

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)
)
STATE OF SOUTH CAROLINA)
)
)
v.)
)
Bowen Turner,)
)
Defendant.)
_____)

IN THE COURT OF GENERAL SESSIONS
WARRANT NO: 2019A3810200093
MOTION TO COMPEL PRODUCTION
OF DNA

TO: Defendant, Bowen Turner, by and through his counsel, Brad Hutto:

The above named Defendant shall take notice that the State will move before the Presiding Judge during the General Sessions term of court beginning April 4, 2022 at the Orangeburg County Courthouse, or as soon as practical thereafter, to request that the Defendant submit to the taking of buccal swabs for DNA analysis.

This motion is made on the following grounds:

1. On the evening of June 1, 2019 into the early morning hours of June 2, 2019, the victim attended a party located at 119 Saturn Way Road, Orangeburg, South Carolina. The victim admits to drinking alcohol during the party, but said she maintained control of her faculties.
2. At approximately 2:00 AM, the victim stepped outside of the pond house to call a friend to pick her up. While she was outside, the Defendant approached her and begged her to stay.
3. The Defendant took the victim by the arm, pulled her behind a truck, pushed her to the ground and forcibly raped her.

4. The victim hid in the woods while the Defendant and his friend looked for her and ran to her friend's car when he arrived. She was driven to a safe location by her friend.
5. She received SnapChat messages from the Defendant asking her not to say anything to anyone after she left the party location.
6. On Monday, June 3, 2019, the victim reported the assault to the assistant principal at her school and it was subsequently reported to law enforcement.
7. The victim identified the Defendant as the person who sexually assaulted her at the party in the early morning hours of June 2, 2019.
8. The victim and Defendant are known to one another as they live in the same neighborhood.
9. The victim was taken to the hospital where a Sexual Assault Evidence Collection Kit was utilized and the evidence collected was sent to the SLED Forensic Services Laboratory for processing.
10. SLED Forensic Scientist Rachel Nguyen conducted an examination of a cutting from the front of the victim's underwear. The results were positive for components of semen. The results were forwarded to the SLED DNA section for further testing.
11. On December 10, 2019, the Defendant's DNA was identified by the South Carolina Law Enforcement Division as a match to the DNA profile submitted to CODIS from the victim's underwear.
12. At the time of the testing, the SLED Forensic Services Laboratory did not have a sample of Defendant's DNA for comparison to the evidence.

13. The SLED Forensic Services Laboratory requires Defendant's DNA sample in order to complete its comparison.
14. There is probable cause to believe that the Defendant committed the offense of Criminal Sexual Conduct in the First Degree.
15. Such evidence is necessary to the successful investigation of this incident, and such evidence collected will aid in further substantiating or eliminating the Defendant as the perpetrator.
16. Such a procedure is minimally intrusive and can be conducted in complete safety to the Defendant.
17. Such an order is necessary and compelling in order to further the ends of justice.

Therefore, the State prays for an Order from this Court to require the Defendant to submit to such an examination for the taking of a buccal swab for DNA analysis.



David Miller
Deputy Solicitor
2nd Judicial Circuit

Barnwell, South Carolina
March 25 2022

Office: (803) 750-1200 Ext. *6550

Fax: (866) 473-1272

www.scvanlegal.org



SCVAN

Legal Services

Program

NOTICE OF CONFIDENTIALITY: This email, and any attachments thereto, is intended for use only by the addressee(s) named herein and may contain confidential information, legally privileged information, and attorney-client work product. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this email in error, please notify the sender by email, telephone or fax, and permanently delete the original and any of any email and printout thereof. Thank you.

COURTESY OF DIA
LUNA SHARK

David Miller

From: David Miller
Sent: Wednesday, March 30, 2022 1:41 PM
To: Sarah Ford
Cc: Leigh Staggs; Brenda O'Berry; Nicole McCune; McCallister, Mary
Subject: RE: State v. Turner

There will not be plea in the Stoller case. Without Dallas to testify, we cannot ethically pursue a conviction and I do not believe that Brad Hutto can ethically plead his client to a charge regarding any assault on her. As such, any offer will be on the Bess case alone.

DWM

From: Sarah Ford <sarah@scvan.org>
Sent: Wednesday, March 30, 2022 10:41 AM
To: David Miller <DMiller@aikencountysc.gov>
Cc: Leigh Staggs <LStaggs@aikencountysc.gov>; Brenda O'Berry <BO'Berry@aikencountysc.gov>; Nicole McCune <nmccune@scvan.org>; McCallister, Mary <mmccallister@sled.sc.gov>
Subject: Re: State v. Turner

***** Important Notice:** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Thanks for the update!

Would the plea include both cases or is that up for negotiation?

Leigh - give me a call [REDACTED] - when you're out if trial. I am planning to make contact with both the Bess & Stoller families today. I'd like to chat before we rope anyone else in.

Thank you both!

On Mar 30, 2022, at 9:09 AM, David Miller <DMiller@aikencountysc.gov> wrote:

Brad Hutto contacted me and indicated he would like to try to get the case completely resolved instead of hearing the motion to revoke. He has some conflict with Monday, but we would need time to meet with the Bess family to discuss any potential plea and wouldn't be able to do that by then anyway, so we are aiming to get on the schedule in Orangeburg FRIDAY, April 8. Obviously, we would also like to meet with the Stoller family before then as well. On that Friday, we will either have the motion heard or Turner would be entering a guilty plea.

