

VOLUME II OF II

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from Berkeley County

Honorable Deadra L. Jefferson, Circuit Court Judge

RECEIVED

Feb 25 2026

S.C. SUPREME COURT

THE STATE,

RESPONDENT,

V.

JAMES EDWARD BOLEY, II,

APPELLANT

APPELLATE CASE NO. 2025-000228

RECORD ON APPEAL

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1 you should or should not testify.

2 And at that time, if you have any additional
3 questions regarding your rights, you also will have the
4 ability to ask that of the Court. Do you understand?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: Okay. You may take your seat.
7 All right. Y'all have any requests for instruction
8 y'all want me to consider? I need them now because
9 I anticipate when this witness is done, if he doesn't
10 testify, we're going into closing.

11 MS. SAS: Court's indulgence.

12 THE COURT: Uh-huh. I'm going to have
13 a charge conference, of course, but anything you want
14 me to look at, I need to look at it tonight. I can't
15 wait until tomorrow.

16 MS. SAS: I don't think there's anything
17 specific, Your Honor. If the Court can give us --
18 we can certainly email tonight ---

19 THE COURT: I'm not looking at my email
20 tonight.

21 MS. SAS: I can't think of anything off
22 the top of my head.

23 THE COURT: I'm trying to break habits.
24 I don't make resolutions, but I have determined this
25 year I will not do any work when I'm at home.

1 MS. SAS: I appreciate that, Your Honor.

2 THE COURT: I haven't been successful,
3 but I'm trying.

4 MS. SAS: Well, I would like some tips
5 on that.

6 THE COURT: It's hard. It's hard.

7 MS. SAS: I -- the only thing I can think
8 of -- and I just want to make sure based on that case
9 law that there's no reference to that statute.

10 THE COURT: I never instruct that; it's not
11 appropriate. There's longstanding case law.

12 MS. SAS: I just wanted to make sure.

13 THE COURT: That's a matter of law for
14 the Court. The matter of statute is provided by the
15 legislature.

16 MS. SAS: I can't think of anything
17 specific, Your Honor, at this time.

18 THE COURT: Anything in particular
19 in writing you want me to consider, Mr. Seaton?

20 MR. SEATON: No, Your Honor.

21 THE COURT: Is your client going to be
22 requesting any lesser-included offenses?

23 MR. SEATON: No, Your Honor. And the way
24 you asked that question, I was -- I didn't think there
25 was a lesser with those charges, but ---

1 THE COURT: Let me look right quick.

2 MR. SEATON: --- we would not anyway.

3 THE COURT: Okay. So it's a nonissue then,
4 right?

5 MR. SEATON: Yes, ma'am.

6 THE COURT: Okay. There being no request
7 for any lesser-included instruction -- I just ask that
8 in advance because it's a whole other layer of work
9 that I would have to do.

10 MR. SEATON: Yes, ma'am.

11 THE COURT: What we'll do also is you'll
12 also have the opportunity to look at the verdict forms.
13 And after I have the opportunity to review those
14 in the morning, I'll have those printed. Again,
15 we will have a charge conference. I just need to know
16 -- I don't like to do things last minute, and if there's
17 something I need to read up on, or I need to do, I just
18 ask in advance so I can have the ability to vet it
19 thoroughly. Yes, ma'am.

20 MS. SAS: Your Honor, the only other thing
21 that comes to my mind is maybe intoxication as there
22 were references in the testimony about -- I just have
23 to go from my notes. There was references to testimony
24 about the drinking.

25 THE COURT: There was a letter -- there

1 was -- I'm sorry. I'm reading the order and talking
2 at the same time. There was testimony that drinking
3 took place at the residence, that it usually took
4 place during social events, accompanied with bonfires.
5 I don't know that -- well, there was -- the victim
6 did testify that there was a time when he was extremely
7 intoxicated. But I don't know that it really matters
8 because at her age she couldn't consent, so I don't
9 know that makes any appreciable difference.

10 MS. SAS: Yeah, I can understand. We'll
11 do some research, and if we can ---

12 THE COURT: If you would like.

13 MS. SAS: --- potentially argue that
14 tomorrow.

15 THE COURT: But, you know, you can't --
16 I don't know that intoxication -- voluntary intoxication
17 is not a defense to any offense in South Carolina.

18 MS. SAS: Yeah. And I think that might ---

19 THE COURT: And she can't consent, so that
20 really nullifies ---

21 MS. SAS: That is true, Your Honor.

22 THE COURT: At her age, under South Carolina
23 law, she is incapable of consenting. Even if she stood
24 there naked and said, I want to have sex with you,
25 it don't matter. She's a child. All right. Have

1 a good evening.

2 MR. SEATON: Thank you, Judge.

3 THE COURT: See y'all at 9:30.

4 MS. SAS: Thank you, Your Honor.

5 THE COURT: You're free to leave anything
6 in the courtroom you would like.

7 MS. SAS: Thank you.

8 THE COURT: Please make sure the court
9 reporter has all the exhibits.

10 MS. SAS: Yes, Your Honor.

11 (End of Transcript of Record)

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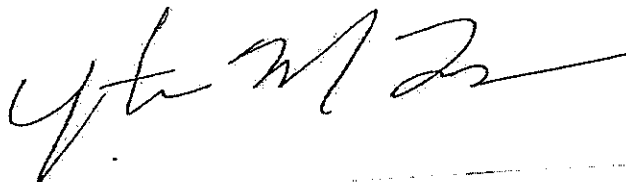
CERTIFICATE OF REPORTER

State of South Carolina)
County of Berkeley)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 28th of January, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

October 3, 2025



Yvestre Torres

Circuit Court Reporter

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

2024-GS-08-04555

2024-GS-08-04552

2024-GS-08-04556

2024-GS-08-04807

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-)

) January 29, 2025 - Day 3 of 4

James Edward Boley,)

) Moncks Corner, South Carolina

B E F O R E:

The Honorable Deadra L. Jefferson, Judge

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

Kamila Szymczynska-Sas, Esquire
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Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
Ninth Judicial Circuit

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVIDENCE</u>
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1 THE COURT: You can be seated. Good
2 morning.

3 MS. SAS: Good morning.

4 MR. SEATON: Good morning.

5 THE COURT: All right. State ready to
6 proceed?

7 MS. SAS: Yes, we are, Your Honor.

8 THE COURT: Is the defense ready to proceed?

9 MR. SEATON: Yes, ma'am.

10 THE COURT: Okay. We have arranged for
11 lunch for the jury, just sort of anticipating based
12 on what the State advised the Court of yesterday,
13 that this would be their last witness, and taking into
14 account the time that we'll need for a charge conference
15 and for me to continue the colloquy with the Defendant.

16 And then, I think even if we took into
17 consideration him testifying, a charge conference
18 and everything else, we still would need lunch.
19 So they're going to order that, and we anticipate that
20 they should have it here by about 12:30, give or take.
21 All right. Is there anything before we proceed from
22 the State?

23 MS. SAS: Nothing from State, Your Honor.

24 THE COURT: From the defense?

25 MR. SEATON: No, Your Honor.

1 THE COURT: Did y'all over the evening
2 have any request for instruction that you all would like
3 for the Court to consider prior to a charge conference
4 from the State?

5 MS. SAS: Your Honor, we would still like
6 to discuss the intoxication.

7 THE COURT: No, I'm asking if you have
8 something in writing ---

9 MS. SAS: Oh.

10 THE COURT: --- you want me to look at.

11 MS. SAS: No, Your Honor.

12 THE COURT: Okay. Mr. Seaton?

13 MR. SEATON: No, Your Honor.

14 THE COURT: Okay. All right. Jury all
15 here?

16 THE CLERK: Yes, ma'am.

17 THE COURT: Bring the jury in.

18 (The jury entered the courtroom at 9:50 a.m.)

19 THE COURT: You may be seated. I apologize.
20 Good morning, ladies and gentlemen. I hope everybody
21 had a pleasant and restful evening. We're now going
22 to resume testimony. The State may proceed.

23 MS. SAS: Thank you, Your Honor.

24 THE COURT: You're welcome.

25 MS. SAS: The State calls Megan Temple.

1 THE COURT: Please swear the witness.

2 THE CLERK: Please raise your right hand,
3 place your left hand on the Bible.

4 MS. MEGAN TEMPLE was called as a witness,
5 being duly sworn, was examined and testified as follows:

6 THE CLERK: Thank you. You may be seated.
7 Please state your full name and spell your last name
8 for the record.

9 THE WITNESS: My name is Megan Dowling
10 Bryant Temple, T-E-M-P-L-E.

11 THE COURT: If you could say your name
12 again, with your middle names, so I can make sure
13 the court reporter got them down.

14 THE WITNESS: Yes, ma'am. Megan Dowling
15 Bryant Temple.

16 THE COURT: And if you could -- is it
17 Dowling, you said?

18 THE WITNESS: Yes, ma'am, D-O-W-L-I-N-G.

19 THE COURT: Thank you. You may proceed.

20 MS. SAS: Thank you, Your Honor.

21 DIRECT EXAMINATION

22 BY MS. SAS:

23 Q. Good morning, Ms. Temple.

24 A. Good morning.

25 Q. Can you make sure to speak up to the microphone

1 just a little bit more?

2 A. Is that better?

3 Q. That is better, maybe not as close. Sometimes
4 there's a little feedback.

5 A. Sorry.

6 Q. Can you tell the jury, where are you currently
7 employed?

8 A. At the CARE House of the Pee Dee.

9 Q. Okay. And what is the CARE House of the Pee Dee,
10 in general?

11 A. Yeah. So we are a nonprofit that provides
12 interviews and therapy to children and adults.

13 Q. Okay. And how long have you been at CARE House?

14 A. I have been there since May of 2013.

15 Q. Okay. And where did you work before?

16 A. So before I was at the CARE House, I was
17 at a very similar organization. It was called the
18 Durant Children's Center, and I was there in 20 --
19 from 2009 to 2013. And there, I was a clinical director
20 and also the program director. And then prior to that,
21 I worked with Rubicon Counseling Services, which is
22 an alcohol and drug therapy provider. And before that,
23 I was in graduate school.

24 Q. Okay. And what is your educational background,
25 if you can tell the jury?

1 A. Yeah. So, I have an undergraduate degree,
2 a bachelor of Science from Presbyterian College in
3 psychology, and I have a master's degree in clinical
4 psychology and applied psychology from Francis Marion
5 University.

6 Q. Okay. And did you ever teach?

7 A. I did. I've taught twice; once at Francis Marion
8 University, and once at Coker College.

9 Q. And you said you work at the CARE House.
10 Are there any other centers like that in South Carolina?

11 A. Yes, there are other centers in South Carolina.

12 Q. Okay. Are there other centers like that all over
13 the United States?

14 A. Yes, there are centers nationally and in
15 South Carolina.

16 Q. Okay. And are you affiliated with them?

17 A. So we are part of a, like, membership
18 organization for South Carolina, and we are part of an
19 accreditation body for -- nationally. But we are not --
20 we're all separate entities. We're not, like, linked
21 otherwise.

22 Q. Okay. So do you have access to each other's
23 records?

24 A. I do not have any access to any other records
25 from any other centers.

1 Q. And what is your current position and your role
2 at the CARE House?

3 A. So, I am the executive director, but I also
4 am a therapist and provide interviews.

5 Q. Okay. Are you licensed anywhere?

6 A. I am. I'm licensed in the state of South
7 Carolina, I'm licensed as a licensed professional
8 counselor, and a licensed professional counselor
9 supervisor. So the licensed professional counselor
10 means that I can provide services, you know, therapy
11 services. The licensed professional counselor
12 supervisor means that I can supervise people who are
13 trying to become licensed as therapists.

14 Q. And what did you have to do in order to get
15 licensed?

16 A. So, I had to meet all of the educational
17 requirements that the state lays out, and then I had
18 to take a test. It's called the NCE, the National
19 Counselors Examination, and had to pass that, and then,
20 you have to send in an application. And once that
21 application is granted, you have two years of providing
22 full-time counseling services and being supervised
23 by an LPC, as by a supervisor-level provider.

24 And you have to have a certain amount -- over
25 100 hours of meetings with them. And then at the end

1 of that, they agree or disagree -- traditionally,
2 they agree and sign off on -- that you've met all
3 the requirements to become an LPC, which is a licensed
4 professional counselor.

5 Q. And what do you have to do in order to continue
6 to keep that license?

7 A. Okay. So, first of all, you have to, you know,
8 not get in any trouble with the licensing board.
9 And you also have to do 40 continuing education hours
10 every two years to have to keep up with those
11 educational requirements and keep learning.

12 Q. And do you have any professional affiliations?

13 A. So the CARE House is a member of the National
14 Children's Alliance, which means that's their
15 accrediting body for children's advocacy centers.

16 Q. Okay. And tell us about the National Children's
17 Alliance. What is it?

18 A. So the national -- so the membership organization
19 for South Carolina is the South Carolina Child Abuse --
20 excuse me, South Carolina Child Advocacy Center Network.
21 And so that network is like a membership organization,
22 and they provide training and technical support for
23 the children's advocacy centers in South Carolina.

24 The National Children's Alliance is an
25 accrediting body that sets forth -- they provide

1 training and technical assistance too, but they also
2 set forth the requirements that the Children's Advocacy
3 Center and their staff have to meet in order to --
4 you know, to maintain accredited, to be able to do the
5 services.

6 Q. Okay. And do you have any specialized training
7 in the area of child sexual abuse?

8 A. So as being in -- at a children's advocacy center
9 -- I mean, at an accredited children's advocacy center,
10 all staff members have to have been trained and have
11 continuing education hours in child abuse and child
12 sexual abuse. And then myself, as a therapist and
13 providing evidence-based therapies for children who
14 are victims, I have had to have a significant amount
15 of continuing education through the years.

16 Q. Okay. Have you presented anything in the area
17 of child sexual abuse dynamics?

18 A. I have. I have presented at conferences and
19 symposiums on regional levels, state levels, presented
20 to nurses, to the general public, to other child abuse
21 professionals, and to school resource officers, just,
22 you know, a vast array of people.

23 Q. So can you estimate how many times you've
24 presented?

25 A. Way more than 25.

1 Q. Okay. And have you testified in court as an
2 expert previously?

3 A. I have.

4 Q. Okay. And how many times would you say you've
5 testified?

6 A. Probably approximately six, seven.

7 Q. Okay. In what areas?

8 A. In child abuse dynamics.

9 Q. Okay. And what courts did you testify in?

10 A. I have testified in criminal court and family
11 court.

12 Q. Okay. And when was that, approximately?

13 A. So, I testified as an expert at least twice
14 in the last five years.

15 Q. Okay. Were your qualifications, your education,
16 clinical experience and training, were they all the same
17 before when you were qualified?

18 A. They were.

19 Q. Okay.

20 MS. SAS: Your Honor, at this time, the
21 State would offer Ms. Megan Temple as an expert in child
22 sexual abuse dynamics.

23 THE COURT: Any questions or objections?

24 MR. SEATON: No, Your Honor, without
25 objection.

1 THE COURT: So admitted, without objection.
2 You may proceed.

3 MS. SAS: Thank you, Your Honor.

4 BY MS. SAS:

5 Q. Ms. Temple, have you read any police reports
6 for this case?

7 A. I have not.

8 Q. Have you been told by us, by the prosecution
9 or anyone else, about the facts of this case?

10 A. I don't know the facts in this case.

11 Q. Okay. Do you know who the victim is in this
12 case?

13 A. I do not.

14 Q. Okay. Do you know the victim's name, age,
15 or gender?

16 A. I don't know anything.

17 Q. Okay. Have you met with the victim or the
18 victim's family?

19 A. I have not.

20 Q. Okay. Have you reviewed any materials whatsoever
21 related directly to this case?

22 A. I haven't.

23 Q. Okay. Is the state of South Carolina, is our
24 office, paying you to be here today?

25 A. So the state of South Carolina is not paying me.

1 They are reimburse -- reimbursing -- I cannot speak --
2 reimbursing the CARE House for my milage and my hours
3 away from my actual job, and so they're reimbursing
4 at a rate of \$50 an hour.

5 Q. Okay. Are you here to make a diagnosis?

6 A. I am not.

7 Q. Okay. So what are you here for?

8 A. I'm here to provide general education on the
9 subject of child abuse dynamics.

10 Q. Okay. Can you tell the jury, what does the term
11 grooming mean?

12 A. Yes. So grooming is a term that is used in child
13 abuse when we're talking about a process where an
14 offender makes a child more comfortable, builds trust,
15 decreases their likelihood that the child is going
16 to disclose and allows the abuse to happen. And so it's
17 a time -- you know, it's something that takes place over
18 time, and it can look very different.

19 But what it is, is over time, they're really
20 building a relationship so that the child trusts them,
21 cares about them. They are making the child more and
22 more comfortable with physical touches so that a touch
23 can move from being non-sexual in nature to potentially
24 accidentally sexual in nature to being truly sexual
25 in nature.

1 And then also, they are being able to test
2 the secret, kind of, power within that relationship,
3 and to make sure that -- you know, that they are abusing
4 a child who's not going to tell, who's not going to
5 disclose. And so it's a process, you know, that happens
6 over time, and it's also a process that can be used
7 on the family members to make them more comfortable
8 with the person and to build a relationship of trust
9 there as well.

10 Q. And can you tell the jury some -- like, what are
11 some examples of grooming?

12 A. Yeah. So, I mean, examples can be, like,
13 physical. So maybe you're -- you know, a hug that holds
14 too long, could be where you're wrestling and a hand
15 touches somewhere, you know, that's sexual in nature,
16 but it seems accidental. So it can be those physical
17 touches that get more, you know, and more advanced
18 as time goes on.

19 And -- but it can also be some other things.
20 It can be, like, buying gifts for a child, you know,
21 that they're special, telling them secrets, keeping
22 secrets, you know, together with them. It could
23 be providing alcohol or drugs to, you know, a child.
24 It can be doing -- you know, giving extra time up
25 at night or, you know, taking them out of school.

1 It's anything that is going to increase that closeness,
2 that trust, that relationship, and decrease that
3 likelihood of a child making a disclosure.

4 Q. Based on your training and experience and
5 research in the field, is disclosure a process or an
6 event?

7 A. Disclosure, for the most part, is what's called
8 a process. So we -- you know, my experience, the very
9 vast majority of children that I've seen over the years
10 are going to have delayed disclosure, a disclosure
11 that doesn't come out immediately and takes time.
12 And then, that disclosure is also going to be what's
13 called a partial disclosure.

14 So a partial disclosure means that I might give
15 you a little bit of information, and I'm going to see
16 how it's responded, I'm going to see if I'm supported,
17 if I'm believed. And based on that, I might give you
18 more and more and more, and so it can take time to get,
19 you know, the whole story.

20 And we see with that, you know -- partial
21 disclosures, we see how that can be more difficult in
22 cases where a child feels like that they might not be
23 believed. But we also see some differences in chronic
24 abuse, meaning abuse that happens over and over versus
25 a one-time incident. So a one-time incident could

1 be an event. A child could disclose, you know, just
2 because it was a one-time situation, and there was
3 not a -- and potentially, like, the perpetrator
4 was not close to them.

5 But with chronic abuse, we see that it's really
6 -- you know, it can be a harder disclosure, it can take
7 more time, and it can be a more confusing disclosure
8 because if an event has happened over and over and
9 over, they all start to mesh together, and you might
10 not remember exactly, you know, the time or the date.

