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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

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APPEAL FROM SPARTANBURG COUNTY
Court of General Sessions
R. Kieth Kelly, Circuit Court Judge

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Appellate Case No. 2024-000439

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The State, .....Respondent

v.

Cody Hudson, .....Appellant.

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# INITIAL BRIEF OF APPELLANT

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## TABLE OF CONTENTS

## TABLE OF AUTHORITIES

Cases

**Constitutional**



**Statutes**

## QUESTIONS PRESENTED

*Question I*

The trial court erred as a matter of law by allowing law enforcement, in violation of his due process rights, to shackle Cody Hudson during the reading of the verdict and polling of the jurors.

*Question II*

The trial court erred as a matter of law by not removing Juror No. 81 after he failed to disclose to the Court that he knows Sara Jumper and is friends with her on Facebook.

Question III

The trial court erred as a matter of law by not quashing the indictments for second-degree criminal sexual conduct with a minor as multiplicitious.

*Question IV*

Alternately, this Court should reverse the trial court and remand this case for the trial judge to reconsider the sentences for the two counts of second-degree criminal sexual conduct with a minor because the trial court impermissibly imposed consecutive sentences, exceeding the maximin penalty allowed by law, on these two indictments that are multiplicitious.

## STATEMENT OF CASE

From July 17-21, 2023, the State tried Cody Hudson before the Honorable R. Keith Kelly and a jury. Wendy Hallford and Spencer Smith, both of the Seventh Circuit Solicitor's Office, represented the State. Undersigned counsel represented Mr. Hudson. The State proceeded to trial on six counts of second-degree criminal sexual conduct with a minor, three counts of third-degree criminal sexual conduct with a minor, and one count of incest. R. *.

For the time period from August 21-31, 2016, the State charged Mr. Hudson with the following allegations of criminal sexual conduct with a minor:

| Indictment Number | Charge | Alleged Conduct |
|---|---|---|
| 2019-GS-42-05213 | CSCM Third Degree | Rubbing Breasts |

| | | |
|---|---|---|
| 2019-GS-42-05214 | CSCM Second Degree | Cunnilingus |
| 2019-GS-42-05215 | CSCM Second Degree | Penile/Vaginal Penetration |

The only difference in the two indictments for second-degree criminal sexual conduct with a minor are "cunnilingus" and "penile/vaginal penetration."

For the time period from August 31, 2016 to January 31, 2017, the State charges Mr. Hudson with the following allegations of criminal sexual conduct with a minor:

| Indictment Number | Charge | Alleged Conduct |
|---|---|---|
| 2019-GS-42-05217 | CSCM Third Degree | Rubbing Genitals Against Genitals |
| 2019-GS-42-05218 | CSCM Third Degree | Forcing Child to Rub Penis |
| 2019-GS-42-05219 | CSCM Second Degree | Sexual Intercourse |
| 2019-GS-42-05229 | CSCM Second Degree | Fellatio |

The only difference in the two indictments for third-degree criminal sexual conduct with a minor are "rubbing genitals against genitals" and "forcing the [child] to rub his penis.". The only difference in the two indictments for second-degree criminal sexual conduct with a minor are "sexual intercourse" ad "fellatio."

For the time period February 1, 2017 to March 31, 2019, the State charges Mr. Hudson with the following allegations of criminal sexual conduct with a minor:

| Indictment Number | Charge | Alleged Conduct |
|---|---|---|
| 2019-GS-42-05224 | CSCM Second Degree | Sexual Intercourse |
| 2019-GS-42-05228 | CSCM Second Degree | Fellatio |

The only difference in the two indictments for second-degree criminal sexual conduct with a minor are "sexual intercourse" ad "fellatio."

On July 21, 2023, the jurors acquitted Mr. Hudson on four counts of second-degree criminal sexual conduct with a minor and three counts of third-degree criminal sexual conduct with a minor for the timeframes of August 21-31, 2016 and August 31, 2016 – January 31, 2017. The jurors convicted Mr. Hudson of incest and two counts of second-

degree criminal sexual conduct with a minor for the timeframe of February 1, 2017 to March 31, 2019. Tr. 676-78, R. *. Judge Kelly sentenced Mr. Hudson to twenty years imprisonment for one count of second degree criminal sexual conduct with a minor, a consecutive sentence of five years for the second count of second-degree criminal sexual conduct with a minor, and a concurrent sentence of one year for incest. Tr. 682-83, R. *.

