STATE OF SOUTH CAROLINA
vs.
MEGAN RENEE TURNER

Date of Bond Hearing: February 7, 2024

Warrant Number:

2024A0810200038 – Murder

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BACKGROUND

Megan Renee Turner formerly known as Pamela Turner, is 63 years old and resides in Cross Hill, South Carolina with her husband Victor "Buddy" Turner. They have been married for 37 years. Mrs. Turner has two children, Travis and Michael, from a previous marriage.

Mrs. Turner has maintained steady employment throughout her adult life. This included working at Piggly Wiggly and as a clerk for a small construction company. Most recently, she worked for the Spartanburg County Sheriff's Department and retired after 8 years of being an Animal Control Officer. Mrs. Turner took pride in her job as she is an animal lover and in fact, raised French Bulldogs.

Mrs. Turner has no criminal history. Additionally, she suffers from multiple health issues including high cholesterol, diabetes, and restless leg syndrome. These conditions require that she take medication daily.

HISTORY OF CASE

On March 3, 1989, at 3:12PM, Megan Turner formerly known as Pamela Turner, called 911 to report her stepson, Justin Lee Turner, missing after he did not return home from Whiteville Elementary School. Justin would get on the bus around 11:00 AM to go to school and would get off the bus at home around 2:15 PM. On March 3, 1989, Justin never got on the bus to go to school. Mrs. Turner told Law Enforcement that she was in the shower when Justin told her he was going to go ahead and walk to the bus stop. Typically, Justin would go Mrs. Walter Tisdale's home, a neighbor, where he would meet her grandson, and they would both get on the bus together. Mrs. Tisdale stated she never saw Justin on March 3, 1989.

On March 5, 1989, a search party was organized to help locate Justin. Shortly after the search began, Victor Lee Turner, Megan Turner's husband and Co-Defendant, found Justin in a cabinet within a camper on the Turner's residence. The camper was previously searched by various responding officers, but Justin had not found.

Later that day, an autopsy was performed, and his death was ruled a homicide by asphyxiation due to strangulation by ligature.

Due to Mrs. Turner being the last person to see Justin alive, she and her husband, Victor, were suspects in the homicide. After a significant investigation did not result in a warrant secured by probable cause, the Coroner, William Smith, decided to proceed with a Coroner's inquest against Mrs. Turner. After the inquest resulted in a verdict, Mrs. Turner was held for further action by the Berkeley County Grand Jury. Mrs. Turner was charged with Murder. In February 1990, Mrs. Turner was indicted by a Berkeley County Grand Jury for Murder and the case was sent to the Ninth Circuit Solicitor's Office for prosecution.

PRIOR BOND

On December 22, 1989, Mrs. Turner was granted a bond in the amount of $100,000.00 with the following conditions:

1. $65,000.00 surety;
2. $35,000.00 cash bond with the Defendant being allowed to post 10% cash or $3,500.00;
3. Defendant not to leave the state of South Carolina.

The same day, Mrs. Turner's family paid $3,500.00 to the Clerk of Court in Berkeley County to post her bail. Mrs. Turner was released the same day. It should be noted that the $3,500.00 paid as a condition of Mrs. Turner's bond has not been returned.

Mrs. Turner has remained in the state of South Carolina since being released on bond in 1989 without any violations. She has proven that she is not a flight risk or a danger to the community.

PRIOR CASE DISMISSAL

On November 29, 1990, the charges against Mrs. Turner were dismissed "without prejudice" by Deputy Solicitor Steve Davis. The Indictment was stamped to indicate the dismissal was "due to insufficient evidence" to sustain a conviction.

In February of 1992, the State presented all available evidence to a Grand Jury in hopes they would return with an Indictment for Murder, but the Grand Jury returned a No Bill.

Attached is a newspaper article dated Wednesday, November 14, 1990, regarding this dismissal. On February 5, 1993, a Circuit Court Judge signed an Order for Destruction of Arrest Records with regards to the charge again Mrs. Turner. (See attached)

Wednesday, November 14, 1990 4 Sections/28 Pages/Inserts/25 Cents

Solicitor to seek dismissal in Turner case

By Mary Bailey
Special Assignment Writer

Deputy Solicitor Steve Davis will ask for a dismissal of the murder charge against Pam Turner in the March 3, 1988, death of her five-year-old step-son, Justin Lee Turner, when the Turner case is called for the November term of General Sessions Court in Berkeley County. That term of court is scheduled to begin the week of Nov. 26.

According to Davis, "When court begins, I will ask the judge to dismiss the murder charge against Mrs. Turner 'without prejudice,' or until further developments (in the case) are made." (A dismissal "without prejudice" means a person has not been placed in "double jeopardy" by being charged. That person can be re-indicted and brought to trial on the same charge should evidence be found to substantiate the same charge at a later date.)

Davis said he met Friday with Elaine Pace, the boy's natural mother, and Russell Pace, the boy's step-father, the Pace's attorney, Steve McCormick, and SLED Agent James Barry, who is now the chief investigator in the case, to discuss his decision in seeking the dismissal. All of them, he said, agreed with his decision.

The listing of Pam Turner's name on the docket of the court for trial in the murder of her step-son came about through a set of unusual legal circumstances. She became the first person in South Carolina's legal history, as far as is known, to be indicted for murder by a Grand Jury as the result of a Coroner's Inquest and upon the recommendation of that inquest's jury.

While one full inquest into the death of little Justin Lee Turner was held, two Coroner's Inquests were actually started. The first inquest, which had taken on all the appearances of a three-ringed circus, according to most of the media present then, had to be cancelled in late August of 1988 after Coroner William Smith was found at the crime scene by a television news reporter with the foreman of the Coroner's Jury in his car when the inquest had been recessed for the day, and after the Coroner became seriously ill in the judge's chambers of the courtroom the next morning before that inquest was restarted.

The second and last inquest was held in December, 1988. This time, the inquest took on a more conservative flavor, but still most of the called-witness' testimony, which consisted of rumors, speculations, and hear-says, were allowed to go into the record unquestioned and would have probably been ruled inadmissible in anyone's court trial. The Turners, Victor

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Rule 5 #2525

TURNER

From Front Page

Turner and Pam Turner, the little boy's natural father and the parents who had legal custody of the child, and who had cooperated with the investigation for four days after the little boy had been reported missing and found dead only to be labeled as "prime suspects" early in the investigation by "some law enforcement officers, who entered the case late on the third day," were advised by their attorneys not to testify at either inquest. (Both made full written statements about their knowledge of the little boy's death to SLED investigators before the inquests occurred.) All of the leading law enforcement investigators before and at this inquest said there was not enough evidence to bring anyone to trial. The Coroner's Jury, though, said Pam Turner was responsible for the little boy's death and asked that she be held for the Grand Jury's consideration. She spent one night in the county jail and was released the next day on a $100,000 bond.

In February of 1989, Pam Turner and Victor Turner asked to appear before the Grand Jury, where, for the first time, they were going to tell what they knew about the little boy's death to someone other than law enforcement officials. Both fled the Grand Jury room within minutes of their appearance... Victor Turner in anger and Pam Turner in tears... and were overheard to say the Grand Jury wasn't interested in what they had to say, but only wanted to accuse. Then, the Grand Jury indicted Pam Turner for the murder of Justin Lee Turner.

The little boy's murder caused an outpouring of interest and concern throughout the community, the county, and the state. His body was found stuffed in a cabinet under a bench-seat in the slip-in camper-shell of a pickup truck, which was located only 25 feet from the backdoor of his home. He had been strangled with a "ligature," or strap of some kind, and had been sexually molested. His body was found two days after he had been reported missing by his stepmother. Mrs. Turner reported the boy missing on Friday, March 3, around 3 p.m., when he failed to get off his regular school bus from school. She said she had been taking a shower, when the young 5-year-old insisted it was time for him to go catch his bus for school around 11 that morning. She assumed he had been in school all day. She reported him missing when he did not get off the bus that afternoon. This was after she telephoned the school from a neighbor's near the bus stop to find he had not been there at all that day.

A massive search of the whole area around his neighborhood, in and around his home, was conducted for the rest of Friday afternoon and throughout Friday night. More searchers started again early Saturday morning and continued until late afternoon. During the Friday evening and Saturday morning searches, several persons were said to have made a thorough search of the camper-shell, including the cabinet, where the little boy's body was later found. On Sunday around 8 a.m., March 5, the searchers, who spread out at arms' length from one another, were lining up to start the search of the neighborhood again. Victor Turner, who was unhappily watching someone attempting a search the camper-shell, went over to do the search himself once again and found his son's body.

Yellow "crime-scene-do-not-enter" tape was immediately wrapped around the Turner house, camper-shell, and yard. All "outsiders" were sent to stand outside the now-marked police lines. The search for the missing little boy was now over and the investigation into his murder now began.

Upon learning of Deputy Solicitor Davis' decision to ask for a dismissal of Pam Turner's murder charge, her attorney, Dale Cobb said, "That takes a lot of courage. You have to applaud his actions in making this decision. Like everyone else, we want this investigation to continue, and we want the boy's killer to be found."

Pam Turner's mother, Mrs. James Stalvey said, "I hope this means they will keep investigating to find the person who really did it. We want the real killer of our grandson caught and brought to justice. I hope this means they will keep on looking."

Sheriff-elect Ray Isgett said Monday, after learning the case was going to be dismissed, "We'll treat this as an open murder investigation, and if new evidence presents itself, we shall pursue it."

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Rule 5 #2526

See Attached Order for the Destruction of Arrest Records

COUNTY OF BERKELEY)
THE STATE OF SOUTH CAROLINA,)
versus)
PAMELA TURNER,)
Defendant)
AKA

ORDER FOR THE DESTRUCTION OF ARREST RECORDS

Warrant #: C608457
GS #:
Race/Sex: White/Female
DOB: 6/16/60 Age: 32
SSN #: 247-27-7735

FILED
1993 FEB -9 PM 1:38
MARY P. BROWN
CLERK OF COURT
BERKELEY COUNTY, S.C.

IT APPEARS that the defendant was arrested on December 20, 1989 in Charleston (County) and charged with Murder

IT ALSO APPEARS that the defendant is entitled to have all records relating to such offense expunged and destroyed according to the section of the South Carolina Code of Laws which is marked below:

_X_ Section 17-1-40. The above charge was dismissed, nol prossed or the defendant was found not guilty on 11/26/90.

___ Section 17-22-150. The above charge was dismissed on _____ by the solicitor because the defendant successfully completed the Pre-Trial Intervention Program.

___ Section 34-11-90(e). The defendant was convicted under the Fraudulent Check Law on _____ and no additional criminal activity has taken place in one year from the date of conviction.

___ Section 44-53-450(b). The defendant was convicted of first offense simple possession of marijuana on _____, received a conditional discharge and has successfully complied with the terms of that sentence.

___ Section 22-5-910. The defendant was convicted of a first offense in a magistrate's or municipal court on _____, that offense did not involve the exception enumerated in Section 22-5-910, and no additional criminal activity has taken place within one year from date of conviction.

IT IS ORDERED that all records relating to such arrest and subsequent discharge pursuant to the above referenced section be dismissed, expunged and immediately destroyed and that no evidence of such records pertaining to such charge shall be retained by any municipal, county or state agency (except nonpublic information retained on each person accepted for Pre-Trial Intervention as provided for in Code Section 17-22-130 and non-public information retained by the Department of Narcotic and Dangerous Drugs as provided for in Code Section 44-53-450).

On Motion of:

Defendant/Attorney for Defendant

I Consent:

Circuit Solicitor

Signed 5 day of Feb, 1993

Presiding Circuit Court Judge

I attest that the above named defendant eligible for expungement under Section 17-22-150 (Successful Completion of PTI) or Section 22-5-910 (Summary Court Conviction)

N/A.

Director, Pre-Trial Intervention

CERTIFIED TRUE COPIES OF RECORD IN THIS COUNTY
CLERK OF COURT, C.P. & G.S. BERKELEY COUNTY, SC
DATE 12-09-93

NAME CHANGE

Following the dismissal of this case, Mrs. Turner was forced to change her first name from Pamela to Megan. This was not in an effort to evade what had happened but as a necessity due to the extreme hatful publicity that followed this case. This allowed Mrs. Turner to be gainfully employed as well as allowing her and her husband, to be able to move to the upstate and proceed with their lives.

DNA

Several years after the charges against Mrs. Turner were expunged, the Sheriff's Department ran fibers from a dog leash that investigators found at the Turner's home after Justin's killing. Sheriff Lewis stated that the fibers found in the home matched fibers from one of Justin's shirts. Due to the passage of time since the original incident, all of the clothing worn by Justin and other members of the Turner household at the time of the incident, and the days prior, no longer exist. Since more than 35 years have passed, Mrs. Turner is unable to have her own tests performed on the original items that law enforcement had tested for DNA analysis. Thus, making it impossible for Mrs. Turner to have any of her clothing items tested that could have been in contact with the leash.

Further, the same procedure that resulted in the similar fibers also resulted in other fibers of different colors found on the dog leash that do not match evidence presented.

ARREST WARRANT

2024A0810200038

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Berkeley

THE STATE 1989-03003737

against

Megan Renee Turner

Address: 708 Pittmans Landing Dr

Cross Hill, SC 29332-5215

Phone: SSN: 247-27-7735

Sex: F Race: W Height: 5 8 Weight: 175

DL State: SC DL #: 004484941

DOB: 6/16/1960 Agency ORI #: SC0080000

Prosecuting Agency: Berkeley County Sheriff

Prosecuting Officer: John A Plitsch - S01333

Offense: Murder / Murder

Offense Code: 0116

Code/Ordinance Sec: 16-03-0010

This warrant is CERTIFIED FOR SERVICE in the

[X] County/ [ ] Municipality of Laurens. The accused is to be arrested and brought before me to be dealt with according to the law.

Signature of Judge (L.S.)

Date: 1/9/24

RETURN

A copy of this arrest warrant was delivered to defendant Megan R. Turner on 01/09/2024

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
300 B California Avenue
PO Box 219
Moncks Corner, SC 29461

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Berkeley)

AFFIDAVIT

DEFENDANT COPY

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

Personally appeared before me the affiant John A Plitsch who being duly sworn deposes and says that defendant Megan Renee Turner did within this county and state on or about 3/ 3/1989 violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Berkeley) in the following particulars:

DESCRIPTION OF OFFENSE: Murder / Murder

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

See attached affidavit.

Signature of Affiant

STATE OF SOUTH CAROLINA)
[X] County/ [ ] Municipality of)
Berkeley)

Affiant's Address 223 North Live Oak Drive
Moncks Corner, SC 29461-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe t'

on or about 3/ 3/1989 defendant Megan Renee Turner did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Berkeley) as set forth below:

DESCRIPTION OF OFFENSE: Murder / Murder

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 1/ 5/2024

Signature of Issuing Judge (L.S.)

Martin Joseph Housand

Judge Code: 7393

Judge's Address P.O. Box 6122
Moncks Corner, SC 29461-

Judge's Telephone (843)719-4549

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY DEFENDANT COPY

Berkeley County Sheriff's Office
OCA#: 1989-03003737

STATE OF SOUTH CAROLINA)
)
COUNTY OF BERKELEY)

Warrant # 2024A0810200038

AFFIDAVIT

Personally appeared before me, a magistrate of this county, one, **Det. John A. Plitsch**, who, first being duly sworn, deposes and says that the Defendant, **Megan R. Turner f.k.a. Pamela K. Turner** did within the County of Berkeley, State of South Carolina, on or about March 3, 1989, violate the criminal laws of the State of South Carolina in the following particulars:

DESCRIPTION OF OFFENSE

MURDER

§16-3-10

Affiant further states that there is probable cause to believe that the Defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on or about the evening of Thursday, March 2, 1989, through the morning hours of Friday March 3, 1989 at 214 Horseshoe Road, Moncks Corner, S.C. located within the County and State aforesaid, the Defendant Megan R. Turner f.k.a. Pamela K. Turner (hereinafter also referred to as the "Defendant") stepmother to the Victim Justin Lee Turner (hereinafter also referred to as the "Victim"), and the Co-defendant Victor Lee Turner aka Buddy Turner (hereinafter also referred to as the "Co-defendant") biological father of the said Victim, DID commit the offense of MURDER in violation of section §16-3-10 of the S.C. Code of Laws, as amended in 1976, in that the Defendant and Co-defendant acting together did willfully, unlawfully, and feloniously with malice aforethought, either expressed or implied, strangle the 5-year-old Victim with a ligature causing asphyxiation resulting in his death. Facts and circumstances that support the aforesaid include the following:

That on the afternoon of Friday, March 3, 1989, the Defendant falsely reported her 5-year-old stepson as missing to the Berkeley County Sheriff's Office claiming he failed to get off the afternoon school bus. Witnesses verified the Victim never got on the school bus to Whiteville Elementary School that morning and was absent that entire day.

