

ORIGINAL

VOLUME II OF II

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable R. Keith Kelly, Circuit Court Judge

RECEIVED

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SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RODNEY MICHAEL ALEXANDER,

APPELLANT.

APPELLATE CASE NO. 2016-000112

RECORD ON APPEAL

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1 **THE COURT:** Sir, pull that microphone a
2 little close and tell us your full name and
3 spell your last name for my court reporter.

4 **THE WITNESS:** Okay. My name is Albert
5 Blandin, B-L-A-N-D-I-N.

6 **THE COURT:** Thank you, sir.
7 Yes, sir.

8 **DIRECT EXAMINATION**

9 **BY MR. STALVEY:**

10 **Q** Mr. Blandin, how do you know Nora and
11 Rodney Alexander?

12 **A** Uh, Nora is my sister and I know that's her
13 husband.

14 **Q** Okay. Did you know Complainant ?

15 **A** Yes, I did.

16 **Q** Have you known Complainant since
17 she was a young child?

18 **A** I've known her when she was born.

19 **Q** Was Rodney Michael Alexander anywhere in
20 your sister's life when Complainant was two years old?

21 **A** Not at that time, no.

22 **Q** Okay. Do you remember when Mr. Alexander
23 became involved in your sister's life?

24 **A** Not exactly when he came involved in her
25 life. I couldn't give you a specific year or date or

1 anything. I could say maybe 10 years ago.

2 Q Okay. Let me ask you did they get married
3 in 2008?

4 A Yes.

5 Q Was it a couple of years before that?

6 A Yes, that's exactly right.

7 Q Thank you. I don't have any further
8 questions.

9 THE COURT: Okay. Solicitor?

10 MS. HODGE: No questions from the State,
11 Your Honor.

12 THE COURT: All right. Sir, you may step
13 down. Please be careful.

14 MR. STALVEY: Your Honor, I'd ask that this
15 witness also be excused.

16 THE COURT: Any objection?

17 MS. HODGE: No objection.

18 THE COURT: Sir, you may be excused. You
19 may stay or go, whichever you choose.

20 THE CLERK: Ma'am, if you will, please
21 come forward.

22 MR. STALVEY: Your Honor, the defense's
23 next witness is Nicole Vanderpool.

24 THE CLERK: Ma'am, if you will, please
25 place your left hand on the Bible and raise your

1 right hand.

2 **NICOLE VANDERPOOL**

3 having first been duly sworn, testifies as follows:

4 **THE CLERK:** Thank you. Please be seated.

5 **THE COURT:** Ma'am, pull that microphone
6 close to you and get comfortable and tell us
7 your name and spell your last name for my court
8 reporter please.

9 **THE WITNESS:** Nicole Vanderpool, V-A-N-D-
10 E-R-P-O-O-L.

11 **THE COURT:** Thank you.

12 Yes, sir.

13 **MR. STALVEY:** Thank you, Your Honor.

14 **DIRECT EXAMINATION**

15 **BY MR. STALVEY:**

16 **Q** Ms. Vanderpool, how do you -- are you
17 related to Mr. Alexander?

18 **A** That's my father.

19 **Q** Okay. And did you grow up in his household?

20 **A** Yes.

21 **Q** Tell me about your family life growing up.
22 Actually, let me rephrase that. Was your mother also
23 involved -- in the picture growing up?

24 **A** No.

25 **Q** Would it be fair to say you were raised by

1 your father alone?

2 **A** Yes.

3 **Q** And do you have any children?

4 **A** Yes.

5 **Q** How many children do you have?

6 **A** I actually have a four-year-old son, 11-
7 year-old daughter and two stepkids.

8 **Q** Okay. Have you ever had any concerns with
9 your children being around Mr. Alexander?

10 **A** No.

11 **Q** And has Mr. Alexander ever done anything to
12 you or has he ever done anything inappropriate to
13 you?

14 **A** No.

15 **Q** Have you ever been concerned that he would
16 ever hurt or do anything inappropriate to your
17 children?

18 **A** No.

19 **Q** And you are aware that there were
20 allegations made against him by **Complainant**
21 back in 2012?

22 **A** Yes.

23 **Q** And even after hearing about those
24 allegations, did you have any concerns having your
25 children around Mr. Alexander?

1 **A** No.

2 **Q** Do you love Mr. Alexander?

3 **A** Yes, that's my daddy.

4 **Q** That's your daddy and he pretty much raised
5 you, right?

6 **A** Yes, he did.

7 **Q** You don't want to see anything bad happen
8 to him, do you?

9 **A** No, I don't.

10 **Q** And you're not in here lying to this jury
11 just to protect your father, right?

12 **A** No, I'm not. I have an 11-year-old
13 daughter, so I wouldn't want nothing to happen to
14 mine's.

15 **Q** Ma'am, were you living -- were you living
16 with him -- I'm sorry. Were you living with Mr.
17 Alexander after you had your children?

18 **A** My daughter. I was sick. So I stayed with
19 him for a long time. Like, I would go to work and he
20 would keep my baby. And I would come to stay.

21 **Q** Okay. Did you ever see Mr. Alexander around
22 Complainant

23 **A** She wasn't even around then. We didn't even
24 know her back then.

25 **Q** Okay. No further questions.

1 **THE COURT:** Solicitor?

2 **CROSS-EXAMINATION**

3 **BY MS. PETERSON:**

4 **Q** Ms. Vanderpool?

5 **A** Uh-huh.

6 **Q** You said that you had your daughter 11
7 years ago?

8 **A** 2003.

9 **Q** At that point, you were living with the
10 defendant and you have not lived with him since, is
11 that correct?

12 **A** I haven't lived with him since 2003.

13 **Q** Would you believe your 11-year-old daughter
14 if she disclosed sexual abuse to you?

15 **A** Yes, because she's not a liar.

16 **Q** Has your daughter ever told a lie?

17 **A** Has my daughter ever told a lie? Yes, she
18 has.

19 **Q** So in your experience as a mother, do
20 children sometimes lie?

21 **A** They do.

22 **Q** So your 11-year-old has lied about certain
23 things, is that right?

24 **A** Not certain things. She has told a lie.
25 Like for instance, did you pee in the bed? No, that

1 wasn't me.

2 **Q** But if she disclosed sexual abuse to you,
3 you would believe her, is that correct? Is that what
4 you just testified to?

5 **A** Yeah, I would have her checked out.

6 **Q** Okay. Thank you.

7 **THE COURT:** All right. Mr. Stalvey?

8 **MR. STALVEY:** No redirect, Judge.

9 **THE COURT:** Okay. Ma'am, you may step
10 down. Please be careful.

11 **MR. STALVEY:** Your Honor, may this witness
12 be excused?

13 **THE COURT:** Any objection? Any objection
14 to her being excused?

15 **MS. HODGE:** No objection.

16 **THE COURT:** Okay. Ma'am, you may stay or
17 go, whichever you choose.

18 **THE CLERK:** Sir, please come forward. If
19 you will, please pause at the end of the bench.
20 Place your left hand on the Bible and raise your
21 right hand.

22 **TYRONE JONES**

23 having first been duly sworn, testifies as follows:

24 **THE CLERK:** Thank you. Please be seated.

25 **MR. STALVEY:** Your Honor, this is defense's

1 witness, Tyrone Jones.

2 **THE COURT:** All right. Mr. Jones, pull
3 that microphone up close. Tell us your full name
4 and spell your last name for the court reporter
5 please.

6 **THE WITNESS:** My name is Tyrone Jones. The
7 last name is J-O-N-E-S.

8 **THE COURT:** Mr. Stalvey.

9 **DIRECT EXAMINATION**

10 **BY MR. STALVEY:**

11 **Q** Mr. Jones, how do you know Mr. Alexander?

12 **A** That's my father-in-law.

13 **Q** And have you ever worked with him?

14 **A** Yes, I have.

15 **Q** And where have you worked with him?

16 **A** Worked at the mechanics shop.

17 **Q** And have you, uh, ever seen him do anything
18 inappropriate with Complainant at the mechanics
19 shop?

20 **A** No, I have not.

21 **Q** How often would you go with him to the
22 mechanics shop?

23 **A** Uh, every day.

24 **Q** And how long would you -- I mean, how many
25 years did you work with him at the mechanics shop?

1 **A** I'd say about two years.

2 **Q** Did you ever see Complainant at the
3 mechanics shop?

4 **A** No.

5 **Q** No further questions.

6 **THE COURT:** Solicitor?

7 **MS. PETERSON:** Thank you, Judge.

8 **CROSS-EXAMINATION**

9 **BY MS. PETERSON:**

10 **Q** Mr. Jones, you said you're the defendant's
11 son-in-law, is that correct?

12 **A** Yes.

13 **Q** So are you married to his daughter?

14 **A** Yes, I am.

15 **Q** I'm going to hand up to you a Family Court
16 transcript just for you to refer to.

17 **A** Okay.

18 **Q** Do you remember testifying in Family Court?

19 **A** Yes, I do.

20 **Q** You just testified when Mr. Stalvey asked
21 you questions that you never saw Complainant at the auto
22 shop, is that correct?

23 **A** That's right.

24 **Q** I'd like to direct your attention to page
25 123, lines 15 and 16 of the Family Court transcript.

26 **A** Uh-huh.

1 Q You were asked in Family Court if Complainant
2 -- some things could have happened to Complainant in the
3 shop in September of 2010. And you said no. And when
4 asked why not, you said because she would -- whenever
5 she would come, she would be with Nora and she would
6 leave with Nora, is that correct?

7 A Right, right. That's correct.

8 Q So Complainant was at the shop, is that correct?

9 A Only when she was with Nora.

10 Q But she was there, correct?

11 A Yes.

12 Q So when you testified earlier that she had
13 never been there, that was not correct?

14 A Well, not -- she wasn't there like by
15 herself. But whenever Nora came, she would.

16 Q But she was present when she was with Nora
17 when they were keeping her?

18 A Yeah.

19 Q And would Nora and the defendant keep her
20 often?

21 A No.

22 Q But they did keep her at times?

23 A Whenever she was with them.

24 Q Whenever she was with them?

25 A Yeah.

26 **MS. PETERSON:** Can I have a moment, Your

1 Honor?

2 **THE COURT:** Yeah.

3 **MS. PETERSON:** Nothing further from the
4 State.

5 **THE COURT:** All right. Anything, Mr.
6 Stalvey?

7 **MR. STALVEY:** Nothing further from this
8 witness, Your Honor.

9 **THE COURT:** Very good.
10 Sir, you may step down. Please be careful.