On July 28, 2023, Mr. Hudson moved for a new trial and, alternatively, to reconsider the sentence. R. *. On October 22, 2023, Judge Kelly convened a hearing on the motion. Tr. 1-38. By written order dated March 7, 2023, Judge Kelly denied the motion. R. *. This appeal follows.

## STATEMENT OF FACTS

Cody Hudson was born in Greenwood and lived in Upstate South Carolina all of his life. He has three children from his first wife.[1] After Mr. Hudson separated from his first wife, he met Sarah Jumper, who has three children of her own, including the child complaining witness in this case. Mr. Hudson and Ms. Jumper dated and married in 2013. The relationship between Ms. Jumper and Mr. Hudson's first wife "was awful." Ms. Jumper did not want Mr. Hudson to have visitation with his children from his first marriage. That is when Mr. Hudson moved out of the home. The separation occurred in March of 2019. Mr. Hudson moved in with one of his brothers. Tr. 122, 528-36.

Ms. Jumper testified the relationship between Mr. Hudson and her daughter changed, as they appeared to grow closer. Ms. Jumper questioned her daughter about the change in the relationship sometime in 2018. In "late February" or "early March of 2019,"

[1] Mr. Hudson's first wife, Lauren Fields, testified as a character witness and Mr. Hudson's jury trial. Tr. 515-18. Mr. Hudson's brothers, Bradly Hudson and Jody Hudson also testified as character witnesses. Tr. 481-88, 491-94.

Mr. Hudson moved out of the home. Ms. Jumper acknowledged the "break up" was not "amicable or pleasant." Ms. Jumper claimed Mr. Hudson and her daughter stayed in contact. On April 22, 2019, Ms. Jumper hacked into Mr. Hudson's email account and claimed to find emails between Mr. Hudson and her daughter. When Ms. Jumper confronted her daughter about the emails, the child alleged Mr. Hudson sexually assaulted her on multiple occasions at different locations. Tr. 135-53.

The child testified at trial and alleged Mr. Hudson sexually assaulted her on multiple occasions at various locations. Tr. 364-434. The child had a normal medical exam. Tr. 207-17. Mr. Hudson testified at trial and denied the allegations. Tr. 528, 536-49. He alleged that Ms. Jumper was a controlling and manipulative person and the breakup and Ms. Jumper's jealously of Mr. Hudson's first wife was the motive for the false allegations. E.g. Tr. 109-12, 615-16, 633.

## STANDARD OF REVIEW

"In criminal cases, this Court sits to review errors of law only and is bound by factual findings of the trial court unless an abuse of discretion is shown." *State v. Blackwell*, 420 S.C. 127, 136, 801 S.E.2d 713, 718 (2017) (internal citations and quotations omitted). "An abuse of discretion occurs when the court's decision is unsupported by the evidence or controlled by an error of law." *Id*.

Before a federal constitutional error can be held harmless the reviewing court must be able to declare a belief that it was harmless beyond a reasonable doubt. *Chapman v. California*, 386 U.S. 18 (1967). "Whether an error is harmless depends on the circumstances of the particular case. No definite rule of law governs this finding; rather, the materiality and prejudicial character of the error must be determined from its

relationship to the entire case. Error is harmless when it could not reasonably have affected the result of the trial." *State v. Mitchell*, 286 S.C. 572, 573, 336 S.E.2d 150, 151 (1985) (internal quotations omitted) (quoting *State v. Key*, 256 S.C. 90, 93, 180 S.E.2d 888, 890 (1971)). This Court does "not to question whether the State proved its case beyond a reasonable doubt, but whether beyond a reasonable doubt the trial error did not contribute to the guilty verdict." *State v. Reyes*, 432 S.C. 394, 406, 853 S.E.2d 334, 340 (2020) (citing *State v. Tapp*, 398 S.C. 376, 389-90, 728 S.E.2d 468, 475 (2012). In cases like this one, when "credibility" is the "most critical determination" for jurors to make in the case, the error is not harmless. *State v. Jennings*, 394 S.C. 473, 480, 716 S.E.2d 91, 95 (2011).

