

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENWOOD )

IN THE COURT OF GENERAL SESSIONS

**RECEIVED**

**Jan 23 2025**

S.C. SUPREME COURT

STATE OF SOUTH CAROLINA )  
 )  
vs. )  
ADAM ROWELL )  
 )  
Defendant )  
\_\_\_\_\_ )

ORDER  
15-GS-24-535 and 536

) Supreme Court Opinion No.28215

The Defendant was convicted by jury trial in 2017 of two counts of Felony DUI (Death and GBI). He received a thirteen (13) year concurrent sentence. The Defendant appealed and the South Carolina Court of Appeals affirmed the conviction and found that the Trial Court did not abuse its discretion in not holding an evidentiary hearing concerning Juror 164 (to be discussed below). The Supreme Court granted certiorari and issued an Opinion on September 18, 2024.

During qualification of the jury panel, the Trial Court conducted *voir dire* and asked the panel "if they, any family member, or close friends ever been arrested or charged with a criminal offense." Juror 164 failed to disclose that he

had been arrested approximately a week before trial. Juror 164 was ultimately seated on the trial jury. Subsequent to the trial, the Defense learned that Juror 164 did in fact have pending criminal charges. The Defense, along with other grounds, filed a Motion for New Trial on this juror issue.

The above Supreme Court Opinion, authored by The Honorable Justice D. Garrison Hill, vacated and remanded the case, with instructions to this Trial Court. The Supreme Court found that the Trial Court did abuse its discretion in not holding a hearing and ordered that this Trial Court hold an evidentiary hearing on the issue of Juror 164's failure to disclose his pending criminal charges and for this Court to determine if this withheld information suggested a potential bias on the part of Juror 164.

This evidentiary hearing was held on January 9, 2025. Present for the State were Micah Black and Wade Downtin. Present for the Defense were Senator Billy Garrett, Rauch Wise and Jane Merrill. The Defendant was also present as well as Juror 164. Prior to the hearing, the Court was informed that the parties had reached an agreement and the agreement was placed on the record. The Court carefully examined the Defendant and based upon such examination, the Court

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finds the agreement to be fair and reasonable and was freely, voluntarily and intelligently entered into by the Defendant. The Defendant also expressed satisfaction with his attorneys. The mother of the deceased victim was present and concurred in the agreement.

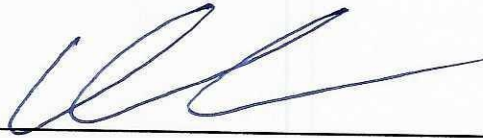
Based upon the above and the Defendant's Motion to Reconsider Sentence, it is,

HEREBY ORDERED:

1. That the Defendant's original sentence of thirteen (13) years is vacated. The Defendant's sentence shall now be Ten (10) years Eight (8) months on each charge concurrent to also run concurrent with Two Thousand Eight Hundred and Eighty-days (2,881) credit (See attached copies of both sentencing sheets);
2. That the Defendant will dismiss and/or waive any appeals and challenges to his conviction and sentence;
3. That an apology was made by the Defendant to the deceased victim's mother in open Court.

SO ORDERED.

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DONALD B. HOCKER  
CIRCUIT COURT JUDGE

Laurens, South Carolina  
Date: 1-22-25

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