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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Orangeburg County

Honorable Roger M. Young, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

BOWEN GRAY TURNER,

APPELLANT.

APPELLATE CASE NO. 2022-001018

RECORD ON APPEAL

ROBERT M. DUDEK
Chief Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

MATTHEW C. BUCHANAN
General Counsel
S.C.P.P.S.
Post Office Box 207
Columbia, SC 29202
(803) 734-6320

ATTORNEY FOR APPELLANT

J. WILLIAM WEEKS
Solicitor, Second Judicial Circuit
109 Park Avenue SE, Room 117
Aiken, SC 29802
(803) 642-1557

ATTORNEYS FOR RESPONDENT

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1 STATE OF SOUTH CAROLINA)
2) IN THE COURT OF
3 COUNTY OF ORANGEBURG) GENERAL SESSIONS
4
5 THE STATE,)
6 Plaintiffs,)
7 Vs) CASE NO. 2022-GS-38-00611
8 BOWEN GRAY TURNER,)
9 Defendant)

10
11 APRIL 7, 2022

12 ORANGEBURG, SOUTH CAROLINA
13

14 HONORABLE R. MARKLEY DENNIS, JR, JUDGE
15

16 A P P E A R A N C E S:

17 BY: DAVID W. MILLER, ESQUIRE

18 Attorney for the Plaintiffs

19 BY: C. BRADLEY HUTTO, ESQUIRE

20 Attorney for the Defendant
21
22
23

24 KATHERINE A. SPIRES

25 REGISTERED PROFESSIONAL REPORTER

1 THE COURT: All right. Solicitor?

2 MR. MILLER: Bowen Gray Turner.

3 MS. FORD: Your Honor, the victims have
4 some motions that have been filed, both on
5 Wednesday and this morning. First being a motion
6 to enforce victims' rights and be heard prior to
7 any plea, Your Honor. We also filed a writ of
8 mandamus to asked the Second Circuit Solicitor and
9 SLED to follow the Court Order that was signed by
10 Judge McFadden. We also filed a Rule to Show Cause
11 against Ellore Bail Bonding Company for failing to
12 report any violations.

13 I'd ask that those be heard, Your
14 Honor, prior to this plea. Because once the plea
15 is accepted, victims lose rights under the Victims'
16 Bill of Rights.

17 THE COURT: Well, let me ask you a
18 question, Ms. Ford. I've been handed copies of
19 documents this morning.

20 MS. FORD: Yes, sir.

21 THE COURT: The first time I've seen
22 any of these because I've been assigned this week,
23 I'm not a resident judge here.

24 MS. FORD: Yes, sir.

25 THE COURT: The petition that I have is

1 a petition for Rule to Show Cause and it's
2 captioned, the State of South Carolina verses Bowen
3 Gray Turner.

4 MS. FORD: Yes, sir.

5 THE COURT: And that's the caption of
6 the pleading; correct?

7 MS. FORD: Yes, sir.

8 THE COURT: I asked you in the
9 chambers, are you claiming to represent the State
10 of South Carolina?

11 MS. FORD: No, sir, I do not. I
12 represent the victims in the case --

13 THE COURT: Ma'am, I understand who you
14 represent, but this is filed as a party being the
15 State of South Carolina not the victims' advocate.

16 MS. FORD: No, sir, I'm not a victims'
17 advocate, I'm the victims' attorney.

18 THE COURT: Well, the victims -- I
19 understand the victims' right. No question about
20 their right to be heard and I'm going to hear from
21 them during this plea as I do every single plea
22 I've ever heard in 28 years involving a case of
23 this nature.

24 MS. FORD: Yes, sir.

25 THE COURT: But you're asking me -- but

1 | you filed an action for a mandamus that you're not
2 | the attorney representing the State and I don't
3 | think you have any connection with Mr. Turner. I
4 | heard you say you want the bonding company to be
5 | found for not -- for not following the Order?

6 | MS. FORD: Yes, sir. That was
7 | explicitly written into Judge McFadden's Order.

8 | THE COURT: I understand that. Have
9 | you served the bonding company?

10 | MS. FORD: Yes, sir, we did.

11 | THE COURT: Well, where is that case
12 | and when did you serve them?

13 | MS. FORD: They were served on
14 | Wednesday, Your Honor.

15 | THE COURT: Ma'am, it is now Friday.
16 | And I haven't practiced law in 21 years, I haven't
17 | done too many Rules to Show Cause, but the minimum
18 | notice is four days, so how can we hear that?

19 | MS. FORD: Your Honor, the rule has to
20 | actually be signed by this Court. We're asking the
21 | Court to signed that Order.

22 | THE COURT: No. No. No. You have a
23 | hearing -- well, first of all, I don't have
24 | authority to sign it, a rule, because that's a
25 | civil matter.

1 MS. FORD: It's a scheduling hearing.
2 Yes, sir, we actually attached that to our motion.

3 THE COURT: That's a civil matter, a
4 contempt citation.

5 MS. FORD: No, sir. In the Order it
6 was explicitly written that it was both criminal
7 and civil contempt.

8 THE COURT: Ma'am, I appreciate you can
9 write -- in the Order, what Order?

10 MS. FORD: Judge McFadden's Order. I
11 don't know if you've read that, Judge, but it
12 explicitly says --

13 THE COURT: Ma'am, this is a -- that's
14 a bond matter that we're about to resolve. Because
15 when I hear the plea there is no bond anymore.

16 MS. FORD: Yes, sir. Which essentially
17 is allowing the State in this plea to circumvent
18 the Victims' Bill of Rights.

19 THE COURT: No, ma'am, the State is not
20 circumventing anybody. The State's moving forward
21 with resolving the case, I believe that's what the
22 State is desirous of doing; is that correct,
23 Mr. Miller?

24 MR. MILLER: That is correct, Your
25 Honor.

1 THE COURT: I will be happy to hear
2 your arguments for the victims when we get to that
3 point. Thank you, Ms. Ford.

4 MS. FORD: Your Honor, can I just ask
5 that you rule that on the Rule to Show Cause and
6 the writ of mandamus --

7 THE COURT: Ma'am, I told you can't
8 rule on it. You haven't given proper notice. It's
9 not properly before me. The only thing before me
10 is a case to resolve this Indictment 2022 verses
11 611. Thank you.

12 MS. FORD: Your Honor, we also did file
13 a motion to enforce victims' rights. We'd ask to
14 be heard prior to the plea on that motion, Your
15 Honor, that we just served.

16 THE COURT: And that was served against
17 whom?

18 MS. FORD: That was served against --
19 it was served this morning, given to the State,
20 given to the Defense, Your Honor.

21 THE COURT: Served this morning?

22 MS. FORD: Yes, sir.

23 THE COURT: Thank you, ma'am. It's not
24 timely filed. Thank you.

25 MS. FORD: So, Your Honor, you're

1 ruling that the victims are not able --

2 THE COURT: I'm saying that I can't
3 hear that motion today because it's not been
4 properly served and notice properly given.

5 MS. FORD: Well, Your Honor, we'd ask
6 that this matter be continued until the victims may
7 properly --

8 THE COURT: Ma'am, I don't believe you
9 control -- Solicitor, do you want to continue this
10 matter?

11 MR. MILLER: No, Your Honor.

12 THE COURT: Thank you. Mr. -- Senator
13 Hutto, do you wish --

14 MS. FORD: Your Honor, we object to
15 these rulings, just want to place that on the
16 record.

17 THE COURT: It's noted and your motion
18 is well noted and I will do this for you, Ms. Ford,
19 as I do -- have done for 28 years. I appreciate
20 all your work that you've done to put this together
21 and I'm incorporating this fully in the record for
22 purposes of review should that become necessary.
23 So you may rely on that for any appeal that you
24 wish to take.

25 MS. FORD: Thank you, sir.

1 THE COURT: Thank you very much, Ms.
2 Ford. Appreciate it. Okay.

3 MR. MILLER: Your Honor, before the
4 Court is Bowen Gray Turner, he is represented by
5 Mr. Brad Hutto of the Orangeburg County bar. This
6 is Indictment Number 2022-GS-38-0611. That
7 Indictment is for assault and battery in the first
8 degree. It has not been to the grand jury. My
9 understanding is that Mr. Turner has indicated he
10 was waiving the right for the Indictment to go to
11 the grand jury. There is a recommended sentence in
12 the case and I will explain that to the Court at
13 the Court's insistence.

14 THE COURT: Thank you, Mr. Miller. And
15 what I have checked -- I appreciate that. I want
16 to be sure because the one thing, at least I've
17 learned this as well, there's a recommendation and
18 then there's a negotiated. What's been crossed on
19 my sheet, the sentencing sheet, is a negotiated
20 sentence?

21 MR. MILLER: Your Honor, I believe we
22 intended for that to be a recommendation.

23 THE COURT: So I'm at option to either
24 -- I can either accept it or reject it?

25 MR. MILLER: No, sir. In

1 recommendation you can -- yes, sir, you can accept
2 it, you can reject it.

3 THE COURT: Mr. Hutto -- Senator Hutto,
4 did you think it was a recommendation or a
5 negotiated?

6 MR. HUTTO: I thought it was a
7 recommendation.

8 THE COURT: Okay. That's fine. I'm
9 going to scratch that out because that -- how I
10 have to deal with that as you know, my options on a
11 negotiated sentence of accepted or rejected. I
12 can't modify it in any fashion.

13 MR. MILLER: Yes, sir.

14 THE COURT: Thank you, sir. You
15 understand that, Mr. Turner?

16 MR. TURNER: Yes, sir.

17 THE COURT: Okay. And you understand
18 the difference between the two?

19 MR. TURNER: Yes, sir.

20 THE COURT: Okay. I'm going to go
21 ahead and cross that out and put -- check
22 recommendation.

23 Mr. Turner, Indictment 2022-611 charges
24 you, sir, with assault and battery in the first
25 degree, are you aware of that?

1 MR. TURNER: Yes, sir.

2 THE COURT: Are you aware that that
3 Indictment has not been sent to the grand jury?

4 MR. TURNER: Yes, sir.

5 THE COURT: And you have indicated a
6 desire to enter a plea to this Indictment?

7 MR. TURNER: Yes, sir.

8 THE COURT: Your lawyer has explained
9 that in order for me to accept that it is necessary
10 for you to waive presentment to the grand jury?

11 MR. TURNER: Yes, sir.

12 THE COURT: You've checked this box on
13 the sentencing sheet and you've placed your
14 initials stating you want to waive presentment to
15 the grand jury?