11 **MR. STALVEY:** Judge, may we approach real
12 quick?

13 **THE COURT:** Is this witness -- is he
14 excused?

15 **MR. STALVEY:** Yes, sir.

16 **MS. HODGE:** No objection.

17 **THE COURT:** No objection.
18 Sir, you may stay or go, whichever you
19 choose.

20 **(WHEREUPON, a bench conference is held off the**
21 **record.)**

22 **THE COURT:** All right. Mr. Foreman, Ladies
23 and Gentlemen of the jury, I'm told that the
24 next witness will be the last witness in this
25 case and that the State is not intending to call
26 a reply or a rebuttal witness. The next witness

1 will be the last witness. Counsel for the
2 defense wants about five or six minutes here
3 just to speak with this witness because, uh, --
4 well, I don't know why, to tell you the truth.
5 He didn't tell me, but he's asked for it so I'm
6 going to extend that courtesy. Also with the
7 understanding it is the last witness and I don't
8 think it's going to be a long witness. So we're
9 going to be short -- we're going to be through
10 here shortly.

11 So with that, I'm going to let you go to
12 the jury room. I'm probably going to just -- I'm
13 probably going to hang out here because I think
14 it's going to be real quick. So with that, don't
15 talk about the case and I'll be waiting on him
16 to finish talking to that person, then we'll
17 bring you right back in.

18 (WHEREUPON, the jury exits at approximately
19 3:51 p.m.)

20 (WHEREUPON, a recess is taken.)

21 MR. STALVEY: Judge, we're not going to
22 call this witness.

23 THE COURT: Okay. We'll have our jury.

24 (WHEREUPON, the jury enters at approximately
25 4:06 p.m.)

26 THE COURT: All right. Mr. Foreman, Ladies

1 and Gentlemen of the jury, anything from the
2 jury?

3 **THE JUROR:** We're ready to go.

4 **THE COURT:** Ready to go.

5 Yes, sir.

6 **MR. STALVEY:** Your Honor, the defense
7 rests.

8 **THE COURT:** Defense rests?

9 **MR. STALVEY:** Yes, sir.

10 **THE COURT:** Okay. All right. And I
11 understand there's going to be no reply, no
12 rebuttal from the State?

13 **MS. HODGE:** That's correct, Your Honor.

14 **THE COURT:** Okay. Mr. Foreman, Ladies and
15 Gentlemen, we're not going to have a last
16 witness. We have heard the last witness in this
17 case. Both the State and the defense have no
18 rested. Now, mechanically, what will happen now
19 is that my law clerk has diligently been
20 preparing what's called the jury charge which is
21 what I tell you the law in this case. The
22 lawyers will make statements, closing statements
23 to you.

24 It's much too late in the day for this.
25 It's about eight -- seven or eight minutes after
26 4:00 p.m. That process takes about 90 minutes

1 from start to finish. The lawyers usually have
2 about 30 minutes each or less. Then it takes me
3 about that much time as well. It's about a 90-
4 minute process to do that. I think it would be
5 best to do that beginning first thing in the
6 morning rather than trying to do that -- well,
7 we couldn't do it this afternoon because it
8 would push us way past time.

9 Now, what I'm going to do is I'm going to
10 have you come in at 9:30 in the morning. Be here
11 ready to go at 9:30. My law clerk has almost
12 prepared this document of which I'm speaking.
13 She and I will go over that in the last hour and
14 a half or two before we leave the courthouse
15 today.

16 I'm going to ask the lawyers -- they don't
17 know this yet so they're hearing it for the
18 first time too. I'm going to ask them to meet me
19 here in the morning at 8:45, at 8:45. Then we're
20 going to have what is called a charge conference
21 where we discuss what I'm going to charge you on
22 the law in this case and entertain any motions
23 that they might have. Therefore, I don't want to
24 be wasting your time while we do that. That's
25 going to give us a good 40 minutes or so, 35
26 minutes. We can refresh ourselves and be ready

1 to go when you arrive and you are ready to go.

2 Once the lawyers make closing arguments
3 first thing in the morning and I charge you on
4 the law, I will then excuse you to the jury
5 room. You will then be free to begin your
6 deliberations and take whatever time you need.
7 However, bringing you in at 9:30 means it's
8 going to be very close to 11:00 or 11:15 when
9 you go out. Lunch will probably be around 12:00.
10 So I'm going to take your lunch order in the
11 morning, or Mr. Bailiff is, when you arrive in
12 the morning. They will hand you a -- do y'all
13 have --

14 Madam Clerk, do you have slips that they
15 fill out?

16 Okay. They will have a menu for you and you
17 will put your name or number or how you want to
18 do that on there.

19 **THE CLERK:** Name.

20 **THE COURT:** Name?

21 **THE CLERK:** Yes.

22 **THE COURT:** They'll instruct you on how to
23 do that. They'll take your lunch order. I will
24 have that lunch here for you in the lunchroom at
25 12:00 noon. Okay. You'll be back there by then
26 but your lunch will be delivered at 12:00 noon.

1 We'll talk more about that process then
2 tomorrow.

3 With that, the case is now at a conclusion
4 as far as testimony, but it has not ended. It is
5 not proper to talk about the case with anyone.
6 Don't consider it. Not even within your own
7 mind. Go home. See some TV or read or do
8 whatever you want to do. Enjoy your family or
9 grandchildren, whatever you got. But don't talk
10 about the case. Don't share it with anyone.
11 Don't try to learn anything additional about the
12 case. It must all come from here. All right.

13 Mr. Foreman, if you will take your jury to
14 the jury room and be excused from there. Thank
15 you.

16 (WHEREUPON, the jury exits at approximately
17 4:11 p.m.)

18 **THE COURT:** Mr. Alexander, I'm going to
19 continue to extend a courtesy to you through
20 your lawyer and allow you to remain free this
21 evening. You understand?

22 **MR. ALEXANDER:** Yes, sir.

23 **THE COURT:** But if you do not appear
24 tomorrow, and this lady is recording this, I'm
25 telling you this case will continue tomorrow
26 morning at 9:30 with you or without you. If

1

Reporter.

2

(WHEREUPON, the Court recesses for the day.)

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STATE OF SOUTH CAROLINA)	COURT OF GENERAL SESSIONS
)	2013-GS-23-7631
COUNTY OF GREENVILLE)	2013-GS-23-7632
)	2013-GS-23-7633
)	
)	
)	
STATE OF SOUTH CAROLINA,)	
PLAINTIFF,)	
)	
vs.)	TRANSCRIPT OF RECORD
)	
RODNEY MICHAEL ALEXANDER,)	
DEFENDANT.)	
_____)	

October 9, 2015
Greenville, South Carolina

B E F O R E :

THE HONORABLE R. KEITH KELLY, JUDGE

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EXHIBITS

<u>NO</u>	<u>DESCRIPTION</u>	<u>ID</u>	<u>EVD</u>
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P R O C E E D I N G S

1

THE COURT: Mr. Stalvey?

2

3

MR. STALVEY: Thank you.

4

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10

Your Honor, at this time, I would make a motion -- I would renew all my previous pretrial motions with regard to the expert who offered testimony, Erica Van Wagner. I think I provided the Court with the basis of my objections to her testimony, and I believe the record is clear on those objections. So I will renew all my pretrial objections.

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At this time, I would object -- or I would move, again, for a directed verdict. It's our position that, just as I said earlier, no credible evidence has been presented by the State, and, Judge, we presented a defense in our witnesses. And we would renew -- or we'd make another motion for a directed verdict, also renewing all our previous motions made during the trial of this case.

19

20

21

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23

24

THE COURT: Okay. Solicitor?

MS. HODGE: Your Honor, I believe the State's evidence still stands as credible taken in the light -- evidence in the light most favorable to the State. We submit that there is sufficient evidence to take this case to the jury.

25

THE COURT: Thank you.

1 For the reasons enunciated previously and that are in
2 the record and the rulings on the pretrial motions, there's
3 no change, and so your motion is denied once again.

4 As to the directed verdict motion, the Court is not
5 concerned with the weight of the evidence, but merely
6 existence of evidence. And if there is existence of
7 evidence, and the Court finds there is, it must go to the
8 finder of fact. So that motion is denied as well.

9 Anything else?

10 MR. STALVEY: No, sir, Your Honor.

11 THE COURT: Okay. Are we ready for our jury?

12 MS. HODGE: Yes, sir.

13 MR. STALVEY: Yes, sir, Your Honor.

14 THE COURT: Okay. We're ready for the jury.

15 (WHEREUPON, the jury entered the courtroom at 9:36 a.m.)

16 THE COURT: Mr. Foreman, ladies and gentlemen, good
17 morning.

18 Mr. Foreman, any matters from the jury?

19 JURY FOREMAN: No, sir.

20 THE COURT: Okay. Very good. Give your attention to
21 the lawyers. We're going to begin with closing statements.

22 MR. STALVEY: Thank you, Your Honor. May it please
23 the Court.

24 THE COURT: Yes, sir.

25 ///

CLOSING ARGUMENTS

1
2 MR. STALVEY: Good morning. Ladies and gentlemen, at
3 the beginning of this case you heard the State say, and I
4 will agree, the evidence, everything in this case is
5 dependent upon do you believe Complainant . This case is
6 all about Complainant 's word. It's her word against
7 Mr. Alexander's word.

8 And the first thing I'd ask that you consider is that
9 could there have been more? Could you have had more as a
10 jury? Could you have had more to make a decision? Was
11 there more than just Complainant 's word?

12 I'd ask you to look at the investigation in this case.
13 In 2012 -- in the fall of 2012 when the police first became
14 aware of these allegations, they knew that Complainant had been
15 to the doctor. They knew that there was no medical
16 evidence that supported her story. The doctor had examined
17 her. They found no evidence, no physical evidence that she
18 had ever been sexually assaulted in any way. So they knew
19 that. At that point, they had Complainant 's story and no
20 medical evidence.

21 They also knew, after she went to the Julie Valentine
22 Center, some specific places that she says this abuse took
23 place. She specifically described an orange or yellow
24 couch that was in one of Mr. Alexander's shops. She said
25 that's where some of the sexual abuse took place. She

1 mentioned a car. She mentioned her room at the house.
2 Ladies and gentlemen, I asked Investigator Perry, "Did you
3 ever go to the house? Did you ever go to the shop? Did
4 you ever look for the yellow or the orange couch?" He
5 never did. Nobody at the Sheriff's Office ever did. They
6 never searched for any evidence, any DNA evidence and, to
7 be frank, we're talking about semen, bodily fluids,
8 anything that could corroborate what Complainant story was.
9 They never looked.

