

STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Edward B. Cuttingham, Circuit Court Judge

FILED
HORRY COUNTY
2013 NOV -6 AM 11:23
MELANIE HUBBIS WARR
CLERK OF COURT

CASE NO: 2011GS2603762, 2011GS2603763, 2011GS2603764, 2011GS2603765,
2011GS2603766, 2011GS2603767

The State, Respondent,

v.

Talmadge Rowell, Appellant.

NOTICE OF APPEAL

Talmadge Rowell, appeals the conviction and sentence in this case. The sentence was imposed by the Honorable Edward B. Cuttingham, on November 6, 2013.

November 6, 2013

WTFloyd
W. Thomas Floyd
Public Defender
Horry County Public Defender Office
Post Office Box 1666
Conway, SC 29528
843-915-5385
Attorney for Appellant

CERTIFIED COPY
2013 NOV -6 PM 12:30
MELANIE HUBBIS WARR
CLERK OF COURT
HORRY COUNTY

Other Counsel of Record

Martin Spratlin
Solicitor
Post Office Box 1276
Conway, SC 29528
843-915-5460
Attorney for Respondent

RECEIVED

NOV 12 2013

SC Court of Appeals

FILED
HORRY COUNTY
2013 NOV -6 AM 11:23
MELANIE HUGHES WARD
CLERK OF COURT

STATE OF SOUTH CAROLINA
In The Court Of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions
Edward B. Cuttingham , Circuit Court Judge

CASE NO: 2011GS2603762, 2011GS2603763, 2011GS2603764, 2011GS2603765,
2011GS2603766, 2011GS2603767

The State, Respondent,

V.

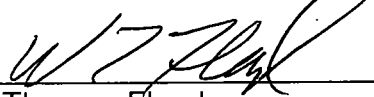
Talmadge Rowell , Appellant.

PROOF OF SERVICE

I certify that I have served the Notice of Appeal on the State of South Carolina by depositing a copy of the Notice in the United States Mail, postage prepaid, on November 6, 2013, addressed to the attorney of record:

Martin Spratlin
Solicitor
Post Office Box 1276
Conway, South Carolina, 29528
Attorney For Respondent

November 6, 2013


W. Thomas Floyd
Public Defender
Horry County Public Defender Office
Post Office Box 1666
Conway, SC 29528
843-915-5385
Attorney for Appellant

CERTIFIED COPY
2013 NOV -6 PM 12:30
Melanie Hughes Ward
CLERK OF COURT
HORRY COUNTY

RECEIVED
NOV 12 2013

SC Court of Appeals

COUNTY OF Horry
STATE VS.

INDICTMENT/CASE#: 2011GS2603763

Talmadge Leroy Rowell

A/W#: M509486

AKA: _____

Date of Offense: 6/27/2011

Race: WHITE Sex: M Age: 54

S.C. Code § : 16-03-0655(B)

DOB: 08-09-1959 SS#: [REDACTED]

CDR Code #: 0396

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: 004473229 SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO: Sex/ Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.

in violation of § 16-03-0655(B) of the S.C. Code of Laws, bearing CDR Code # 0396
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

SCB77061

Spratlin, Martin D.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

CONCURRENT or CONSECUTIVE to sentence on: 11-3766, 11-3762, 11-3765
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

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

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 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	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5.00
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

PTUP _____ days/hours Public Service/ Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 beginning 11/05/2028
\$ _____ paid to Public Defender Fund
Other: _____

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter:

SCCA/217 (03/2011)

Melanie Huggins Ward
Kay Richardson

Presiding Judge

Judge Code: 2041

Sentence Date: 11/05/13

[Signature]

FILED COUNTY
HORRY COUNTY
2013 NOV -6 AM 11:23
MELANIE HUGGINS WARD
CLERK OF COURT

CERTIFIED COPY
2013 NOV -6 PM 12:30
MELANIE HUGGINS WARD
CLERK OF COURT
HORRY COUNTY

[REDACTED]

[REDACTED]

[REDACTED]

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

O-20
S.O. 1

COUNTY OF Horry)
STATE VS.)

Talmadge Leroy Rowell)

AKA:)

Race: WHITE Sex: M Age: 54)

DOB: 08-09-1959 SS# [REDACTED])

Address: [REDACTED])

City, State, Zip: [REDACTED])

DL#: 004473229 SID#:)

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Sex / Criminal sexual conduct with minor, or Attempt - victim 11 to 14 yrs of age inclusive - Second deg.

