

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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Jun 12 2026
SC Court of Appeals

Appeal from Richland County

Honorable Thomas William McGee, III, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARTY BROWN,

APPELLANT

APPELLATE CASE NO. 2025-001776

RECORD ON APPEAL

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1 I hate the fact that I don't know who I can and cannot
2 trust now. I hate the fact that I feel weird when I'm
3 alone with my dad or when I'm in a room with the opposite
4 sex. I hate the fact that even when I wash I feel
5 disgusted. I hate the fact that I can't talk to who I
6 want to talk to about the things I want to talk to them
7 about.

8 I hate the fact that I have nightmares about this
9 man daily. I hate the fact that I blame myself daily for
10 what happened to me. I hate the fact that I have to be
11 strong when I want to be weak. I feel alone. I feel
12 like I'm at my lowest. I feel judged. I feel weird. I
13 feel like no one loves me. I feel like people only come
14 for me because they know what happened. I'm not
15 suicidal. I just want to hurt the right way.

16 I hate the fact that I feel sorry for him. I hate
17 the fact that I still have love for him and his daughters
18 and his niece and his sister who's family, period. I
19 love Mason and Mattie and Molique and Michael and even
20 Bab [phonetic]. I feel numb like my heart don't work no
21 more. I feel like the blame is on me.

22 I hate the fact that when I close my eyes at night,
23 I see his face. I hate the fact that I let it define me.
24 I hate the fact that (unintelligible) is something that's
25 not good for me.

1 I don't know who I love. I don't know who I trust.
2 I don't know who I am. I just want a day to hurt, to
3 feel, to cry, to not be okay, to be depressed. I hate
4 this me. It's very draining. I want to just escape from
5 the world for a while. I want to just find me. I want
6 to mentally be okay. I want to emotionally be okay. I
7 want to feel happy, joy, normal again.

8 I hate the fact that I used to love me and now I
9 hate my guts. I hate the fact that I can feel free
10 anywhere but my house. I hate the fact that I feel more
11 loved by people I barely know than people I've known for
12 a lifetime. But out of everything I said, it's going to
13 be okay because I was once told by a wise woman it's okay
14 to cry and be sad and it's okay to hurt. Just don't stay
15 there. That I love her for because I wouldn't have --
16 that I love her for because if she wouldn't have told me
17 that, I wouldn't be where I am trying to make it, trying
18 to be strong and the best person I can be today.

19 I just -- Marty, I don't hate you. I still love
20 you. I -- I -- it's -- I don't know. I just don't have
21 no hate in my heart for nobody. I'm just -- I just want
22 to move on. I just want to move on.

23 THE COURT: **Complainant**, I greatly appreciate you
24 telling me that. And I hope that -- and I know that the
25 folks that you're sitting with right there can help you,

1 put you in contact with somebody because those are all
2 natural feelings to help with that. But I can tell you
3 one thing, do not blame yourself. Don't let it define
4 you. It doesn't. Don't hate yourself for it. It's not
5 your fault. You understand? It's not your fault. It
6 isn't. You were 13 years old.

7 Thank you, ma'am.

8 MS. BROWDER: Your Honor, it's been three years and
9 eight months since this happened to **Complainant**. The State
10 is asking since Mr. Brown is looking at three years and
11 six months with these charges that he receive that full
12 amount, that the two run consecutive so it would be the
13 same amount of time that she has been dealing with this
14 since this happened to her December 11, 2021.

15 THE COURT: All right. Mr. Hayes?

16 MR. HAYES: Thank you, Judge. May it please the
17 Court.

18 THE COURT: Yes, sir.

19 MR. HAYES: Judge, Marty is 56 years old. He's a
20 lifetime resident of Columbia, Judge. He grew up here.
21 He has a sister and two brothers here in town that he
22 still sees and spends time with. Both of his parents are
23 deceased. He graduated from Dreher High School back in
24 the mid-80s, I think '86, '87. '87. He graduated from
25 Dreher High School in '87, Judge.

1 He didn't pursue any further education after
2 receiving his diploma, but he did pursue several
3 different trades as work since that time. So, you know,
4 for the better part of the last 40 years, Mr. Brown has
5 been gainfully employed. He worked all kinds of
6 industrial jobs around town.

7 He has three children. As I understand it, the
8 oldest is 28, the middle child is 23 and the youngest one
9 is 21, Judge. He's not a grandfather at this time. None
10 of his children have children. He's single and resides
11 by himself.

