

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Charleston County
Honorable R. Markley Dennis, Circuit Court Judge

THE STATE,

RESPONDENT.

V.

ALEXANDER REID,

APPELLANT.

APPELLATE CASE No.: 2017-002193

Pro-se ANDERS BRIEF

Alexander Reid, #204023
Petitioner, pro-se

McCI F-4 A-side
386 Redemption Way
McCormick, SC 29899

PETITIONER ACTING ON HIS
OWN BEHALF

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STATEMENT OF ISSUES ON APPEAL

(I) The trial judge erred in failing to grant the Appellant's motion to suppress a search of a residence.

STATEMENT OF THE CASE

Alexander Reid, the Appellant, entered an Alford guilty plea to the charges of trafficking in cocaine 2nd offense, although it was his third offense, but due to plea negotiations Appellant was allowed to plead to 2nd offense, possession with intent to distribute crack cocaine, and two counts of unlawful conduct towards a child during the October 2017 term of the Charleston County General Sessions Court before Judge R, Markley Dennis. Appellant was sentenced to imprisonment for a maximum of twenty years, all sentences were ran concurrently. Aaron Cole Mayer, Esquire represented the Appellant at the guilty plea hearing, Assistant Solicitor Stephanie Bianco Linder represented the State in this matter.

The Appellant appealed his guilty pleas, he was represented on appeal by Attorney Wanda H. Carter, Deputy Chief Appellate Defender, South Carolina Commission on Indigent Defense.

Attorney Carter filed a brief in accordance with the Anders procedures, Appellant now submits this pro-se brief.

In this pro-se brief the Appellant provides an explanation showing there are issues which can be reviewed on appeal pursuant to Rule 203(d)(1)(B)(iv) of the South Carolina Appellate Court Rules. On or about October 12, 2017, the Circuit Court ruled on three motions, at least one of which was dispositive: a motion to suppress an illegal automobile stop and search (Exhibit 1); a motion to obtain the name of a confidential informant (Exhibit 2); and a motion to suppress a search of a residence (Exhibit

3). On all three motions the Circuit Court ruled against the Appellant. The clearly dispositive motion was the motion to suppress search of the residence where cocaine was found. This search was the only way the authorities would have encountered the cocaine; there was no other avenue to this discovery.

Therefore, pursuant to the Fruit of the Poisonous Tree Doctrine, had this illegal search been suppressed the evidence located therein would have been inadmissible, and the operative charge, Trafficking Third Offense, would not have been prosecutable.

ROA 121-139.

ARGUMENT I

THE TRIAL JUDGE ERRED IN FAILING TO GRANT APPELLANT'S MOTION TO SUPPRESS A SEARCH OF A RESIDENCE.

The Appellant, Alexander Reid, pro-se, argues here before this Honorable Court that the Circuit Court Judge erred in failing to grant suppression of evidence of the search of a residence located at 2439 Old Georgetown Road in Mount Pleasant, South Carolina. As stated before the Circuit Judge in this matter, the Mount Pleasant community has documented multiple repeated misrepresentation by the officer who swore out the search warrant in this matter. According to that officer, the search of the house was based on trash pulled from a garbage can shared between multiple properties, and an undisclosed informant.

Probable cause for the search was never established, probable cause for a search exists when there is an articulable violation of the law. "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 ordinary prudent and cautious person, under the circumstances, to believe likewise". State v. Blassingame, 338 S.C. 240, 250, 525 S.E.2d 535, 540 (Ct. App. 1999)(quoting Workman v. City of Spartanburg, 310 S.C. 1, 425 S.E.2d 18 (1992)). Such grounds must be factual. "In determining the presence of probable cause...the probability

cannot be technical, but must be factual and practical considerations of everyday life on which reasonable, prudent and cautious men, not legal technicians act." Gist v. Berkeley County Sheriff's Dept., 316 S.C. 611, 521 S.E.2d 163 (Ct. App. 1999).

Here, a Mount Pleasant petition to stop Officer Blake from racially profiling and spreading false rumors - often of cooperation with the police, a dangerous accusation - garnered 400 signatures, and the attention of at least one TV new channel. Among the allegations by signatories to the petition were that Officer Blake commonly claimed that an informant said a person Blake initiated contact with was dealing drugs. Apparently, Officer Blake made this claim as his reason for contacting some individuals, but those contacted knew full well they were innocent. Over the course of time as members of the community talked with one another, they pieced together this component of Officer Blake modus operandi.

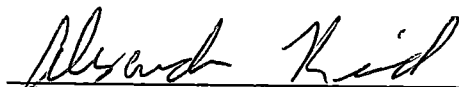
The inaccuracies, and to categorize them most kindly, the confusing representation set forth in the affidavits to the search warrants for the Old Georgetown Road house render the search based thereon unconstitutional.

CONCLUSION

In light of the foregoing, the Appellant ask that this Court deny Counsel's motion to be relieved and order further briefing on the issues raised by the Appellant in this pro-se Anders brief.

Appellant pray that this Court grant further review of the issues raised in this case.

Respectfully submitted,



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This 10 day of 4, 2018

Appellant, pro-se

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AFFIDAVIT OF SERVICE

The undersigned Appellant certifies that a true copy of the pro-se Anders Brief in the above referenced case has been served upon J. Benjamin Aplin, Esquire, at the Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, SC 29201 after a true copy of said brief was delivered to the McCormick Correctional Institution mail room on the 10 day of 4, 2018, with sufficient postage prepaid.

Alexander Reid
Alexander Reid, #204023
Appellant

Sworn to and subscribed before me this
10 day of April, 2018

Pro-se

JC Franklin
Notary Public of South Carolina

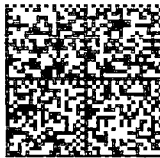
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