

STATE OF SOUTH CAROLINA )  
)  
)  
vs. )  
)  
)  
Nathan John Rowe. )  
)  
Defendant. )  
\_\_\_\_\_ )

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Indictment No(s): 2023-GS-32-03905

RECEIVED  
2024-GS-32-00539

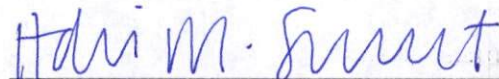
AUG 13 2024

SC Court of Appeals

**RULE 203(B) EXPLANATION**

Pursuant to Rule 203(B)(iv), the undersigned asserts that he does not have a good faith basis to believe that any issues are properly before the Court of Appeals, and the undersigned did not object to the sentence or file a motion to reconsider the sentence. Nevertheless, the undersigned consulted with the Appellant about his right to appeal, and after consultation, the undersigned has filed the instant appeal at the request of the Appellant because the Sixth Amendment requires counsel to follow the Appellant's request. See *Frazer v. South Carolina*, 430 F.3d 696, 706 (4<sup>th</sup> Cir. 2005) ("A defendant has a right to pursue a direct appeal, even if frivolous, which counsel must assist as 'an active advocate on behalf of his client.'") (quoting *Anders v. California*, 386 U.S. 738, 744 (1967)).

Respectfully submitted,



Hali M. Selert  
Assistant Public Defender  
202 East Main Street  
Lexington, South Carolina  
(803) 785-8873

Lexington, South Carolina  
August 12, 2024

# ELEVENTH CIRCUIT PUBLIC DEFENDER

LEXINGTON, SALUDA, EDGEFIELD & MCCORMICK COUNTIES

LEXINGTON  
202 EAST MAIN STREET  
LEXINGTON, SC 29072  
(803) 785-8873

SARAH H. MAULDIN  
CIRCUIT PUBLIC DEFENDER

SALUDA • EDGEFIELD • MCCORMICK

POST OFFICE BOX 1852  
MCCORMICK, SC 29835  
(864) 852-9555

JASON S. CHEHOSKI  
CHIEF PUBLIC DEFENDER

August 12, 2024

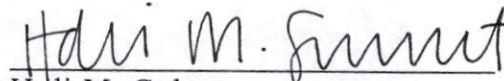
The Honorable Lisa Comer  
Clerk of Court for Lexington County  
205 East Main Street  
Lexington, South Carolina, 29072

RE: The State v. Nathan John Rowe - Appeal

Dear Mrs. Comer:

Enclosed for filing is a notice of appeal in the above case.

Sincerely,



Hali M. Selert  
Public Defender  
202 E. Main Street  
Lexington, SC 29072  
(803) 785-8873

CC: Bruce H. Norton II, Assistant Solicitor  
Robert M. Dudek, Chief Appellate Defender  
Nathan John Rowe, Kirkland Correctional Institution

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

INDICTMENT/CASE#: 2023 -GS- 32 - 03905

VS.

Nathan John Rowe

AW#: 2023A3211000247

AKA: \_\_\_\_\_

Date of Offense: 1/24/2023

Race: White

Sex: M

Age: 45

S.C. Code §: 16-13-0510(B)

DOB: \_\_\_\_\_

SS#: \_\_\_\_\_

CDR Code #: 2813

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_

\* SID# \_\_\_\_\_

**RECEIVED**  
**AUG 13 2024**  
**SC Court of Appeals**  
**SENTENCE SHEET**

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

Defendant Pro Se

In disposition of the above indictment comes now the Defendant who

WAS CONVICTED OF or  PLEADS

TO: FinanTC / Financial identity fraud or identity fraud

In violation of § 16-13-0510(B) of the S.C. Code of Laws, bearing CDR Code # 2813

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-41  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.

The State's Position is:

None

Negotiated and Agreed Upon Sentence: \_\_\_\_\_ Years, \_\_\_\_\_ Months, Probation for \_\_\_\_\_ Years, \_\_\_\_\_ Months

Negotiated and Agreed as to Charges Only

Recommended and Agreed Upon Sentence: \_\_\_\_\_ Years, \_\_\_\_\_ Months, Probation for \_\_\_\_\_ Years, \_\_\_\_\_ Months

ATTEST:

s/Bruce Hartley Norton II  
Solicitor

104716  
SC Bar #

s/Hali Margaret Selert  
Attorney for Defendant

104866  
SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center  
for a determinate term of 3 years  Time Served

- Home Detention Program(HIP)  MH Evaluation and Compliance  Batterer's Treatment
- Domestic Abuse Counseling  Drug Court  Drug Program  Alcohol Program  Inpatient Facility
- Hold Until Bed Space Available  Mental Health Court  Balance Suspended with Drug Court
- Other: \_\_\_\_\_
- Judicial Review \_\_\_\_\_
- Youthful Offender Act not to exceed \_\_\_\_\_

to pay a fine of \$ \_\_\_\_\_ ;  
SCCA/217 (11/2022)

