



ALAN WILSON  
ATTORNEY GENERAL

September 9, 2019

**VIA HAND DELIVERY**

The Honorable Jenny Kitchings  
Clerk, South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211

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SEP 09 2019  
SC Court of Appeals

**Re: State. v. William Caughman**  
Appellate Case No.: 2016-001867

Dear Ms. Kitchings,

This case is scheduled for oral argument on September 12, 2019, at 10:00 a.m. in Courtroom I. Pursuant to Rule 208(b)(7) SCACR, attorney for Respondent respectfully wishes to call to the Court's attention the following additional authority:

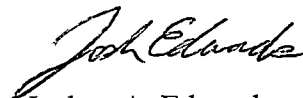
1. S.C. Code Ann. §17-13-140 (2018). This statute establishes the search warrant procedure within this state, and provides that a search warrant issued by a county magistrate "shall be directed to any peace officer having jurisdiction in the county where issued, including members of the South Carolina Law Enforcement Division . . . ." Though it was not cited by either party in the briefs, this statute is dispositive of Appellant's first issue raised. The search warrant in this case (conceded to be valid) was directed to Cayce police officers, who have jurisdiction within Lexington County, where the warrant was issued. Indeed, all officers present at the execution of the warrant—officers from Cayce, West Columbia, and SLED—were eligible under the statute to execute the warrant. The inter-agency agreement statutes cited by Appellant concern the power of an officer to exercise the totality of his powers as a peace officer—most significant being the power of arrest—beyond his territorial jurisdiction. The statutes have no bearing on this case. An officer's power to arrest originates from his status as a commissioned officer in a given locality, and a special grant of authority is necessary to allow him to exercise that authority beyond his territorial jurisdiction. An officer's powers to execute a search originate with a valid search warrant. Cayce officers have jurisdiction within Lexington County, and the

statute authorizes them to execute a valid search warrant—at the direction of a Lexington County magistrate—anywhere within the county.

2. United States v. Green, 178 F.3d 1099, 1106 (10th Cir. 1999). Though Caughman does not cite any constitutional provision to support his argument that the trial court should have suppressed the evidence seized pursuant to the search warrant (meaning such an argument is not preserved for review), any such argument would be unavailing because the failure to follow a state statute governing the execution of a search warrant has no bearing on a federal constitutional claim. As the Green court explained: “The Fourth Amendment is satisfied where, as here, officers obtain a warrant, grounded in probable cause and phrased with sufficient particularity, from a magistrate of the relevant jurisdiction authorizing them to search a particular location, even if those officers are acting outside their jurisdiction as defined by state law.” See also United States v. Artis, 919 F.3d 1123, 1130 (9th Cir. 2019) (same holding). The court rejected the defendant’s argument (the same argument made in this case) equating a warranted search with a warrantless arrest outside an officer’s jurisdiction, explaining that a “warrantless arrest is vastly different from a warranted search.” Appellant has cited no statutory or common law basis for exclusion of the seized items except for the inapposite inter-agency agreement statutes that govern the exercise of arrest powers.
3. Buonocore v. Harris, 65 F.3d 347, 354 (4th Cir. 1995). This case provides general historical context for the execution of search warrants. It explains that there was a common law requirement that a warrant had to be executed by a “properly commissioned officer to further the *government’s purpose*” (as opposed to a private citizen or customs official acting on a “writ of assistance”), but the State is unaware of, and Appellant has not cited, any common law precedent tying the admissibility of seized evidence to the territorial jurisdiction of the peace officer who executed a valid search warrant. It is not the territorial jurisdiction of the executing officer that gives him the authority to search—it is the authority conveyed by a valid warrant issued by a magistrate within the jurisdiction.

By copy of this letter, I am notifying opposing counsel of the submission of this supplemental authority. Counsel has additionally been notified by email of the intent to submit this authority.

Sincerely,



Joshua A. Edwards  
Assistant Attorney General  
Bar No. 101188

cc: Taylor Gilliam, Esquire



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