

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

IN THE GENERAL SESSIONS COURT
FIRST JUDICIAL CIRCUIT

WRIT OF MANDAMUS

CASE NO.:
2019A3810200093

THE ABOVE-CAPTIONED MATTER having come on for hearing on _____, it is
this _____ day of _____, 20__ ORDERED that:

1. The Court finds that the Victims have shown that the Order Granting Bond, dated August 5, 2019, has not been complied with and the Defendant has not been placed into custody by Law Enforcement as required under said Order. The Court also finds that said Order was not acted upon by the Second Circuit Solicitor's Office and the South Carolina State Law Enforcement Division (SLED). The Court further finds that the Second Circuit Solicitor's Office and SLED had an affirmative duty to act in compliance with the Order. The Court further finds that the Victims have no administrative or judicial remedy other than a Writ of Mandamus to compel the Second Circuit Solicitor's Office and SLED to perform said duty.
2. The Court, therefore, issues this WRIT OF MANDAMUS compelling the Second Circuit Solicitor's Office and SLED to place the Defendant in custody immediately.
3. Upon compliance, the Second Circuit Solicitor's Office and SLED shall file a certificate with this Court stating that the act commanded hereby has been performed.
4. The Clerk of Court shall send a copy of this Writ of Mandamus to all counsel.

IT IS SO ORDERED. ATTEST: TRUE COPY

Date

Winnija B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

Circuit Court Judge

EXHIBIT 1

FILED FOR RECORD
WINNIEA B. CLARK
2022 APR - 6 AM 10:20
CLERK OF COURT
ORANGEBURG, SC

**COURTESY OF
LUNA SHARK MEDIA**

ATTEST: TRUE COPY

Winniea B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SC

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

IN THE COURT OF GENERAL SESSIONS

WARRANT NO.: 2019A3810200093

MOTION TO REVOKE BOND

FILED FOR RECORD
WINNIE B. CLARK
2022 APR -6 AM 10:58
CLERK OF COURT
ORANGEBURG, SC

TO: Brad Hutto, Attorney for the Defendant

PLEASE TAKE NOTICE that the State, by and through Deputy Solicitor David Miller, will move before the Presiding Judge during the term of General Sessions Court on Monday, April 4, 2022 at 9:00 a.m., or as soon as practicable thereafter, at the Orangeburg County Courthouse, 151 Docket Street, Orangeburg, South Carolina 29115, or as soon thereafter as may be heard, for a ruling to revoke the Defendant's bonds on the above captioned charges.

The State predicates this motion on the following facts:

1. That Defendant was arrested on January 29, 2019 for an incident that occurred on October 7, 2018 and charged with Criminal Sexual Conduct in the First Degree. His bond was set by a magistrate with the condition of GPS monitoring.
2. That on April 11, 2019, a hearing was held on the Defendant's motion to remove the condition of electronic monitoring. The Honorable Thomas Hughston granted the Defendant's motion.
3. That Defendant was arrested again on June 12, 2019 for an incident that occurred on June 2, 2019 and charged with Criminal Sexual Conduct in the First Degree. His bond was denied by the Magistrate.
4. That on August 5, 2019 a hearing was held on the Defendant's motion for bond and he was granted bond by the Honorable George McFaddin, Jr. in the amount of \$100,000 with the additional conditions that he be on house arrest at his grandmother's residence located at 1104 Mobile Street, Orangeburg, South Carolina from 7:00 PM-7:00 AM; that he be on house arrest from 7:00 AM-7:00 PM but allowed to leave to see his attorney, for

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Winnina B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

court, mental health appointments and for medical emergencies; that he be in the physical presence of one of his parents, grandmother or aunt at all times; that he not have any visitors to his home not related to him by blood or marriage; that he have no contact with the victim or the victim's family; that he stay a minimum of 250 yards from the victim's residence at all time; that he enroll in and make progress towards completion of his high school graduation requirements and that other than for academic reasons, he shall not have any internet or cell phone access and is prevented from any and all social media activity. A copy of Judge McFaddin's August 5, 2019 Order Granting Bond is attached hereto as Exhibit A.