16 MR. TURNER: Yes, sir.

17 THE COURT: Is that your decision?

18 MR. TURNER: Yes, sir.

19 THE COURT: And you fully understand
20 that decision?

21 MR. TURNER: Yes, sir.

22 THE COURT: Do you understand I can
23 sentence you up to ten years in jail, sir?

24 MR. TURNER: Yes, sir.

25 THE COURT: Okay. And I don't -- I'm

1 | glad you asked Senator Hutto, but anything that you
2 | don't understand, you -- and if necessary, if y'all
3 | need to stop for a minute and go talk, I will
4 | certainly allow you to do that. Because I want to
5 | be sure you understand what you're doing here
6 | today.

7 | MR. TURNER: Yes, sir.

8 | THE COURT: And it's your desire to go
9 | forward with this plea today?

10 | MR. TURNER: Yes, sir.

11 | THE COURT: Are you totally satisfied
12 | with your lawyer?

13 | MR. TURNER: Yes, sir.

14 | THE COURT: All right. If you would
15 | place him under oath, please.

16 | BOWEN GRAY TURNER,
17 | being first duly sworn, was examined and testified
18 | as follows:

19 | THE COURT: Senator Hutto, you've
20 | discussed this matter fully with your client?

21 | MR. HUTTO: I have, Your Honor.

22 | THE COURT: Have you investigated the
23 | matter fully on his behalf?

24 | MR. HUTTO: I have, Your Honor.

25 | THE COURT: And you've shared the

1 results of that investigation with him?

2 MR. HUTTO: I have.

3 THE COURT: Based on your
4 investigation, do you concur with his decision here
5 today to enter the guilty plea to assault and
6 battery in the first degree?

7 MR. HUTTO: I do.

8 THE COURT: Mr. Turner, is that
9 correct, sir?

10 MR. TURNER: Yes, sir.

11 THE COURT: You understand, sir, that
12 if I accept your plea you will not have a jury
13 trial, you will not confront the witnesses against
14 you, and you're giving up the right to remain
15 silent?

16 MR. TURNER: Yes, sir.

17 THE COURT: Have there been any
18 promises or any threats made to you to get you to
19 plead guilty?

20 MR. TURNER: No, sir.

21 THE COURT: This is your decision?

22 MR. TURNER: Yes, sir.

23 THE COURT: Solicitor, if you would
24 tell me the facts, please, and also at the
25 conclusion, whatever the recommendation is.

1 MR. MILLER: Yes, Your Honor. May it
2 please the Court.

3 THE COURT: Yes, sir.

4 MR. MILLER: On June 3rd of 2019, the
5 Orangeburg County Sheriff's Office responded to the
6 Regional Medical Center in Orangeburg, South
7 Carolina to meet with the victim in this case and
8 her mother in reference to a sexual assault.

9 The victim reported on the night of
10 June 1st and into the morning -- early morning
11 hours of June 2, 2019, she attended a party at [REDACTED]
12 Saturn Way Road in Orangeburg County. Victim
13 reported sometime around three a.m. she was outside
14 the pond house attempting to call a friend when she
15 was approached by the Defendant, Bowen Gray Turner.

16 The victim reported that Turner pulled
17 her behind a truck that was off to the side of the
18 house, pushed her to the ground, pulled her shirt
19 down and exposed her bra. Turner then pulled her
20 pants and underwear off and forced himself sexually
21 on the victim.

22 That's the factual basis, Your Honor,
23 for the plea. As far as the recommendation, the
24 recommendation from the State is that the Defendant
25 be sentenced under the Youthful Offender Act not to

1 exceed six years, suspended to time served of 55
2 days and probation for five years. The Defendant
3 will be placed on sex offender probation
4 supervision and is required to complete sex
5 offender counseling as directed by the South
6 Carolina Department of Probation Parole and Pardon
7 Services.

8 Sex offender registration will be held
9 in abeyance. If the Defendant successfully
10 completes all probation requirements, he would not
11 be required to register as a sex offender. If the
12 Defendant violates the terms of the probation and
13 has a YOA sentence activated, he will be required
14 to register as a sex offender. If the Defendant
15 violates the terms of the probation and does not
16 have a sentence activated, a further hearing would
17 be held to be determined whether he has to
18 register.

19 Additional conditions of probation will
20 include no direct, indirect, or third party contact
21 with any of the victims' families in this case.
22 Mr. Hutto is well aware of who those victims'
23 families are. And this probation would terminate
24 upon completion of the sex offender counseling or
25 two years, whichever is later.

1 THE COURT: All right. And, again,
2 we're talking about that's a recommendation?

3 MR. MILLER: That is the
4 recommendation, Your Honor.

5 THE COURT: Senator Hutto, is that your
6 understanding of the recommendation?

7 MR. HUTTO: It is, Your Honor.

8 THE COURT: Mr. Turner, you've heard
9 the factual recitation by the Solicitor, is it
10 correct?

11 MR. TURNER: I accept responsibility
12 for my actions.

13 THE COURT: I appreciate that response,
14 but I need you to tell me that you're guilty of
15 committing assault and battery in the first degree?

16 MR. TURNER: Guilty, Your Honor.

17 THE COURT: No question about that?

18 MR. TURNER: No question.

19 THE COURT: All right.

20 MR. MILLER: Your Honor, as you are
21 aware, the victims are represented by Ms. Ford --

22 THE COURT: I am.

23 MR. MILLER: -- and she would like to
24 address the Court at the appropriate time.

25 THE COURT: I will do that, but I need

1 to accept the plea first and then I will be happy
2 to hear from the victims fully on that, Ms. Ford.

3 MS. FORD: Thank you, Your Honor.

4 THE COURT: You bet. I find as a
5 factual basis obviously to support the plea. I
6 find that Mr. Turner's had the benefit of very
7 competent counsel with whom he's indicated he's
8 totally satisfied. I, therefore, find the plea to
9 be freely, voluntarily, knowingly, intelligently
10 made and I will accept the plea.

11 But before I hear from you and Senator
12 Hutto, I want to hear fully from the victims'
13 advocate and anyone that wants to speak on behalf
14 of --

15 MS. FORD: Thank you, Your Honor.

16 THE COURT: You bet.

17 MS. FORD: I have spoken with the
18 Solicitor earlier this week, there is a -- I don't
19 know if the case is still pending in Bamberg
20 County, but I expressed that the victim of the
21 Bamberg case, Your Honor, was previously charged
22 CSC first. They would like to speak as well and
23 Mr. Miller indicated that he would be okay with
24 them speaking.

25 THE COURT: That's fine.

1 MS. FORD: And then the victim of the
2 Orangeburg County case --

3 THE COURT: I just want to be sure, I
4 was aware that there was a case, but the only one
5 that I was handling was this particular one.

6 MS. FORD: Yes, sir, that is correct.
7 But there are multiple victims' families here.
8 Yes, sir.

9 THE COURT: I understand that, Ms.
10 Ford. But I just wanted to be sure that this
11 wasn't combined with the Bamberg?

12 MS. FORD: No, sir. Everyone is aware
13 that this one satisfies the Orangeburg County case.

14 THE COURT: That's fine. No problem.

15 MS. FORD: Yes, sir. Your Honor, these
16 events began April 2018, and this Defendant was --
17 is investigated by SLED for three sexual assaults.
18 We're only here as you said, Your Honor, for the
19 assault here in Orangeburg County.

20 Your Honor, these victims -- and in one
21 of the motions that I presented to Your Honor
22 indicates some of the injuries that these victims
23 sustained. Your Honor, this was not an assault and
24 battery. You know, I'm not standing here telling
25 the Court that I as the victims' attorney can make

1 | this -- make the State do anything. Victims have
2 | the right to confer under our Constitution, they
3 | have the right to be heard.

4 | THE COURT: Absolutely.

5 | MS. FORD: And victims have the right
6 | to dignity and respect.

7 | THE COURT: I agree with you.

8 | MS. FORD: And, Your Honor, that's what
9 | we're here today to make sure that the victims'
10 | wishes and what they've been through is
11 | acknowledged here by this Court.

12 | THE COURT: Correct.

13 | MS. FORD: Your Honor, the families
14 | here are in complete disagreement with what is
15 | moving forward here today. They understand that
16 | legally there is -- the State is fully in charge of
17 | moving forward and can allow someone to go from a
18 | criminal sexual conduct first to an assault and
19 | battery first, plead that, and can make a
20 | recommendation of probation.

21 | The families will be here, Your Honor,
22 | they are here asking you to hear them --

23 | THE COURT: Sure.

24 | MS. FORD: -- and to enforce a sentence
25 | that is appropriate, Your Honor.

1 THE COURT: Okay.

2 MS. FORD: There are times when
3 probation is appropriate. It is our position, Your
4 Honor, that this is not one of those times.

5 THE COURT: Okay.

6 MS. FORD: So I'd ask for you to hear
7 from Mr. Karl Stoller.

8 THE COURT: Absolutely.

9 MS. FORD: Mr. Stoller's daughter was
10 the victim in the Bamberg case and she tragically
11 passed away in November, Your Honor.

12 THE COURT: I'm sorry to hear that.

13 MR. STOLLER: Yes, sir, thank you.

14 THE COURT: You're very welcome. If
15 you would, sir, for the court reporter's benefit,
16 give me your full name, please.

17 MR. STOLLER: Yes, sir. My name is
18 Karl Montgomery Stoller.

19 THE COURT: Yes, sir, Mr. Stoller.

20 MR. STOLLER: I just wanted to extend a
21 good morning to you, Your Honor.

22 THE COURT: Good morning to you, sir.

23 MR. STOLLER: And thank you for
24 allowing me a few moments to speak.

25 THE COURT: Absolutely.

1 MR. STOLLER: I've already done my
2 introduction, so that was my next line. But I am
3 the father of [REDACTED], the victim in
4 the Bamberg County sexual assault case. October 7,
5 2018 will be a night I will never forget. It would
6 also prove to be a night -- I'm sorry.

7 THE COURT: That's all right, sir.
8 Don't you apologize to me. I'm a father of -- and
9 a grandfather, so you don't have to apologize.

10 MR. STOLLER: Yes, sir. Thank you.

11 THE COURT: You bet.

12 MR. STOLLER: It would prove to be a
13 night a little over three years later that would
14 cause my wife, myself, and my two other daughters,
15 a daughter and a sister. For on the night of
16 November 14, 2021, night before my 52nd birthday,
17 my daughter, [REDACTED], passed away.

18 A faithful night in October of 2018,
19 Dallas attended a party in Bamberg County. She was
20 brought home from this party heavily intoxicated
21 and would ultimately be found to be sexually
22 assaulted later that night at the Regional Medical
23 Center in Orangeburg.

