

1 STATE OF SOUTH CAROLINA * GENERAL SESSIONS
 2 COUNTY OF FLORENCE * TRANSCRIPT OF RECORD

3 -----X
 4 STATE OF SOUTH CAROLINA, *
 5 State, *
 6 vs. * Case No. 2024-GS-21-01794
 7 BOWEN GRAY TURNER, *
 8 Defendant.*
 9 -----X

September 25, 2024

11 B E F O R E:

12 The Honorable David P. Caraker, Jr., Presiding Judge

13 A P P E A R A N C E S:

14 Kevin Hope, Esq.
 15 Assistant Solicitor for the State

16 Erin Bailey, Esq.
 17 Attorney for the Defendant

22 Recorded by: DCRP Court Monitor

23 Transcribed by: Bobbi Fisher, RPR
 24 SC Official Court Reporter III

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E X H I B I T S

(None.)

COURT REPORTER LEGEND

- Dash (--) Indicates an interruption in speech
- Ellipses (...) Indicates trailing off in speech
- (ph) Indicates phonetic word
- [Verbatim] Indicates the word is said as written
- (Indiscernible)[Transcription] Indicates word(s) is not known due to audio recording quality

P R O C E E D I N G S

(The following proceedings started at 10:07 a.m.):

THE COURT: Yes, sir, Solicitor?

MR. HOPE: Your Honor, may it please the Court? Before you is Bowen Gray Turner on true-billed indictment 2024-GS-21-01794. On that indictment, he's charged with resisting arrest. He's pleading guilty to that charge. He's represented by Erin Bailey.

Your Honor, this plea is with a negotiated sentence to be concurrent with what he's currently serving with SCDC. I have discussed this with the arresting officer, who is not present in court today; she's out of the country but she would go along with the negotiation.

THE COURT: All right.

MR. HOPE: I understand that, as of today's date, he's served -- he's actually been in custody for over 200 days. It may be calculated differently by SCDC, but to us, it's all the same. Had he gotten a year sentence, this would effectively be a time-served sentence.

THE COURT: How many days did he do before he went to SCDC?

MS. BAILEY: 88.

THE COURT: 88 days.

All right. Good morning, Mr. Turner. How are you, sir?

THE DEFENDANT: I'm fine, sir. How are you?

1 THE COURT: I'm doing fine. Thank you very much.

2 Mr. Turner, I understand you want to plead guilty today
3 to resisting arrest; is that correct?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: All right. Were you in the courtroom a
6 little while ago when I gave you your rights?

7 MS. BAILEY: He actually was not. They did not bring him
8 out.

9 THE COURT: Okay. All right. So I want to go over a
10 couple of things with you before we get started. Okay?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: I know you're here to plead guilty today but
13 I want to let you know you don't have to plead guilty to
14 anything if you don't want to. You have the absolute right to
15 a jury trial.

16 The State bears the burden of proving your guilt beyond a
17 reasonable doubt to 12 men and women sitting in the jury box
18 over there. Each one of them would have to find you guilty
19 before the State could convict you.

20 During the course of your trial, your attorney would have
21 the ability to cross-examine and confront the witnesses
22 against you and challenge any evidence that the State puts up
23 against you.

24 You would also have the right to present a defense if you
25 wanted to and testify on your own behalf but you wouldn't have

1 to do that. Okay? If you chose not to do that, I would go so
2 far as to tell the jury that they would not be allowed to
3 consider that fact during the course of their deliberations.

4 When you plead guilty, you give up those rights. Do you
5 understand that, sir?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: All right, sir.

8 MS. BAILEY: Your Honor, can we approach briefly?

9 THE COURT: Yes, ma'am.

10 BENCH CONFERENCE

11 (A bench conference was held off the record and outside
12 of the hearing of others.)

13 MS. BAILEY: Your Honor, just to clarify for the record,
14 I misspoke earlier; I was reading too fast. It's 18 days
15 until he went to the Department of Corrections from when he
16 was arrested, and he's never posted a bond on this charge.

17 THE COURT: Okay. Thank you, ma'am.

18 Mr. Turner, tell me about your lawyer. Are you happy
19 with her service?

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: Do you think she's done everything she could
22 do to help you, considering the circumstances?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: All right. Have you understood your talks
25 with her?

1 THE DEFENDANT: Yes, Your Honor.

2 THE COURT: Do you need any more time to speak with her?

3 THE DEFENDANT: No, sir.

4 THE COURT: All right. Please pay attention while the
5 solicitor gives us the facts.

6 MR. HOPE: Thank you, Your Honor.

7 This incident occurred on March 9th of 2024. It stemmed
8 from a DUI arrest that was the result of a single-unit
9 collision on Paper Mill Road shortly after -- shortly after
10 4 p.m. that afternoon.

11 Mr. Turner had been transported to a hospital after being
12 the driver involved in the collision, and a trooper with the
13 Highway Patrol made contact with him at the hospital. And
14 based on what she saw, heard, and smelled from him, she
15 advised him that he was under arrest for DUI. Mr. Turner
16 disagreed. And he was told that he would not be free to
17 leave.

18 Mr. Turner advised he would not be going to jail that
19 day. It was a bit of a stalemate during that hospital room.
20 Security with the hospital was advised that they may have some
21 difficulty with Mr. Turner. He was, for a time, verbally
22 abusive, so they were prepared to take him into custody with
23 force, if necessary.