5. That on March 9, 2020, a hearing was held on the Defendant's motion to modify bond to allow him to reside with his parents at 3361 Jackson Street, Orangeburg, South Carolina. That motion was granted by the Honorable George McFaddin, Jr. and all of the other above-listed conditions of bond remained in place. A copy of Judge McFaddin's March 9, 2020 Order Granting Bond Reconsideration is attached hereto as Exhibit B.
6. That Defendant visited the Linrick Golf Course located at 356 Campground Road, Columbia, South Carolina a total of 13 times on the following dates and times:
 - November 3, 2021 from 12:06-2:00 PM and returned home at 5:00 PM
 - November 17, 2021 from 11:19-11:28 AM and returned home at 2:30 PM
 - December 7, 2021 at 12:37 PM from 12:37-12:47 PM then to Clyburn Golf Center as listed below and returned home at 4:53 PM
 - January 11, 2022 from 2:15-2:25 PM and returned home at 4:48 PM
 - January 13, 2022 from 4:19-4:29 PM and returned home at 7:00 PM
 - February 3, 2022 from 2:10-3:30 PM and returned home at 5:24 PM
 - February 10, 2022 from 2:32-2:43 PM and returned home at 1:00 AM
 - February 13, 2022 from 3:12-4:38 PM with two other stops in Lexington, South Carolina as listed below and returned home at 6:32 PM
 - February 15, 2022 from 2:27-2:36 PM and returned home at 5:58 PM
 - February 17, 2022 from 1:01-1:10 PM and returned home at 4:36 PM
 - February 22, 2022 from 2:42-3:32 PM and returned home at 6:15 PM
 - February 23, 2022 from 3:25-3:31 and returned home at 4:46 PM
 - February 25, 2022 from 12:40-4:45 and returned home at 6:13 PM
7. That Defendant visited the James Clyburn Golf Center located at 2091 Slighs Avenue, Columbia, South Carolina a total of 6 times on the following dates and times:
 - December 7, 2021 from 2:08-3:00 PM and returned home at 4:53 PM
 - January 18, 2022 from 1:58-3:00 PM and returned home at 5:49 PM
 - January 25, 2022 from 11:40-2:00 PM and returned home at 4:24 PM
 - February 1, 2022 from 1:54-3:00 PM and returned home at 6:27 PM
 - February 8, 2022 from 1:41-3:00 PM then to his grandmother's residence located at 1104 Mobile Street, Orangeburg, South Carolina, as listed below from 5:05-5:14 PM and returned home at 10:00 PM
 - February 23, 2022 from 12:05-12:15 PM and then to the Linrick Golf Course as listed above and returned home at 4:46 PM

8. That Defendant visited the Paces Run Apartments located at 100 Paces Run Boulevard, Columbia, South Carolina a total of 3 times on the following dates and times:
 - November 23, 2021 at 7:28 PM from 7:28-7:37 PM and returned home at 10:00 PM
 - November 29, 2021 from 7:55-8:03 PM and returned home at 11:00 PM
 - December 8, 2021 from 10:20-10:26 AM and returned home at 11:39 AM

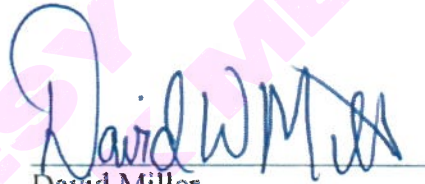
9. That Defendant has also visited the following locations between November 1, 2021 and February 28, 2022 in violation of the house arrest condition of his bond:
 - On November 4, 2021: Twin Willows Medical and Dental Center located at 1 Hickman Street, Graniteville, South Carolina from 11:56-12:05 PM, then Midland Valley Golf Club located at 302 Fairway Drive, Graniteville, South Carolina from 12:49-1:00 PM, then a commercial rental property located at 1316 Edgefield Highway, Graniteville, South Carolina from 2:20-2:26 and Defendant returned home at 3:49 PM.
 - November 8, 2021: Hibbett Sports located at 2811 North Road, Orangeburg, South Carolina from 6:04-6:13 PM, then a Verizon store located at 2718 North Road, Orangeburg, South Carolina from 6:14-6:22 PM and Defendant returned home at 6:50 PM
 - November 18, 2021: Costco located at 426 Piney Grove Road, Columbia, South Carolina from 12:01-12:06 PM, then Jeffery Archery Pro Shop & Equipment located at 3129 Bluff Road, Columbia, South Carolina from 2:50-3:00 PM, then Sonic restaurant located at 2564 North Road, Orangeburg, South Carolina from 6:10-6:20 and Defendant returned home at 11:00 PM
 - November 23, 2021: Red Robin restaurant located at 247 Forum Drive, Columbia, South Carolina from 11:48-11:54 AM and Defendant returned home at 5:45 PM, then Defendant went to the Paces Run Apartments as listed above and returned home at 10:00 PM
 - December 4, 2021: Sam's Club or the Sam's Club shopping center located at 350/320 Harbison Boulevard, Columbia, South Carolina from 4:30-4:54 PM and Defendant returned home at 7:46 PM
 - December 6, 2021: Jeffery Archer Pro Shop & Equipment located at 3129 Bluff Road, Columbia, South Carolina from 1:00-1:41 PM and Defendant returned home at 4:54 PM
 - December 9, 2021: Midland Valley Golf Club located at 302 Fairway Drive, Graniteville, South Carolina from 12:12-12:20 PM, then a residence located at 1117 Georgia Avenue, North Augusta, South Carolina from 1:32-2:06 PM and Defendant returned home at 4:43 PM
 - December 10, 2021: Sunset Storage located at 2316 Sunset Boulevard, West Columbia, South Carolina from 6:47-7:00 PM, then Defendant stopped at a gas station in West Columbia from 7:28-7:34 PM, then returned home at 10:00 PM
 - December 24, 2021: the Defendant spent the afternoon in and around Brunswick, Georgia from 2:10-5:52 PM, stopping at a gas station and welcome center and a car dealership located at 178 Altama Connector, Brunswick, Georgia. No GPS data was provided to determine when he returned home

