)

The factors identified by Corporal Jefferson established Appellant's vehicle was a potential safety hazard which might endanger the driver or other persons on the roadway. This provided the officer with a probable cause basis to believe Appellant was driving in violation of the statutory requirements of S.C. Code Ann. § 56-5-4510, § 56-5-4590, and § 56-5-5310. Therefore, Corporal Jefferson's decision to stop Appellant's vehicle was valid and reasonable under the circumstances. See Foster, 269 S.C. at 378, 237 S.E.2d at 591 ("It is only unreasonable searches and seizures that are prohibited.").

As Corporal Jefferson had a probable cause basis to believe a traffic violation was being committed before initiating the traffic stop of Appellant's vehicle, the traffic stop was per se reasonable. See State v. Nelson, 336 S.C. 186, 193, 519 S.E.2d 786, 789 (1999) ("As a general matter, the decision to stop an automobile is reasonable where police have **probable cause to believe** that a traffic violation has occurred." (emphasis added)). Critically, Corporal Jefferson was not required to know with absolute certainty a traffic violation had occurred or which particular statutory provision Appellant had violated. See State v. Williams, 262 S.C. 186, 189, 203 S.E.2d 436, 437-38 (1974) ("The evidence need not be sufficient to support a conviction, or a verdict of guilty, or to establish guilt beyond a reasonable doubt; nor need the proof be positive, it being enough if it is such as to induce in the mind of the issuing officer an honest belief that the facts set forth exist, or as would lead a man of prudence to believe that the offense

has been committed." (citing State v. Bennett, 256 S.C. 234, 182 S.E.2d 291 (1971))). Otherwise, such a requirement would severely inhibit officers in their ability to stop vehicles posing potentially serious safety hazards merely because the officers are unaware of the precise statutory provision being violated. See State v. Jihad, 342 S.C. 138, 151, 536 S.E.2d 79, 86 (Ct. App. 2000) (Anderson, J., dissenting) ("Substantially impeding the enforcement of the state's traffic laws by compelling the police to decide traffic violations with exactitude eviscerates the public interest in traffic safety. The majority imbues traffic enforcement with inherent compelling pressures to know the statutory provisions with specificity before a reasonable stop can ensue."), rev'd on other grounds, 347 S.C. 12, 553 S.E.2d 249 (2001).

Because Corporal Jefferson was able to determine white light was emanating from Appellant's cracked rear passenger taillight, he observed Appellant driving in violation of statutory traffic provisions. Under the facts and circumstances present at the time of the stop, a reasonably prudent person in the same position as Corporal Jefferson would have likewise reasonably believed Appellant was committing a traffic violation. Therefore, Corporal Jefferson was legally authorized to initiate a traffic stop of Appellant's car.

However, the relevant question was not whether Appellant's car was in violation of the traffic statute but was, instead, whether the officer had a probable cause basis to believe a traffic violation had been committed. Based on Corporal Jefferson's observations, Appellant was driving with a defective rear passenger taillight, and this was sufficient to give the officer a probable cause basis to initiate the stop. Any issue as to whether that probable cause basis was sufficient to convict Appellant of the traffic violation beyond a reasonable doubt was immaterial to the validity of the stop. See Brown, 460 U.S. at 742 ("[Probable cause] does not demand any showing that such a belief be correct or more likely true than false."). Therefore, because the

officer's decision to stop Appellant's vehicle was supported by a probable cause belief a traffic violation was being committed, the traffic stop of Appellant's vehicle was entirely reasonable and legal. Accordingly, the evidence discovered during the ensuing traffic stop was not the product on an illegal stop.

Furthermore, even if Corporal Jefferson's belief did not rise to the level of probable cause, he was only required to have a reasonable articulable suspicion the occupants were in involved in criminal activity. See Robinson, 306 S.C. at 402, 412 S.E.2d at 413 ("To justify a brief stop and detention, the police officer must have a reasonable suspicion that the person has been involved in criminal activity."); Knight v. State, 284 S.C. 138, 141, 325 S.E.2d 535, 537 (1985) ("[A] police officer may stop an automobile and briefly detain its occupants, even without probable cause to arrest, if he has a reasonable suspicion that the occupants are involved in criminal activity."). In this case, Corporal Jefferson reasonably believed Appellant had committed the criminal offense of operating a vehicle with a cracked taillight in violation of statutory provisions, which constituted criminal activity classified as a misdemeanor. Therefore, even if this Court were to conclude Corporal Jefferson did not have probable cause to stop Appellant's vehicle, he nonetheless had the requisite reasonable suspicion to necessitate the traffic stop and suppression is not warranted.

