

23558

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Dorchester County

Honorable Maite Murphy, Circuit Court Judge

RECEIVED

JUL 22 2019

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

v.

FELIX KOTOWSKI,

APPELLANT

APPELLATE CASE NO 2016-000842

SUPPLEMENTAL RECORD ON APPEAL

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ATTORNEYS FOR RESPONDENT

INDEX

INDEX i
COURT’S EXHIBIT NO. 4 (Search Warrant)1
CERTIFICATE OF COUNSEL8

STATE OF SOUTH CAROLINA


ORIGINAL

County of Dorchester

OCA: 14011744

SEARCH WARRANT

EXHIBIT
Court's #4
12-7-15

Date October 30th, 2014

Officer Detective M. Strickland

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Dorchester

Personally appeared before me, one Detective M. Strickland who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Any and all items used to facilitate the manufacturing of methamphetamine, but not limited to. A quantity of white or off white powder substance commonly referred to as methamphetamine, but not limited to. Also all items listed in exhibit "A" attached to this affidavit.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

The place to be searched is Marsh Pointe Rd., Summerville, SC, County of Dorchester. The residence is better described as a two story wood frame dwelling, with gray vinyl siding and white trim. The numbers " " are posted on a white column to the left of the front door. The front door is white with a glass storm door. A blue Chevrolet Silverado (SC Tag) and a red Ford Explorer (SC Tag) are also parked at the residence.

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

Det. Sgt. Thompson with the Dorchester/Summerville Metro Narcotics Unit has been watching the residence in reference to a complaint of Manufacturing Methamphetamine. On October 29th, 2014, Det. Sgt. Thompson received a watch alert that Michele Vining was blocked twice from purchasing pseudoephedrine at 9:11 P.M. at Walgreens' on Dorchester Rd. Vining then successfully purchased a smaller quantity of pseudoephedrine from CVS on Ashley Phosphate Rd. at 9:27 P.M. on October 29, 2014. On October 30, 2014, the Dorchester County/Summerville Police Metro Narcotics Unit conducted a knock and talk at Marsh Pointe Rd., Vining's residence. When Detectives knocked on the door, there was initially no answer, and then someone came down the stairs and looked through the blinds from the window near the front door. Detectives knocked on the front door again and noticed someone remove a fan from an upstairs window, and close the window. Detectives knocked again and made contact with a male who identified himself as Felix Kotowski.

Sworn to and Subscribed before me
this 30th day of October, 20 14
Charles Dore (L.S.)
Signature of Judge

[Signature]
Affiant

Address: 212 Deming Way
Summerville, S.C. 29483
Phone: (843) 832-0300

STATE OF SOUTH CAROLINA

COUNTY OF Dorchester

AFFIDAVIT

Personally appeared before me, one Detective M. Strickland who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Continued from page 1.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

Also to be searched are any persons or vehicles on the property, any outbuildings, storage sheds, containers, lock boxes, and trash receptacles.

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

The male appeared very nervous and Det. Sgt. Thompson detected a strong odor of Ammonia emitting from Kotowski's person. Det. Sgt. Thompson asked if anyone else was there and Kotowski advised just his girlfriend "Lisa". Det. Sgt. Thompson had "Lisa" come down, and spoke to her away from Kotowski. Det. Sgt. Thompson also detected a strong odor of Ammonia emitting from "Lisa's" person as well. "Lisa" advised she did live at the residence, but Vining was not there. Det. Sgt. Thompson explained that if "Lisa" was in fact a resident, she could provide Detectives consent to search, but "Lisa" denied consent to search the residence. Due to the odor of Ammonia, which is commonly associated with the Manufacturing of Methamphetamine, emitting from the individuals, they were both detained by Detectives to await a search warrant. Due to the activities observed by Detectives prior to Kotowski and "Lisa" coming to the door, Detectives conducted a safety sweep of the residence to ensure no one else was inside. While clearing the house, Det. Lundberg and Det. Allen observed a cloudy atmosphere in and around the upstairs bathroom, as well as the strong odor of