We will be finishing our trial in Barnwell today and Leigh will be reaching out to the Bess family so we can turn our full attention to what's going to go on next week. We will keep you advised of any scheduling developments.

DWM

From: Sarah Ford <sarah@scvan.org>
Sent: Tuesday, March 29, 2022 12:08 PM
To: Leigh Staggs <LStaggs@aikencountysc.gov>; David Miller <DMiller@aikencountysc.gov>; Brenda O'Berry <BO'Berry@aikencountysc.gov>; Nicole McCune <nmccune@scvan.org>
Subject: State v. Turner

***** Important Notice:** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Hi Leigh and David,

I hope y'all are doing well. Concerning our meeting on Friday with the Stoller Family, it would be best to reschedule. They are planning to be present on Monday. Do we have a time yet for the Motion to Revoke?

Also, I understand that Leigh would like to speak with the Bess Family on Wednesday. Do you have a preference for time, Leigh?

Thank you both for all you do! Looking forward to seeing y'all soon!
Sarah

--
Sarah A. Ford (she/her)
Legal Director
South Carolina Victim Assistance Network
PO Box 212863
Columbia, SC 29221
Office: (803) 750-1200 Ext. *6550
Fax: (866) 473-1272
www.scvanlegal.org



SCVAN
Legal Services
Program

NOTICE OF CONFIDENTIALITY: This email, and any attachments thereto, is intended for use only by the addressee(s) named herein and may contain confidential information, legally privileged information, and attorney-client work product. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this email in error, please notify the sender by email, telephone or fax, and permanently delete the original and any of any email and printout thereof. Thank you.

COURTESY OF
LUNA SHARK MEDIA

David Miller

From: David Miller
Sent: Tuesday, April 5, 2022 1:52 PM
To: Sarah Ford
Cc: Leigh Staggs; McCallister, Mary
Subject: RE: Bowen Turner Plea Offer

Would 4:00 this afternoon work for you guys? I'll catch up to Leigh so we can all do a conference call together.

DWM

From: Sarah Ford <sarah@scvan.org>
Sent: Tuesday, April 05, 2022 12:31 PM
To: David Miller <DMiller@aikencountysc.gov>
Cc: Leigh Staggs <LStaggs@aikencountysc.gov>; McCallister, Mary <mmccallister@sled.sc.gov>
Subject: Re: Bowen Turner Plea Offer

***** Important Notice:** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

David,

Thank you for clarifying your position on the offer. We absolutely agree that if his past behavior is indication, he will not be successful. Carol Bess, Chloe's mother, would like to discuss the offer. Chloe and her father would not join the conversation. Can we schedule something for late afternoon today or tomorrow morning to speak before you extend the offer?

Sarah

On Tue, Apr 5, 2022 at 12:07 PM David Miller <DMiller@aikencountysc.gov> wrote:

Sarah:

I'll talk to anyone that wants to talk about the offer, but for the sake of clarity, when you say "Mrs. Bess" are you referring to Chloe or her mother?

The offer has not been extended, but I am going to email it to Brad today.

As yet, we do not have a time set for the hearing, however I have been in communication with Deputy Solicitor Tommy Scott and he has told me we would be on the schedule at some point that day. Since it is a Friday, I assume that means it would be in the morning.

As far as the offer goes, I formulated it with two goals in mind: first, that Turner accept responsibility for what he did, and second, that he receive mandatory, substantial sex offender counseling to reduce the chances of him doing something similar in the future. These were exactly the two things the Stoller and Bess families indicated were important to them the day we all sat around the table in Dorchester County following the first hearing before Judge McFaddin. I said then, and continue to believe, both of those objectives can be reached. The sex offender counseling through SCDPPPS is very extensive, and sex offender probation is, frankly, punitive, because many of the conditions were created before computers and the internet were as ubiquitous as they are in 2022. It is also intensive supervision, meaning Turner will be under a great deal of scrutiny, including, but not limited to, random drug and alcohol testing.

One of two things are going to happen as a result of this sentence:

1. Turner goes to counseling, does everything he is supposed to do, and ultimately satisfies all the terms of the suspended sentence. If he then goes five more years without being convicted of any crimes, he can get the A&B1st taken off his record.
2. Turner fails to do what he is supposed to do and he gets his probation revoked. He goes to one of, if not THE, most violent prison yard in the State and is put on the SOR for life.

Frankly, I hope that he succeeds because I would like for everyone to succeed, but if his past behavior is any indication, I would not bet on it.

DWM

From: Sarah Ford <sarah@scvan.org>
Sent: Tuesday, April 05, 2022 11:30 AM
To: David Miller <DMiller@aikencountysc.gov>
Subject: Re: Bowen Turner Plea Offer

***** Important Notice:** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Hi David,

I didn't hear from you yesterday so I wanted to check in. I believe Mrs. Bess would like to talk with you regarding the plea. I do not believe Chloe or Mr. Bess will be participating. Has the offer been extended? Also, do we have a time for the hearing on Friday? Is that confirmed?