**A TRUE COPY**  
*[Signature]*  
Lex. Co. C.C.C.P., G.S. & F.C.

provided that upon the service of \_\_\_\_\_

Time Served

- Home Detention Program(HIP)     MH Evaluation and Compliance     Batterer's Treatment
- Domestic Abuse Counseling     Drug Court     Drug Program     Alcohol Program     Inpatient Facility
- Hold Until Bed Space Available     Mental Health Court     Balance Suspended with Drug Court
- Suspended To Batterer's Treatment
- Other: \_\_\_\_\_

a payment of \$ \_\_\_\_\_ ; plus costs and assessments as applicable\*

the balance is suspended with probation for \_\_\_\_\_

- Suspended During Probation     Suspended During Drug Court     Suspended During Batterer's Treatment
- Other: \_\_\_\_\_

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

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

**SPECIAL CONDITIONS:**

- PTUP after \_\_\_\_\_     Home Detention Program(HIP)

**And Other Terms Listed Below:**

- Conditional Discharge
- 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 \_\_\_\_\_
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- Other: VACATE BENCH WARRANT

**A TRUE COPY**

*[Signature]*  
Lex. Co. C.C.C.P., G.S. & F.C.

Haci Silva

WITNESSES

Lexington County Sheriffs Department

Thomas C Bryant

Law Enforcement Case #: 23009546

KES

ARREST WARRANT NUMBER

2023A3211000247

ACTION OF GRAND JURY

**TRUE BILL**

*[Signature]*

Foreperson of Grand Jury

Date: 10/23

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2023GS3203905

**The State of South Carolina**

**County of Lexington**

**COURT OF GENERAL SESSIONS**

**OCTOBER TERM 2023**

**THE STATE**

vs.

**Nathan John Rowe**

**CDR #: 2813**

**Indictment for**

Financial identity fraud

*as charged*

§ 16-13-0510

**S.R. Hubbard III, SOLICITOR**

**A TRUE COPY**

*[Signature]*  
Lex. Co. C.C.C.P., G.S. & F.C.

SEAL

2023 OCT 4

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
Financial identity fraud  
§ 16-13-0510

At a Court of General Sessions, convened on October 2023, the Grand Jurors of Lexington County present upon their oath:

That **Nathan John Rowe** did in Lexington County, South Carolina, on or about January 24, 2023, unlawfully and knowingly, without the authorization or permission of C.A. Carter and with the intent to unlawfully appropriate the financial resources of C.A. Carter to his own use or the use of a third person, did access or attempt to access the financial resources of C.A. Carter to wit; the defendant mobile deposited a check from victim's Woodforest National Bank account into his personal Truist bank account. All in violation of Section 16-13-510, Code of Laws of South Carolina, (1976, as amended).

A TRUE COPY  
*[Signature]*  
Lex. Co. C.C.C.P., G.S. & F.C.

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

*[Signature]*  
ASSISTANT SOLICITOR

STATE VS. Nathan John Rowe

INDICTMENT/CASE#: 2024 -GS- 32 - 00539

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington

STATE

INDICTMENT/CASE#: 2024 -GS- 32 - 00539

VS.

Nathan John Rowe

AW#: 2023A3211000343

AKA: \_\_\_\_\_

Date of Offense: 5/17/2023

Race: White

Sex: M

Age: 45

S.C. Code §: 16-13-0240

DOB: \_\_\_\_\_

SS#: \_\_\_\_\_

CDR Code #: 3591

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DL# \_\_\_\_\_

\* SID# \_\_\_\_\_

SENTENCE SHEET

\*CDL Yes  No  CMV Yes  No  Hazmat Yes  No

Defendant Pro Se

In disposition of the above indictment comes now the Defendant who

WAS CONVICTED OF or  PLEADS

TO: Breach / Obtain signature or prop. under false pretenses, value more than \$2,000 but less than \$10,000 (Enhancement per

In violation of § 16-13-0240 of the S.C. Code of Laws, bearing CDR Code # 3591

NON-VIOLENT  VIOLENT  SERIOUS  MOST SERIOUS  Mandatory GPS  § 17-25-45  
(CSC w/minor 1<sup>st</sup> or CSC w/minor 3<sup>rd</sup>)

The charge is:  As indicted,  Lesser Included Offense,  Defendant Waives Presentment to Grand Jury.

The State's Position is:

None

Negotiated and Agreed Upon Sentence: \_\_\_\_\_ Years, \_\_\_\_\_ Months, Probation for \_\_\_\_\_ Years, \_\_\_\_\_ Months

Negotiated and Agreed as to Charges Only

Recommended and Agreed Upon Sentence: \_\_\_\_\_ Years, \_\_\_\_\_ Months, Probation for \_\_\_\_\_ Years, \_\_\_\_\_ Months

ATTEST:

s/Bruce Hartley Norton II

104716

s/Hali Margaret Selert

104866

Solicitor

SC Bar #

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the  State Department of Corrections  County Detention Center

for a determinate term of 3 years  Time Served

Home Detention Program(HIP)  MH Evaluation and Compliance  Batterer's Treatment

Domestic Abuse Counseling  Drug Court  Drug Program  Alcohol Program  Inpatient Facility

