

SUPREME COURT OF SOUTH CAROLINA

State v. Landon, 370 S.C. 103

634 S.E.2d 660 (2006) · No. No. 26202 · Decided August 21, 2006

SUMMARY

The South Carolina Supreme Court held that the State Law Enforcement Division's records did not satisfy the statutory requirement to maintain detailed records concerning breath-testing devices. However, suppression of the defendant's breath-test results was improper without a finding of prejudice. The court held that the defendant made a prima facie showing of prejudice and shifted the burden to the State, reversing and remanding for an evidentiary hearing.

CASE DETAILS

|                       |                                                                                                                                                                                 |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Supreme Court of South Carolina                                                                                                                                                 |
| WRITING FOR THE COURT | Justice Moore; Chief Justice Toal; Justice Waller; Justice Burnett; Justice Pleicones                                                                                           |
| JURISDICTION          | South Carolina                                                                                                                                                                  |
| DECIDED               | August 21, 2006                                                                                                                                                                 |
| DOCKET                | No. 26202                                                                                                                                                                       |
| DISPOSITION           | reversed_and_remanded                                                                                                                                                           |
| PROCEDURAL POSTURE    | The State appealed an order suppressing the results of Landon's breath test in a prosecution for second-offense driving under the influence.                                    |
| STANDARD OF REVIEW    | The Supreme Court reviewed the suppression ruling and the interpretation and application of section 56-5-2954; the opinion does not state a separate formal standard of review. |
| PRECEDENTIAL VALUE    | Published opinion; precedential decision of the Supreme Court of South Carolina.                                                                                                |
| PARTIES               | The State v. Ronald Landon                                                                                                                                                      |

TOPICS

- suppression of evidence
- criminal procedure
- statutory interpretation
- appellate procedure
- evidence

PRACTICE AREAS

- criminal procedure
- evidence
- appellate procedure

## QUESTIONS PRESENTED

1. Whether the State violated South Carolina Code section 56-5-2954 by failing to maintain detailed records concerning the DataMaster breath-testing machine.
2. Whether suppression of the breath-test results was proper without a finding of prejudice and, if prejudice was shown *prima facie*, which party bore the burden of proving or disproving prejudice.

## HOLDINGS

1. The State violated section 56-5-2954 because the records maintained by SLED did not contain the detailed information about malfunctions, repairs, complaints, or other problems that the statute requires. The statute requires records to be maintained by both SLED and the individual law-enforcement agency, but the location requirement was satisfied because SLED's records were accessible at the testing site.
2. Suppression was improper without an evidentiary determination of prejudice. Once the defendant makes a *prima facie* showing of prejudice from the State's failure to provide the required detailed records, the burden shifts to the State to prove that the defendant was not prejudiced, either by producing records showing that the machine was functioning properly or through other contemporaneous evidence.

## KEY QUOTATIONS

*"We conclude the trial judge correctly found that the records kept by SLED do not satisfy the requirement in § 56-5-2954 that a detailed record be maintained."* (370 S.C. at 108)

*"Because SLED's failure to provide a detailed record significantly hampers the defendant's ability to show prejudice in this situation, we hold that once a defendant makes a prima facie showing of prejudice, the burden must shift to the State to prove the defendant was not prejudiced, either by providing records to show the machine was working properly at the time of testing or by some other contemporaneous evidence."* (370 S.C. at 109)

## FACTUAL BACKGROUND

Landon was involved in an automobile accident and was later examined by Officer Bethea, who observed an odor of alcohol, red eyes, and a flushed face. A DataMaster breath test at the Richland County Detention Center indicated a blood-alcohol level of .14. SLED maintained records for the DataMaster machines on its website, but the records did not provide detailed descriptions of reported problems, and the detention center maintained no separate records on site. Records also showed that the machine used to test Landon was repaired eight days after his test.

## PROCEDURAL HISTORY

Landon moved before trial to suppress the DataMaster breath-test results under South Carolina Code section 56-5-2954. The trial court initially denied the motion but, on reconsideration, suppressed the results after finding that the required detailed records were not maintained at the testing site. The State appealed, and the Supreme Court of South Carolina reversed the suppression order and remanded for an evidentiary hearing on prejudice.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The trial court must conduct an evidentiary hearing on whether Landon was prejudiced and whether the State can rebut the prima facie showing of prejudice by producing records demonstrating that the DataMaster was functioning properly at the time of testing or by presenting other contemporaneous evidence.

## CASES CITED

- State v. McKnight, 287 S.C. 167, 337 S.E.2d 208 (1985)
- State v. Muldrow, 348 S.C. 264, 559 S.E.2d 847 (2002)
- State v. Hughes, 336 S.C. 585, 521 S.E.2d 500 (1999)
- State v. Salisbury, 330 S.C. 250, 265, 498 S.E.2d 655, 662-63 (Ct. App. 1998)
- State v. Quattlebaum, 338 S.C. 441, 527 S.E.2d 105 (2000)