- January 4, 2022: Memorial Park Cemetery located at 2720 Broughton Street, Orangeburg, South Carolina from 4:48-4:56 PM, then to Alcoholics Anonymous located at 590 Louis Street, Orangeburg, South Carolina, then to an unknown business located at 1605 Russell Street, Orangeburg, South Carolina from 7:04-8:40 PM and Defendant returned home at 8:57 PM
- January 7, 2022: Wild Crab Seafood located at 275 Park Terrace Drive, Suite 200, Columbia, South Carolina from 4:23-5:15 PM and Defendant returned home at 10:00 PM
- January 11, 2021: Blossom Buffet located at 2515 Sunset Boulevard, West Columbia, South Carolina from 12:46-1:08 PM, then to the Linrick Golf Course as listed above from 2:15-2:25 PM and Defendant returned home at 4:48 PM
- January 15, 2021: Rioz Brazilian Steakhouse located at 410 Columbiana Drive, Columbia, South Carolina from 4:52-5:38 PM, then the Columbiana Mall located at 100 Columbiana Circle, Columbia, South Carolina from 6:17-6:26 PM, then Bed Bath & Beyond located at 136 Harbison Boulevard, Columbia, South Carolina from 6:46-7:00 PM and the Defendant returned home at 8:11 PM
- February 5, 2022: Koosa Golf shop located at 5058 Sunset Boulevard, Lexington, South Carolina from 6:08-6:17 PM and returned home at 9:16 PM
- February 8, 2022: a residence located at 3383 Jackson Drive, Orangeburg, South Carolina from 11:46-12:00 PM then to the James Clyburn Golf Center as listed above from 1:41-3:00 PM then to his grandmother's residence located at 1104 Mobile Street, Orangeburg, South Carolina from 5:05-5:14 PM and returned home at 10:00 PM
- February 9, 2022: Bed Bath & Beyond located at 136 Harbison Boulevard, Columbia, South Carolina from 1:29-1:40 PM, then to Columbiana Mall located at 100 Columbiana Circle, Columbia, South Carolina from 1:56-2:01 PM and returned home at 8:00 PM
- February 10, 2022: Dick's Sporting Goods located at 1110 Bower Parkway, Columbia, South Carolina from 1:50-1:56 PM, then to the Linrick Golf Course as listed above from 2:32-2:43 PM and returned home at 1:00 AM
- February 12, 2022: an unknown residence located at 1245 Lee Boulevard, Orangeburg, South Carolina from 5:49-6:12 PM and returned home at 9:00 PM
- February 13, 2022: The Linrick Golf Course as listed above from 3:12-4:38 PM, then to a shopping center located at 513 Sunset Boulevard, Lexington, South Carolina from 5:17-5:22 PM, then to Chipotle located at 2963 Sunset Boulevard, West Columbia, South Carolina and returned home at 6:32 PM
- February 14, 2022: an unknown residence located at 1245 Lee Boulevard, Orangeburg, South Carolina from 5:48-5:56 PM and returned home at 6:03 PM
- February 18, 2022: the Nifty Gifty shop located at 104 Andrew Corley Road, Lexington, South Carolina from 3:44-3:50 PM and returned home at 5:21 PM
- February 27, 2022: Staples located at 320 Harbison Boulevard, Columbia, South Carolina from 3:35-4:00 PM, then to Tropical Smoothie located at 150b Harbison Boulevard, Columbia, South Carolina, then to an unknown location in St. Andrews, South Carolina from 5:42-5:47 PM and returned home at 6:58 PM.

