

6

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions

Hon. Larry B. Hyman, Jr., Circuit Court Judge

Case No(s): 2016GS2600861; 2016GS2600862

The State,

Respondent,

MA

v.

Scott Richard Rowan,

Appellant.

RECEIVED
APR 30 2018
SC Court of Appeals

NOTICE OF APPEAL

Scott Richard Rowan appeals his convictions and sentences in these cases. The sentences were imposed by the Honorable Larry B. Hyman, Jr. on April 12, 2018.

John M. Hilliard, III, Esq.
Post Office Box 658
408 Cleland St.
Georgetown, SC 29442
(843) 527-1500 (telephone)
(843) 527-1400 (facsimile)
john@hilliardlawfirm.com
Attorney for Appellant

Other Counsel of Record:
Mary-Ellen Walter, Esq.
Assistant Solicitor, Fifteenth Judicial Circuit
1301 2nd Avenue, 1st Floor
Conway, SC 29528
Attorney for Respondent
(843) 915-8662

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM HORRY COUNTY
Court of General Sessions

Hon. Larry B. Hyman, Jr., Circuit Court Judge

Case No(s): 2016GS2600861; 2016GS2600862

The State,

Respondent,

RECEIVED

v.

APR 30 2018

Scott Richard Rowan,

Appellant.

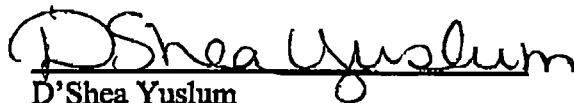
SC Court of Appeals

PROOF OF SERVICE

I certify that I have served Scott Richard Rowan's Notice of Appeal on Mary-Ellen Walter, Assistant Solicitor, Fifteenth Judicial Circuit by depositing a copy of it in the United States Mail, postage prepaid, on 4/20/18, addressed to her office at:

1301 2nd Avenue, 1st Floor
Conway, SC 29528

April 20, 2018



D'Shea Yulum

Legal Assistant to John M. Hilliard, III

HILLIARD LAW FIRM, LLC

April 30, 2018

VIA US MAIL + FAX

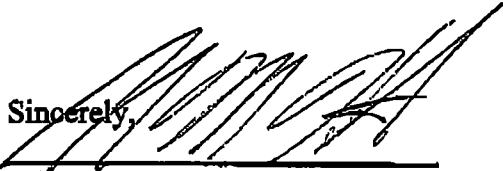
Jenny Abbott Kitchings
Clerk, South Carolina Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

RE: State of South Carolina, Respondent, v. Scott Richard Rowan, Appellant, Case No. 2016-GS-26-00861; 2016-GS-26-00862

Dear Ms. Kitchings:

Enclosed for filing is a notice of appeal in the above case. Also enclosed are the following:

- (1) Proof of service of the notice of appeal on the respondent.
- (2) A copy of the orders which are to be challenged on appeal.

Sincerely, 

John M. Hilliard, III
408 Cleland Street
Georgetown, South Carolina 29440
(843) 527-1500
Attorney for Appellant

cc: Mary-Ellen Walter, Esq.
Assistant Solicitor, Fifteenth Judicial Circuit
1301 2nd Avenue, 1st Floor
Conway, South Carolina 29528
(843) 915-8662
Attorney for Respondent

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APR 30 2018

SC Court of Appeals

HILLIARD LAW FIRM, LLC

VIA Facsimile Delivery

TO: Jenny Abbott Kitching
 FAX#: 803 - 734 - 1839
 RE: Notice of Appeal: State v. Rowan
 DATE: 4/30/18
 PAGES: 9 excluding cover sheet

NOTES: Original documents sent in mail on 4/30/18 as well.

RECEIVED


APR 30 2018
 SC Court of Appeals

This communication contains confidential or legally privileged information and is intended only for the use of the individual or entity named above. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via the U.S. Postal Service. We will be glad to reimburse you for postage.

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry STATE VS.