10 You heard Complainant talk about the letters that she had
11 written to her grandmother that she wanted to give to her
12 that described the abuse or disclosed it for the first
13 time. She said she couldn't do it, she just couldn't bring
14 herself to giving her grandmother those letters, and she
15 tore them up and threw them away in the trash can. She
16 said that that happened the week before she ran away.

17 When the police found out about this the Friday night
18 she ran away, did they ever go and look at the Alexander's
19 house for the letters? They didn't. They never looked.
20 That could have corroborated her story, but because the
21 investigation was not complete, because the police did not
22 do that, you don't have that evidence. You don't have a
23 complete investigation.

24 Did the police go and interview any other people, any
25 other witnesses that may have seen Mr. Alexander and Complainant

1 alone together? And I'm talking about at the shop. There
2 are all these stories about this shop and that the abuse
3 took place here.

4 Well, look at the shop. This is one of them. He
5 had one of these bays, okay? And that's the only thing he
6 had. But look at the other ones. And I think there's
7 another photo where there's -- I mean, it shows this
8 building, and there -- I mean, there are multiple bays to
9 this building. There's some more. And as you can see in
10 that picture, there are other mechanics in this building
11 working on cars.

12 So wouldn't it have been -- or wouldn't you have liked
13 to have some police officer going out to these shops at the
14 time the allegations were made talking to witnesses,
15 talking to the other mechanics, talking to the owner of the
16 building asking, "Hey, have you ever seen ^{Complainant} or a
17 little young girl and her grandfather over here alone?
18 Have you ever seen anything suspicious that may be going on
19 over there? Did you ever see them acting strangely? Did
20 you ever see them alone together at the shop, you know,
21 after hours when nobody else was around? Did you ever see
22 anything that may have been suspicious?"

23 They could have said, "She's accused him of sexually
24 abusing her." And they could have said that to somebody
25 else that worked there, one of his customers.

1 They could have pulled his business records. They
2 could have found out whose cars he worked on. They could
3 have said, "Did you ever go pick up your car and notice
4 that there was a little girl over there? This is what's
5 going on. We're trying to figure out if you ever saw
6 anything suspicious." They never did that.

7 They also never tried to find Diamond, and that's
8 probably the most critical piece of evidence that you don't
9 have. She says she told a girl named Diamond, she gave her
10 last name and where they went to school during her
11 testimony. She said that she told Diamond when she was
12 8 years old.

13 Well, how many little girls named Diamond -- and I
14 can't remember the last name -- went to Middle
15 School at the same time that Complainant did? Wouldn't it have
16 been easy just to go and look at the school records first
17 to see if Diamond even existed? And if Diamond did exist,
18 they could have easily gone and said, "Hey, we want to find
19 out did Complainant tell you something about something bad that
20 happened to her back when she was 8 years old?" They could
21 have done that, but they didn't. They didn't do it, and so
22 you don't have the evidence you need to really evaluate
23 this case. Instead, you just have Complainant word. That's
24 all you have.

25 Let's talk about LaQuinta's story, that's Complainant's

1 mom, where she says she walked up one day when Complainant was
2 younger staying with the Alexanders, and she saw Complainant
3 rocking on Mr. Alexander's lap and she thought that was
4 sexually inappropriate. That happened well before the
5 allegations were made. That happened well before September
6 of 2012. But really, that happened before April of 2012
7 during the incident, you know, the fight that Complainant had
8 with her mom.

9 You know, Complainant was taken away from her mom, and this
10 custody dispute started between LaQuinta and the
11 Alexanders. If LaQuinta had seen some kind of
12 inappropriate sexual behavior between Mr. Alexander and
13 Complainant when she was a child, don't you think that would be
14 the time that she would tell DSS? She's fighting to get
15 custody of her daughter back. She's fighting to prevent
16 her daughter from going to live with the Alexanders. Don't
17 you think that would have been the time to tell DSS, "I saw
18 something inappropriate when she was a little girl. I
19 don't think it's safe for to be over there"? She never
20 told them that because it never happened. It never
21 happened. That just does not make sense. But that's the
22 evidence that you're getting to make a decision in this
23 case. That's the evidence you're getting to back up what
24 Complainant says.

25 Ladies and gentlemen, you're also asked to consider

1 the opinion of Complainant's therapist. Erica Van Wagner began
2 treating Complainant after the incident with her mom. You heard
3 her testify that when she first evaluated Complainant she saw
4 no sexualized behavior. The only thing that she noted that
5 was of clinical significance was dissociation, blocking out
6 things, trauma. That was in April.

7 Six months later, the allegations of sexual abuse come
8 up. And for some reason, after the allegations are made,
9 her opinion is not that the trauma and dissociation is
10 related to the physical abuse and neglect of her mother.
11 All of a sudden, that's because of sexual abuse by
12 Mr. Alexander. And Erica Van Wagner never explained how
13 she could tell the difference between the two. We're just
14 given, you know, her opinion that all that stuff was due to
15 sexual abuse. How could she tell the difference? How
16 could she tell that the dissociation, the trauma, all those
17 symptoms were not due to the physical abuse and neglect of
18 Complainant

19 She testified to how bad it was growing up. Her
20 mother beat her. Her mother did drugs in front of her.
21 Her mother left her alone with her young siblings. That's
22 not traumatic? Ladies and gentlemen, that's a reasonable
23 conclusion which y'all are here to make is that all this
24 trauma, all this dissociation could have been due to the
25 physical abuse and neglect of her mother. There is nothing

1 that's been given to you to explain that.

2 She wants -- and just, again, none of these
3 characteristics of a sexually abused child -- Erica Van
4 Wagner treated her for six months until she made the
5 allegations. You never heard her say anything about seeing
6 any characteristics or symptoms of a sexually abused child.
7 In fact, Erica Van Wagner testified that in most cases of
8 child sexual abuse, you see sexualized behavior. And I
9 asked her, "Did you see any sexualized behavior when you
10 first evaluated her in April of 2012?"

11 She said, "No." And then she went on to explain,
12 "Well, sexualized behavior, I wasn't really" -- but she
13 gave you a list of, I can't remember, three subcategories
14 of sexualized behavior. Did she exhibit any of those? The
15 answer was "no."

16 Erica Van Wagner has given you all kinds of reasons
17 why Complainant story has changed, why it's gone from when she
18 was 2 years old to when she was 4, 5. The ages have
19 changed over time, her story has changed over time. She's
20 given you an explanation as to why ^{Complainant} never said
21 anything when she was interviewed at the Julie Valentine
22 Center. Remember in April of 2012 after the incident with
23 her mom and she was asked directly, "Have you ever been
24 inappropriately touched by anyone"? She was at the Julie
25 Valentine Center. She knew that was a safe place. We've

1 heard about how the Julie Valentine Center, the purpose of
2 it is for children that were abused physically, sexually.
3 And that's explained to them. It's a safe place for you to
4 go.

5 She was asked, "Have you ever been touched
6 inappropriately?" She was shown a diagram. "Has anybody
7 ever touched you in any of these places?"

8 She said, "No."

9 But, most importantly, she was asked, "If you are ever
10 touched or hurt, who can you go to?" And do you remember
11 what her response was? "I could go to my grandmother, my
12 grandfather or one of my teachers. My grandmother or my
13 grandfather." That's what she said at the Julie Valentine
14 Center in April of 2012. That's what she said before she
15 went to live with her grandparents. She didn't have to
16 tell everybody that she wanted to go live with them, but
17 she chose them. She -- as Nell Stewart, her guardian ad
18 litem, she pleaded to go live with them. Does that make
19 sense?

20 Well, Erica Van Wagner gives you her explanation for
21 it. But is another reasonable explanation, that she was
22 never sexually abused by her grandfather, and that's why
23 she wanted to go live over there? She just wanted to be
24 with her grandparents. And when she got over there and
25 things were strict and she started getting interested in

1 boys and she had a couple times where she was talking to
2 older boys and her grandparents got involved, is it
3 reasonable to conclude that she didn't like that? I mean,
4 she was a 13-year-old girl. I don't think there's any
5 dispute that she doesn't like being told what to do, and
6 she didn't like being told what to do when she moved in
7 with her grandparents. And she was defiant.

8 Ladies and gentlemen, again, all we have is Complainant
9 word. So this isn't harder than -- I mean, I don't want to
10 make this harder than it really is. We've got her word.
11 Y'all have got to rely on her word.

12 But what has been the most clear and consistent thing
13 during this trial? She's not truthful. She is not
14 truthful. She's testified to it. You heard that after she
15 went to Pendleton Place the second time, she talked to
16 Investigator Perry, law-enforcement officer. He told her,
17 "Complainant you don't need to go anywhere. You don't need to
18 run away. Don't do it again." She'd already run a couple
19 days before.

20 And what does she tell him? "I won't do it. I agree.
21 I won't run away. I'm going to behave."

22 Nell Stewart, her guardian ad litem, the person that
23 the Court appoints to look out for Complainant best interest,
24 she told Complainant. "You don't need to go anywhere. Stay
25 here. Behave. I'm trying to find somewhere for you to

1 go."

2 And Complainant said, "I won't go anywhere. I won't run.
3 I'll behave." What did she do the next day? She ran away.
4 She lied to Investigator Perry's face, she lied to Nell
5 Stewart's face. She tells people what they want to hear to
6 help herself out.

7 What about her foster parents? And, ladies and
8 gentlemen, just keep in mind these are all people that are
9 here to either help Complainant or these are people that have
10 lived with Complainant that have lived with her. Erica Van
11 Wagner has never lived with her, okay? That's their
12 witness. That's the State's witness to corroborate her
13 testimony.

14 I called some witnesses that actually lived with her,
15 that had a relationship with her. What did -- her foster
16 parent, Dorothy Fowler, where she lived with Dorothy for
17 30 days, she told you Complainant has problems telling the
18 truth. Okay. That's her foster parent.

19 What about Vicki Stidham, the director of Southeastern
20 Children's Home where Complainant lived for over a year? I
21 think it was 13 or 14 months. Remember what she said. She
22 said that Complainant will lie and manipulate in order to help
23 Complainant. That's what Vicki Stidham said.

24 She told you about the time Complainant accused somebody of
25 assaulting -- it was, you know, an accusation that the

1 house dad assaulted the house mom that got reported to the
2 police. It turned out to be a false allegation. It turned
3 out to be proved false by videotape evidence. But Complainant
4 even during this trial, maintains it still happened. The
5 people that know her best, the people that have the best
6 relationships or have lived with her that have the
7 experience have told you she cannot be trusted, yet the
8 State wants you to rely on her word in this case.