24 After [REDACTED]'s initial medical
25 treatment, [REDACTED] -- [REDACTED]'s injuries were

1 | photographed and Dallas was interviewed by agents
2 | of South Carolina Law Enforcement Division. [REDACTED] D.S.
3 | explained to agents what occurred and who her
4 | alleged attacker was. [REDACTED] D.S. identified Mr. Bowen
5 | Turner as the individual who assaulted her.

6 | After follow-up interviews with SLED,
7 | [REDACTED] D.S. made the difficult decision to move forward
8 | with the case all the while knowing because of who
9 | her alleged attacker was, she would become a target
10 | of personal attacks and insults in the community.
11 | Little did she or myself know that later on she and
12 | a second victim would be described publically by
13 | the Defendant's current attorney as a women of
14 | questionable morality.

15 | This was published publically under an
16 | article called "Slut-Shaming" and was released in
17 | the news after one of several hearings in the past
18 | three and a half years in FitsNews and the T&D.
19 | After a couple of months or so, Bowen Turner -- and
20 | let me back up just a second. Now, I realize legal
21 | strategy is to try to discredit your witnesses, I
22 | understand that, so.

23 | After a couple of months or so, Bowen
24 | Turner was formally charged and the decision was
25 | made for the Second Judicial Circuit Solicitor's

1 Office to handle prosecution of the case. This
2 decision was made in part because both the father
3 of the victim and the father of the Defendant are
4 involved in law enforcement in Orangeburg and
5 Bamberg County. Also the victim's grandfather is
6 former probation officer in Bamberg County.

7 In January of 2019, the Defendant was
8 arrested and given bond with GPS monitoring as part
9 of the conditions of bond. After the bond hearing
10 in Bamberg County, the solicitor's office met with
11 us one time, thereafter, the only contact we had
12 was through SLED which of course I thought was odd,
13 but, okay.

14 In April of 2019, a bond
15 reconsideration hearing was held in Bamberg County
16 courthouse which I attended. Then attorneys for
17 the Defendant, Shane Burroughs and Charlie Williams
18 requested the ankle monitoring be removed and he be
19 under strict supervision of his parents. This
20 request was granted with little to no opposition by
21 the solicitor's office. Again, odd, but, okay.

22 Approximately 41 days later the
23 Defendant allegedly reoffended. I say allegedly
24 and was later charged with criminal sexual conduct
25 in Orangeburg County. The Defendant was taken into

1 custody and housed at the Department of Juvenile
2 Justice. Sometimes later, a bond hearing request
3 was sent by the Defendant's new attorney, Senator
4 Brad Hutto. The bond hearing was granted and the
5 Defendant was released with the conditions of GPS
6 monitoring -- monitoring and also he live with his
7 grandmother and not his parents.

8 In early 2020, prior to the COVID
9 outbreak, a bond reconsideration hearing was held
10 in Lee County. At this hearing, the request for
11 the Defendant to return home to live with his
12 parents was granted. The conditions of this bond
13 was to remain on strict GPS monitoring only leaving
14 home for attorney's visits, psychiatric treatment,
15 medical appointments or medical emergencies.

16 At this hearing, the presiding judge
17 made it clear, any violations of his Order would
18 result in the Defendant's immediate arrest and
19 Defendant would remain in custody until trial. The
20 conditions outline included -- and this is just a
21 summary, if you will, sir. Any report of violation
22 of home detention would be reported within 24 hours
23 by the GPS monitoring company to the Second
24 Judicial Circuit Solicitor's Office or to
25 Orangeburg County Sheriff's Office.

1 The Order goes on to state, any law
2 enforcement agency is authorized to take the
3 Defendant into custody if the Defendant is observed
4 violating said Order. Where he is to be held in
5 custody until a hearing could be scheduled to
6 revoke bond. Again, hearing could -- held in
7 custody until a hearing could be scheduled to
8 revoke bond.

9 Note, the Second Judicial Circuit
10 Solicitor's Office was made aware of 50 or more
11 violations of the GPS monitoring on 3/2/2022. To
12 date, the Defendant is not in custody. This Order
13 in no way appears to be vague. The Solicitor on
14 3/2/2022 had a legal obligation to have the
15 Defendant arrested. As the Solicitor at this point
16 fully observed in writing clear violations of the
17 Court Order. Not wait two weeks or so to publicize
18 a bond revocation hearing and have the Defendant
19 wait at home until a hearing could be scheduled.
20 This is a clear violation of the Court's Order on
21 the part of the solicitor's office which is a
22 criminal offense.

23 After much thought and learning this
24 week, my daughter's case is being dismissed in
25 spite of available evidence to the prosecution and

1 the fact today's hearing is now a plea agreement
2 with nothing to do with bond revocation really, I
3 can only come to one conclusion. Today's events
4 are nothing more than a public show with the intent
5 for the Defendant to never spend one moment in
6 jail. Seemingly, fully supported by the
7 solicitor's office. The one agency who was tasked
8 to be the voice of these victims and do the very
9 best they could to find justice for them.

10 The recent events amount to nothing
11 more than one final insult to the victims and their
12 families. I can fully accept whatever outcome was
13 decided if I felt and fully believed all families
14 were well represented by the solicitor's office and
15 they truly did the very best job they could. This
16 is indeed a sad day for victims in our state.
17 Thank you.

18 THE COURT: Thank you, sir.

19 MS. FORD: Your Honor, the victim in
20 the Orangeburg case, I believe her father and --
21 her father would like to speak. She is here and
22 present, Your Honor. I wanted to acknowledge that
23 and place it on the record, but she is not prepared
24 to speak, but her father is.

25 THE COURT: And I respect and

1 understand that fully.

2 MS. FORD: Thank you, sir.

3 THE COURT: You bet. Good morning,
4 sir.

5 MR. BESS: Good morning. Thank you,
6 Your Honor, for allowing me to speak today.

7 THE COURT: Absolutely.

8 MR. BESS: For the record, I'm the
9 Reverend Doctor William Darren Bess.

10 THE COURT: Thank you, Reverend Bess.

11 MR. BESS: First of all, I just want to
12 thank Karl for speaking so eloquently and
13 summarizing how we have all arrived here today.

14 THE COURT: I understand.

15 MR. BESS: My comments might speak a
16 little more broadly to what I have witnessed.
17 Speak on behalf of our daughter, C.B., and
18 those who have no voice recognized here today by
19 this Court. I realize that justice will not be
20 served here today and that this is but a formalized
21 stamp of a prearranged dance that was choreographed
22 in secrecy and is nothing the victims support.
23 This facade seems reminiscent to me of what Plato
24 described, Your Honor, as shadows on the wall of a
25 cave. In other words, empty, void of any real

1 meaning or measure of justice along side the one,
2 the light bearer who comes and lifts us from such
3 darkness and is the final judge on these matters
4 today that we dance around.

5 So we find ourselves in this moment not
6 feeling -- not only feeling victimized by the
7 Defendant, but also by the very system of justice
8 meant to protect our daughter and others. If it
9 was simply a clerical error or an oversight or a
10 one time break down in procedure, I could
11 understand. But we have experienced a catastrophic
12 failure of this system and it impacts our family
13 daily.

14 What is more disturbing is that in the
15 last couple of days, the instant denial and sudden
16 ability of this system to circle the wagons and
17 double down on semantics stupidity that silences
18 victims and circumvents the written Orders of a
19 judge. Apparently, it's all up for interpretation
20 and depending on who is doing the interpreting,
21 that could represent a fundamental and existential
22 shift from the original intent of any given law or
23 judicial order.

24 It is as if we are devolving into a
25 society where everyone does what it is right in

1 | their own eyes. This proved to be untenable for
2 | the nation of Israel four thousand years ago. And
3 | because history repeats itself and there is nothing
4 | new under the sun, I am certain it will be
5 | untenable for our nation as well.

6 | We place our trust in people and the
7 | system to bring a measure of justice for C.B.,
8 | D.S., and . Not only did the system fail
9 | them, but by its actions today also continues to
10 | scream very loudly, you don't matter! And I know
11 | for many, most of whom who have already tuned me
12 | out today, this is completely amenable and so
13 | demonstrates that they are complicit sick offense
14 | of this judicial perversion.

15 | Well, C.B., D.S., , and
16 | countless other victims do in fact matter, Your
17 | Honor. And unless we, all of us, myself included,
18 | do not begin to humbly recognize our failures and
19 | admit our faults and seek justice in healing and
20 | reconciliation then we are doomed to exist under
21 | the oppressive master manipulators of linguistics,
22 | syntax, and meaning. In other words, be it a
23 | ruthless despot bent on dominating another country
24 | through force, a political party attempting to
25 | sensor and silence its opposition or esquires

1 deciding the fate of societal underlings.

2 What we discover is that when elephants
3 have intercourse, the mice get stepped on. So, we
4 the mice might lose the battle, but unlike those
5 who are unwilling, incapable or afraid, we will
6 continue to prosecute the war for victims of rape
7 and sexual assault by any means at our disposal and
8 I suppose you can interpret that however you would
9 like. Thank you, Your Honor.

10 THE COURT: Thank you, sir.

11 MS. FORD: Judge, on behalf of the
12 victims, I would request Permanent Restraining
13 Orders. I would ask for that to be ordered by this
14 court for the three victims, Your Honor.

15 THE COURT: Sure. Do you have the
16 Orders prepared?

17 MS. FORD: I will type that up right
18 now, Judge. I would also ask this Court to
19 consider an appropriate sentence. These families
20 have certainly laid their heart out here, Judge.
21 This is a difficult day for everyone in this
22 courtroom. But, Your Honor, we're asking for a
23 sentence that fits the crime. And that's very
24 difficult, Your Honor. You are in a very difficult
25 position. But, Your Honor, these victims deserve

1 justice and we're asking for that justice.

2 I'm also asking for you to consider
3 placing him on the sex offender registry as part of
4 your sentence, Your Honor, and a substantial
5 sentence -- prison sentence as well, Your Honor.

6 THE COURT: Thank you, Ms. Ford. Ms.
7 Ford, not addressing any of the victims, but you as
8 a lawyer, I want -- you said it's a difficult
9 decision. One of the things having been a lawyer
10 for 21 years and I'm glad I was, it's an honorable
11 profession, but I realized early on in this job
12 that that's why we have a common pleas court and
13 that's why we have a general sessions court.

14 Common pleas deals primarily with about
15 90 percent of what I've heard today. Pain and
16 suffering and tragedy it's caused. The one thing I
17 learned early on, sentences can't be taken as an
18 indication of how bad it was, how much damage was
19 caused, because it has no correlation to it. Let
20 me give you a for instance. Assuming that I just
21 refuse to take the Youthful Offender sentence,
22 sentenced him to ten years. You talk about
23 confusions.