11 You might have -- unless there's, like, some
12 very specific thing that helps you to remember that.
13 It's kind of like our daily tasks as adults. We can't
14 explain exactly what we did one day versus the next
15 because we do the same thing, you know, over and over.

16 Q. And I think you've touched on this a little bit.
17 But, like, what does research say about why kids do not
18 tell immediately?

19 A. So there is a lot of reasons why kids don't
20 tell immediately. A lot of them come back to some level
21 of fear, and that can be, you know, fear that they're
22 not going to be believed, that can be fear that they've
23 been told that something bad is going to happen if
24 they tell to them, to a family member, to their dog,
25 you know. They can have fear of what's going to happen

1 in the family dynamics, if the person is part of the
2 family, like, who's going to pay the bills, who's going
3 to support, you know, their activities. So they can
4 have those sorts of fears. They can have the fear
5 of not being believed.

6 And then you have the emotional pieces, you know,
7 the shame and the embarrassment of having to talk about
8 sexual abuse, and something that's supposed to be
9 so private. So we can have, you know, those issues.
10 We can have a situation where, you know, a child has
11 disclosed to them before and wasn't believed. And so
12 there's lots of different reasons of why children delay
13 and do not disclose.

14 Q. Okay. Are there some common factors, you know,
15 in research and clinical experience that impact
16 children's delayed disclosure?

17 A. Yeah, one of the -- one of the big ones is, like,
18 closeness or proximity to the offender. So if you have
19 a really close relationship, it's harder to tell than
20 if it was a stranger, and so we see that often happen
21 in more delayed disclosures. And that has to do with
22 there's often a relationship built there, a relationship
23 that matters, and so kids don't want something to
24 potentially happen to the person who, you know, they
25 care about.

1 And so that's a reason that we have, you know,
2 delayed disclosures, as well as some of those other
3 things I mentioned, you know, the fear of whether or not
4 they're going to be believed, the fear of what's going
5 to happen to other -- you know, the threats potentially
6 to other people that they care about, or to the finances
7 in the house or, you know, to their supportive
8 caregiver, who might be in a loving relationship with
9 the alleged.

10 Q. Megan, I think you touched on this a little bit,
11 but can the type of relationship between the victim
12 and offender affect the disclosure?

13 A. Yes.

14 Q. And can you explain a little bit more how?

15 A. So like -- so if you're really close with
16 somebody, then you've had that grooming process likely
17 that has been built in relationships. This is somebody
18 you care about; this is somebody you trust. And we have
19 to remember that abuse is not 100 percent of the time.
20 So a relationship can be build on 90 percent of positive
21 things, on love and trust and caring, and the 10
22 percent, you know, having the abuse situations.

23 And so when a child is in one of -- a
24 relationship and in a situation like that, they likely
25 don't want -- they want the abuse to stop, but they

1 don't particularly want something bad to happen to the
2 person who's been -- you know, who's been hurting them
3 because that person is somebody who matters to them,
4 and that relationship matters to them.

5 Q. And you talked a little bit about threats
6 and being a part of why children do not disclose.
7 Can you talk a little bit more about that, what kind
8 of threats there are?

9 A. Yeah. So there are, you know, physical threats.
10 I'm going to kill you; I'm going to hurt you; I'm going
11 to do something -- I'm going to do the same thing to
12 your sister. There are threats of, you know, against
13 animals; there are threats about, you know, the impact
14 that's going to be on the family; there's threats that
15 you're not going to be believed, and nobody is going
16 to, you know, support you.

17 But also there's -- you know, there's other
18 threats too that have to do with, you know, the
19 financial and the impact of the family and how that
20 impact, even though that's not immediately causing,
21 there is, like, you know, an impact that happens
22 afterwards. It's going to impact how the child lives,
23 how the family lives, and there's long-term fallouts
24 from the disclosure.

25 Q. And what are some things that prompt children

1 to tell, to disclose?

2 A. So things that can prompt children to disclosure
3 really -- so children who do disclose kind of do that
4 in a couple of different ways. So the first way is
5 an accidental disclosure. So that's when a child tells,
6 but they did not have any intent to tell. They were
7 not meaning for anything to happen. And an accidental
8 disclosure could be lots of different things, but,
9 like, some big ones are if a kid turns out with an STD,
10 or if they turn out pregnant, we're going to know
11 something happened.

12 But also it can be a situation where maybe
13 a child tells a friend but doesn't intend for that
14 friend -- for that information to go anywhere else.
15 Or maybe a child is -- you know, a child is -- a young
16 child is talking about oral sex, and there's no way
17 for them to have that information. And so, you know,
18 there's a sexualized behavior there. And so that
19 accidental disclosure is, you know, again, wasn't really
20 intended.

21 And then, we can have what's called a prompted
22 disclosure, which is somebody kind of asking questions
23 that gets a child to tell. So maybe in that situation
24 with the sexual abuse, it's, hey, how did you -- you
25 know, how did you find out about that? How do you know

1 about that? Or your behavior is changing, you know,
2 why have your grades dropped at school? Why are you not
3 wanting to go to basketball anymore? So that prompted
4 disclosure is somebody asking questions to kind of try
5 and prompt why we are seeing a behavior change and is
6 something happening, and a child will then disclose.

7 And then we have the third, which is that
8 purposeful disclosure, and that's when a child gets
9 to the point where they decide I'm ready to tell
10 somebody, and I want something to happen about it,
11 and they come out and make a disclosure.

12 Q. Okay. And is that based in research and your
13 clinical experience?

14 A. Yes, definitely that is what I see in my clinical
15 experience.

16 Q. Okay. Are there common behavioral reactions
17 to being sexually assaulted, or do they vary?

18 A. So there are -- there's just a big range on
19 behavioral factors, and so a lot of that just depends
20 on the individual kid, their, like, internal coping
21 skills, the external coping skills that they've learned,
22 and then, you know, if they've had any therapy and
23 support.

24 Q. What about common emotional reactions, or do they
25 vary?

1 A. They vary as well.

2 Q. In your expert opinion, is it fair to say that
3 continuing abuse, or as you would call chronic abuse,
4 can affect a child in many ways, and not all children
5 will experience it in the same way and react the same
6 way?

7 A. Yes.

8 MS. SAS: Court's indulgence. No further
9 questions for this witness.

10 THE COURT: You may proceed, Mr. Seaton.

11 MR. SEATON: Thank you, Your Honor.

12 THE COURT: You're welcome.

13 CROSS-EXAMINATION

14 BY MR. SEATON:

15 Q. Ms. Temple, as I understand it, your organization
16 is what's called a CAC?

17 A. It is, yes, sir.

18 Q. And that stands for children's advocacy center?

19 A. Yes, it does.

20 Q. And explain what a children's advocacy center is?

21 A. So we are an organization, we're nonprofit.
22 Not all are nonprofit, but we're a nonprofit that works
23 with law enforcement and social services to provide
24 medical interview and therapy services when there
25 is an allegation of abuse or neglect, or when there's

1 a witness to, like, a violent crime.

2 Q. Okay. And as the term advocacy suggests,
3 y'all are doing everything you can to help or protect
4 or improve the lives of these children?

5 A. Correct.

6 Q. All right. And would you agree with me that a
7 children's advocacy center is not designed, nor is it
8 part of your job, to determine whether or not a child
9 who says, I've been sexually abused -- to determine
10 whether or not they're telling the truth?

11 A. Correct.

12 Q. Y'all are never involved in the process of --
13 if you see 50 kids, you don't know whether any of them
14 are telling the truth or all of them, or none of them,
15 or some of them. You don't have any clue of that
16 because that's not your job, would you agree with that?

17 A. Yeah, it's not my job to be the determiner.

18 Q. Okay. And so when we talk about all of this
19 experience that you've had and this research that you've
20 done, and none of this -- has there ever been taken
21 into account whether any of the children were telling
22 the truth, or whether they were not telling the truth.
23 Would you agree with that?

24 A. Can you restate that question.

25 Q. Sure. The solicitor wanted you to talk about

1 this research. And the research that's been done,
2 I'm assuming that these children who are involved
3 in this research that we've already talked about,
4 that no one determined whether or not they were actually
5 sexually abused. We simply took it at their word that
6 they were sexually abused?

7 A. So there is research with children who have STDs
8 or who have turned up pregnant who have -- they look at
9 disclosure. And you have children who never disclosed
10 abuse, however, they have an STD, or they are pregnant.

11 Q. Understand. I'm not suggesting that none
12 of the children were abused -- I certainly agree that
13 there is a lot of sexual abuse in this world. I'm just
14 suggesting that because a CAC is not involved in
15 determining whether or not someone -- a child has been
16 truthful, then it's a little hard to base assumptions
17 on someone we don't know whether they're telling the
18 truth or not. Would you -- is that a fair statement?

19 A. I think that you have to include -- we also
20 have external factors in cases that we are involved in.
21 We're not the determiner of fact, but there are external
22 situations. There are kids who have medical
23 examinations; there are kids who somebody walked in on.
24 There are cases that we do absolutely know that sexual
25 abuse ---

1 Q. Sure. Agree 100 percent, 100 percent.
2 Nonetheless, all these factors that you talked about,
3 the very first thing I heard you talk about was building
4 trust. And as a general statement, you certainly
5 wouldn't have any problem with an adult building
6 a trusting relationship with a child, would you?

7 A. No.

8 Q. In fact, you would suggest that a healthy
9 relationship between an adult and a child would
10 be a trusting relationship?

11 A. I would suggest that a healthy relationship would
12 be trusting, yes.

13 Q. Okay. And, particularly, if the child has
14 a background of instability, of bouncing from one place
15 to another, or parents in and out of their lives,
16 other adults that have let them down, and someone gets
17 involved in their life and provides them with stability,
18 you would certainly agree that that's a good thing?

19 A. I think that's hard to say. And the reason
20 I say that is because also a child who has had
21 instability in their life and is bouncing around from
22 home to home and doesn't have, like, regular caregivers
23 is also a child who's at higher risk.

24 And so, yes, you do want them to have a healthy,
25 trusting relationship and support, but you also have

1 to be careful because they are at a higher risk of being
2 taken advantage of.

3 Q. Okay. So it's fair to say then that if an adult
4 who provides some stability to an unstable child
5 is really putting themselves at a higher risk of being
6 falsely accused?

7 MS. SAS: Objection, Your Honor.

8 THE COURT: Basis?

9 MS. SAS: Outside of the score -- excuse
10 me. Outside of the scope of this expert's expertise
11 in child abuse dynamics.

12 THE COURT: Mr. Foreman, ladies and
13 gentlemen, I have a brief matter of law to take up
14 with counsel. During the break, please do not discuss
15 the case, and please leave your notepads in your seats.

16 (The jury exited the courtroom at 10:17 a.m.)

17 THE COURT: You may be seated. All right.
18 Let me hear the full nature of your objection, Ms. Sas.

19 MS. SAS: Your Honor, this expert testifies
20 about the child abuse dynamics, not about offender
21 behaviors. And I believe that the testimony that
22 Mr. Seaton is trying to elicit out of this expert
23 is about offender behavior, specifically.

24 THE COURT: Mr. Seaton, how is this within
25 her expertise?

1 MR. SEATON: The research that they read
2 that I've been provided, I'm simply questioning whether
3 or not that the basis for these decisions or conclusions
4 that are being told to this jury is -- if there are
5 other possibilities.

6 THE COURT: Well, she's not testifying
7 to the veracity of the witness.

8 MR. SEATON: I understand, Your Honor.

9 THE COURT: And she has not said whether
10 the witness was believed or not. She's simply talking
11 about behavioral observations of those who are purported
12 to have been in this situation. I don't think she's
13 qualified to talk about the behavior of the Defendant
14 nor -- and the way you posed a hypothetical really
15 is not founded in procedure. It's compound; it presumes
16 a fact that's not in evidence.

17 I think you would have to rephrase the
18 question, and you would have to lay the appropriate
19 foundation for her to be able to answer that question
20 because the question presumes that the report was false,
21 which you're asking her then to comment on the veracity
22 of **Minor**, which she cannot do. It creates an
23 ethical quandary for her. That's not why she's here
24 to testify.

25 MR. SEATON: I certainly didn't ask her

1 a specific question about a specific person.

2 THE COURT: It is a specific question
3 the way it was propounded. You want the jury to believe
4 that the victim in this case, because of her background,
5 lied ---

6 MR. SEATON: Judge ---

7 THE COURT: --- and is predisposed to lie.

8 MR. SEATON: --- we have -- my assumption
9 is that all of the testimony that's been elicited
10 is based on an unknown person as a blind witness.
11 I am simply prepondering -- proposing that that same
12 unknown person that we're discussing ---

13 THE COURT: The way you -- if that's what
14 you're trying to elicit, you need to ask it differently.

15 MR. SEATON: I would be happy to.

16 THE COURT: And I need it hear how because
17 the way you asked it was not within the rules of
18 procedure or evidence.

19 MR. SEATON: Yes, ma'am.

20 THE COURT: Yes, ma'am?

21 MS. SAS: Your Honor, and if I may, just one
22 thing to add to the record. This expert is -- treats
23 children and provides services to children, interviews
24 children, and that's what the research -- she does
25 not treat offenders. So I think the question, the way

1 it was phrased, was ---

2 THE COURT: Well, the way he phrased
3 it was, are children with these particular issues
4 and challenges, are they predisposed to lying? That
5 is about the child.

6 MS. SAS: And I think my understanding
7 of the other question was also -- because it was
8 compounded, that as an offender, he is putting himself
9 at risk by being around this, and I think that's where
10 it shifts to the offender ---

11 THE COURT: And I already made that
12 observation that it was compounded, and he needs to
13 rephrase it, and I need to hear what he wants to ask.

14 MS. SAS: Thank you, Your Honor.

15 THE COURT: Yes, sir.

16 MR. SEATON: Thank you, Judge.

17 THE COURT: You're welcome.

18 BY MR. SEATON:

19 Q. You suggested that a child from an unstable
20 background is more at risk?

21 A. Yes.

22 Q. Okay. And if a child is more at risk based
23 on their background, would -- would a child in any way
24 -- let me ---

25 MR. SEATON: Judge, I'll tell you what.

1 Let me just -- I'm going to stop that line of
2 questioning because it wasn't -- I'll just withdraw
3 the question.

4 THE COURT: Okay. I'm going to instruct --
5 I'm going to instruct the jury to disregard the last
6 question. All right. Any exception from the State?

7 MS. SAS: No, Your Honor.

8 THE COURT: All right. Please bring in the
9 jury.

10 (The jury entered the courtroom at 10:22 a.m.)

11 THE COURT: You may be seated. Ladies
12 and gentlemen, we appreciate your patience. You're
13 to disregard counselor's last question. You are to
14 disregard it from your mind and disabuse it, and you're
15 to have -- it's not to have any part in your
16 deliberation of the matter before the Court. You may
17 proceed.

18 MR. SEATON: Thank you, Your Honor.

19 THE COURT: You're welcome.

20 BY MR. SEATON:

21 Q. Ms. Temple, we were discussing the list that
22 you've given us earlier about things that are steps,
23 I guess, I would suggest, of ways to create a grooming
24 situation. And one of them that you talked about with
25 building trust is things like hugs.

1 A. Uh-huh.

2 Q. And you would agree with me that a hug
3 in and of itself is not a bad thing?

4 A. A hug in general?

5 Q. Yes.

6 A. It's not a bad thing.

7 Q. And you would agree with me that touching
8 a child in an appropriate -- well, I certainly don't
9 mean in a sexual way, but touching a child is not in
10 it of itself a bad thing, is it?

11 A. No, it's not.

12 Q. How about buying them gifts?

13 A. So none of those are going to be bad things
14 in themselves, that's the whole point of grooming.
15 It starts with something that is completely innocent
16 and builds. So none of those initial steps are going
17 to be bad things.

18 Q. So this list that you've given us today, and
19 I'm assuming it's only a partial list. I'm assuming ---

20 A. Right.

21 Q. --- the documents that I read that came from
22 your office include a long laundry list of many ways
23 that are factors that are considered grooming?

24 A. Correct.

25 Q. And is it safe to say that if everything

1 on that list was done, the buying gifts, telling
2 them that you love them, that you create a special
3 relationship, all of those things, there's nothing
4 wrong with someone with good motives, there's nothing
5 wrong with doing any of those things? It's only at
6 the point in which they become an offender and actually
7 sexually assault the child?

8 A. Correct. So with grooming, there's nothing wrong
9 with those initial pieces, and that's why it's harder
10 to -- for grooming to be noticed on the front end.
11 It's normally easier to be seen going backwards.

12 Q. So when we talk about this list, I would ask
13 is there -- don't you have to have the actual bad
14 behavior in order to say -- it's like what I would call
15 Monday morning quarterbacking. You've got to have the
16 bad -- you've got to have the sexual abuse to go back
17 and look at the list and say, ah, that's what we used
18 as a way to get here because all of this -- there's
19 nothing wrong with what they did, but they did it for
20 the wrong purpose because now they've sexually offended
21 the child.

22 Isn't that really Monday morning quarterbacking
23 by saying good things that you did for the child are
24 now bad things?

25 A. So, I'm not completely clear on the Monday

1 morning quarterbacking part.

2 Q. Yes, ma'am. Might be a bad analogy.

3 I apologize.

4 A. Yeah. So are you ---

5 Q. Let me rephrase that for you ---

6 A. That would be great. Thank you.

7 Q. --- because I think you're right. I don't like
8 that analogy either. What you're saying is that if you
9 do all of these things that we agree are good things,
10 but you do them for a bad purpose, that's how you
11 created this grooming situation?

12 A. Right. You can do those same behaviors,
13 and then if the intent is not to sexually abuse a child,
14 and if the sexual abuse does not occur, then they are
15 just a hug, they're just separate behaviors.

16 Q. Yes, ma'am.

17 A. It's putting them together that build on the
18 grooming.

19 Q. Understand. So we take this laundry list of what
20 we talked about today and expand it, all these things
21 that we -- you've told us that we can include, which
22 is basically every good behavior in the book?

23 A. It can, yes.

24 Q. It's every good behavior in the book, but if you
25 take them, and you have a bad purpose, then all those

1 good purposes were really just for one bad purpose.

2 Isn't that basically what the science of grooming says?

3 A. I guess. It sounds simplified, but ---

4 Q. I'm sorry if I'm trying to simplify it.

5 A. Yeah, okay.

6 Q. Because, to me, it's real simple. It's

7 Monday morning quarterbacking. We say the child

8 has been molested, so all these good things were

9 for a bad purpose. So tell me what I'm missing because

10 I'm certainly just a -- I became a lawyer for a reason.

11 I'm not smart enough for other areas.

12 So tell me what I'm missing by saying, it's

13 all this good, but with a bad intent. What am I missing

14 in that being the science of grooming?

15 A. I think it's just the systematic piece of it.

16 So, I mean, grooming, you know, there's a process to it.

17 There's a thought plan to it. You know, if I'm building

18 a relationship with a child, you're not going to

19 probably see every single step that increases trust,

20 that reduces that risk of disclosure, that includes

21 those pieces of secrets.

22 There are pieces in there that you're not going

23 to see, and not every part, like I said, of grooming is

24 good. I mean, you may have a situation where somebody

25 is allowing a kid to drink alcohol or to do drugs

1 in order to build trust and to create that secret
2 environment. That wouldn't be good behavior.

3 You wouldn't do that in a trusting relationship.

4 Q. I understand. But if you had a situation where
5 a child was molested, and the only factors that were
6 disclosed was all good things, then that still means
7 that all those good things created a bad situation?