9 Was Complainant testimony truthful? And I'm going to
10 bring up just one point. Do y'all remember when I asked
11 Complainant about the park, the park that her grandparents told
12 her she wasn't supposed to go to? Do y'all remember me
13 asking her, "Wasn't there a park or something close to your
14 house where you weren't supposed to go? Didn't your
15 grandparents tell you, "No. It's not safe for you to go
16 down there. There are bad things going on down there"?

17 Do you remember what she testified to? She said, "No.
18 They never told me anything about a park. They never told
19 me not to go to a park." That's what Complainant testified to.
20 That's what she got up there, put her hand on that Bible
21 and swore under oath that her grandparents never told her
22 to go anywhere near a park. Never had any -- she didn't
23 have any idea what I was talking about.

24 What did Nell Stewart testify to? I believe Nell
25 Stewart. I don't know about y'all, but I believe Nell

1 Stewart. And Nell Stewart told you, "We talked about that
2 for a long time. I told Complainant, 'You don't need to go down
3 to that park. Your grandparents are looking out for your
4 best interest.'"

5 I talked to -- Nell Stewart was saying she had talked
6 to a law-enforcement officer and knew there were drugs and
7 bad stuff going on down at the park, and they had a
8 conversation with Complainant about not going to the park.
9 Listen to your grandparents. Don't go to the park.
10 They're looking out for you. But Complainant testified, told
11 you that that conversation never happened. All we have is
12 Complainant's word. Well, she lied to you about that. She's
13 not truthful.

14 Ladies and gentlemen, when you go back there to
15 deliberate, every one of you has a voice. Every one of you
16 has a choice. Every one of you has a vote. Each one of
17 you, your vote counts the same as anybody else. It doesn't
18 matter what your experience is. It doesn't matter, you
19 know, what's going on in your life. It doesn't matter if
20 somebody else thinks they know more about this type of
21 stuff than somebody else. Every one of you has a voice,
22 and you have sworn an oath to make your voice be heard. I
23 mean, this isn't like -- I mean, we've all been in school
24 in classes where certain students and other people dominate
25 the conversation. And I've been there probably more times

1 than not where I don't really care and I'm just fine
2 letting everybody else talk about it. I'm just ready for
3 the class to be over. This is a different situation,
4 y'all. This is a totally different situation. Every one
5 of you, all 12 of you, you have to let your voice be heard.

6 And I'm just going to make a suggestion. Y'all decide
7 how you want to do it, but everybody should have a vote.
8 So when you first get back there, maybe everybody vote, and
9 then you have a discussion, and then everybody else gets a
10 chance to vote. You don't vote again until everybody has
11 had a chance to talk, until everybody has given their
12 opinion of what they think has happened in this case.
13 Everybody has a voice. Let it be heard.

14 Finally, I'm going to conclude with this. This case
15 is, as the judge is going to tell you, about reasonable
16 doubt. Does anything that you've heard give you reasonable
17 doubt as to what Complainant is saying is true?

18 Your job as jurors, you've got to do three things.
19 You've got to listen to the facts. You've done that. You
20 have to apply the law which the judge is going to give you
21 in just a little bit. And you have to make a decision.
22 And that's what you're going to do in that jury room.

23 But I want you to think about this. Does this give
24 you any reasonable doubt? Would you trust being alone with
25 Complainant Would you trust that she wouldn't say anything

1 about you if you were called in ---

2 MS. HODGE: Your Honor, I'm going to object to this.
3 He is putting the jury straight in the path of would you
4 believe this, would you let her be alone with you. That's
5 impermissible.

6 THE COURT: Mr. Stalvey?

7 MR. STALVEY: Judge, I mean, I'm trying to bring up
8 whether it would be a concern. I think it goes to
9 reasonable doubt. I think it's a proper argument.

10 MS. HODGE: Your Honor, that would be like saying
11 would you like to be accused of this, or would you ---

12 THE COURT: Let me see the lawyers.

13 (WHEREUPON, a bench conference was held off the record.)

14 MR. STALVEY: Do you the jury have any concern, have
15 any reasonable doubt as to whether she can be trusted? And
16 that's the decision you have to make. If anything about
17 her story about anything that you the jury have heard
18 during this case gives you some concern, gives you some
19 hesitation, that's not guilty. That's reasonable doubt.
20 The judge will talk about that. But that's not guilty.
21 That's reasonable doubt. And that would be your decision
22 in this case. We can't just take her word for it, but
23 that's all you've got. Does anything give you concern
24 about that? If the answer is "yes," then it's not guilty.

25 Thank you.

1 THE COURT: Whenever you're ready, Solicitor.

2 MS. PATTERSON: Thank you Your Honor.

3 THE COURT: Yes, ma'am.

4 MS. PATTERSON: May it please the Court.

5 THE COURT: Yes, ma'am.

6 MS. PATTERSON: Ladies and gentlemen, at the beginning
7 of this case, Ms. Hodge told you that two things will be
8 true throughout this trial. First, she told you that this
9 case was about chronic sexual abuse by someone the victim
10 knew, loved and trusted. Second thing she told you was
11 that the defense was going to make this trial about the
12 victim. And you just saw that in Mr. Stalvey's close.

13 This case is still about chronic sexual abuse. This
14 is not about teenage angst, this is not about ^{Complainant}
15 running away, this is not about her texting with boys.
16 This is about systematic sexual abuse inflicted by this
17 defendant, Rodney Alexander, on this child, Denise Smith.

18 As Mr. Stalvey said, in a couple minutes, Judge Kelly
19 is going to give you the law. If anything I say or
20 anything Mr. Stalvey said disagrees with the judge, you
21 should listen to the judge on the law. It's his job to
22 decide the law. But it's your job to decide the facts, and
23 that's why your job in this courtroom is so important. You
24 decide what's true.

25 The judge is going to give you multiple instructions

1 in a couple of minutes. He's going to talk to you about
2 how your verdict needs to be unanimous, how you'll sign the
3 verdict, but there are a couple things he's going to talk
4 about that I'd like you to pay particular attention to.

5 The defendant in this case has been charged with lewd
6 act against a minor. What that basically means is that he
7 is charged with touching her inappropriately, fondling for
8 his gratification or for hers, and she was under 16.
9 You've heard testimony about those facts that we'll talk a
10 little bit about in a bit.

11 He's also been charged with two counts of criminal
12 sexual conduct with a minor in the second degree. That
13 means two basic things. First, he penetrated her in some
14 way, a sexual battery. And second, she was between the
15 ages of 11 and 14. Again, you've heard evidence on both of
16 those elements, which we'll talk about in a couple of
17 minutes.

18 First, I want to talk about what Mr. Stalvey focused
19 on about at the end of his close, reasonable doubt.
20 Finding someone guilty beyond a reasonable doubt is the
21 cornerstone of our criminal justice system. If you're a
22 *Law and Order* fanatic like I am, you've heard that over and
23 over, and that's not something that I want you to take
24 lightly. It's the State's burden to prove Mr. Alexander
25 guilty beyond a reasonable doubt.

1 Beyond a reasonable doubt is a serious burden, but
2 it's not unattainable. It simply means that you are firmly
3 convinced of the defendant's guilt.

4 So I want you to go back to the jury room, I want you
5 to debate what you've heard here, I want you to look at the
6 exhibits that have been placed before the Court, I want you
7 to talk about it. I want you to give your opinion, like
8 Mr. Stalvey said. But just because you're discussing and
9 you're debating, that's not reasonable doubt. That's your
10 job. That's what you came here and swore to do. You need
11 to assess the evidence, talk about it. But then if you
12 look at all the evidence, if you think about what you've
13 been told by law enforcement, by LaQuinta Smith, by Nell
14 Stewart, by Christina Farner, you look at all that, you
15 think about why people are telling you what they told you
16 on the witness stand, and you become firmly convinced of
17 the defendant's guilt, then you must find the defendant
18 guilty.

19 Witness credibility in this case is hugely important.
20 We do have witness credibility and witness testimony as the
21 basis for this case. You heard a lot of testimony on that
22 stand, and in deciding the defendant's guilt, you're going
23 to have to weigh that testimony.

24 Now, we do this every day, right? Meeting someone on
25 the street you decide whether or not they're telling you

1 the truth. And how do we do that in our everyday lives?
2 We look at whether or not that witness has a reason to lie
3 to us. Do they have a bias? Do they have a motive? Do
4 they have a reason to get up on that stand and lie? How
5 did they act on the stand? Were they defensive when they
6 were asked questions? Were they hesitant when they were
7 confronted with information that they had given in a
8 previous proceeding? Did they act defensive when it was
9 different from what they had told you on the stand?

10 Complainant the victim in this case, was a witness, and
11 you should weigh her credibility just like you will every
12 other witness. Here's what I want you to think about when
13 you think about Complainant testimony. What motive does she
14 have to make this story up? What reason does she have to
15 lie?

16 That child has lost everything. She got up on the
17 stand, and she told you that Nora Alexander was her savior,
18 that when she was in trouble, when Complainant was trying to
19 deal with what has been a very stormy existence for a child
20 being born to a mother who was 16, in and out of foster
21 care, in group homes, shuttled back and forth between
22 family members who she sometimes felt didn't want her, she
23 said on that stand Nora was the one who would save her.
24 And then she told you that she was afraid to tell what her
25 grandfather was doing to her because she was afraid she

1 would lose Nora. And you know what? She did. That's
2 exactly what happened here.

3 I would submit to you that in telling her story and
4 having the courage to admit what happened to her, ^{Complainant}
5 has lost her safe refuge. And in spite of that, in spite
6 of losing everything, she has continued to tell a
7 consistent story.

8 Nora Alexander was also a witness. When you discuss
9 her testimony, I want you to think about her bias, her
10 motive to tell you certain things. She's married to the
11 defendant.

12 Erica Van Wagner, the State's expert, got up and
13 talked to you about non-offending caregivers and how often
14 they stay with the abuser, because to admit what their
15 spouse or significant other had done to a child would
16 totally rock their world. They'd lose their stability,
17 income, they'd have to admit that this was going on in
18 front of them. So ^{Complainant} told her story and lost
19 everything. But if Nora told you a different story than
20 what she told you on that stand, then she may lose
21 everything.