10. That Defendant's GPS records from November 2021, December 2021, January 2022 and February 2022 are attached hereto as Exhibit C, and provide time stamps as to the above-listed violations of Defendant's bond as well as other violations not listed herein.

In light of the foregoing, Defendant has violated the conditions of his bonds by not complying with the order to be on house arrest. Therefore, the State moves for Defendant's bonds to be revoked immediately and that the Defendant be held in the Orangeburg County Detention Center until the disposition of his cases.

Respectfully Submitted,



David Miller
Deputy Solicitor
Second Judicial Circuit

March 25, 2022
Barnwell, South Carolina

EXHIBIT 2

FILED FOR RECORD
WANDA B. CLARK
CLERK OF COURT
ORANGEBURG, SC
2017 APR -6 AM 10:21

COURTESY OF
LUNA SHARK MEDIA

TRUE COPY
Wanda B Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC

State v. Bowen Turner
State's Motion to Revoke Bond
Exhibit A

STATE OF SOUTH CAROLINA
COUNTY OF ORANGEBURG
STATE OF SOUTH CAROLINA,

v.

BOWEN GRAY TURNER,

Defendant.

IN THE COURT OF GENERAL SESSIONS
FIRST JUDICIAL CIRCUIT

ORDER GRANTING BOND

2019A3810200093


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CLERK OF COURT
ORANGEBURG, SC

This matter came before me August 5, 2019, for hearing on the Defendant's motion for bond. The hearing was held at the Dorchester County Courthouse. The Defendant Bowen Gray Turner was present for the hearing and represented by his attorney, C. Bradley Hutto. The State was represented at the hearing by Second Circuit Deputy Solicitor David Miller¹, who opposed the request for bond. The victim's family members were present at the hearing and were represented by Sarah A. Ford of the South Carolina Victim Assistance Network. After hearing the parties' arguments, considering the information presented, and the requirements of S.C. Code Ann. §17-15-30, this court grants the motion for bond as outlined below.

The Defendant was arrested June 12, 2019, and charged with criminal sexual conduct, first degree on the above referenced warrant. The incident leading to the charge is alleged to have occurred in the early morning hours of June 2, 2019, in Orangeburg County, South Carolina. On June 2, 2019, and at the time of his arrest, the Defendant was sixteen years old.

Bond was denied by the magistrate because the Defendant was on bond for another violent offense in Bamberg County at the time of his arrest for this offense. See S.C. Code Ann. 17-15-55(c). Pursuant to the statute, a bond hearing was conducted before the Honorable Casey Manning

¹ This Orangeburg County case was conflicted out of the First Circuit Solicitor's Office to the Second Circuit Solicitor for prosecution. Additionally, the honorable Edward Dickson, resident judge for the First Judicial Circuit, has recused himself in this matter.

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Winnie B. Clark
CLERK OF COURT
ORANGEBURG COUNTY, SC
Page 233 of 402

on July 9, 2019. Judge Manning took the motion under advisement and subsequently denied the motion for bond without prejudice by order dated July 29, 2019. The Defendant now renews his motion for bond alleging a change in circumstance exists because he has now turned seventeen and will be held in the Orangeburg-Calhoun Regional Detention Center to await trial instead of the Department of Juvenile Justice if he is not granted a bond on this charge. This Court has been provided with a copy of the incident report for this incident and the previous incident in Bamberg County. The Court notes the Defendant is a lawful United States citizen and does NOT appear in the state gang database maintained by the State Law enforcement Division (SLED).