8 A. I mean, I guess. I mean, I can't speak to that
9 specific situation.

10 Q. I understand.

11 A. Yeah.

12 Q. But we've been talking in theoretical today.

13 A. Yeah.

14 Q. Because, as you've said, you know nothing about
15 this case.

16 A. Yeah.

17 Q. And you're not here to talk anything about this
18 case. It's just you're trying to teach these people
19 about this theory of grooming?

20 A. Right.

21 Q. And that theory of grooming, I'm asking you
22 to help them understand, or help me understand along
23 with them, is that you can do all these good things,
24 but if you did it with a bad intent, then that's
25 grooming?

1 A. It can be a type of grooming.

2 Q. Thank you.

3 MR. SEATON: Nothing further.

4 THE COURT: Any questions for the witness?

5 MS. SAS: Just one, Your Honor.

6 THE COURT: You may proceed.

7 REDIRECT EXAMINATION

8 BY MS. SAS:

9 Q. Ms. Temple, is the area of child abuse dynamics
10 a simple or a complicated subject?

11 A. That's -- it's a very difficult subject. I mean,
12 people are individuals, and so there's just so much
13 individualization. But there has been, over the last
14 20 years, a good bit of research that's helped to kind
15 of -- us to understand it from a scientific perspective
16 more than we used to.

17 Q. And did you base your testimony today partially
18 on the research in this area?

19 A. And my, you know, 15 years of clinical practice.

20 Q. Thank you.

21 MS. SAS: No further questions for this
22 witness.

23 THE COURT: Any objection to the witness
24 being excused from the State?

25 MS. SAS: None from the State, Your Honor.

1 THE COURT: From the defense?

2 MR. SEATON: No, Your Honor.

3 THE COURT: You're excused. Thank you.

4 THE WITNESS: Have a good day.

5 THE COURT: You too. State may proceed.

6 MS. SAS: Your Honor, the State rests its
7 case.

8 THE COURT: Mr. Foreman, ladies and
9 gentlemen, the State has rested their case. There
10 are some matters of law I need to take up with counsel.
11 During the break, please do not discuss the case and
12 please leave your notes in your seats. We appreciate
13 your patience.

14 (The jury exited the courtroom at 10:31 a.m.)

15 THE COURT: You may be seated. The State
16 has rested. Are there any motions?

17 MR. SEATON: Yes, Your Honor. At this
18 point, the Defendant would make a motion to dismiss
19 based on lack of evidence in this particular case.

20 THE COURT: Would the State like to respond?

21 MS. SAS: Yes, Your Honor. Mr. Seaton's
22 motion for a direct verdict, Your Honor, only the
23 existence or nonexistence of evidence and not its weight
24 should be considered, as the Court knows, in ruling
25 on this motion. The State would argue that we have

1 presented evidence for each of the indictments.

2 There are three criminal sexual conduct with a minor,
3 second degree, charges, one for vaginal penetration,
4 anal penetration, as well as digital penetration.

5 We have presented testimony of the victim
6 who testified about each of these incidents in
7 Berkeley County during that 2018 through 2020 time
8 frame when she was under the age of 14 and over the
9 age of 11. And there was testimony about Defendant's
10 age as well that Sergeant Bell provided that puts
11 him above the age that is required for that statute,
12 as well as there was testimony for criminal sexual
13 conduct with a minor, third degree, by her, which she
14 provided about touching of her breast and her private
15 parts during the same time frame of 2018 through 2020,
16 and her being under the age of consent and him being
17 over the age, I believe, the statute requires 14.

18 So, I believe in the light most favorable
19 to the State, we would ask for the Court to deny the
20 motion for a directed verdict.

21 THE COURT: Anything further, Mr. Seaton?

22 MR. SEATON: No, Your Honor.

23 THE COURT: In considering a motion for
24 a directed verdict, the Court is concerned with the
25 existence or nonexistence of evidence, and not its

1 weight. The Court is not the finder of fact. Of
2 course, the evidence has to raise above more -- raise
3 above mere suspicion. However, the State is not
4 required to prove its case beyond every single doubt.

5 And in this instance, there is more than
6 sufficient evidence for the matter to rise above
7 suspicion. There's also more than sufficient evidence
8 to go beyond any other -- they don't have to prove it
9 beyond any other reasonable hypothesis. But, certainly,
10 there's more than sufficient direct and substantial
11 circumstantial evidence for the State to establish
12 the elements of the offenses beyond a reasonable doubt.

13 And without belaboring the time, there's
14 the direct testimony of -- and I'm not going to try
15 to say her -- Minor [REDACTED] who testified that
16 the Defendant engaged in what could best be described
17 as grooming behavior, that it began with touching,
18 and then progressed to sexual contact.

19 And that, in connection with those
20 activities, he also provided certain beneficial
21 services, for lack of a better word, to her family,
22 as well as to her in the form of gifts and other
23 trinkets and other advantages that were provided
24 to her as she lived in his home, whether it would
25 be off and on transient, the bottom line is that

1 there were times where she resided in that residence
2 for the purpose of attending school, along with multiple
3 other individuals who lived and resided in that
4 residence. Her testimony in and of itself, pursuant
5 to the statute, is more than sufficient to satisfy
6 the elements of the offense. Again, that is a legal
7 matter, not a matter to be instructed to the jury.

8 But our legislature, in its divine
9 providence, has determined that the testimony, or the
10 assertions, of a rape victim or -- we use the common
11 term rape, but it's criminal sexual conduct of any type,
12 that their assertions do not have to be corroborated.
13 And again, that's a matter of law for the Court, not
14 a matter for the jury to consider, nor is it appropriate
15 for it to be instructed.

16 Prior to the Stuke's precedent pursuant
17 to Rayfield, it was appropriate to instruct it,
18 and it was routinely instructed. However, as matter
19 of law for this Court's consideration, her testimony
20 in and of itself is sufficient to the direct and
21 substantial circumstantial evidence reasonably tending
22 to prove the Defendant's guilt.

23 In addition to that testimony, there
24 is circumstantial evidence in the nature of several
25 witnesses, that being her brother, **Brother 1** as well

1 as the outcry witness, her mother, Kimberly Perez,
2 who at the time was known as Kimberly Sierra, as well
3 as the relative of Mr. Boley, who indicated and
4 testified that he saw several inappropriate -- what he
5 felt to be as a man of age and discretion, inappropriate
6 interaction between Mr. Boley and **Minor**, one
7 of which was him shaving -- the incident where he was
8 shaving, and he removed his daughter from the situation.
9 However, there was impetus to remove **Minor** from
10 that situation, as well as certain touching that took
11 place in his presence that he felt went beyond paternal,
12 that it was inappropriate in its nature.

13 So looking at the record in the light
14 most favorable to the State, which is what the Court
15 is required to do, there is -- and the Court finds
16 there is direct and substantial circumstantial evidence
17 reasonably tending to prove the Defendant's guilt
18 and from which his guilt could be fairly and logically
19 deduced. And, therefore, the motion for a directed
20 verdict is denied.

21 Sir, if you would stand, I'll remind
22 you you're still under oath and resume the colloquy
23 with you from yesterday. Sir, state your name for
24 the record.

25 THE DEFENDANT: James Edward Boley.

1 THE COURT: And, Mr. Boley, do you remember
2 your rights as I've explained them to you yesterday?

3 THE DEFENDANT: Yes, ma'am, I do.

4 THE COURT: Do you have any questions
5 regarding your rights?

6 THE DEFENDANT: No, ma'am.

7 THE COURT: Have you had an opportunity
8 to discuss with your attorney whether you should
9 or should not testify?

10 THE DEFENDANT: I have.

11 THE COURT: Do you need to speak with him
12 any further at this time?

13 THE DEFENDANT: No.

14 THE COURT: Do you need to speak with your
15 client anymore at this time, Mr. Seaton?

16 MR. SEATON: No, Your Honor.

17 THE COURT: Okay. And, sir, do you wish
18 to testify?

19 THE DEFENDANT: No, I do not.

20 THE COURT: Okay. You may take your seat.
21 Does the defense intend to introduce any testimony
22 or evidence?

23 MR. SEATON: No, Your Honor, we rest.

24 THE COURT: All right. Do you want to --
25 the defense has rested. Are there any additional

1 motions?

2 MR. SEATON: No, Your Honor.

3 (Pause.)

4 THE COURT: While we're doing this, If you
5 all -- I'm reviewing the verdict forms, and we're about
6 to have a charge conference. But if you all could
7 take a moment and go through the evidence and make
8 sure it's all accounted for with the court reporter,
9 that would helpful.

10 (Pause.)

11 THE COURT: All right. Do we have
12 everything accounted for?

13 MS. SAS: Yes, ma'am.

14 MR. SEATON: Yes, ma'am.

15 THE COURT: Madam Court Reporter, do we have
16 everything accounted for?

17 THE COURT REPORTER: Yes, ma'am.

18 (Pause.)

19 THE COURT: I will give the jury a general
20 instruction regarding their responsibility and my
21 responsibility, how they are to judge witness
22 credibility and believability, give them a general
23 instruction regarding expert witness testimony. I'll
24 then give them a general instruction regarding direct
25 and circumstantial evidence, as well as the charge,

1 the arrest, and the indictment not being evidence,
2 and on the presumption of innocence.

3 I'll then instruct Victor v. Nebraska
4 on reasonable doubt, then instruct the elements
5 of second-degree criminal sexual conduct with a minor.

6 (Pause.)

7 THE COURT: Which portions of the statute
8 is the State seeking to have instructed from 16-3-655?
9 Are you asking for (b)(1) and (b)(2), or simply (b)(1)?

10 MS. SAS: Court's indulgence.

11 THE COURT: (B)(1) deals with the victim
12 was at least 11 years old, but not more than 14 years
13 old at the time of the sexual battery. (B)(2) is --
14 (b)(1)(2) -- no, (b)(2), I'm sorry. The victim was less
15 than 16 years of age, but at least 14, and the Defendant
16 was either in a position of familial, custodial,
17 or official authority to coerce the victim to submit,
18 or that the Defendant was older than the victim.

19 MS. SAS: Your Honor, the first
20 subsection ---

21 THE COURT: That's what I thought.

22 MS. SAS: --- because she was not 14
23 entering the abuse.

24 THE COURT: Exactly.

25 MS. SAS: And that's ---

1 THE COURT: I just want to make sure.

2 MS. SAS: Yeah, that's what the indictment
3 reads.

4 THE COURT: It does, but I wanted to make
5 sure.

6 MS. SAS: Thank you, Your Honor.

7 MR. SEATON: (B)(1), Your Honor?

8 THE COURT: (B)(1).

9 MR. SEATON: Yes, ma'am.

10 THE COURT: Which is the victim was at least
11 11 years old, but not more than 14 years old at the time
12 of the sexual battery, which is 16-3-655.

13 MR. SEATON: Yes, ma'am.

14 THE COURT: There's so many subsections.
15 I'm sorry. I'm trying to read my own scribbled notes.
16 (B)(1), and it's (2), though, that I think precedes the
17 (b)(1). And, of course, that would include the language
18 regarding the Constitution and Code of Regulations
19 132-4, which is the age of consent. A woman under
20 the age of 14 cannot legally consent to sexual
21 intercourse.

22 And then, the elements of criminal sexual
23 conduct with a minor, third degree, which is
24 16-3-655(c), which is that the Defendant willfully
25 and lewdly committed, or attempted to commit a lewd

1 or lascivious act upon or with the body or its parts
2 of a child under the age of -- with the body or its
3 parts of a child under the age of 16, with the intent
4 to arouse, appeal to, or gratify the lust, passions
5 or sexual desires of the Defendant or the child.
6 And then defining willfully, defining lewd, and defining
7 lascivious.

8 I'll then instruct regarding the Defendant
9 not testifying. I'll also instruct the multiple
10 counts of criminal sexual conduct. In other words,
11 he's charged with two counts -- well, three counts
12 of CSC with a minor, second degree, and one count
13 of CSC with a minor, third degree. And when two
14 or more acts of criminal sexual conduct are alleged
15 to occur at or about the same time, each act alleged
16 is a separate crime rather than one continuing crime.

17 I'll also instruct on multiple offenses,
18 which is, he has four separate and distinct indictments.
19 The State has the burden of proving each one of them
20 beyond a reasonable doubt, and he may be convicted
21 or acquitted on any or all of the indictments.
22 I'll then instruct on the form of the verdict.

23 Now, the State has requested voluntary
24 intoxication, and I need them to be aware of what
25 State v. Hartfield and State v. Crocker, as well

1 as State v. Vaughn, require to be instructed. It's
2 still good law, has not changed. Yes?

3 MS. SAS: We withdraw our request,
4 Your Honor.

5 THE COURT: Works for me. All right.
6 Any exceptions to the charge as proposed from the State?

7 MS. SAS: None from the State, Your Honor.

8 THE COURT: From the defense?

9 MR. SEATON: No exceptions, Your Honor.
10 I would simply ask if I could possibly look at their ---

11 THE COURT: You could look at the verdict
12 forms, but you're not going to look at my charge, no.

13 MR. SEATON: I just want to make sure
14 I didn't get the language wrong.

15 THE COURT: The only person that's going
16 to get my instructions is me. It's not a pretty work
17 product, and I've got most of it memorized, and I may
18 take it out of order depending on how I'm feeling while
19 I'm talking.

20 MR. SEATON: So, I just wanted to make
21 sure that the reasonable doubt is a doubt for which
22 a reasonable person would hesitate to act.

23 THE COURT: No. I charge
24 Victor v. Nebraska.

25 MR. SEATON: That's why I asked.

1 THE COURT: Hesitate to act is confusing
2 to me. I don't know what that means. Yeah. I use
3 the ---

4 MR. SEATON: You stole my punch line, Judge.

5 THE COURT: It's confusing to me. I don't
6 know what that means.

7 MR. SEATON: It is confusing to me, too.

8 THE COURT: I don't know what that means,
9 so I use a real straightforward, Victor v. Nebraska.
10 It works for me.

11 MR. SEATON: Yes, ma'am.

12 THE COURT: Yeah. I can tell you what
13 it says, if you want to hear it.

14 MR. SEATON: Yes, ma'am.

15 THE COURT: Bear with me just one moment.
16 The State has the burden of proving the Defendant
17 guilty beyond a reasonable doubt. Some of you may have
18 served as jurors in civil cases where you were told
19 that it is only necessary to prove that a fact is more
20 likely true than not true, such as by the greater weight
21 or the preponderance of the evidence.

22 In criminal cases, the State's proof must be
23 more powerful than that; it must be beyond a reasonable
24 doubt. Proof beyond a reasonable doubt is proof that
25 leaves you firmly convinced of the Defendant's guilt.

1 There are very few things in this world that we know
2 with absolute certainty, and in criminal cases, the law
3 does not require proof that overcomes every possible
4 doubt.

5 If based on your consideration of the
6 evidence, you are firmly convinced that the Defendant is
7 guilty of the crime charged, you must find the Defendant
8 guilty. If, on the other hand, you think there is
9 a real possibility that the Defendant is not guilty,
10 you must give the Defendant the benefit of that doubt
11 and find him not guilty.

12 MR. SEATON: That's much more clear, Judge.

13 THE COURT: I think it's clear and to the
14 point.

15 MR. SEATON: I'm surprised everybody didn't
16 use that language.

17 THE COURT: Well, I think people get used
18 to doing things a certain way. No criticism either way.
19 I just like Victor v. Nebraska. All right. Any request
20 or exceptions from the State?

21 MS. SAS: No, Your Honor. Just ---

22 THE COURT: From the defense?

23 MR. SEATON: No, Your Honor.

24 THE COURT: I'm sorry. You were about
25 to say something?

1 MS. SAS: Oh, just to see the verdict ---

2 THE COURT: I'm going to let you see the
3 verdict forms.

4 MS. SAS: Thank you.

5 THE COURT: I need to do a step at a time.
6 Any exceptions or requests?

7 MS. SAS: None from the State, Your Honor.

8 THE COURT: Any from the defense?

9 MR. SEATON: No, Your Honor.

10 THE COURT: All right. Y'all can come
11 forward and look at the verdict forms. And please
12 be our second set of eyes and make sure there are no
13 misspelled words, no gaps, no wrong numbers. We look
14 at it so much that it starts looking the same to us,
15 so I would welcome any corrections, if they're
16 necessary.

17 (Off-the-record conversation held at sidebar.)

18 (Back on the record.)

19 THE COURT: Any exceptions to the verdicts
20 as proposed from the State?

21 MS. SAS: None from the State, Your Honor.

22 THE COURT: From the defense?

23 MR. SEATON: No, Your Honor.

24 THE COURT: Now if you -- I'm just, sort
25 of, thinking out loud. Bear with me one second. I need

1 to write something before I forget.

2 (Pause.)

3 THE COURT: Okay. All the indictments
4 have the same date -- well, the same time frame,
5 which is June 1, 2018 through February 14, 2020.
6 If you all think it would be easier and more -- easier
7 for the jury, if you all agree to it, I could insert
8 the date frame -- in other words, under -- where it has
9 -- as to indictment number 2024 -- I'm using an example,
10 GS-08-4555, which is criminal sexual conduct, second
11 degree. Under that, I could insert in parenthesis,
12 June 1, 2018 dash February 14th, 2020, semicolon,
13 digital penetration, close parenthesis.

14 MS. SAS: Well, Your Honor, it's not the
15 date that I'm concerned about; it's the type of battery.

16 THE COURT: Did you listen to everything
17 I just said?

18 MS. SAS: Oh, I'm sorry, Your Honor.
19 I missed that.

20 THE COURT: Yeah. That's okay. Take a deep
21 breath.

22 MS. SAS: I'm sorry. Feels like it's been
23 already a week.

24 THE COURT: I understand. I feel like
25 it's Friday already.

1 MS. SAS: So Your Honor would put between --
2 the language from the indictment between June 1st, 2018
3 and February 14th and ---

4 THE COURT: Semicolon, digital penetration.

5 MS. SAS: Yes, Your Honor.

6 THE COURT: And then, let's see. Second
7 degree it would be the same, and it would say
8 penile/vaginal penetration. And then -- I don't think
9 you need it for the CSC third because it's a lewd act,
10 and I don't know how you would describe that.

11 MS. SAS: I agree with that, Your Honor.

12 THE COURT: And then, for the last --
13 not chronologically, but just last in the way I have
14 them stacked up because I went backwards -- well, no,
15 actually, this is the last chronologically -- 4807,
16 would be the same, anal/penile penetration.

17 Do you have any exception to that,
18 Mr. Seaton?

19 MR. SEATON: Yes, Your Honor. I don't think
20 that would be appropriate. I think that it's too much
21 information when a jury charge ---

22 THE COURT: Don't you think that inures to
23 your client's benefit for them to be able to distinguish
24 which acts are being alleged, and which acts for which
25 they need to consider whether the State has proved

1 the elements of the offense beyond a reasonable doubt?

2 MR. SEATON: I think that's, again, the
3 burden of the solicitor's office rather than continued
4 information ---

5 THE COURT: I don't know why judges send
6 indictments back. I just don't because I think it has
7 some strenuous verbiage in it. It just causes questions
8 later, especially if you have Inspector Gadgets who
9 think they need to go beyond the evidence that's been
10 presented in the courtroom. They tend to pick apart
11 indictments, which as we know, are only notice
12 documents.