22 We also heard from a lot of defense witnesses in this
23 case. When you think about their credibility, I'd like to
24 remind you how so many of them got up and spoke in absolute
25 terms. No, ^{Complainant} was never at the car shop. And then

1 when confronted with the fact that they had said something
2 else previously, their story changed. Well, she may have
3 been there, but

4 When Nora was confronted with the fact that although
5 she said she only had custody of Complainant one time, well, in
6 fact, didn't you have custody of her when she was 6 1/2?
7 Oh, I must have forgotten that. What about when she was 9?
8 Oh, right. I forgot that as well.

9 They spoke in absolutes to the benefit of the
10 defendant until they were confronted with other evidence
11 that showed that their story didn't hold up. I'd ask that
12 you consider all of that when you consider the witness's
13 testimony.

14 As I said, testimony in this case is evidence, and
15 that's why witness credibility is so important. When you
16 go back and you're considering the evidence, which is what
17 you're charged with doing in this case, there are three
18 things I'd like for you to keep in mind. First, Complainant has
19 made consistent disclosures to multiple people. Second,
20 the defendant had the opportunity to commit this crime
21 which you heard not only from the State's witnesses, but
22 from defense witnesses. And third, I'd like to talk about
23 Ms. Van Wagner, our expert.

24 Mr. Stalvey said something in his close that the most
25 consistent thing you've heard during this trial was -- I

1 can't even remember. The most consistent thing you've
2 heard during this trial is Complainant's story about what
3 happened to her. So what happens in this case? Complainant
4 finally decides that the abuse must stop. She told you
5 from the stand she was afraid she might get pregnant by her
6 grandfather. She had reached the point that she couldn't
7 take it anymore, so she decides that she needs to tell.
8 And as Erica Van Wagner told you, children will often get
9 to the point where they are able to tell when they feel
10 safe.

11 So Complainant and her grandmother have gone to DJJ. Her
12 grandmother stood up for her even though Complainant admitted to
13 you on that stand that for that incident, she was in the
14 wrong. Even though she was in the wrong, her grandma was
15 still in her corner, and Complainant thought, She's going to
16 support me. She's going to be in my corner.

17 They go to the bathroom and they're alone, as Complainant
18 tells you, for one of the first times. The defendant's not
19 there. She feels comfortable, she feels safe and she tells
20 Nora what happened to her. And what happens? Nora says to
21 her, "You're lying. You're lying. You're lying. I don't
22 believe you."

23 So this child goes somewhere else where she hopes
24 she'll be safe. She calls an old friend. His mom comes
25 and picks her up, and then this child tells the mother, who

1 she's never met in person before, intimate details of the
2 abuse that she suffered. Ms. Farner calls the police, and
3 Complainant goes on to tell Deputy Alex Payne, Investigator Bob
4 Perry, Nell Stewart, Sharon Wegner, Erica Van Wagner and
5 LaQuinta Smith a consistent account of what happened to
6 her, that she was touched as a toddler, that the defendant
7 digitally penetrated her vagina and then that that
8 escalated to full penile penetration, sexual intercourse
9 with her grandfather.

10 Complainant was consistent as to the places that this
11 occurred. She told you that it happened at her
12 grandparents' house and at the defendant's shops. Complainant
13 disclosed to all of these people, but then you heard her
14 most important disclosure up on that witness stand. In
15 front of a room full of strangers, a 16-year-old child got
16 up and told all of you in front of this entire room of
17 people what had happened to her. She told you that the
18 defendant began fondling her when she was a toddler.

19 Now, defense wants you to believe that because Complainant
20 thought she was 2 when this happened and defense witnesses
21 got on the stand and said, "We don't think that Rodney knew
22 her when she was 2," that this didn't happen, that all of
23 this is untrue. Ladies and gentlemen, children's memories
24 are not exact. None of our memories are exact. It's
25 difficult for us to remember exactly how old we were as

1 adults, but as a child and as Complainant told you on the stand,
2 she knows that she was young. It was before she was in
3 school. She's able to pinpoint the fact that she wasn't in
4 kindergarten, that she was in the complete care and control
5 of the Alexanders. So sometime between the ages of 2 and
6 4, Complainant told you that he began touching her
7 inappropriately on top of her clothes, underneath her
8 clothes and telling her to touch him.

9 She told you that some of her earliest memories are of
10 him grooming her. She didn't use that term. You heard
11 Ms. Van Wagner explain to you what that process is, the
12 defendant telling her that this was a game, giving her
13 gifts and prizes for playing the game.

14 Then Complainant went on to disclose an episode of oral sex
15 with the defendant. She told you that when she was 4 years
16 old, the defendant forced her to perform oral sex on him,
17 told her that she could lick it but not bit it like it was
18 candy.

19 Complainant then described the digital penetration that she
20 had endured. She told you that he touched her consistently
21 with his hands, described to you where that took place.
22 She told you that when she was between the ages of 8 and 9,
23 she asked for it to stop because it hurt. He told her it
24 would. But it didn't, and it continued from there. It
25 continued to full penile penetration, which Complainant told you

1 occurred on at least two separate occasions after she got
2 her period at age 11. The last incident occurred three
3 days before Complainant had the courage to come forward when the
4 defendant put his finger inside of her and Complainant decided
5 that it had to stop.

6 Not only has Complainant given you a consistent account of
7 what happened to her, the State's witnesses and the defense
8 witnesses have told you that the defendant had the
9 opportunity to commit this crime. Nora Alexander had
10 custody of Complainant. By her own admission, she had custody
11 of Complainant starting when Complainant was about 3 years old. The
12 defendant then enters Complainant life. Ms. Alexander
13 admitted on the stand that she has said previously that he
14 entered her life as early as 2002 when Complainant would have
15 been 3 years old. She turned 4 in October of that year.

16 So Ms. Alexander has custody. The defendant is living
17 in the home. Mom witnesses the defendant being
18 inappropriate with Complainant when she's about 6 years old.
19 Ms. Alexander admitted on the stand that even when she
20 didn't have custody of Complainant that Complainant spent time at
21 their home, spent weekends and nights there, and that the
22 defendant had access to this child. You've heard that
23 Complainant was alone with him, that she went to work with him.
24 You heard from LaQuinta Smith that he would bring her home,
25 that they would be alone, and that he had access to this

1 child.

2 Mr. Stalvey made a big deal about why didn't they ask
3 other people what was going on, like this is something
4 that's done out in the open. Ladies and gentlemen, chronic
5 sexual abuse is a secret crime. It's a secret crime
6 because the abusers develop the relationship, they have the
7 opportunity to access the child, they know that the child
8 is vulnerable, and they know when they can be alone with
9 the child. Mr. Alexander was consistently alone with
10 Complainant knew when he would be alone. And look at this.
11 Individual bays where you could be inside, close the door.

12 Again, this is a secret crime that's not done out in
13 the open. Unfortunately, this isn't CSI. It's not
14 something where you have a snatch and grab, witnesses who
15 see what's going on. This is something that's consistently
16 built over years, the defendant accessing the child,
17 building trust with the child and then committing the crime
18 against the child.

19 Finally, ladies and gentlemen, I want to talk about
20 the expert in this case, Erica Van Wagner. We brought her
21 to explain behaviors that may seem counterintuitive. We
22 like to think that if something bad happened to us or to
23 our children, that they would tell what was happening. It
24 doesn't seem to make sense why Complainant would say she wanted
25 to live with her grandparents. It doesn't seem to make

1 sense why she would not tell what was going on with her
2 when given the opportunity. But what did Ms. Van Wagner
3 tell you? She told you first that victims of sexual abuse
4 often deny what has happened to them. And why do they do
5 that? First of all, because they're afraid. They're
6 afraid of their abuser, and they're afraid of what might
7 happen if they tell.

8 Why didn't Complainant tell in April of 2012 when she went
9 to the Julie Valentine Center? As you heard, the defendant
10 took her to that interview. Ms. Van Wagner said in her
11 initial consult where sexual abuse was not disclosed, the
12 defendant was in the room and Complainant told her that she was
13 later able to tell when he wasn't there.

14 There was also the fear for Complainant that, like I
15 mentioned earlier, if she told, she would lose everything.
16 And she did. But she has continued to tell you her
17 consistent account of what happened.

18 Ms. Van Wagner also talked about the delayed and
19 piecemeal disclosure, why certain details, like in this
20 case the oral sex, may come out later as children are more
21 able to process what's going on with them. The delayed
22 disclosure can also come because children don't understand
23 what's happening to them, and Complainant told you she didn't
24 understand what was happening to her when she was that
25 young and they were playing a game.

1 And even when she went to Diamond, her friend when
2 they were 8 years old eight years ago and told her what was
3 going on, they didn't understand what was happening. She
4 didn't understand until she came into the realization that
5 this was wrong. And as she began to realize more and more
6 that this was wrong and that there may be consequences like
7 becoming pregnant, she finally had the courage to come
8 forward.

9 Ms. Van Wagner also told you it's typical for a victim
10 of sexual abuse to still love their abuser, to still want
11 to live with their abuser. Complainant told you that she still
12 loved her grandfather, that when he wasn't abusing her, he
13 was still a good grandfather. That's one of the hard
14 things for children to try and understand, someone who they
15 categorize as good doing something bad to them.

16 And Complainant has acted out. The State certainly doesn't
17 dispute that. But as Erica told you, that is common with
18 children who are trying to deal with trauma, common for
19 them to run away, to lash out in anger as they try and
20 process why their childhood has been taken away from them
21 and the abuse that they have undergone.

22 Finally, Ms. Van Wagner talked to you about how the
23 disclosure itself can be traumatic, can cause some of these
24 very behaviors that we've talked about: running away,
25 acting out. And in this case, the disclosure was traumatic

1 because Complainant wasn't believed. Despite that, she has
2 continued to tell her story. Despite the fact that her
3 grandmother would not stand by her side, she has continued
4 to fight for herself and fight for the childhood that she
5 lost.

6 Finally, I want to point out that Ms. Van Wagner told
7 you that she had seen about 1,500 cases. When asked on the
8 stand if she had ever seen a case with medical evidence,
9 she said, "No." 1,500 cases of child abuse, and she has
10 not personally had one with medical evidence.

11 Ladies and gentlemen, like I said, this is not a CSI
12 case. This is a case about years of abuse. When you have
13 a case like that that's done in secret where this child
14 delays disclosure, you're not going to have medical
15 evidence, you're not going to have DNA. What you're going
16 to have is the victim telling her story, telling what
17 happened.

18 I'd like to leave you with this. Everyone in this
19 courtroom has a job. My job, Ms. Hodge's job, is to prove
20 the defendant guilty beyond a reasonable doubt, to firmly
21 convince you that he did this. The defense's job is to
22 cloud the issue, to make this about Complainant to make this
23 about anything other than what the defendant did to this
24 child.