INDICTMENT/CASE#: 2011GS2603762
A/W#: M509485
Date of Offense: 6/1/2011
S.C. Code § : 16-03-0655(B)
CDR Code #: 0396

FILED
Horry County
2013 NOV - 6 AM 11:23
MELANIE HORNIGS-WORD
CLERK OF COURT

SENTENCE SHEET

in violation of § 16-03-0655(B) of the S.C. Code of Laws, bearing CDR Code # 0396
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-25-45

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: SCB77061
Spratlin, Martin D. SC Bar# Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

CONCURRENT or CONSECUTIVE to sentence on: 11-3765, 11-3763, 11-3766
 The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-21 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ _____ plus 20% fee: \$ _____
Payment Terms: _____
 Set by SCDPPPS _____
Recipient: _____

*Fine: \$
§ 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 \$
Proviso 47.9 (Public Def/Prob) \$500 \$
§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00
§ 14-1-213 (Drug Court Surcharge) \$150 \$
§ 50-21-114(BUI Breath Test Fee) \$50 \$
§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$
Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00
3% to County (if paid in installments) \$ 3.90
TOTAL \$ 133.90 + 40.00 = 173.90

_____ days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp. _____
May serve W/E beginning _____
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 beginning 11/05/2028
\$ _____ paid to Public Defender Fund
Other: _____

Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

CERTIFIED COPY
2013 NOV - 6 PM 12:30
MELANIE HORNIGS-WORD
CLERK OF COURT
Horry County

Clerk of Court/ Deputy Clerk: Melanie Hornigs-Word Presiding Judge: [REDACTED]

Court Reporter: Kay Richardson Judge Code: 2041

SCCA/217 (03/2011) Sentence Date: 11/5/13

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS 0-15
S.O.T.

COUNTY OF Horry)
STATE VS.)

INDICTMENT/CASE#: 2011GS2603766
A/W#: 2011GS2603766
Date of Offense: 1/1/2010
S.C. Code §: 16-15-0140
CDR Code #: 2468

Talmadge Leroy Rowell)

AKA: _____)

Race: WHITE Sex: M Age: 54)

DOB: 08-09-1959 SS# [REDACTED])

Address: [REDACTED])

City, State, Zip: Nicholas, SC 29586)

DL#: 004473229 SID#: _____)

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Sex / Lewd Act, committing or attempting lewd act upon child under 16 (June 4, 1996)

SENTENCE SHEET

FILED
Horry County
2011 NOV - 6
11:23 AM
CLERK OF COURT
MELANIE HUGHES-WARD

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45 w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: SCB77061
Spratlin, Martin D. SC Bar# _____ Defendant _____ Attorney for Defendant SC Bar# _____

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center, for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

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

CONCURRENT or CONSECUTIVE to sentence on: 11-3762, 11-3765, 11-3763

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-60 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP _____ days/hours Public Service or Employment

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

Payment Terms: _____ Attend Voc. Rehab. or Job Corp. _____

Set by SCDPPPS _____ May serve W/E beginning _____

Recipient: _____ Substance Abuse Counseling

*Fine: _____ Random Drug/Alcohol testing

§ 14-1-206 (Assessments 107.5 %) _____ Fine may be pd. in equal, consecutive weekly/monthly

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100.00 pmts. of \$ 25.00 beginning 11/05/2028

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____ \$ _____ paid to Public Defender Fund

§ 56-5-2995 (DUI Assessment) \$12 \$ _____ Other: _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5.00

3% to County (if paid in installments) \$ 3.90

TOTAL \$ 133.90

CERTIFIED COPY
2011 NOV - 6 PM 12:30
MELANIE HUGHES-WARD
CLERK OF COURT
HORRY COUNTY

Presiding Judge [Signature]
Judge Code: 2041
Sentence Date: 11/05/13

Clerk of Court/ Deputy Clerk Melanie Hughes-Ward
Court Reporter: Kay Robinson
SCCA/217 (03/2011)

11-11-58
11-11-58

11-11-58

COMMUNICATIONS SECTION
NOV 11 1958
FBI

STATE OF SOUTH CAROLINA)

IN THE COURT OF GENERAL SESSIONS

O-15
S.O. 6

COUNTY OF Horry)
STATE VS.)