Thanks,

Sarah

On Mon, Apr 4, 2022 at 12:30 PM Sarah Ford <sarah@scvan.org> wrote:

David,

Thanks for sending this via email. I've briefly spoken to the Bess family, who are, understandably, not in favor of this offer. They are unable to meet this afternoon, as Chloe is working and the family is unable to meet. Can you extend your reasoning so that I may convey to them how you arrived at the decision to plead this down to a probationary sentence with no automatic SOR?

SOR, as well as some active time, is important to the victims, as Leigh and I discussed last week.

I have a doctor's appointment at 3pm. But I am available prior to that. I look forward to hearing from you soon.

Thanks,

Sarah

On Apr 4, 2022, at 11:39 AM, David Miller <DMiller@aikencountysc.gov> wrote:

Turner would be required to waive presentment and plead guilty to one count of Assault & Battery 1st Degree for a negotiated sentence as follows:

Sentenced Under the YOA to an indeterminate term not to exceed 6 years, PROVIDED that upon the service of time served (whatever that number is) the sentence will be suspended and he will be placed on Probation for a period of 5 Years. Sex Offender Registry will be held in abeyance. Turner will be on sex offender probation and must complete sex offender counseling during the five year probationary term as required by SCDPPPS. Additional conditions of probation will include no direct, indirect or third party contact with the Stoller, Bess or [REDACTED] families.

After successful completion of sex offender counseling and probation or two years (whichever is later) Turner may petition to have the remainder of his probationary term terminated.

The goal of this is to have Turner complete sex offender counseling and probation, but my understanding is the amount of time the counseling requires to complete varies. While in counseling, Turner would be on sex offender probation.

If Turner successfully completes all probation requirements, he will not be required to register as a sex offender. If, however, Turner violates the terms of the probation and has the YOA activated, he will automatically be required to register as a sex offender. If he violates the terms of the probation and does NOT get the YOA sentence activated, a further hearing will be held to determine whether Turner has to register.

DWM

“We are Lawyers on the Side of People. Never let us forget that the Law is never settled until it is settled right, it is never right until it is just, and it is never just until it serves society to the fullest.”

Harry Philo

CONFIDENTIALITY NOTE: THIS E-MAIL MAY CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION AND IS INTENDED SOLELY FOR THE USE OF THE PERSON OR PERSONS NAMED ABOVE. IF YOU ARE NOT AN INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR

DUPLICATION OF THIS E-MAIL IS PROHIBITED AND THAT THERE SHALL BE NO WAIVER OF ANY PRIVILEGE OR CONFIDENCE BY YOUR RECEIPT OF THIS TRANSMISSION. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY US BY COLLECT TELEPHONE CALL TO THE NUMBER INDICATED BELOW:

David W. Miller
Deputy Solicitor,

2nd Judicial Circuit
Post Office Box 845
Barnwell, South Carolina 29812
Telephone: (803) 541-1091
Facsimile: (803) 541-1112

--

Sarah A. Ford (she/her)

Legal Director

South Carolina Victim Assistance Network

PO Box 212863
Columbia, SC 29221
Office: (803) 750-1200 Ext. *6550
Fax: (866) 473-1272

www.scvanlegal.org



SCVAN
Legal Services
Program

NOTICE OF CONFIDENTIALITY: This email, and any attachments thereto, is intended for use only by the addressee(s) named herein and may contain confidential information, legally privileged information, and attorney-client work product. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this email in error, please notify the sender by email, telephone or fax, and permanently delete the original and any of any email and printout thereof. Thank you.

--
Sarah A. Ford (she/her)
Legal Director
South Carolina Victim Assistance Network
PO Box 212863
Columbia, SC 29221
Office: (803) 750-1200 Ext. *6550
Fax: (866) 473-1272
www.scvanlegal.org



SCVAN

Legal Services
Program

NOTICE OF CONFIDENTIALITY: This email, and any attachments thereto, is intended for use only by the addressee(s) named herein and may contain confidential information, legally privileged information, and attorney-client work product. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this email in error, please notify the sender by email, telephone or fax, and permanently delete the original and any of any email and printout thereof. Thank you.

COURTESY
LUNA SHARK M...

David Miller

From: David Miller
Sent: Tuesday, April 5, 2022 3:44 PM
To: 'Sarah Ford'
Subject: RE: Zoom Meeting with Mrs. Bess

I'm sure you know this, but there is a call in number in the invite, so Mrs. Bess doesn't have to just be on speakerphone trying to hear everyone.

DWM

From: Sarah Ford <sarah@scvan.org>
Sent: Tuesday, April 05, 2022 3:38 PM
To: David Miller <DMiller@aikencountysc.gov>
Cc: Leigh Staggs <LStaggs@aikencountysc.gov>; McCallister, Mary <mmccallister@sled.sc.gov>
Subject: Re: Zoom Meeting with Mrs. Bess

***** Important Notice:** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

I'll see you at 4pm as long as the weather and electricity hold out. I will add Mrs. Bess in via phone as she does not have a computer.

Thx,
Sarah

On Tue, Apr 5, 2022 at 2:18 PM David Miller <DMiller@aikencountysc.gov> wrote:

Sarah, please forward this meeting info to Mrs. Bess. If she can't Zoom, we will try to do the meeting by conference call, but it got a little confusing with all five of us trying to get on at the same time.