25 The defense wants you to believe that this is about a

1 phone or a boy, texting a boy, about acting out, that
2 Complainant was mad that she wasn't allowed to go to a park and
3 so she made up these allegations of sexual abuse. Does
4 that make any sense to you that a child would tell intimate
5 details to strangers about what happened to her because she
6 was mad that she wasn't allowed to text a boy? This child
7 has undergone medical exams, forensic interviews, had to
8 talk to law enforcement and finally get up on that stand
9 this week, breaking down to tell you what happened to her.
10 And she did that because her TV privileges were being taken
11 away? Or does it make more sense that this actually
12 happened to her and she's having to deal with the
13 consequences of telling her story.

14 This is about to be your case. Every time you've left
15 the courtroom up to this point, the judge has asked you not
16 to talk about the case. That's about to change. I ask
17 that you go back to the jury room, you talk about this
18 case, you assess it, you deliberate, you talk about what
19 Complainant told you on that stand. She admitted to you that
20 she was humiliated. She admitted to you that she was
21 sexually abused. Complainant is the only one you have to
22 believe in this case to find the defendant guilty.

23 As the judge will tell you, her testimony doesn't have
24 to be corroborated, although it has been by the State's
25 other witnesses, by LaQuinta telling you what she saw the

1 defendant doing to the child, by the defense and State
2 witnesses telling you that this defendant had access to the
3 child, by Erica Van Wagner describing exactly the symptoms
4 that Denise has experienced. But Complainant is the only one
5 you have to believe. She's the eyewitness in this case.

6 When you go back, here's the question I'd like for you
7 to consider. Are you firmly convinced that this defendant
8 is guilty? Would you want to be alone with the defendant?
9 Would you want your child to be alone with the defendant?
10 That's the question in this case, not Mr. Stalvey's
11 question, would you want to be alone with Complainant.

12 MR. STALVEY: Judge, I have to object appealing to
13 the --

14 THE COURT: Same objection.

15 MS. PATTERSON: Thank you, Your Honor.

16 Ask yourself these questions. Think about what you've
17 heard in this courtroom who has a reason to lie to you and
18 who doesn't. I submit to you that Complainant is telling
19 the truth. She has told you her story. Take that story,
20 find the defendant guilty, hold him accountable and give
21 this child the justice she desires.

22 Thank you.

23 CHARGE ON THE LAW

24 THE COURT: Mr. Foreman, ladies and gentlemen of the
25 jury, you have seen and heard the evidence presented as

1 well as the arguments of the lawyers. It is now my duty
2 and obligation to instruct you on the law in this case, and
3 then it will be your duty and obligation to begin your
4 deliberations through which process you will decide the
5 facts, apply the law as I instruct it, and render a fair
6 and impartial decision.

7 It is your exclusive duty to determine what the facts
8 are in this case. You do that based on your own common
9 sense examination and evaluation of the testimony and other
10 evidence received during the trial of this case. You
11 12 jurors alone will decide what effect, value and weight
12 is to be given to any particular testimony or other
13 evidence received. Quite honestly and quite simply, your
14 ultimate goal is to find the truth, and by doing so, you
15 will have fulfilled your obligations as jurors in giving
16 both the State and the defendant a fair and impartial trial
17 based on the evidence presented and the law applicable to
18 this case.

19 The defendant in this case, Rodney Michael Alexander,
20 has been charged on three separate charges relating to the
21 victim, Complainant . The following indictments
22 allege the incidents occurred between October 26, 2001,
23 through September 14, 2012, in Greenville County, South
24 Carolina: second-degree criminal sexual conduct with a
25 minor between October 26, 2009, and September 4, 2012;

1 second-degree criminal sexual conduct with a minor between
2 October 26, 2009, and September 14, 2012; and thirdly, lewd
3 act, to committing or attempting lewd act upon a child
4 under 16 years of age between October 26, 2001, and
5 October 31, 2007.

6 I remind you that the fact the defendant was arrested,
7 charged and indicted in this case is not evidence in this
8 case and cannot be considered by you as evidence of guilt,
9 nor does it create any presumption or inference of guilt.
10 These documents, the indictments I'm speaking of, are
11 simply formal, written instruments which contain the
12 charges made against the defendant. They are the formal
13 documents by which this case is brought before the Court.

14 The defendant has pled not guilty to all three
15 indictments, and that plea puts the burden squarely on the
16 State of South Carolina to prove the defendant's guilt
17 beyond a reasonable doubt on each and every indictment.

18 A person charged with committing a criminal offense in
19 South Carolina is never required to prove himself innocent.
20 I charge you it is a cardinal, important and vital rule of
21 law that in all criminal trials, no matter what the
22 seriousness of the charge may be for which the defendant
23 stands charged, he will always be presumed to be innocent
24 of the crime for which the indictment was issued unless
25 guilt has been proven by evidence satisfying you of his

1 guilt beyond a reasonable doubt. This presumption of
2 innocence does not end when you begin your deliberations,
3 but it accompanies the defendant throughout the trial until
4 you reach a verdict of guilt based on evidence satisfying
5 you of that guilt beyond a reasonable doubt.

6 The presumption of innocence is like a robe of
7 innocence placed about the shoulders of the defendant which
8 remains with him from the moment of his arrest and
9 continues until it has been stripped from his shoulders by
10 evidence satisfying you of his guilt beyond a reasonable
11 doubt.

12 I charge you that presumption of innocence is not a
13 mere legal theory, nor is it a legal phrase. It is a
14 substantial right to which every defendant is entitled
15 unless you 12 jurors are satisfied from the evidence of his
16 guilt beyond a reasonable doubt.

17 I'll remind you, ladies and gentlemen, that during
18 this trial, you and I have certain duties to perform. As
19 the trial judge, it is my responsibility to preside over
20 the trial and I also have the duty to rule on the
21 admissibility of evidence offered during the trial.

22 You are to consider only the competent evidence before
23 you. If there were any testimony ordered stricken from the
24 record in this case during the trial, you must disregard
25 that testimony. You are to consider only the testimony.

1 which has been presented from the witness stand, any
2 exhibits which have been made a part of the record, and any
3 stipulations by the lawyers.

4 I have the additional duty to charge you the law in
5 this case. As the presiding judge, I am the sole judge of
6 the law, and it is your duty as jurors to accept it and
7 apply it as I now state it to you. If you already have an
8 idea as to what the law is or what the law ought to be or
9 what the law should be and it does not agree with what I
10 now tell you the law is, you must abandon your idea because
11 you are sworn to accept the law and apply it exactly as I
12 now state it to you.

13 Ladies and gentlemen, every case tried in this
14 courtroom before a jury, you 12 jurors become the sole and
15 exclusive judge of the facts. As a trial judge, I cannot
16 state, comment on or make any statement to a jury about a
17 fact in this case. You the jury are the sole judges of the
18 facts. You are not to infer from what I have said during
19 the progress of this trial in ruling upon admissibility of
20 evidence or otherwise or anything that I now say during the
21 course of my instructions that I have an opinion about the
22 facts in this case. The law of the State of South Carolina
23 does not allow me to have an opinion about any fact in a
24 case. That matter is solely for you the jury to determine.
25 As jurors, it is your duty to determine the effect, value,

1 weight and truth of the evidence presented during this
2 trial.

3 The State of South Carolina has the burden of proving
4 the defendant guilty beyond a reasonable doubt. Ladies and
5 gentlemen, proof beyond a reasonable doubt is proof that
6 leaves you firmly convinced of the defendant's guilt.
7 There are very few things in this world that we know with
8 absolute certainty, and in criminal cases, the law does not
9 require proof that overcomes every possible doubt.

10 A reasonable doubt may also be described as the kind
11 of doubt that would cause a reasonable person to hesitate
12 to act. If you have such a doubt as to the guilt of the
13 defendant, then he is entitled to a verdict of not guilty.

14 Reasonable doubt may arise from evidence which is in a
15 case or from the absence or lack of evidence in a case.
16 Based on your consideration of the evidence, if you are
17 firmly convinced the defendant is guilty of the crimes
18 charged, you must find him guilty. On the other hand, if
19 you think there's a real possibility he is not guilty, you
20 must give him the benefit of the doubt and find him not
21 guilty. You 12 alone must make the determination of
22 whether or not reasonable doubt exists as to the guilt of
23 this defendant.

24 There are two types of evidence which are generally
25 presented during a trial: direct evidence and

1 circumstantial evidence. Direct evidence is the testimony
2 of a person who claims to have actual knowledge of a fact
3 such as an eyewitness. It is evidence which immediately
4 establishes the main factor to be proven.

5 Circumstantial evidence is proof of a chain of facts
6 and circumstances indicating the existence of a fact. It
7 is evidence which immediately establishes collateral facts
8 from which the main fact may be inferred. Circumstantial
9 evidence is based on inference and not on personal
10 knowledge or personal observation.

11 I charge you the law makes absolutely no distinction
12 between the weight or value to be given to either direct or
13 circumstantial evidence, nor is a greater degree of
14 certainty required of circumstantial evidence than of
15 direct evidence. You should weigh all of the evidence in
16 this case, and after doing so, if you are not convinced of
17 the guilt of the defendant beyond a reasonable doubt, you
18 must find him not guilty.

19 I instruct you and emphasize the fact that the
20 defendant did not testify is not a factor to be considered
21 by you in any way during your deliberations and in your
22 consideration of the question of guilt or innocence of the
23 defendant. It must not be considered by you in any manner
24 whatsoever. A defendant has the constitutional right to
25 remain silent, and the assertion of this right must not be

1 considered by you in your deliberations. Ladies and
2 gentlemen, I repeat, under your oath you are to draw no
3 conclusion whatsoever from the fact that the defendant in
4 this case did not testify.

5 The fact that this defendant did not testify should
6 not be discussed in the jury room. The burden of proof,
7 as I previously stated, remains on the State of South
8 Carolina. The defendant is not required to prove his
9 innocence. The burden of proof remains on the State to
10 prove guilt beyond a reasonable doubt.

11 Under the Constitution of South Carolina, you are the
12 finders of facts, and that necessarily you must then
13 determine the credibility of witnesses who have testified
14 in this case. Credibility simply means believability. It
15 becomes your duty as jurors to analyze and to evaluate the
16 evidence and determine which evidence convinces you of its
17 truth.

18 In determining the believability of witnesses who have
19 testified, you may believe one witness over several or
20 several over one. You may believe a part of the testimony
21 of a witness and reject the remaining part of the testimony
22 of that same witness. You may believe the testimony of a
23 witness in its entirety or reject the testimony of a
24 witness in its entirety. You may consider whether any
25 witness has exhibited to you any interest, bias, prejudice

1 or other motive in this case.