13 MR. SEATON: I would object, Your Honor.
14 And along with that, I would ask if we're going to
15 do that, then I'll -- and the order doesn't matter,
16 then I would ask that the not guilty box be first.

17 THE COURT: No, sir, that's burden shifting.
18 The person who has the burden of proof always gets
19 the first shot. That's Black Letter precedent.
20 That would be like in a car accident. We say that
21 the person who was -- there's no finding of negligence
22 first and -- you know better. Yeah. Doesn't work
23 that way. The party with the burden of proof gets
24 the first shot.

25 All right. So, I've denied that request.

1 It will be as it always is, which is guilty or not
2 guilty. If we have lesser included, they go in the
3 middle for consideration.

4 So back to the matter at hand. Do you have
5 any exception to there being a distinction on the
6 verdict forms regarding which acts are alleged in each
7 of these indictments? I don't see any difference
8 between Ms. Sas arguing it and making that distinction,
9 and the jury having to write it down versus it being
10 on the verdict forms. And, frankly, I think it inures
11 to your client's benefit because it eliminates the risk
12 of them just lumping it all together, but it's up to
13 you.

14 MR. SEATON: I think that's a valid point,
15 Your Honor. I see it both ways, but I certainly --
16 confusion is not always in anyone's best interest.
17 So, I think I would not have an exception to amending
18 the verdict ---

19 THE COURT: Give me one second. Let me type
20 it up so y'all can actually see what it looks like.
21 And just for your -- so that you know, we've ordered
22 lunch for the jury. We anticipate it'll be here between
23 12 and 12:30.

24 How long do you anticipate your closing
25 argument to be, Ms. Sas? And I assume you -- well,

1 you have to open and close. You don't have a choice.
2 You have to open in full. Well, actually, he gets
3 the last argument ---

4 MR. SEATON: I do, Your Honor.

5 THE COURT: --- because he didn't present
6 anything.

7 MS. SAS: No, he does. And we only have
8 one ---

9 THE COURT: So, yeah. So how long do you --
10 I forgot about that. How long is your argument going
11 to be, you think?

12 MS. SAS: Under a half hour, I believe,
13 Your Honor. I think I can try to make it under a half
14 hour.

15 THE COURT: Don't feel constrained. I mean,
16 there are some judges that limit it.

17 MS. SAS: Yeah.

18 THE COURT: I feel like you should be able
19 to read your audience. It's up to you. I don't insert
20 myself in that.

21 MS. SAS: I think give or take about a half
22 hour.

23 THE COURT: Okay. And, Mr. Seaton?

24 MR. SEATON: Judge, it's going to vary
25 a little bit based on ---

1 THE COURT: Just give me an estimate.
2 I'm asking for -- I'm asking for planning.

3 MR. SEATON: Typically, it's 20 minutes
4 to a half hour.

5 THE COURT: Okay. Yeah, like I said,
6 don't feel constrained. I'm just asking for planning
7 purposes. All right. Give me one second to print
8 those.

9 (Pause.)

10 THE COURT: Do y'all have any technology
11 you're going to be using during your closing arguments
12 that you need to task before we get started?

13 MS. SAS: Yes, Your Honor, and I think
14 we just tested it really quickly, and it works.

15 THE COURT: Okay. I just wanted to make
16 sure.

17 MS. SAS: And, Your Honor, I would ask
18 that during, at least my closing, if we can just dim
19 one of the lights.

20 THE COURT: Yeah. I'll let you try to work
21 that out. Test it with the bailiffs ---

22 MS. SAS: Absolutely.

23 THE COURT: --- and see which works the best
24 because there can be a glare in here.

25 (Pause.)

1 THE COURT: All right. Are we good?

2 MR. SEATON: Yes, ma'am.

3 MS. SAS: Yes, ma'am.

4 THE COURT: All right. Any exception
5 to the forms of the verdict from the State?

6 MS. SAS: None from the State, Your Honor.

7 THE COURT: From the defense?

8 MR. SEATON: No exceptions, Your Honor.

9 THE COURT: All right. Y'all want to take
10 a quick restroom break before we resume with closing
11 argument and instruction?

12 MR. SEATON: Yes, ma'am, please.

13 MS. SAS: Yes, Your Honor.

14 (Recess taken.)

15 (Back on the record.)

16 THE COURT: All right. The State ready
17 to proceed?

18 MS. SAS: Yes, Your Honor.

19 THE COURT: Defense ready to proceed?

20 MR. SEATON: Yes, Your Honor.

21 THE COURT: Do you need to work with
22 the bailiffs to see which lights need to be dimmed,
23 Ms. Sas?

24 MS. SAS: Yes, Your Honor. I'm sorry.

25 THE COURT: No worries.

1 (Pause.)

2 THE COURT: If you can get the jury for me,
3 please. And, Mr. Seaton, I'm going to let you rest
4 in the presence of the jury as well.

5 (The jury entered the courtroom at 11:28 a.m.)

6 THE COURT: You may be seated. Ladies
7 and gentlemen, we appreciate your patience. Mr. Seaton,
8 you may proceed. You need to rest in the presence
9 of the jury.

10 MR. SEATON: I'm sorry, Your Honor.

11 THE COURT: That's okay.

12 MR. SEATON: I apologize.

13 THE COURT: That's okay.

14 MR. SEATON: The defense would rest,
15 Your Honor.

16 THE COURT: Mr. Foreman, ladies and
17 gentlemen, both the State and the defense have rested
18 their cases. We have now reached the stage of the trial
19 where we will have closing arguments and the Court's
20 instructions. We'll take breaks as necessary. I would
21 ask that you give counsel your undivided attention.

22 Also, we have ordered lunch for you; it's
23 from Chick-fil-A. Yay. And I know everybody loves
24 Chick-fil-A, and I find that it caused me to gain ten
25 pounds. Anyway. It's a whole nother story for a whole

1 nother day. But your lunch, we anticipate, it will
2 be here by about 12:30-ish. We'll -- again, I'll
3 just gauge things as they're going, and we'll take
4 the appropriate breaks for restroom and for lunch.
5 Again, I would ask that you give counsel your undivided
6 attention. You may proceed.

7 MS. SAS: Thank you, Your Honor.

8 THE COURT: You're welcome.

9 MS. SAS: She did not scream, and, no,
10 she did not leave his house and walk down 17-A and
11 Saint James Avenue because she was groomed. And, as
12 you were told, it's hard for the grooming to be noticed.
13 Remember what Assistant Solicitor Lerch told you when
14 we first started on Monday. **Minor** actions are
15 not on trial here this week; this Defendant's actions
16 are, his actions of sexually assaulting a child.

17 You heard from **Minor** on this stand this
18 week; that's evidence. You heard her talk about the
19 sexual abuse she endured as a child -- at the hands
20 of this back then 50- and 52-year-old man, a man who
21 was supposed to be like a father figure to her. Tio,
22 as she fondly called him, all while he was putting his
23 penis in her vagina, while he was putting his fingers
24 and sex toys in her vagina, while he was putting his
25 penis in her anus, and touching her body, like her

1 breasts, with his hands and his body.

2 Remember the details she accounted for
3 you on the stand. We only asked about a few times,
4 because, as she told you, it happened all the time,
5 too many to number. It happened between 2018 and 2020,
6 almost a two-year period, and it happened in
7 Berkeley County. You heard that testimony. Both
8 [REDACTED] Benjamin Drive and [REDACTED] Emma Meredith Circle are in
9 Berkeley County. Doesn't matter which one it happened
10 at.

11 But those times that she talked to you about
12 on the stand, remember what she said that she said
13 to him, how she hated him, how she cried, how it hurt.
14 He was older and stronger than her. Remember when
15 she testified one of the earlier times in 2018 in his
16 bedroom, and she told you she was using his bathroom,
17 you remember, and she heard him close and lock that
18 door, and she said she knew she made a mistake going
19 to that bathroom.

20 But why was this abuse continuous in
21 Berkeley County when she was there from seventh grade,
22 at the age 12, through eighth grade when she was 13?
23 Why didn't she say something sooner? Why didn't she
24 scream? Why did she want to live with him? Why would
25 she tell him she loved him? Why would she send him

1 photos of herself? Why would she go with him on dates?
2 Well, the answer to that question is all the same,
3 and she gave you that answer on the stand.

4 Now this might be one of those times
5 that you disagree with what she did and how she did
6 it, but it's important that you understand why.
7 And the expert in the child abuse dynamics from whom
8 you heard this morning talked a lot about the whys,
9 in general, in these cases. He helped her family.
10 She told you that her family was of little means.
11 She told you that, and that's evidence. Kimberly told
12 you that on this very stand. Her mom was a single
13 parent with multiple kids.

14 We also told you that you might not
15 like what her mom did, Kimberly, and how she did it.
16 But again, Kimberly, she's not on trial here this week;
17 this Defendant is. Remember what you learned through
18 the evidence on the stand about the environment
19 **Minor** was in and grew up in because she knew
20 him for quite some time. She was bounced from place
21 to place; she was. I think she even said that it's
22 dependent on her mom's depression. Even her mom,
23 Kimberly, said she was unstable.

24 So when they moved to Berkeley County,
25 and when he moved to Berkeley County, he was already

1 the person who provided the most stability in her life.
2 No question about it. No one is disagreeing with it.
3 However, at that house, his house, there were parties,
4 hang outs, bonfires, drinking. And family testified
5 on the stand -- also evidence -- Jamie and AJ
6 and Chris, they told you what observations they made
7 when they were at that house, about the kind of
8 relationship that Minor and this Defendant had,
9 so much so that eventually Chris talked to Kimberly
10 about those observations.

11 Remember Chris telling you about walking
12 into that bedroom and seeing this Defendant, not in
13 boxers, in his tight whitey tighties. Remember what he
14 did? He removed his child. But remember what he said
15 happened after that. The door was closed, and there
16 remained Minor and the Defendant in his bedroom
17 with that big TV, with the door closed.

18 So let's talk about all these whys,
19 all these whys that led to Chris telling Kimberly
20 and Kimberly talking to her daughter. What are
21 all these whys that led to her delayed disclosure?
22 Well, the bills. She, not her mom Kimberly, she.
23 She asked him to pay her mom's bill. Those Facebook
24 Messenger messages, you see who they're in between,
25 you heard that testimony, you saw the messages.

1 You're going to be able to see them in the jury room.

2 You're also going to see a final disconnect notice.

3 But how does a 13-year old have so much pull
4 with a 50-year old, 51-year-old man? How does she have
5 so much pull that she gets him to send in this bill and
6 has him pay for it? How does she get away with doing
7 no chores or cleaning up? You heard testimony through
8 her, through her mom Kimberly, and also through AJ
9 his own family member.

10 She didn't do chores; she didn't have to.
11 You saw that video, that video that AJ provided.
12 Remember, AJ commenting on the video. I think
13 she said something about the sky falling over because
14 Minor was sweeping the floor in that house, his
15 house. That's his kitchen. Look at those photos
16 when you see them. That's his house that she basically
17 lived in.

18 They all knew that she didn't have to
19 do chores. In Defendant's own words to his family,
20 to Jamie and to AJ that's what they testified to,
21 Minor had more pull with him than his own daughter.
22 He let her get away with things. He helped her family,
23 he bought her things. She would have less of a reason
24 to tell anyone, so he buys her things.

25 The necklace. That was just one of the

1 gifts; that was just an example. Remember that picture?
2 Remember the testimony about when this was? This wasn't
3 a Christmas gift. Yeah, the picture was sent on
4 Christmas. She was with her brother, Brother 1 and that's
5 Brother 1 who's testified here this week. But the necklace,
6 it wasn't given to her on Christmas. Just remember
7 that testimony.

8 And, yes, you also heard her say that
9 sometimes she didn't thank him. But remember what else
10 she said about thanking him. She basically explained
11 to you that this gift came with a price tag of being
12 sexually assaulted. This was not a gift, or any
13 of those gifts, that didn't have a string attached.
14 He wanted to hear a thank you. "You didn't even
15 that you liked the bracelet or thank you." [Sic.]
16 Jimmy Boley, September 23rd, 2019.

17 Now, there were also those other gifts
18 that you heard about from this stand. Again, testimony,
19 evidence. The sex toys, the sexy lingerie with cutouts
20 for her vagina, the Victoria's Secret bras and underwear
21 that her brother testified about for, let's not forget,
22 a 12- and a 13-year old. And the dates. He took her
23 on dates; she testified about that. Movies, dinners,
24 the bowling alley, flowers and hearts, and the
25 compliments.

1 You've seen these pictures; they were
2 admitted into evidence. She testified about them;
3 she sent them to him. What does he say? "So beautiful,
4 my love." Let's talk about the love. You heard her
5 tell you on this stand that she loved him. Even this
6 week, almost five years to the date from the time that
7 she disclosed, also not her fault that it's been five
8 years.

9 Now, a young woman who has a job and is
10 in school, doesn't even live with her mom. She is still
11 telling you about all the things that he did to her,
12 and she is still telling you how important he was
13 in her life. How he was the person she went to talk
14 to; that's what she testified to. And she told you
15 he was the most stable person. No question about it.
16 He constantly told her he loved her.

17 But it's not really about that he told her
18 that he loved her; it's about how he said it and when
19 he said it. A man who isn't her father, a man who
20 had access to her grades, a man with whom she basically
21 lived with, whose bed she slept in, whose closet she
22 had her clothes in, who would close and lock the door
23 to his bedroom when she was inside. That's the man
24 who said all these things. "Hey, my love. Love you,
25 honey. I love you, my little lady. Love you, my lady.

1 I love you more than anything, my love." That's
2 his words less than a month before she disclosed.
3 "More than anything."

4 Over time, he became very close to her
5 family unit; you heard that testimony. Also evidence.
6 You heard that through testimony of multiple witnesses
7 on this stand. What started as his daughter being
8 best friends with the victim's mom became them hanging
9 out at his house all the time, giving him unlimited
10 access to this kid. The only girl out of all Kimberly's
11 kids. He got what he wanted. And what did he want?
12 Well, **Minor** told you on the stand what he wanted.
13 She told you, he wanted sex. You know what I want.

14 Monday before she disclosed, remember,
15 they were at the hospital on February 14th of 2020, and
16 she testified this message came on the Monday before.
17 "Hey, I'm on my way to get you to go to my house.
18 We'll have a little time before your mom gets there,
19 okay?" Why would he need a little time with her before
20 her mom got there? And when he didn't get what he
21 wanted from this child, well, she told you on the stand
22 what he did. That's testimony; that's evidence.

23 Remember what she told about one time after
24 the bowling alley that she didn't want to go to his
25 house, so she passed by her mom's house -- that's her

1 testimony -- and she wanted to stop in, and they did,
2 and that she didn't want to go with him. Remember,
3 she testified about sort of an argument that happened,
4 and her mom actually encouraging her to go, but she
5 didn't want to go. She was inside her mom's home,
6 and he wanted her to leave.

7 Here is his message to her about it.

8 "I know you've got your phone. I don't know why you
9 didn't stay last night. You said you was, and then
10 you wasn't tonight, and you didn't. So don't expect
11 me to go out of my way to do anything more."

12 Why does he expect her to stay at the house?
13 She told you why. There's no mention of the laundry
14 here, no mention of cleaning in this message, of folding
15 clothes and putting them away because that's not what
16 this was about, and she told you.

17 It is no coincidence that during this trial
18 you've seen evidence of messages of love, him telling
19 her how beautiful she was, the evidence of gifts, things
20 he did for her family, or observations that people made
21 about their interactions. No. That is circumstantial
22 evidence, ladies and gentlemen. I believe the defense
23 attorney said a whole bunch of circumstantial evidence.
24 The messages, the photos, the diagrams, the video,
25 the testimony.

1 Remember, circumstantial evidence and
2 direct evidence. The law makes no distinction between
3 the two of them. So a whole lot of circumstantial
4 evidence or a whole bunch, that's a bunch of evidence.
5 These crimes, they don't happen in the open; they happen
6 in secrecy, behind closed doors, like the closed doors
7 of his bedroom.

8 And, yes, there was no SANE kit done,
9 and you heard who made that decision. But you also
10 heard the SANE nurse testify about these exams and how
11 frequently they're normal. It's normal to be normal,
12 and that's because of how female bodies are designed,
13 whether it's your vagina or your anus. She told
14 you about it on this very stand. That's testimony;
15 that's evidence.

16 You also heard the judge tell you at the
17 beginning about considering the interest, the bias,
18 the prejudice, and the demeanor of witnesses before
19 you. So ask yourselves when you consider all of that
20 evidence, what everyone testified to, how their demeanor
21 was on the stand. Ask yourselves what they're losing
22 by coming forward initially, and now what they're losing
23 and gaining, now almost five years later.

24 Minor told you that she had a stable
25 place to live. He was her stable person, someone

1 to watch over her. She told you she didn't do chores,
2 she told you she was getting gifts, she was being taken
3 on dates to the movies and get food and the bowling
4 alley. She lost all of that from him.

5 What did she gain? Her mom and her sibling,
6 they also testified here on the stand. They told
7 you he gave them things, he paid for their things,
8 he was like family. They lost all of that. What did
9 they gain? What about his family? His family that
10 testified here this week. You heard from Jamie and from
11 Chris and from AJ [REDACTED] They told you how close they
12 were. A father, a brother. They lived together;
13 they worked together. They don't talk to the Defendant
14 anymore, and they were very close with him. So what
15 did they gain?

16 The state of South Carolina has the sole
17 burden to prove to you beyond a reasonable doubt the
18 Defendant is guilty of these crimes. And what are these
19 crimes that he's charged with? Well, the judge will
20 later instruct you on the law that you are to follow,
21 and we completely defer to the Court. But we do have
22 to prove all these charges.

23 So let's see how we proved it this week.
24 Defendant is charged with three counts of criminal
25 sexual conduct with a minor, second degree. What

1 we have to prove is the actor engages in sexual battery.
2 There are three counts of criminal sexual conduct
3 with a minor, second. That's because there are three
4 separate and distinct batteries. Digital penetration,
5 which is what we refer to as inserting a finger
6 or an object, like the sex toy, so you heard testimony
7 about both, inside an opening, any intrusion, however
8 slight, or any part of a person's body, or of any object
9 into a genital or anal opening.

10 Now you heard testimony of the SANE
11 nurse, which I think is really important, about where
12 the vaginal opening is. It's not the vaginal canal.
13 You have the labia majora, which is the outside,
14 and the opening is right there. Any intrusion, ever so
15 slight. The victim testified to you about the sex toys
16 and the fingers and how he touched her. That's a CSC
17 with a minor, second, for digital penetration.

18 Second, is the vaginal/penile penetration,
19 and you heard that testimony. A penis and a vagina.
20 Third is anal penetration, anal/penile, a penis in
21 her vagina [sic]. Those are three CSC with a minor,
22 second degree. So for all of those, we also have
23 to prove that she's at least 14 or less, but at least
24 11, so between 11 and 14, and you heard that testimony.

25 In Berkeley County, when this happened,

1 she was between the ages 12 to 13, so it's within that
2 range. And you also heard testimony that it happened
3 in Berkeley County, both addresses she testified to.
4 As Sergeant Bell told you, these addresses are in
5 Berkeley County.

6 The State also has to prove criminal sexual
7 conduct with a minor, third degree, and that's the
8 touching. We have to prove the Defendant was over
9 the age of 14. Well, you heard testimony how old
10 he was. You heard his date of birth. That would
11 put him, during that time frame, between the ages,
12 I believe, of 50 to 52, that he willfully and lewdly
13 committed, or attempted any lewd or lascivious act
14 upon, or with the body or any parts of members thereof
15 of a child under the age of 16. Well, you heard
16 that testimony. She was under the age of 16.