Investigation determined that the Defendant deviated from her normal routine that morning claiming she did not see the Victim leave the house or watch him get on the school bus as she normally does. Instead, the Defendant alleges she was not feeling well, and was taking a shower when she says the Victim left the home on March 3, 1989. Moreover, Defendant admitted to witnesses she had an altercation with the Victim before the time she claims Victim was last seen alive inside the Turner family residence. The Defendant further provided misinformation to

investigators about her specific whereabouts on the morning of Friday, March 3, 1989, and provided inconsistent information about her activities.

On the morning of Sunday, March 5, 1989, after an extensive search for the Victim of the Turner family residence, outside property, camper, vehicles, and surrounding area was conducted, the deceased body of the Victim was discovered by the Co-defendant hidden inside the Defendant and Co-defendant's Del Rey pickup truck camper situated on their property in very close proximity of their family residence. The Victim was found by the Co-defendant within seconds of entering the camper moments after the search party began the search for the Victim on Sunday morning, March 5, 1989. The specific location inside the camper where the body was concealed by the offender highly suggests familiarity with the camper and its floor plan. Defendant and Co-defendant are the only persons with access to the camper both having possession of the only keys to the lock securing the camper door located on their respective keyrings.

A witness employed by a local news television station video recorded and observed the Co-defendant enter the camper, open cabinets, and drawers in search of the Victim, and is observed instantaneously, within seconds of entering the camper, finding the Victim's body, and commenting, "My boy is in there". Co-defendant's deliberate actions and obvious behavior of both defendants reveal and is highly suggestive that the Defendant and Co-defendant knew exactly where Victim was located hidden inside the camper before the Co-defendant's feigned search and discovery of the Victim. Rather than react to finding his son and personally checking for any indication of life whatsoever, Co-defendant instead backed out of the camper commenting, "He's in there, my son is in there. Somebody's hurt him." Co-defendant later told investigators, "He looked dead. I could feel that something was wrong with him. I did NOT touch him".

Prior to the discovery of Victim's body in the camper, the Co-Defendant was overheard by witnesses asking a law enforcement official at the scene, nervously while ringing his hands, what if someone had done harm to the Victim, such as killed him, and that someone was in the family, what would happen to them? Within this transparent question, an apparent awareness of Victim's fate was revealed prior to the discovery of Victim's body. Co-defendant had made other comments to suggest he had prior knowledge of the Victim's fate prior to his discovery.

Ensuing crime scene investigation, forensic analysis, and autopsy results established that the deceased Victim was placed inside the camper a short time after he died of asphyxiation due to strangulation by ligature. Forensic pathologist report indicates Victim died "near the time he was last seen alive." Investigation determined that the Defendant and Co-defendant in exclusion of all others are the last and only persons to have seen the Victim alive and last to interact with him before his death.

Autopsy results, forensic pathology, forensic analysis, and investigation supports the fact Victim died of asphyxiation due to strangulation by ligature a short time after consuming his last meal. Samples of Victim's last meal collected by crime scene investigators inside the Turner family residence was microscopically compared and determined consistent with Victim's stomach content at autopsy.

Investigation of the crime scene and forensic examination of Victim's body, his clothing, and shoes, and the absence of outside debris and foreign matter suggests the Victim did not leave the Turner family residence under his own power and was carried from the residence to the camper. Ensuing investigation further determined that the Defendant and Co-defendant were in fact the last and only persons to have seen and interacted with the Victim inside their residence prior to his death.

Forensic pathologists have determined that the proffered ligature recovered as evidence from inside the Turner family residence has prominent areas of physical characteristics that could cause the patterned ligature wounds created on victim's neck during strangulation. Trace analysis of correlated physical evidence collected directly from the said proffered ligature and correlated physical evidence collected directly from the victim's shirt collar corroborates the forensic pathologists' findings Victim was strangled with the type of ligature that was found in the Turner residence.

Specifically: Forensic analysis by South Carolina Law Enforcement Division (SLED) forensic lab found that fiber evidence collected directly from the proffered ligature is physically and chemically consistent with the Victim's shirt collar material Victim was wearing when strangled to death, or another garment having the same physical, chemical, fluorescence, and/or optical characteristics. Moreover, forensic analysis of fibrous material isolated directly from the Victim's shirt collar was found consistent in color(s) and composition with the proffered ligature recovered from inside the residence.

An examination of said evidence by forensic pathologists and through forensic trace analysis corroborate that the ligature recovered from inside the Turner family residence where Victim was last seen alive by the defendants as a likely weapon used to intentionally strangle and kill the victim.

Moreover, upon learning investigators had collected physical evidence from the crime scene, including the said ligature from inside of their home, the defendants expressed concern and devised a plan to withhold/conceal potential evidence from investigators. Defendants uttered spontaneous incriminating statements to indicate responsibility in the death of the Victim and intent to conceal physical evidence from investigators and obstruct the administration of justice in the infancy of a murder investigation.

The totality of facts and circumstances that support the aforesaid are true through investigation, crime scene investigation, forensic analysis, autopsy results, corroborating evidence, along with pertinent information provided by witnesses and incriminating statements made by both defendants implicating the Defendant and Co-defendant to prove the same.

The aforesaid offense committed by the defendants is in contrary to the form of the statutes in such case made and provided, and all against the peace and dignity of the State.

Signature of Affiant
Det. John A. Plitsch
223 N. Live Oak Drive
Moncks Corner, SC 29445
(843)-719-4412

SWORN TO AND SUBSCRIBED before me this

5th Day of January 2024.

_____ (L.S.)
Signature of Judge

707 Sonny Boy Lane
Johns Island, South Carolina 29455
January 31, 2024

My name is Linda S. Brechko and Megan R. Turner is my sister. I am *almost* 8 years older than Megan so I watched her grow up and become the generous, kind person she is today.

Because of the cloud that has been over Megan's life and people who make judgments without facts, she has been forced to become somewhat reclusive. Despite this, Megan has gathered clothing, furniture, housewares for a Veterans group who works to put Veterans in apartments/homes where they can begin a new life. She has driven to Charleston on several occasions to gather goods that she donated on behalf of others. She has spread the word to people of the need of this particular group so instead of donating to organizations such as Goodwill, our Veterans can be helped. She also did work for a Veterans group that catered to Veterans suffering from PTSD—donating her time and equipment to embroider shirts for the Veterans attending this camp to help with their recovery.

Megan is a very kind-hearted person. She is generous to a fault. Growing up (and even now), Megan was and is an animal lover. She never met an animal she didn't love whether it was a cat, a dog, a squirrel or bird that fell from a tree, a horse--anything. She shares her expansive love with the people in her life as well. We are huggers and people who tell each other we love them.

Megan, until recently, raised French Bulldogs. On one occasion, she had a lady who wanted one for her handicapped daughter. Because they couldn't afford the going prices, Megan gave them the dog for almost nothing. She did the same for another lady who had suffered tragedy and couldn't afford the going rate. Megan couldn't not do this—it is in her very nature to be kind and generous.

To know Megan is to know a person who is optimistic and who tries to believe in the best of people even though she has faced horrible obstacles. She loves her husband and her family unconditionally.

Linda S. Brechko

Linda S. Brechko

707 Sonny Boy Lane
Johns Island, South Carolina 29455
January 31, 2024

My name is John R. Brechko and Megan R. Turner is my sister-in-law. I have known Megan for 53+ years. Megan was 9 years old when I first met her. I watched her grow up, I taught at the school she attended.

Megan is a very kind, loving person. She is concerned about others and will do whatever she can to help someone or make their day brighter.

She once threw my wife (her sister) a birthday party saying she knew that growing up, and even in later years, my wife didn't have birthday parties. She surprised her with dinner, cake, balloons, flowers. Since the death of their mother, she also sends my wife Mother's Day cards, and recently, roses for Mother's Day. Megan is always thinking of the happiness of others.

If you happen to mention around Megan that you really like something, if Megan runs across or sees that something, she gets it and you'll end up getting a surprise gift! She is generous and always thinking of others.

Despite the pain in her life and the cloud that has been over her life, Megan is still the loving, kind person she has always been. Megan loves her husband; her family.

John R Brechko

John R. Brechko

Emmett Michael Alphonse Jr
1566 Fishbone Dr
Johns Island, SC 29455

I am Emmett Michael Alphonse and Megan R. Turner is my aunt-in-law. I have known Megan for about 18 years.

Megan is a fun person to hang around. She has such a big heart. She tells me all the time how I'm family and she just loves having family around.

We've gone and stayed with her a few times in recent years. She has been raising French Bulldogs and you can tell how much she loves and cares for those animals. They are like her babies the way she holds and loves those puppies. She's even given a couple of them away for almost nothing to people who were handicap and couldn't afford the going rates for them.

Megan has had such a hard life and despite all of that- she's still a positive and generous person. She has even helped Veterans and driven all over SC collecting things for them as donations. She's always ready to give you the shirt off her back if you need it.

Thank you for your time.

Emmett Alphonse

Jennifer Alphonse
1566 Fishbone Dr
Johns Island, SC 29455

I am Jennifer B. Alphonse and Megan R. Turner is my aunt, so I have known her all of my life. As far back as I can remember I always loved spending time with her- she's only 16 years older than me so she is my fun, "young" aunt!

I always loved when she would be at my grandmother's house, who we lived next door to, so I could go over and hang out and play with her. I always got excited when I could go up to her house because she always had lots of pets- dogs, cats, even a ferret! I had dogs growing up but was never allowed the more "exotic" pets. As far back as I can remember she always had a great love for animals.

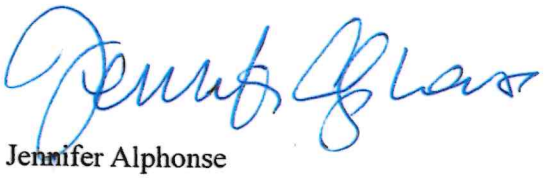
Of course, when I was still pretty young, only about 13 or 14, they were forced to move away and I didn't get to see them very often. Once I got to college, up at Clemson, they were only about an hour or so away so I started visiting them. I loved going there for weekends and seeing all of her animals and meeting her latest rescues. She even worked for the county as an animal control officer for a long time- helping rescue animals from abusive people was her favorite job, I think.

My daughter and I would go up and visit her periodically too- my daughter loved seeing her dogs and birds. She was even fascinated by a lizard of some sort that Megan had- my daughter named him Pascal from the Disney movie Tangled!

Just a few years ago, when my grandfather got sick, she was up there (KY) so fast and insisted that he move in with her so she could take care of him. He was glad to go with her but unfortunately, he didn't last very long after that and she was so upset wishing that she could have talked him into moving in with her sooner, before he got as sick as he did- but he was stubborn.

I could go on and on about what am amazing caring person that she is- and always has been, but I'll keep my letter to just one page so it's easier to read!

Thank you for your time.



Jennifer Alphonse

David Turner
1114 Sloan Rd.
Inman S.C. 29349

February 1, 2024

Re: Megan Turner

Your Honor:

Megan Turner is my sister in law. I have known her for 35 years. In 1989 She and my brother moved in with my wife, me and our two children for about three months. She has always been kind to my kids. They set up residence in Spartanburg County to be close to our family. She has been in the Inman area over 30 years. She is an animal lover and she has worked for animal control in Spartanburg County. She quit work so she could take care of my brother when he had congestive heart failure brought on by his lung condition. She always keeps me informed on my brothers' condition. She and my brother moved to Cross Hill to live on Lake Greenwood about four years ago. She, my brother, and I love fishing so this is a perfect place for me to visit and fish with them.

Sincerely,

David Turner

David Turner
864-804-8179
datujr@hotmail.com

Lyn Turner

1114 Sloan Rd

Inman, SC 29349

February 1, 2024

Re: **Megan Turner**

Your Honor:

I am married to the brother of Megan's husband, Victor Turner. I have known her for approximately 36 years. We met when the four of us gathered to paint the interior of the house where the grandmother of Victor and my husband David lived.

Later, she came to our home in Inman with Victor's son, Justin, to visit. She had a great rapport with Justin, playing with him and having fun with Justin and my children Shelley and Chris.

Megan has always been a hardworking person, both in her occupations and in her caring for many kinds of animals over the years. She took great care of her ailing father, bringing him from Kentucky to live in her home and caring for him until his death.

Megan has also cared for her husband Victor since his terminal diagnosis with lung disease and heart disease, all while dealing with her own serious health conditions.

Lyn Turner

Lyn Turner

864-415-3543

David Greene

754 Nash Mill Rd

Fountain Inn, SC 29644

February 1, 2024

Your Honor:

I have known Megan Turner for six years. We both have places on Lake Greenwood that are close to each other. During that time, she has been helpful with watching out for our place. While at the lake, she has always been friendly, honest and fun.

David Greene/DT

David Greene

864-313-3467

Ms. Rise' Jackson

754 Nash Mill Rd

Fountain Inn, SC 29644

February 1, 2024

Your Honor:

I have known Megan Turner for 5+ years. The times I have been around Megan she has been very respectful and pleasant to be around. She keeps a watch on my place at the lake when we are not there. She has even covered my plants for me when we've had extreme cold weather. She comes to many events that we have at the lake and seems to have many friends there. She always gets along with everyone there I witnessed her being baptized in Lake Greenwood several weeks ago. I consider her to be very trustworthy and someone I could count on if I ever needed help.

Rise Jackson/RT

(Ms.) Rise' Jackson

864-608-8880

Hello, my name is Summer C. Felts. I have known Megan R. Turner for only a few short years and in that time I have grown to love, respect and admire her greatly. Megan has always been such a kind hearted and generous woman. So much so, that I lovingly refer to her as my Mama, and she truly is just that in my heart. Megan is the type of woman that will quite literally give you the shirt off of her back, which is just one of the many reasons why I love her. She is just a wholesome, kind-hearted, animal loving, people pleasing person that I look up to and seek advice and guidance from regularly. Megan loves her husband, family and friends.

Summer Felts
864-497-3153

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF GENERAL SESSIONS FOR THE NINTH JUDICIAL CIRCUIT**
COUNTY OF BERKELEY	)	**WARRANT NO: 2024A0810200038**
State of South Carolina,	)	
vs.	)	
Megan Renee Turner,	)	**MOTION TO DISMISS FOR UNDUE PRE-INDICTMENT DELAY**
Defendant.	)	

COMES NOW the Defendant, by and through her attorney, Shaun C. Kent, and would respectfully request an order dismissing her case due to pre-indictment delay.

STATEMENT OF FACTS

Megan Renee Turner was arrested on or about January 10, 2024, on an arrest warrant alleging that she with her co-defendant husband, Victor Lee Turner, committed criminal violations. The warrants allege that Defendant and Co-Defendant did strangle, the 5-year-old Justin Turner with a ligature causing asphyxiation resulting in his death that occurred on or about March 3, 1989, resulting in one count of Murder in violation of S.C. Code 16-03-0010 regarding the disappearance and death of Justin Lee Turner.