24 Mr. Turner attempted to exit the room through a locked
25 door. He was unable to do that. And multiple with security,

1 including the trooper, had to use force to get his hands
2 behind his back when they told him he was under arrest. He
3 was no longer going to be treated by the hospital; he was
4 leaving with law enforcement and did not do so willingly.
5 That's the basis for the charge.

6 THE COURT: All right.

7 MR. HOPE: His criminal history consists of -- from this
8 incident, a DUI, open container, and public disorderly
9 conduct; and, before that, assault and battery first degree
10 from 2019, and a public disorderly conduct from '22.

11 THE COURT: All right. Mr. Turner, did you hear what the
12 solicitor said?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Is that what happened in this case?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: All right. Is that why you're pleading
17 guilty?

18 THE DEFENDANT: Yes, Your Honor.

19 THE COURT: Mr. Turner, have you understood my questions
20 today?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: Have your answers to me be truthful?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. Thank you, sir. You have ten
25 days to appeal any decision I make here today. Okay?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: All right. Yes, ma'am, Ms. Bailey.

3 MS. BAILEY: Thank you, Your Honor. Bowen is 21 years
4 old. He has been in the Department of Corrections at the YOA
5 camp since March. He was arrested on this incident. 18 days
6 later, his YOA parole was revoked based on the conduct of this
7 incident, so there will not be an additional revocation
8 happening based on this plea.

9 In his time there, he has taken it very seriously, taken
10 advantage of many programs. He's completed the ATU program,
11 the alcohol and addiction treatment program that they have
12 there.

13 And in my conversations with Mr. Turner, he has an
14 insight into the root cause of these legal problems like I
15 have never seen before, and part of that has to do with the
16 fact that he's 21. And we all know that the prefrontal cortex
17 in men closes about that time.

18 He has finally grown up and taken his addiction very
19 seriously. This was an alcohol-fueled incident, obviously the
20 DUI and the resisting arrest were alcohol related.

21 He really understands and is able to articulate the way
22 in which his mental health challenges interact with his
23 alcohol abuse, and, in fact, he consented to a shot that they
24 offer at the Department of Corrections so that, when he is
25 paroled -- and he has made parole -- he will leave at the end

1 of October.

2 When he is paroled, he'll receive that shot so that he
3 will not drink. And he intends to continue to get that shot.
4 He intends to continue the mental health treatment and stay on
5 medicines that he is on to help treat his mental health
6 difficulty.

7 Given that insight, given all of this work that he has
8 done in the Department of Corrections -- you know, a lot of
9 people go up there and just sit out and do their time, and I
10 have thoroughly reviewed all of his records from the
11 Department of Corrections, and he has not had a single
12 disciplinary issue. He has taken all of his mental health
13 treatment, his addiction treatment very seriously. He has
14 even gone so far as to seek out mental health treatment while
15 in prison. You know, they granted that parole.

16 We have this very strange circumstance in this case where
17 he has never posted bond on this resisting arrest, but when I
18 ran the sentence by general counsel at the Department of
19 Corrections, she indicated to me that, despite the fact that
20 he has never posted a bond on this, the Department of
21 Corrections would only give him 18 days' credit for time
22 served because he's been doing a YOA for the bulk of this
23 time.

24 So, Your Honor, I'm going to ask that you consider giving
25 him a sentence of 18 days time served, understanding that he

1 has been incarcerated for 210 days as of today. And, Your
2 Honor, I would just ask that you consider the time-served
3 sentence.

4 THE COURT: All right. Thank you, ma'am.

5 Mr. Turner, did you hear what you lawyer said, sir?

6 THE DEFENDANT: Yes, Your Honor.

7 THE COURT: Do you agree with that?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: All right, sir. Is there anything you would
10 like to say or anything else you would like me to consider
11 before I make a decision?

12 THE DEFENDANT: No, sir.

13 THE COURT: All right. Thank you, sir.

14 2024-GS-21-01794, resisting arrest, I will follow the
15 negotiated sentence, and I will accede to the advice of your
16 counsel. Given the fact that you served over 200 days already
17 and this was the root cause of the revocation, I'm going to
18 sentence you to 18 days in the county detention center and
19 give you credit for the 18 days that you have served.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Thank you, sir. Good luck to you.

22 MS. BAILEY: Thank you, Your Honor.

23 MR. HOPE: Thank you, Your Honor.

24 (The above matter concluded at 10:17 a.m.)

25

CERTIFICATE OF TRANSCRIBER

CASE NAME/NUMBER: State v. Bowen Gray Turner

2024-GS-21-01794

DATE OF HEARING: 9/25/24

COURT REPORTER/MONITOR: DCRP

I, Bobbi Fisher, do hereby certify that the foregoing transcript is a true and correct record of the recorded proceedings; that said proceedings were transcribed to the best of my ability from the audio recording and supporting information, and that I am neither counsel for, related to, nor employed by any of the parties to this case, and I have no interest, financial or otherwise, in its outcome.

Bobbi Fisher

/s/ Bobbi Fisher

Bobbi Fisher, RPR and Certified Transcriber

Date Submitted: 10/28/24

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