The Defendant has significant family ties to the community and has no prior criminal convictions. He has no history of flight to avoid criminal prosecution and prior to his arrest on this charge he was living with his parents. The Defendant was arrested in Bamberg County on January 29, 2019 and charged with criminal sexual conduct in the first degree for an incident that is alleged to have occurred in Bamberg County on or about October 7, 2018. Bond was set by the magistrate in the amount of \$10,000 and several special conditions were ordered, including GPS monitoring. On April 11, 2019, attorneys for the Defendant made a motion to remove the GPS monitoring requirement of the bond. The Honorable Thomas L. Hughston, Jr. granted the defense motion by order dated April 22, 2019. This incident allegedly occurred only forty-one (41) later and mirrors the allegations of the Bamberg incident.

Based on the foregoing, I find and rule as follows:

1. The defendant shall be released upon the execution of an appearance bond, with surety, in the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), with the option to post five percent (5%) cash with the clerk of court, to be signed by a licensed professional bondsman or such other person or persons owning sufficient property to secure such sum, or other good and sufficient surety as approved by this Court, with such bond being



returnable on demand to the Court of General Sessions for Orangeburg County, South Carolina.

2. The defendant's release shall be subject to the following special conditions in addition to the usual and ordinary conditions of release:
- a. HOME DETENTION the Defendant must be at home between the hours of 7:00 PM and 7:00 AM; the Defendant may ONLY leave the home between the hours of 7:00 AM and 7:00 PM for attorney visits, court appearances, mental health counseling, and medical emergencies;
 - b. HOME DETENTION shall include GPS monitoring at the defendant's expense, and the Defendant shall not be released from custody until the GPS monitor has been affixed;
 - c. A copy of this Order shall be provided by the bond court to the company retained to electronically monitor the HOME DETENTION provisions of this order at the time the electronic monitor is affixed.
 - d. 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.
 - e. While subject to the conditions of HOME DETENTION, the Defendant must live at his Grandmother's residence located at 1104 Mobile Street, Orangeburg, SC 29115.
 - f. While subject to HOME DETENTION, the Defendant must be physically monitored by his parents Jennifer and Walt Turner, his grandmother, Cheryl Baugh, or by his aunt, Theresa Bramblett, but the Defendant is not to be unaccompanied by at least one of the aforementioned family members at any time.
 - g. While subject to HOME DETENTION, the Defendant is prohibited from having visitors in his home that are not related to him by blood or marriage.
 - h. The Defendant shall have NO CONTACT, directly or indirectly, with potential witnesses or with the victim or the victim's family. This NO CONTACT provision



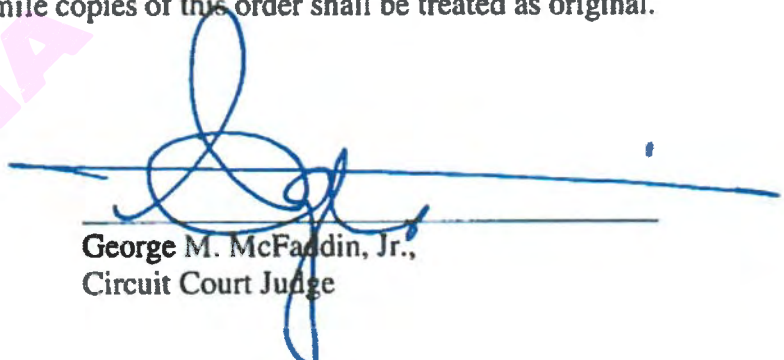
shall require the Defendant to stay a minimum of 250 yards from the victim and a minimum of one-quarter mile from the victim's residence at all times.

- i. While on bond, the Defendant must enroll in and make adequate academic progress toward completion of his high school graduation requirements.
- j. Aside from required internet access to complete academic requirements as outlined above, the Defendant is to have NO internet ^{to visit or computer} phone access and is prohibited from any and all social media activity. _{MC}

ADDITIONALLY, IT IS ORDERED:

1. If the Defendant is observed violating any term or condition of this Order, any law enforcement agency is hereby authorized by this Order to immediately take the Defendant into custody and to hold the Defendant in custody pending a hearing on the alleged violation(s) of this Order.
2. Any magistrate judge for Orangeburg County is authorized to complete the necessary paperwork to allow the Defendant to garner his release on bond in accordance with the terms of this Order.
3. Any necessary paperwork to be signed by the Defendant to post this bond may be signed by the Defendant's father, Walt Turner on behalf of the Defendant.
4. Until such time as this original order can be filed with the Orangeburg County Clerk of Court, scanned or facsimile copies of this order shall be treated as original.