On March 3, 1989, at 3:12PM, Mrs. Turner called 911 to report her stepson, Justin Lee Turner, missing after he did not return home from Whiteville Elementary School. Justin Lee Turner would take the bus driven by Anna Burbage around 11:00 AM until around 2:15PM when he would return on a bus driven by Dorothy Burbage. On this day, Justin Turner never got on the bus to go to school. Mrs. Turner told Law Enforcement that she was in the shower. Justin knocked on the door and told her he was going to go ahead and

walk to the bus stop. Typically, Justin would go to Mrs. Walter Tisdale's house, where he would meet her grandson, Justin Michael Smith, and they would both get on the bus for school. Mrs. Tisdale stated she never saw Justin Turner on March 3, 1989.

On March 5, 1989, a search party was organized to help locate Justin Turner. Shortly after the search began, Victor Lee Turner found Justin Lee Turner in a cabinet within a camper on the Turner's 214 Horseshoe Road address. Justin Lee Turner was found with his pants to his ankles, he had nail abrasions under his chin and ligature marks extending under the chin to the left side of his neck. The camper was previously searched by various responding officers, but Justin was not found.

Later that day, an autopsy was performed by Dr. Clay Nichols and Dr. Ellen Conradi with MUSC. They ruled the death a homicide by asphyxiation due to strangulation by ligature. The ligature marks on Justin Turner's neck were approximately ½ inch wide. There was trauma to the anus noted by the medical examiners. The stomach had contents consistent with a brown milky substance that the medical examiner believed was possibly cereal.

Because Mrs. Turner was the last person to see Justin Turner alive, she and her husband Victor Lee Turner were suspects in the homicide. It is not disputed that Victor Turner was at work at General Dynamics from 7:00 AM until 3:00 PM on March 3, 1989, when he received a frantic phone call from his wife informing him of Justin's disappearance. Mrs. Turner has been extremely consistent with her version of what transpired on the morning of March 3, 1989, until the body was discovered in the early morning of March 5, 1989.

After a significant investigation did not result in a warrant secured by probable cause, the Coroner William Smith decided to proceed with a Coroner's inquest against Mrs. Turner. An inquest was held in front of a six-person all white male jury that neither complied with any rules of evidence nor had a burden of proof in place to sustain a conviction. After the inquest resulted in a verdict that Mrs. Turner be held for further action by the Berkeley County Grand Jury, Mrs. Turner was formerly charged with Murder pursuant to an arrest warrant issued by Chief Magistrate Ira Grady. In February 1990, Mrs. Turner was indicted by a Berkeley County Grand Jury for Murder and the case was sent to the Ninth Circuit Solicitor's Office for prosecution. On November 29, 1990, the charges against Mrs. Turner were dismissed "without prejudice" by Deputy Solicitor Steve Davis. The Indictment was stamped to indicate the dismissal was "due to insufficient evidence" to sustain a conviction. In February of 1992, the State presented all available evidence to a Grand Jury in hopes they would return with an Indictment for Murder, but the Grand Jury returned a No Bill. (Exhibit A)

On January 10, 2024, the Berkeley County Sheriff's Department obtained warrants for Murder against Megan Renee Turner and Victor Lee Turner for the death of Justin Lee Turner. From the review of the affidavit and Rule 5 provided, there has been very little, if any, changes to the facts of the case.

ARGUMENT

MRS. TURNER HAS CONSTITUTIONALLY PROTECTED RIGHTS UNDER THE 5th, 6TH AND 14TH AMENDMENTS TO THE UNITED STATES CONSTITUTION AND ARTICLE I, §3 AND §14 OF THE CONSTITUTION OF SOUTH CAROLINA TO

COMPEL THE ATTENDANCE OF ANY WITNESS TO TRIAL, TO CONFRONT WITNESSES UNDER OATH AND TO HAVE A MEANINGFUL OPPORTUNITY TO PRESENT A FULL AND COMPLETE DEFENSE.

The Defendant, Megan Renee Turner, has a constitutionally protected "right to present a defense," a right enumerated via the 6th Amendment to the Constitution of the United States and recognized by the Supreme Court of the United States in Washington v. Texas, 388 U.S. 14 (1967).

In *Washington*, the Supreme Court recognized that the compulsory process clause was designed to secure more than the presence of the defendant's witnesses:

> The right to offer the testimony of witnesses and to compel their attendance, if necessary, is in plain terms the right to present the defense, **the right to present the defendant's version of the facts as well as the prosecution's to the jury so it may decide where the truth lies**. Washington at 19, emphasis added.

In reversing a South Carolina conviction based on the right to present a defense, the United States Supreme Court stated that "the Constitution guarantees criminal defendants 'a meaningful opportunity to present a complete defense.'" Holmes v. South Carolina, 547 U.S. 319, 331 (2006). In quoting that language, the *Holmes* court cited previous decisions. The full quote is actually:

> Whether rooted directly in the Due Process Clause of the Fourteenth Amendment or in the Compulsory Process or Confrontation clauses of the Sixth Amendment, the Constitution guarantees criminal defendants "a meaningful opportunity to present a complete defense." Crane v. Kentucky, 476 U.S. 683, 689 (1986), quoting California v. Trombetta, 476 U.S. 479, 485 (1984).

This concept is also firmly rooted in the Constitution of South Carolina. In a section titled "Trial by Jury; Witnesses; Defense," our State constitution reads:

> The right of trial by jury shall be preserved inviolate. Any person charged with an offense shall enjoy the right to a speedy and public trial by an impartial jury; to be fully informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, **and to be fully heard in his defense by himself or by his counsel or by both.** Art. I, Sec 14 S.C. Cnst, emphasis added.

The Supreme Court of South Carolina has embraced the "right to present a defense," specifically quoting the language from *Washington* cited above and further citing *Washington* in stating that, "This right is a fundamental element of due process of law." State v. Inman, 395 S.C. 539, 561 (2011), quoting Washington at 19. This right gains special importance when the evidence is critical of the accused's defense and state courts may not impinge a defendant's fundamental constitutional rights by relying on state evidentiary or court rules. Pettijohn v. Hall, 599 F.2d 476 (1st Cir. 1979), citing Chambers v. Mississippi, 410 U.S. 284, 302 (1973).

At this juncture, the most egregious due process violation in this case involves an excessive pre-indictment delay. "The Due Process Clause plays a limited role in protecting against oppressive pre-indictment delay." State v. Brazell, 325 S.C. 65, 72, 480 S.E.2d 64, 68 (1997); see United States v. Lovasco, 431 U.S. 783, 789–90, 97 S.Ct. 2044, 52 L.Ed.2d 752 (1977) (analyzing Due Process Clause of the Fifth Amendment with respect to pre-indictment delay); United States v. Marion, 404 U.S. 307, 324, 92 S.Ct. 455, 30 L.Ed.2d 468 (1971) (recognizing Due Process Clause of the Fifth Amendment provides basis for dismissing indictment as a result of pre-indictment delay).

The South Carolina Supreme Court has addressed the standard for reviewing an excessive pre-indictment delay and provided a two pronged test to see whether the pre-indictment delay violated the Defendant's due process. Specifically, in State v. Lee, 375 S.C. 394, 653 S.E.2d 259 (S.C. 2007) (Exhibit B) the South Carolina Supreme Court found an

undue delay in an indictment is a violation of the Due Process Clause of the Fifth Amendment. In Lee, the Court overruled a conviction where the Defendant was indicted in 2001 for first-degree criminal sexual conduct (CSC) and lewd act upon a child based upon charges that he sexually abused his two stepdaughters on separate occasions between 1982 and 1985. The two-prong test enumerated to determine if a pre-indictment delay has violated a defendant's due process rights in Lee is as follows: "First, the defendant must prove that the delay caused substantial actual prejudice to his right to a fair trial. The second prong requires the Court to consider the reason for the State's delay and to balance the justification for the delay against the prejudice to the defendant.``*id* at 398 "Substantial prejudice requires a showing that 'he was meaningfully impaired in his ability to defend against the state's charges to such an extent that the disposition of the criminal proceeding was likely [a]ffected.'" (quoting Jones v. Angelone, 94 F.3d 900 (4th Cir. 1996))

With regards to the second prong of considering the reason for the State's delay, our Supreme Court adopted the test that does not require showing the government acted intentionally in their delay to gain a tactical advantage. "When balancing the prejudice and the justification, the basic inquiry then becomes whether the government's action in prosecuting after substantial delay violates "fundamental conceptions of justice" or "the community's sense of fair play and decency." Id. (quoting U.S. v. Automated Med. Laboratories, Inc., supra at 404)."

In this case, the delay of 35 years between the date of incident and indictment has clearly caused substantial actual prejudice to Mrs. Turner's right to a fair trial. Across the State, it appears the majority of cases with pre-indictment delay involve delayed reporting of a Criminal Sexual Conduct case in which there was no disclosure or investigation at the

time of the incident. That is not the case here as Mrs. Turner reported Justin Turner missing and a significant investigation across multiple agencies took place. There is no justification for the delay by the State that overcomes the substantial actual prejudice created by the delay. There has been a previous court proceeding in this case in the form of a Coroner's Inquest that resulted in an Indictment that was subsequently dismissed because the Solicitor's office did not feel the evidence could not sustain a conviction and, thus, would not be aligned with their pursuit of justice. Further, after hearing all competent evidence available in 1992 a Grand Jury decided not to indict the case. (Exhibit A) These previous proceedings bolsters Mrs. Turner's argument that this delay in attempting to indict Mrs. Turner again is a clear violation of her fundamental right of due process guaranteed by the Constitutions of our Country and State.

SUBSTANTIAL ACTUAL PREJUDICE

The events that are the subject of this case occurred in March of 1989. Mr. and Mrs. Turner were arrested on the present charges in January of 2024, nearly 35 years after the incident. They have yet to be indicted. Expectedly, troves of potential exculpatory evidence and witnesses are now unavailable due to the simple passage of time. The extreme passage of time in this case has severely inhibited Mrs. Turner and her counsel from adequately investigating the allegations against her and preparing a defense.

Specifically, many of the witnesses who were around during the time frame of the incident and resulting investigation are now deceased or are medically unavailable to testify. Defense counsel estimates that over twenty individuals with valuable information observed during the time of the incident are no longer available. These are individuals that would likely testify if they were able to and not having the ability to examine them under

oath is a right Mrs. Turner is entitled to and something that cannot be replicated. The witnesses that are currently known to be deceased and/or medically unavailable include:

1) **Elaine Pace** was Justin Turner's mother. She did not have primary custody of Justin Turner. The issue of custody was recently heard and ruled upon in the Family Court of the Ninth Judicial Circuit. As Justin Turner's mother, she would be able to provide invaluable information to the death and disappearance of her son. According to discovery, she filed a lawsuit against Berkeley County Sheriff's Department alleging the investigation was not handled properly. By not being able to dig into her reasons for filing the lawsuit, Mrs. Turner is being stripped of an opportunity to interview a first hand account of any potential deficiencies of the initial investigation. (Exhibit C)

2) **Sheriff M.C. Cannon** was the elected sheriff at the time of the incident ultimately in charge of the investigation into the death and disappearance of Justin Turner. According to information provided in discovery, it was the opinion of Sheriff Cannon that the time of death was 3:30 PM on March 3, 1989. This would completely exclude Mrs. Turner as a suspect. Sheriff Cannon made several statements to the press regarding this case and now the inability of Mrs. Turner to examine him significantly impacts her ability to provide a defense. (Exhibit C)

3) **Detective Adam S. Jamison** directed the initial search for Justin Turner. He stayed at the residence on Horseshoe Road until 4:00AM on March 4, 1989. He was in consistent conversation with both defendants in the early parts of this investigation. Detective Jamison then obtained several witness statements as a part of the investigation.

4) **Lt. James Preache**r and **Detective David Zorn** attended the autopsy of Justin Turner. Lt. Preacher provided updates to the individuals still gathering on Horseshoe Road. Both individuals were involved in the early portions of the case and would be able to provide first hand accounts of the activity surrounding the death and disappearance of Justin Turner.

5) **Dorothy Burbage** was the afternoon bus driver for Whitesville Elementary School. She stayed and helped Mrs. Turner search for Justin after realizing he

was missing on March 3, 1989 and could provide her observation to Mrs. Turner's actions and demeanor during that time.

6) **James and Eva Stalvey** were the parents of Mrs. Turner. James Stalvey would be able to help with the timeline of events on Friday March 3, 1989 as Mrs. Turner called him after Justin left for the bus. James and Eva Stalvey were at Horseshoe Road as the search commenced and could provide their observations and impressions during this time. At 1:00AM on March 4, 1989, James Stalvey stated he saw a man with a flashlight walking around a dirt mound near the Turner's home who disappeared when questioned.

7) **Lt. Sidney Wrenn** of the Berkeley County Sheriff's Department was the chief investigator for the case although he was not on the scene during the search for Justin Turner. Lt. Wrenn started to work on the case on March 7, 1989. As the highest ranking investigator, he was responsible for the investigation of this case and appeared to clash with Coroner Smith over the best methods to build a case. He also declined to follow up with an eyewitness's account of an alternative suspect during the early portion of the case. By not having the opportunity to interview and cross examine Lt. Wrenn about several statements he made to the press about this case, Mrs. Turner suffers substantial actual prejudice that cannot be remedied.

8) **Matt Ford** of SLED was a part of a new task force created in the Summer of 1989 to work on this case. Mr. Ford was responsible for several interviews throughout the case including Russell Weik and the buyer of the camper Mack Kinnon. He was involved in the collection and transfer of evidence including carpet samples.

9) **Lt. Pell Bradford** with SCDNR previously searched the camper prior to Justin Turner's body being discovered. Lt. Bradford was also a key component in organizing the search for Justin Turner.

10) **Becky Turner** was the stepmother of Victor "Buddy" Turner. She lived in Rock Hill, SC and wrote a letter to the Solicitor's Office about the personalities of Mr. and Mrs. Turner.

11) **Oscar** and **Shirley Burnett** were Justin Turner's grandparents. The Turners had a restraining order against the Burnett's after episodes of harassment.

12) **Carlton Lyle Burnett** was Justin's uncle and Elaine Pace's brother. When James Stalvey alleged he saw a man walking in the hay early Saturday morning, the man replied that he was Elaine Pace's brother. Having the opportunity to confirm whether that was Mr. Burnett that night or not, either adds another suspect or provides a mystery person of interest.

13) **Coroner William Smith** entered the camper after it was declared a crime scene. He prosecuted the Coroner's inquest that resulted in Mrs. Turner being charged with Murder in 1989. Mr. Smith was very familiar with the facts and circumstances of this case, the different witnesses and testimony they might provide that would be beneficial and detrimental to the prosecution of Mrs. Turner. Mr. Smith would also be able to provide clarity to the Coroner's inquest where he operated as both Judge and Prosecutor in his attempt to gain a guilty verdict.

14) **Peggy Ames** was Mr. Turner's mother. She was a witness to the relationship between Justin and his parents. Sher and her husband Tom (availability unknown) came down to the Horseshoe Road area after the incident and could describe the search and behavior of different individuals involved. She could also describe any previous encounters with other individuals associated with the case.

15) **Ryan Still** was Buddy's uncle. He was around the Horseshoe Road area and had several conversations with different people involved in this case.

16) **Russell Weik** is still living in Bonneau, but has been disabled since 2016 as he suffers from Parkinson's Disease and advanced stages of Dementia. He provided a statement to SLED agent Matt Ford on July 6, 1989 that indicated he was in the area when the Whiteville Elementary School bus stopped on Horseshoe Road on March 3, 1989 and passed the bus on many mornings. Both he and Mr. Ford are unable to testify. Further, he is the father of John C. "Eddie" Weik who is believed to be a suspect in this homicide.

17) **TS Calhoun** from SLED was a part of the task force brought in to work the case in the summer of 1989. He obtained witness statements from neighbors on Horseshoe Road including Norman Driggers.