Ammonia.
Sworn to and Subscribed before me
t his 30th day of October, 20 14
Charles Condit (L.S.)
Signature of Judge

[Signature]
Affiant

Address: 212 Deming Way
Summerville, S.C. 29483
Phone: (843) 832-0300

STATE OF SOUTH CAROLINA

AFFIDAVIT

COUNTY OF Dorchester

Personally appeared before me, one Detective M. Strickland who, being duly sworn, says that there is probable cause to believe that certain property subject to seizure under provisions of Section 17-13-140, 1976 Code of laws of South Carolina, as amended, is located on the following premises in this County:

DESCRIPTION OF PROPERTY SOUGHT

Continued from Page 2.

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING) TO BE SEARCHED

Continued from Page 2.

REASON FOR AFFIANT'S BELIEF THAT THE PROPERTY SOUGHT IS ON THE SUBJECT PREMISES

Det. Lundberg and Det. Allen also observed Mason Jars in the bathroom. Det. Lundberg and Det. Allen also observed cut straws, a white powder substance on a table in the master bedroom, along with a plastic bag with a white powder substance on the nightstand in the master bedroom. After the residence was secured, Det. Sgt. Thompson spoke with "Lisa" again, who admitted her name was actually Michele Vining. Upon viewing the National Precursor Log for pseudoephedrine (PSE) purchases for Kotowski, he last purchased PSE on 09/26/14, and 09/17/14. A search of Vining's PSE purchases revealed she has been heavily purchasing PSE, and last purchased on October 29, 2014. Pseudoephedrine is a precursor for the manufacturing of methamphetamine. Based on the facts, the affiant believes it is probable that the above describes residence is being used to manufacture, store, and consume Methamphetamine. The recovery of these items is vital to this investigation.

Sworn to and Subscribed before me
t his 30th day of October, 20 14
Charles [Signature] (L.S.)
Signature of Judge

[Signature]
Affiant

Address: 212 Deming Way
Summerville, S.C. 29483
Phone: (843) 832-0300

STATE OF SOUTH CAROLINA

COUNTY OF Dorchester

SEARCH WARRANT

Form Approved by
S.C. Attorney General
Session 17 13 160
March 15, 1978

TO ANY BONDED LAW ENFORCEMENT OFFICER OF THIS STATE OR COUNTY OR OF THE MUNICIPALITY
OF Dorchester County.

It appearing from the attached affidavit that there are reasonable grounds to believe that certain property subject to seizure
under provisions of Section 17-13-140, 1976 Code of Laws of South Carolina, as amended, is located on the following premises:

DESCRIPTION OF PREMISES (PERSON, PLACE OR THING)
TO BE SEARCHED

See Affidavit.

Now, therefore, you are hereby authorized to search the subject premises for the property described below, and to seize
such property if found:

DESCRIPTION OF PROPERTY

See Affidavit.

This Search Warrant shall not be valid for more than ten days from the date of issuance.

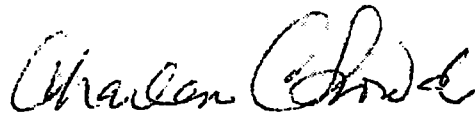
A written inventory of all property seized pursuant to this Search Warrant shall be made to
issuing Judge.

within ten days from the date of this warrant, such Inventory to be signed by the officer executing this warrant, and a copy
of such inventory shall be furnished to the person whose premises are searched if demand for such copy is made.

A copy of this Search Warrant shall be delivered to the person in charge of the premises searched at the time of such
search if practicable, and, if not, to such person as soon thereafter as is practicable; in the event the identity of the person
in charge is not known or if such person cannot be found after reasonable diligence in attempting to locate the person, a copy
shall be attached to a prominent place on such premises.

Summerville , S.C.

October 30th , 20 14



Signature of Judge

(L.S.)