## ARGUMENTS

### *Question I*

**The trial court erred as a matter of law by allowing law enforcement, in violation of his due process rights, to shackle Cody Hudson during the reading of the verdict and polling of the jurors.**

After the jurors informed the bailiffs they recached a verdict, law enforcement brought Mr. Hudson into the courtroom in "full chain[s]" including his wrists, ankles, and a belly chain. Counsel for Mr. Hudson objected, noting his understanding that this practice is "customary" in Spartanburg County. Counsel cited *People v. Sanders*, 39 N.Y.3d 216, 207 N.E.3d 423 (2023) and *Deck v. Missouri*, 544 U.S. 622 (2005). Counsel argued this practice violates due process, "[n]ot only during the reading of the verdict, but also the polling of the jurors." Counsel moved "the shackles be removed." Tr. 675.

The trial judge asked for the State's position, and the Solicitor responded, "No Opinion." The trial judge asked law enforcement for its position. The trial judge stated:

> Is that customary? Okay. It's customary. So you're protected on the record. So he's gonna remain – I don't – I don't do security, but he's – please bring the jury. Okay.

Tr. 675-76. The trial judge, accordingly, did not make an individualized determination that these extraordinary security measures were required. Nor could he because the record is devoid of any evidence that Mr. Hudson posed any risk of escape or violence.

In this particular courtroom,[2] the seated jurors enter the courtroom through a door located between the witness stand and the judge's bench. The tables where the parties sit are open underneath on the front side. When the seated jurors enter the courtroom, they have an unobstructed view underneath the tables. Because of the layout of the courtroom, some jurors have angles where they can see underneath the tables. Other jurors have angles where they can see behind the tables from the side. Tr. 6-7. R. *.

Mr. Hudson moved for a new trial, pointing out the trial judge did not make an individualized determination that the restraints were necessary. R. *. Between the new trial motion and the hearing on the new trial motion, this Court decided *Reese v. State*, 441 S.C. 392, 894 S.E.2d 295 (Ct. App. 2023), and the Supreme Court decided *State v. Heyward*, 441 S.C. 484, 895 S.E.2d 658 (2023). Mr. Hudson called the trial judge's attention to these cases via supplemental citation letters. R. *. At the hearing on the new trial motion, Mr. Hudson relied on these four cases and argued the trial court followed a customary practice with no individualized determination regarding the need for restraints. Tr. 4-7.

"The right to a fair trial is a fundamental liberty secured by the Fourteenth Amendment." *Estelle v. Williams*, 425 U.S. 501, 503 (1976) (citing *Drope v. Missouri*, 420

[2] The State tried Mr. Hudson in the old Spartanburg County Courthouse that has been demolished since his jury trial.

U.S. 162, 172 (1975)). "The presumption of innocence, although not articulated in the Constitution, is a basic component of a fair trial under our system of criminal justice." *Id.* "To implement the presumption, courts must be alert to factors that may undermine the fairness of the fact-finding process. In the administration of criminal justice, courts must carefully guard against dilution of the principle that guilt is to be established by probative evidence and beyond a reasonable doubt." *Id*. (citing *In re Winship*, 397 U.S. 358, 364 (1970)). "Courts have, with few exceptions, determined that an accused should not be compelled to go to trial in prison or jail clothing because of the possible impairment of the presumption so basic to the adversary system." *Id*. at 504. "This is a recognition that the constant reminder of the accused's condition implicit in such distinctive, identifiable attire may affect a juror's judgment." *Id*. *Estelle* held, "[T]he State cannot, consistently with the Fourteenth Amendment, compel an accused to stand trial before a jury while dressed in identifiable prison clothes." *Id*. at 512.

"The law has long forbidden routine use of visible shackles during the guilt phase; it permits a State to shackle a criminal defendant only in the presence of a special need." *Deck,* 544 U.S. at 626. *Sanders* held this rule applies during the jury's reading of its verdict and the court's polling of the jurors." 39 N.Y.3d at 219, 205 N.E.3d at 424. "[U]ntil the jury returns to the courtroom, publicly announces the verdict and, if polled, confirms the verdict, there is no finding of guilt, defendant is still presumed innocent, and the constitutional prohibition on restraining a defendant without explanation remains in full force." *Id*., 39 N.Y.3d at 221, 205 N.E.3d at 426; *see also State v. Linder*, 276 S.C. 304, 308, 278 S.E.2d 335, 338 (1981) ("Polling is a practice whereby the court determines from the jurors individually whether they assented and still assent to the verdict.").