David Miller is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/83025462817?pwd=OWRiVXZQYjRkSDIzRDdtZFdJKzBqQT09>

Meeting ID: 830 2546 2817

Passcode: 921010

One tap mobile

+19292056099,,83025462817#,,,,*921010# US (New York)

+13017158592,,83025462817#,,,,*921010# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 830 2546 2817

Passcode: 921010

Find your local number: <https://us02web.zoom.us/j/k4UwbN898>

--

Sarah A. Ford (she/her)
Legal Director
South Carolina Victim Assistance Network
PO Box 212863
Columbia, SC 29221
Office: (803) 750-1200 Ext. *6550
Fax: (866) 473-1272
www.scvanlegal.org



SCVAN

**Legal Services
Program**

NOTICE OF CONFIDENTIALITY: This email, and any attachments thereto, is intended for use only by the addressee(s) named herein and may contain confidential information, legally privileged information, and attorney-client work product. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this email in error, please notify the sender by email, telephone or fax, and permanently delete the original and any of any email and printout thereof. Thank you.

COURTESY
LUNA SHARK M...

David Miller

From: Leigh Staggs
Sent: Wednesday, April 6, 2022 12:52 PM
To: David Miller; Sarah Ford
Cc: McCallister, Mary
Subject: RE: Bamberg County Bowen Turner Case

David and I are finishing up with the Clerk. So, we can meet via Zoom while Sarah is with the Stollers if that works for everyone. Please let me know and we'll send a link.

From: David Miller <DMiller@aikencountysc.gov>
Sent: Wednesday, April 6, 2022 12:08 PM
To: Sarah Ford <sarah@scvan.org>
Cc: Leigh Staggs <LStaggs@aikencountysc.gov>; McCallister, Mary <mmccallister@sled.sc.gov>
Subject: RE: Bamberg County Bowen Turner Case

We are in a meeting with the Bamberg Clerk of Court and wouldn't be available until later this afternoon. I'm going to have to cut this meeting short because I have to be in Aiken right after the lunch we aren't going to have time to take. I also just saw the email from Katie pop up, so we need to do it by Zoom.

DWM

From: Sarah Ford <sarah@scvan.org>
Sent: Wednesday, April 06, 2022 11:56 AM
To: David Miller <DMiller@aikencountysc.gov>
Cc: Leigh Staggs <LStaggs@aikencountysc.gov>; McCallister, Mary <mmccallister@sled.sc.gov>
Subject: Re: Bamberg County Bowen Turner Case

***** Important Notice:** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

David,

I am meeting with the Stoller family today. Are you able to meet in person? We're meeting in Orangeburg in an hour. We could meet closer to your way. Or Zoom, if that's all your available for today. And plan to meet in person on Friday.

Let me know.
Thanks,
Sarah

On Apr 6, 2022, at 9:44 AM, David Miller <DMiller@aikencountysc.gov> wrote:

Sarah:

The Bamberg County case against Bowen Turner (SLED 31-18-0097) is being dismissed due to Dallas's untimely death. We are happy to meet with the Stollers to explain why the case is being dismissed or answer any questions they may have. Please give us a time the Stollers can meet via Zoom (preferably today) and we will make every effort to get everyone together. Leigh and I both have court tomorrow afternoon at 2:00, but if we can't come up with a time today, we may be able to do something tomorrow morning.

DWM

"We are Lawyers on the Side of People. Never let us forget that the Law is never settled until it is settled right, it is never right until it is just, and it is never just until it serves society to the fullest."

- Harry Philo

CONFIDENTIALITY NOTE: THIS E-MAIL MAY CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION AND IS INTENDED SOLELY FOR THE USE OF THE PERSON OR PERSONS NAMED ABOVE. IF YOU ARE NOT AN INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION OR DUPLICATION OF THIS E-MAIL IS PROHIBITED AND THAT THERE SHALL BE NO WAIVER OF ANY PRIVILEGE OR CONFIDENCE BY YOUR RECEIPT OF THIS TRANSMISSION. IF YOU HAVE RECEIVED THIS E-MAIL IN ERROR, PLEASE NOTIFY US BY COLLECT TELEPHONE CALL TO THE NUMBER INDICATED BELOW:

David W. Miller
Deputy Solicitor,
2nd Judicial Circuit
Post Office Box 845
Barnwell, South Carolina 29812
Telephone: (803) 541-1091
Facsimile: (803) 541-1112

COURTESY
LUNA SHARK MED

David Miller

From: Sarah Ford <sarah@scvan.org>
Sent: Wednesday, April 6, 2022 3:16 PM
To: David Miller; Brad Hutto; mkeel@sled.sc.gov; mdennisj@sccourts.org; illerys@aol.com; Whitsett, Adam; Mccallister, Mary; Solicitor
Cc: Nicole McCune; Leigh Staggs
Subject: Victims' Motions- State v. Bowen Turner

*** **Important Notice:** This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

Good Afternoon All--

Please see attached the following two petitions, *Petition for Rule to Show Cause and Petition for Writ of Mandamus*, that were filed today in Orangeburg County.

I would request that these be heard on Friday prior to previously scheduled Motions in this case.