EXHIBIT A
PROPERTY TO BE SEIZED

- 1.) BOOKS, RECORDS, RECEIPTS, NOTES, LEDGERS, AND OTHER PAPERS, RELATING TO THE TRANSPORTATION, ORDERING, PURCHASE, AND DISTRIBUTION OF CONTROLLED SUBSTANCES.
- 2.) PAPERS, TICKETS, NOTES, SCHEDULES, RECEIPTS, AND OTHER ITEMS RELATING TO DOMESTIC AND INTERNATIONAL TRAVEL
- 3.) BOOKS, RECORDS, RECEIPTS, BANK STATEMENTS AND RECORDS. MONEY DRAFTS, LETTERS OF CREDIT, MONEY ORDERS AND CASHIERS CHECKS, RECEIPTS. PASSBOOKS, BANK CHECKS, SAFE DEPOSIT BOX KEYS, AND OTHER ITEMS EVIDENCING THE OBTAINING, SECRETING. TRANSFER, AND / OR CONCEALMENT OF ASSETS AND TO OBTAINING, SECRETING, TRANSFER, CONCEALMENT AND / OR EXPENDITURE OF MONEY
- 4.) UNITED STATES CURRENCY, PRECIOUS METALS, JEWELRY, AND FINANCIAL INSTRUMENTS, INCLUDING STOCKS AND BONDS ~ AMOUNTS INDICATIVE OF THE PROCEEDS OF ILLEGAL NARCOTIC TRAFFICKING.
- 5.) PHOTOGRAPHS, IN PARTICULAR PHOTOGRAPHS OF CO-CONSPIRATORS, OF ASSETS AND / OR CONTROLLED SUBSTANCES.
- 6.) INDICA OF OCCUPANCY, RESIDENCY, AND / OR OWNERSHIP OF TO PREMISES DESCRIBED ABOVE, INCLUDING, BUT NOT LIMITED TO, UTILITY AND TELEPHONE BILLS, CANCELED ENVELOPES, AND KEYS.
- 7.) RECEIPTS FOR ITEMS EVIDENCING THE EXPENDITURE OF THE PROCEEDS OF DRUG DISTRIBUTION, INCLUDING BUT NOT LIMITED TO CLOTHING, FURNITURE, AND ELECTRONIC EQUIPMENT.
- 8.) WEAPONS.
- 9.) CONTROLLED DANGEROUS SUBSTANCES AND RELATED PARAPHERNALIA.

DORCHESTER COUNTY SHERIFF OFFICE

Search Warrant Return

Page 1 of 1

Case # 14011744

I Det. J. King, received the attached Search Warrant on October 30, 2014,

and have executed it as follows:

On October 30, 2014, at 9:00 o'clock (PM) AM, searched the person of _____

or the premises at Marsh Pointe Rd, which is described in the warrant.

I left a copy of the warrant with On inside steps together with a copy of the receipt
(Name of Person searched or location of premises searched)

for the items seized.

The following is an Inventory of property taken pursuant to the warrant:

<u>By Whom</u>	<u>Item Seized</u>	<u>Location</u>
<u>D. Lundberg</u>	Clear plastic round container containing clear plastic bag that contains an off-white powder substance, Aluminum foil containing a glass in color smoking device, (2) Aluminum smoking devices that contained residue, black in color cellular phone, black in color cellular phone with charger cord	<u>Front Room Over Garage</u>
<u>D. Lundberg</u>	plastic airline tube cuttings from gas generator	<u>Bedroom #2</u>
<u>D. Lundberg</u>	clear tied plastic bag containing an off-white powder, Sample bottle from green plastic bottle "one pot"	<u>Bathroom #2</u>
	FILED OCT 31 2014	

This inventory was made in the presence of: Lt. S. Gibbons, Sgt. F. Thompson, Cpl. D Lundberg, Cpl. B. Allen, Cpl. H. Tanner, Pfc. M. Strickland

I swear that this Inventory is a true and detailed account of all the property taken by me pursuant to the warrant Sworn to before me this

day of _____, 20__

Det. J. King
Signature of Office Executing Warrant

Signature of Judge _____ (L.S.)

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Lara M. Caudy
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 24th day of August, 2017.