17 And what is lewdly -- committed a lewd
18 and lascivious act? That's the touching of the breast,
19 her vagina, anywhere on her body. The touching with
20 the intent of arousing, appealing, or gratifying
21 the lust or passion or sexual desires of such person
22 or of such child. It's pretty self-explanatory.
23 It's not touching accidental; it's having sex with her.

24 Reasonable doubt. Remember, proof beyond
25 a reasonable doubt is proof that leaves you firmly

1 convinced, and it does not mean that we have to overcome
2 every single doubt because, as you know, there are very
3 few things in this world we know of absolute certainty.

4 When you go back to that jury room, please
5 use that common sense that I know you brought here with
6 you here this week. When you discuss the evidence in
7 this case, the testimony, all these pieces of evidence,
8 remember that it's only that, this testimony from
9 the stand and each of these items. It is not my words,
10 and it's not Mr. Seaton's words; that's not evidence.

11 Remember, also what Jamie Johnson told
12 you, this Defendant's family member, when he testified
13 about what happened when the Defendant found out about
14 the police at his house. Jamie told you that he was
15 told to drop him off at a fire station for his daughter
16 to pick him up. Remember what Jamie told you, that they
17 lived together, and the Defendant came back to the house
18 after that, so it all comes out on February 14th, 2020,
19 Friday. And some time after that, but before
20 February 16th, which would have been a Sunday, Defendant
21 comes and gets some of his stuff. And then at some
22 point later, his family comes and takes everything,
23 and Jamie can't afford living there.

24 And remember, Jamie calls on Sunday.
25 How do we know Sunday, the 16th, was after he came

1 back to the house to get stuff? Because Jamie told
2 you. He learned where he was staying, so he called
3 the police, and you heard Sergeant Bell testify about
4 the day that that call came in. February 16th.

5 Remember what ^{Brother 1} told you, **Minor**
6 brother, after it all came out. In his own words,
7 "I'm sorry I didn't stay strong for everyone. I think
8 it might be better if I wasn't in this world." All
9 of this evidence, some gathered during Berkeley County
10 Sheriff's Office's investigation, and, yes, that started
11 some time in February and lasted through when they got
12 warrants in August, and it was in the midst of COVID,
13 and the wheels were turning a little slower.

14 But you heard Sergeant Bell testify on
15 the stand about every single step he took and all those
16 dates that were so painful to hear, every day in April,
17 when he followed up in May, and all the things that
18 he had to go through to get that second interview,
19 the audio malfunctioning. But also the evidence
20 that was gathered by us once we got the case file.
21 That's evidence.

22 And it's not one thing; it's one thing
23 after the other, after the other. It's all these things
24 together that paint one picture, that this Defendant,
25 beyond a reasonable doubt, sexually assaulted **Minor**

1 in Berkeley County between 2018 and 2020.

2 On behalf of our office, I thank you
3 for your attention this week.

4 THE COURT: Does anyone need a comfort
5 break? You may proceed.

6 MR. SEATON: Thank you, Your Honor.

7 THE COURT: You're welcome.

8 MR. SEATON: Ladies and gentlemen, first
9 of all, I would like to apologize. If there's anything
10 that I said or did, the way I acted, the questions I had
11 to ask, please hold that against me. Please, don't hold
12 that against Jimmy because he chose me to come here and
13 speak to y'all today and tell you his side of the story,
14 and to more flesh out the things, rather than the short
15 version, of how he got arrested and why he was arrested.
16 And if there's anything that I said or did, as I said,
17 please, hold that against me.

18 A lot of the facts that you've heard from
19 the solicitor's office, you've heard from the stand,
20 and you've heard from me, we seem to all be in agreement
21 on, which is that this was a very unstable family,
22 that they would all bounce, as the term that they
23 used, that mom would flake out and move the family from
24 state to state, from place to place, and that the only
25 person who tried to provide any stability was Jimmy,

1 and I think we've all agreed on that.

2 And I think we've all agreed also that all
3 of these messages that they want to simply use, these
4 text messages where he said, I love you, every single
5 one of them says, he says that to everybody. He says
6 that to his kids; he says that to Brother 1 he says that
7 to the little boys; he says that to mama. He says
8 I love you to every single person in his life because
9 that's the kind of guy he is.

10 And if you think about it, this is really
11 a case where no good deed goes unpunished because
12 what you heard from -- at least what I heard from
13 these experts, and what I think y'all have probably
14 heard, too, is if you did all these good things,
15 that's proof that you are grooming somebody.
16 That's what I heard.

17 Everything -- I asked, everything positive,
18 you do a long litany of all these good things that they
19 all agreed, he bought all of them clothes, he bought
20 all of them school clothes, he took care of all of them,
21 put a roof over their head, food in their stomachs,
22 paid the car, paid the light bill, every time she
23 would bounce and move to another state, he would
24 take them all back. So all of these were good things,
25 and we all agreed to that.

1 And yet, nonetheless, somehow that's proof.
2 The same way we heard yesterday from the doctor
3 and the SANE nurse who said not proof is also proof.
4 This is the only test that I've ever heard of that if
5 it tests positive, that's proof. If you test negative,
6 that's also proof. So everything is proof. And the
7 same thing is true with this whole idea of grooming.
8 You can do 1,000 good deeds, you can tell everybody
9 the things that you want a grown-up, a stable person,
10 to do, and that's proof that you did something wrong.

11 You know, I'm a little bothered that some
12 of the choices the solicitor's office used at -- put
13 up on that screen to show you was the shorter versions
14 of what was going on. One of them, the last thing
15 she wanted to mention, was the one from **Brother 1** And in
16 that longer text chain, he says a lot more than just,
17 I let you guys down.

18 It starts off by simply saying, did
19 y'all move? Because you heard the testimony of **Brother 1**
20 from the stand where he admitted that when they go dark,
21 I think was the term we all agreed on, that a couple
22 of days, everybody stops talking. What that means
23 is, they bounced again. The whole family moved again,
24 left the state. So he asked him, did y'all move?
25 Doesn't hear anything for two days. "Don't worry about

1 it."

2 Well, the testimony also from Brother 1 was that,
3 number one, that was typical for them, that was the
4 way they handled moving. They didn't tell anybody.
5 As you heard her say, I didn't even tell my work.
6 That -- they just went dark. And then, he asked them,
7 "did you move?" "Don't worry about it." So a couple
8 of days go by. He then tells them that, "I'm sorry
9 I let you all down."

10 And I asked him about that, and he agreed
11 that Jimmy had said, I'm not going to let mama move
12 y'all again. I'm going to fight for y'all and keep
13 you here. I'm going to provide you that stability
14 that you need, and he agreed that that's what Jimmy
15 had told him. And so Jimmy says, when he doesn't
16 hear from them for a couple of days, "I'm sorry I let
17 you down. I guess I don't need to be in this world
18 anymore." That's what that was about, and that's
19 when Brother 1 says to him, "what you did to my sister
20 was sick."

21 And you know what, if my sister told me that
22 somebody touched her, I'm going to say the same thing.
23 Whether I know it to be a fact or not, my sister tells
24 me that, you're dang right I'm going to tell him what
25 you did was sick. So that makes sense for explaining

1 that series, not the little short version, but the whole
2 series of what was actually happening.

3 And her not sweeping or everybody laughing
4 at her sweeping, you're dang right, it was rare because
5 mama let her bounce. Every time that Jimmy tried
6 to instill some normalcy, mama let her bounce.
7 You heard mama say, she ain't got no chores, ain't
8 really got no rules. That was typical. And so when
9 Jimmy tried to instill those values in her, when he made
10 her go to school -- and you'll see those text messages,
11 too -- and about getting in trouble in school, and him
12 trying to get her to calm down, it's ---

13 MS. SAS: Objection, Your Honor.

14 THE COURT: Basis?

15 MS. SAS: Facts not in evidence.

16 THE COURT: Sustained. Stick to the facts.

17 MR. SEATON: Certainly, Your Honor.

18 THE COURT: Ladies and gentlemen, you are to
19 disregard counsel's last remark and give it absolutely
20 no consideration in your deliberations.

21 MR. SEATON: Yes, ma'am.

22 THE COURT: You may proceed.

23 MR. SEATON: And so when all he's trying
24 to do is instill in her, she accidentally spilled
25 the truth from her. I don't know if you remember,

1 she's the one that brought up that she wouldn't even
2 put away her clothes when they were folded. I just
3 asked her, in general, you ever have to do chores?
4 Whoa. All of a sudden, here comes the story about
5 the folding clothes.

6 We heard about the folding clothes again.
7 It's not because she was trading sex for doing it;
8 it's because she would bounce. Because all he wanted
9 her to do was act like a normal human being, be a part
10 of this family, do the things that are required of you.

11 You know, call it date night if you want.
12 Is there anything wrong with taking your kids out,
13 whether there were other kids there, or whether
14 it was by yourself? She admitted he took Brother 1 out.
15 Was that date night? Was taking the other little
16 kids out, was that date night? Is any of this really
17 date night, or is this just again more talk?

18 You know, there was a conversation with
19 mama, who admitted she sleeps in the bed with Jim.
20 Everybody in this house seemed to be everywhere.
21 Every time you hear -- every time you heard from someone
22 on that stand, it was, well, usually, I slept here,
23 my daughter and I have shared a room, but sometimes
24 she slept there, and sometimes this person was here.
25 Everybody was everywhere.

1 But the things we do seem to -- they all
2 seem to agree on is one of the main things was everybody
3 was in Jim's room. He had a nice TV; he had the big TV.
4 People would drag chairs in there because that was the
5 meeting place.

6 When you heard from Chris, he said --
7 if I'm putting a memory in your mind that's different,
8 then use your own memory. But what I recall him saying
9 was that he didn't like the fact that Jim was in his
10 bathroom shaving, and the kids were there on the bed.
11 He didn't make both of them get up and leave; he just
12 told his daughter to leave.

13 He also said he didn't like her rubbing
14 her shoulder -- him rubbing her shoulders. All right.
15 I asked him would you do that to your child? No.
16 He couldn't give us some other explanation, other
17 than he's rubbing her shoulders, but he wouldn't even
18 do that to his own child. Is that really the standard
19 that we're living by? Is that some sort of proof
20 that there's some sexual relationship because he did
21 what a parent or stepparent or someone that's important
22 in your life may do, which is rub someone's shoulders?
23 Is that really proof of some sexual relationship?

24 You know, all of these text messages show
25 him asking her things, like, you said you were staying

1 last night, and you didn't, because she bounced.
2 The question is, did she bounce because she was expected
3 to have sex with him, or did she bounce because she was
4 expected to do what she's supposed to do? Her chores.
5 And you heard different versions of that. And I believe
6 that if you use your common sense, you would understand
7 that those text messages don't say anything about sex.
8 They simply say, are you going to stay here or not?

9 That's why I asked the questions about
10 how do y'all decide? What makes her decide whether
11 she's going to go to your house or go to Jim's house?
12 I don't know how you live your life that way where
13 you don't know from day-to-day where this child,
14 this young lady, or Brother 1 or anybody -- who's staying
15 where? How do you even know where she is if nobody
16 knows where she's supposed to be? So, of course,
17 he's asking.

18 You know, none of this circumstantial
19 evidence that they try to say is proof, and there's
20 a lot of it, so therefore, it's important because
21 there's a lot of it. Circumstantial is still
22 circumstantial. It's still just as they said. You
23 know, in opening argument -- and I saw it again today
24 -- it talks about circumstantial evidence is something
25 like a man standing there with an umbrella, and he's

1 wet. Therefore, you can assume it's raining. Sure.

2 You could assume that.

3 What about the man who fixes the equipment
4 at Cactus Car Wash? Couldn't it be that it ain't
5 raining, the man was working. That's why he's got
6 an umbrella, and that's why he's wet because he's fixing
7 the car wash. There's a million reasons why you could
8 have a misunderstanding about what you think that that
9 circumstance -- or what that circumstantial evidence
10 is saying.

11 But I can tell you what it's not; it's not
12 directly saying anything. So you can guess, you can
13 surmise, you can assume, but that's the same thing --
14 that's the same problem we've done with these experts.
15 We've said -- we've given them the power to say,
16 you do something good, it's for a bad purpose. You do
17 -- you've got a test and it shows nothing, that's proof.
18 That's what these experts have done.

19 We spent two days -- well, actually, now
20 three days, having experts tell us everything points
21 at it. No matter what you do, that's proof. You do
22 something good -- this man does something good for them,
23 that's proof.

24 The only negative things we heard from
25 them were things that didn't come up. Nobody said

1 that she was being fed drugs; nobody said she was
2 being beat; nobody said she was being fed alcohol.
3 None of that came up. All we heard was the positives.
4 So anything positive that Jim did to help her, to help
5 the brothers, to help the mother, to help everyone
6 has now been turned around on him, and is now being
7 used to prove that he was grooming.

8 He -- all he did -- he had -- he did not do
9 anything out of the kindness of his heart for all these
10 years. What he did was simply to groom this woman.
11 And all of this circumstantial evidence, you can
12 certainly read it every way you want, but somehow
13 you're supposed to believe that all it proves is that
14 he is guilty of committing a crime against her.

15 Her Honor will tell you a couple of things.
16 Number one, the burden is on the State. They have
17 to prove beyond a reasonable doubt. One of the beauties
18 of our system of law is we don't have to prove anything.
19 We don't have to prove his innocence; we don't have
20 to prove why she would say these things, why she would
21 attack him, why she would make false allegations against
22 him. That is not our burden to bear, and she will
23 tell you that exactly. That is not your job.

24 You have no friends to reward nor enemies
25 to punish. You are to apply the facts as they are

1 presented to you, and she'll tell you what the law is.
2 But y'all are the finders of fact, and that's why we
3 talk about all of -- our different ways of the things
4 we agree on what the facts are and how to interpret
5 that.

6 But everybody doesn't always see those
7 same facts, if you want to call these facts. These
8 circumstantial evidence, the evidence from the stand.
9 That's your job, and the system that you apply to that
10 is beyond a reasonable doubt. And Her Honor, when
11 she explains to you reasonable doubt, I would explain
12 it to you this way. She will tell you about how in
13 the law we have civil cases, family court, car wrecks,
14 all of those kinds of things, those are civil cases.

15 And in those, if you have -- I think she's
16 called Lady Justice. And Lady Justice -- I'm sure
17 you've seen her -- is a woman that's standing there,
18 and she was wearing a blindfold, and she's holding the
19 scales of justice. And the reason she is blindfolded
20 is exactly as I just told you, you have no friends
21 to reward nor enemies to punish. You are blindfolded
22 in that your prejudices and likes and dislikes are
23 not to be considered. You are to weigh the facts,
24 and that's what the scales of justice are. The scales
25 of justice are like this, and you apply those facts

1 and the law, and it tips one way or the other.

2 And in a civil case, like what we were
3 talking about, if it tips just a little bit one way
4 more than the other, then the one that it tips a little
5 more for, wins. That's what's called a preponderance
6 of the evidence. And in this case, a reasonable doubt
7 or beyond a reasonable doubt, that means the scales have
8 to look like this. It has to be beyond a reasonable
9 doubt, not a preponderance. And so when she talks
10 about reasonable doubt and applying your facts as you've
11 heard them, your scale of justice has to look like this
12 in order to make a decision.

13 We believe that when you apply that logic
14 to what you've heard over these last three days,
15 and you've heard all of the differing versions of what
16 was said and why, and all of the things that have been
17 done to help this whole family, and all of the things
18 that all of a sudden gets turned completely around --
19 you know, one of the things that I love, when I listen
20 to the expert on grooming was she also wanted to talk
21 about how it comes out. And I pretty much heard it was
22 from A to Z, that it depends on the person. Everything.
23 Whether it is right that second, whether it's partial,
24 whether it's down the road, whether it was this,
25 whether it was that, she covered the entire gamut.

1 So once again, we've got this expert saying
2 that everything good is good, but it's still bad.
3 Everything bad is bad, it's still bad, and the way
4 you -- the way it comes out doesn't matter because
5 it depends on the person, and that's the science
6 that was presented to you, that somehow we're supposed
7 to take our own common sense and apply it to this
8 case somehow when she knows nothing of this case,
9 and we're supposed to use the facts that she's talking
10 about, which is everything, everything points in that
11 direction. That's why they're called the Children's
12 Advocacy Center; it's an advocacy for children.

13 It's not a truth finder, like she said.
14 It is a point of view, and we're supposed to somehow
15 apply all of that to all of this, and make some sense
16 out of that, and I just -- I can't wrap my head around
17 how it is that we're supposed to use those tools
18 to apply to your common sense. If she's going to sit
19 there and tell us that she yelled at him or raised
20 her voice or not, whether she did or she didn't --
21 I don't recall exactly what she said -- but she told
22 him, I hate you.

23 She also told us there was a house
24 full of people, including her people, her brother.
25 I think she -- I think that was one of the times her

1 mother was there. There were so many times of moving
2 and back and forth, I'll let y'all decide whether -- who
3 all was there, other than there was a bunch of people
4 there, including the girl that she recalled her cousin,
5 her friend AJ [REDACTED] other girls have been in and out
6 of that house, all of those people were there.

7 And she says, I looked him in the eye
8 and told him, I hate you, but she didn't tell anybody
9 else. Nobody else heard it; nobody else -- nobody
10 said anything for how many times? I think her testimony
11 was four or five times a week. She never said anything
12 to anybody.

13 Did she look like -- did she act like
14 she had any problem with telling anybody her side,
15 point of view? When -- did she get her little --
16 get her dander up at one point? Didn't look to me
17 like she had any problem with standing up for herself.
18 And yet, we're supposed to believe that she can tell
19 him, I hate you because of what you're doing to me,
20 but it stops at the doorway.

21 I ask that you use your common sense, same
22 as the solicitor. And when you do that, and when you
23 think about how many different ways you can interpret
24 this stuff, whether or not the guy with the wet umbrella
25 got caught in the rain, or whether he's doing something

1 else, and you apply that, and you think about have they
2 proved it beyond a reasonable doubt, I feel certain
3 you'll find him not guilty. I appreciate it.

4 THE COURT: Mr. Foreman, ladies and
5 gentlemen, we're going to take a brief comfort break
6 before the Court gives its instructions. During this
7 break, please do not discuss the case, and please leave
8 your notepads in your seats. We'll be out about five
9 minutes.

10 (The jury exited the courtroom at 12:25 p.m.)

11 THE COURT: You may be seated. It is 12:26,
12 we'll be out about five minutes.

13 (Recess taken.)

14 (Back on the record.)

15 THE COURT: You may be seated. Please bring
16 in the jury.

17 (The jury entered the courtroom at 12:35 p.m.)

18 THE COURT: You may be seated. During this
19 trial, ladies and gentlemen, you and I have certain
20 duties to perform. As the trial judge, it is my
21 responsibility to preside over the trial of this case.

22 I also have the duty to pass upon or rule
23 upon the admissibility of evidence offered during
24 the trial. You are to consider only the competent
25 evidence that is before you, and you are to disregard

1 and disabuse from your mind any testimony ordered
2 stricken from the record in this case during the
3 progress of this trial, if there has been any. You are
4 to consider only the testimony, which has been presented
5 from the witness stand, together with any exhibits,
6 which have been made a part of the record in this case.

