

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Lexington County

Honorable R. Knox McMahon, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MARTIN RODRIGUEZ,

APPELLANT

APPELLATE CASE NO 2015-001902

RECORD ON APPEAL

DAVID ALEXANDER
Appellate Defender

ALAN WILSON
Attorney General

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

J. BENJAMIN APLIN
Senior Assistant Attorney Deputy General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

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1 Madam Forelady, ladies and gentlemen of the jury, I
2 never commend or criticize a jury for its verdict. It is
3 solely a function of the finding of the facts and the
4 inferences to be drawn from the facts by the jury and
5 applying those facts to the law. I do commend you for your
6 focus, for your attention, for your work ethic, and for
7 your civic-mindedness. Without jurors week to week in
8 Lexington County and all the counties of our State and
9 throughout our country, we could not be about the very
10 important, very important function of administering your
11 and our criminal and civil justice systems. It wouldn't
12 work without y'all.

13 I know you didn't volunteer. There's never a line
14 out in front of the courthouse and the windows with people
15 willing to come in to serve on juries. They can be very
16 difficult to hear cases sometimes, many times, many times.
17 But it protects, the jury system protects all of us. It
18 protects the innocent as well as whatever side the innocent
19 may be on.

20 With that being said, you do not have to call back.
21 You do not have to come back. Momentarily I'm going to
22 release you from your jury service for the remainder of the
23 week. With my thanks and the thanks of the parties. It
24 was an important case to the State of South Carolina, an
25 important case to Mr. Rodriguez.

1 Anything further from the jury from the Clerk's
2 Office, Madam Clerk?

3 THE CLERK: They've already -- I've already given
4 them their work statements, Your Honor.

5 THE COURT: All right. Thank you. Thank you very
6 much. Again you may now be excused. Thank you very much.

7 (The jury left the courtroom at 12:42 p.m.)

8 THE COURT: All right. Mr. Williams?

9 **POST-TRIAL MOTIONS**

10 MR. WILLIAMS: Your Honor, we would move as
11 customarily is done on post-trial motions to set aside the
12 jury's verdict and grant the defendant a new trial. The
13 same basis in essence, Your Honor, and that is that was
14 made previously that the sufficiency of the evidence
15 presented is insufficient for the jury to have returned a
16 verdict of guilty.

17 THE COURT: All right. Thank you. Thank you very
18 much.

19 I would respectfully deny that motion. I think
20 there was both direct and sufficient circumstantial
21 evidence and the combination and the confluence of those
22 both, direct and substantial circumstantial evidence is
23 just overwhelming. I would respectfully deny that motion.

24 Any other matters?

25 All right. Any reason sentencing cannot be imposed

1 at this time?

2 MR. WILLIAMS: No, Your Honor.

3 SENTENCE

4 THE COURT: All right. Come around please, Mr.
5 Rodriguez.

6 Any -- anything additional from the State as far as
7 prior criminal history or victim impact and/or victim
8 impact, Solicitor?

9 MS. MAYES: Yes, sir, Your Honor. The criminal
10 history is limited to convictions of driving under
11 suspension and false information to police in the year
12 2014.

13 The victim, Your Honor, in this case, Minor,
14 she is with her victim advocate, Wendy Frazier. She has
15 indicated that she would like to address the Court. I beg
16 the Court's indulgence.

17 THE COURT: And again, Minor, if you
18 would state your name for the record, please.

19 THE VICTIM: Minor

20 Minor

21 THE COURT: If you would speak up for me please?

22 THE VICTIM: Minor

23 with no dash

24 THE COURT: I'll be glad to hear from you.

25 THE VICTIM: Your Honor, this has -- this has

1 affected me a lot because I basically went through a lot.
2 I got taken away from my mom. Because of him, me and my
3 mom's relationship just broke and we're not the same
4 anymore. My mom's side of the family doesn't want to talk
5 to me anymore when we used to be so close. My brother, I
6 rarely get to see him; and I mean, I just want him to tell
7 you what he did to me because that was just pain and I want
8 him to know what it feels like. I know that he won't
9 actually feel the way I felt, but I want him to get -- be
10 put in jail for it. I mean and that's all I have to say
11 and thank you so much.