2 You may also consider the appearance and manner of a
3 witness while on the witness stand. Was the witness
4 straightforward in answering questions or hesitant in
5 responding to questions? Simply put, ladies and gentlemen,
6 do you believe the witness was telling the truth? You may
7 consider how the witness came to know the facts to which he
8 or she testified or whether or not the witness had an
9 opportunity to hear, observe or perceive a fact by means of
10 their senses. Ladies and gentlemen, whatever your good
11 judgment and common sense tells you is the most believable
12 testimony is the testimony that you should accept and
13 reject the testimony which you find not to be credible or
14 believable.

15 The rules of evidence ordinarily do not permit
16 witnesses to testify to opinions or conclusions. An
17 exception to this rule exists for witnesses we call expert
18 witnesses. A witness who, by education and experience, has
19 become expert in some art, science, profession or calling,
20 may state an opinion as to relevant and material matter in
21 which the witness claims to be an expert and may also state
22 the reasons for the opinion. You should consider any
23 expert opinion received in evidence, and like any other
24 evidence, give it the weight you think it deserves.

25 If you decide the opinion of an expert witness is not

1 based on sufficient education and experience or if you
2 conclude that the reasons given in support of the opinion
3 are not sound or that the opinion is outweighed by other
4 evidence, you may discard the opinion testimony entirely.
5 An expert witness's testimony is to be given no greater
6 weight than that of other witnesses simply because the
7 witness is an expert. Further, you are not required to
8 accept the expert's opinion even though it is not
9 contradicted.

10 Now, ladies and gentlemen, I charge you that criminal
11 intent is a necessary element of each crime that must be
12 proved by the State beyond a reasonable doubt. Criminal
13 intent is always a matter that must be determined by the
14 jury from the circumstances surrounding the situation.
15 There is no way to prove intent to a mathematical
16 certainty. There's no way medical science can dissect a
17 person's brain and determine what he had in mind. So the
18 law says that criminal intent may be inferred from the
19 circumstances shown to have existed. This is how a jury
20 makes a determination of whether or not the element
21 requiring intent was present.

22 Criminal intent is a state of mind which operated
23 jointly with an act is the commission of a crime. Criminal
24 intent is a mental state, a conscious wrongdoing, so it is
25 up to you the jury to determine what the defendant intended

1 to do based on the circumstances shown to have existed.

2 I charge you that the State must prove criminal intent
3 beyond a reasonable doubt just as the State must prove
4 every element beyond a reasonable doubt. It is not
5 necessary to establish intent by direct and positive
6 evidence, but intent may be established by inference in the
7 same way as any other fact by taking into consideration the
8 acts of a party and all the facts and circumstances in this
9 case. While the State may prove motive, it is unnecessary
10 for the State to do so, but the State must prove intent.

11 The defendant is charged with two counts of
12 second-degree criminal sexual conduct with a minor. When
13 two or more acts of criminal sexual conduct with a minor
14 occur at or about the same time, each act is a separate
15 crime rather than one continuing crime.

16 The defendant in this case, as I've told you, is
17 charged with second-degree criminal sexual conduct with a
18 minor. The charge pending against the defendant is a
19 statutory charge. It is contained in the code of laws of
20 this state as passed by our general assembly. Section
21 16-3-655(b) of the South Carolina Code of Laws sets forth
22 the provision for second-degree criminal sexual conduct
23 with a minor as follows: A person is guilty of criminal
24 sexual conduct with a minor in the second degree if the
25 actor engages in sexual battery with a victim who is

1 14 years of age or less but who is at least 11 years of
2 age.

3 Section 16-3-651(a) defines actor as a person accused
4 of criminal sexual conduct. 16-3-651(i) provides the
5 victim means the person alleging to have been subjected to
6 the criminal sexual conduct.

7 I charge you the first element the State must prove
8 beyond a reasonable doubt is that the defendant engaged in
9 sexual battery with the victim. Now, what is sexual
10 battery? Section 16-3-651(h) of the code defines sexual
11 battery as sexual intercourse, cunnilingus, fellatio, anal
12 intercourse or any intrusion, however slight, of any part
13 of a person's body or of any object into the genital or
14 anal opening of another person's body except when such
15 intrusion is accomplished for medically recognized
16 treatment or diagnostic purposes.

17 If you find the State has not proven beyond a
18 reasonable doubt that sexual battery occurred, you must
19 stop deliberating and find the defendant not guilty of the
20 charge. If you find that a sexual battery did occur, you
21 must then decide whether the State has proven beyond a
22 reasonable doubt the victim was at least 11 years old but
23 not more than 14 years old at the time of the sexual
24 battery.

25 Section 16-3-657 of the South Carolina code provides

1 that the testimony of the victim in criminal sexual conduct
2 prosecutions need not be corroborated by other testimony or
3 evidence.

4 I have instructed you that the defendant is charged
5 with the offense of lewd act, committing or attempting lewd
6 act upon a child under 16 years of age. I will now read to
7 you in part 16-15-140 of our same code of laws. Committing
8 or attempting lewd act upon a child under 16 set forth the
9 statutory provision as follows: It is unlawful for a
10 person over the age of 14 years to willfully and lewdly
11 commit or attempt a lewd or lascivious act upon or with the
12 body or its body parts of a child under the age of 16 years
13 with the intent of arousing, appealing to or gratifying the
14 lust or passions or sexual desires of the person or of the
15 child. An act is willfully done if done voluntarily and
16 intentionally and with the specific intent to do something
17 the law forbids. "Lewd" means obscene, lustful, indecent,
18 lecherous, tending to moral impurity. "Lascivious" means
19 tending to incite lust, indecent, obscene, tending to
20 deprave the morals in respect to sexual relations.

21 In order to convict the defendant of committing or
22 attempting a lewd act upon a child, the statutory
23 provisions must be proven beyond a reasonable doubt. The
24 State must prove beyond a reasonable doubt that the
25 defendant is over 14 years old, the defendant willfully and

1 lewdly committed or attempted a lewd or lascivious act upon
2 or with the body or its parts of a child under 16 years old
3 with the intent of arousing, appealing to or gratifying the
4 lust or passions or sexual desires of the defendant or of
5 the child. The State must prove all four elements beyond a
6 reasonable doubt before you can convict the defendant of
7 this charge.

8 Now, ladies and gentlemen, you have been selected as
9 fair and impartial jurors, sworn to impartially try and
10 determine the facts of this case. And when you comply with
11 your oath to do so, no one will have a right to criticize
12 your verdict, and you will have fully discharged your duty
13 as jurors. You are to decide this case according to the
14 testimony that you have heard from the lips of the sworn
15 witnesses along with all other evidence introduced in the
16 trial.

17 I thank you for listening to this charge. It has been
18 a little lengthy, but this is serious. You have no friends
19 to reward and no enemies to punish. You swore an oath, and
20 it may have not seemed that significant when you stood and
21 raised your right hand, but under the law it means this, it
22 means that you bring your best talents and capabilities to
23 the task so that justice will be done in this case.
24 Anything less violates the system. Anything less than that
25 demeans the system.

1 Mr. Foreman and ladies and gentlemen of the jury,
2 during your deliberations, you may only discuss the case in
3 the jury room with your fellow jurors because they have
4 seen and heard the same evidence you have seen and heard.
5 However, you must not discuss the case with anyone else
6 until you have returned a verdict and the case is ended.
7 Whenever a member of the jury requires a break for the
8 restroom or otherwise, please discontinue your
9 deliberations until that juror returns. I'll tell you
10 again, all 12 must be together at all times during the
11 deliberation.

12 After your service and this trial has ended, you have
13 the right to either refuse to discuss your verdict or you
14 have the liberty to discuss your verdict as much as you
15 choose to do so.

16 Ladies and gentlemen, your verdict must be a unanimous
17 verdict.

18 Mr. Foreman, when the jury agrees on the verdict, you
19 will indicate your verdict in the space provided on a
20 verdict form that I'm going to explain here in just one
21 minute and sign your name as the foreman. Then knock on
22 the jury room door and inform the bailiff if you have
23 reached a verdict. At that time, we will return the jury
24 to the courtroom and receive your verdict.

25 Mr. Foreman, this is the jury verdict form of which I

1 speak. My law clerk creates this form in every case that
2 we try that goes to a jury. It is two pieces of paper.
3 Sometimes it's more, sometimes it's less. Quite simply it
4 has the caption of this case, and that is only for
5 recording purposes. It just says we're in the State of
6 South Carolina and the County of Greenville, and we're in
7 the General Sessions Court, 13th Circuit. It has some
8 numbers, and those are simply file numbers, indictment
9 numbers. It has the State of South Carolina vs. Rodney
10 Michael Alexander.

11 It has three questions on here. No. 1, we the jury
12 unanimously find the defendant, Rodney Michael Alexander,
13 on the charge of second-degree criminal sexual conduct with
14 a minor, not guilty or guilty. It has the same question
15 for No. 2. We the jury unanimously find the defendant,
16 Rodney Michael Alexander, on the charge of second-degree
17 criminal sexual conduct with a minor, not guilty or guilty.
18 No. 3, we the jury unanimously find the defendant, Rodney
19 Michael Alexander, on the charge of lewd act, committing or
20 attempting lewd act upon a minor child, 16, not guilty,
21 guilty. You'll also see numbers out here which correspond
22 to the indictments up there. That's all the number means.

23 On the second page, Mr. Foreman, it says, "I certify
24 this decision was a unanimous decision of the jury." It
25 has "foreperson," it has today's date in Greenville, South

1 Carolina on it.

2 Now, I tell you there is no significance whatsoever as
3 to whether "not guilty" appears first and "guilty" appears
4 second or vice versa. Simply one has to come first on a
5 piece of paper. And I do it this way in every case that I
6 try.

7 I also tell you and remind you there are three
8 separate charges, three separate questions to three
9 separate offenses. You can find the defendant guilty on
10 all three, you can find the defendant not guilty on all
11 three, you can find the defendant guilty of one or two and
12 not guilty on one or two. There are three separate
13 questions for your consideration, there are three separate
14 indictments.

15 Mr. Foreman, in about 30 seconds I'm going to ask you
16 to take your jury to the jury room. Do not begin
17 deliberations. All of these exhibits that have been put
18 into evidence belong to you.