7 I have the additional duty to charge
8 or instruct you on the law which applies to this case.
9 As the presiding judge, I'm the sole judge of the law
10 of this case, and it is your duty as jurors to accept
11 and apply the law as I now state it to you. If you have
12 a preconceived idea as to what the law is or what the
13 law ought to be in a case or in this case, and it should
14 not agree with what I now tell you the law is, you are
15 obligated under your oath to abandon this preconception
16 on your part because you are sworn to accept the law
17 and apply the law precisely as I state it to you.

18 In every case tried in this court before
19 a jury, the jury becomes the sole and exclusive
20 judges of the facts. You, the jury, are the judges
21 of the facts in this case. This Court is the judge
22 of the law. The Constitution of our state has declared
23 that a trial judge shall not intimate, state, comment
24 upon, or make any statement to a trial jury about
25 the facts in a case.

1 Since you, the jury, are sole judges
2 of the facts in this case, you're not to infer anything
3 from what I've said during the progress of this
4 trial and ruling upon the admissibility of evidence
5 or otherwise, or anything that I say now to you during
6 the course of this instruction that I have any opinion
7 about the facts. The law does not permit me to have
8 an opinion about the facts. This is a matter solely
9 for you, the jury, to determine.

10 As jurors then, it is your duty, as I've
11 instructed, to determine the effect, the value,
12 the weight, and the truth of the evidence presented
13 during this trial. Necessarily, you must assess
14 the credibility of witnesses who have testified.
15 Credibility is simply a legalistic term which means
16 believability. It becomes your duty as jurors to
17 analyze and to evaluate the evidence and determine
18 that evidence which convinces you.

19 Some of the things you may consider as you
20 decide whether or not to believe a witness's testimony
21 about a particular matter include what was the
22 manner and appearance of the witness who testified?
23 Was he or she straightforward or hesitant in answering?
24 Was the testimony of a witness consistent or
25 inconsistent? How did the witness come to know the

1 facts that he or she testified to, or what was his
2 or her ability to know these facts? Is there some
3 reason a witness would want to give testimony which
4 would help or hurt one side or the other? In other
5 words, was the witness bias or prejudice? And was
6 the testimony of a witness strengthened or weakened
7 by other testimony or evidence? Ladies and gentlemen,
8 you can believe as much or as little of each witness's
9 testimony as you think proper.

10 I further instruct you that in determining
11 the question of the credibility or believability
12 of witnesses who have testified, you may believe
13 one witness as against several witnesses or several
14 witnesses as against one witness. You may believe
15 a part of the testimony of a witness and reject the
16 remaining part of the testimony of that same witness.

17 If you have a good and sound reason, you
18 may believe the testimony of a witness in its entirety,
19 or reject the testimony of a witness in its entirety.
20 You may consider the demeanor of a witness, that is,
21 the manner and appearance of the witness from -- as
22 they appear from the witness stand.

23 Again, ladies and gentlemen, you can believe
24 as much or as little of each witnesses's testimony as
25 you deem proper. You have but one objective throughout

1 this process, to determine the facts and apply the law
2 to those facts as I instruct it.

3 Our rules of evidence ordinarily do not
4 permit witnesses to testify to opinions or conclusions.
5 An exception to this rule exists for witnesses we call
6 expert witnesses. A witness who, by their education,
7 training, and experience, has become an expert in
8 some art, science, profession, or calling, may state
9 an opinion as to relevant and material matters in which
10 the witness claims to be an expert, and may also
11 state the reasons for the opinion. You should consider
12 any expert opinion received in evidence in this case
13 like any other evidence, give it the weight you think
14 it deserves.

15 If you decide that the opinion of an expert
16 witness is not based on sufficient education, training,
17 and experience, or if you conclude that the reasons
18 given in support of the opinion are not sound, or that
19 the opinion is outweighed by other evidence, you may
20 disregard the opinion entirely. An expert witness's
21 testimony is to be given no greater weight than that of
22 other witnesses simply because the witness is an expert.
23 Further, you are not required to accept an expert's
24 opinion, even though it is not contradicted.

25 Ladies and gentlemen, there are two types

1 of evidence which are generally presented during
2 a trial; direct evidence and circumstantial evidence.
3 Direct evidence is the testimony of a person who
4 asserts or claims to have actual knowledge of a fact,
5 such as, an eyewitness.

6 Circumstantial evidence is proof of a chain
7 of facts and circumstances indicating the existence
8 of a fact. The law makes absolutely no distinction
9 between the weight or value to be given to either
10 direct or circumstantial evidence, nor is a greater
11 degree of certainty required of circumstantial evidence
12 than of direct evidence.

13 And again, as I've instructed, there are two
14 types of evidence which are generally presented during
15 a trial; direct evidence and circumstantial evidence.
16 Crimes may be proven by circumstantial evidence. And
17 again, the law makes no distinction between the weight
18 or value to be given to either direct or circumstantial
19 evidence.

20 However, to the extent the State relies
21 on circumstantial evidence, all of the circumstances
22 must be consistent with each other, and when taken
23 together, point conclusively to the guilt of the accused
24 beyond a reasonable doubt. If these circumstances
25 merely portray the Defendant's behavior as suspicious,

1 the proof has failed.

2 The State has the burden of proving the
3 Defendant guilty beyond a reasonable doubt. This burden
4 rests with the State, regardless of whether the State
5 relies on direct evidence, circumstantial evidence,
6 or some combination of the two.

7 Ladies and gentlemen, you should weigh
8 all of the evidence in this case. I instruct you
9 that the fact that the Defendant was arrested, charged,
10 and indicted is not evidence and cannot be considered
11 by you as evidence of guilt, nor does it create any
12 presumption or inference of guilt. This documentation
13 is simply the formal written instrument or instruments
14 which contain the charge or charges made against
15 a Defendant. They simply serve as the formal
16 documentation by which the case is processed or brought
17 into this court.

18 The Defendant has pled not guilty to the
19 indictments, and that plea casts the burden on the State
20 to prove the Defendant guilty because a person charged
21 with committing a criminal offense in South Carolina
22 is never required to prove himself innocent.

23 I instruct you, ladies and gentlemen,
24 that it is a cardinal and important rule of the law
25 of evidence that the Defendant in a criminal trial,

1 no matter what the seriousness of the charge made
2 against him may be, will always be presumed to be
3 innocent of the crime for which he is indicted, unless
4 his guilt has been proven by evidence satisfying
5 you of that guilt beyond a reasonable doubt.

6 This presumption of innocence does not cease
7 when you retire to deliberate, but it accompanies the
8 Defendant from the time of his appearance, throughout
9 the trial, until you reach a verdict in this case.
10 Our Supreme Court has said that the presumption
11 of innocence is like a robe of righteousness placed
12 about the shoulders of the Defendant, and it remains
13 with him and assigns him to that class, the innocent,
14 until that presumptive robe of righteousness has
15 been stripped from his person by evidence satisfying
16 you of that guilt beyond a reasonable doubt.

17 The presumption of innocence is not
18 mere legal theory; it is not just a legal phrase.
19 It is a substantial right to which every Defendant
20 is entitled, unless you, the jury, are satisfied
21 from the evidence of his guilt beyond a reasonable
22 doubt.

23 The State has the burden of proving
24 the Defendant guilty beyond a reasonable doubt.
25 Some of you may have served as jurors in civil

1 cases where you were told that it is only necessary
2 to prove that a fact is more likely true than not true,
3 such as, by the greater weight or the preponderance
4 of the evidence.

5 In criminal cases, the State's proof must be
6 more powerful than that; it must be beyond a reasonable
7 doubt. Proof beyond a reasonable doubt is proof
8 that leaves you firmly convinced of the Defendant's
9 guilt. There are very few things in this world that
10 we know with absolute certainty. And in criminal cases,
11 the law does not require proof that overcomes every
12 possible doubt.

13 If based on your consideration of the
14 evidence, you are firmly convinced that the Defendant is
15 guilty of the crime charged, you must find the Defendant
16 guilty. If, on the other hand, you think there's a real
17 possibility that the Defendant is not guilty, you must
18 give the Defendant the benefit of the doubt and find
19 him not guilty.

20 Ladies and gentlemen, the Defendant is
21 charged -- excuse me -- with criminal sexual conduct
22 with a minor in the second degree. The State must prove
23 beyond a reasonable doubt that the Defendant engaged
24 in a sexual battery with the victim. A sexual
25 battery is sexual intercourse, cunnilingus, fellatio,

1 anal intercourse, or any intrusion, however slight,
2 of any part of a person's body, or of any object
3 into the genital or anal openings of another person's
4 body, except when the intrusion is accomplished for
5 medically-recognized treatment or diagnostic purposes.

6 The State must then prove beyond a
7 reasonable doubt that the victim was at least 11 years
8 old, but not more than 14 years old, at the time of
9 the sexual battery. Consent, willingness, indifference,
10 or ignorance on the part of the minor, if any, as to
11 what was taking place does not in any way affect the
12 charge of criminal sexual conduct with a minor because
13 an unmarried woman under the age of 14 in the state
14 of South Carolina cannot legally consent to sexual
15 intercourse.

16 The Defendant is also charged with
17 third-degree criminal sexual conduct with a minor.
18 The State must prove beyond a reasonable doubt that
19 the Defendant was over the age of 14. Next, the State
20 must prove that the Defendant willfully and lewdly
21 committed, or attempted to commit, a lewd or lascivious
22 act upon or with the body or its parts of a child under
23 the age of 16 years with the intent to arouse, appeal
24 to, or gratify the lust, passions, or sexual desires
25 of the Defendant or the child.

1 Willfully means voluntarily and
2 intentionally with the specific intent to do something
3 the law forbids. Lewd means obscene, lustful, indecent,
4 or lecherous. Lascivious means tending to excite,
5 lust, lewd, indecent, obscene, or tending to deprave
6 the morals in respect to sexual relations.

7 I instruct you and emphasize that the fact
8 that the Defendant did not testify is not a factor
9 to be considered by you in any way in your deliberation
10 and in your consideration on the question of whether
11 the State has met their burden of proof in this case.
12 It must not be considered by you in any manner
13 whatsoever.

14 A Defendant has the constitutional right
15 to remain silent, and the assertion of this right
16 must not be considered by you in your deliberations.
17 I repeat, ladies and gentlemen, under your oath,
18 you are to draw no conclusion whatsoever from the
19 fact that the Defendant in this case did not testify.
20 The fact that this Defendant did not testify should
21 not be discussed in any manner whatsoever in the jury
22 room during your deliberation process.

23 The burden of proof, as I've stated
24 to you, is on the State. The Defendant is not required
25 to prove his innocence. The burden of proof remains

1 on the State to prove guilt beyond a reasonable doubt.

2 Ladies and gentlemen, the Defendant is
3 charged by four separate indictments, and he is charged
4 with three counts of criminal sexual conduct with
5 a minor, second degree, and one count of criminal sexual
6 conduct with a minor, third degree. When two or more
7 acts of criminal sexual conduct are alleged to occur at
8 or about the same time, each act alleged is a separate
9 crime rather than one continuing crime.

10 Ladies and gentlemen, I further instruct
11 you that the indictments in this case allege several
12 different offenses against the Defendant, and they
13 are as follows: As to indictment 2024-GS-08-4552,
14 criminal sexual conduct with a minor, second degree;
15 2024-GS-08-4555, criminal sexual conduct with a minor,
16 second degree; as to indictment 2024-GS-08-4556,
17 criminal sexual conduct with a minor, third degree;
18 and 2024-GS-08-4807, criminal sexual conduct with
19 a minor, second degree.

20 Each indictment charges a separate and
21 distinct offense. You must decide each indictment
22 separately on the evidence and the law which applies
23 to it, uninfluenced by your decision as to any other
24 indictment. The Defendant may be convicted or acquitted
25 on any or all of the offenses charged, and you will

1 be required to write a separate verdict of guilty
2 or not guilty for each individual indictment.

3 Ladies and gentlemen, there are two
4 potential verdicts for each of the indictments which
5 you may find in this case. There's no significance
6 whatsoever to the order in which I state these possible
7 verdicts. It is simply that one must be stated first.
8 And I will go through those verdict forms with you.
9 You don't have to try to write any of it down because
10 the verdict forms will go into the jury room with
11 you. And before I do that, however, I instruct you that
12 in order to reach a verdict, all 12 of you must agree,
13 which means that the verdict must be unanimous.

14 And the indictment options are as follows:
15 As to indictments 2024-GS-08-4552, 4555, and 4807,
16 we, the jury, by unanimous consent, find the Defendant
17 guilty of criminal sexual conduct with a minor,
18 second degree, or not guilty. And as to indictment
19 2024-GS-08-4556, we, the jury, by unanimous consent,
20 find the Defendant guilty of criminal sexual conduct
21 with a minor, third degree, or not guilty. Again,
22 ladies and gentlemen, there's no significance whatsoever
23 to the order in which these potential verdicts are
24 stated.

25 In addition, as in regards to three separate

1 counts of criminal sexual conduct with a minor, second
2 degree, the time periods and the form of the allegation
3 is specified below each indictment number so it's not --
4 there's not to be any confusion as to which indictment
5 each applies to. And I'm sorry if I was redundant.
6 I'm sorry. I was thinking too hard. I apologize.
7 Again, ladies and gentlemen, your verdict must be
8 unanimous, which means all 12 of you must agree.

9 Mr. Foreman, once the jury has reached
10 a verdict, you will write -- you will fill out each
11 verdict form, you will sign and date each form,
12 and you will knock on the door and advise the bailiffs
13 that the jury has concluded its deliberations and
14 reached a unanimous verdict. Also, if the jury has
15 any questions during deliberations, it is your
16 responsibility to write out those questions on the
17 notebook provided, to sign and date those notes,
18 and follow the same process, knock on the door and
19 advise the bailiffs that the jury has a question.

20 Ladies and gentlemen, if you have any
21 questions during deliberations, please know that there
22 will be a delay in our response, and that is because
23 there's a process that we must follow in answering
24 your questions. So if you have a question, please
25 don't think we're ignoring you. There will be a delay

1 because we have to follow that procedure. Mr. Foreman,
2 likewise, any note should never indicate a numerical
3 breakdown of the jury. What goes on in the jury room
4 should remain within the sanctity of that process.

5 I'm going to ask that you return to your
6 jury room, but do not yet begin your deliberations.
7 There are some matters of law that I need to take
8 up with counsel that may require further instruction
9 or clarification of an instruction. However, if there
10 is no further instruction at that time, we'll excuse
11 the alternate, we will send in the verdict forms and
12 the evidence, and you will then be allowed to begin
13 your deliberations. If you would leave your notepads
14 in your seats for us, please.

15 (The jury exited the courtroom at 12:54 p.m.)

16 THE COURT: You may be seated. Any
17 exceptions from the State?

18 MS. SAS: None from the State, Your Honor.

19 THE COURT: Any exceptions from the defense?

20 MR. SEATON: No, Your Honor.

21 THE COURT: Okay. If you all, again,
22 would just make sure for me that all the evidence
23 is where it needs to be. Are they going to need
24 a -- yeah, they're going to need something to play
25 that CD. I'll make sure that something is provided

1 for them. All right. If you would bring out the
2 alternate for me, please.

3 (The alternate entered the courtroom at 12:55 p.m.)

4 THE COURT: Sir, we want to thank you for
5 your time and your attention to this case. I know being
6 an alternate can seem incredibly thankless, but it's
7 so necessary to the process. I hope this has been
8 educational for you. I hope you've learned that
9 real court is nothing like what you see on television,
10 and I hope you also will leave with an understanding
11 of how vital you are to us being able to conduct jury
12 trials. The bailiff has a work excuse for you.

13 THE JUROR: Okay.

14 THE COURT: And we don't have a check yet,
15 or do we? No. Those will be mailed out to you.

16 THE JUROR: Okay.

17 THE COURT: But she'll provide you with your
18 work excuse. We also have your lunch, and we'll provide
19 that to you. If you would like to stay here and eat,
20 let us know, we'll find a nice quite place for you.

21 THE JUROR: Okay.

22 THE COURT: If not, you're welcome to leave.

23 THE JUROR: All right.

24 THE COURT: I would also ask that you not
25 discuss the case until the jury has completed its

1 service after Friday. Have a wonderful day.

2 THE JUROR: Thank you, Your Honor.

3 THE COURT: Thank you, sir.

4 (The alternate exited the courtroom at 12:56 p.m.)

5 THE COURT: Any exceptions from the State?

6 MS. SAS: None from the State, Your Honor.

7 THE COURT: From the defense?

8 MR. SEATON: No, Your Honor.

9 THE COURT: All right. If y'all could --
10 everything is together, right?

11 MR. SEATON: Yes, ma'am.

12 MS. SAS: We didn't touch -- we looked
13 through it and didn't touch it.

14 THE COURT: We've already given the jury
15 their lunch. I'm thinking you all may need to find
16 some lunch and be back by 1:30 because once they eat,
17 they're going to have questions. If they have
18 questions, that's when they'll have them.

19 MR. SEATON: Yes, ma'am.

20 THE COURT: But I also need to let the
21 foreperson know something as well.

22 (Pause.)

23 (The foreman entered the courtroom at 12:58 p.m.)

24 THE COURT: Sir, I needed to let the jury
25 know that after you all eat, you're welcome to go

1 outside and get some air if you need to. You don't
2 need my permission for that. But when anybody is
3 absent from the jury room, deliberations have to stop,
4 and the bailiffs are going to have to accompany you
5 outside if you would like.

6 THE FOREMAN: Okay. So we can take breaks
7 whenever ---

8 THE COURT: Yeah.

9 THE FOREMAN: --- we deem necessary? Okay.

10 THE COURT: But the bailiffs will have to go
11 with you, and deliberations have to cease when anybody
12 is absent from the jury room.

13 THE FOREMAN: I gotcha. So just to be clear
14 on it ---

15 THE COURT: Sure.

16 THE FOREMAN: --- so if we decide we'll take
17 a break, and we want to go outside, that means we don't
18 go to our car or get phones or anything? It's just
19 outside ---

20 THE COURT: Yeah. I mean, if you need
21 to make a phone call, the bailiffs can accompany you
22 to do that, but they have to observe the phone call.

23 THE FOREMAN: Oh, okay. I appreciate the
24 clarify.

25 THE COURT: No worries. All right.

1 Thank you, sir.

2 THE FOREMAN: Thank you, ma'am.

3 (The foreman exited the courtroom at 1:00 p.m.)

4 (Jury deliberations begins at 1:01 p.m.)

5 THE COURT: The record should reflect
6 the jury began its deliberations at 1:01. I would
7 ask that you all return by 1:30. That gives them
8 time to eat, take a break, if they need it, and for
9 us to all be back in place.

10 MS. SAS: Thank you, Your Honor.

11 THE COURT: Thank you. Sir, you're now in
12 custody now that the jury has begun its deliberations.

13 (Recess taken.)

14 (Back on the record.)

15 THE COURT: You may be seated. We have
16 a note from the jury, and it reads as follows: "A juror
17 has child concerns. Is there a time limit for
18 deliberation today?" We offered them dinner and told
19 them it would take an hour. We have not received
20 a response yet. However, what I would instruct them
21 is they don't have to stay all night, that if they want
22 to go home this evening, they can, and resume tomorrow.
23 Any exception from the State?

24 MS. SAS: No, Your Honor.

25 THE COURT: Any exception from the defense?

1 MR. SEATON: No, Your Honor.

2 THE COURT: Please bring in the foreperson
3 for me. And, Madam Court Reporter, if you could mark
4 this note as an exhibit once I talk to him.