IT IS SO ORDERED.


George M. McFaddin, Jr.,
Circuit Court Judge

August 5, 2019
St. George, South Carolina
11/04/18

EXHIBIT 3

FILED FOR RECORD
WINNIFRA B. CLARK

2022 FEB -6 AM 10:21

CLERK OF COURT
ORANGEBURG, SC

COURTESY OF
LUNA SHARK MEDIA

ATTEST: TRUE COPY

Winnifra B. Clark

CLERK OF COURT
ORANGEBURG COUNTY, SC

State's Motion to Revoke Bond

Exhibit B

MAR 26 2020

STATE OF SOUTH CAROLINA) IN THE GENERAL SESSIONS COURT
) FIRST JUDICIAL CIRCUIT
 COUNTY OF ORANGEBURG) CASE NO: 2019A3810200093
)
 STATE OF SOUTH CAROLINA)
) ORDER GRANTING
 vs.) BOND RECONSIDERATION
)
 BOWEN G. TURNER)
)
 Defendant.)

SOLICITOR

HEARING DATE: 9 MARCH 2020

ATTORNEY FOR STATE: DAVID W. MILLER

ATTORNEY FOR DEFENDANT: C. BRADLEY HUTTO

VICTIMS ATTORNEY; SARAH A. FORD

COURT REPORTER: FRANCES B. RAY

PRESIDING JUDGE: GEORGE M. McFADDIN, Jr.

(ORDER PREPARED BY JUDGE)

This matter is before me as a result of Defendant's request to modify his bond to allow him to relocate his house arrest to his parents' home. A hearing was held, without objections to venue, in Lee County, South Carolina on 9 March 2020. Defendant was present with his parents; victims were present with their parents; Assistant Solicitor David W. Miller of the Second Circuit was present; C. Bradley Hutto, Esq., was present on behalf of Defendant; and, Sarah A. Ford, Esq., was present on behalf of the victims. Regarding the Tabbed

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 Winnie B. Clark
 CLERK OF COURT
 ORANGEBURG COUNTY, SC

attorneys, I appreciate the very civil and respectful manner in which they treated each other and the court.

At the hearing Defendant, through his attorney Mr. Hutto, was heard. Mr. Hutto sought the amendment and offered his position concisely. The State, through Assistant Solicitor Miller, was heard, and he did not oppose the amendment. The victims were heard through Ms. Ford who stridently offered her position on behalf of the victims. Also, a parent of each victim read statements opposing the bond modifications. I took copious notes and informed those present that I would take the matter under consideration.

I preface the balance of this order by stating, as I often have, that setting or modifying the conditions of a bond is, for a judge, very often a vexing and risky endeavor. A judge is called upon by law to consider the relevant factors set by statute. Yet, in many cases judges are expected to trade the robe for a crystal ball and look into the future to predict the conduct of a defendant after bond has been set. The best and the brightest who wear the robe simply fail in that quest.

DEFENDANT'S REQUESTED MODIFICATION OF HIS BOND:

Defendant requested that his bond be modified to allow him to reside under house arrest at his parents' home at 3361 Jackson Drive, Orangeburg, South Carolina. Currently, Defendant is residing under house arrest at

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Winnona D. Clark
CLERK OF COURT

ORANGEBURG COUNTY, SC
Page 239 of 402

his grandmother's house at 1104 Mobile Street, Orangeburg, South Carolina. Defendant avers that the victim in the June 2, 2019 incident has moved from South Carolina to Florida.

The bond conditions that Defendant wishes to amend attach to the bond set or issued by this court on August 5, 2019, a bond that addressed only the victim in the June 2, 2019 incident.

BOND HISTORY: The bond at issue in this order was set by me in the First Judicial Circuit on August 5, 2019 after a hearing was held. Earlier, on or about January 29, 2019, Defendant was arrested and charged with CSC in the first degree for an incident that happened on or about October 7, 2018. A magistrate judge set bond in that case and provided for certain conditions to include GPS monitoring. On April 11, 2019, Judge Thomas L. Hughston, after a modification hearing, granted Defendant's request to remove the GPS monitoring condition. In June 2019, Defendant was charged again with CSC first degree. When the second offense occurred Defendant was not wearing a GPS monitoring device and thusly his movements were not being monitored.