24 But I respect just as you argue the
25 Constitution, we have something called the

1 separation of powers. And the legislature, and I'm
2 not faulting the legislature, I'm just simply
3 making the observation, have determined that
4 assault and battery charges, and I think all of
5 them with the exception of assault and battery of a
6 high and aggravated nature are nonviolent. I don't
7 understand that. Never have.

8 You know the significance of that
9 though being involved in this system. I know I do.
10 A ten year sentence means he might do, might, three
11 years and then it's over. That's it. That would
12 be the maximum -- that would be throwing the book
13 at him. So I'm just saying, we can't look at the
14 sentence being, I guess the only one I guess it
15 truly does and I have my strong feelings, I'm not
16 going to get into that today especially after
17 listening to the Reverend speak. I'm not going to
18 talk about death penalty, but I've learned -- I had
19 a feeling about it before I started this and then
20 after trying six of them, I have a different
21 feeling about it totally. I don't know that that
22 does any good except takes care of that person's
23 problem, it doesn't take care of the problem.

24 If I thought it deterred, I think we'd
25 have it all over. But we obviously see every day,

1 I don't -- I live in the Charleston area and I
2 don't know about y'all here, but every morning we
3 pick up the paper and a 15 year old or 16 year old
4 has killed another person and it's just -- it's
5 mind boggling me. I just don't understand it. And
6 we've got to change that. We as a society have
7 got -- I agree with you, we have got to step up and
8 say this has got to stop. It just can't exist.
9 Not in a civilized society, I'm sorry.

10 But it's frustrating. But I share your
11 frustration. But I meant what I said, and back
12 there and I'll say it publically here, thank you
13 for what you do. Thank you for your advocacy and I
14 appreciate that and I mean that sincerely too, Ms.
15 Ford. Thank you.

16 All right. Now let's go back to the
17 Indictment situation and now it's your turn,
18 Mr. Hutto. I will be happy to hear from you and
19 anyone else.

20 MR. HUTTO: Your Honor, the time that
21 this incident took place -- these instances took
22 place, Mr. Turner was 15, 16 years old. He's now
23 19 years of age. He has completed high school now.
24 He's done some virtual classes at Orangeburg
25 Calhoun Tech. He is prepared to accept your

1 sentence. He asks you to go along with the
2 recommendation of the State.

3 THE COURT: Okay. Anything you want to
4 tell me, sir?

5 MR. TURNER: No, sir.

6 THE COURT: All right. What I'm going
7 to do -- I believe you said after two years was a
8 recommendation?

9 MR. MILLER: Yes, Your Honor.

10 THE COURT: I understand that. Because
11 of a lot of things, but given the accusations and
12 the number of them and I understand he was 16. I'm
13 not going to accept that part of it.

14 MR. MILLER: Yes, sir, Your Honor.

15 THE COURT: And I just wanted you to
16 know that, Mr. Hutto. I understand -- I understand
17 the negotiation. I do think the YOA sentence is
18 appropriate for many reasons. Because one, because
19 of what I said about the adult sentence and that
20 doesn't help him. But the YOA, if he has
21 activated, it would at least help him rehabilitate
22 maybe. So that's my rationale for accepting the YOA
23 sentence.

24 So I'm going to sentence him in the
25 Department of Corrections under the Youthful

1 Offender Act for an indeterminate period not to
2 exceed six years. However, I'm going to suspend
3 that and I'm going to place you on probation for
4 five years. Now, listen closely. Sex offender --
5 the sex offender conditions of probation shall
6 apply for all five years. So that's -- and they're
7 -- they're some of the toughest, but they also are
8 -- I think they also provide some rehabilitation
9 counseling that would be helpful to you to -- I
10 know you've probably done some, I hope you have,
11 but -- that will reenforce what you have already
12 experienced.

13 No contact with the victim. Of course,
14 I'm going to sign that Order as well. It would not
15 only would violate the probation, but it will
16 violate the Order which provides for a penalty in
17 and of itself. I believe that's the Order you're
18 talking about?

19 MS. FORD: Yes, sir. Asking for three
20 Permanent Restraining Orders.

21 THE COURT: Okay. Sir, you understand
22 that?

23 MR. TURNER: Yes, sir.

24 THE COURT: I'm going to allow the
25 probation, if he has completed five years without

1 any violation and done all of the counseling
2 necessary, then he will not have to register as a
3 sex offender. If he violates one time, one
4 violation, he has to register as a sex offender.
5 So -- and may not shorten probation. That's the
6 other thing. That's five years instead of the
7 other. So he's got this over your head for five
8 years.

9 MR. TURNER: Yes, sir.

10 THE COURT: If you'll -- I say this to
11 you because I've said it earlier and I have learned
12 this in my job -- in this job, as a lawyer as an
13 advocate, I took issue with several probation
14 agents when I was representing people accused of
15 crimes. I'm not sure whether Senator Hutto ever
16 has, but I did. And I did that my first couple of
17 years occasionally and then I started realizing you
18 being a lawyer again that's not your job. You're a
19 judge. And I began to look at what these folks do.

20 And I'm going to tell you all
21 something. Y'all don't have to deal with them as
22 much as I do, but if there is a greater public
23 servant in this state than the people that work for
24 the Department of Probation and Parole, I'd like to
25 meet them. Because these people do an incredible

1 job. They really do. And they do things to make
2 sure that, number one, the judge's orders are
3 carried out. Number two, and this is the double
4 role they play. They sit in a capacity to put
5 people in jail if they have to. Because all you've
6 got to do is say you violate your probation and it
7 doesn't take long for some of them. I think some
8 of my hearings take about five minutes. And I've
9 always called it the back door to the jail.
10 Because you take longer doing a plea than you do
11 probation violations.

12 But they also make sure -- I had -- I
13 shared this earlier this week. I had a dear friend
14 of mine that he graduated with me, David Fashion.
15 He went in the military. He went in the Air Force
16 for 30 years and then he came back and he became
17 the head of the probation in Berkeley County where
18 I was -- that was my home office. And I member
19 sitting down with him after a couple of terms of
20 court and said, David, please tell me that some
21 people are successful in probation. Because all I
22 see is the negative. And he said, look, and he
23 gave me certificates. He said, it's about 66 to 70
24 percent various fluctuates that we have a success
25 rate of keeping people straight, not violating the

1 law. And I thought, well, thank you. That makes
2 me feel a little bit better about it. But anyway,
3 you need to see them as your friend, not your
4 enemy.

5 MR. TURNER: Yes, sir.

6 THE COURT: Because they are here to
7 help you.

8 MR. TURNER: Yes, sir.

9 THE COURT: And to help all of us.
10 Because if you're helped then we're all helped.
11 Okay.

12 MR. TURNER: Yes, sir.

13 THE COURT: Because obviously, the
14 factual situation, there were some things going on
15 that needed to be addressed and you've started
16 doing that. Well, this will give you a chance to
17 further address those things so the people don't
18 have to go through that again. And I'm confident
19 they won't. At least from you.

20 MR. TURNER: Yes, sir.

21 THE COURT: So good luck to you, sir.

22 MR. HUTTO: Your Honor, may I just ask
23 one thing for clarification?

24 THE COURT: Sure.

25 MR. HUTTO: The recommendation had been

1 | that if it was some miner violation that did not
2 | activate his YOA, such as a speeding ticket or
3 | something like that, that it wouldn't be a total
4 | revocation.

5 | THE COURT: I appreciate that,
6 | Mr. Hutto. What I'm saying is, I'm going to let
7 | them make the call.

8 | MR. HUTTO: Oh, I understand that. I
9 | understand that. I was just making the distinction
10 | between a revocation and a -- you said any
11 | violation.

12 | THE COURT: I said if he violates his
13 | probation --

14 | MR. HUTTO: Yes, sir.

15 | THE COURT: -- and they consider that
16 | and they bring him up, then they can move to revoke
17 | him.

18 | MR. HUTTO: Oh, I understand they can
19 | move to revoke him. The question is whether we
20 | would get a hearing on sex offender registry, for
21 | instance, if it's a speeding ticket.

22 | THE COURT: You can -- again, I'll be
23 | happy to put in there that --

24 | MR. HUTTO: If he's revoked for any
25 | kind of violation of not going to his classes or

1 reoffends on an assault and battery or sexual, I
2 understand that.

3 THE COURT: All right. I'll put if he
4 violates any of the conditions of probation -- sex
5 offender conditions of probation then it's an
6 automatic registry. How about that?

7 MR. HUTTO: That's fine.

8 THE COURT: Does that clarify it?

9 MR. HUTTO: It does.

10 THE COURT: Okay. That's fine.

11 MS. FORD: Your Honor, may I just
12 clarify that it is not for him to be revoked, but
13 any violation would enact any violation?

14 THE COURT: Absolutely. Any violation
15 of the sex offender conditions of probation will
16 cause him to have to register.

17 MS. FORD: Period.

18 THE COURT: Period.

19 MS. FORD: Yes, sir.

20 THE COURT: Do I need to -- I just
21 write sex offender conditions of probation and that
22 will trigger everything?

23 MR. SPAN: Yes, sir. Also put no GPS
24 monitoring.

25 THE COURT: Okay. I put that.

1 Anything else?

2 MR. MILLER: No, Your Honor.

3 THE COURT: Thank you very much. Good
4 luck to you, sir.

5 THE COURT: Thank you, Ms. Ford. If
6 you give me the Orders.

7 MS. FORD: Yes, sir. We're having them
8 printed right now. I will bring them to you.

9 THE COURT: That's not a problem.
10 Thank you. Thank you everybody for coming too. I
11 appreciate it and thank you for the remarks.

12 - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -

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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF ORANGEBURG)

I, KATHERINE A. SPIRES, Registered Professional Reporter for the First Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Orangeburg County, South Carolina, on the 7th of April, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

April 14, 2022

s/Katherine A. Spires

Katherine A. Spires

Registered Professional Reporter

1 STATE OF SOUTH CAROLINA)
2) IN THE COURT OF
3 COUNTY OF ORANGEBURG) GENERAL SESSIONS
4

5 THE STATE,)
6 Plaintiffs,)
7 Vs) CASE NO. 2022-GS-38-00611
8 BOWEN GRAY TURNER,)
9 Defendant)
10

11 JULY 13, 2022

12 ORANGEBURG, SOUTH CAROLINA
13

14 HONORABLE ROGER M. YOUNG, JUDGE
15

16 A P P E A R A N C E S:

17 BY: GREGORY WHITTAKER, AGENT

18 Department of Probation, Parole, and Pardon

19 BY: JASON B. TURNBLAD, ESQUIRE

20 Attorney for the Defendant
21
22

23 KATHERINE A. SPIRES

24 REGISTERED PROFESSIONAL REPORTER
25

1 THE COURT: Yes, sir, what you got?

2 MR. WHITTAKER: Good morning, Judge.

3 My name is Agent Greg Whittaker, I'm out of the
4 Columbia office, Your Honor. We're calling Bowen
5 Gray Turner.

6 MR. TURNBLAD: Your Honor, we're
7 waiting on the jail, she had to step into the
8 restroom.

9 MS. FORD: And, Judge, while we're
10 waiting. I'm Sarah Ford, I represent the victims.
11 There are some victims who are going to be joining
12 us through the virtual courtroom. I just wanted to
13 make sure they were let in at this time so they
14 could be here for the entirety of the hearing.

