



# The South Carolina Court of Appeals

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March 02, 2022

Ms. Sarah Elizabeth Shipe, Esquire  
1330 Lady Street, Suite 401  
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Mr. Mark Reynolds Farthing, Esquire  
PO Box 11549  
Columbia SC 29211-1549

Re: The State v. Elizabeth L. Howze  
Appellate Case No. 2019-002068

Dear Counsel:

Enclosed is the decision of the Court. The remittitur will be sent as provided by Rule 221(b) of the South Carolina Appellate Court Rules.

Very truly yours,

*V. Claire Allen*

CLERK

cc: Alan McCrory Wilson, Esquire  
Randy E. Newman, Jr., Esquire  
The Honorable D. Craig Brown

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE  
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING  
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA  
In The Court of Appeals**

The State, Respondent,

v.

Elizabeth Leanne Howze, Appellant.

Appellate Case No. 2019-002068

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Appeal From Chester County  
D. Craig Brown, Circuit Court Judge

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Unpublished Opinion No. 2022-UP-091  
Submitted February 1, 2022 – Filed March 2, 2022

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**AFFIRMED**

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Appellate Defender Sarah Elizabeth Shipe, of Columbia,  
for Appellant.

Attorney General Alan McCrory Wilson and Assistant  
Attorney General Mark Reynolds Farthing, both of  
Columbia; and Solicitor Randy Newman, Jr., of  
Lancaster, all for Respondent.

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**PER CURIAM:** Elizabeth Howze appeals her convictions for possession with  
intent to distribute methamphetamine and distribution of methamphetamine. On

appeal, she argues the trial court erred in denying her request for a continuance and proceeding with her trial *in absentia*. We affirm.

We find the trial court made the requisite findings that Howze received notice of her right to be present and was warned the trial would proceed in her absence. Therefore, the trial court did not err in denying her motion for a continuance. *See State v. Ravenell*, 387 S.C. 449, 455, 692 S.E.2d 554, 557 (Ct. App. 2010) ("The trial court's denial of a motion for a continuance will not be disturbed on appeal absent a clear abuse of discretion."); Rule 16, SCRCrimP (stating a defendant may voluntarily waive her right to be present at trial, and therefore, be tried *in absentia*); *State v. Patterson*, 367 S.C. 219, 229, 625 S.E.2d 239, 244 (Ct. App. 2006) (stating that in order to proceed *in absentia*, "the trial [court] must make findings of fact that the defendant (1) received notice of the right to be present and (2) was warned the trial would proceed in [her] absence"); *State v. Fairey*, 374 S.C. 92, 101, 646 S.E.2d 445, 449 (Ct. App. 2007) ("A bond form that provides notice that a defendant can be tried in absentia may serve as the requisite notice."); *State v. Jackson*, 290 S.C. 435, 436, 351 S.E.2d 167, 167 (1986) ("Notice of the term of court for which the trial is set constitutes sufficient notice to enable a criminal defendant to make an effective waiver of [her] right to be present.").

**AFFIRMED.**<sup>1</sup>

**THOMAS, MCDONALD, and HEWITT, JJ., concur.**

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<sup>1</sup> We decide this case without oral argument pursuant to Rule 215, SCACR.