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STATE OF SOUTH CAROLINA
IN COURT OF APPEALS

Nov 28 2023

SC Court of Appeals

Appeal from Abbeville County
HONORABLE R. SCOTT SPROUSE, CIRCUIT COURT Judge

DOUGLAS S. TURNER,

APPELLANT

V.

THE STATE

RESPONDENT

APPELLATE CASE NO. 2023-000116
ANDERS BRIEF OF APPELLANT

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APPELLATE DEFENSE

S.C. Code of Regulations R. 73-80

73-80 Duties of the Seizing Officer

- (5) If the controlled substance(s) was altered in any way while in the possession of the seizing officer, the seizing officer shall in writing fully describe the nature and extent of the alteration. The written record of alteration to the controlled substance evidence must be kept with the chain of custody record.
- Officer Smith handed the drugs to officer Crowe. Officer Crowe put the drugs in his car, gave the keys to officer Smith and officer Crowe ~~road~~ on the ambulance with me. Officer Crowe didn't sign Duties of the seizing officer? Officer Smith with alteration didn't in writing fully describe the nature and extent of the alteration. Officer Crowe and Officer Smith Signature
- (6) The properly sworn and notarized signature of the seizing officer is required if the provisions of the Rule for Chemical Analysis and Chain of Custody as set forth in the South Carolina Criminal Practice Rules are to be effective. The signature of the seizing officer alone is sufficient to maintain the written record of the chain of custody. (STATE VS PULLEY, Brewer added he did not sign any paperwork indicating that he transferred the cocaine to Craver

F. The seizing officer shall deliver the completed original initial custody form together with the controlled substance evidence to the evidence custodian. The seizing officer may make copies of the initial custody form for his or her own records. The original signed Initial Custody Form must accompany the evidence until it is presented to the Forensic Laboratory for analysis (STATE VS PULLEY) (TIMOTHY ARTEZ PULLEY) However, the state still must satisfactorily establish the chain of custody of evidence **466 passing from hand to hand (4) the state's failure to elicit testimony from Officer Craven as to how he obtained possession of the drugs after he left the scene, all force us to impermissibly speculate as to the chain of custody. Since the chain of custody of the drugs was not sufficiently established, the drugs should not have been entered into evidence. Therefore we have no choice but to reverse Pulley conviction.

S.C. Code of Regulations R 73-80
Duties of the seizing Officer

Code 1976 §14-5-910

§ 14-5-910 Special session may be ordered when public interest requires.

Whenever the public interest shall require the holding of a special session of the court of general sessions or the court of common pleas in any county of the state and such fact satisfactorily appears (a) by petition of the solicitor of the judicial circuit in which such county is situate in the case of the court of general sessions or (b) by petition of a majority of the members of the bar of such county in the case of the court of common pleas, such petitions having been first approved by the resident circuit judge or the circuit judge last presiding in such county and duly filed with the clerk of the Supreme Court, a special session of the court of general sessions or common pleas may be ordered for any such county by the Chief Justice of the Supreme Court. The special session of court so ordered shall be held at such time and for such term and such notice of the holding thereof shall be given as may be provided in the order therefor, which shall be transmitted to and filed by the clerk of court of the county.

§ 14-5-730 (1) Terms of court in eighth circuit
(1) THE courts of the eight judicial circuit shall be held as hereinafter provided. (1) Abbeville County - The court of general sessions for

Abbeville County shall be held at Abbeville on the first Monday in February, the first Monday in May, and the first Monday in September, in each case for one week. The Court of common pleas for the county shall be held at Abbeville on the Monday following the fourth Monday in March, the fourth Monday in June, the second Monday in October, and the second Monday in December in each case for one week.

INDICTMENT FOR TRAFFICKING METHAMPHETAMINE §44-53-375(C)

At a Court of General Sessions, convened on the 7th day of November, 2022, the Grand Jurors of Abbeville County present upon their oath

INDICTMENT FOR RESISTING ARREST §16-09-0320(A)

At a Court of General Sessions, convened on the 25th day of March, 2022, the Grand Jurors of Abbeville County present upon their oath; Against the peace and dignity of the state, and contrary to the statute in such cases made and provided. By Micah E Black Assistant Solicitor

I Douglas Shawntee Turner was on jury trial that began January 18, 2023 and ended on January 19, 2023 by R. Scott Sprouse, Circuit Court Judge.