18) **Sheriff Raymond Isgett** was the Berkeley County Sheriff from 1990 until 1995 which was an important period of time when the case was being actively investigated. He made statements to the press relating to the

> presence of fibers, an FBI profile, and the initial investigation by Sheriff Cannon's department that could provide valuable information. (Exhibit D)

In addition to different individuals, the availability to gather, test and evaluate physical evidence has been stripped from Mrs. Turner in this delay. There have been countless tests, performed by many different individuals secured by the State, in an attempt to develop physical evidence in this case. It is, and seemingly always has been, the State's theory that a dog leash found in the home was the weapon used to strangle Justin Turner. The State has used "fiber analysis" to allege that fibers were found on the dog leash that had similar characteristics to a red jacket worn by Justin Turner on the day of the incident.

These fibers are similar to any red clothing item. However, due to the delay in the indictment, all of the clothing worn by Justin Turner and other members of the Turner household at the time of the incident, and the days prior, no longer exist. After the passage of 35 years, the Turners are unable to have access to these materials to possibly have their own tests performed and prepare a defense. Because of this, it is impossible for Mrs. Turner to have the fibers tested against other clothing that would have been in contact with the leash.

Further, the same procedure that resulted in the similar fibers also resulted in other fibers of different colors found on the dog leash that do not match evidence presented. Because the possible contributors are no longer available, Mrs. Turner does not have the opportunity to search for different clothing items that could match the similar characteristics as possible contributors and, with the State's logic, possible suspects.

The camper was never taken into evidence or secured. Despite being a crime scene and the owner willing to relinquish ownership, the Berkeley County Sheriff's Department declined to take possession. The camper was for sale at the time of the incident, and has changed hands before being subsequently sold for scrap metal. Because of this, the State of South Carolina is now relying on Tim Heinz, a reconstruction expert, to provide a sketch of the dimensions of the trailer.

Between the availability of key witnesses, the opportunity to examine physical evidence and the significant lapse in time, the pre-indictment delay has caused substantial actual prejudice to Mrs. Turner's right to receive a fair trial today in Berkeley County. The amount of time between the incident and the indictment has caused citizens to speculate, theorize and just plain make up evidence that points towards the guilt of Mrs. Turner. Further, as time extends, these opinions without any factual basis become ingrained in individuals' minds that they believe they are facts. That has led to several individuals to come forward as witnesses whose veracity cannot be obtained because they were not interviewed around the time of the incident. Because of the considerable amount of coverage by the local newspapers in 1989, this includes both people tangentially associated with the case and members of the community at large. These theories have run so rampant that it essentially strips Mrs. Turner's presumption of innocence and places the burden on her to prove that she is not guilty.

REASONS FOR THE DELAY

At this juncture, it is not proper to predict the State's reasons for the delay in indicting Mrs. Turner nearly 35 years after the incident. We would appreciate the opportunity to respond to the reasons the State will espouse for their undue delay in

charging Mr. and Mrs. Turner with this crime. However, we can look at what members of Law Enforcement have said to the public over the years regarding the status of this case and analyze what current lead Detective John Plitsch believes is new information.

There have been four different Sheriff's since the date of the incident. Each Sheriff has made statements to the press regarding the Justin Turner case. Lt. Sidney Wrenn who was in charge of Investigations for the Berkeley County Sheriff's Department at the time of the incident and is now deceased said this was "the best investigated case this state has ever known." (Exhibit C) Berkeley County Sheriff M.C. Cannon stated in May of 1989 that "we know who killed the boy, but couldn't prove it." (Exhibit E) This appears to be a common theme over the past 35 years from officials involved in investigating and prosecuting the case. Sheriff Cannon was the Sheriff when the Coroner's inquest happened, an indictment was secured and Deputy Solicitor Steve Davis dismissed with prejudice the original Indictment against Mrs. Turner.

Berkeley County Sheriff Ray Isgett took office in January 1991 before stating in October of the same year, "I'm thoroughly convinced with who did it. .... I think we have the key to convict someone of murder." (Exhibit D) In February of 1992 Sheriff Isgett along with Solicitor Charles Condon presented a Grand Jury with all the available evidence to prove probable cause of murder. However, the Grand Jury disagreed and that proceeding resulted in a No Bill. (Exhibit A)

In 1994, Sheriff Isgett declared that the Sheriff's department had "made every effort and attempt to move forward with this matter and bring it to a trial. Unfortunately, my authority ends where the solicitor's begins and I do not control the decision whether to seek an indictment." This was after Ninth Circuit Solicitor David Schwacke declined to

move forward with an Indictment after consulting with several law enforcement officials and prosecutors who evaluated the case. Sheriff Isgett went on to say that a fiber taken from Justin's body would rule out one suspect, but supported another, which essentially states that fiber analysis was available in 1991, but is now being used as the key new development by the State in 2024. (Exhibit A)

Berkeley County Sheriff Wayne DeWitt took office in 1995 as the State continued its quest to charge Mrs. Turner until 2002 when the case took a hiatus according to Captain Rick Ollic, head of the BCSO's Criminal Investigation Division. In a 2011 newspaper article hoping to drum up tips to crimestoppers, Dewitt said "the investigation still considers Pamela Turner a suspect in Justin Turner's murder and the father Victor Turner as someone who may know something about what happened." (Exhibit F) For nine years the State did absolutely nothing to attempt to solve this open homicide investigation. From information available to Mrs. Turner, it appears this article was the only attempt to solve this case from 2002 until 2016. Essentially, over the period of 14 years, the only investigation into this case was regurgitating the facts to a newspaper reporter and providing a crime stoppers tip line.

Current Berkeley County Sheriff Duane Lewis took office in a 2015 special election. Shortly thereafter, he assigned detectives to work the Justin Turner case which resulted in these warrants in January 2023. While talking about the case, Sheriff Lewis continued what has been consistent burden shifting by the State of South Carolina "After moving, nobody ever heard from them again. Isn't that strange? I never got one phone call from his daddy or stepmother, 'What are y'all doing about my son's death?' What does that tell you?" (Exhibit G) Sheriff Lewis said alluding to Mr. and Mrs. Turner's guilt because they have not called

him in his nine years as Sheriff. The egregious burden shifting is a common theme throughout the history of this case.

In the discovery, Detective John Plitsch who prepared the Affidavit in the above referenced Warrant number created a section of his incident report titled "What New? with several subsections of new information that allegedly showcases Mr. and Mrs. Turner's guilt. (Exhibit H) It is the contention of Mrs. Turner that this information is neither new nor probative and certainly not a valid reason for a 34 year delay in an indictment. They include:

Comprehensive Timeline

This section simply regurgitates facts that were already known to the State after the initial investigation. A 2023 interview with Justin Turner's step-father Russell Pace attempts to add that Justin did not wet the bed during the time despite Mr. Pace being married to the non-custodial parent who had visitation every other weekend. There is no new information in this section to justify the undue delay suffered by Mrs. Turner.

Forensics

State of Digestion: Newly hired expert Dr. Jamie Down's review of the case strongly suggests the victim died less than two hours after he consumed the contents of the cereal. Medical Examiner Dr. Clay Nichols testified at the Coroner's Inquest "So, Justin Turner, I feel met his death shortly after his breakfast." Therefore, this information is not new.

Examination of Urine Stains: When Justin Turner was examined, there were obvious urine stains to the frontside of his underwear and front inside of his blue jeans together that suggested he urinated himself at time of death. Dr. Downs described this

activity as being a common occurrence with strangulation victims. This evidence was not new as Dr. Clay Nichols who performed the autopsy in 1989 has said that the dampness could have been caused by urination.

Clothing and shoes absent of foreign matter (except for hairs and fibers): Medical examiner Dr. Clay Nichols determined that no foreign matter particularly hay or anything else from outside sources was found on Justin Turner's clothing or body. Dr. Nichols performed the autopsy in March of 1989. There is nothing new regarding Justin Turner's shoes not having any foreign matter on them and this should be given no credence as to the reasons for the state's delay in Indicting Mrs. Turner.

Staging of the crime scene: Dr. Jamie Downs in a 2022 report states that dilation of the anus, lack of blood and semen suggests that the victim was anally penetrated shortly after death and the crime scene appears staged. A criminal profile from 2003 states that "If staging is suspected then consideration must be given as to who might hope to benefit from such misleading activities." This report is from 2003. At the time of the Coroner's Inquest, it was believed that the anal penetration was performed after Justin Turner died. Even taking the criminal profile report as new, it is from twenty years ago and nothing in Dr. Jamie Downs' report is conclusive or new, therefore this section should carry zero weight for the reasons for the state's delay.

One to One (1:1) examination of ligature marks/injuries compared to characteristics and pattern of the leather dog leash recovered from inside the home: In April 1989, Dr. Sandra Conradi, who helped with the autopsy, indicated that the dog leash was consistent with the weapon used to strangle Justin Turner. She affirmed her conclusions in 2018. The State proceeded to hire two experts, Dr. Jamie Downs and Dr.

William Oliver, to substantiate Dr. Conradi's claims. The effort put into securing these opinions by the State is to be commended but waiting until 2022 and 2023 to consult with Dr. Downs and Dr. Oliver respectively is impossible to justify. In 1989, there was a medical opinion that the dog leash found in the home was consistent with the weapon used to strangle Justin Turner. If the state felt that it needed to confirm Dr. Conradi's opinion, then why wait 33 years before reaching out to another forensic pathologist?

Trace Evidence

It was not until 2023 that evidence, specifically a dog leash, a MVAC filter and Justin Turner's shirt, was sent to SLED trace lab for further analysis. Forensic Analyst Michael Moskal found red fiber directly from the leather dog leash that possessed the same chemical, physical, fluorescence and optical characteristics of the victim's red and gray shirt or another fiber source with identical characteristics. Moskal found a bundle of tannish/brown in color fibers from the outer left back of Mr. Turner's shirt collar that he was not qualified to conduct chemical and physical analysis of leather fiber. Moskal recommended sending evidence to The McCrone Group, a private lab in Illinois that trains SLED analysts, for more comprehensive testing. (Exhibit I) Dr. Sandy Koch with The McCrone Group, concluded that the leash can be included as a possible source of the brown fibrous material found from the Mr. Turner's red jacket, but other brown leather materials cannot be excluded as possible sources due to the slight differences in undulations between the known sample of brown leather and the brown fibrous material found from Mr. Turner's jacket.

Without even getting into the veracity of these findings, there is absolutely zero reason to wait 34 years before having an expert look at evidence of an unsolved homicide

under a microscope. We know that the Sheriff's Office was considering fibers in 1993 due to a statement from Sheriff Isgett to the press. The methods used by Dr. Koch with the McCrone Group included Light Microscopy (LM), Polarized Light Microscopy (PLM), Sample Preparation and Fourier Transform Infrared (FTIR) spectroscopy. The McCrone Group was founded in 1956 as a highly specialized microscopy consulting firm. In 1984, McCrone added an IR-microscope to an FTIR system and performed the first micro-FTIR analyses using advanced small sample techniques. Michael Moskal has said that 90% percent of SLED training comes from McCrone, so SLED would've had access to these abilities contemporaneously to the advancements by McCrone. (Audio recording of interview with Michael Moskal available upon request) This incident occurred in 1989. The McCrone Group was not consulted until 2023.

As stated above, the key factor in balancing the prejudice and the justification is whether the government's actions in prosecuting after substantial delay violates "fundamental concepts of justice" or "the community's sense of fair play and decency." Here, it is apparent that the prejudice suffered by the delay is not justified. The initial investigation resulted in a well-versed Deputy Solicitor dismissing the case. A subsequent attempt was made by Sheriff Isgett and Solicitor Schwaske that resulted in the case being No Billed by the Grand Jury in February of 1992. The next sheriff and his head of investigations admitted to doing nothing on the case for a minimum of nine years, probably longer. (Exhibit F) To Sheriff Lewis' credit, he put together a team of detectives and attempted to solve the case. However, the results do not appear to include any significant changes in evidence from what was alleged over thirty years ago, and it surely does not produce enough evidence to justify a 34 year delay.

Because the law allows the Court to consider the "fundamental concepts of justice" or "the community's sense of fair play and decency," it is necessary to consider the amount of burden shifting that has happened since 1989 and continues to happen in 2024 in making the determination. While Mrs. Turner acknowledges there is no Statute of Limitations in South Carolina, the 35 year delay is extreme, abnormal and unprecedented in our state, the delay is not justified by the discovery of a "smoking gun" that materially changes the circumstances of the case. It only serves to completely strip Mrs. Turner of her constitutional right to a fair trial. For these reasons, we ask the Court to dismiss the charge against Megan R. Turner for unreasonable pre-indictment delay.

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Manning, South Carolina
February 6, 2024

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF GENERAL SESSIONS**
	)	**FOR THE NINTH JUDICIAL CIRCUIT**
COUNTY OF BERKELEY	)	
	)	
State of South Carolina,	)	
	)	**EXHIBIT LIST**
vs.	)	
	)	
Megan Renee Turner,	)	
	)	
Defendant.	)	
	)	

This exhibit packet contains exhibits referenced in Megan R. Turner's *Motion to Dismiss for Undue Pre-Indictment Delay*. Mrs. Turner submits the following exhibits in conjunction with her motion and memorandum of law.

Exhibit A: H. Allen Morris, "*Isgett to present Justin Turner murder suspect to Grand Jury*," The Berkeley Independent, (December 25, 1992)

Exhibit B: State v. Lee, 375 S.C. 394, 653 S.E.2d 259 (S.C. 2007)

Exhibit C: H. Allen Morris, "*Wrenn makes statement about Justin Turner case*," The Berkeley Independent, (July 14, 1993)

Exhibit D: Arlie Porter, "*Isgett has 'the key' in Turner Case*," The Post and Courier, (October 10, 1991)

Exhibit E: The Associated Press, "*Inquest into boy's death resumes*," The Sun News, (December 19, 1989)

Exhibit F: Dan Brown, "Who killed Justin Turner?", The Berkeley Independent (March 2, 2011), https://www.postandcourier.com/berkeley-independent/news/who-killed-justin-turner/article_c6fdff44-c12f-55dd-9877-9af494596a02.html

Exhibit G: The Associated Press, "Microscopic fibers link couple to 5-year-old son's strangulation 34 years ago, sheriff says," (January 11, 2024 3:49PM), https://apnews.com/article/fibers-cold-case-turner-south-carolina-bd5c8cc30540e3547583c1ed0b6a256f

Exhibit H: Detective John L. Plitsch, "What's new" Berkeley County Sheriff's Office, P. 4180-4184 of discovery

Exhibit I: The McCrone Group,(Feb. 1, 2024) https://www.mccrone.com/mccrone-group-history/

EXHIBIT A

IMPORTANT NOTICE

THE BERKELEY INDEPENDENT NEW YEAR'S SCHEDULE IS PUBLISHED ON PAGE 3D.

Season's Greetings

INSIDE

HELPING HANDS MAKES CHRISTMAS MERRIER... SEE PAGE 5A.

The BERKELEY INDEPENDENT

Volume 74, Issue 32 Wednesday, December 25, Sections/32 Pages/50¢

Isgett to present Justin Turner murder suspect to Grand Jury

By H. Allen Morris
Independent Editor

Berkeley County Sheriff Ray Isgett is convinced he not only knows who killed 5-year-old Justin Turner, he is also convinced another person or persons may be involved in the cover-up of the murder.

Sheriff Isgett said, "After meeting and a complete and exhaustive review of the evidence surrounding the murder of Justin Lee Turner, SLED officials, 9th Judicial Circuit Charles Condon and I, as sheriff, have agreed to present to the Berkeley County Grand Jury, meeting the first of January, sufficient evidence to obtain an indictment for an arrest in the Justin Turner murder case.

"We have reviewed every minute bit of information available in this case through SLED, the FBI and even Scotland Yard. We have been convinced for some time we know who, when, why and how Justin Turner was killed.