Talmadge Leroy Rowell)

AKA: _____)

Race: WHITE Sex: M Age: 54)

DOB: 08-09-1959 SS# [REDACTED])

Address: [REDACTED])

City, State, Zip: [REDACTED])

DL#: 004473229 SID#: _____)

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Sex / Lewd Act. committing or attempting lewd act upon child under 16 (June 4, 1996)

INDICTMENT/CASE#: 2011GS2603765

A/W#: 2011GS2603765

Date of Offense: 1/1/2010

S.C. Code §: 16-15-0140

CDR Code #: 2468

FILED
Horry County
2013 NOV -6 AM 11: 23
ME-ANIE HILGINS-RENT
CLERK OF COURT

SENTENCE SHEET

CONVICTED OF or

in violation of § 16-15-0140 of the S.C. Code of Laws, bearing CDR Code # 2468

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC §17-25-45
w/minor 1st or Lewd Act)

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. _____ (defendant's initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

SCB77061

Spratlin, Martin D.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

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

for a determinate term of 15 days/months/years or under the Youthful Offender Act not to exceed _____ years

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

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

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

CONCURRENT or CONSECUTIVE to sentence on: 11-3763, 11-3766, 11-3762

The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-6 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered

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

Payment Terms: _____

Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$

§ 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 _____ \$

Proviso 47.9 (Public Def/Prob) \$500 _____ \$

§ 14-1-212 (Law Enforce. Funding) \$25 _____ \$ 25.00

§ 14-1-213 (Drug Court Surcharge) \$150 _____ \$

§ 50-21-114 (BUI Breath Test Fee) \$50 _____ \$

§ 56-5-2942(J) (Vehicle Assessment) \$40/ea _____ \$

Proviso 90.5 (SCJA Surcharge) \$5 _____ \$ 5.00

3% to County (if paid in installments) _____ \$ 3.90

TOTAL _____ \$ 133.90

PTUP _____

_____ days/hours Public Service or Employment

Obtain GED

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling

Random Drug/Alcohol testing

Fine may be pd. in equal, consecutive weekly/monthly

pmts. of \$ 25.00 beginning 11/05/2028

\$ _____ paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel,

§ 47.12 requires \$500 be paid to Clerk

during probation.

Presiding Judge _____

Judge Code: 2641

Sentence Date: 11/05/13

CERTIFIED COPY
2013 NOV -6 PM 12: 30
CLERK OF COURT
Horry County

Clerk of Court/ Deputy Clerk: Melanie H. Ward
Court Reporter: Kay Richardson
SCCA/217 (03/2011)

100
100
100

100
100

100
100

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

CERTIFICATE OF REPRESENTATION
(APPOINTING AS COUNSEL)

-VS-

TALMADGE ROWELL

W. THOMAS FLOYD

DEFENDANT)

FILE NO: 26A11-00002995

SSN: 247-31-7953

TO: Court of General Sessions of the Fifteenth Judicial Circuit
Office of the Solicitor
Appointed Counsel
Defendant

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 1st day of November, 2011, regarding the charge(s) of:

M-970843 Sex / Criminal sexual conduct with minor - victim under 17 years of age - First degree

The Defendant's Counsel is **W. Thomas Floyd**. The office of the public Defender requests on the Defendant's behalf any and all evidence in the possession of you and or your agents pursuant to S.C. Criminal Practice Rule 5; and Bridy Maryland 373 U.S. 383 (1963). The formal Motion for Discovery is attached.



CONWAY, SC
DATED: November 1, 2011

ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

FILED
HORRY COUNTY
2011 NOV -6 AM 11:23
JANIE HOSKINS-WARD
CLERK OF COURT

CERTIFIED COPY
2011 NOV -6 PM 12:30
JANIE HOSKINS-WARD
CLERK OF COURT
HORRY COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF HORRY)

IN THE COURT OF GENERAL SESSIONS
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

AMENDED

CERTIFICATE OF REPRESENTATION

-VS-

(APPOINTING AS COUNSEL)

TALMADGE ROWELL

W. THOMAS FLOYD

DEFENDANT)

FILE NO: 26A11-00002215

SSN: 247-31-7953

TO: Court of General Sessions of the Fifteenth Judicial Circuit
Office of the Solicitor
Appointed Counsel
Defendant