Although the Constitution "permits a judge" discretion to employ extra security measures, the trial court must "take account of special circumstances, including security concerns" to accommodate "the important need to protect the courtroom and its occupants;" provided that "any such determination must be case specific" and "should reflect particular concerns . . . related to the defendant on trial." *Deck*, at 633. Here, the trial judge did not make a "case specific" or defendant specific determination. The trial court did not conduct a hearing or make an individualized determination that there was a "special need" for shackling in this case.

"The State must prove beyond a reasonable doubt that the shackling error complained of did not contribute to the verdict obtained." *Heyward*, 432 S.C. at 325, 852 S.E.2d at 467 (cleaned up) (citing *Deck*, 544 U.S. at 635). Unlike *Heyward* where there was no evidence that any of the seated jurors could see the shackles, every one of Mr. Hudson's seated jurors had more than one opportunity to see the shackles. Additionally, this trial was hotly contested, and the seven not guilty verdicts illustrate that the State did not present overwhelming evidence of guilt. This Court, accordingly, should reverse the trial court and order a new trial.

## *Question II*

**The trial court erred as a matter of law by not removing Juror No. 81 after he failed to disclose to the Court that he knows Sara Jumper and is friends with her on Facebook.**

On the final day of trial (Friday), the forelady of the jury requested to see the trial judge. The trial judge interviewed the forelady in the presence of counsel but off the record. The forelady reported that, when the jurors walked to the parking garage the prior evening, Juror No. 81 stated that he knows Sarah Jumper and is friends with her on Facebook. The

trial court then questioned Juror No. 81, on the record. Juror No. 81 stated that he recognized Ms. Jumper when she was called to the stand to testify on Tuesday. Juror 81 first met Ms. Jumper "probably 13 years ago" when "[s]he worked at a convenience store" and he "worked at Coca-Cola." Juror 81 confirmed he and Ms. Jumper are friends on Facebook. *See also* New Trial Motion Exhibit B (from Juror No. 81's Facebook), R. *. Juror No. 81 reported this information to some of the jurors on Tuesday, but he did not report this information to the trial ourt. Mr. Hudson moved the trial court to remove Juror No. 81 and replace him with one of the alternates. Mr. Hudson reminded the trial judge he "had two strikes left" when the trial court sat the jurors and did not "use any strikes on the alternates." The State opposed the motion, and the trial court denied the motion. Tr. 568-74.

Mr. Hudson renewed this objection in his new trial motion. R. *. At the hearing on the new trial motion, Mr. Hudson again informed the trial court:

> This is the type of information that we would have wanted to have known in order to be able to exercise, you know, with a preemptory strike. It's the type of information that also could lead to a motion to have the juror excused for cause.

Tr. 10-13.

Although the juror said he could be fair and impartial, "[b]ias or prejudice is . . . an elusive condition of the mind . . . and it might exist in the mind of one . . . who was quite positive that he had no bias, and said that he was perfectly able to decide the question wholly uninfluenced by anything but the evidence." *Crawford v. United States*, 212 U.S. 183, 196 (1909) (O'Connor, J., concurring); *see also* S.C. Const. Art. I, § 14; S.C. Code Ann. § 14-7-1020; *United States v. Burr*, 25 F. Cas. 49, 50 (D.Va.1807) (a person under the influence of personal prejudice "is presumed to have a bias on his mind which will

prevent an impartial decision of the case, according to the testimony" for such person may declare that “notwithstanding these prejudices he is determined to listen to the evidence, and be governed by it; but the law will not trust him").

The Supreme Court recently “address[ed] the question of how trial courts should resolve allegations that a juror concealed information during *voir dire.*” *State v. Rowell*, No. 2022-000571, 2024 WL 3435567, at *1 (S.C. July 17, 2024). In *Rowell*, the Supreme court “abandon[ed] the intentional versus unintentional distinction” because “[t]he distinction has proven unwieldy.” *Id*. at 2. The Court adopted a new procedure:

> Where a party claims a juror has withheld material information in response to a *voir dire* question, the trial court must determine, preferably after a hearing, whether the juror's withholding suggests bias. This will typically turn on the nature of the information withheld, rather than the nature of the juror's state of mind in not disclosing it.

*Id*.