"Before we proceeded with presenting the case to the Grand Jury we wanted the best possible scenario to get a conviction. Because of that we reviewed all the information with Solicitor Condon over a period of time complete with charts and diagrams showing how bits of information might be related. We found enough of that information related to know we were on the right track.

"Our request for an indictment may surprise many people who have guessed for some time who that might be. However, we feel comfortable our approach will be the best one to bring about the desired resolution of this case which has plagued the people of Berkeley County ever since little Justin's body was discovered."

Isgett continued, "I have said before, and I repeat, solving the Justin Turner murder case is more important to me than being sheriff. If I had to give up being sheriff to make certain the person or persons responsible for the murder of Justin Turner receives a conviction and the deserved punishment I would do so."

After Isgett returned from Washington, D. C. where he presented the Turner murder case history to FBI behavior scientists at the National Center for Analysis of Violent Crime, forensic scientists, and Scotland Yard

See TURNER.....Page 6A

Justin Turner, shortly before he was brutally murdered.

Page 1 of 3 Rule 5 #2507

93

TURNER

from Page 1-B

Investigations and the State Law Enforcement Division.

"I have given this case my utmost attention and feel confident that I, and my department, have made every effort to move forward with this matter and bring it to trial. Unfortunately, my authority ends where the solicitor's begins and I do not control the decision whether to seek an indictment," the statement says.

Isgett's statement says Schwacke won't prosecute the case because the solicitor thinks "the non-existence of certain evidence would be fatal to any prosecution at this time."

Isgett told The Post and Courier Wednesday that there was no particular reason why he chose to suddenly issue the statement.

However, in the statement, Isgett says "people have begun to question my integrity based upon certain prior statements which I have made."

In May 1991, Isgett announced that new information had surfaced in the case and that an arrest could be expected soon.

In October 1991, Isgett said he was convinced he knew who killed the boy and he would meet with the solicitor's office.

A grand jury met in February 1992 and reviewed evidence in the case, but no indictments were returned.

The grand jury appealed to state lawmakers to change state law to require one spouse to testify against another if one has knowledge of a child's murder.

A bill, which Schwacke dubbed "the Justin Turner amendment," sailed through the state Legislature in March 1992. The measure allows a judge to hold a spouse in contempt of court for refusing to testify against his or her spouse in a criminal or civil case involving the death of a child.

The Legislature also passed a law defining the crime of homicide by child abuse and neglect, also as a result of the Justin Turner case.

Responding to Isgett's statement, Schwacke said he could not publicly comment about the quality of evidence in the case. "I'm not allowed to comment on that by court rule," he said. "But my first thought is, this should not be turned into a political football. It doesn't do anything to further prosecution of the case and it doesn't do justice to the family."

Isgett said he has been worried about the case ever since Schwacke took office. He said Schwacke and he disagree on how to handle the case. "He doesn't think we have enough for a conviction, but I say go for the indictment and get the ball out of my court, out of his court and into a court of law."

Schwacke said he might be able to get an indictment in the case. "But I am not sure we could get a conviction and we would risk double jeopardy if we tried the case and lost."

Given the present evidence, Schwacke said, he doesn't think the case would ever get to a jury. "I think we would get a directed verdict of acquittal," he said.

Neither Isgett nor Schwacke would say who they think killed Justin Turner. Isgett said he is convinced he knows who did it. "I can't say, because of the statute on pretrial publicity," Isgett said. Schwacke said he couldn't answer the question.

Isgett said he holds no ill will toward Schwacke. "He supports me and I support him," he said. Isgett endorsed Schwacke's candidacy in November. Isgett is up for re-election next year and he confirmed Wednesday that he intends to run again.

"I'm going to run a pocket change campaign this time," he said. "I'm going to ask people who support me to come home each night and take their change out of their pockets, put it in a bucket and save up enough to contribute to my campaign that way."

Page 2 of 2

EXHIBIT B

No. 26393
Supreme Court of South Carolina

State v. Lee

375 S.C. 394 (S.C. 2007) · 653 S.E.2d 259
Decided Nov 5, 2007

No. 26393.

Heard September 20, 2007.

Decided November 5, 2007.

395 Appeal from the Circuit Court, Aiken County, James K. Barber, J. *395

Attorney General Henry Dargan McMaster, Chief Deputy Attorney General John W. McIntosh, Assistant Deputy Attorney General Salley W. Elliott, Assistant Attorney General David A. Spencer, all of Columbia, and Barbara R. Morgan, of Aiken, for Petitioner.

Appellate Defender Robert M. Pachak, of South Carolina Commission on Indigent Defense, Division of Appellate Defense, of Columbia, for Respondent.

396 *396

Justice PLEICONES:

Respondent Larry Lee (Lee) was indicted in 2001 for first-degree criminal sexual conduct (CSC) and lewd act upon a child based upon charges that he sexually abused his two stepdaughters on separate occasions between 1982 and 1985. The jury found Lee guilty, and he received an aggregate sentence of forty-five years imprisonment. The Court of Appeals vacated Lee's convictions, finding the excessive pre-indictment delay violated the Due Process Clause of the Fifth Amendment. *State v. Lee*, 360 S.C. 530, 602 S.E.2d 113 (Ct.App. 2004). We granted the State's petition for certiorari and now affirm.

FACTS

Lee married the mother of the two alleged victims in 1982. Lee, his wife, and the two stepdaughters moved into a home together. In 1988, the Department of Social Services (DSS) investigated allegations that Lee sexually abused his step-daughters. These allegations arose during a juvenile criminal investigation involving the
397 stepdaughters. DSS removed the stepdaughters from the home and placed them in the custody *397 of their aunt, but DSS returned the stepdaughters to the home with Lee within several months.

The solicitor's office represented DSS during the family court hearings in 1988 which involved the allegations against Lee. According to the State, the procedure used at that time was for an assistant solicitor to prosecute family court cases on behalf of DSS. After the family court proceedings, the State took no further action until Lee was indicted in 2001.

ISSUE

Did the Court of Appeals err in vacating Lee's convictions due to excessive pre-indictment delay in violation of the Due Process Clause of the Fifth Amendment?

ANALYSIS

The State argues the Court of Appeals erred in vacating Lee's convictions based on the excessive pre-indictment delay. We disagree.

We have adopted a two-prong inquiry when pre-indictment delay is alleged to have violated a defendant's due process rights. *State v. Brazell*, 325 S.C. 65, 72-73, 480 S.E.2d 64, 68-69 (1997) (citing *U.S. v. Lovasco*, 431 U.S. 783, 97 S.Ct. 2044, 52 L.Ed.2d 752 (1977)). First, the defendant must prove that the delay caused substantial actual prejudice to his right to a fair trial. *Id.* The second prong requires the court to consider the reason for the State's delay and to balance the justification for the delay against the prejudice to the defendant. *Id.* The State contends that the Court of Appeals erred by finding Lee satisfied both parts of the inquiry.

Substantial Actual Prejudice

The State argues the Court of Appeals erred in holding that Lee met his burden of proving substantial actual prejudice because Lee presented only non-specific, conjectural possibilities of prejudice. We disagree.

To prove substantial prejudice, Lee must show that he was "`meaningfully impaired in his ability to defend
398 against *398 the [S]tate's charges to such an extent that the disposition of the criminal proceeding was likely effected [sic].'" *Brazell*, 325 S.C. at 73, 480 S.E.2d at 69 (quoting *Jones v. Angelone*, 94 F.3d 900, 907 (4th Cir. 1996)). Prejudice to the defense of a criminal case may result from the shortest and most necessary delay, but every delay-caused detriment to a defendant's case should not abort a criminal prosecution. *U.S. v. Marion*, 404 U.S. 307, 324-325, 92 S.Ct. 455, 30 L.Ed.2d 468 (1971). To accommodate the sound administration of justice to the rights of the defendant to a fair trial will necessarily involve a delicate judgment based on the circumstances of each case. *Id.* at 325, 92 S.Ct. 455.

To meet his burden of showing substantial prejudice, the defendant must identify the evidence and expected content of the evidence with specificity, as well as show that he made serious efforts to obtain the evidence and that it was not available from other source. *Brazell, supra.* The State argues that Lee cannot prove the alleged exculpatory evidence with specificity, and it contends that the missing evidence is just as likely to be inculpatory instead of exculpatory. The State's argument is without merit.

The Court of Appeals determined:

> Lee did more than merely rely on the length of the delay to establish substantial actual prejudice. As Lee's counsel pointed out, the delay of twelve years presented a significant obstacle in preparing an adequate defense and receiving a fair trial. All the records from the family court case have been destroyed. No records contemporaneous with the alleged offenses are available, particularly those explaining why the stepdaughters were placed back into Lee's home after being removed. Lee's efforts to acquire the same information from other sources were likewise unavailing. Lee's original attorney could not be located, and the DSS investigator could recall no specifics about the investigation. Without this information, Lee's counsel could not adequately cross-examine the victims and other family members regarding the alleged incidents and the juvenile investigation that prompted DSS to become
> 399 involved. Moreover, Lee's counsel was also prevented from refuting *399 the delayed disclosure evidence presented by the State through its expert witness.

Lee, 360 S.C. at 538, 602 S.E.2d at 117-118.

Ample evidence supports the Court of Appeals' conclusion that Lee suffered actual substantial prejudice from the pre-indictment delay. Lee had no record of the previous DSS investigation into the alleged abuse. He could not gain access to evidence concerning the Department of Juvenile Justice investigating officer or records from the family court proceedings. Because Lee *never* had access to these records, it was admittedly difficult for him to accurately identify specific pieces of evidence that would have exonerated him. Nonetheless, the absence of any contemporaneous evidence prejudiced Lee's ability to defend himself, as he had no ability to cross-examine the State's witnesses nor obtain items of exculpatory evidence. The missing evidence, although possibly damaging, on balance would have likely benefited Lee because it would have revealed the State's justification for placing the stepchildren back in the home with Lee and revealed why the State did not prosecute him in 1988 or 1989.

For these reasons, the Court of Appeals did not err in determining Lee proved he suffered substantial actual prejudice due to the pre-indictment delay.

Justification for Delay

The State argues that Lee cannot satisfy the second prong of the due process analysis for pre-indictment delay because there is no evidence that the State acted intentionally to gain a tactical advantage over Lee. The State also argues that the twelve year delay was justified when compared to the purported prejudice to Lee. We disagree, as the absence of any prosecutorial bad faith motive is not fatal to Lee's Fifth Amendment claim.

Brazell sets forth the test for excessive pre-indictment delay under the Fifth Amendment. In *Brazell*, we
400 adopted the Fourth Circuit standard[1] for the second prong of the due *400 process analysis. The State argues that *Brazell* did not adopt the Fourth Circuit test because the *Brazell* court declined to consider the second part of the test after Brazell failed to establish substantial actual prejudice. We disagree. Although *Brazell* did not specifically acknowledge the adoption of the Fourth Circuit rule, the Court clearly adopted the Fourth Circuit's test for pre-indictment delay by citing *Howell* and *Automated Med. Laboratories* when it discussed the two-part inquiry.

[1] The Fourth Circuit is one of two federal circuits that does not currently require a showing that the government intentionally delayed the indictment so as to gain a tactical advantage. *See U.S. v. Automated Med. Laboratories, Inc.*, 770 F.2d 399 (4th Cir. 1985); *Howell v. Barker*, 904 F.2d 889 (4th Cir. 1990).

Regardless, we find the Fourth Circuit standard to be the better rule. Requiring a higher burden of proof in proving improper motives on the part of the prosecution would put an almost impossible burden on defendants to maintain a Fifth Amendment due process claim in pre-indictment delay cases. *See Howell, supra* at 895 (holding that to require proof of prosecutorial bad faith would mean that no matter how egregious the prejudice to a defendant, and no matter how long the pre-indictment delay, if a defendant cannot prove improper prosecutorial motive, then no due process violation has occurred and that this conclusion, on its face, would violate fundamental conceptions of justice, as well as the community's sense of fair play).

Accordingly, the second part of the due process inquiry requires the court to consider the prosecution's reasons for the delay and balance the justification for delay with any prejudice to the defendant. *Brazell, supra.* When balancing the prejudice and the justification, the basic inquiry then becomes whether the government's action in prosecuting after substantial delay violates "fundamental conceptions of justice" or "the community's sense of fair play and decency." *Id.* (quoting *U.S. v. Automated Med. Laboratories, Inc., supra* at 404).

With the balancing test in mind, the Court of Appeals correctly held that the State offered no valid explanation for the delay in indicting Lee, and thus, in light of the prejudice to the defendant, the prosecution of Lee twelve years later violated fundamental concepts of justice and the community's sense of fair play. The only explanation ever given by the State involved its reason for indicting Lee in 2001, namely that other allegations
401 and charges of similar conduct with other *401 alleged victims had surfaced. However, this rationalization does not explain the delay from 1988 to 2001, nor does it justify the substantial prejudice to Lee's ability to defend against these charges.

CONCLUSION

For the reasons previously stated, the Court of Appeals did not err in vacating Lee's convictions due the excessive pre-indictment delay of twelve years.

AFFIRMED.

MOORE and WALLER, JJ., concur.

TOAL, C.J., dissenting in a separate opinion in which Acting Justice E.C. BURNETT, III, concurs.

Chief Justice TOAL dissenting:

I respectfully dissent. In accordance with the majority of the federal circuits that have addressed the issue, I would hold that pre-indictment delay does not violate the Fifth Amendment's due process clause unless a defendant can show both actual prejudice and that the State has intentionally delayed the issuance of an indictment in order to gain an unfair tactical advantage. *See Jones v. Angelone*, 94 F.3d 900, 905 (4th Cir. 1996) (recognizing that this test applies in every federal circuit save the Fourth and the Ninth).

But leaving this aside, I disagree with the majority's analysis of how the facts presented here interact with the majority's interpretation of this Court's decision in *State v. Brazell*, 325 S.C. 65, 480 S.E.2d 64 (1997). In contrast to the specific showing of prejudice *Brazell* purports to require, there is no specific showing of prejudice in the instant case. *See id.* at 73, 480 S.E.2d at 69 (providing that when the claimed prejudice is caused by the unavailability of a witness, courts require that the defendant identify the witness he would have called; demonstrate, with specificity, the expected testimony; establish that the defendant made serious attempts to locate the witness; and show that the information the witness would have provided was not available from
402 another source). Although the court below broadly asserted that "[n]o records *402 contemporaneous with the alleged offenses are available . . . [and Appellant's] efforts to acquire the same information from other sources were likewise unavailing," *State v. Lee*, 360 S.C. 530, 538, 602 S.E.2d 113, 117-18 (2004), the record in this case reveals only that Appellant's attorney tried (unsuccessfully) to subpoena documents from the Department of Social Services, and that the persons the attorney sought to interview did not recall these specific incidents. In my view, this is a showing totally devoid of specificity.

The record does not contain any evidence of an attempt to view the family court's file regarding the prior incidents. Furthermore, there is no evidence demonstrating that other purportedly sought evidence, such as the alleged victims' school records, could not be obtained from alternate sources; nor is there evidence that the information purportedly contained in school records or in the minds of potential witnesses could not be obtained through interviewing other family members or acquaintances. Finally, there is no specific assertion as to how any of this information would be beneficial to Appellant. No Court may justifiably ask a litigant to prove a negative — that is to say, no Court may ask a party to specifically establish the contents of a document

that the party has never seen or the substance of testimony a party has never heard — but Appellant's arguments are, at bottom, utter speculation regarding the possible content of documents that may never have even existed. In my view, *Brazell* requires substantially more in the way of specificity.

As a final aside, I would dismiss the lower court's assertion that the State offered no substantial reason for the pre-indictment delay as completely out of place given this case's posture. *Id.* at 539, 602 S.E.2d at 118. At trial, the court adopted the State's position that the court could not find a due process violation absent a showing that the State intentionally delayed the issuance of an indictment in order to gain an unfair tactical advantage. Thus, at trial, there was no need for the State to offer any justification for the delay whatsoever. We ought not ask the parties to make any kind of an evidentiary showing in this Court that they did not make below. If *Brazell* 403 requires reversal of the trial court's decision *403 because the court applied the wrong legal standard, we ought to remand to the trial court for application of the correct one.