INDICTMENT/CASE#: 2016GS2600861
A/W#: 2015A2610202746
Date of Offense: 9/18/2015
S.C. Code § : 16-03-0655(C)
CDR Code #: 0397

Scott Richard Rowan

AKA: _____

Race: WHITE Sex: M Age: 33

DOB: _____ SS#: _____

Address: _____

City, State, Zip: Myrtle Beach, SC 29579-6868

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Criminal Sexual Conduct w/ Minor 2nd Degree < 16 CONVICTED OF or PLEADS (up to 20 yrs)

in violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 0397
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS
Mandatory GPS(CSC) §17-2-45 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: Walter, Mary-Ellen SC103036 SC Bar# _____ Defendant [Signature] Attorney for Defendant 2515 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 _____; cars 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: 2016 GS 260-05862
 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 § 16-25-135 Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 (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 Employment

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 61.6 (Public Def/Probation)	\$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	\$
3% to County (if paid in installments)		\$ 3.75

TOTAL \$ _____

Clerk of Court/ Deputy Clerk Renee Elvis
Court Reporter: Teresa Bautz
SCCA/217 (07/2016)

Presiding Judge [Signature]
Judge Code: 252
Sentence Date: 4/12/18

SC Court of Appeals
SENTENCE SHEET

FILED
HORRY COUNTY
APR 12 PM 6:28
2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry VS. Scott Richard Rowan

INDICTMENT/CASE#: 2016GS2600861

AKA: _____

A/W#: 2015A2610202746

Race: WHITE Sex: M Age: 33

Date of Offense: 9/18/2015

DOB: _____ SS#: _____

S.C. Code § : 16-03-0655(C)

CDR Code #: 0397

Address: _____

City, State, Zip: Myrtle Beach, SC 29579-6868

DL#: _____ SID#: _____

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Criminal Sexual Conduct w/ Minor 2nd Degree < 16 (up to 20 yrs)

in violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 0397

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS

mandatory GPS(CSC) §17-2-45 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: Walter, Mary-Ellen SC103036 SC Bar# 2515 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 _____; cars 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:

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 § 16-25-135

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 (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
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforc. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Fee)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ 3.75

TOTAL \$ _____

Clerk of Court/ Deputy Clerk Renee Elvis
Court Reporter: Teresa Bautz
SCCA/217 (07/2016)

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 beginning 5/13/2013

\$ _____ paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge [Signature]
Judge Code: 2152
Sentence Date: 4/12/18

RECEIVED
APR 30 2018
SC Court of Appeals

FILED
Horry County
APR 12 2018
CLERK OF COURT

11-11-11

11-11-11

*STATE OF SOUTH CAROLINA

COUNTY OF Horry
STATE VS.

Scott Richard Rowan

AKA:

Race: WHITE Sex: M Age: 33

DOB: SSN

Address:

City, State, Zip: Miracle Beach, SC 29579-6868

DL#: SID#:

*CDL Yes No CMV Yes No Hazmat Yes No

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

TO: Sex / Criminal sexual conduct with minor, 3rd degree - Commit/Attempt Lewd act (victim under 16 yrs & actor over 14 yrs) 15 yrs

In violation of § 16-03-0655(C) of the S.C. Code of Laws, bearing CDR Code # 3661

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-2-45

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: W. Mary-Ellen SC103036 SC Bar# 25-15
Walter, Mary-Ellen Defendant [Signature] 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: w/ 2016 915 26-06861
 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 (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
§ 14-1-211(A)(2) (DUI Surcharge)	\$100
§ 56-5-2995 (DUI Assessment)	\$12
§ 56-1-286 (DUI Breath Test)	\$25
Proviso 61.6 (Public Def/Probation)	\$500
§ 14-1-212 (Law Enforce. Funding)	\$25
§ 14-1-213 (Drug Court Surcharge)	\$150
§ 50-21-114(BUI Breath Test Pcc)	\$50
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea
3% to County (if paid in installments)	\$ 3.75

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk Renee Elvis

Court Reporter: Teresa Bantz

SCCA/217 (07/2016)

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2016GS2600862

A/W#: 2015A2610202747

Date of Offense: 10/1/2015

S.C. Code § : 16-03-0655(C)