FILED
HORRY COUNTY
2011 DEC -6 AM 9:53
MELANIE HUGGINS-WARD
CLERK OF COURT

FILED
HORRY COUNTY
2013 NOV -6 AM 11:28
MELANIE HUGGINS-WARD
CLERK OF COURT

This certifies that the above captioned Defendant is eligible for the services of the Public Defender, such determination having been made on, 18th day of August, 2011, regarding the charge(s) of:

- M-509485 Sex / Criminal sexual conduct with minor - victim 11 to 14 yrs of age inclusive - Second deg.
- M-509486 Sex / Criminal sexual conduct with minor - victim 11 to 14 yrs of age inclusive - Second deg.
- M-509634 Sex / Criminal sexual conduct with minor - victim under 14 yrs of age First degree
- 11-3765 Sex / Lewd Act, committing or attempting on child under 16
- 11-3766 Sex / Lewd Act, committing or attempting on child under 16
- 11-3767 Sex / Lewd Act, committing or attempting on child under 16

CERTIFIED COPY
2012 NOV -6 PM 12:30
M. J. Davis
CLERK OF COURT
HORRY COUNTY

The Defendant's Counsel is **W. Thomas Floyd**. The office of the Public Defender requests on the Defendant's behalf any and all evidence in the possession of you and or your agents pursuant to S.C. Criminal Practice Rule 5, and Brady v. Maryland 373 U.S. 383 (1963). The formal Motion for Discovery is attached.

W. Thomas Floyd

ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

CONWAY, SC

DATED: November 30, 2011

FILED
HORRY COUNTY
2011 DEC -6 AM 9:53
MELANIE HUGGINS-WARD
CLERK OF COURT

FILED
HORRY COUNTY
2013 NOV -6 AM 11:23
MELANIE HUGGINS-WARD
CLERK OF COURT

CERTIFIED COPY
2013 NOV -6 PM 12:30
Melanie Huggins-Ward
CLERK OF COURT
HORRY COUNTY

STATE OF SOUTH CAROLINA)
COUNTY OF Horry)

IN THE COURT OF GENERAL SESSION
OF THE FIFTEENTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)

NOTICE AND MOTION FOR PRODUCTION
OF SPECIFIC EVIDENCE AND
DISCLOSURE OF WITNESSES

-VS-

TALMADGE ROWELL
DEFENDANT)

FILED
HORRY COUNTY
2013 NOV -6 AM 11:23
MELANIE HUGGINS-TAYNE
CLERK OF COURT

FILE NO: 26A11-00002995

SSN: 247-31-7953

TO: SOLICITOR FOR THE FIFTEENTH JUDICIAL CIRCUIT

YOU WILL PLEASE TAKE NOTICE that unless the prosecution responds to the Defendant's request for disclosure within 30 days, or within such time as may be ordered by the Court, Counsel for the Defendant will move this Court for an Order compelling that the State:

1. Make available for Defendant any and all written and oral statements by the Defendant which are, or may come to be, in the possession of the State.
2. Make available for purposes of inspection, and copying, any and all police reports relating to the investigation and circumstances surrounding the crime which the Defendant is charged with, including any and all statements taken from witnesses and the Defendant.
3. Make available to the Defendant all tangible objects obtained during the investigation of this case, including, but not limited to:
 - (a) All tangible objects obtained from the scene of the crime; and
 - (b) All tangible objects obtained from the State's witnesses in this case
 - (c) All tangible objects the State intends to introduce into evidence at Trial which are relevant to the offense charged.
4. Make available any witnesses known to the State who have knowledge of facts which might be favorable to the Defendant.
5. Make available any promises made or actions taken by the State which caused or might have caused any witnesses for the State to testify on behalf of the State.
6. Make available any inconsistent statements made by witnesses for the State or any statements made by witnesses for the State which tend to exonerate the Defendants or to negate participation by the Defendants in the alleged crime.
7. Make available to the Defendant all results of laboratory tests, scientific tests, or physical examinations conducted in connection with this case, including but not limited to:
 - (a) Analysis of handwriting
 - (b) Photographs secured of the scene of the crime
 - (c) Comparison of fingerprints

2013 NOV -6 AM 11:23
2013 NOV -6 PM 12:31
CERTIFIED COPY

8. Make available any facts which tend to exculpate the Defendant.
9. Make available any and all scientific or medical, psychiatric, legal or other information, reports or records which might tend to reflect on the credibility or competence of any of prospective witnesses for the State.
10. Make available to the Defendant the names and addresses of all persons who have knowledge of this case or who have been interviewed by the investigating officers in connection with this case.
11. Make available to the Defendant, the SLED, FBI, and local arrest and conviction records of all persons, including the Defendant, named in connection with this proceeding.
12. Make any chemist, analyst, and all persons within the chain of custody appear in Court for the purpose of personally testifying. Attorney for the Defense thus objects to the introduction of any chemist's or analyst's report pursuant to Rule 6 S.C. Rules of Criminal Procedure.