The Court in *Rowell* held:

> [W]hen a juror untruthfully answers or fails to answer a material *voir dire* question, the juror's bias may not be presumed, and a new trial may be ordered only when prejudice is proven by showing the concealed information reveals a potential for bias *and* would have made a difference in the moving party's use of a peremptory strike or resulted in a successful challenge for cause.

*Id*. at 3.

Although Juror 81’s initial failure to answer this the voir dire question might have been unintentional, the withholding of information about the relationship with Ms. Jumper became intentional on the second day of trial when Ms. Jumper testified, and Juror 81 recognized her. Under *Rowell*, Juror 81’s intent is not relevant. Knowing a witness is always considered a bias. In particular, this witness—the mother of the child—was an

important witness for the State. Mr. Hudson alleged the breakup of his relationship with Ms. Jumper was the motive for fabricating these allegations. Both during the trial and at the hearing on the new trial motion, Mr. Hudson established he would have used the information to exercise a preemptory strike. This Court, accordingly, should reverse the trial court and order a new trial.

## Question III

**The trial court erred as a matter of law by not quashing the indictments for second-degree criminal sexual conduct with a minor as multiplicitious.**

Prior to trial, Mr. Hudson moved to quash mist of the indictments as multiplicitious. R. *. The trial court convened a hearing and denied this motion. Tr. 73-89, 92. The jurors convicted Mr. Hudson on two counts of second-degree criminal sexual conduct with a minor for the time period February 1, 2017 to March 31, 2019. These indictments are summarized as follows:

| Indictment Number | Charge | Alleged Conduct |
|---|---|---|
| 2019-GS-42-05224 | CSCM Second Degree | Sexual Intercourse |
| 2019-GS-42-05228 | CSCM Second Degree | Fellatio |

R. *. Mr. Hudson renewed this objection in his motion for a new trial and at the hearing on the motion. R. *, Tr. 33-37.

The only difference in the two indictments for second-degree criminal sexual conduct with a minor are "sexual intercourse" and "fellatio." These two indictments took one crime and broke it into two crimes. Accordingly, Mr. Hudson was convicted twice and sentenced twice for the same offense. As a matter of law, the two second-degree criminal sexual conduct with a minor indictments are multiplicitous. "An indictment is multiplicitous when a single offense is charged in more than one count." *People v. Jagdharry*, 118 A.D.3d 722, 723, 987 N.Y.S.2d 91, 93 (2014). In this case, Mr. Hudson

was charged with a violation of South Carolina Code § 16-3-655(B)(1) in three different timeframes. Each indictment alleged a violation of the same statute. The statute provides, "A person is guilty of criminal sexual conduct with a minor in the second degree if the actor engages in sexual battery with a victim who is fourteen years of age or less but who is at least eleven years of age." The crime is a sexual battery. "'Sexual battery' means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, except when such intrusion is accomplished for medically recognized treatment or diagnostic purposes." S.C. Code § 16-3-651(h). Each allegation in each indictment is a sexual battery. A sexual battery is what the legislature intended to punish. The indictments only differ in the means used to accomplish the sexual battery. Nothing in the statute suggests that the legislature intended a separate punishment for each means of performing a sexual battery. The legislature did not intend for each different type of sexual battery to be a separate crime.

As indicted, the State alleged single continuance act from February 1, 2017 to March 31, 2019. The State could have indicted for a different act on a specific day. They elected not to take this approach. What the State has done through a creative use of the indictment is to make the juror believe Mr. Hudson committed two different crimes on his stepdaughter, during this timeframe, and is therefore, an especially bad person.

Our courts have held that such a creative use of an indictment is not proper. As the Supreme Court said, "The statute prohibits obscenity; the indictments relate to one crime only, and the description of more than one method of violation does not create a new crime." *State v. Pee Dee News Co*., 286 S.C. 562, 565, 336 S.E.2d 8, 9 (1985). In *State v.*

*Sheppard*, 248 S.C. 464, 150 S.E.2d 916 (1966), the South Carolina Supreme Court held that when a statute gives different means of committing the crime of driving under the influence, only one crime has been alleged when the different means are alleged in one indictment. The Court said:

> The act of operating a motor vehicle with impaired faculties is the gravamen of the offense, and the offense is not multiplied because the condition of impairment was produced by the ingestion of more than one of the substances listed in the statute. The indictment charges only one offense which may be established by proof that the defendant operated a motor vehicle while under the influence of intoxicating liquor or of narcotic drugs, either or both.