CDR Code #: 3661

SC Court of Appeals

SENTENCE SHEET

CONVICTED OF or PLEADS Up to 15 yrs

Mandatory GPS(CSC w/minor 1st or Lewd Act) §17-2-45

(defendant's initials)

Attorney for Defendant [Signature] SC Bar# 25-15

County Detention Center,

under the Youthful Offender Act not to exceed _____ years

probation for _____

probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: w/ 2016 915 26-06861

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 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

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 5/12/2018

\$ _____ paid to Public Defender Fund

Other: _____

Appointed PD or appointed other counsel, Proviso 61.6 requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge [Signature]

Judge Code: 2152
Sentence Date: 4/12/18

FILED
Horry County
2018 APR 16 PM 6:28
RECEIVED
CLERK OF COURT
Horry County

████████████████████

████████████████████

████████████████████

WITNESSES

Jack Johnson Horry County Police Department

[Signature]

ARREST WARRANT NUMBER

2015A2610202746

CDR: 0397 16-03-0855(C)

DOA: 11/16/2015

ACTION OF GRAND JURY

TRUE BILL

[Signature]
person of Grand Jury

FEB 18 2016

Date:

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2016-GS-26-00861

The State of South Carolina

County of Horry

Martin D. Sprafkin

15H05413

COURT OF GENERAL SESSIONS

FEBRUARY, 2016 TERM

THE STATE

vs.

Scott Richard Rowan
W/ M
8401 Hwy 814
Myrtle Beach, SC 29579-8888
DOB: 1
SSN:

ATTORNEY: John M. Hilliard, III

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR,
SECOND DEGREE

Jimmy A. Richardson, II, Solicitor

ORIGINAL

FILED
HORRY COUNTY

2016 FEB 23 AM 9:36

MELANIE HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM:

GRAND JURY

RECEIVED

APR 30 2018

SC Court of Appeals

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT


At a Court of General Sessions, convened on February 18, 2016, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE

CDR: 0397 16-03-0655(3)

That Scott Richard Rowan did in Horry County, State of South Carolina, on or about or between the dates of April 15, 2013 and September 18, 2015, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree by engaging in sexual battery with a minor who was at least fourteen (14) years of age but who was less than sixteen (16) years of age, to wit: _____, whose date of birth is 4/15/1999, and the Defendant was in a position of familial, custodial, or official authority to coerce the victim to submit or was older than the victim, in violation of Section 16-3-655(B)(2), S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SO. DIST. COURT

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APR 30 2016

SC Court of Appeals

DOCKET NO. 2016-GS-26-00862

The State of South Carolina
County of Horry

Martin D. Sprafkin

16H05413

COURT OF GENERAL SESSIONS

FEBRUARY, 2016 TERM

THE STATE

vs.

Scott Richard Rowan
W/ M
8401 Hwy 814
Myrtle Beach, SC 29579-8868
DOB:
SSN:

ATTORNEY: John M. Hilliard, III

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A MINOR,
THIRD DEGREE

Jimmy A. Richardson, II, Solicitor

ORIGINAL

WITNESSES

Johnson Horry County Police Department

[Signature]

ST WARRANT NUMBER

1015A2610202747

CDR: 3661 16-03-0655(C)

JOA: 11/16/2015

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

FEB 18 2016

VERDICT

Foreperson of Petit Jury

Date:

FILED
HORRY COUNTY

2016 FEB 23 AM 9:36

MELANIE HUGGINS-WARD
CLERK OF COURT

DATE RECEIVED FROM

GRAND JURY

RECEIVED

11 18

Court of Appeals

P.0091010

(FAX)8435271400

13:11 Hilliard Law Firm

04/30/2018

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)


INDICTMENT

At a Court of General Sessions, convened on February 18, 2016, the Grand Jurors of Horry County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR - 3RD DEGREE
CDR: 3661 16-03-0655(C)

That Scott Richard Rowan being approximately thirty years of age, did in Horry County on or about or between the dates of April 15, 2013 and September 18, 2015, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of a child, less than sixteen (16) years of age, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of said defendant or of the victim, in violation of Section 16-03-0655(C), S. S. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the laws made and provided.


JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

RECEIVED

APR 30 2018

SC Court of Appeals