12 THE COURT: Thank you. Thank you very much.

13 Anything further, Solicitor?

14 MS. MAYES: No, sir, Your Honor, as the record will
15 reflect, she did give birth to a child as a result of these
16 crimes. She was hospitalized for three days and there were
17 certainly significant risks to her health even though it
18 was an uncomplicated pregnancy. It's just profoundly
19 tragic that this child had to go through that experience
20 and then also the emotional trauma of -- of letting her
21 child go. She told us that she put a lot of thought into
22 the decision to place him for adoption. She was 12 years
23 of age at that time and living in foster care, but it was
24 still a difficult decision because -- there was certainly a
25 part of her that wanted to raise her son, but she together

1 with the Guardian ad Litem and some members of a church
2 selected the adopted family.

3 From what we understand the child is healthy and in
4 a very happy home, but it certainly adds to the tragic
5 events and completely compounded this situation for Minor

6

7 THE COURT: Thank you. Thank you, Solicitor.

8 Mr. Williams?

9 MR. WILLIAMS: Your Honor, as you know, he's 24
10 years of age. The only criminal history he has is traffic
11 in nature except for one isolated incident with failure to
12 be honest with law enforcement officials and this indeed
13 was a traffic matter. He is employed. We've learned about
14 his employment as part of the testimony, I guess, that was
15 given in the trial. He's married. They have one child now
16 who is probably about two years of age. They also are
17 expecting another. They're -- his wife is expecting. She
18 is three months pregnant.

19 He and she is -- the wife is not here today. She's
20 remained at home, Your Honor. Seated on the front row,
21 Your Honor, with him is his mother who is the lady in the
22 middle, his sister, who is the lady with the blue dress on
23 and his minister, who is the lady with the dark coat on.
24 So he does have family members obviously that support him.
25 We're regretful of what has occurred and obviously we would

1 ask the Court to be as lenient as possible, Your Honor.

2 THE COURT: Thank you, Mr. Williams.

3 Mr. Rodriguez?

4 THE DEFENDANT: Yes, sir?

5 THE COURT: Anything you'd like to say?

6 THE DEFENDANT: I just ask for mercy.

7 THE COURT: Sir? You would what? I couldn't hear
8 you?

9 MR. WILLIAMS: He said I would ask for mercy, Your
10 Honor.

11 THE COURT: Anything else you'd like to say?

12 THE DEFENDANT: No, sir.

13 THE COURT: All right. 2015-GS-32-1404, Martin
14 Alejandro Rodriguez, criminal sexual conduct with a minor
15 second degree, the defendant having been convicted by the
16 jury, the defendant is committed to the State Department of
17 Corrections for a determinate term of 20 years. Credit for
18 all time served. No contact with the victim. He's placed
19 on the Sex Offender Registry.

20 2015-GS-32-0153, Martin Alejandro Rodriguez,
21 criminal sexual conduct with a minor third degree. The
22 defendant is committed to the State Department of
23 Corrections for a determinate term of 15 years. No contact
24 with the victim. Sex Offender Registry, credit for all
25 time served. Those sentences are consecutive. Good luck

1 to you, Mr. Rodriguez.

2 MR. WILLIAMS: Thank you, Your Honor.

3 THE COURT: Good luck to you, Minor

4 Anything further from the State, Solicitor?

5 MS. MAYES: No, sir, Your Honor.

6 THE COURT: Thank you. Thank you very much. Court
7 will be in recess.

8 * * * * * END OF TRANSCRIPT * * * * *

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1 State of South Carolina)
 2 County of Aiken) **Certificate of Reporter**

3
 4
 5

6 I, THE UNDERSIGNED, Brenda J. Sigwald, Official
 7 Court Reporter for the Eleventh Judicial Circuit of the
 8 State of South Carolina, do hereby certify that I reported
 9 the proceedings in the captioned case in the Court of
 10 General Sessions in and for the State of South Carolina on
 11 the 24th through the 26th days of August, 2015.

12 I FURTHER CERTIFY that the foregoing pages
 13 constitute a true, accurate and complete transcript of said
 14 hearing.