Moreover, even if Corporal Jefferson's reasonable suspicion or probable cause basis for initiating a traffic stop based on the cracked rear passenger taillight was erroneous, it was an objectively reasonable mistake of law, and therefore, suppression was not warranted. See Heien, ___ U.S. ___, 135 S.Ct. 530 (holding reasonable suspicion, as required for a traffic stop, can rest on an objectively reasonable mistake of law). In Heien, the United States Supreme Court determined an officer's error of law in initiating traffic stop based on one non-functioning brake

light when North Carolina law only required one operational brake light was an objectively reasonable mistake of law, and thus, officer had reasonable suspicion for traffic stop. Id. Here, even if this Court finds Corporal Jefferson's basis for the traffic stop was based on a mistake of law, it was nonetheless objectionably reasonable. Therefore, the trial court properly denied Appellant's suppression motion, and this ruling is supported by the evidence. Appellant's conviction should be affirmed.

B. Propriety of the Traffic Stop and Search

The reasonableness of a stop or detention "is measured in objective terms by examining the totality of the circumstances." Robinette, 519 U.S. at 39. A lawful traffic stop begins at the point an officer stops a vehicle to investigate a traffic violation and "ordinarily continues, and remains reasonable, for the duration of the stop." Arizona v. Johnson, 555 U.S. 323, 333 (2009). "Normally, the stop ends when the police have no further need to control the scene, and inform the driver and passengers they are free to leave." Id.

Once a lawful traffic stop is initiated, an officer may order the driver and any passengers out of the vehicle pending completion of the stop and "may request a driver's license and vehicle registration, run a computer check, and issue a citation." Pichardo, 367 S.C. at 98, 623 S.E.2d at 847 (citing United States v. Sullivan, 138 F.3d 126 (4th Cir. 1998)); see Maryland v. Wilson, 519 U.S. 408, 415 (1997) ("[A]n officer making a traffic stop may order passengers to get out of the car pending completion of the stop."). During the course of the stop, an officer can inquire into matters unrelated to the initial justification for the stop without converting the stop into something other than a lawful seizure so long as the unrelated questioning does not measurably extend the duration of the stop. Johnson, 555 U.S. at 333; see also Muehler v. Mena, 544 U.S. 93, 100-01 (2005) (instructing additional questioning during a detention unrelated to the original

purpose of the detention does not constitute an additional seizure or independent Fourth Amendment violation). Such an investigatory traffic stop must be temporary and last no longer than necessary to effectuate its purpose. Pichardo, 367 S.C. at 98, 623 S.E.2d at 848; see also United States v. Branch, 537 F.3d 328, 336 (4th Cir. 2008) ("The maximum acceptable length of a routine traffic stop cannot be stated with mathematical precision. Instead, the appropriate constitutional inquiry is whether the detention lasted longer than was necessary, given its purpose.").

In Appellant's case, the officers did not unreasonably extend the duration of the initial traffic stop of Appellant's vehicle, and the traffic stop did not become an illegal detention. During the course of the stop, Corporal Jefferson lawfully stopped Appellant's vehicle for a traffic violation, asked for and received Appellant's driver's license. Corporal Jefferson then asked Appellant to step out of the vehicle and spoke with him briefly at the side of the car. Appellant voluntarily emptied his pockets for Corporal Jefferson. Approximately six minutes after the traffic stop began; Appellant provided consent to Corporal Jefferson to search his vehicle. At the point in the stop where the officer obtained consent, Corporal Jefferson had not yet issued a traffic citation to Appellant and had not yet completed the initial purpose of the stop. Cf. State v. Adams, 377 S.C. 334, 339, 659 S.E.2d 272, 275 (Ct. App. 2008) ("James testified the entire encounter from the initial detention to the arrest of Adams took no longer than ten minutes. Additionally, James testified he requested Adams' consent to search his vehicle within thirty seconds of receiving the return call on the vehicle registration check. This request was made before James had returned to his cruiser to fill out the necessary paperwork to issue Adams a citation. As stated above, Reese arrived on the scene at approximately the same time, and both officers testified Adams' consent to search the vehicle was given a short time later. Therefore,

we find Adams' disputed consent was given within the initial parameters of the lawful detention."); State v. Jenkins, 298 Conn. 209, 246-247, 3 A.3d 806, 831-32 (Conn. 2010) (finding an initial stop was not unreasonably extended and did not constitute an illegal detention where the officer stopped the defendant's vehicle for an unsignaled lane change, spoke with the defendant about the basis of the stop, required the defendant to step out of the car, asked a few unrelated questions, and then obtained consent to search within fifteen minutes).