5 (The foreman entered the courtroom at 5:45 p.m.)

6 THE COURT: Sir, you all don't have --
7 there's a popular misconception that people have to be
8 held hostage at the courthouse. That is not accurate.
9 You all can go home at any time you would like and
10 resume your deliberations tomorrow. I have an
11 appointment that had to be rescheduled from last week
12 because of the snow.

13 THE FOREMAN: Okay.

14 THE COURT: So if you all come back
15 tomorrow, you'll have to resume at 11 o'clock.

16 THE FOREMAN: At 11 o'clock, okay.
17 I appreciate that.

18 THE COURT: Which probably will give you
19 a little time to get some stuff done in the morning
20 as well before you come back. So if you would discuss
21 that with your -- the rest of the panel, and let us know
22 what your preference is.

23 THE FOREMAN: Okay. So we can leave any
24 time, and then tomorrow, if we resume, it'll be 11:00
25 a.m.?

1 THE COURT: Yes, ma'am -- yes, sir.

2 I'm sorry.

3 THE FOREMAN: No, you're fine. Okay.

4 I appreciate ---

5 THE COURT: Yeah. And just to reinforce,
6 our only option for dinner is pizza, and it'll take
7 about an hour.

8 THE FOREMAN: About an hour. Okay.

9 Thank you.

10 THE COURT: So let us know your preference.
11 Just knock on the door and advise the bailiffs once
12 you all have concluded your discussions.

13 THE FOREMAN: Yes, ma'am.

14 THE COURT: Thank you.

15 (The foreman exited the courtroom at 5:46 p.m.)

16 (Court's Exhibit No. 3 was marked for identification.)

17 (Court's Exhibit No. 3 was admitted into evidence.)

18 THE COURT: Any exception from the State?

19 MS. SAS: None from the State, Your Honor.

20 THE COURT: From the defense?

21 MR. SEATON: No, Your Honor.

22 (Recess taken.)

23 (Back on the record.)

24 (The foreman entered the courtroom at 5:50 p.m.)

25 THE FOREMAN: Your Honor.

1 THE COURT: Yes, sir.

2 THE FOREMAN: We're going to ---

3 THE COURT: Oh, y'all can take your seats.
4 I'm sorry.

5 THE FOREMAN: Your Honor, we're going
6 to halt on the delivery -- the process, and we'll want
7 to come in tomorrow at 11.

8 THE COURT: Okay. So if you could have your
9 seat ---

10 THE FOREMAN: Yes, ma'am.

11 THE COURT: --- and then bring the rest
12 of the panel for me.

13 THE FOREMAN: Okay.

14 (The jury entered the courtroom at 5:51 p.m.)

15 THE COURT: You maybe be seated.
16 Ladies and gentlemen, the foreperson has advised
17 that you all would like to go home for the evening
18 and resume tomorrow, which is completely acceptable.
19 As I explained to him, I think people watch a lot
20 of TV, and they think you have to be held hostage
21 at the courthouse to the wee hours. That's not true.
22 You can go home at any time you would like and resume
23 your deliberations.

24 I would instruct you, however, that it
25 is even more essential that you have no discussion

1 about this case among yourselves or with anyone else.
2 I know it might seem simple, especially, at home,
3 you know, someone says, you know, what kind of case
4 do you have? You know, tell me about it. It should
5 be interesting.

6 But I would ask that you especially guard
7 yourself against any of those types of discussions
8 because to do that by its very nature requires you to
9 think about the evidence and to draw conclusions based
10 upon it, and that is deliberations. So, I would ask
11 that you not engage in that type of activity.

12 Also, it is essential, and even more
13 important, that you guard yourselves from hearing --
14 from listening, reading to -- listening -- well, I tell
15 y'all, allergies. They're killing me -- from listening
16 to any reports or reading any reports. That includes
17 anything that could be on the radio, newspaper,
18 television or internet.

19 And it is even, again, more essential
20 that you not do any independent research of any type
21 on the internet. I know that we like to believe what
22 we see on the internet is accurate, but I probably
23 would guess more than 80 percent of what you see on
24 the internet is not particularly accurate. It might
25 have some thread of truth, but 90 percent of the time

1 it's not particularly accurate.

2 But even more importantly, you are sworn to
3 decide this case according to the evidence that you've
4 heard from the lips of the sworn witnesses and the
5 evidence that has been introduced. So, I would ask
6 that you follow those instructions, as well as having
7 no interaction with anyone in or about the courthouse.
8 Again, we would not want an innocent conversation
9 to be observed and misinterpreted.

10 If you all would leave your notepads, the
11 evidence, and other items in the jury room, we will
12 secure those during the recess. You'll resume in
13 the morning at 11. As I explained to your foreperson,
14 due to the weather last week, I had an appointment
15 that had to be rescheduled and so that will have us --
16 I'll probably get here way before that, but I would
17 rather wait on you all than you all waiting on me due
18 to traffic or otherwise. So we'll see you all in the
19 morning at 11. Have a restful evening, and we'll see
20 you tomorrow.

21 (The jury exited the courtroom at 5:54 p.m.)

22 THE COURT: You may be seated. Any
23 exception from the State?

24 MS. SAS: None from the State, Your Honor.

25 THE COURT: From the defense?

1 MR. SEATON: No, Your Honor.

2 THE COURT: Mr. Seaton, make sure your
3 client's clothes are here early enough so that he can
4 be dressed out.

5 MR. SEATON: Yes, Your Honor.

6 THE COURT: He has to go into custody.
7 Yeah.

8 MR. SEATON: Yes, ma'am.

9 THE COURT: The jury has started their
10 deliberative process. All right. Have a good evening.
11 If y'all want to leave anything, you're welcome to.
12 The courtroom will be secured during the recess.

13 MS. SAS: Thank you, Your Honor.

14 (End of Transcript of Record)
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CERTIFICATE OF REPORTER

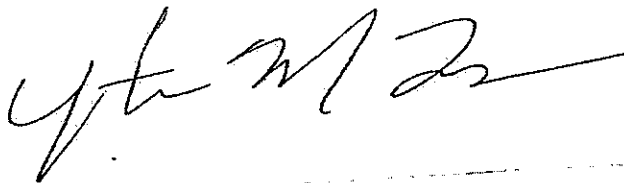
State of South Carolina)

County of Berkeley)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 29th of January, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

October 3, 2025



Yvestre Torres

Circuit Court Reporter

STATE OF SOUTH CAROLINA

COURT OF GENERAL SESSIONS

COUNTY OF BERKELEY

2024-GS-08-04555

2024-GS-08-04552

2024-GS-08-04556

2024-GS-08-04807

State of South Carolina)

) TRANSCRIPT OF RECORD

-vs-)

) January 30, 2025 - Day 4 of 4

James Edward Boley,)

) Moncks Corner, South Carolina

B E F O R E:

The Honorable Deadra L. Jefferson, Judge

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

Kamila Szymczynska-Sas, Esquire
Marie Lerch, Esquire
Attorneys for the State

Grover Cleveland Seaton, IV, Esquire
Attorney for the Defendant

Reported By:

Yvestre Torres, OCR
Circuit Court Reporter for the
Ninth Judicial Circuit

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EXHIBITS

NO EXHIBITS

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INDEX

NO WITNESSES CALLED

1 THE COURT: Good morning. You may be
2 seated. The record should reflect that the jury resumed
3 its deliberations at 11 o'clock. If you all would stay
4 close in the event that they have questions.

5 MR. SEATON: Thank you, Your Honor.

6 THE COURT: You're welcome.

7 (Jury deliberations began at 11:00 a.m.)

8 (Recess taken.)

9 (Back on the record.)

10 THE COURT: All right. Please bring in the
11 jury.

12 (The jury entered the courtroom at 12:04 p.m.)

13 THE COURT: You may be seated. Mr. Foreman,
14 is it correct that the jury has reached a verdict?

15 THE FOREMAN: Yes, Your Honor.

16 THE COURT: If you would give the verdict
17 forms to the bailiff for me, please. Thank you, ma'am.
18 Madam Clerk -- sir, if you would stand for the
19 publication of the verdict. You may proceed when
20 you're ready.

21 THE CLERK: State of South Carolina versus
22 James Edward Boley, as to indictment 2024-GS-08-04552,
23 we, the jury, by unanimous consent, find the Defendant
24 guilty of criminal sexual conduct with a minor, second
25 degree.

1 State of South Carolina versus James Edward
2 Boley, as to indictment 2024-GS-08-04555, we, the jury,
3 by unanimous consent, find the Defendant guilty of
4 criminal sexual conduct with a minor, second degree.
5 Signed and dated by the foreperson.

6 James Edward Boley, as to indictment number
7 2024-GS-08-04556, we, the jury, by unanimous consent,
8 find the Defendant guilty of criminal sexual assault
9 with a minor, third degree. Signed and dated by the
10 foreperson.

11 James Edward Boley, as to indictment number
12 2024-GS-08-04807, we, the jury, by unanimous consent,
13 find the Defendant guilty of sexual -- criminal sexual
14 conduct with a minor, second degree. Signed and dated
15 by the foreperson.

16 Mr. Foreperson and ladies and gentlemen
17 of the jury, if this is your verdict, please signify
18 it by raising your right hand at this time. Thank you.

19 THE COURT: The record should reflect that
20 all 12 raised their right hand, indicating the unanimity
21 of the verdict. Is there any request to poll the jury
22 from the State?

23 MS. SAS: Yes, Your Honor, from the State.

24 THE COURT: Madam Clerk, ladies -- you can
25 take your seat. Mr. Foreman, ladies and gentlemen,

1 we're going to go through a process that is called
2 polling. The clerk is going to ask you two questions.
3 When she calls your number, raise your right hand,
4 and she will ask, is this your verdict, and is it still
5 your verdict? To which you will answer as you desire.
6 You may proceed, Madam Clerk.

7 THE CLERK: Juror 202. Is this your
8 verdict?

9 THE JUROR: Yes.

10 THE CLERK: Is this still your verdict?

11 THE JUROR: Yes.

12 THE CLERK: Thank you. Juror No. 40,
13 is this your verdict?

14 THE JUROR: Yes.

15 THE CLERK: Is it still your verdict?

16 THE JUROR: Yes.

17 THE CLERK: Juror No. 82.

18 THE JUROR: Oh, I'm sorry. My apologies.

19 THE CLERK: Is this your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Is it still your verdict?

22 THE JUROR: Yes.

23 THE CLERK: Juror 157, is this your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Is it still your verdict?

1 THE JUROR: Yes.

2 THE CLERK: Juror 100. Is this your
3 verdict?

4 THE JUROR: Yes.

5 THE CLERK: Is it still your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Juror 47 -- I mean, 74. Sorry.
8 Is this your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Is it still your verdict?

11 THE JUROR: Yes.

12 THE CLERK: Juror 42, is this your verdict?

13 THE JUROR: Yes.

14 THE CLERK: Is it still your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Juror 38, is this your verdict?

17 THE JUROR: Yes.

18 THE CLERK: Is it still your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Juror 81, is this your verdict?

21 THE JUROR: Yes.

22 THE CLERK: Is it still your verdict?

23 THE JUROR: Yes.

24 THE CLERK: Juror 191, is this your verdict?

25 THE JUROR: Yes.

1 THE CLERK: Is it still your verdict?

2 THE JUROR: Yes.

3 THE CLERK: Juror 31, is this your verdict?

4 THE JUROR: Yes.

5 THE CLERK: Is it still your verdict?

6 THE JUROR: Yes.

7 THE CLERK: Juror 64, is this your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Is it still your verdict?

10 THE JUROR: Yes.

11 THE CLERK: Your Honor, the jury has been
12 polled, and the verdict stands.

13 THE COURT: Thank you. Ladies and
14 gentlemen, we thank you for your time and your attention
15 to this case. I hope, and I say this sincerely --
16 I think some people think I'm joking when I say
17 it -- that you've learned that real court is nothing
18 like Judge Judy, Judge Joe Brown, People's Court,
19 Judge Milian, Judge -- I forget. They've got a whole
20 channel. I realized when I was off a few weeks ago,
21 they have a whole channel devoted to this. I forget.
22 There's so many of them, male and female.

23 And as you can well imagine, it's an
24 incredibly lucrative form of entertainment. Judge Judy
25 sold her catalog of 5,000 hours of shows, I think,

1 for \$30,000,000 last year, and then started a new
2 show with a new cast. She only works six weeks out
3 of the year, and she flies home on a private jet every
4 night after she films. It's lucrative. Makes me give
5 a second thought to -- I'm just kidding because I hate
6 those shows.

7 While entertaining, they are nothing
8 like the real process where 12 ordinary citizens
9 with an ordinate amount of common sense listen to the
10 facts of a case, determine what the facts are, apply
11 a very complex set of laws to those facts, and render
12 verdicts. So, I hope you know how very valuable you
13 are to us.

14 Charleston and Berkeley, which is one
15 circuit, probably among the state -- there are three
16 circuits that are the busiest, and Charleston is among
17 those. Berkeley has grown exponentially and is nipping
18 at our heels in terms of growth and the number of --
19 the sheer volume of cases that we have to deal with.
20 We rank up there with Greenville County, which, of
21 course, is in the upper corner of the state, as well
22 as Richland County, which is Columbia, the capital city
23 of the state.

24 So as you can well imagine -- I remember
25 when Berkeley had court once every other month; we can't

1 do that anymore. We have court a whole lot more
2 in Charleston. Generally, we operate three criminal
3 and two civil courts every week that require juries.
4 So if you could well imagine just the volume of cases
5 that come through our system.

6 And while there are times when judges
7 sit as the finder of fact, in other words, as the jury,
8 the majority and the bulk of what we do requires
9 the assistance of jurors. So, I hope you know how very
10 valuable you are to us. I hope it has been educational.
11 And again, I hope you've learned how vital you are,
12 and that it's nothing like what you see on television.

13 You're welcome to discuss this case,
14 if you would like. Sometimes people will seek out
15 your opinion just to see how they can do things a little
16 bit better. You're welcome to discuss it, if you would
17 like. By the same token, you don't have to talk about
18 it. And if someone should exceed your comfort level,
19 please let us know so that we can take the appropriate
20 action to protect your privacy.

21 We have your work excuses for you today;
22 they're ready. Your checks will be mailed to you.
23 If there are any of you that wish to remain for
24 sentencing, you're, likewise, welcome to do that.
25 When I excuse you, if you wish to remain for sentencing,

1 you can stay seated. And if not, you're welcome to
2 leave with the Court's profound thanks. Have a great
3 day. Have a great rest of the -- yeah, Mr. Foreman,
4 we're going to need you to sign the indictment, and if
5 you would stay where you are ---

6 THE FOREMAN: Yes, ma'am.

7 THE COURT: --- the clerk will have you
8 do that. Thank you all very much. Anybody that wishes
9 to remain? If so, just remain in your seat. If you
10 don't want to, you're welcome to leave at this time.
11 I need the sentencing sheets. Have you given Mr. Seaton
12 an opportunity to look at them?

13 MS. SAS: No, Your Honor. I'm just looking
14 at them right now.

15 (Pause.)

16 MS. SAS: Your Honor, permission to
17 approach?

18 THE COURT: Yes, ma'am.

19 MS. SAS: Your Honor, I just have to make
20 one change.

21 THE COURT: That's fine.

22 (Pause.)

23 MS. SAS: Your Honor, permission to
24 approach?

25 THE COURT: Yes, ma'am. Thank you.

1 And, Mr. Seaton, you've had an opportunity to review
2 these, correct?

3 MR. SEATON: I have, Your Honor. I believe
4 they are correct.

5 THE COURT: All right. Anything further
6 from the State regarding sentencing? Well, actually,
7 are there any post-trial motions, Mr. Seaton?

8 MR. SEATON: Your Honor, at this point,
9 I do not have any post-trial motions.

10 THE COURT: All right. Anything further
11 from the State?

12 MS. SAS: Your Honor, I think the Court
13 has heard at length the facts of this case. The only
14 thing that I would ask is for the maximum sentence
15 under the law, an opportunity for the victim to be heard
16 by this Court regarding how it's impacted her.

17 THE COURT: And it is my understanding
18 that Mr. Boley has no record, correct?

19 MS. SAS: That is correct, Your Honor.

20 THE COURT: Okay. And I'll be glad to
21 hear from **Minor**, if that's who you're referring
22 to. Correct?

23 MS. SAS: Yes, Your Honor.

24 THE COURT: If she would like to be heard.
25 Please state your name for the record.

1 Minor : Minor

2 THE COURT: Yes, ma'am, be glad to hear
3 from you.

4 Minor : You took my childhood away
5 from me, as well as my innocence, but this nightmare
6 didn't stop me from standing up here and fighting.
7 I didn't fight to gain anything or to hurt anyone,
8 but to prevent this from happening to another innocent
9 child. This isn't a loss; it's a lesson. All the
10 suffering you caused me had an impact, and I came out
11 stronger and raising above the limits you tried to drown
12 me in.

13 I stand here today as a constant reminder
14 that no matter what happens, you didn't break me. You
15 tried to silence me, but my voice is louder than ever.
16 You tried to shatter my spirit, but I am more resilient
17 than you could ever imagine. I suffered in silence,
18 but today my voice matters, and I stand here with
19 my strength to make a change.

20 My purpose here today is to ensure that
21 no one else has to endure the pain and trauma that
22 I experienced. Today, I reclaim my power and my future.
23 I refuse to let this define me. I am a survivor,
24 and I will continue to fight for justice and for the
25 protection of others. Thank you.

1 THE COURT: You're welcome. Yes, ma'am,
2 anything further?

3 MS. SAS: Nothing further from the State.

4 THE COURT: Mr. Seaton, be glad to hear
5 from you.

6 MR. SEATON: Thank you, Your Honor.

7 THE COURT: You're welcome.

8 MR. SEATON: Judge, as I understand it,
9 there's nine aggravating factors that are listed under
10 16-3-655. We do not believe that any of those aggregate
11 -- aggravating factors -- as the evidence was presented
12 to the Court over these last three or four days, we do
13 not believe any of those aggravating circumstances
14 exist.

15 For that reason, we are asking for a
16 reasonable sentence. We certainly respect the jury
17 system and understand that they have spoken. And we're
18 merely asking that you be reasonable in your sentence.
19 You've heard he has no prior record. His family is here
20 with him today. We'd simply ask that you be merciful
21 in your decision, Your Honor.

22 THE COURT: Does Mr. Boley wish to be heard?

23 THE DEFENDANT: No.

24 MR. SEATON: No, Your Honor.

25 THE COURT: Anything further from the State?

1 MS. SAS: Your Honor, I think the testimony
2 spoke for itself. The aggravating factor is a child
3 that was being abused by a grown man, and we would just
4 ask for the maximum sentence.

5 (Pause.)

6 THE COURT: Have you all discussed with
7 Colleton whether they have a hold on him and whether
8 they plan to prosecute those pending indictments --
9 that pending -- whether they plan to serve the pending
10 warrant, and when they plan to do that, and if they
11 intend to prosecute the CS -- well, I guess, I need
12 clarity. The CSC third with a minor out of Colleton,
13 is that -- had that warrant been served, or has that
14 warrant not been served?

15 MS. SAS: Your Honor, I don't have a good --
16 my understanding was there was a warrant with Colleton
17 for CSC with a minor, first degree.