When the second arrest was made the magistrate denied bond for the June 2019 offense and arrest. Defendant moved before Judge Casey Manning who denied bond without prejudice. Because Judge Manning's ruling was without

prejudice Defendant renewed his motion for bond for the second offense before me on August 5, 2019. I issued a ruling regarding bond. This is the bond, or the conditions of that bond, that is before me for consideration.

(The bond conditions I am asked to modify relate only to the case or charge related to the victim of the June 2, 2019 incident. I see that as a technical issue and, right or wrong, address the modification request here to include, to some degree as you will see, the victim of the October 2018 incident. Further, please be mindful that my use of the words "victim" or "victims" does not, as we well know, determine the guilt of Defendant.)

STATEMENT BY FRANCISCA CHAMBERS: Ms. Ford offered the statement of Francisca Chambers wherein she offered her opinion as an expert in the area of victims of sexual assault. I read her statement and appreciate her position. However, to insure her concern that the victims be shielded from any or all contact with Defendant would require a denial of bond and placement of Defendant in jailed confinement. I have crafted this order with continuing efforts to minimize any contact involving Defendant and the victims.

A handwritten signature in black ink, appearing to be 'D. H.', is located at the bottom right of the page.

VICTIM'S ARGUMENT THAT THERE HAS BEEN NO PRIMA FACIA
SHOWING OF A MATERIAL CHANGE IN THE CIRCUMSTANCES TO
WARRANT MODIFICATION OF THE BOND CONDITIONS.

Ms. Ford, on behalf of the victim (or victims), states that SC law requires that Defendant present a qualifying change of circumstances before a bond modification can be made. Ms. Ford offered the following "...only upon the defendant's prima facia showing of a material change of circumstances which relate to the factors provided in Section 17-15-30 and which have arisen since the prior motion to reconsider..." SC Code Ann. 17-15-55(A) (2).

Ms. Ford offers that none of the modification factors reference any action of the victim as allowing a modification, and she avers that Defendant did not file a written motion making a prima facia showing of a material change in circumstance.

As to the absence of a written motion prepared and submitted by Defendant, there was no objection at the hearing as to the absence of a motion from Defendant. Thusly, the hearing proceeded without this motion. I did not see a statutory requirement that the motion be in written form. Whether one should be or not, there was no objection at the hearing.

Ms. Ford asserts that there is no precedent for a victim's change of circumstances justifying a bond



modification. Regarding the noted statute of criteria to consider bond condition modifications, I did not see any language restricting the modification analysis to only those factors provided. I think it reasonable to assume that if the legislature wanted the considerations to be limited to only those factors provided, the legislature would have crafted the statute to state just that. I do, and should, applaud Ms. Ford for her assertion that the victim's move to Florida should not be a change of circumstances Defendant should be allowed to argue, I respectfully disagree, especially when the concern is there being no contact by Defendant with the victims. Indeed, if victim lives in Florida for most of the year that is, in my view, a material change of circumstances.

VICTIM'S ARGUMENT THAT DEFENDANT'S PARENTS' HOUSE IS NOT A SAFE OR APPROPRIATE PLACE FOR THE DEFENDANT TO SERVE HIS HOUSE ARREST.

Ms. Ford correctly asserts that Defendant was living with his parents at their home when the three incidents happened. (I have noted the two leading to Defendant's arrests. In this section of her reply to the modification arrest, Ms. Ford mentions that a first complaint was made in May 2018 that is still under investigation as of March 2020.) Yet, there is one element missing in this position: Defendant was not subject to or wearing any GPS tracking device when living with his parents. For a time he was, but it was when he was not monitored that the



assault events occurred. He was not being GPS monitored when the May 2018 episode took place or when the October 2018 event occurred. And, because another judge had removed the GPS monitoring, Defendant was not wearing one when the June 2, 2019 assault happened.

While Defendant has been GPS monitored there have been no assaults or any other offenses or related problems, to include harassment or threats made to the victims. No such information was offered at the hearing.

Again, Ms. Ford has offered a strong argument that Defendant's parents cannot provide a secure place for Defendant. Yet, again I note that when Defendant erred he was not being monitored.

VICTIM'S ARGUMENT THAT ALLOWING DEFENDANT TO RELOCATE TO HIS PARENTS' HOUSE WILL VIOLATE THE VICTIM'S CONSTITUTIONAL RIGHTS.