Under the circumstances of the case, Appellant's detention was brief and was part of a routine lawful traffic stop. During the stop, Appellant was detained for no more than six minutes before Corporal Jefferson obtained consent to search the vehicle while conducting the stop, and Corporal Jefferson's questioning of Appellant was brief and did not unreasonably extend the duration of the stop. See Provet, 394 S.C. at 499, 706 S.E.2d at 516 (finding the initial traffic stop was not unreasonably extended even if the officer's questioning was unrelated to the purpose of the traffic stop where the entire stop lasted less than eleven minutes); see also United States v. Sharpe, 470 U.S. 675, 683 (1985) (finding a twenty-minute detention during an investigatory traffic stop was objectively reasonable); see also Branch, 537 F.3d at 338 ("We begin with the basic fact that much of Branch's 30-minute detention was justified by the 'ordinary inquiries incident' to a routine traffic stop." (citations omitted)); United States v. Jeffus, 22 F.3d 554, 557 (4th Cir. 1994) (finding a fifteen-minute traffic stop to be reasonable); see, e.g., United States v. Jones, 44 F.3d 860, 872 (10th Cir. 1995) (approving of a thirty-minute traffic stop); United States v. Hardy, 855 F.2d 753, 761 (11th Cir. 1988) (finding a fifty-minute investigatory stop to be reasonable).

Unlike cases where our courts have found an initial traffic stop to have been unlawfully extended, Corporal Jefferson's actions were reasonable, brief, and did not unnecessarily extend

the stop beyond its initial purpose. Cf. State v. Tindall, 388 S.C. 518, 522, 698 S.E.2d 203, 205 (2010) (finding a stop was unlawfully extended where the officer continued to question Tindall for six to seven minutes after learning there were no problems with Tindall's license and asked for consent over fifteen to twenty minutes into the stop), and Williams, 351 S.C. at 602, 571 S.E.2d at 709 (finding a traffic stop was unlawfully extended into a second detention where the officers detained Williams and the driver for twenty-five to forty minutes as opposed to the typical length of a stop, which was nine to eleven minutes, and the officers issued a citation to the driver and completed the initial purpose of the stop before continuing to question the driver). Because the initial traffic stop here was not unlawfully extended and because the purpose of the stop had not been completed at the time Appellant consented to the search, the officers were fully permitted to conduct a search of the car. See State v. Pollard, 255 S.C. 339, 344, 179 S.E.2d 21, 23 (1971) (ruling an individual waives his right to complain of a constitutional violation once he consents to a search).

As Appellant's detention was reasonable and occurred solely during the course of a routine traffic stop, the evidence discovered during the search of the vehicle undertaken with Appellant's consent, which was obtained within six minutes of the initiation of the stop, was admissible and was not the product of an unlawful search or seizure. See, e.g., Segura v. United States, 468 U.S. 796, 806 (1984) ("By its terms, the Fourth Amendment forbids only 'unreasonable' searches and seizures."). Accordingly, the trial court properly denied Appellant's suppression motion, and his ruling is supported by the evidence. Appellant's conviction should be affirmed.

CONCLUSION

For all the foregoing reasons, it is respectfully submitted that the judgment and conviction of the lower court be affirmed.

Respectfully submitted,

ALAN WILSON
Attorney General

MEGAN HARRIGAN JAMESON
Assistant Attorney General
S.C. Bar No. 100108

CHRISTINA T. ADAMS
Solicitor, Tenth Judicial Circuit

100 South Main Street
Anderson, South Carolina 29624
(864) 260-4046

BY: Megan Harrigan Jameson
Megan Harrigan Jameson

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ATTORNEYS FOR RESPONDENT

May 24, 2016

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM OCONEE COUNTY
R. Scott Sprouse, Circuit Court Judge

Appellate Case No. 2015-002009

THE STATE,

Respondent,

v.

WAYNE BEECHER CARTER,

Appellant.

PROOF OF SERVICE

I, Megan Harrigan Jameson, certify that I have served the within Initial Brief of Respondent and Designation of Matter on Appellant by depositing two copies of the same in the United States mail, postage prepaid, addressed to:

Robert M. Pachak, Esquire
S.C. Commission on Indigent Defense - Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

I further certify that all parties required by Rule to be served have been served.
This 24th day of May, 2016.

Megan Harrigan Jameson

Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar No. 100108

Office of the Attorney General
Post Office Box 11549
Columbia, SC 29211
(803) 734-3727

ALAN WILSON
ATTORNEY GENERAL

May 24, 2016

Robert M. Pachak, Esquire
S.C. Commission on Indigent Defense
Division of Appellate Defense
Post Office Box 11589
Columbia, SC 29211

RE: State v. Wayne Beecher Carter – Appellate Case No. 2015-002009

Dear Mr. Pachak:

I am enclosing two copies of the Initial Brief of Respondent and Designation of Matter in the above-referenced case.

Sincerely,

Megan Harrigan Jameson
Assistant Attorney General
S.C. Bar No. 100108

MHJ/

Enclosures

cc: The Honorable Jenny A. Kitchings (original and one enclosed)
Victim Services