

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

CLERK OF COURT
 ORANGEBURG, SC

2022 APR --6 AM 10:33

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 WINNIE B. CLARK

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

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Winnif 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:

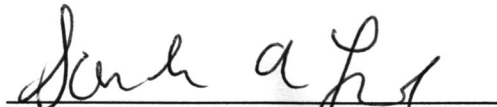
- a. Issue Emergency Rule to Show Cause ordering the Electronic Monitoring Company to appear and show cause why they should not be held in willful contempt of this Court for violating the provisions of the Order outlined herein;

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
WINNIFA B. CLARK
2022 APR -6 PM 1:17
CLERK OF COURT
ORANGEBURG, S.C.

Paul Utter, 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.

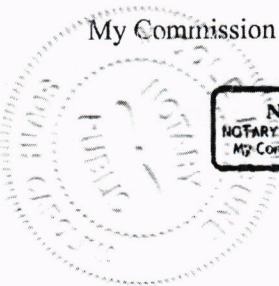
Paul Utter
Signature of Petitioner

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

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CLERK OF COURT
ORANGEBURG COUNTY, SC

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

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CLERK OF COURT
ORANGEBURG COUNTY, SC

EXHIBIT 1

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CLERK OF COURT
ORANGEBURG, SC

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ORANGEBURG COUNTY, SC

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

IN THE COURT OF GENERAL SESSIONS
WARRANT NO.: 2019A3810200093

MOTION TO REVOKE BOND

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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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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