12 And he's been present. He was working, you know,
13 prior to being picked up and being housed down at the
14 detention center in the middle of July for reasons that
15 he says he doesn't have a full appreciation of, but
16 that's really not what we're here to talk about this
17 afternoon.

18 Judge, I understand that Mr. Brown is looking at
19 three and a half years. We would respectfully request
20 that whatever sentence that is imposed by the Court be
21 run concurrently and so that they would be served in the
22 same window.

23 And Mr. Brown has requested, obviously, to not be
24 mandated to register on the South Carolina sex offender
25 registry, and so we make that request to the Court as

1 part of what we're asking for this afternoon.

2 THE COURT: All right. I'm not sure that I've got
3 discretion about that. I believe that's an operation of
4 statute that will be handled there. That's my
5 understanding. But obviously, as I say, it's an
6 operation of law. It will happen or it won't.

7 Is there anything further from the State?

8 MS. BROWDER: No, sir. But I do believe it's
9 mandatory since it involves a minor that he must be on
10 the sex offender registry.

11 THE COURT: That's my -- my understanding is that
12 the exposure of private parts in a lewd and lascivious
13 manner, that if it involves a minor, that pursuant to
14 Section 23-3-430(c)(13) that it is -- that that is
15 required. But, again, that's just my understanding based
16 on what I pulled up here.

17 And then I've also found that, at least according to
18 what I pulled up, that being found guilty of this crime
19 also, there's a no foster care or adoption pursuant to
20 63-7-2350 and that there is child abuse registry pursuant
21 to Section 17-25-135. And the contributing to the
22 delinquency of a minor also has the no foster care or
23 adoption collateral issue as well.

24 But, of course, if you find out, I mean, you
25 obviously have time to file posttrial motions if you

1 believe that that's an error or if you believe that any
2 of those are discretionary and you want me to exercise
3 discretion, I will be glad to hear from it. But it's my
4 understanding that that's the operation as it occurs when
5 someone pleads guilty or is found guilty of those two
6 offenses.

7 MR. HAYES: Yes, sir.

8 And, Judge, just for clarity of the record, my
9 client does indicate that for the duration, since the
10 time he was arrested, he had been on an ankle monitor.
11 Sometimes when you're on an ankle monitor and you're
12 under house arrest, you can ask the Court to consider the
13 time you spent on house arrest. It is my belief, and,
14 Madam Solicitor, please correct me if I'm wrong, but I
15 don't believe that house arrest was a part of that
16 original bond, so I'm not in a position necessarily to
17 ask for that credit. But I just say that for the benefit
18 of my client so he understands. If it was available, I
19 would be requesting that from the Court.

20 THE COURT: Right. Yes. And I've had this come up
21 many times. If a defendant has been on strict house
22 arrest with GPS monitoring, there is discretion about
23 whether to give that person credit toward time served.
24 Obviously, it's mandatory if he or she has been in
25 custody as I'm told it's 47 days time served credit. But

1 I don't have discretion. It's my understanding after
2 researching this on prior occasions that if somebody is
3 just on GPS, I don't believe I have the legal authority
4 to even exercise discretion in that regard.

5 MR. HAYES: And I agree with Your Honor. I just
6 asked for the colloquy for the benefit my client so that
7 he understands that that's really not something that's
8 available.

9 THE COURT: Yes, sir. And that's why I wanted to
10 make sure to make that clear. So he certainly will get
11 credit for the 47 days that he has been in custody. He's
12 legally entitled to that.

13 Is there anything further from the defense?

14 MR. HAYES: No, sir.

15 THE COURT: All right. Anything you want to say,
16 sir?

17 DEFENDANT BROWN: No.

18 SENTENCING

19 THE COURT: All right. This has been a disturbing
20 case as all these -- with these types of charges is. And
21 I think that one of the most disturbing things to me
22 throughout this, the question that's kind of rang in my
23 ears is, you know, when you picked this girl up, 13 years
24 old, four o'clock, whatever it was in the morning, 3:30,
25 four o'clock in the morning, dark, cold December, you're

1 close enough to her and her family so that they call you
2 uncle, why in the world you didn't call her family and
3 say I've got her. I found her out walking around. She's
4 safe and I'm going to bring her back to you right now. I
5 just wanted to let you know that. I just -- I can't
6 imagine reacting any differently. And knowing that she
7 had a difficult home life and the difficulty she was
8 having at such a young age, 13 years old, knowing of that
9 vulnerability and taking advantage of it instead of
10 trying to help her in that situation is disappointing, to
11 say the least.