Respectfully,

Sarah A. Ford

 [Petition For Rule to Show Cause-State v. Bowen.pdf](#) 

 [Petition for Writ of Mandamus-State v. BowenTur...](#) 

--
Sarah A. Ford (she/her)
Legal Director
South Carolina Victim Assistance Network
PO Box 212863
Columbia, SC 29221
Office: (803) 750-1200 Ext. *6550
Fax: (866) 473-1272
www.scvanlegal.org



NOTICE OF CONFIDENTIALITY: This email, and any attachments thereto, is intended for use only by the addressee(s) named herein and may contain confidential information, legally privileged information, and attorney-client work product. If you are not the intended recipient of this email, you are hereby notified that any

dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this email in error, please notify the sender by email, telephone or fax, and permanently delete the original and any of any email and printout thereof. Thank you.

**COURTESY OF
LUNA SHARK MEDIA**

David Miller

From: Whitsett, Adam <awhitsett@sled.sc.gov>
Sent: Thursday, April 7, 2022 3:36 PM
To: Sarah Ford; David Miller; Brad Hutto; Keel, Mark; mdennisj@sccourts.org; McCallister, Mary; Solicitor
Subject: RE: [EXTERNAL] Victims' Motions- State v. Bowen Turner
Attachments: SLED's Response in Opposition to the Petition for Writ of Mandamus (State v. Turner - 2019A3810200093).pdf

*** Important Notice: This is an EXTERNAL email. Please do not click on a link or open any attachments unless you are confident it is from a trusted source. ***

All:

Attached is SLED's Response in Opposition to the Petition for Writ of Mandamus in this matter. Should the Court entertain this petition tomorrow, I would request the opportunity for SLED to be heard on such.

With kind regards, I am
Sincerely,
Adam L. Whitsett

Adam L. Whitsett, Esquire
General Counsel
South Carolina Law Enforcement Division
Post Office Box 21398
Columbia, SC 29221-1398
Office: (803) 896-0647
Cell: [REDACTED]



From: Sarah Ford <sarah@scvan.org>
Sent: Wednesday, April 6, 2022 3:16 PM
To: DavidMiller <dmliller@aikencountysc.gov>; Brad Hutto <cbhutto@williamsattys.com>; Keel, Mark <MKeel@sled.sc.gov>; mdennisj@sccourts.org; illerys@aol.com; Whitsett, Adam <awhitsett@sled.sc.gov>; McCallister, Mary <mmccallister@sled.sc.gov>; solicitor@aikencountysc.gov
Cc: Nicole McCune <nmccune@scvan.org>; Leigh Staggs <LStaggs@aikencountysc.gov>
Subject: [EXTERNAL] Victims' Motions- State v. Bowen Turner

You don't often get email from sarah@scvan.org. [Learn why this is important](#)

EXTERNAL EMAIL Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Afternoon All--

Please see attached the following two petitions, *Petition for Rule to Show Cause and Petition for Writ of Mandamus*, that were filed today in Orangeburg County.

I would request that these be heard on Friday prior to previously scheduled Motions in this case.

Respectfully,

Sarah A. Ford

[Petition For Rule to Show Cause-State v. Bowen.pdf](#)

[Petition for Writ of Mandamus-State v. BowenTur...](#)

--

Sarah A. Ford (she/her)
Legal Director
South Carolina Victim Assistance Network
PO Box 212863
Columbia, SC 29221
Office: (803) 750-1200 Ext. *6550
Fax: (866) 473-1272
www.scvanlegal.org

NOTICE OF CONFIDENTIALITY: This email, and any attachments thereto, is intended for use only by the addressee(s) named herein and may contain confidential information, legally privileged information, and

attorney-client work product. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this email in error, please notify the sender by email, telephone or fax, and permanently delete the original and any of any email and printout thereof. Thank you.

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

COURTESY OF
LUNA SHARK MEDIA



Nicole McCune <nmccune@scvan.org>

Victims' Motions- State v. Bowen Turner

2 messages

Sarah Ford <sarah@scvan.org>

Wed, Apr 6, 2022 at 3:16 PM

To: David Miller <DMiller@aikencountysc.gov>, Brad Hutto <cbhutto@williamsattys.com>, mkeel@sled.sc.gov, mdennisj@sccourts.org, illerys@aol.com, "Whitsett, Adam" <awhitsett@sled.sc.gov>, "Mccallister, Mary" <mmccallister@sled.sc.gov>, solicitor@aikencountysc.gov

Cc: Nicole McCune <nmccune@scvan.org>, Leigh Staggs <LStaggs@aikencountysc.gov>

Good Afternoon All--

Please see attached the following two petitions, *Petition for Rule to Show Cause and Petition for Writ of Mandamus*, that were filed today in Orangeburg County.

I would request that these be heard on Friday prior to previously scheduled Motions in this case.