For the foregoing reasons, I respectfully dissent.

Acting Justice E.C. BURNETT, III, concurs.

EXHIBIT C

FD-350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.) 1-A

The Berkeley Independent
Moncks Corner, SC

Date: 07/14/93
Edition:

Title: Wrenn makes statement about Justin Turner case

Character: 252A-CO-15922 - 7
or
Classification:
Submitting Office: Columbia

Indexing:

Wrenn makes statement about Justin Turner case

By H. Allen Morris
Independent Editor

Sidney R. Wrenn, who announced his candidacy on June 29 for Berkeley County Sheriff in the Democrat Party primary, released a prepared statement on Monday about the Justin Turner murder case, which he investigated for the Berkeley County Sheriff's Department under Sheriff M. C. Cannon.

Elaine Pace, mother of Justin Turner, filed a suit against the Berkeley County Sheriff's Department alleging the investigation was not handled properly. The suit was later dismissed.

Wrenn stated, "Since the announcement of my candidacy, it has been brought to my attention by some members of the news media and some private citizens I was going to be asked about the Justin Turner case.

"At this time, and only this time, I make the following statement concerning the case.

> "I do not intend to answer any further questions or make any further statements concerning this case during my campaign".
> **Sidney R. Wrenn**

See WRENN.....Page 2A

252A-CO-15922-7

SEARCHED ... INDEXED
SERIALIZED ... FILED
JUL 19 1993
FBI - COLUMBIA

FBI/DOJ

WRENN

From Front Page

"More than four years ago, when this terrible tragedy occurred, it broke the hearts of everyone in the tri-county area, including me, not to mention the terrible lost and grief placed upon the family. It has been the most publicized case I have ever been involved with because of its nature and the fact it was never solved.

"In so far as the investigation of the case is concerned, it is by far one of the best investigated cases this state has ever known. All evidence that could be found on a homicide scene such as this, was found on the scene by the SLED Forensic Crime Scene Team. That evidence consisted of hairs, fibers, saliva, prints, clothing, etc. Even what was believed to be the murder weapon, the leash for the boy's little dog, was taken as evidence. All the evidence was found in the home of Justin Turner where it had a perfect right to be. I knew, from the very beginning, if the person who committed the murder never confessed, the case would not be solved.

"Any police officer, whomever they may be, that would make a statement they could, would or was going to solve this case without first having a confession from the guilty party to someone, is completely ludicrous and has absolutely no knowledge about homicide investigations.

"I have no intention of taking any part with any other candidate for the office of sheriff in using this case as a political football in this campaign. I am in total agreement with the Republican Solicitor David Schwake, when he made a similar statement some time ago.

"God forbid, this case will go forever unsolved.

"I do not intend to answer any further questions or make any further statements concerning this case during my campaign.

"Please allow little Justin Turner and his family to rest in peace the best they can. I, too, am having to live with a very tragic loss."

EXHIBIT D

Isgett has 'the key' in Turner case

By ARLIE PORTER
Of The Post and Courier staff

Berkeley County Sheriff Ray Isgett said he's convinced he knows who killed Justin Turner, and Isgett met Monday with 9th Circuit Solicitor Charles M. Condon to discuss the evidence.

"I'm thoroughly convinced with who did it. ... I think we have the key to convict someone of murder," Isgett said Tuesday.

He would not reveal his suspect in the crime.

The 5-year-old's body was found stuffed in a pickup truck camper outside his Moncks Corner home March 5, 1989, two days after he was reported missing. He had been sexually assaulted and strangled, a medical examiner said.

Justin's stepmother, Pamela Turner, was arrested for the murder, but charges were dropped in November 1989 for lack of evidence.

In June, Isgett said he believed he had enough evidence to make an arrest, but he stopped short of saying he could get a murder conviction. At the time, he said a decision would be made either way by the end of this year.

Isgett said Tuesday that he plans to meet again with the solicitor to fully brief him on the case.

"I'll brief him with everything I

Please see TURNER, Page 4-B

TURNER

from Page 1-B

know and see if he comes up with the same conclusion," Isgett said. If Condon agrees to press charges, an arrest would be made directly afterward, he said.

While Isgett said he's convinced, "of course, I've got to convince the solicitor and 12 jurors."

Condon was out of town Tuesday and couldn't be reached for comment.

Isgett said a fiber taken from Justin's body — and tested just this year — helped rule out one suspect believed to have committed the murder. But it supported suspicions of another person, he said.

Meanwhile, he's met with S.C. Law Enforcement Division and FBI agents to profile the possible killer and each expert supported his conclusion, Isgett said.

"As far as I'm concerned we're to the point where I'm satisfied that we need to either go forward with it or set it aside for new developments," Isgett said.

"If we can't get a murder conviction, what is the next best thing? Is it a manslaughter charge? I want to go with murder," he said.

10/10/91

EXHIBIT

E

28

SOUTH CAROLINA PRESS ASSOCIATION
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The Sun News
Myrtle Beach, S.C.

D-21,987
Sunday-25,524

DEC 19 1989

28 TUESDAY

Inquest into boy's death resumes

THE ASSOCIATED PRESS

MONCKS CORNER — An inquest to try to determine who strangled and assaulted a 5-year-old boy began Monday, four months after a similar hearing was halted when the coroner conducting the inquiry fell ill.

The first inquest, which began Aug. 21, was canceled after one day when Berkeley County Coroner William Smith Jr. was rushed to the hospital with chest pains. He was given a clean bill of health and released.

Smith had called that inquest and Monday's inquiry to try to find out who sexually assaulted and strangled Justin L. Turner of Moncks Corner.

The boy's body was found in a camper outside his parents' home on March 5, two days after he was reported missing. His stepmother, Pamela K. Turner, called authorities after the child failed to return from kindergarten.

The second inquest began Monday with testimony from sheriff's Deputy James Gethers. The deputy said Monday that after he was notified of the boy's disappearance, he searched the Turner home twice and took a brief look in the camper but did not see the boy.

More than 70 people have been subpoenaed to testify before the six-member inquest jury, Smith said. Among those subpoenaed were Mrs. Turner; Justin's father, Victor L. Turner; the boy's mother, Elaine Pace; and his stepfather, Russell Pace.

Smith would not specifically say who would be called to testify at the inquest, which could last three to five days.

Hugh Munn, spokesman for the State Law Enforcement Division, said there have been no new developments in the murder investigation.

In May, Berkeley County Sheriff M.C. Cannon issued a statement implying that authorities knew who killed the boy but couldn't prove it.

In June, Smith announced that an inquest was to be held July 17. But four days before that date, the inquest was postponed until Aug. 21 at the request of investigators.

When that inquest got under way, the Turners refused to testify by invoking the 5th Amendment to the U.S. Constitution — their right not to say anything that might incriminate them. Their lawyers said the couple was advised not to answer questions because their rights were not protected under the rules of the inquest.

On Aug. 22, the inquest was halted when Smith was rushed to the hospital. That same day SLED announced an investigation into an allegation of jury tampering by Smith, who was spotted the previous night at the murder site with the jury foreman. In November, SLED cleared Smith of any wrongdoing.

According to state law, coroners can call inquests to explain the cause of someone's death.

If the six inquest jurors determine a victim was murdered, they then determine principal figures in the case; whether someone threatened the victim or committed murder; and the instrument with which the victim was killed.

If an inquest jury determines that a victim was murdered by a specific person, the coroner may sign an affidavit for an arrest warrant or the solicitor may seek an indictment.

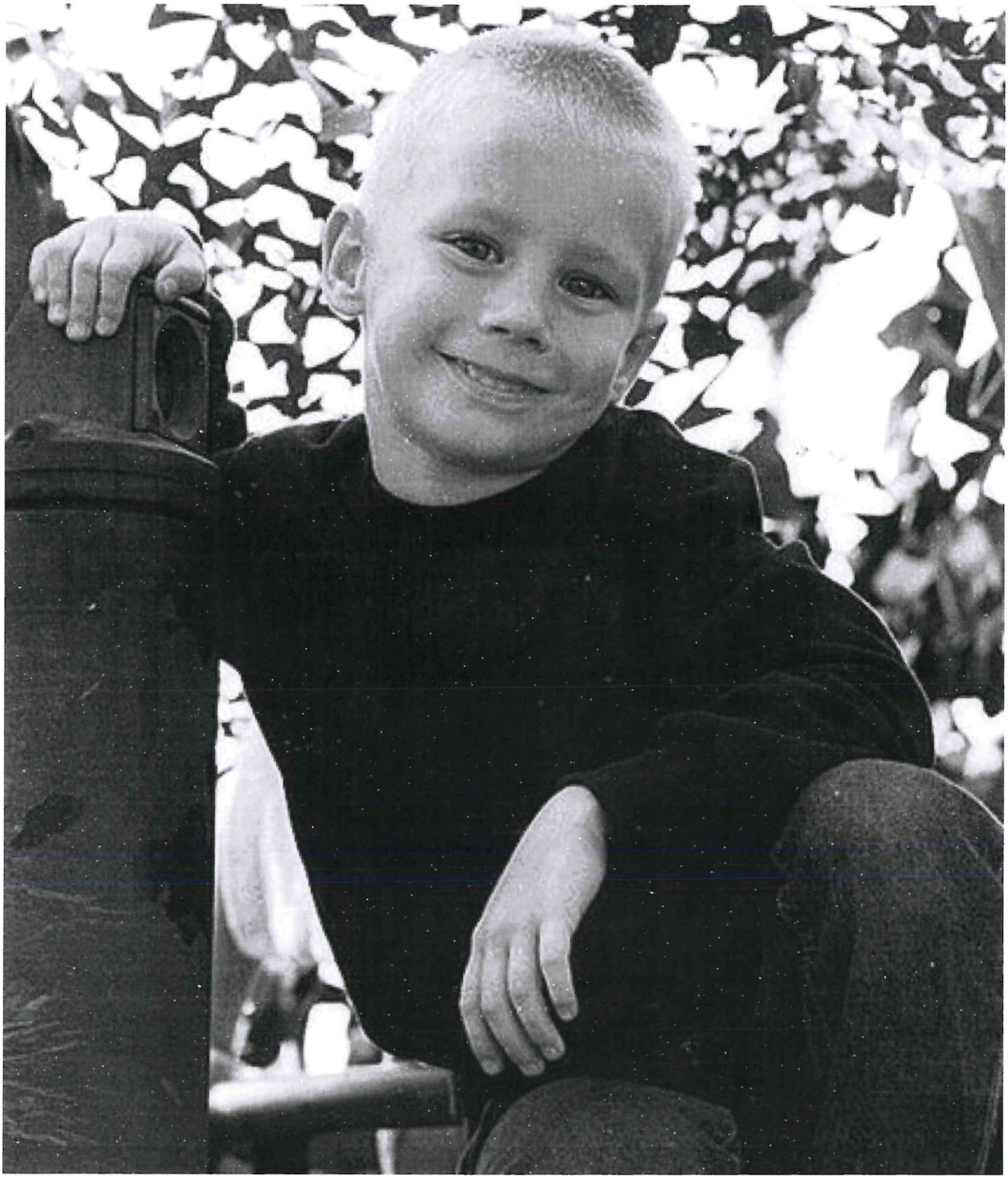
EXHIBIT F

https://www.postandcourier.com/berkeley-independent/news/who-killed-justin-turner/article_c6fdff44-c12f-55dd-9877-9af494596a02.html

Who killed Justin Turner?

DAN BROWN

MAR 2, 2011



Justin Turner

Public's help sought 22 years after shocking murder

Little Justin Lee Turner has not been forgotten.

Not around Berkeley County, not around Moncks Corner, and certainly not around the halls of the Berkeley County Sheriffs Office.

Thursday marks the 22nd anniversary of the five-year old's death. At the time of the killing, he was a kindergarten student at Whitesville Elementary School.

This is the first in a series about Berkeley County's oldest active unsolved murder case. That it remains unsolved is a sore point with Berkeley County Sheriff Wayne DeWitt and BCSO investigators. To this day, they are puzzled at the lack of physical evidence.

"We did not have the physical evidence to prosecute anyone for Justin Turner's murder back then, and to date there has been surprisingly little evidence surfacing in regard to this case," said DeWitt. "It's a case that a lot of people in this county would love to see solved.

"It weighs on a lot of people's mind."

According to Captain Rick Ollic, head of the BCSO's Criminal Investigation Division, on March 3, 1989 BCSO deputies responded to a missing child call at 214 Horseshoe Road in Moncks Corner.

"The only information we had at the time was that he was supposed to leave the residence in the morning to catch the school bus," Ollic said. "He did not get off the bus that afternoon."

It was later learned through an investigator's interview with the bus driver that Turner never got on the bus that morning.

"When Justin Turner didn't get off the bus that afternoon from school, the stepmother, Pamela Karen Turner, called the Sheriff's Office to report the boy missing," Ollic said. "That's when (the BCSO) initiated a search of the immediate area,"

Ollic was a road deputy with BCSO at the time and participated in the actual search.

Deputies and the Berkeley County Rescue Squad conducted a search of the Horseshoe Road area. "They couldn't find anything," Ollic said.
Ollic added that SLED (State Law Enforcement Division) had been called in on March 4 to provide assistance in the search. The search team grew to more than 100 members of law enforcement, volunteer firefighters, and the South Carolina Department of Natural Resources as investigators scoured the nook of Horseshoe Road where Justin Turner lived with his father and stepmother.

"Investigators interviewed everyone in the bus stop area," Ollic said. "No one saw the boy at the bus stop area that morning. The step-mom said she was in the shower when Justin Turner knocked on the door to say he was leaving."

According to the case file, the search continued until March 5, when the body was discovered in a camper located on the property.

The body was found by the boy's father, Victor Turner.

DeWitt, then a chief deputy with the BCSO, finds this discovery odd.

"For the dad to be the one to find the body is so ironic," he said. "We had so many people out there looking for him that it's a little odd that the dad found him before anyone else did."

During the original search in the days before Victor Turner's discovery of his son's body BCSO deputy Phil Mason – who had been on the scene since day one – had already searched the camper and did not find the body inside.

While no suspect or suspects were ever charged with the murder, investigators originally focused their attention on Pamela Turner as a suspect and the boy's father.

"The investigation still considers Pamela Turner a suspect in Justin Turner's murder and the father Victor Turner as someone who may know something about what happened," DeWitt said.

According to the file, Justin Turner died by asphyxiation due to strangulation and sexual assault with a blunt object. Ollic said no DNA evidence was found on the body.

"There was nothing found on the scene or the boy's body that would lead investigators to the identity of those responsible for his death," Ollic said.
He added that he has pulled the physical evidence out of the archives and is going over everything they have again.

"There just isn't anything new out there to tell us much," he said. "We need some help in solving this crime."

DeWitt is asking the public for help and says no thought or recollection of the event is considered too trivial for BCSO investigators.

"You may think it's not important but it could be of great magnitude to this case," DeWitt said. "There are so many things involved with this case that simply don't add up."

Justin Turner's natural mother, Elaine Pace, kept the case alive over the years, according to DeWitt.

"She called the case investigators all the time," he said. "She was all over this case wanting to know if anything new had come up."

Pace died in 2004 and with her so did Justin Turner's case.

"We last looked at the case back in 2002," Ollic said. "Nothing new has turned up. No new information has come forward."

"This is one case we want to get solved," DeWitt said. "When the story surfaces hopefully someone out there will read this and remember something or get that pull on their conscience and come forward with some new information."

Anyone with information regarding the murder of Justin Turner is invited to call the Berkeley County Sheriff's Office Criminal Investigations Division at (843) 719-4412, or 719-4424. In Charleston, call (843) 723-3800, extension 4412 or 4424.

Interested parties can also call the Crime Stopper's hotline to remain anonymous. That number is (843) 554-1111.