12 The jury having found you guilty of contributing to
13 the delinquency of a minor, I sentence -- please rise.
14 The jury having found you guilty to contributing to the
15 delinquency of a minor, I sentence Mr. Brown to three
16 years. He's to get credit for 47 days time served. As
17 to the charge of exposure of private parts in a lewd and
18 lascivious manner, I sentence Mr. Brown to six months.
19 He's to get credit for 47 days time served. And those
20 two sentences are to run consecutively.

21 Good luck to you. Court's adjourned.

22 (WHEREUPON, proceedings concluded at 4:46 PM.)
23
24
25

1 CERTIFICATE OF REPORTER

2
3 STATE OF SOUTH CAROLINA)

4 COUNTY OF RICHLAND)

5
6
7 I, CHERYL A. SMITH, Official Court Reporter for the
8 Thirteenth Judicial Circuit of the State of South
9 Carolina, do hereby certify that the foregoing is a true,
10 accurate and complete Transcript of Record of the
11 proceedings had and evidence introduced in the trial of
12 the captioned case, relative to appeal, in the Court of
13 General Sessions for Richland County, South Carolina, on
14 the 25th, 26th, 27th and 28th day of August, 2025.

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

17
18 December 10, 2025

19
20
21 *Cheryl A. Smith*

22 Cheryl A. Smith, CVR-M

23 Court Reporter
24
25

WITNESSES

(S) Joe Clarke

- Richland County Sheriff Dept

ARREST WARRANT NUMBER

2021A4012400085

ACTION OF GRAND JURY

TRUE BILL

Karen K
Foreperson of Grand Jury JAN 11 2023
Date:

VERDICT

Foreperson of Petit Jury
Date:

510

DOCKET NO. 2023GS4000091

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JANUARY TERM 2023

11

**THE STATE
vs.**

Marty Brown

**Indictment for
OBSCENE / EXPOSURE OF PRIVATE
PARTS IN A LEWD AND LASCIVIOUS
MANNER**

**SC Code: 16-15-0365
CDR Code: 0377**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

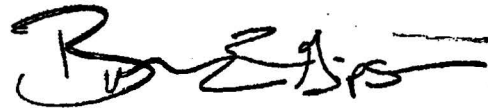
INDICTMENT

At a Court of General Sessions, convened on January 10, 2023, the
Grand Jurors of Richland County present upon their oath:

**EXPOSURE OF PRIVATE PARTS IN LEWD
AND LASCIVIOUS MANNER**

That Marty Brown did in Richland County on or about December 11,
2021, willfully and knowingly expose the private parts of his person in a lewd
and lascivious manner and in the presence of ^{Complainant} in violation of Section
16-15-365, S. C. 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.



BYRON E. GIPSON, SOLICITOR

WITNESSES

(S) Joe Clarke

– Richland County Sheriff Dept

ARREST WARRANT NUMBER

2021A4012400087

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury **JAN 11 2023**
Date:

VERDICT

Foreperson of Petit Jury
Date:

DOCKET NO. 2023GS4000092

The State of South Carolina

County of

Richland

COURT OF GENERAL SESSIONS

JANUARY TERM 2023

11

**THE STATE
vs.**

Marty Brown

**Indictment for
MINOR / CONTRIBUTING TO THE
DELINQUENCY OF A MINOR**

**SC Code: 16-17-0490
CDR Code: 0048**

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

INDICTMENT

At a Court of General Sessions, convened on January 10, 2023, the
 Grand Jurors of Richland County present upon their oath:

CONTRIBUTING TO DELINQUENCY OF MINOR

That Marty Brown, being over eighteen (18) years of age, did in Richland County, on or about December 11, 2021, knowingly and willfully encourage, aid, or cause or influence one ^{Complainant} a minor 13 years of age, to violate a law or municipal ordinance; or to become incorrigible or ungovernable and beyond the control of his/her parents or guardian; or to become habitually truant, or to without just cause and without consent of his/her parent or guardian to repeatedly desert his/her home; or to engage in an occupation which is in violation of the law; or to associate with immoral or vicious persons, or to frequent a place the existence of which is in violation of law; or to habitually use obscene or profane language; or to beg or solicit alms in a public place under pretence; or to so deport himself/herself to willfully injure or endanger his/her morals or health or the morals or health of others, in violation of Section 16-17-490, S. C. 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.



BYRON E. GIPSON, SOLICITOR

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Jun 12 2026

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SC Court of Appeals

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,



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ATTORNEY FOR APPELLANT

This 12th day of June, 2026.