Hold Until Bed Space Available  Mental Health Court  Balance Suspended with Drug Court

Other: \_\_\_\_\_

Judicial Review \_\_\_\_\_

Youthful Offender Act not to exceed \_\_\_\_\_

to pay a fine of \$ \_\_\_\_\_ ;

SCCA/217 (11/2022)

A TRUE COPY

Hali Margaret Selert  
Lex. Co. C.C.C.P., G.S. & F.C.

provided that upon the service of \_\_\_\_\_

Time Served

- Home Detention Program(HIP)     MH Evaluation and Compliance     Batterer's Treatment
- Domestic Abuse Counseling     Drug Court     Drug Program     Alcohol Program     Inpatient Facility
- Hold Until Bed Space Available     Mental Health Court     Balance Suspended with Drug Court
- Suspended To Batterer's Treatment
- Other: \_\_\_\_\_

a payment of \$ \_\_\_\_\_ ; plus costs and assessments as applicable\*

the balance is suspended with **probation** for \_\_\_\_\_

- Suspended During Probation     Suspended During Drug Court     Suspended During Batterer's Treatment
- Other: \_\_\_\_\_

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. 71 days

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

Defendant has 10 days to apply for Home Detention Program or this will convert to an active sentence.

**SPECIAL CONDITIONS:**

PTUP after \_\_\_\_\_     Home Detention Program(HIP)

**And Other Terms Listed Below:**

- Conditional Discharge
- 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 \_\_\_\_\_
- Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
- Other: VACATE BENCH WARRANT

**A TRUE COPY**

*[Handwritten Signature]*

RESTITUTION:  Deferred  Def. Waives Hearing  Ordered

See Attached Restitution Order

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

Payment Terms: \_\_\_\_\_  Set by SCDPPPS

Recipient: \_\_\_\_\_

\*Fine:

Fine may be pd. in equal consecutive	prmts. of	\$	Beginning	\$
§14-1-206 (Assessments 107.5%)				\$
§14-1-211 (A)(1)(Conv. Surcharge)			\$100	\$ 100.00
§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	\$ 25.00
§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
§Other Costs (As Authorized by Cost Code)*				\$
<input type="checkbox"/> Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees			\$500	\$
<input type="checkbox"/> § 17-3-30(B) Application Fee to be paid to the Public Defender Fund			TBD	\$
<b>TOTAL</b>				<b>\$ 128.75</b>

Clerk of Court/Deputy Clerk: s/Mariah Derby  
Court Reporter: Stacy S. Johnson

Presiding Judge: s/Debra McCaslin  
Judge Code: 2769  
Sentence Date: 8/6/2024

Specify Other Costs\*

<u>Cost Code</u>	<u>Cost Description</u>	<u>Amount</u>
------------------	-------------------------	---------------

**A TRUE COPY**

*Debra McCaslin*  
Lex. Co. C.C.C.P., G.S. & F.C.

*Hali Schut*

WITNESSES

Lexington County Sheriff's Department

Law Enforcement Case #: 23011133

BHN

ARREST WARRANT NUMBER

2023A3211000343

ACTION OF GRAND JURY

**TRUE BILL**

Foreperson of Grand Jury

Date: *4-1-24*

VERDICT

Foreperson of Petit Jury

Date:

INDICT

DOCKET NO. 2024GS3200539

**The State of South Carolina**

County of Lexington

**LEXINGTON COUNTY GENERAL SESSIONS**

APRIL TERM 2024

**THE STATE**

vs.

**Nathan John Rowe**

Indictment For

**Obtain Signature Under False Pretenses**

SC Code: §16-13-240(2), 16-1-57

*as charge*

CDR Code: 3591

Class E Felony

**S.R. Hubbard III, Solicitor**

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

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

**A TRUE COPY**

*Hali Schut*  
Lex. Co. C.C.C.P., G.S. & F.C.

2024 APR 23

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LEXINGTON )  
 )

INDICTMENT FOR  
2024GS3200539  
Obtain Signature Under False Pretenses  
§16-13-240(2), 16-1-57

At a Lexington County General Sessions, convened on April 2024, the Grand Jurors of Lexington County present upon their oath:

**Obtain Signature Under False Pretenses**

That in Lexington County, South Carolina, on or about May 17, 2023, the Defendant, Nathan John Rowe, did, by false pretense or representation, obtain the signature of a person to a written instrument or obtained from another person a chattel, money, valuable security, or other property, real or personal, with intent to cheat and defraud John Sabourin of that property and the value of that property was more than two thousand dollars but less than ten thousand dollars and Nathan John Rowe was previously convicted of, or pled guilty or nolo contendere to, two or more violations under this section, and, all in violation of Section 16-13-240(2), 16-1-57, et al. of the Codes of Law of South Carolina.

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

  
\_\_\_\_\_  
Assistant Solicitor

A TRUE COPY  
  
\_\_\_\_\_  
Lex. Co. C.C.C.P., G.S. & F.C.