"Somebody's got to know something," Ollic said.

EXHIBIT G

U.S. NEWS

Microscopic fibers link couple to 5-year-old son's strangulation 34 years ago, sheriff says

1 of 3 | Berkeley County Sheriff Duane Lewis announces the arrests of the father and stepmother of a 5-year-old boy killed on 1989 during a news conference, Wednesday, Jan. 10, 2024, in Moncks Corner, S.C. (Kailey Cora/The P Read More

fibers found on the boy's shirt to a ligature that investigators located at the couple's home, a sheriff said.

Victor Lee Turner, 69, and Megan R. Turner, 63, have been charged with murder in the death of 5-year-old Justin Turner, Berkeley County Sheriff Duane Lewis said at a news conference Wednesday.

The boy's body was found inside a cabinet in a camper behind the Turner home in March 1989.

Investigators immediately thought the killing scene had been staged and caught the couple in lies, including that he had gotten on the school bus the morning he disappeared, Lewis said. Megan Turner was charged with murder shortly after the boy's death, but prosecutors dropped the charge, with the condition that they could refile it if more evidence emerged.

READ MORE

Newspaper heiress Patty Hearst was kidnapped 50 years ago. Now she's famous for her dogs

Scientific advancements, combined with evidence collected in 1989, was the push needed, the sheriff said.

Tiny fibers from a ligature that investigators found at the home shortly after the boy's disappearance were found to match those found on the boy's shirt, sheriff's deputies said in the arrest warrants.

"That enabled us to tie in the murder weapon that we believe was used to strangle Justin to clothing and fabric on his clothing at the time of his death," Lewis said.

Investigators suspected the Turners from the beginning, based not only on the ligature, but the couple's behavior. Other possible evidence was that food from a dinner the family had eaten the night before Justin was reported missing was found during an autopsy to be only partially digested. Investigators said that indicated the boy was killed not long after he ate. The couple said the last time they saw Justin alive was the next morning as they got him ready for school.

The child's body was found two days after he was reported missing. Just as a massive search was getting underway, Victor Turner entered the camper as a TV camera filmed him and seconds later said he found the body among the many cabinets and drawers in the camper, deputies said.

Turner didn't check to see if the boy was alive, instead backing out and saying someone had hurt him, according to the statement.

"He looked dead. I could feel something was wrong with him. I did not touch him," Turner later told investigators.

Before the body was discovered, a witness said Turner asked a law enforcement official what might happen to a family member who had harmed the boy, deputies said.

Deputies said the couple do not have lawyers. They are being held without bail at the Berkeley County jail after being arrested at their home in Laurens County, about a three-hour drive away.

The sheriff said deputies gave them ample time to talk during the ride after reading them their rights, but they chose not to.

"I never got one phone call — one phone call — from his daddy or his stepmother. 'What are y'all doing about my son's death?' Not one. What does that tell you?" Lewis said.

Several members of the boy's family were at the news conference, including Amy Parsons, who was 8 when her cousin died. She said while many of her relatives grieved and cried and demanded justice — including the boy's mother, who has since died — the Turners moved away and disconnected.

"Put these two people where they deserve to be because they walked for 34 years," Parsons said. "They had freedom for 34 years while our family suffered."

EXHIBIT H

In February 1990, Pam Turner was subsequently indicted by Berkeley County Grand Jury on the Murder charge. According to Deputy Solicitor Steve Davis, on November 26, 1990, however, the charge against Pamela Turner in the death of Justin Lee Turner was dismissed "without prejudice" meaning the charge may be reinstated if circumstances change (further developments in the case are made). The indictment was stamped to indicate the dismissal was "due to insufficient evidence".

On January 21, 1992, Lt. Randy Herod and S/A Jim Barry reinterview Sandra Jacobs and affirm that she has reviewed her previous statements and has nothing to add, edit, or delete. On January 23, 2023, Det. Plitsch located and spoke with Sandra (Jacobs) Lee via phone. She reaffirmed she has reviewed her statement and stands by them as true and correct to the best of her knowledge.

SLED revealed through the Spartanburg County Clerk of Court's Office that on January 10, 1995, shortly after Sheriff H. Wayne DeWitt took office, Pamela Karen Turner petitioned the Court for a name change to Megan Renee Turner. Turner cited she never liked the first and middle names given to her at birth as her reason for the name change. Petition to Court was approved on March 30, 1995.

On or about May 11, 2016, samples of DNA were collected using Buccal Swabs from Victor Turner and Megan R. (Pamela) Turner pursuant to a search warrant issued by Spartanburg County Magistrate.

What's New?

Comprehensive Timeline – perspective – additional details

The biological father, Victor "Buddy" Turner was eliminated as a primary suspect during the infancy of the investigation. Investigators verified through coworkers and timecard data that Buddy Turner arrived for work at General Dynamics at approximately 6:50 AM to begin his shift there as a welder. He likely left his residence for his commute to work on 3/3/1989 at about 6:30 AM. Buddy remained at work throughout the day until that afternoon when he was contacted to call his wife Pam Turner at 3:06 PM about the disappearance of his son Justin Lee Turner. He clocked out and departed the job site enroute to the house at about 3:30 PM.

The biological mother Vivian "Elaine" Pace and her husband Russell Pace were also eliminated as suspects early in the investigation. Investigators verified that both were at their respective jobs in downtown Charleston on Friday, March 3, 1989.

On January 20, 2023, Det. Plitsch met with Justin Turner's stepfather (Elaine's husband) Russell Pace at his residence. Elaine Pace, Justin Turner's biological mother, died in 2004. Mr. Pace was advised that the sheriff's office is continuing its investigation in the death of Justin. In reference to Justin wetting the bed, Mr. Pace recalls that Justin had NOT wet the bed in his sleep during visitation in over a year before the homicide. He stated that Justin outgrew wetting the bed and

that when he did wet the bed back then it was only on occasion just like any other child of his age.

Mr. Pace further explained details of Pam's vindictiveness toward his late wife, Elaine, and Justin. Pace stated that Pam shaved Justin's head almost to the scalp despite Elaine's wishes not to cut Justin' hair so short. Mr. Pace stated that he took photographs of Justin's short haircuts. Pace also stated that Pam intentionally cut up Justin's favorite blanket and hung it on the deck rail of her residence on display for Elaine (and Justin) to see when Justin was picked up on Friday for weekend visitation (exact date unknown). This occurred during the time when Buddy and Pam lived in Summercreek MHP off College Park Rd. Pace stated that Pam further left the blanket on display for Justin and Elaine to see when he was dropped back off on Sunday from visitation. Pace stated that he documented the events with photographs of the blanket purposely displayed on the handrails.

Mr. Pace stated that when Buddy and Pam moved to the Horseshoe Rd location, he would drive Elaine and pick Justin up on Fridays and drop him back off same location on the dirt road adjacent to the Turner property next to a big tree. Pace recalls that at time the of the incident he owned a 1982 Pontiac Grand Le Mans 4-door mid-size sedan tan in color and that Elaine drove a smaller sedan.

Mr. Pace stated that Pam would continually harass them, for example, by ordering pizzas from Pizza Shuttle and have them delivered to their home on several occasions. Pam is also suspected of ordering in their name(s) an assortment of magazines, such as Playboy and Playgirl, as well as music cassette tapes from *Time*, which were sent and invoiced to their address. He stated that they received bills for the unwanted products and that he was forced to resolve the issues with each company Pam ordered products from and sent to them without consent.

Forensics

State of digestion. Forensic examination of the content of victim's stomach (consisting of Cinnamon Crunch Toast cereal and milk) according to Dr. Jamie Downs, strongly suggests consistent the victim died less than (<) two hours from when he last consumed the contents between 8:30 AM & 9:00 AM, which places victim inside his home with the stepmother and no others when victim died of asphyxiation due to strangulation prior to 11:00 AM stepmother claims victim left the home for school on his own.

Dr. Downs further explained that in professional opinion (only) cereal contents would unlikely be in victim's stomach upon time of death if his last known meal was consumed two hours prior. More unlikely so with carbohydrates such as cereal, which would digest at much faster rate than proteins like meat. In other words, the Cinnamon Crunch Toast cereal more likely would have been completely emptied from Justin's stomach into his small intestine by 11:00 AM, if his last meal was consumed 8:30 AM - 9:00 AM, which likely places Justin "inside" the

residence with his stepmother (and no others) when he was strangled to death [with the dog leash] prior to the time stepmother originally states victim departed for school.

Dr. Clay Nichols who conducted Justin Turner's autopsy also testified at the Coroner's Inquest stated, "So Justin Turner, I feel, met his death shortly after his breakfast" (Coroner's Inquest, 1989, Vol III, p. 91).

Examination of urine stains. Dr. Downs argues that the observed discoloration/ pattern of yellowish staining of Justin's underwear and front interior of his blue jeans suggest he urinated himself involuntarily when fully dressed in his pants and underwear up [around his waist and perhaps in prone position] at the time he was strangled to death/ or rendered unconscious with the dog leash. Dr. Downs explained that involuntary urination or loss of bladder control is a common occurrence with strangulation (asphyxiation) victims.

Illumination of Justin's bed comforter recovered from his bedroom utilizing alternative light source (ALS) enhanced a latent urine stain near the center of the blanket, which may have occurred at time of death or shortly thereafter. As previously noted, Justin's stepfather Russel Pace confirmed Justin was not a bedwetter within at least the past year of the incident. Nonetheless, the investigation consequently is unable to yield an exact date (time stamp) of when the apparent urine stain was made on the blanket.

Clothing and shoes absent of foreign matter (except for hairs and fibers). Dr. Clay Nichols determined that no foreign matter particularly hay or anything else from outside sources was found on victim's clothing or body. More notably, the bottoms of Justin's shoes were totally free of loose dirt or other outside ground debris for the exception of one single dog hair consistent with the family pet, which was recovered from the left sole of victim's shoe during autopsy. The absence of dirt or debris suggests Justin did not leave his home and was indoors when he was killed. Interior of residence was mostly carpeted. Perimeter outside of the residence to the roadway was unpaved and consisted of loose dirt, weeds, grass, and gravel. If he did exit the residence on his own, and considering the high humidity that morning, then loose dirt and/or ground debris would likely been adhered to the soles of his shoes.

Staging of the crime scene. Dilatation of anus, lack of blood and semen, according to Dr. Downs, suggests the victim was anally penetrated shortly after death and that the crime scene where he was discovered appears staged – i.e. pants & underwear unfastened and lowered to mid-thigh to expose buttocks postmortem - belt undone, pants unbuttoned and unzipped (Downs, 2022). "The purpose of staging is to mislead investigators as to the nature of a crime and/or its motives. If staging is suspected then consideration MUST be given as to who might hope to benefit from such misleading activities" (Martin, 2003, p. 5). A female perpetrator known to the victim, for example, could certainly expect to defray suspicions by such staging activities making it appear a male is responsible for sexually assaulting the victim.

One-to-one (or 1:1) examination of ligature marks/injuries compared to characteristics and pattern of the leather dog leash recovered from inside the home.

April 1989, Dr. Sandra Conradi inspected the leather dog leash taken from the kitchen of the Turner residence and indicated that it was consistent with the weapon used to strangle Justin Turner. January 2018, Dr. Conradi again compared autopsy photographs of pattern injuries on victim's neck compared to 1:1 photographs of the leather dog leash and concluded the dimensions are similar. She concluded the dog leash is consistent with the ligature which caused the death of Justin Turner.

July 2022, Forensic pathologist Dr. Jamie Downs, M.D. provided a report detailing his professional opinion (only) that the ligature/weapon used to strangle the victim in 1:1 photograph comparison to the well-defined patterns left on victim's neck by a ligature have multiple areas of similar physical characteristics to the leather dog leash recovered from inside the defendant's home, or a ligature with dimensions and a pattern exactly like the proffered dog leash.

Dr. Downs further pointed out that the ligature used to strangle victim was situated and placed over the victim's shirt/jacket collar area when lethal compression was applied to victim's neck leaving on the skin a visible imprint of the shirt's inner zipper mechanism upon the front throat area of the neck as well as well-defined ligature injury marks primarily visible to the left-rear side of victim's neck.

Note: Examination of the actual dog leash was used only to compare its characteristics to the neck injuries depicted in 1:1 autopsy photographs of victim's neck area. The actual dog leash was not used for any other demonstrative purpose. An exemplar leash was used for other demonstrative purposes.

Trace evidence:

In consideration of Dr. Downs' observation and professional opinion, the leather dog leash (item #3), MVAC filter (item 3.1), and victim's shirt (item 43) was sent to SLED Trace Lab for further analysis. SLED Forensic Analyst Michael Moskal subsequently contacted me on 1/26/2023 to verbally advise that he found red fibers embedded in the MVAC filter used in a previous attempt to extract TDNA from the leather dog leash. However, Moskal later advised that upon further examination of those fibers embedded in the filter he was unable to determine they originated from the victim's shirt.

Further analysis of the proffered dog leash, Moskal confirmed he identified and lifted red fiber (43.1) directly from the leather dog leash (Item 3) which was found to possess the same chemical, physical, fluorescence, and optical characteristics of the victim's red and gray shirt (Item 43) or another fiber source with identical characteristics.

Moreover, Moskal further reported that he lifted/isolated a bundle of tannish/brown in color [leather] fibers (Item 43.1) from the outer left back side of victim's shirt collar (Item 43)

consistent in color of the brown leather dog leash. SLED, however, is not qualified to conduct chemical and physical analysis of leather fiber. Michael Moskal provided a written report detailing his analysis and conclusions. Moskal recommended sending the lifts (Item 43.1), the leather dog leash (Item 3), and victim's shirt (Item 43) directly to The McCrone Group (TMG) private lab qualified in this type of fiber analysis. Moskal indicated that he still has additional analysis to complete of several other fibers found on the leash.

On 2/14/2023, the leather dog leash (Item 3), victim's shirt (Item 43), and the brown in color fibers (Item 43.1) isolated from the victim's shirt collar was shipped by SLED directly to the McCrone Lab in Westmont, Illinois. On 3/7/2023, Dr. Sandy Koch, Ph.D. began her analysis of the fibers lifted from victim's shirt and the brown leather dog leash.

On 3/9/2023, Dr. Sandy Koch, Ph.D. informed Det. Plitsch that her peer reviewed microscopic analysis of the evidence submitted determined that the questioned brown in color fiber material (43.1) bundle isolated by SLED from the outer left back side of victim's shirt collar is in fact brown leather and comparably microscopically consistent in color and composition to the brown leather dog leash, or to other alike brown leather materials as the leather dog leash.

Dr. Koch stated that she will conduct additional tests and will closely exam the entire shirt collar with a stereo microscope for the presence of additional alike leather fibers. Dr. Koch indicated that she should complete her analysis and submit a written report of her findings.

In sum, on 3/16/2023, I received a final report from McCrone detailing Dr. Koch's analysis of the items submitted. In short, Dr. Koch summarized that the leather dog leash (Item 3) was microscopically consistent in color and composition with the brown leather fibrous material (43.1) sample isolated by SLED from the left rear collar of victim's shirt (Item 43). No additional leather fibers were found on the victim's red shirt (Item 43). Recap: The location where the brown leather fiber isolated by Michael Moskal from the exterior back left side of victim's shirt collar is at the site of the primary ligature pattern injuries sustained to victim's neck.

Dr. Koch noted a slight difference in the morphology or the straightness of the brown leather fiber (43.1) but was insufficient to exclude the sample item as originating from the same source. Dr. Koch explained to me that in examination of the dog leash (Item 3), brown leather material appeared to protrude from the stitching holes causing wear to the fiber much like the condition of sample item (43.1).

In conclusion, the brown leather dog leash (Item 3) can be included as a likely source of the brown fibrous leather material found on the victim's shirt collar. The results support Dr. Jamie Downs professional opinion that the leather dog leash is likely the weapon used to strangle Justin Lee Turner and that the leash was placed around the victim's neck over the shirt collar when lethal pressure was applied creating the transfer of fibers of the leash to the victim's shirt collar and vice versa - transfer of fibers of the victim's shirt collar to the dog leash.