15 I FURTHER CERTIFY that I am neither kin, counsel,
 16 nor of interest to any party hereto.

17 IN WITNESS WHEREOF, I have hereunto set my hand and
 18 seal at Aiken County, this 13th day of January, 2016.

19
 20
 21

22 Brenda J. Sigwald
 23 Brenda J. Sigwald,
 24 Court Reporter and Notary Public
 25 For the State of South Carolina
 My commission expires
 January 4, 2020

501 WITNESSES

Lexington County Sheriffs Department

Tricia Chandler Stoner

Law Enforcement Case #: 13016395

LSM

ARREST WARRANT NUMBER

2014A3210200862

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: 6/11/15

VERDICT

Guilty

Foreperson of Petit Jury
Date: 8/20/15

DOCKET NO. 2015GS3201404

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2015

THE STATE

vs.

Martin Alejandro Rodriguez

CDR #: 0396

Indictment for

Criminal sexual conduct with a minor -
second degree

§ 16-03-0655(B)(1)

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)

INDICTMENT FOR
 Criminal sexual conduct with a minor - second
 degree

§ 16-03-0655(B)(1)

At a Court of General Sessions, convened on JUNE 2015, the Grand Jurors of Lexington County present upon their oath:

That **Martin Alejandro Rodriguez**, date of birth _____, did in Lexington County, South Carolina on or about January 1st, 2013 through September 11th, 2013, commit the offense of criminal sexual conduct with a minor in the second degree by engaging in sexual battery with a minor who was fourteen (14) years of age or less but who was at least eleven (11) years of age, to wit: sexual intercourse and/or genital intrusion upon Minor _____, date of birth _____, in violation of Section 16-3-655(B)(1), 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.


 ASSISTANT SOLICITOR

WITNESSES

Lexington County Sheriffs Department

Tricia Chandler Stoner

Law Enforcement Case #: 13016395

LSM

ARREST WARRANT NUMBER

15-STR-00147 (Straight indictment)

ACTION OF GRAND JURY

Foreperson of Grand Jury
Date: *6/11/15*

VERDICT

Guilty

Foreperson of Petit Jury

Date: *8/20/15*

DOCKET NO. 2015GS32015 3/

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2015

THE STATE

vs.

Martin Alejandro Rodriguez

CDR #: 3661

Indictment for

Criminal sexual conduct with a minor -
third degree
§ 16-03-0655(C)

DONALD V. MYERS, SOLICITOR

STATE OF SOUTH CAROLINA)
)
 COUNTY OF LEXINGTON)
)

INDICTMENT FOR
 Criminal sexual conduct with a minor - third
 degree

§ 16-03-0655(C)

At a Court of General Sessions, convened on JUNE 2015, the Grand Jurors of Lexington County present upon their oath:

That **Martin Alejandro Rodriguez** date of birth _____, being a person over fourteen years of age, did in Lexington County, South Carolina, on or about January 1st, 2013 through September 11th, 2013, willfully and lewdly commit or attempt to commit a lewd and lascivious act upon or with the body, or its parts, of a child under sixteen years of age, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of himself or of the child, to wit: touching and physical contact of a sexual nature involving a child, Minor _____, date of birth _____, furthermore, the said child was under the age of fourteen years during the time of this offense, in violation of Section 16-3-655(C), S.C. Code of Laws, 1976, as amended, and previously codified as attempting or committing a lewd act upon a child pursuant to S.C. Code Section 16-15-140, 1976, as amended.

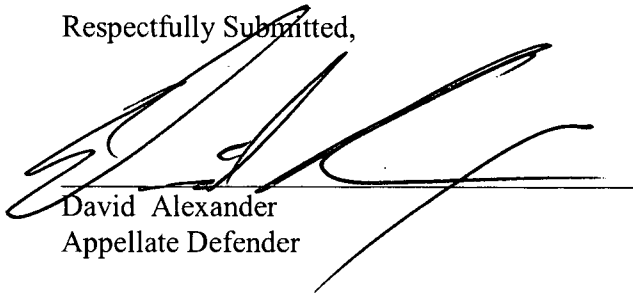
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 ASSISTANT SOLICITOR

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,

A handwritten signature in black ink, appearing to read "DAVID ALEXANDER", is written over a horizontal line. The signature is stylized and cursive.

David Alexander
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 19th day of September, 2016.