Respectfully,

Sarah A. Ford

 [Petition For Rule to Show Cause-State v. Bowen.pdf](#)

 [Petition for Writ of Mandamus-State v. BowenTur...](#)

--

Sarah A. Ford (she/her)
 Legal Director
 South Carolina Victim Assistance Network
 PO Box 212863
 Columbia, SC 29221
 Office: (803) 750-1200 Ext. *6550
 Fax: (866) 473-1272
www.scvanlegal.org



NOTICE OF CONFIDENTIALITY: This email, and any attachments thereto, is intended for use only by the addressee(s) named herein and may contain confidential information, legally privileged information, and attorney-client work product. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of

this email, and any attachments thereto, is strictly prohibited. If you have received this email in error, please notify the sender by email, telephone or fax, and permanently delete the original and any of any email and printout thereof. Thank you.

Sarah Ford <sarah@scvan.org>

Thu, Apr 7, 2022 at 3:36 PM

To: Terri Bailey <terri@scvan.org>, Cassie Green <cassie@scvan.org>, Rebekah Hiatt <rebekah@scvan.org>, Nicole McCune <nmccune@scvan.org>, Meghan Gilmer <meghan@scvan.org>, Tamika Cannon <tamika@scvan.org>, Brenda Miller <brenda@scvan.org>, Cindy Chavez <cindy@scvan.org>, Lauren Barnwell <lauren@scvan.org>

----- Forwarded message -----

From: **Whitsett, Adam** <a Whitsett@sled.sc.gov>

Date: Thu, Apr 7, 2022 at 3:35 PM

Subject: RE: [EXTERNAL] Victims' Motions- State v. Bowen Turner

To: Sarah Ford <sarah@scvan.org>, David Miller <d Miller@aikencountysc.gov>, Brad Hutto <cbhutto@williamsattys.com>, Keel, Mark <MKeel@sled.sc.gov>, mdennisj@sccourts.org <mdennisj@sccourts.org>, McCallister, Mary <mmccallister@sled.sc.gov>, solicitor@aikencountysc.gov <solicitor@aikencountysc.gov>

All:

Attached is SLED's Response in Opposition to the Petition for Writ of Mandamus in this matter. Should the Court entertain this petition tomorrow, I would request the opportunity for SLED to be heard on such.

With kind regards, I am

Sincerely,

Adam L. Whitsett

Adam L. Whitsett, Esquire

General Counsel

South Carolina Law Enforcement Division

Post Office Box 21398

Columbia, SC 29221-1398

Office: (803) 896-0647

Cell: [REDACTED]



From: Sarah Ford <sarah@scvan.org>
Sent: Wednesday, April 6, 2022 3:16 PM
To: DavidMiller <dmiller@aikencountysc.gov>; Brad Hutto <cbhutto@williamsattys.com>; Keel, Mark <MKeel@sled.sc.gov>; mdennisj@sccourts.org; illerys@aol.com; Whitsett, Adam <awhitsett@sled.sc.gov>; McCallister, Mary <mmccallister@sled.sc.gov>; solicitor@aikencountysc.gov
Cc: Nicole McCune <nmccune@scvan.org>; Leigh Staggs <LStaggs@aikencountysc.gov>
Subject: [EXTERNAL] Victims' Motions- State v. Bowen Turner

You don't often get email from sarah@scvan.org. Learn why this is important

EXTERNAL EMAIL Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Afternoon All--

Please see attached the following two petitions, *Petition for Rule to Show Cause and Petition for Writ of Mandamus*, that were filed today in Orangeburg County.

I would request that these be heard on Friday prior to previously scheduled Motions in this case.

Respectfully,

Sarah A. Ford

[Petition For Rule to Show Cause-State v. Bowen.pc](#)

[Petition for Writ of Mandamus-State v. BowenTur...](#)