15 THE COURT: Okay. I assume they're
16 logged in, they can watch.

17 MR. WHITTAKER: Your Honor, we do have
18 some victims in the court today, multiple victims.
19 But Ms. Ford here is at a time that is appropriate
20 for the Court would like to address the Court for
21 the victims, Your Honor.

22 THE COURT: Okay.

23 MS. FORD: Also, Judge, Solicitor Bill
24 Weeks is here. He initially prosecuted this case
25 and I do believe he would like to address the Court

1 at the appropriate time as well.

2 (WHEREUPON, Mr. Turner entered the
3 courtroom)

4 THE COURT: Okay. You are Bowen Gray
5 Turner?

6 MR. TURNER: Yes, sir.

7 THE COURT: Drop your mask down so I
8 can understand you.

9 MR. TURNER: Yes, sir.

10 THE COURT: All right. You are here
11 today, you're charged with violating the terms of
12 your probation. Did you get a copy of the warrant
13 and the report?

14 MR. TURNER: Yes, sir.

15 THE COURT: Do you admit that you
16 willfully violated the terms of probation?

17 MR. TURNER: Yes, sir.

18 THE COURT: Okay. What do you want to
19 tell me?

20 MR. WHITTAKER: Your Honor, this is a
21 very sensitive case here, Your Honor. We'd like to
22 just mention the fact that shortly after Mr. Turner
23 received his probationary sentence, Your Honor, he
24 was back out in violating local laws -- violating
25 the local laws. And we believe that -- we believe

1 that -- well, an administrative hearing was held in
2 this matter, Judge, and we do have a recommendation
3 from our position from our State and we'd like to
4 recommend a revocation in this matter, Your Honor.

5 THE COURT: Okay. Mr. Turnblad?

6 MR. TURNBLAD: Yes, Your Honor, if it
7 please the Court. To begin with, I was not
8 involved in the underlying case that gave rise to
9 Mr. Turner's current probationary sentence.
10 However, I do know that there was three people or
11 their families who claim to be victims and
12 Mr. Turner only pled on one of those charges. That
13 was the charge pertaining to C.B. [REDACTED], and so,
14 therefore, we believe that only Ms. C.B. [REDACTED] and her
15 family should be allowed when it's time for the
16 victims to speak because those were the only
17 victims whose charges he pled to.

18 With that being said, Mr. Turner admits
19 that he did violate the terms of his probation.
20 He's prepared for you to -- Your Honor to possibly
21 activate his YOA sentence. We would ask that you
22 consider the fact he's been incarcerated since his
23 arrest on May 9th, that was 65 days ago, and
24 consider revoking the time he has served.

25 Furthermore, we're requesting the issue

1 as to whether he should have to require -- have to
2 be registered as a sex offender once his sentence
3 is completed to be held in abeyance. We've
4 retained the services of Dr. Jeffrey McKee. Judge
5 Houston signed the funding order for us to do that
6 and we're asking Dr. McKee to conduct a
7 psychosexual evaluation of Mr. Turner before we
8 have that determination of whether he would have to
9 register as a sex offender.

10 Doctor McKee's told me and my office
11 that he hopes he can begin this evaluation in the
12 next week or so. We had to get some documents that
13 he requested, some medical documents and some other
14 things, so we requested all those necessary
15 documents and should have them to him shortly.

16 We'd ask you to take into consideration
17 Mr. Turner's young age, his lack of a prior record
18 before pleading to these charges. He had no record
19 before this plea. Additionally, Mr. Turner admits
20 that he also has an alcohol problem which is the
21 primary issue underlying the newest charges that
22 gave rise to this violation. Mr. Turner wants to
23 address these issues through a rehabilitation
24 program. Our office, we have a lady named Ms.
25 Sheila Lake who does mitigation work for us and she

1 sets up people getting into rehabilitation centers.
2 She's working with him to get him screened and get
3 him into a rehabilitation center for his alcohol
4 issues.

5 I've informed him that he may have to
6 wait until after he completes an active YOA
7 sentence if that's what Your Honor sees fit to do.
8 But I want to reiterate that Mr. Turner has
9 recognized these issues, knows they need to be
10 addressed and plans on doing so at the earliest
11 opportunity. So we'd ask Your Honor to do what's
12 fair in this situation.

13 THE COURT: Well, as I read this, one
14 of the special conditions was that by the end of
15 probation there have been no violations of the sex
16 offender conditions then the Defendant is not
17 required to register as a sex offender. The
18 standard sex offender conditions, Number 11 says, I
19 will not consume alcohol beverages and will submit
20 to testing as instructed by my agent.

21 So if he's -- if the basis for his
22 revocation is he went to this bar and was drinking
23 and he was under age and got drunk and publically
24 drunk and that was the basis for publically
25 disorderly conduct, wouldn't that violate I will

1 not consume alcoholic beverages condition?

2 MR. TURNER: It may, Your Honor, but
3 I'm asking to have the opportunity to mitigate that
4 issue if I could get this evaluation done. It's
5 probably something that should have been done long
6 ago. But I think it's necessary to be able to
7 mitigate and argue as to why that shouldn't -- that
8 provision shouldn't be activated, Your Honor.

9 MR. WHITTAKER: Your Honor? If I may,
10 Your Honor. The sex offender conditions are clear,
11 Your Honor. It clearly states that he is not to
12 consume alcohol, Your Honor. In addition to that,
13 once he was arrested, he went to the jail and he
14 threatened -- also threatened the public officials
15 there and he was charged with that as well on our
16 citation C-38220095. We'd also like to have that
17 -- that charge disposed of here today as well,
18 Judge.

19 THE COURT: What charge is that?

20 MR. WHITTAKER: He was threatening a
21 public official, Your Honor. We charged him with
22 that and --

23 THE COURT: What do you mean you want
24 me to dispose of that today?

25 MR. WHITTAKER: Well, we charged him at

1 the same time we issued this warrant. The warrant
2 for public disorderly conduct. We subsequently
3 issued a warrant -- issued a citation charging him
4 with threatening a public official at the jail.
5 And we have both of these -- this is a pending
6 citation just as this one is the warrant that we
7 have him before the Court as well.

8 THE COURT: I didn't get anything about
9 that. I didn't get anything about that in my
10 package.

11 MR. WHITTAKER: You didn't get the
12 citation, Your Honor?

13 THE COURT: I got two pages here. And
14 it basically just said they wanted to have him
15 revoked because he got arrested for public
16 disorderly conduct. It didn't say anything about
17 wanting to go forward on another charge or none of
18 that. He's admitted he's willfully violated.

19 MR. WHITTAKER: Yes, Your Honor.

20 THE COURT: So that's enough to send
21 him off on his active Y days. So then the only
22 question is does he need to register as a sex
23 offender?

24 MR. WHITTAKER: Yes, he would according
25 to the special conditions, Your Honor. And then

1 | what we will do is ask the Court to withdraw this
2 | serve citation if he's revoked.

3 | THE COURT: Say that again.

4 | MR. WHITTAKER: We have an active serve
5 | citation on him charging him with threatening a
6 | public official, Your Honor. So if the Court
7 | revokes him, we'll ask the Court to withdraw this
8 | citation so he can go and serve that time on that
9 | warrant.

10 | THE COURT: All right.

11 | MR. TURNBLAD: Your Honor, all I'm
12 | asking is just for a full and fair opportunity to
13 | put together mitigation. And he's going to be on
14 | probation for almost five more years, so there's
15 | plenty of time to address the issue of whether he
16 | has to register once his probation is completed.

17 | THE COURT: All right. So you wanted
18 | to say something?

19 | MR. WEEKS: Thank you, Your Honor.

20 | THE COURT: Yes, sir. For the regard,
21 | your name?

22 | MR. WEEKS: My office was -- handled
23 | this case. The plea that took place that brought
24 | us here today. It was originally the jurisdiction
25 | of Judge -- Solicitor Pascoe and he asked our

1 office to handle this case because of some
2 conflicts he had.

3 Judge Dennis was the one that sentenced
4 Mr. Turner and he was unequivocal in his sentencing
5 of him and his remarks to him at sentencing that
6 any violation of the probation, the sex offender
7 protocols that would be used during probation,
8 would require two things: One, for his probation
9 to be revoked in full; and, two, for him to have to
10 register as a sex offender.

11 And I'm here on behalf of the victims
12 and the attorney general who gave me authority to
13 come down here today to ask that that's exactly
14 what should be done. And we appreciate the
15 opportunity to come before you and say something.
16 I know typically speaking you don't hear solicitors
17 at probation violations, but it's important. It's
18 a highly contested case. He's mentioned three
19 separate victims, but the one that's before you
20 today is the one we're here representing in court
21 today on these charges.

22 But Judge, Judge Dennis was just clear
23 as a bell during sentencing what was going to
24 happen to him. And any mitigation and all that
25 would have to be down the road somewhere. But

1 right now I'd ask that you revoke him in full.
2 Thank you. And if you have any questions, I'll be
3 glad to answer them.

4 THE COURT: Okay. Thank you for
5 coming. All right. Ms. Ford, did you want to say
6 something?

7 MS. FORD: Yes, sir, Your Honor. I do
8 represent Ms. C.B. as well as the other victims.
9 Your Honor, part of the plea negotiation in which
10 this Defendant received a suspended YOA
11 probationary sentence. Was that each of the
12 victims would have the opportunity to speak at his
13 plea as well as receive a restraining order against
14 each of those three families.

15 So, Your Honor, despite Mr. Turnblad's
16 request, I believe that what occurred at the plea
17 would inform this Court as to all the victims
18 should have an opportunity to be heard here today
19 as they were at the guilty plea. To not allow them
20 to speak here today would certainly not be what was
21 part of the negotiation.