*Id*. at 466-467, 150 S.E.2d at 917.

The same rule applies in this case. The crime is committing a sexual battery on a minor over the age of 11 and under the age of 14. The definition of "sexual battery" simply lists the different means of accomplishing the sexual battery. The legislature did not intend for each to be a separate crime. The State might argue that each different act was a separate crime. This is simply not correct. As in *Shepard*, they are simply the means of accomplishing the crime. They were not intended by the legislature to be different crimes. All the mean of accomplishing a sexual battery are included within one statute with one punishment. As Justice Thurgood Marshall said, "But the Constitution does not permit a State to punish as two crimes conduct that constitutes only one 'offence' within the meaning of the Double Jeopardy Clause." *Missouri v. Hunter*, 459 U.S. 359, 370 (1983)(Marshall dissenting).

Thus, the State divided one crime into four separate crimes. In *State v. Church*, 223 Wis. 2d 641, 589 N.W.2d 638 (Ct. App. 1998), the Wisconsin court was faced with a multiplicitous indictment for the charge of child enticement. The crime of child enticement

could be committed in many different ways. In holding the statute permitted only one crime and one punishment, the Court said, "We conclude that there is no basis on which we might conclude that the legislature intended more than a single punishment for a single act of enticement of a single child, thus confirming our preliminary conclusion that the two convictions are multiplicitous because they are the same in law and in fact." *Id*. at 641, 665, 589 N.W.2d at 648.

Some courts have used the phrase "unit of prosecution" to determine if the charges are multiplicitous. As one court said, "In a unit of prosecution case, the court asks how the legislature has defined the scope of conduct composing one violation of a statute. Under this test, the statutory definition of the crime determines what the legislature intended as the allowable unit of prosecution. There can be only one conviction for each unit of prosecution." *State v. Thompson*, 287 Kan. 238, 245, 200 P.3d 22, 28 (2009). The unit of prosecution here is a sexual battery. A sexual battery is the scope of the conduct. The fact that the legislature uses different mean of accomplishing the sexual battery, does not change the fact that the unit of prosecution is the sexual battery. The legislature determines the unit of prosecution and not the solicitor. "But once Congress has defined a statutory offense by its prescription of the 'allowable unit of prosecution,' that prescription determines the scope of protection afforded by a prior conviction or acquittal." *Sanabria v. United States*, 437 U.S. 54, 69–70 (1978). As the United Supreme Court further explained, "[I]f Congress does not fix the punishment for a federal offense clearly and without ambiguity, doubt will be resolved against turning a single transaction into multiple offenses, when we have no more to go on than the present case furnishes." *Bell v. United States*, 349 U.S. 81, 84 (1955).

This court, accordingly, should reverse the trial court and order a new trial.

### *Question IV*

**Alternately, this Court should reverse the trial court and remand this case for the trial judge to reconsider the sentences for the two counts of second-degree criminal sexual conduct with a minor because the trial court impermissibly imposed consecutive sentences, exceeding the maximin penalty allowed by law, on these two indictments that are multiplicitious.**

As seen above, the Indictment No. 2019-GS-42-05224 and 2019-GS-42-05228 are multiplicitious. This trial court sentenced Mr. Hudson to twenty years imprisonment on Indictment No. No. 2019-GS-42-05224 and a consecutive five years imprisonment on Indictment No. 2019-GS-42-05228. The maximum penalty for second-degree criminal sexual conduct with a minor is twenty years. S.C. Code Ann. § 16-3-655(D)(3). Accordingly, Mr. Hudson was convicted twice and sentenced twice for the same offense. The sentence exceeds the maximum sentences allowed by law. This court should reverse the trial court and remand this case for the trial judge to reconsider the sentence and impose a sentence that does not exceed the maximum allowed by law.

## CONCLUSION

For the foregoing reasons, this Court should reverse the trial court and order a new trial. Alternatively, this Court should remand for the trial court to reconsider the sentence on the two counts of second-degree criminal sexual conduct with a minor.

Respectfully Submitted,

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July 19, 2024.

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APPEAL FROM SPARTANBURG COUNTY
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The State, .....Respondent

v.

Cody Hudson, .....Appellant.

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**Certificate of Service**

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I certify that I served this pleading on the State of South Carolina, by email, using counsel's primary email address listed in the Attorney Information System (AIS), as reflected below, on the date reflected below:

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July 19, 2024
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