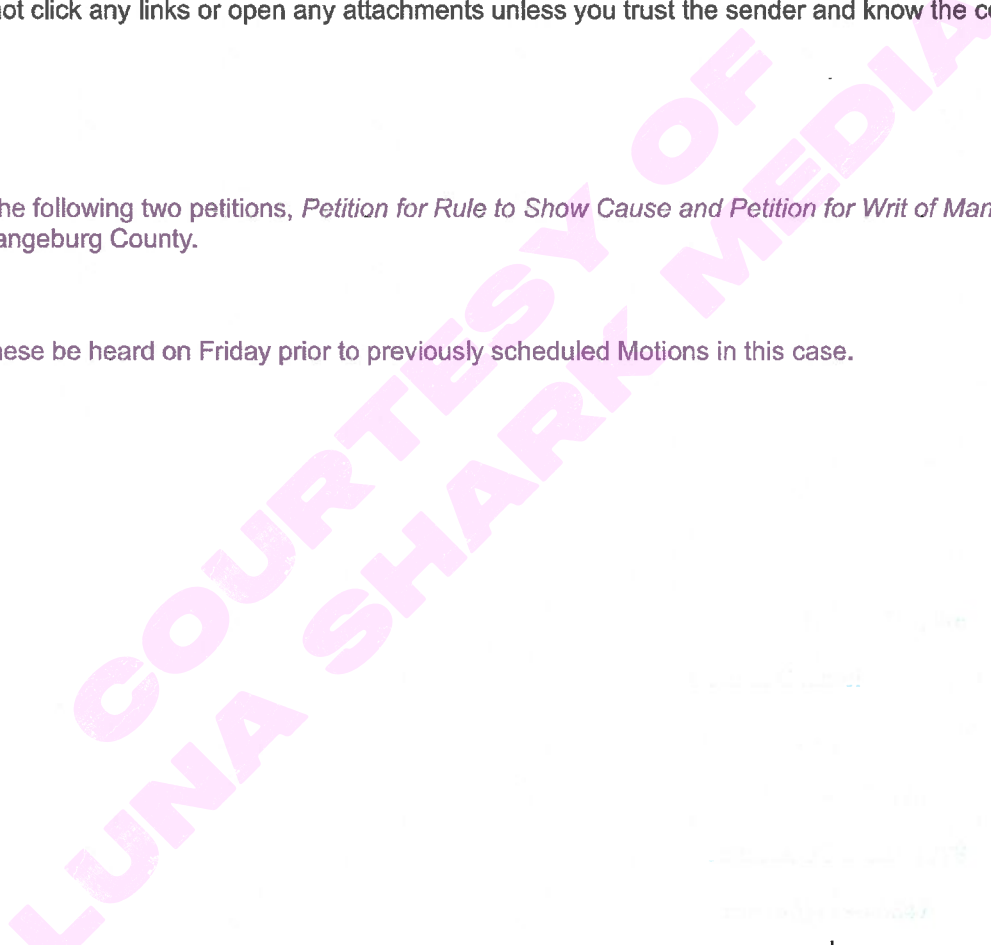
--

Sarah A. Ford (she/her)

Legal Director

South Carolina Victim Assistance Network

PO Box 212863
Columbia, SC 29221
Office: (803) 750-1200 Ext. *6550
Fax: (866) 473-1272





NOTICE OF CONFIDENTIALITY: This email, and any attachments thereto, is intended for use only by the addressee(s) named herein and may contain confidential information, legally privileged information, and attorney-client work product. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this email in error, please notify the sender by email, telephone or fax, and permanently delete the original and any of any email and printout thereof. Thank you.

EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

[Quoted text hidden]

 **SLED's Response in Opposition to the Petition for Writ of Mandamus (State v. Turner - 2019A3810200093).pdf**
152K

COURTESY OF LUNA SHARK MEDIA



Nicole McCune <nmccune@scvan.org>

Fwd: David Miller's Zoom Meeting

1 message

Sarah Ford <sarah@scvan.org>

Thu, Nov 9, 2023 at 3:31 PM

To: Rebekah Hiatt <rebekah@scvan.org>, Nicole McCune <nmccune@scvan.org>

----- Forwarded message -----

From: David Miller <DMiller@aikencountysc.gov>

Date: Wed, Apr 6, 2022 at 1:05 PM

Subject: David Miller's Zoom Meeting

To: McCallister, Mary <mmccallister@sled.sc.gov>, Leigh Staggs <LStaggs@aikencountysc.gov>, Sarah Ford <sarah@scvan.org>

David Miller is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/82607642907?pwd=NVFNQnAwWXR4cHpUbUF0M2NOeHdEdz09>

Meeting ID: 826 0764 2907

Passcode: 955656

One tap mobile

+13017158592,,82607642907#,,,,*955656# US (Washington DC)

+13126266799,,82607642907#,,,,*955656# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 826 0764 2907

Passcode: 955656

Find your local number: <https://us02web.zoom.us/j/82607642907>

Sarah A. Ford

Legal Director



PO Box 212863, Columbia, SC 29221



www.scvanlegal.org



SOUTH CAROLINA
VICTIM ASSISTANCE NETWORK

Legal Services Program

NOTICE OF CONFIDENTIALITY: This email, and any attachments thereto, is intended for use only by the addressee(s) named herein and may contain confidential information, legally privileged information, and attorney-client work product. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments thereto, is strictly prohibited. If you have received this email in error, please notify the sender by email, telephone or fax, and permanently delete the original and any of any email and printout thereof. Thank you.

 [invite.ics](#)
3K

COURTESY
LUNA SHARK MEDIA

STATE OF SOUTH CAROLINA)
)
 COUNTY OF ORANGEBURG)
)
 State of South Carolina,)
)
 vs.)
)
 BOWEN GRAY TURNER,)
)
 Defendant.)

IN THE GENERAL SESSIONS COURT
 FIRST JUDICIAL CIRCUIT

**PETITION FOR
 RULE TO SHOW CAUSE**

CASE NO.:
 2019A3810200093

2022 Apr -6 AM 10:53
 CLERK OF COURT
 ORANGEBURG, SC
 WINNIE B. CLARK
 FILED FOR RECORD

COMES NOW THE VICTIMS by and through their undersigned attorney, Sarah A. Ford of the South Carolina Victim Assistance Network, would respectfully show unto this Honorable Court that a Rule to Show Cause be issued as to Illery Bonding Company for contempt for its violation of the Court's August 5, 2019 Order Granting Bond in the above-referenced case as follows:

1. Illery Bonding Company (hereinafter referred to as "Electronic Monitoring Company") has provided GPS monitoring services for the Defendant. The Electronic Monitoring Company has submitted to the jurisdiction of the Court for purposes of providing monitoring services in the First Judicial Circuit.
2. On August 5, 2019, this Court issued an Order Granting Bond ("Order"). A copy of the Order is attached hereto and incorporated herein by reference. As part of this Order, "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 REQUIREMENT 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).
3. On March 25, 2022, the Solicitor's Office of the Second Judicial Circuit filed a Motion to Revoke Bond, based on numerous violations of the Defendant's Bond. A copy of the

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

Motion is attached hereto and incorporated herein by reference. It is the Victims' understanding that the Electronic Monitoring Company did not notify either the Solicitor's Office nor the Sheriff's Office of these violations as required by the Order. Upon information and belief, the Company was also compensated in exchange for services and duties that were not performed.