22 Further, Your Honor, I certainly agree
23 with Solicitor Weeks that Judge Dennis was
24 absolutely clear that any violation would require
25 this Defendant to register as a sex offender. Your

1 Honor, it is very clear there is a clear violation.
2 He has admitted that he has violated, Your Honor.
3 And I just would like the Court to know that this
4 Defendant has failed every condition that the Court
5 and the State have exercised upon him. Whether it
6 was on bond, whether it was violating within days
7 of him being pleading guilty.

8 Your Honor, this Defendant needs to be
9 revoked and revoked in full and he also needs to
10 have the sex offender registry placed upon him as
11 was required by Judge Dennis which was clearly,
12 clearly made to him and his attorney at the time
13 Senator Hutto.

14 Your Honor, at this time, I do not
15 believe any of the family members would wish to
16 speak, but certainly are all in agreement that this
17 Defendant should be revoked and should be required
18 to register.

19 THE COURT: All right. Anything else
20 from the State?

21 MR. WHITTAKER: No, Your Honor.

22 THE COURT: Anything else?

23 MR. TURNBLAD: Yes, Your Honor, if I
24 may. As I said, we have secured the funding, we
25 were just asking for a full and fair chance to

1 mitigate this. They weren't going to continue this
2 hearing, so the only chance I have to mitigate
3 anything on the sex offender issue is if I get this
4 evaluation done.

5 Furthermore, the person that probably
6 knows the most about what they intended by this
7 sentence is Judge Dennis and he will be back here
8 in Orangeburg later this year. I believe the first
9 week in December.

10 THE COURT: No, he's retired and
11 retired. He's in the private practice.

12 MR. TURNBLAD: I saw him on the docket
13 that's why I was mentioning --

14 THE COURT: That's changing. He's no
15 longer an active --

16 MR. TURNBLAD: I just saw his name on
17 the docket that they send out ahead of time, the
18 six months.

19 THE COURT: He just decided to do this
20 back in -- well, he just told me about it in June.
21 Starting July 1.

22 MR. TURNBLAD: I didn't know that, Your
23 Honor.

24 THE COURT: Okay. Well, it's clear
25 that he violated the terms of his probation by

1 getting arrested and being out, from what I
2 understand on this charge, he went and got in --
3 allowed to come into a bar, presumably using an
4 under age identification, and then got intoxicated
5 while he was there. The fact that he then left and
6 got thrown out basically and then that was the
7 basis for his arrest. He's standing out there in
8 the middle of the road drunk and throwing rocks and
9 stuff like that.

10 It was all basis for showing that he
11 was supported -- it would show that he likely
12 offended. He doesn't have to rise to the level of
13 conditions -- of a conviction, but it certainly
14 rises to the level of supporting irrevocation and
15 he admits that he willfully violated. So I'm going
16 to revoke his probation and he now has to do an
17 active Youthful Offender Act sentence.

18 I understand your request for having a
19 evaluation done, but the bottom line is that, you
20 know, the conditions were clear that if he violated
21 any of the terms of the standard sex offender
22 conditions then he would have to register as a sex
23 offender. And that is, I will not consume
24 alcoholic beverages. It really isn't a lot of
25 negotiating room there. He violated. He admits he

1 | violated. The underlying basis for the regular
2 | probation is supported by a charge of alcoholic
3 | consumption and that is also a specific standard
4 | sex offender condition.

5 | So I really don't see where I have any
6 | leeway in that no matter what the doctor says. So
7 | I am going to order that he also has to register as
8 | a sex offender. So that's the order of the Court.
9 | You don't get any credit for the time that you've
10 | served when you start an active time, so. They
11 | send you up there, you start a year. You don't get
12 | credit for time served that you've been in the
13 | holding cell since you got picked up. So, good
14 | luck to you.

15 | MR. TURNBLAD: And, Your Honor, may I
16 | just note my objection to going forward on the
17 | decision about sex offender today?

18 | THE COURT: Sure.

19 | MR. TURNBLAD: All right. Thank you,
20 | Your Honor.

21 | THE COURT: So ordered.

22 | MR. WHITTAKER: May we order a civil
23 | judgement for court fines for Mr. Turner as well,
24 | Your Honor?

25 | THE COURT: Certainly.

1 MR. WHITTAKER: Thank you, Your Honor.
2 - - -END OF REQUESTED TRANSCRIPT OF RECORD- - -
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)

COUNTY OF ORANGEBURG)

I, KATHERINE A. SPIRES, Registered Professional Reporter for the First Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Orangeburg County, South Carolina, on the 13th of July, 2022.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

July 19, 2022

s/Katherine A. Spires

Katherine A. Spires

Registered Professional Reporter

South Carolina Department of Probation, Parole and Pardon Services

Violation Report - (Report 1106 B)

Personal Information					
Name:	SID:	DOB:	SCDC#:	Supervision Level:	Agent Name:
BOWEN GRAY TURNER		2002		Jail	38-SUP01-Joshua Spann

Sentencing Information		
Order: 1	Potential End Date: 4/22/2025	Adjusted End Date: 3/18/2027
Warrant/Citation Numbers: W-38-22-0079		
Sentence Date: 04/08/2022	County Name: ORANGEBURG	GPS Indicator:
Authority: Judge - Dennis, Jr., R.Markley		

Indictment Number: 22-GS-38-00611		Offense Code: 3412 - Assault & Battery 1st Degree			
Supervision:	Probation	Sup. Begin Date:	04/08/2022	Sup. End Date:	04/07/2027
Sentence: YOA NTE 6 YRS. SS.TO 5 YRS. PROBATION					
Special Conditions: Fine - Fine/Costs and Assessments payable as directed by the Court. Surcharge of \$128.75; NC-Vctm - No contact with Victim; Other1 - Sex offender's conditions of probation shall apply; may not shorten probation; any violation of the sex offender's conditions of probation shall require sex offender registration.; Other2 - If at the end of probation if there have been no violations of the sex offender conditions, then the defendant is not required to register as a sex offender. No GPS monitoring is required.					

Residence Summary & Address History			
Address:	Begin Date:	End Date:	Time at Residence:
JACKSON DR, ORANGEBURG, SC, 29118	04/08/2022		0 YR, 2 MO, 14 DY

Employment History				
Employer:	Location:	Begin Date:	End Date:	Time at Employer:
Unemployed		04/08/2022		0 YR, 2 MO, 14 DY

Account Information										
Account Name:	Case:	Indictment #:	Monthly Obligation:	Total Obligation:	Total Paid:	Co-Payer Paid:	Account Balance:	Pmts in Arrears:	Arrearage:	Last Payment Made:
Regular Supervision			\$50.00	\$3,000.00	\$100.00	\$0.00	\$2,900.00	0	\$0.00	04/28/2022
Surcharge	101	22-GS-38-00611	\$2.00	\$128.75	\$0.00	\$0.00	\$128.75	2	\$4.30	
Drug Test Fee			\$20.00	\$20.00	\$0.00	\$0.00	\$20.00	1	\$20.00	

Violation History			
Violation:	Start Date:	Complete Date:	Disposition:
2022-05-09: He failed to pay his drug test fee of \$20, failed to pay his surcharge fee arrears of \$2.15 with an account balance of \$128.75 and supervision fee balance of \$2,900	05/09/2022	05/09/2022	
2022-05-09: Bowen Turner has violated the conditions of his probation in the following manner: He failed to refrain from violation of State and Local Law, there is probable cause based on the preponderance of the evidence. That Turner was arrested on Case # 8102P1064497 from the Orangeburg County Sheriff's Office.. Turner was taken into custody for Public Disorderly Conduct on May 9, 2022.			

Current Violation(s) Summary

South Carolina Department of Probation, Parole and Pardon Services

Violation Report - (Report 1106 B)

Violations:	16.x
Condition:	Description:
6	I shall not violate any Federal, State, or Local Law, and I shall immediately contact my Agent if I am ever arrested or questioned by a law enforcement official for any reason whatsoever.
7	I shall pay a supervision fee as determined by the Department.
9	I shall obey all conditions of supervision set forth in this order including the payment of fines, restitution or other payments, and the service of any period of incarceration.
10	I shall follow the advice and instructions of my Agent and I agree to comply with any further conditions imposed by the Department or its Agents.
Fine	Fine/Costs and Assessments payable as directed by the Court. Surcharge of \$128.75

Description:

Bowen Turner has violated the conditions of his probation in the following manner: He failed to refrain from violation of state and local law, there is probable cause to believe he committed the act of Public Disorderly Conduct, on May 09, 2022. Based on uniform traffic ticket #8102P1064497 from the Orangeburg County Sheriff's Office. He failed to pay his drug test fee of \$20, failed to pay his surcharge fee arrears of \$2.15 with an account balance of \$128.75 and supervision fee balance of \$2,900. Such actions constitute violation of conditions 6, 7, 9, 10, Special Conditions.

The State's Recommended Response(s) Summary

Revocation.

See the Summary of Administrative Hearing.

End Of Violation Report



**TURNER, BOWEN
GRAY**
STANDARD SUPERVISION



SID: [REDACTED]
DOB: [REDACTED]/2002,
19 years old
SSN: [REDACTED]
👁

Original End Date:
04/07/2027
Earliest Potential:
04/17/2025
Earliest Adjusted:
04/07/2027

Arrears Total: \$0.00
Days at Current Supervision
Level: 3
E-File Last Updated:
04/08/2022

⚠ Alerts 0

Account Type Filter: Open Accounts

Account View:

☒ Partial ☐ Full

Acct	Account Type	From	To	Arrears Amt
1 Drug Test Fee	04/08/2022 04/07/2027	0.00 0	20.00 04/08/2022	0.00 20.00
2 Surcharge	04/08/2022 04/07/2027	0.00 0	128.75 04/08/2022	0.00 2.15
3 Regular Supervision	04/08/2022 04/07/2027	0.00 0	3,000.00 04/08/2022	0.00 50.00

3 Rows available

**TURNER, BOWEN GRAY****STANDARD SUPERVISION**

Order: 1 Case: 101

SID: [REDACTED]
 DOB: [REDACTED] /2002,
 19 years old
 SSN: [REDACTED]
 [REDACTED]

Original End Date:
 04/07/2027
 Earliest Potential:
 04/17/2025
 Earliest Adjusted:
 04/07/2027

Arrears Total: \$0.00
 Days at Current Supervision
 Level: 3
 E-File Last Updated:
 04/08/2022