EXHIBIT

I

HISTORY

HISTORY

1950s

1956

MCCRONE ASSOCIATES FOUNDED

Dr. Walter C. McCrone announces the founding of Walter C. McCrone Associate specialized microscopy consulting firm. It is the world's first analytical service a cleanroom to process and handle client samples.

1960s

1960

TEACHING BEGINS

McCrone scientists develop and teach Light Microscopy courses in the United S courses taught in England begin in 1966.

NEW PARTICLE HANDLING TECHNIQUES DEVELOPED

Advanced particle handling techniques are pioneered in McCrone Associates' (cleanroom using tungsten needles and collodion, these techniques later beco standards.

1962

CAPABILITIES EXPANDED WITH ELECTRON MICROSCOPE

McCrone Associates acquires one of the nation's first RCA Scientific Instrumen transmission electron microscope with a double condenser lens for high resol microscopy.

MICROSCOPY EQUIPMENT & SERVICE SALES GROUP LAUNCHED

McCrone Accessories & Components, now McCrone Microscopes & Accessories serve as a comprehensive source of supplies, tools, and instruments to meet ir worldwide demand for microscopy products.

1964

MCCRONE EXPANDS INTO EUROPE

McCrone Research Associates, Ltd. established in London, England to provide services, and within a few years, teaching and instrument sales. MRA later bec Scientific Ltd.

1967

MCCRONE SCIENTISTS DEVELOP AUTOMATED ELECTRON MICROPROBE

McCrone Associates' scientists pioneer ground-breaking development of one c automated electron microprobes for analysis of large numbers of small particl electron automation design by instrument manufacturers. In 1969, McCrone A IR-100, Industrial Research's top 100 products of the year, Award for its inventi granted in 1969.

1970s

1972

GROWTH PROMPTS FACILITY RELOCATION AND EXPANSION

Demand for microscopy services and instrument sales continues to increase re relocation to an expanded custom-designed 10,000 sq. ft. facility at 2820 Soutl Avenue, Chicago, Illinois.

MCCRONE IS THE FIRST IN NATION WITH A MOLECULAR OPTICAL LASER

Installation of the nation's first Molecular Optical Laser Examiner (MOLE – Lase Microprobe) takes place at McCrone's facility.

1973

MCCRONE RECOGNIZED AGAIN BY IR-100 AWARD PROGRAM

McCrone Associates' scientists receive their second IR-100 Award in recognitio innovative development of a Vacuum X-Ray Powder Diffraction Camera Systen was 500-1000 times more sensitive than existing techniques at the time.

1975

MCCRONE ASSOCIATES NAMES NEW PRESIDENT

Donald A. Brooks, Executive Vice President, is named President & CEO of McCr Inc.

1976

INDEPENDENT ENVIRONMENTAL FIRM ESTABLISHED

McCrone Environmental Services, Inc. established to provide services in the as environmental auditing areas. The new firm incorporates McCrone Associates' Consulting & Testing Division

MCCRONE LEADS ANALYTICAL METHODS FOR ASBESTOS IDENTIFICATION

Integrated methods for asbestos identification are developed by McCrone usin staining, polarized light microscopy, and TEM methodologies. These same tecl used today by others in the asbestos consulting area.

1979

MCCRONE ADDS FORENSIC SCIENCE CAPABILITIES

Automated gunshot residue analysis (GSR) using an SEM/EDS system is added Associates' vast array of analytical services. McCrone Associates leads the way GSR evidence to be accepted as an approved methodology in court testimony.

1980s

1984

MCCRONE LEADS DEVELOPMENT OF FTIR

Two years before commercially available equipment hits the market, McCrone adds an IR-microscope to an FTIR system and performs the first micro-FTIR an advanced small sample techniques.

1985

WORLD'S FIRST RIBER SIMS/ESCA/AUGER INSTALLED AT MCCRONE ASSOCIATES

The newly developed multi-technique instrument combining three distinct an techniques is installed at McCrone Associates and provides ultra-high vacuum surface analysis. This is one of two instruments ever made.

1986

NEW GROUP ESTABLISHED

The McCrone Group, Inc. is established to include the analytical services of Mc Associates, Inc., McCrone Environmental Services, Inc., and McCrone Accessor Components (now McCrone Microscopes & Accessories).

1987

THE MCCRONE GROUP MOVES TO WESTMONT

Business growth stimulates the relocation of the McCrone Group to a newly bu designed 26,000 square-foot facility in Westmont, IL. This facility serves as the headquarters.

ILLINOIS HIGH-TECH ENTREPRENEUR AWARD PRESENTED TO THE MCCRONE GROUP'S CEO

Donald A. Brooks, President and CEO, receives Illinois High-tech Entrepreneur recognition of his contributions to the high technology community in Illinois.

1990s

1992

MCCRONE ASSOCIATES IMPLEMENTS PHARMACEUTICAL INDUSTRY-COMPLIANT QUALITY CONTROL PRACTICES

Spurred by pharmaceutical clients' needs for FDA compliant Good Manufactur (cGMP), McCrone Associates develops and adopts a comprehensive industry-s Laboratory Practices Program.

1997-1999

MCCRONE ASSOCIATES INCREASES ANALYTICAL CAPABILITIES

To service its clients in industry and government, McCrone Associates expands capabilities with the addition of the Hewlett Packard GC/Mass Spectrometer, t System 1000 Raman Microscope, and the Quantum 2000 Scanning ESCA Micro

1998

CLASS 100 CLEANROOM EXPANDED TO 1,500 SQUARE-FEET

McCrone expands its Class 100 Cleanroom Facility to meet growing demands c client base.

2000s

2000

MCCRONE MICROSCOPES & ACCESSORIES EXTENDS PRODUCT LINE

The addition of sophisticated video cameras and image analysis/archival syste with a comprehensive range of accessories expands the McCrone Microscopes product line to over 1000 items.

2000-2002

MCCRONE ASSOCIATES UPGRADES CAPABILITIES WITH NEW ANALYTICAL INSTRUMENTATION

To maintain its position at the forefront of technology and enhance its materia capabilities, McCrone Associates updates and adds new analytical equipment; GC/TEA Gas Chromatograph, two Electron Probe Microprobes and two Nicolet Microscopes.

2003

THE MCCRONE GROUP PUBLISHES ONLINE JOURNAL

Industry and government growth in the need for materials analysis prompts th of the ModernMicroscopy.com journal providing peer-reviewed content and le on microscopic techniques from McCrone Associates scientists and industry p

2004

THE MCCRONE GROUP ESTABLISHES THE COLLEGE OF MICROSCOPY

The McCrone Group formalizes its teaching and educational services by establ College of Microscopy. Regular course offerings in Light Microscopy, Scanning Microscopy, Transmission Electron Microscopy, Raman Spectroscopy, and Adv taught by its own leading scientists.

THE MCCRONE GROUP DEVELOPS A NEW ONLINE ATLAS

Innovative development of the new online McCrone Atlas of Microscopic Partic a pilot program and beta testing. The new online Atlas provides a database for identification and characterization using comprehensive methodologies. A mi reference particles will be added to the database each year.

WORLD RENOWNED MICROSCOPY EXPERT RETURNS TO THE MCCRONE GROUP

John Gustav Delly returns from retirement to The McCrone Group as scientific new online Atlas and ModernMicroscopy.com. He also serves as an instructor a the College of Microscopy.

MCCRONE MICROSCOPES & ACCESSORIES RESPONDS TO CLIENTS' SOPHISTICATED MICROSCOPY NEEDS WITH NEW SERVICE & SUPPORT PROGRAMS

McCrone Microscopes & Accessories significantly expands client services to inc comprehensive array of software and hardware installation, the design of cust systems, specialty glove box systems, on-site training programs, and microsco and repair.

NANOANALYSES CONTINUE WITH ADDITION OF INDUSTRY-LEADING INSTRUMENTATION

McCrone Associates' capabilities at the nanometer and micrometer level expa product and raw material manufacturers in the development and production devices, the understanding of thin films and corrosion mechanisms, and geocl planetary research (solar dust and lunar research) with the addition of the TRI Ionization Mass Spectrometer, The JEOL JEM-3010 Analytical Electron Microsc JEOL JSM-6460LV SEM/EDS with an attached Raman Spectrometer to analytic

2005

THE MCCRONE GROUP BREAKS GROUND FOR THE CONSTRUCTION OF NEW ADDITION

To meet the increasing demands for microscopy training, the McCrone Group l for a new 40,000 square-foot state-of-the-art facility to house the College of Mi

COLLEGE OF MICROSCOPY COURSES APPROVED BY IACET

The International Association for Continuing Education and Training (IACET) g to the College of Microscopy to award Continuing Education Units (CEUs) to st successfully complete any of the College's courses.

OFFICIAL LAUNCH OF THE MCCRONE ATLAS OF MICROSCOPIC PARTICLES

After beta testing of the new online Atlas by scientists across the country, the v online Atlas of Microscopic Particles debuted with over 100 particles in its data end of 2006 an additional 900+ particles will be added to the database at www.mccroneatlas.com.

2006

MCCRONE ASSOCIATES CELEBRATES 50 YEARS OF MODERN MICROSCOPY

McCrone Associates proudly celebrates its anniversary and Setting the Standa microscopy for 50 years.

MCCRONE ASSOCIATES' SCIENTISTS PLAY A KEY ROLE IN THE AUTHENTICATION OF THE GOSPEL OF JUDAS

A five-person McCrone team of scientists, working in conjunction with the Nati Geographic Society, specializing in forensic ink analysis, conducted polarized l (PLM), transmission electron microscopy (TEM), scanning electron microscopy Raman spectroscopy tests on samples of the document's ink. They establishec included a carbon ink (used throughout history) with a metal-tannate compon there is some evidence of its use in third-century inks.

COMPLETION OF THE MCCRONE GROUP'S NEW FACILITY

The new 40,000 sq. ft. facility, home to the College of Microscopy and McCrone Accessories, is completed. The new addition includes a 140 seat auditorium, a College of its kind anywhere in the world. The McCrone Group's complex now t ft. and is dedicated to the advancement of materials analysis and modern mic McCrone Group officially celebrates the grand opening of the College of Micros potential students worldwide.

2008

THE COLLEGE OF MICROSCOPY TEACHES ITS FIRST MICROSCOPY CAMP FOR SECONDARY EDUCATION TEACHERS

Eleven Chicagoland teachers attend a camp designed to help high school and science teachers understand and develop microscopy skills, lessons, and expe in their classrooms. Microscopy Camp students learn time-honored and highly microscopy methods that can successfully be applied to a wide variety of seco science lessons.

THE COLLEGE OF MICROSCOPY IS AWARDED A NATIONAL INSTITUTE OF JUSTICE GRANT

The National Institute of Justice (NIJ)grant enables the College of Microscopy (200 trace evidence examiners in 11 forensics courses over a two year period, st February 2009.

2009

COLLEGE OF MICROSCOPY PARTNERS WITH CONCORDIA UNIVERSITY CHICAGO

Starting Fall 2009, Concordia University Chicago partners with the College of M offer students one of the nation's first Applied Microscopy Bachelor of Science programs. Students who enroll in the program will complete three years of cou Concordia in chemistry, biology, forensic science, instrumental analysis, calcu For their final two semesters, they will learn small particle identification and a techniques through hands-on training at the College of Microscopy.

JEOL USA AND THE COLLEGE OF MICROSCOPY TEAM UP TO IMPROVE MICROSCOPY EDUCATION

JEOL USA provides the College of Microscopy with new JSM-6610LV low vacuu performance Scanning Electron Microscopes for use in basic and advanced ele microscopy training. College and JEOL staff scientists also worked together to College's existing SEM courses and to develop specialized courses using the JS

MCCRONE ASSOCIATES' DETERMINE GOSPEL OF MARK INAUTHENTIC

Working with a team of authentication experts from the University of Chicago Joseph G. Barabe, Senior Research Microscopist at McCrone Associates, analyz of parchment, ink and paints from the "Archaic Mark" codex to determine its a After extensive analysis using polarized light microscopy (PLM), scanning elect (SEM), energy dispersive x-ray spectrometry (EDS), X-ray diffraction (XRD), Fou infrared spectroscopy (FTIR) and Raman Spectroscopy, Barabe determines the created after 1874 using materials not available until the late 19th century.

2010s

2010

MCCRONE MICROSCOPES & ACCESSORIES TO SELL JEOL NEOSCOPE

McCrone Microscopes & Accessories becomes a licensed distributor of the JEO benchtop scanning electron microscope. The NeoScope provides an extensior microscope, giving small or divisional laboratories the ability to perform in-ho analysis.

COLLEGE OF MICROSCOPY CHANGES ITS NAME TO HOOKE COLLEGE OF APPLIED SCIENCES

Named in honor of 17th century scientific pioneer Robert Hooke, the new nam College of Applied Sciences—more accurately reflects the school's ever-expan courses and programs that go beyond the realm of microscopy. Hooke College wide-range of hands-on, science-based, educational programs to adult profes students and advanced placement high school students. The new programs w courses relevant to current and future technical occupations in chemistry, biol microscopy with an emphasis on materials analysis preparing those entering t

MCCRONE ASSOCIATES CELEBRATES A MILESTONE

Fifty-four years after it first opened its laboratory doors, McCrone Associates re 50,000th project.

HOOKE COLLEGE OF APPLIED SCIENCES TRAINS 200 FORENSIC SCIENTISTS

Hooke College's Forensic Microscopy Training Delivery Program, funded by a g
National Institute of Justice, trained 200 forensic trace evidence examiners in 1
evidence courses over two years.

2011

HOOKE COLLEGE OF APPLIED SCIENCES IS AWARDED ITS SECOND NATIONAL INSTITUTE OF JUSTICE GRANT

The Hooke College of Applied Sciences receives a second National Institute of
cooperative agreement to train 232 trace evidence examiners in 16 forensic sci
the end of 2012.

THE MCCRONE GROUP APPOINTS NEW DIVISION HEADS

David Wiley, formerly Vice President of McCrone Associates was promoted to t
President. Kent Rhodes, formerly Vice President and Director of Analytical Ser
McCrone Associates, was promoted to the position of Senior Vice President. Je
formerly Vice President of McCrone Microscopes & Accessories, was promoted

STATE OF SOUTH CAROLINA	)	**IN THE COURT OF GENERAL SESSIONS FOR THE NINTH JUDICIAL CIRCUIT**
COUNTY OF BERKELEY	)	
	)	**WARRANT NUMBER: 2024A0810200038**
State of South Carolina,	)	
	)	
vs.	)	
	)	
Megan Renee Turner,	)	**MOTION FOR PRELIMINARY HEARING TO BE HELD IN GENERAL SESSIONS**
	)	
Defendant.	)	
	)	

COMES NOW the Defendant, by and through her attorney, Shaun C. Kent, and would respectfully request a hearing to argue a motion to allow the Defendant to have her preliminary hearing held in the Court of General Sessions.

The Defendant recognizes the unique nature of this motion, but Mrs. Turner believes that the facts and circumstances of this case combined with case law, specifically State v. Gentry 363 S.C. 93, 610 S.E.2d 494 (S.C. 2005) grants the ability for the Court of General Sessions to rule upon this motion. Ultimately, this would allow the Circuit Court to hear evidence at a Preliminary Hearing and make a ruling on whether there is probable cause to proceed.

The court in Gentry discussed at great length the subject matter jurisdiction of the Court of General Sessions over criminal charges. The court concluded that "a presentment of an indictment or a waiver of presentment is not needed to confer subject matter jurisdiction on the circuit court." This ruling implies that the indictment is merely a notice document and leads to the ultimate conclusion that the Court of General Sessions has subject matter jurisdiction over all phases of criminal proceedings. That includes the ability to adjudicate cases prior to indictment.

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Manning, South Carolina
February 6, 2024