According to the data supplied to the Solicitor's Office and/or to law enforcement by the Electronic Monitoring Company and which purports to be from its own monitoring records, the Defendant has effectively escaped custody on nearly fifty (50) occasions. These blatant violations of Home Detention by the Defendant pose grave dangers to the Victims and to the larger community, as well as to the integrity of our judicial system. Yet, the Electronic Monitoring Company willfully failed to notify the Second Circuit Solicitor's Office or the Orangeburg County Sheriff's Office within twenty-four (24) hours of any of the violations. The failure to notify occurred on nearly fifty (50) occasions and such repeated failures indicate willful disregard of this Court's order by the Electronic Monitoring Company.¹ It is the Victims' understanding that the Second Circuit Solicitor's Office and the Orangeburg County Sheriff's Office were not notified of any of these violations.

4. Lack of communication on the part of the Electronic Monitoring Company is a flagrant violation of the Court's Order. It also violates the Victims' right to "be reasonably informed when the accused or convicted person is arrested, released from custody, or has escaped." Victims also have the right to be "reasonably protected from the accused or persons acting on his behalf throughout the criminal justice process." S.C. Constitution Art. 1, Sec. 24 (A)(2) and (6). These rights were not upheld.

5. WHEREFORE, the Petitioner prays that the Court:

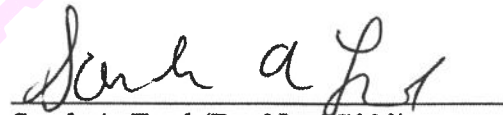
- a. Issue Emergency Rule to Show Cause ordering the Electronic Monitoring Company to appear and show cause why they should not be held in willful contempt of this Court for violating the provisions of the Order outlined herein;

¹ A willful act is defined as one "done voluntarily and intentionally with the specific intent to do something the law forbids, or with the specific intent to fail to do something the law requires to be done; that is to say with bad purpose either to disobey or disregard the law." State v. Bevilacqua, 316 S.C. 122 (S.C. App. 1994).

- b. Set a Show Cause hearing on Friday, April 8, 2022, at the Orangeburg County Courthouse, when other matters in this case will be heard;
- c. Order the Electronic Monitoring Company to file a report of all GPS-monitored cases to the Court within seven (7) days of the hearing;
- d. Suspend the Electronic Monitoring Company from providing GPS monitoring services for a period of time as determined by the Court, during which time the Company shall pay for an independent audit, and mandate that the Company show proof of changed policies and practices to ensure GPS monitors are actually monitored;
- e. Impose monetary sanctions against the Electronic Monitoring Company; and
- f. Provide other and further relief as this Court deems just and proper.

Respectfully submitted,

SC VICTIM ASSISTANCE NETWORK



Sarah A. Ford (Bar No. 77029)

Attorney for Victims

Post Office Box 212863

Columbia, SC 29221

(803) 509-6550

sarah@scvan.org

April 6, 2022
Orangeburg, South Carolina

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)

VERIFICATION

FILED FOR RECORD
WINNIE B. CLARK
2022 APR - 6 PM 1:17
CLERK OF COURT
ORANGEBURG, S

Pat Uller, being duly sworn, states that he/she is a Victim herein, and have read the foregoing Petition for Rule to Show Cause and know the contents thereof, that the same is true of their own knowledge, except as matters therein stated to be alleged on information and belief; and to those matters they believe them to be true.

Pat Uller
Signature of Petitioner

SWORN to and Subscribed before me

This 6th day of April, 2022

Nicole McCune
Notary Public of South Carolina

My Commission expires: 5-7-2022

Nicole McCune
NOTARY PUBLIC SOUTH CAROLINA
My Commission Expires 5/7/22

LUNA COURTESY SHARK MEDIA

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF ORANGEBURG)
)
State of South Carolina,)
)
vs.)
)
BOWEN GRAY TURNER,)
)
Defendant.)

IN THE GENERAL SESSIONS COURT
FIRST JUDICIAL CIRCUIT

RULE TO SHOW CAUSE

CASE NO:
2019A3810200093

To: Illery Bonding Company

Based upon the Motion for Rule to Show Cause filed by the Victims in the above cited case, it appears that you have not obeyed certain court order(s). Therefore,

IT IS ORDERED that you appear before General Sessions Court at the Orangeburg County Courthouse on April 8, 2022 at _____ am/pm.

At the hearing be prepared to show cause, if any, and explain why the relief requested in the motion should not be granted and why you should not be held in contempt of court for such disobedience.

Date: _____

Orangeburg, South Carolina

Judge

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

EXHIBIT 1

FILED FOR RECORD
WINNIE B. CLARK

2017 APR -6 AM 10:13

CLERK OF COURT
ORANGEBURG, SC

COURTESY OF
LUNA SHARK MEDIA

ATTEST: TRUE COPY

Winnie B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SC