18 THE COURT: Okay.

19 MS. SAS: Then, there were -- and Mr. Seaton
20 can correct me if I'm wrong. And then, what happened
21 was, there was an arrangement made for Mr. Boley to
22 turn himself in, in Colleton. It's my understanding
23 that there was no response from law enforcement,
24 and there might have been a direct indictment for CSC
25 third.

1 And the last thing I heard last week
2 is the new chief was inquiring about that unserved CSC
3 first warrant. So, I have not spoken to that prosecutor
4 this week, Your Honor. I would imagine that she would
5 have to make that decision knowing -- based on what
6 happened here today and in conversations with the
7 family.

8 THE COURT: Yeah, I'm just trying to figure
9 out if they're going to have a hold on him.

10 MS. SAS: He has a bond that he posted
11 there ---

12 THE COURT: Oh, okay.

13 MS. SAS: --- so I don't see how they would
14 have a hold on him.

15 THE COURT: No, the reason I asked that
16 is because the other warrant wasn't served.

17 MS. SAS: The unserved warrant?

18 THE COURT: Yeah.

19 MS. SAS: I can certainly, Your Honor,
20 step out and try to contact ---

21 THE COURT: Is he represented in Colleton?

22 MR. SEATON: I do, Your Honor.

23 THE COURT: Okay. So what do y'all plan
24 to do with those charges?

25 MR. SEATON: I am not familiar with an

1 unserved warrant.

2 THE COURT: Are there pending charges in
3 Colleton that you're aware of?

4 MR. SEATON: There is pending -- there
5 is a pending charge.

6 THE COURT: And what is that pending charge?

7 MR. SEATON: That is the third.

8 THE COURT: And so have they reached out
9 to you at all about it?

10 MR. SEATON: Your Honor, we've had
11 negotiations in this case as a global. But beyond that,
12 we haven't heard ---

13 THE COURT: So it hadn't been set for trial?

14 MR. SEATON: It has not.

15 THE COURT: You haven't talked to -- who's
16 the solicitor there handling it?

17 MS. SAS: It's Julie Kate Keeney,
18 Your Honor. And she's aware that we're in trial this
19 week as well.

20 THE COURT: And what year time frame is that
21 one dealing with? When she was six or what?

22 MS. SAS: I do not know the time span for
23 the indictment, but that's my understanding. It would
24 have been from the time that she was six through
25 whatever ---

1 THE COURT: Until they left the state.

2 MS. SAS: Whatever date they chose,

3 Your Honor.

4 THE COURT: Sir, if you would stand for
5 sentencing. On indictments 2024-GS-08-4552, 4555,
6 and 4807, criminal sexual conduct with a minor, second
7 degree, sir, you're sentenced to the state department
8 of corrections for a period of 16 years.

9 On the offense of CSC with a minor,
10 third degree, which is indictment 2024-GS-08-4556,
11 you're sentenced to the state department of corrections
12 for a period of 13 years. These sentences are
13 concurrent with one another. You'll get credit pursuant
14 to 24-13-40, to be calculated and applied by the
15 department of corrections.

16 Also, I need to advise you that prior
17 to your release from any confinement -- both of these
18 sentences are classified as violent, one is classified
19 as -- three are classified as most serious, which
20 will affect your -- whatever date you might -- excuse
21 me -- be eligible for any release.

22 But I need to advise you that pursuant
23 to the statute, you'll be evaluated by the
24 multidisciplinary team to determine if you should
25 be civilly committed indefinitely for treatment.

1 You'll get, again, credit pursuant to 24-13-40, to be
2 calculated and applied by the department of corrections,
3 and these sentences are concurrent with one another.
4 Thank you.

5 MR. SEATON: Thank you, Your Honor.

6 THE COURT: You're welcome.

7 MS. SAS: Your Honor?

8 THE COURT: Yes.

9 MS. SAS: We just want to make sure that it
10 also requires the mandatory GPS on the CSC with a minor
11 third.

12 THE COURT: I think that it's only required
13 for the CSC third under the statute.

14 MS. SAS: Yes, Your Honor. Just wanted
15 to make sure.

16 THE COURT: That box has been checked.

17 MS. SAS: And the sex offender registry
18 as well for all the charges.

19 THE COURT: I believe that has been checked
20 as well. Yeah, it has -- well, now, I've just checked
21 it.

22 MS. SAS: Thank you, Your Honor.

23 THE COURT: You're welcome. Thank you.

24 MR. SEATON: Thank you, Your Honor.

25 THE COURT: You're welcome. Have a good

1 day. Ladies and gentlemen, that concludes the
2 proceedings. I hope you all have a great rest of the
3 week. Enjoy some of this warm weather before they say
4 this next storm is headed this way. And, please, take
5 the sweets with you because we can't.

6 THE JUROR: Thank you, Judge.

7 THE COURT: I'm trying to spread out as many
8 calories as I can.

9 (End of Transcript of Record)

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CERTIFICATE OF REPORTER

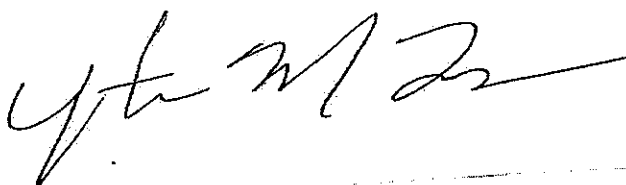
State of South Carolina)

County of Berkeley)

I, the undersigned, Yvestre Torres, Circuit Court Reporter for the Ninth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the Circuit Court for Berkeley County, South Carolina, on the 30th of January, 2025.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

October 3, 2025



Yvestre Torres

Circuit Court Reporter

Ames KSS/0370591

WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2020-02001548

ARREST WARRANT NUMBER

2020A0810400365

DATE OF ARREST

08/11/2020

ACTION OF GRAND JURY

DOCKET NO. 2024-GS-08-04555

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2024

THE STATE

VS.

JAMES EDWARD BOLEY

W/M DOB: [REDACTED]

VERDICT

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR, SECOND DEGREE

SC Code: § 16-03-0655(B)(1)
CDR Code: 0396

True Bill

Foreperson of Petit Jury

Date:

24 NOV 20 PM 2:40
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

642

244

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

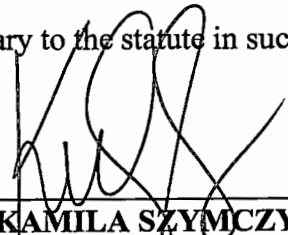
INDICTMENT

At a Court of General Sessions, convened November 2024, the Grand Jurors of Berkeley County present upon their oath:

Criminal Sexual Conduct With A Minor, Second Degree

That in Berkeley County, South Carolina, between June 1, 2018 and February 14, 2020, the Defendant, James Edward Boley, did commit a sexual battery, to wit: digital penetration, upon a minor, **Minor**, who was fourteen years of age or less but who was at least eleven years of age in violation of Sections 16-3-655(B)(1) and 16-3-656 of the South Carolina Code of Laws, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



KAMILA SZYM CZYNSKA-SAS
ASSISTANT SOLICITOR

STATE vs.

James Edward Boley, II

AKA:

SSN: [REDACTED]

RACE: W

SEX: M

DOB: [REDACTED]

) INDICTMENT/CA# 2024-GS-08-04555

) AW#: 2020A0810400365

) Date of Offense: 01/01/2018 - 01/14/2020

) S.C. Code§: 16-03-0655(B)(1)

) CDR Code #: 0396

) Range of Offense: Criminal Sexual Conduct With A Minor,
Second Degree (NMT 20 years)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS

TO: Criminal Sexual Conduct With A Minor, Second Degree

Range of Offense Pled: (NMT 20 years)

In violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT

☒ VIOLENT

☐ SERIOUS

☒ MOST SERIOUS

☐ MANDATORY GPS

☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As indicted

☐ Lesser Included Offense

☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated

☐ Recommendation

/s/ Kamila
Szymczynska-Sas

100437

/s/ Grover (Beau) C. Seaton,
IV

11213

Solicitor

SC Bar #

Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program

for a determinate term of 16 days/months/years/Time Served ☐ YOANTE — years and/or shall pay a fine

of \$ —; provided that upon the service of — days/months/years/Time Served and or payment

of \$ — plus costs and assessments as applicable*; balance is suspended with probation for — months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all of 1/30/2025

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC

— days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing

JAN 30 2025

CASE NO.
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

SPECIAL CONDITIONS:

☐ PTUP

☐ No Contact with Victim

☐ Domestic Violence Intervention Program

☐ Hold for Inpatient Treatment

☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430

☐ SAC/MHC if necessary

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

☐ Other:

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Proviso requires \$500 to be paid to Clerk during probation and shall be collected before any other fees

☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution \$

FINE: \$

\$100

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TBD

\$500

\$40

TOTAL \$128.75

/s/ J Hill

Clerk of Court/Deputy Clerk

Yvestre Torres

Court Reporter

2128

Judge Code

January 30, 2025
February 24, 2025

Sentence Date

/s/ [Signature]
Presiding Judge

SCCA217B

01/27/2025

KSS/0370591
WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2020-02001548

ARREST WARRANT NUMBER

2024-GS-08-04807

DATE OF ARREST

08/11/2020

ACTION OF GRAND JURY

True Bill

Sham D. Baham
Foreperson of Grand Jury

12/18/2024
Date:

VERDICT

Civilty Dick a D

Sham D. Baham
Foreperson of Petit Jury

1/30/25
Date:

DOCKET NO. 2024-GS-08-04807

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

DECEMBER TERM 2024

THE STATE

VS.

JAMES EDWARD BOLEY

W/M DOB: [REDACTED]

Indictment for

**CRIMINAL SEXUAL CONDUCT WITH A
MINOR, SECOND DEGREE**

SC Code: § 16-03-0655(B)(1)
CDR Code: 0396

FILED
24 DEC 18 PM 3:06
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

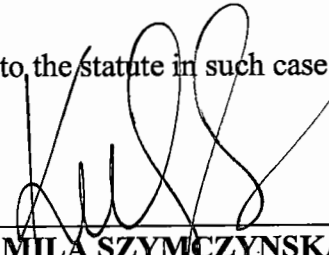
INDICTMENT

At a Court of General Sessions, convened December 2024, the Grand Jurors of Berkeley County present upon their oath:

Criminal Sexual Conduct With A Minor, Second Degree

That in Berkeley County, South Carolina, between June 1, 2018 and February 14, 2020, the Defendant, James Edward Boley, did commit a sexual battery to wit: anal/penile penetration, upon a minor, Minor [REDACTED], who was fourteen years of age or less but who was at least eleven years of age in violation of Sections 16-3-655(B)(1) and 16-3-656 of the South Carolina Code of Laws, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



KAMILA SZYM CZYNSKA-SAS
ASSISTANT SOLICITOR

COUNTY OF BERKELEY) INDICTMENT/CASE #: 2024-GS-08-04807

647

STATE vs.

James Edward Boley, II

AKA:

SSN: [REDACTED]

RACE: WSEX: M

DOB: [REDACTED]

) AW#: 2024-GS-08-04807) Date of Offense: 08/01/2018 - 7/11/2020) S.C. Code§: 16-03-0655(B)(1)) CDR Code #: 0396) Range of Offense: Criminal Sexual Conduct With A Minor, Second Degree (NMT 20 years)In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☐ or ☐ PLEADSTO: Criminal Sexual Conduct With A Minor, Second DegreeRange of Offense Pled: (NMT 20 years)

In violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ MANDATORY GPS☐ § 17-25-45(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☐ As indicted☐ Lesser Included Offense☐ Defendant Waives Presentment to Grand JuryThe plea is: ☐ w/o Rec/Negotiations ☐ Negotiated☐ Recommendation/s/ Kamila
Szymczynska-Sas

100437

/s/ Grover (Beau) C. Seaton,
IV

11213

Solicitor

SC Bar #

Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Programfor a determinate term of 16 days/months/years/Time Served ☐ YOA NTE — years and/or shall pay a fineof \$ —; provided that upon the service of — days/months/years/Time Served and or paymentof \$ — plus costs and assessments as applicable*; balance is suspended with probation for — months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all of 1/30/2025☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC— days/months ☐ To include time spent on monitored house arrest prior to trial and sentencing

SPECIAL CONDITIONS:

☐ PTUP☐ No Contact with Victim☐ Domestic Violence Intervention Program☐ Hold for Inpatient Treatment☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430☐ SAC/MHC if necessary☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135☐ Other: —☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

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§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Proviso requires \$500 to be paid to Clerk during probation and shall be collected before any other fees☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution

FINE:

\$100

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TBD

\$500

\$40

TOTAL

\$

\$

\$

\$100

\$

\$

\$25

\$

\$

\$

\$

\$3.75

\$

\$

\$128.75

/s/ JHill

Clerk of Court/Deputy Clerk

YVETTE TORRES

Court Reporter

2128

Judge Code

January 30,
February 24, 2025

Sentence Date

/s/ [Signature]
Presiding Judge

SCCA217B

01/27/2025

KSS/0370591

WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2020-02001548

ARREST WARRANT NUMBER

2020A0810400366

DATE OF ARREST

08/11/2020

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

True Bill

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-08-04552

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2024

THE STATE

VS.

JAMES EDWARD BOLEY

W/M DOB: [REDACTED]

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR, SECOND DEGREE

SC Code: § 16-03-0655(B)(1)

CDR Code: 0396

24 NOV 20 PM 2:40
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

648

JTH

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

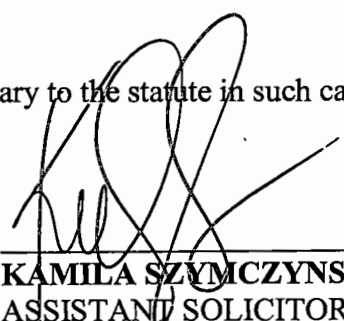
INDICTMENT

At a Court of General Sessions, convened November 2024, the Grand Jurors of Berkeley County present upon their oath:

Criminal Sexual Conduct With A Minor, Second Degree

That in Berkeley County, South Carolina, on or between June 1, 2018 and February 14, 2020, the Defendant, James Edward Boley, did commit a sexual battery, to wit: penile/vaginal penetration, upon a minor, **Minor**, who was fourteen years of age or less but who was at least eleven years of age in violation of Sections 16-3-655(B)(1) and 16-3-656 of the South Carolina Code of Laws, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



KAMILA SZYMCZYNSKA-SAS
ASSISTANT SOLICITOR

STATE vs.

James Edward Boley, II

AKA:

SSN: [REDACTED]

RACE: W

SEX: M

DOB: [REDACTED]

) INDICTMENT/CASE # 2024-GS-08-04552

) AWW#: 2020A0810400366

) Date of Offense: 08/01/2018 - 2/11/2020

) S.C. Code§: 16-03-0655(B)(1)

) CDR Code #: 0396

) Range of Offense: Criminal Sexual Conduct With A Minor,
Second Degree (NMT 20 years)

In disposition of the above indictment comes now the Defendant who was CONVICTED OF ☒ or ☐ PLEADS

TO: Criminal Sexual Conduct With A Minor, Second Degree

Range of Offense Pled: (NMT 20 years)

In violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

☐ NON-VIOLENT

☒ VIOLENT

☐ SERIOUS

☒ MOST SERIOUS

☐ MANDATORY GPS

☐ § 17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☐ As indicted

☐ Lesser Included Offense

☐ Defendant Waives Presentment to Grand Jury

The plea is: ☐ w/o Rec/Negotiations ☐ Negotiated

☐ Recommendation

Kamila
Szymczyńska-Sas

100437

/s Grover (Beau) C. Seaton, 11213
IV

Solicitor

SC Bar #

Attorney for Defendant

SC Bar #

The Defendant is committed to the ☒ SCDC ☐ County Detention Center ☐ Home Incarceration Program

for a determinate term of 16 days/months/years Time Served ☐ YOANTE — years and/or shall pay a fine

of \$ —; provided that upon the service of — days/months/years Time Served and or payment

of \$ — plus costs and assessments as applicable*; balance is suspended with probation for — months/years

and subject to SCDPPPS standard conditions of probation, which are incorporated by reference.

The sentence shall run ☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: all of 1/30/25

☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by SCDC

JAN 30 2025

CASE NO
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

SPECIAL CONDITIONS:

☐ PTUP

☐ No Contact with Victim

☐ Domestic Violence Intervention Program

☐ Hold for Inpatient Treatment

☒ Sex Offender Registry pursuant to S.C. Code § 23-3-430

☐ SAC/MHC if necessary

☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135

☐ Other:

☐ RESTITUTION See Separate Order (20% per S.C. Code §24-21-490(B))

§14-1-206 (Assessments 107.5%)

§14-1-211 (A)(1) Conv. Surcharge)

§14-1-211 (A)(2)(DUI Surcharge)

§56-5-1995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforcement Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114 (BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel. Proviso requires \$500 to be paid to Clerk during probation and shall be collected before any other fees

☐ §17-3-45(B) Unpaid Application Fee to be paid to the Public Defender Fund

Restitution \$

FINE: \$

\$

\$100

\$

\$100

\$12

\$25

\$25

\$150

\$41

\$50

\$40/ea

TBD

\$500

\$40

TOTAL \$128.75

/s Hill

Clerk of Court/Deputy Clerk

Yvestre Torres

Court Reporter

2128

Judge Code

January 30, 2025
February 24, 2025

Sentence Date

[Signature]
Presiding Judge

SCCA217B

01/27/2025

KSS/0370591

WITNESSES

Berkeley County Sheriff's Office

AGENCY CASE NUMBER

2020-02001548

ARREST WARRANT NUMBER

2024-GS-08-04556

DATE OF ARREST

08/11/2020

ACTION OF GRAND JURY

Foreperson of Grand Jury

Date:

VERDICT

True Bill

Foreperson of Petit Jury

Date:

DOCKET NO. 2024-GS-08-04556

The State of South Carolina

County of Berkeley

COURT OF GENERAL SESSIONS

NOVEMBER TERM 2024

THE STATE

VS.

JAMES EDWARD BOLEY

W/M DOB: [REDACTED]

Indictment for

CRIMINAL SEXUAL CONDUCT WITH A
MINOR, THIRD DEGREE

SC Code: § 16-03-0655(C)

CDR Code: 3661

24 NOV 20 PM 2:40
LEAH GUERRY DUPREE
CLERK OF COURT
BERKELEY COUNTY, SC

FILED

651

JA#

STATE OF SOUTH CAROLINA

COUNTY OF BERKELEY

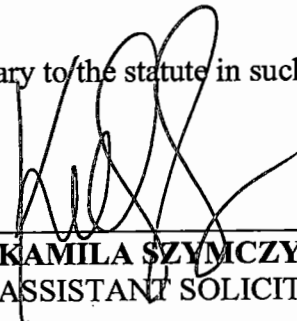
INDICTMENT

At a Court of General Sessions, convened November 2024, the Grand Jurors of Berkeley County present upon their oath:

Criminal Sexual Conduct with a Minor, Third Degree

That in Berkeley County, South Carolina, between June 1, 2018 and February 14, 2020, the Defendant, James Edward Boley, who was over fourteen (14) years of age, did willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of Minor [REDACTED], a child under sixteen years of age, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the defendant or the child. That, in addition, if the defendant was 18 years of age or less and the child victim was at least 14 years of age, said lewd or lascivious conduct was non-consensual; in violation of Section 16-3-655(C), South Carolina Code of Laws, (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



KAMILA SZYM CZYNSKA-SAS
ASSISTANT SOLICITOR

DOB:

SCCA217B
01/27/2025

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Molly M Keegan
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 25th day of February, 2026.