I agree with Ms. Ford's well-written position regarding the victims' rights. Yet, I am mindful that such rights do not negate or surpass those of Defendant. Indeed, a balancing of the rights comes into play. Let us not forget that there has been no conviction for any of the charges. I appreciate the argument of the victims.

The precise point offered is that allowing Defendant to live with his parents under house arrest will increase the likelihood that Defendant and victims will see or encounter each other. Currently, Defendant lives with his

grandmother three to four miles from his parents' home in Orangeburg. If Defendant is at his parents' home the distance is less than a mile or so from one victim.

Again, I address the GPS monitoring factor that was not in place when the assaults happened. Regardless of the residential location of Defendant he will be (1) on house arrest and (2) subject to GPS monitoring. Might he and the victims encounter each other by happenstance? Possibly but such could have happened or could happen if he lives with his grandmother. One victim attends school in Florida and the other attends school in the Charleston, South Carolina area. Thus, during the school year victims, most of the time, will not be in or near Orangeburg where Defendant resides either with his parents or his grandmother. Supervision of Defendant pursuant to the prior bond conditions will remain in force. See (f) on page three of that bond order.

I respectfully disagree that the modification requested ignores the rights of the victims. I have considered their rights.

VICTIMS' ARGUMENT THAT THEIR CONSTITUTIONAL RIGHTS HAVE BEEN CONSISTENTLY VIOLATED THROUGHOUT THIS CASE.

Victims assert that the State has allowed Defendant to circumvent his bond conditions. This matter or issue of accusation is not before me. I have been involved twice in this case. I heard the bond modification motion



in August 2019 and I heard the request in Lee County, South Carolina, on March 9, 2020. I am not trying to dodge the issue or allegation but I was not involved in any events related to the Defendant, the victims, or the bond conditions between those two episodes of my involvement or before I became involved.

Regarding notice to victims regarding this modification request, on Friday, February 28, 2019, at 4:53 p.m., I told Assistant Solicitor Miller, by email, that "...since the victims want to be present and heard we will need to hold a hearing." I also stated that "...if the victim desires to be present then a hearing is needed." Responses to my email indicated that the victims would be present at the hearing. I am not saying that my email alone insured notice to the victims. Clearly, Assistant Solicitor Miller informed Ms. Ford of the hearing and she indicated the victims would be present.

Having addressed the arguments of Ms. Ford who represented the victims well and with much alacrity in this matter, I stress to all that in this matter I have "called it like I see it" with no reason or desire to reward or punish Defendant, the victims, or the lawyers. In my view, the episodes of assaults all happened when Defendant was not monitored. He will remain monitored. I am not aware of any criminal conduct or charges against



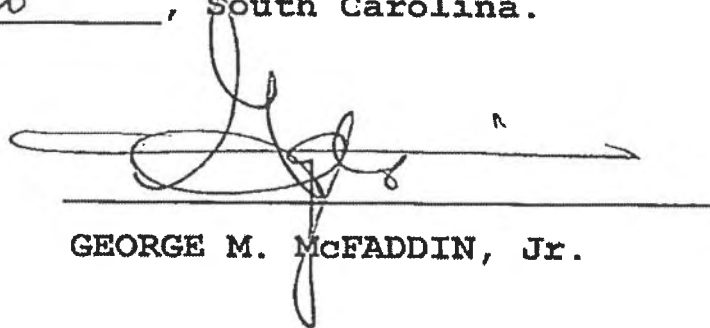
Defendant when monitored. (I again stress that my words here are not conclusive of the guilt of Defendant.)

Accordingly based upon the foregoing, I find and conclude as follows:

There has been a prima facia change of circumstances allowing modification of the bond condition thereby allowing Defendant to reside in his parents' home immediately upon the filing of this signed order. Notice of this ruling shall be provided to the victims coupled with the victims being given certified copies of the order once signed. Additionally, at no time shall Defendant, even with any of the four adults named in the prior order, be allowed to travel upon the roadways or streets where either of the victims or their immediate families live.

Those conditions and orders of any of the prior bonds not amended in this ruling or order shall remain in full force and effect and are merged into this ruling by reference and made a part of this order.

It is here and now ordered this 16th day of March 2020 at Julio, South Carolina.



A handwritten signature in black ink, appearing to read 'George M. McFaddin, Jr.', is written over a horizontal line. The signature is stylized and cursive.

GEORGE M. McFADDIN, Jr.