

NOTICE OF APPEAL FROM A SENTENCE IMPOSED BY THE COURT OF GENERAL
SESSIONS/
NOTICE OF REQUEST FOR APPELLATE REVIEW

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of General Sessions

R. Markley Dennis, Jr., General Sessions Judge

Case No. 2019A3810200093

FILED FOR RECORD
WINNIFRA B. CLARK
2022 Apr 18 PM 4:29
CLERK OF COURT
ORANGEBURG, SC

RECEIVED
Apr 18 2022
SC Court of Appeals

The State of South Carolina and
Bowen Gray Turner,

Respondents,

v.

Victim C.B.,

Appellant.

NOTICE OF APPEAL/NOTICE OF REQUEST FOR APPELLATE REVIEW

Victim C.B. appeals and seeks appellate review of the Trial Court's denial of the Victim's Constitutional Right to be heard as set forth in the S.C. Victims' Bill of Rights. The Victim's rights were violated when the Court refused to allow her, the Victim, to argue her three motions: the Victim's Petition for Rule to Show Cause Motion; the Motion to Enforce Victims' Rights and to Be Heard Prior to Guilty Plea; and her Motion for Writ of Mandamus. The Court found that the motions and Rule were filed on behalf of the State, however Victim's counsel clarified that

ATTEST: TRUE COPY
Winnifra B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

the filings were filed on behalf of the Victim and by the Victim's counsel. The Court found that the motions were untimely filed and served, although there is no known rule addressing the time requirements for said motions. Rule 4, SRCrimP. provides that a motion may be made in open Court or in writing. These motions were filed on behalf of C.B. under The State vs. Bowen Gray Turner, 2019A3810200093, in exercise of her constitutional rights as a Victim in the matter.

These three motions were presented at Respondent's guilty plea hearing but were disallowed by the Court:

1. The Trial Court refused to sign the Rule and allow the Victim's Petition for Rule to Show Cause against the Illery Bonding Company to be entered on the Court docket. This Petition arose out of the bondsman's failure to comply with the August 5, 2019 Order of Judge George M. McFaddin, Jr. conditioning bond on strict adherence to home confinement conditions.

The order provided that:

"ANY AND ALL violations of the conditions of HOME DETENTION shall be reported to the Second Circuit Solicitor's Office or the Orangeburg County Sheriff's Office within 24 hours of the violation. FAILURE TO COMPLY WITH THIS NOTIFICATION REQUIREMENTS WILL SUBJECT THE ELECTRONIC MONITORING COMPANY TO POTENTIAL CRIMINAL AND CIVIL SANCTIONS FOR CONTEMPT OF COURT." (All caps portions are true to the Order and were not added for emphasis).

The bonding company received the GPS data and had notice that the Defendant was flagrantly ignoring the home confinement conditions of the bond (allowing more than fifty violations in a four month period) but allegedly failed to notify the Solicitor or the South Carolina Law Enforcement Division as ordered by Judge McFadden. The failure of the bonding company endangered the Victim and society.

2. The Court refused to consider the Motion to Enforce Victims' Rights as set out in the South Carolina Constitution. The rights at issue include the Victim's right to be heard and to

have her statement meaningfully considered prior to the Court's consideration of Defendant's proposed guilty plea.

3. Victim filed the Petition for Writ of Mandamus to address the failure of the Solicitor and Law Enforcement to place Respondent Turner into custody following his numerous bond violations and non-compliance with the August 5, 2019 Order of Judge George M. McFadden.

Under Rule 201(a) SCACR, an appeal may be taken "from any final judgment, appealable order or decision." A criminal defendant may not usually appeal until a sentence has been imposed. The State v. Looper, 807 S.E.2d 203(S.C. 2017). The entering of the guilty plea in this case is a final judgment from which an appeal is warranted. Alternatively, Victim seeks the issuance of a writ of mandamus to require compliance with and enforcement of the Victim's rights, pursuant to S.C. Const. art. I, § 24(A)(3).

Victim's Counsel moved to be heard on these Motions and Rule prior to sentencing. The request to be heard was not considered by the Court and was denied. Victim C.B. appeals and seeks appellate review.

Respectfully submitted,

S.C. VICTIM ASSISTANCE NETWORK



Sarah A. Ford, Bar #77029
Attorney for Victim
S.C. Victim Assistance Network
P.O. Box 212863
Columbia, SC 29221
(803) 509-6550

s/ Tamika D. Cannon

April 18, 2022

Tamika D. Cannon, Bar #72834
Attorney for Victim
S.C. Victim Assistance Network
P.O. Box 170364
Spartanburg, SC 29301
(864) 312-6455

s/ Terri Bailey
Terri Bailey, Bar #4539
Attorney for Victim
S.C. Victim Assistance Network
P.O. Box 212863
Columbia, SC 29221
(803) 605-0473

Other Counsel of Record:
David Miller
Deputy Solicitor
109 Park Avenue SE
P.O. Drawer 3368
Aiken, SC 29802
DMiller@aikencountysc.gov

C. Bradley Hutto
Attorney for Respondent
1281 Russell Street
P.O. Box 1084
Orangeburg, SC 29115
(803) 534-5218
cbhutto@williamsattys.com

RECEIVED

Apr 18 2022

SC Court of Appeals

**PROOF OF SERVICE OF A NOTICE OF APPEAL/
NOTICE OF REQUEST FOR APPELLATE REVIEW**

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM ORANGEBURG COUNTY
Court of General Sessions

R. Markley Dennis, Jr., General Sessions Judge

Case No. 2019A3810200093

FILED FOR RECORD
WINNIE B. CLARK
CLERK OF COURT
ORANGEBURG, SC
2022 APR 13 PM 4:20

The State of South Carolina and
Bowen Gray Turner,

Respondents,

v.

Victim C.B.,

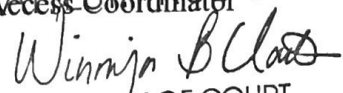
Appellant.

PROOF OF SERVICE

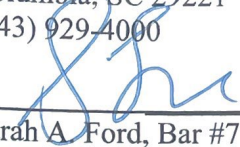
I certify that I have served the Notice of Appeal From A Sentence Imposed By The Court of General Sessions/Notice of Request for Appellate Review by emailing a copy of it on April 18, 2022, to the South Carolina Court of Appeals at ctappfilings@sccourts.org; to Deputy Solicitor for Aiken County, David Miller at DMiller@aikencountysc.gov; and by emailing a copy of it on April 18, 2022, to Respondent Bowen Gray Turner's attorney of record, Bradley Hutto at cbhutto@williamsattys.com. The Notice was personally delivered to the Clerk of the General Sessions Court of Orangeburg County at 1406 Amelia Street Orangeburg, SC 29115, on April 18, 2022.



Caspian Green
Victim Access Coordinator

ATTEST: TRUE COPY

CLERK OF COURT
ORANGEBURG COUNTY, SC

South Carolina Victim Assistance Network
P.O. Box 212863
Columbia, SC 29221
(843) 929-4000



Sarah A. Ford, Bar #77029
Attorney for Victim
S.C. Victim Assistance Network
P.O. Box 212863
Columbia, SC 29221
(803) 509-6550