This information is requested pursuant to Rule 5 of the South Carolina Rules of Criminal Procedure. This information is further requested pursuant to Brady vs Maryland, 373 U.S. 383, 10 L. Ed. 2d 215, 83 S. Ct. 1194 (1963), U.S. vs Agurs, 427 U.S. 97, 49 L Ed 2nd 342, 96 S. Ct. 2392 1976, State vs Mixon 274 S.E. 2nd 406 (1981). Further this information is requested on the grounds that it is essential to insure the Defendant's right to a fair trial, right to confrontation of witnesses, the right to effective Counsel and due process of law guaranteed by the South Carolina Constitution, and the United States Constitution.

WHEREFORE, Defendant prays:

- (a) That the Solicitor be Ordered to produce all information described herein and allow the Defendant the right to examine, inspect, copy and photograph, such materials and information at a specific time and place to be fixed by the Court.
- (b) That the information be provided no later than 30 days from the date of this request, as reflected by the Clerk of Court's time-stamp appearing on the face of this Document.
- (c) That the Court enter an Order requiring the Solicitor's Office to make continuing disclosure of all matters requested herein up to and during the Trial of the charges against the Defendant.

RESPECTFULLY SUBMITTED,



ORRIE E. WEST
FIFTEENTH CIRCUIT
PUBLIC DEFENDER

DATED: November 1, 2011
CONWAY, SOUTH CAROLINA

CLERK OF COURT
HORRY COUNTY

Melanie Kingman-Black

2013 NOV -6 PM12:31

CERTIFIED COPY

Horry County
 Clerk of Court
 6111
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 6111

Fifteenth Circuit Public Defender

HORRY & GEORGETOWN COUNTIES

HORRY

Edward "Ed" Chrisco
CHIEF PUBLIC DEFENDER
203 LAUREL STREET
P.O. Box 1666
CONWAY, SC 29526



Orrie E. West
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GEORGETOWN
Ronald Hazzard
SENIOR TRIAL ATTORNEY
401 CLELAND STREET
P.O. Box 2898
GEORGETOWN, SC 29440

TEL: 843-545-3671
FAX: 843-545-3673

NOVEMBER 6, 2013

The Honorable Jenny Abbott Kitchings
Clerk of the South Carolina Court Of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: STATE OF SOUTH CAROLINA VS. TALMADGE ROWELL
CASE NO:

Dear Ms. Kitchings:

Enclosed for filing is a Notice of Appeal in the above criminal case. Also enclosed are the following:

1. Proof of Service of the Notice of Appeal on the Respondent.
2. A copy of the Order(s)/ Sentence Sheet(s) which is/are to be challenged on appeal.
3. Self-addressed stamped envelope

I would appreciate your filing the Notice of Appeal, as well as the Proof of Service, and returning to me the date-stamped copies in the enclosed self addressed envelope.

If you have any questions concerning this matter please contact me.

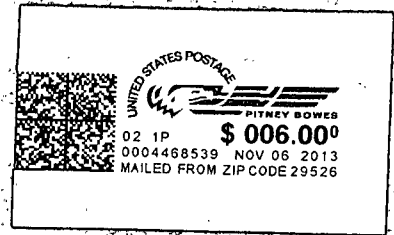
Sincerely,

W. Thomas Floyd
Horry County Public Defender
Post Office Box 1666
Conway, South Carolina, 29528
Phone: 843-915-5385

RECEIVED

NOV 12 2013

SC Court of Appeals



PUBLIC DEFENDER OF HORRY COUNTY
203 LAUREL ST.
CONWAY, SC 29526

RECEIVED
NOV 12 2013

The Honorable Jeanette Barber
Clerk of the South Carolina Court Of Appels
Post Office Box 11629
Columbia, South Carolina 29211

SC COURT OF APPEALS