

THE STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA

STATE

Notice of Appeal

- against -

Indictment No.

Travis Gathers
Defendant.

2020GS4604845,
4848, 4852A, 5183 5186
5185, 5186A

Now Comes the Defendant, Travis Gathers, Notice of Appeal to the Supreme Court of South Carolina pursuant to S.C. Code 14-3-330 (2) and SCACR Rule 203 and 207 from the order entered by the Honorable Daniel Hall on February 25, 2021.

This appeal is made on the grounds that the Schmerber order significantly affects the Defendant's right to contest the admissibility of DNA evidence collected from him during a Search Warrant that

(1)

My Commission Expires April 25, 2027

My Commission Expires April 25, 2027

Darlia Hoggard
Darlia Hoggard

was determined by the State to be defective and the order disposed the Warrant and the Defendant is required to submit to a second taking of DNA which prejudicially affects the right of the defendant to contest the order that is made in error of case law.

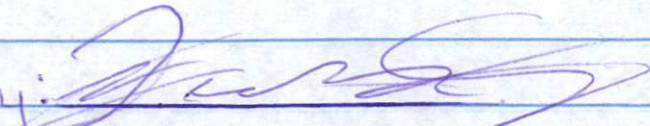
This appeal is based upon the record of the proceeding filed in this case, applicable rules of Court and such other matters as may be properly presented to the Court.

This Defendant has made the attempt to consult with defense counsel regarding the appeal.

York, South Carolina
March 4, 2021

My Commission Expires April 25, 2027

Darlia Hoggard
Darlia Hoggard @

By: 
Travis Gatherers
1505721A
York County Detention Center
1675 York Hwy, Ste #3A
York, S.C. 29745

STATE OF SOUTH CAROLINA)
) IN THE COURT OF GENERAL SESSIONS
) Indictment No. 2020GS4604845, 4848, 4852A, 5183 5186
COUNTY OF York)
) 5185, 5186A,

STATE OF SOUTH CAROLINA)
)
) V.)
) **ORDER**
Travis Gathers,) **FOR BLOOD, SALIVA AND HAIR SAMPLES**
DEFENDANT.)
)
)

Pursuant to Motion of the State, I find as follows:

1. That there was an investigation in a case wherein the State has shown that there is probable cause to believe that the above-named Defendant committed the crime of Armed Robbery.
2. That certain items of evidence have been acquired by law enforcement officers during the course of their investigation and that samples from the Defendant are needed to compare with this evidence;
3. That the State has shown that the taking of certain identification evidence from the Defendant will reveal evidence material to his guilt or innocence;
4. That the methods used for obtaining, testing and storing this evidence are medically safe, reliable, and effective;
5. That based upon the serious nature of the crime, the importance of this forensic evidence to the investigation, and the unavailability of any less intrusive means of obtaining this identification evidence from the Defendant, this Court concludes that the character of the requested search is appropriate;
6. That the above action would not violate his rights against self-incrimination as provided by the United States Constitution and is not inconsistent with the South Carolina Constitution.

Therefore, it is ORDERED that within ten (10) days of this Order, the above-named Defendant must submit to the taking of saliva, and head hair samples by medically qualified personnel.

IT IS FURTHER ORDERED that if the Defendant fails to comply with the State and/or law enforcement and/or medical personnel in providing the above-mentioned samples, this Court retains jurisdiction to ensure the Defendant's compliance with this Order.

AND IT IS SO ORDERED.


CIRCUIT COURT JUDGE

York, South Carolina
2-25, 2021

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@ 1:25pm