Alerts 0

Edit	Delete	Condition	Type	Short Description / Comment
		11	GENERAL	I agree to pay restitution and a statutory collection fee payable to the Department of Probation, Parole, and Pardon Services as directed by Agents of the Department. (20% collection / echarged)
		1	GENERAL	I shall report in person to the SCDPPPS' office on the day of my sentencing or release, and as instructed by the Department; and I shall make complete and truthful reports to the Agent.
		2	GENERAL	I shall not change my residence or employment without the consent of my agent. Further, I shall allow my Agent to visit me in my home, at any place of employment, or elsewhere at any time.
		3	GENERAL	I shall not use controlled substances, except when properly prescribed by a licensed physician, nor consume alcoholic beverages to excess, nor enter establishments whose primary business is the sale and drinking of alcoholic beverages.
		4	GENERAL	I shall not possess or purchase any firearms or other dangerous weapons, and I shall not associate with any person who has a criminal record, or any other person whom my Agent has instructed me to avoid.
		5	GENERAL	I shall work diligently at a lawful occupation. Further, I shall notify my Agent if I become unemployed.
		6	GENERAL	I shall not violate any Federal, State, or Local Law, and I shall immediately contact my Agent if I am ever arrested or questioned by a law enforcement official for any reason whatsoever.
		7	GENERAL	I shall pay a supervision fee as determined by the Department.
		8	GENERAL	I shall not leave the State without permission from my Agent. Further, if I am ever arrested in another state for violating these conditions, I hereby irrevocably waive all extradition rights I may otherwise have been entitled to and agree to return to SC
		9	GENERAL	I shall obey all conditions of supervision set forth in this order including the payment of fines, restitution or other payments; and the service of any period of incarceration.
		10	GENERAL	I shall follow the advice and instructions of my Agent and I agree to comply with any further conditions imposed by the Department or its Agents.
		Fine	USER	Fine/Costs and Assessments payable as directed by the Court. Surcharge of \$128.75
		NC-Victim	USER	No contact with Victim
		Other1	USER	Sex offender's conditions of probation shall apply; may not shorten probation; any violation of the sex offender's conditions of probation shall require sex offender registration.
		Other2	USER	If at the end of probation if there have been no violations of the sex offender conditions, then the defendant is not required to register as a sex offender. No GPS monitoring is required.

Showing 1 to 15 of 15 entries

South Carolina Department of Probation, Parole and Pardon Services **Standard Sex Offender Conditions**

1. I will register as a sex offender as required by the Code of Laws of South Carolina and as described in the Department's *Notice of Sex Offender Registry*.
2. I will attend, actively participate in, not give cause to be terminated from, and successfully complete any counseling/treatment program, to which I am referred by my agent, which may include polygraph or other treatment related testing, all at my own expense. I waive all rights to confidentiality between myself and my treatment provider, and authorize my treatment provider to disclose to my agent, the Court, the Parole Board, the releasing authority, and/or the hearing officer, information about my attendance and participation in the program. (Must complete Referral Form 1054).
3. I will not have any contact with the victim(s) of my crime, directly or indirectly. This includes but is not limited to physical or face to face contact, contact through letters or written notes, telephone calls, or electronic mail (e-mail), or any contact through a third party, unless such contact is approved in writing by the Court, the Parole Board, or the releasing authority, or the hearing officer. I also will not enter into, travel past, or loiter near a victim's residence or workplace.
4. I will not have any contact with a person under the age of 18, with the exception of my immediate family members and then may only have such contact if approved in advance under conditions set by my treatment provider and my agent. If I have incidental contact with any child, I will be civil and courteous and immediately remove myself from the situation. I will discuss the contact at my next treatment session and will immediately report this contact to my agent.
5. I will not enter into, loiter or work within one thousand (1,000) feet of any area or event frequented by people under the age of 18 including but not limited to: schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, theaters, or and festivals, unless approved in advance by my agent.
6. I will not purchase, possess, or use any sexually stimulating or sexually explicit material or device, nor enter into, loiter or work within one thousand (1,000) feet of any place where such material or device is sold or presented as entertainment. This includes but is not limited to adult book stores, sexually explicit internet sites, television services, or telephone services, sex shops, topless bars, strip clubs, and massage parlors.
7. I will permit my agent or a representative of the Department, without a warrant and with or without the assistance of any other law enforcement officer, to search my person, residence, any vehicle I own or have permission to use, and any of my possessions, including computers, cellular telephones, and other electronic devices, for the presence of sexually stimulating or sexually explicit materials or devices prohibited by these conditions, and to seize said materials. Such materials seized shall be considered property of the court, Parole Board, or releasing authority, and shall be safely kept by the Department or other law enforcement agency until any violations concerning the seized materials have been addressed.
8. If permitted by the Department to have computer and internet access, I will abide by the Computer/Internet Use Agreement for Sex Offenders. (Form 1402)
9. I will abide by all curfews as directed by my agent.
10. I will at all times maintain a suitable residence, approved by my agent, which complies with all conditions of my supervision, which may not be within one thousand (1000) feet of any area frequented by people under the age of 18, including but not limited to schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, or theaters. I will obtain approval from my agent of my residence and employment and shall obtain prior approval from my agent before changing my residence or employment. I will stay at my approved residence every night and will not sleep or stay overnight anywhere else without prior approval of my agent.
11. I will not consume alcoholic beverages and will submit to alcohol testing as instructed by my agent or treatment provider. I agree that any test results may be used as evidence in any hearing for the violation of the conditions of my supervision and I waive any right to challenge the validity of such results.
12. I will comply with the Department's requirements for any electronic monitoring program which I am ordered to participate in by the Court, the Parole Board, the releasing authority, the hearing officer, or my agent, or as required by statute, all at my own expense.

I have read, or had read to me, the above conditions and I understand their meaning. I have received a copy of these conditions. I accept and agree to these conditions and understand that any violation could result in the Court, Parole Board, or releasing authority revoking my supervision and reinstating my sentence or returning me to prison. If I refuse to accept these conditions, I must immediately ask my agent to bring my case before the Court, Parole Board, or releasing authority where I will request that my term of supervision be revoked and my sentence be reinstated or that I be returned to prison. I understand that, if I have objections to any of the above conditions but fail to timely take the actions described above, I will waive any right I may have to challenge these sex offender conditions at any future proceeding.

BOWEN TURNER 4-4-22
 Offender Signature Date
BOWEN TURNER
 Offender Name (printed)

Niyah Hopkins 4/8/2022
 Agent Signature Date
Niyah Hopkins
 Agent Name (printed)

South Carolina Department of Probation, Parole and Pardon Services

Standard Sex Offender Conditions

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2. I will attend, actively participate in, not give cause to be terminated from, and successfully complete any counseling/treatment program, to which I am referred by my agent, which may include polygraph or other treatment related testing, all at my own expense. I waive all rights to confidentiality between myself and my treatment provider, and authorize my treatment provider to disclose to my agent, the Court, the Parole Board, the releasing authority, and/or the hearing officer, information about my attendance and participation in the program. (Must complete Referral Form 1054).
3. I will not have any contact with the victim(s) of my crime, directly or indirectly. This includes but is not limited to physical or face to face contact, contact through letters or written notes, telephone calls, or electronic mail (e-mail), or any contact through a third party, unless such contact is approved in writing by the Court, the Parole Board, or the releasing authority, or the hearing officer. I also will not enter into, travel past, or loiter near a victim's residence or workplace.
4. I will not have any contact with a person under the age of 18, with the exception of my immediate family members and then may only have such contact if approved in advance under conditions set by my treatment provider and my agent. If I have incidental contact with any child, I will be civil and courteous and immediately remove myself from the situation. I will discuss the contact at my next treatment session and will immediately report this contact to my agent.
5. I will not enter into, loiter or work within one thousand (1,000) feet of any area or event frequented by people under the age of 18 including but not limited to: schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, theaters, or and festivals, unless approved in advance by my agent.
6. I will not purchase, possess, or use any sexually stimulating or sexually explicit material or device, nor enter into, loiter or work within one thousand (1,000) feet of any place where such material or device is sold or presented as entertainment. This includes but is not limited to adult book stores, sexually explicit internet sites, television services, or telephone services, sex shops, topless bars, strip clubs, and massage parlors.
7. I will permit my agent or a representative of the Department, without a warrant and with or without the assistance of any other law enforcement officer, to search my person, residence, any vehicle I own or have permission to use, and any of my possessions, including computers, cellular telephones, and other electronic devices, for the presence of sexually stimulating or sexually explicit materials or devices prohibited by these conditions, and to seize said materials. Such materials seized shall be considered property of the court, Parole Board, or releasing authority, and shall be safely kept by the Department or other law enforcement agency until any violations concerning the seized materials have been addressed.
8. ~~If permitted by the Department to have computer and internet access, I will abide by the Computer/Internet Use Agreement for Sex Offenders (Form 1402)~~
9. I will abide by all curfews as directed by my agent. April 25
Call
10. I will at all times maintain a suitable residence, approved by my agent, which complies with all conditions of my supervision, which may not be within one thousand (1000) feet of any area frequented by people under the age of 18, including but not limited to schools, day care centers, playgrounds, arcades, public swimming pools or beaches, shopping malls, or theaters. I will obtain approval from my agent of my residence and employment and shall obtain prior approval from my agent before changing my residence or employment. I will stay at my approved residence every night and will not sleep or stay overnight anywhere else without prior approval of my agent.
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I have read, or had read to me, the above conditions and I understand their meaning. I have received a copy of these conditions. I accept and agree to these conditions and understand that any violation could result in the Court, Parole Board, or releasing authority revoking my supervision and reinstating my sentence or returning me to prison. If I refuse to accept these conditions, I must immediately ask my agent to bring my case before the Court, Parole Board, or releasing authority where I will request that my term of supervision be revoked and my sentence be reinstated or that I be returned to prison. I understand that, if I have objections to any of the above conditions but fail to timely take the actions described above, I will waive any right I may have to challenge these sex offender conditions at any future proceeding.

BOWEN TURNER 4-8-22
Offender Signature
BOWEN TURNER
Offender Name (printed)

Najah Hopkins 4/8/2022
Agent Signature
Najah Hopkins
Agent Name (printed)

South Carolina Department of Probation, Parole and Pardon Services
Summary of Administrative Hearing

Hearing Officer's Findings:

I find that Bowen Turner violated conditions 6, 7, 9, and 10 as set forth in the affidavit(s) dated May 9, 2022 ; such conditions having been contained in the Order of Probation accepted by Bowen Turner in writing on April 8, 2022.

I find that Bowen Turner failed to refrain from the violation of Federal, State, or Local Law.

