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SC Court of Appeals

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

Appeal from Orangeburg County Circuit Court  
The Honorable Roger M. Young

Appellate Case No. 2022-001018

STATE OF SOUTH CAROLINA .....RESPONDENT

v.

BOWEN GRAY TURNER.....APPELLANT

**RETURN TO MOTION FOR ORAL ARGUMENT**

The Respondent, the South Carolina Department of Probation, Parole and Pardon Services (the Department), submits this Return to Appellant’s Motion for Oral Argument. Respondent would defer to this Court’s discretion regarding oral arguments under Rule 215, SCACR, but respectfully submits that Appellant’s reasons for his Motion are not persuasive.

Respondent points to the Victim Advocate’s pending appeal involving Appellant’s guilty plea which is scheduled for oral arguments on Tuesday, September 10, 2024 (Appellate No. 2022-000472). He fails to explain how a victim requesting a rule to show cause and petition for a writ of mandamus has any relation to this appeal which is regarding his probation violation and the trial court’s order imposing the sex offender registry.

Respondent submits that Appellant has failed to adequately show why his legal issues raised on appeal are of such vital import that oral arguments are necessary. Specifically:

1. *Whether the judge erred in denying the motion for a continuance?* Reversals for denials of motions for continuances are extremely rare. State v. McMillian, 349 S.C. 17, 21, 561 S.E.2d 602, 604 (2002).

2. *Whether the judge abused his discretion by failing to exercise discretion?* The record clearly shows that the judge reviewed the details of the alleged violations and imposed the sex offender registry in light of the severity of Appellant's actions. (R. p. 59-60).

3. *Whether the judge abused his discretion by ordering the sex offender registry when the state did not show good cause for placement on the registry?* The solicitor placed facts on the record at the original plea and recommended the sex offender registry. (R. p. 13-14). This aligns with the requirements of S.C. Code Ann. § 23-3-430(D) (2007 & Supp. 2022).

4. *Whether the probation judge had authority to impose the sex offender registry?* Appellant's reliance on *State v. Davis*, 375 S.C. 12, 649 S.E.2d 178 (Ct. App. 2007) is misplaced when it is clear the original sentencing court clearly made registering as a sex offender a consequence of violating the sex offender conditions of probation.

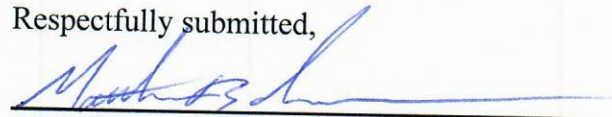
5. *Whether the sentencing judge erred in ordering the sex offender registry to be a consequence for violating probation?* This order was imposed at sentencing and was not appealed by either party, thus becoming the law of the case. State v. Lee, 350 S.C. 125, 132-33, 564 S.E.2d 372, 376 (Ct. App. 2002).

### **CONCLUSION**

Respondent submits that Appellant has failed to show that this case is so unusual or complex that oral argument would assist in this Court's resolution of the appeal.

(Signature appears on following page)

Respectfully submitted,



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**Matthew C. Buchanan**  
**General Counsel**

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Parole and Pardon Services  
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(803) 734-9220

Columbia, South Carolina  
September 6, 2024

**Dawn K. Nichols**

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**To:** Warren, Kaylynn  
**Cc:** Dudek, Robert; Caudy, Lara; Matthew Buchanan  
**Subject:** RE: 2022-001018 The State v. Bowen Gray Turner  
**Attachments:** Turner, Bowen-Return.pdf

Please see attached Respondent's Return in the above referenced matter that will be filed with the Court today.

**From:** Warren, Kaylynn <kwarren@sccid.sc.gov>  
**Sent:** Wednesday, September 4, 2024 1:50 PM  
**To:** Matthew Buchanan <Matthew.Buchanan@ppp.sc.gov>  
**Cc:** Dawn K. Nichols <Dawn.Nichols@ppp.sc.gov>; Dudek, Robert <RDudek@sccid.sc.gov>; Caudy, Lara <lcaudy@sccid.sc.gov>  
**Subject:** 2022-001018 The State v. Bowen Gray Turner

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Good Afternoon,

Attached for service in the above-referenced case is the Motion for Oral Argument which will be filed today, September 4, 2024, with the Court of Appeals via email filing.

Respectfully,  
Kaylynn

**Kaylynn Warren**  
Administrative Assistant  
South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
(803) 734-1330

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