I find probable cause to believe that Mr. Turner committed the offense of **Public Disorderly Conduct** on May 8, 2022. The incident report and supplemental reports prepared by the Orangeburg County Sheriff's Office and witness affidavits support this finding. The officer responded to a pedestrian in the roadway and found Mr. Turner staggering in the fast lane of North Road. A strong odor of alcoholic beverage was on Mr. Turner's breath. Mr. Turner was dishonest about where he was coming from, but ultimately admitted coming from Tad's Bar where he drank three Whiskey Sours. The officer checked Mr. Turner's information and noted that he was under the age of 21. Mr. Turner admitted purchasing alcohol with his credit card. Mr. Turner was arrested for Disorderly Conduct. When he arrived at the jail, Mr. Turner was informed of the jail's mask policy and threatened, "If you try to put that mask on me, I will bite your f*cking finger off". When he was informed that he was being recorded, Mr. Turner said the mask could be placed on his face.

The following date, Investigator Hayes went to Tad's Place and interviewed witnesses that worked at the bar. Ms. Greene, a bartender, perceived that Mr. Turner was already intoxicated when he arrived around 9:00 pm. Ms. Greene observed Mr. Turner drunken and bothering other customers. After Mr. Turner continued to be a nuisance, he wasn't allowed to buy more drinks and he was asked to leave. Ms. Greene provided the name of the bartender that served Mr. Turner and opened a tab on his credit card.

The other bartender, Ms. Howell, said that Mr. Turner arrived between 8:00 and 9:00 PM and his identification wasn't checked because it is checked by security at the door. Ms. Howell said that Mr. Turner was fine at first and was served mixed drinks. After two drinks, Mr. Turner opened a tab, buying drinks for himself and others. Others brought drinks for Mr. Turner. Mr. Turner was going in and outside the bar and returned "acting weird" and asking women to take him home. Mr. Turner even asked Ms. Howell to go home with him and was told that she would have security take him home or could call someone for him. Mr. Turner replied no, that he wanted a female to take him home. As this behavior continued and the women complained of being harassed by Mr. Turner's behavior, Mr. Turner was asked to leave around 11:00 PM. The officer was later provided Mr. Turner's signed receipt that was timestamped 11:04 PM. Mr. Turner left walking.

The head of security, Mr. Fogle, arrived and was interviewed. Mr. Fogle saw Mr. Turner as he was leaving. Mr. Turner was staggering in the roadway and throwing rocks at passing cars. Mr. Fogle

South Carolina Department of Probation, Parole and Pardon Services

Summary of Administrative Hearing

dialed 911 and was told that officers were already notified and were enroute to the incident location. The name of the security officer working before Mr. Fogle arrived was provided.

Mr. Gill, the other security officer, met the investigator at the police department. Mr. Gill was working the door and checked all identification cards of the patrons that entered the bar. When shown a photograph of Mr. Turner, Mr. Gill said he remembered him. Mr. Turner's identification said 1999 and the photograph matched. Mr. Gill wasn't sure of the time, but says it was around 7:30 or 8:00 PM. Mr. Turner was dropped off by someone he called his brother. Mr. Turner bought drinks for himself and others. Mr. Gill warned Mr. Turner about bothering women. Three women complained to Mr. Gill that Mr. Turner was bothering them. Security warned Mr. Turner a second time when he and another male got into a verbal argument. A final complaint led to Mr. Turner being told to leave the bar around 11:00 PM. Mr. Gill observed Mr. Turner throwing rocks at vehicles, including the vehicle of the security officer that put him out of the bar.

Supplemental reports document that the credit card used to purchase alcoholic beverages belonged to Jennifer Turner, Mr. Turner's mother. This name is also shown on the receipt. Mr. Turner was unsteady on his feet and almost fell inside the booking area of the jail. Mr. Turner was verbally abusive and called the officers names, like "b*tch". Attempting to provoke them, Mr. Turner also told the officers they were hiding behind their badge and Taser. When issued his citation, Mr. Turner told Sergeant Hartwell, "get out of [my] f*cking face" and attempted to walk away. Loud verbal commands were given to keep Mr. Turner from walking away. After reviewing all footage, the investigator felt that further charges should be sought for *Threatening the Life, Person or Family of a Public Employee* and *Purchase or Possession of Alcoholic Liquors by a Minor*.

I find that Bowen Turner failed to pay other fees as determined by the Department. Mr. Turner owed a \$20.00 drug test fee when the warrant was issued.

I find that Bowen Turner failed to pay fines. Mr. Turner was \$2.15 behind on surcharges when the warrant was issued.

I find that the aforementioned violations constitute a willful failure to follow the advice and instructions of the supervising agent. I base these findings on the evidence and testimony presented at the Administrative Hearing.

I do not find that Mr. Turner was behind on supervision fees. No arrearage is listed in the warrant and Mr. Turner's supervision fees were current at the time of the Administrative Hearing.

I do not find that Bowen Turner failed to comply with additional conditions. There are no additional violations listed in the warrant that aren't already addressed by other conditions.

**South Carolina Department of Probation, Parole and Pardon Services
Summary of Administrative Hearing**

Hearing Officer's Conclusions:

Mr. Turner is supervised under the Standard Sex Offender Conditions. This fact increases the concern following Mr. Turner's disorderly conduct on May 8, 2022. Based on the documents presented, Mr. Turner, while already perceived to be under the influence of alcohol, allegedly presented false identification to enter a bar. Mr. Turner became grossly intoxicated, using his mother's credit card to purchase drinks for himself and others. Mr. Turner began to harass women to take him home or go home with him, denying the opportunity to be transported by security because "he wanted a woman to take him home". Mr. Turner got into an argument with another male patron and was ultimately asked to leave the establishment. Mr. Turner left on foot, throwing rocks at passing cars before leaving the premises. Mr. Turner was threatening and verbally abusive toward officers once he arrived at the jail.

Also submitted in the evidence packet was a community complaint dated May 10, 2022 documenting a complaint made to the Orangeburg County Sheriff's Office. The complainant awoke at 2:52 AM to their security cameras sending alerts on April 30, 2022. Someone was ringing the doorbell and banging on the door. The male homeowner went to confront the visitor because his family was asleep inside the home. Mr. Turner provided a false name and asked to use the telephone to call a ride. The homeowner called the provided number and placed the call on speaker. A female answered saying, "Where are you Bowen?" When Mr. Turner provided his location, she said, "What are you doing there, Bowen?" After hanging up the telephone, Mr. Turner was asked his name again. Mr. Turner again provided the same false name and walked away. The complainant's entire family was woken by the disturbance. The provided number was compared to the school telephone registry and matched the number for Mr. Turner's mother. Mr. Turner's behavior is unacceptable. Not only were his actions unlawful, Mr. Turner's actions were stalking, harassing, threatening and aggressive. A full revocation of the probation and activation of the youthful offender sentence is recommended.

Recommendation of the State:

Revocation.

Respectfully Submitted,

Toyya Williams, CHO
Administrative Hearings Officer

WITNESSES

Mary Kathryn A Mccallister

State Law Enforcement Division

ARREST WARRANT NUMBER
2019A3810200093

Arrested: 6/12/2019

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: March 30, 2022

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2022GS38-0611

The State of South Carolina
County of ORANGEBURG

COURT OF GENERAL SESSIONS

April 4, 2022 TERM

THE STATE
vs.

Bowen Gray Turner

Indictment for
ASSAULT AND BATTERY,
1ST DEGREE

SC Code: 16-3-600(C)(1)

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Bowen Turner 88
Defendant

I _____
hereby appear in my own proper person
and plead guilty to the within indictment or
to _____

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)

INDICTMENT
 2022GS38-0611

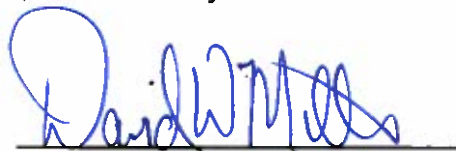
At a Court of General Sessions, convened on April 4, 2022 the Grand Jurors of Orangeburg County present upon their oath:

ASSAULT AND BATTERY - FIRST DEGREE

That in Orangeburg County, South Carolina, on or about June 2, 2019, the Defendant, Bowen Gray Turner, did unlawfully injure another person, to wit: "C.B.", and the act involved nonconsensual touching of the private parts of the victim, either under or above clothing, with lewd and lascivious intent, this offense being in violation of Section 16-3-600 of the South Carolina Code of Laws, as amended.

FILED FOR RECORD
 VINNIE D. CLARK
 2022 APR -3 PM 12:16
 CLERK OF COURT
 ORANGEBURG, SC

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Second Circuit, Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF Orangeburg

STATE

VS.

Bowen Gray Turner

AKA:

Race: WHITE Sex: M Age: 19DOB: 2002 SS#: Address: Jackson DrCity, State, Zip: Orangeburg, SC 29118-3123DL# SID# *CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022 - GS - 38 - -0611AW#: 2019A3810200093Date of Offense: 6/2/2019S.C. Code §: 16-3-652CDR Code #: 0160

SENTENCE SHEET

0-10 yearsIn disposition of the above indictment comes now the Defendant who was ☐ CONVICTED OF or ☒ PLEADSTO: Assault and Battery 1st DegreeIn violation of § 16-3-600(C)(1) of the S.C. Code of Laws, bearing CDR Code # 3412☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ § 17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As indicted, ☐ Lesser Included Offense, ☒ Defendant Waives Presentment to Grand Jury. BGT (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☒ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

David M. Miller 19553 Bowen Gray Turner Chadley H. H. 6436
Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of _____ days/months/years/Time Served ☒ Youthful Offender Act not to exceed 6 years

and/or to pay a fine of \$____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$____; plus costs and assessments as applicable*; the balance is suspended with probation for 5

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDOC.
_____ days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Bowen Gray Turner INDICTMENT/CASE#: 2022 - GS - 38 - -0611

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. Or Job Corp ☒ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☐ Other: Sex offender conditions of probation shall apply. May not shorten probation; any violation of the sex offender conditions of probation shall require sex offender registration at the end of probation. There have been no violations of the☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning _____

\$14-1-206 (Assessments 107.5%)	\$	
\$14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100
\$14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
\$56-5-2995 (DUI Assessment)	\$12	\$
\$56-1-286 (DUI Breath Test)	\$25	\$
\$14-1-212 (Law Enforce. Funding)	\$25	\$ 25
\$14-1-213 (Drug Court Surcharge)	\$150	\$
\$34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
\$50-21-114 (BUI Breath Test Fee)	\$50	\$
\$56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

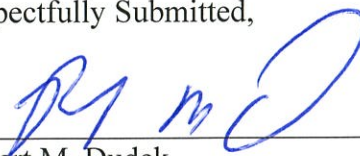
Clerk of Court/Deputy Clerk: KATHARINE SPIRES
Court Reporter: _____Presiding Judge: JE. Marking D...Judge Code: 2060Sentence Date: 4/8/22

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."

RECEIVED**May 25 2023****SC Court of Appeals**

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 25th day of May, 2023.