19 I practiced law 25 years before I came up here, and
20 some of those cases were in this courtroom. When I would
21 come and make a closing statement, I oftentimes, as you saw
22 the lawyers do, have an exhibit in my hand because I want
23 to talk to the jury about it. And I didn't mean to, but I
24 would, I would walk back over to the table and sit down. I
25 would have that exhibit.

1 I'm going to ask the lawyers as soon as you leave the
2 courtroom, all three lawyers to come up to that table.
3 They all have stickers on them with numbers on them. Madam
4 Court Reporter has a list of each one of those. The
5 lawyers are going to meet with my court reporter and ensure
6 that all exhibits are there, that nobody accidentally
7 picked up a picture and walked away with it or anything of
8 that sort.

9 Once the lawyers agree that everything is there, I'm
10 going to ask Mr. Bailiff to bring you the exhibits and this
11 form. This will be on top of the exhibits. When
12 Mr. Bailiff brings you the exhibits and this form, that is
13 your signal to begin your deliberations. But don't begin
14 deliberations until you get the exhibits and this form.

15 Mr. Foreman, if you'll take your jury out.

16 (WHEREUPON, the jury exits the courtroom at 10:59 a.m.)

17 THE COURT: Anything from the State?

18 MS. HODGE: Nothing from the State.

19 THE COURT: From the defense?

20 MR. STALVEY: Your Honor, just a quick objection to
21 the charge as far as the statutory provision that -- I
22 guess the testimony of the victim not be corroborated. Our
23 objection would be that it points out to the jury or sheds
24 light or focuses the jury's attention on the victim's
25 testimony and would be improper in this case. Your Honor,

1 my objection is based on State vs. Simmons, 209 S.C. 531,
2 which appears to be quoted in the dissenting opinion of
3 Justice Phinney in the case of State vs. Schumpert, 312
4 S.C. 502 1993.

5 THE COURT: All right. Solicitor?

6 MS. HODGE: Your Honor, I believe that the charge was
7 proper under State vs. Schumpert and State vs. Rayfield.

8 THE COURT: Yes. Your objection is noted, but the
9 Court finds that it is a proper charge, and it's one
10 sentence long. And furthermore, the record will show that
11 the Court did not elaborate, did not dwell on that, and if
12 we need to, I can make -- well I don't need to. We've got
13 a record. But it is exactly -- in our charge, it's exactly
14 one sentence long. So I did not dwell on it in any fashion
15 whatsoever and moved on.

16 Anything else?

17 MR. STALVEY: No, sir, Your Honor.

18 THE COURT: Okay. We'll be off the record.

19 (WHEREUPON, a recess is taken at 11:01 a.m.)

20 THE COURT: Let the record reflect that the lawyers
21 have looked at everything, and that there is no objection,
22 and the bailiff has taken the exhibits to the jury room for
23 them to begin their process.

24 Mr. Alexander, at this time, the Court is taking you
25 into custody. The jury has gone out for deliberations.

1 You'll be in custody. But I'll hear from Mr. Stalvey on
2 that.

3 MR. STALVEY: Judge, I'd ask that he remain out of
4 custody. Your Honor, this trial has been going on since
5 Tuesday, and he has been here on time every day and
6 following the Court's instructions. I don't think there's
7 any chance that he would violate the conditions of his
8 bond. He has not done so to date, and I do not expect him
9 to do so as the jury deliberates. I understand your
10 position on it, Your Honor, but I just ask that he remain
11 to walk freely, you know, around the courthouse.

12 I don't think it's necessary to take him into custody.
13 Your Honor, if you do decide to do that, I would at least
14 ask the Court to be allowed to go speak with him whenever I
15 need to, and I would ask that the Court explain to him that
16 he hasn't been found guilty of anything. This is just a
17 temporary thing that's going to happen while the jury is
18 deliberating, and he doesn't need to worry about -- he's
19 going to be in this room right here right outside the
20 courtroom.

21 So I'd ask that he remain out of custody, but I'd ask
22 that the judge give him a little bit more information about
23 if he's taken into custody.

24 THE COURT: Solicitor?

25 MS. HODGE: Your Honor, I defer to the Court.

1 THE COURT: Mr. Stalvey, I extended the courtesy to
2 you for him to stay out. You've always been straight with
3 the Court and he's always been where you needed him to be,
4 but at this time, with the seriousness of the charges, it
5 is my practice to take him in custody.

6 But, sir, I extended the courtesy all week long on
7 behalf of your lawyer. But at this point in time with the
8 charges that are pending, I must take you into custody.
9 But Mr. Stalvey will have free access to you at any time.

10 All right. Anything further before we get off the
11 record?

12 MS. HODGE: No, sir.

13 THE COURT: Okay. We'll be off the record and be in
14 recess.

15 (WHEREUPON, a recess is taken at 11:05 a.m.)

16 (WHEREUPON, Court's Exhibit No. 1 was marked for
17 identification.)

18 (WHEREUPON, the jury entered the courtroom at 1:14 p.m.)

19 THE COURT: Mr. Foreman, ladies and gentlemen, I
20 understand from a note from the jury that the jury desires
21 to be charged on reasonable doubt.

22 Okay. The State has the burden of proving the
23 defendant guilty beyond a reasonable doubt. Ladies and
24 gentlemen, 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 with
2 absolute certainty, and in criminal cases, the law does not
3 require proof that overcomes every possible doubt.

4 A reasonable doubt may also be described as the kind
5 of doubt that would cause a reasonable person to hesitate
6 to act. If you have such a doubt as to the guilt of the
7 defendant, then he is entitled to a verdict of not guilty.

8 Reasonable doubt may arise from evidence which is in
9 the case or from the absence or lack of evidence in a case.
10 Based on your consideration of the evidence, if you are
11 firmly convinced that the defendant is guilty of the crime
12 charged, you must find him guilty. On the other hand, if
13 you think there is a real possibility that he is not
14 guilty, you must give him the benefit of the doubt and find
15 him not guilty. You 12 jurors must make the determination
16 of whether or not reasonable doubt exists as to the guilt
17 of the defendant.

18 JURY FOREMAN: Thank you, Your Honor.

19 THE COURT: Anything further?

20 JURY FOREMAN: No, sir.

21 THE COURT: Okay. Please go back and continue your
22 deliberations.

23 (WHEREUPON, the jury exits the courtroom at 1:16 p.m.)

24 THE COURT: Any exceptions, additions, corrections
25 from the State?

1 MS. HODGE: No, sir.

2 THE COURT: From the defense?

3 MR. STALVEY: No, sir, Your Honor.

4 THE COURT: Okay. All right. We'll stand at ease.

5 (WHEREUPON, a recess is taken at 1:17 p.m.)

6 THE COURT: Now, let me say this. I'm told we have a
7 verdict. This is not a time to celebrate on either side
8 one way or the other, okay? So I'm going to give
9 Mr. Stalvey and the Solicitor's Office a chance to speak to
10 you folks there, but I'm not going to have any outbursts,
11 I'm not going to have any celebrations or you're going to
12 be taken into custody immediately. We've got three
13 officers in the room, and they'll take them in custody.

14 Do you want to talk to them for just a minute?

15 MR. STALVEY: Yes, sir.

16 MS. HODGE: I've done that, Your Honor.

17 THE COURT: Okay.

18 If you want to leave, you can leave now, be told about
19 it in the hallway. You can celebrate in the hallway, but
20 you can't celebrate in the courtroom. It's not a time to
21 celebrate.

22 Okay. We'll have our jury.

23 (WHEREUPON, the jury entered the courtroom at 1:47 p.m.)

24 THE COURT: Mr. Foreman, has the jury reached its
25 verdict?

1 JURY FOREMAN: Yes, sir, it sure has.

2 THE COURT: If you will hand that to Mr. Bailiff.
3 Madam Clerk.

4 VERDICT

5 THE CLERK: Your Honor, in the case of
6 2013-GS-23-7631, 7632 and 7633 the State of South Carolina
7 vs. Rodney Michael Alexander, No. 1, we the jury
8 unanimously find the defendant, Rodney Michael Alexander,
9 on the charge of second-degree criminal sexual conduct with
10 a minor, guilty; No. 2, we the jury unanimously find the
11 defendant, Rodney Michael Alexander, on the charge of
12 second-degree criminal sexual conduct with a minor, and
13 this is case 7632, guilty; No. 3, we the jury unanimously
14 find the defendant, Rodney Michael Alexander, on the charge
15 of lewd act, committing or attempting lewd act upon a child
16 under 16, this is indictment 7631, guilty. These are all
17 signed by Mr. Bailey, our foreperson.

18 Ladies and gentlemen, if you agree these are the
19 verdicts you reached in your deliberation room, would you
20 please raise your right hand.

21 (Whereupon, the jurors raised their right hand.)

22 THE CLERK: Thank you.

23 THE COURT: Polling of the jury?

24 MS. HODGE: No, Your Honor.

25 THE COURT: From the defense?

1 MR. STALVEY: Your Honor, I request the jury be
2 polled.

3 THE COURT: Yes, ma'am.

4 THE CLERK: All right. The verdict that was just
5 published was the verdict you reached in the jury room. I
6 ask you, was it your verdict then and is it your verdict
7 now? When I call your name, please answer "yes" or "no."

8 Norman Bailey?

9 JUROR NO. 8: Yes.

10 THE CLERK: John Acor?

11 JUROR NO. 1: Yes.

12 THE CLERK: Frederica Hutchinson?

13 JUROR NO. 40: Yes.

14 THE CLERK: Brian Nadel?

15 JUROR NO. 124: Yes.

16 THE CLERK: Lance Owens?

17 JUROR NO. 136: Yes.

18 THE CLERK: Sheila McCleskey?

19 JUROR NO. 208: Yes.

20 THE CLERK: Alicia Fincher?

21 JUROR NO. 55: Yes.

22 THE CLERK: Isaac Hill?

23 JUROR NO. 83: Yes.

24 THE CLERK: Wade Garrett?

25 JUROR NO. 62: Yes.

1 THE CLERK: Roy Campbell?

2 JUROR NO. 23: Yes.

3 THE CLERK: Megan Remaley?

4 JUROR NO. 149: Yes.

5 THE CLERK: And Frederick Haley?

6 JUROR NO. 74: Yes.

7 THE CLERK: Thank you.

8 THE COURT: Anything further from the jury by the
9 State?

10 MS. HODGE: No, Your Honor.

11 THE COURT: From the defense?

12 MR. STALVEY: No, sir, Your Honor.

13 THE COURT: Okay. Mr. Foreman, ladies and gentlemen,
14 thank you so very much for serving this week. This does
15 conclude your jury service this week and you'll be
16 discharged.

17 Mr. Foreman, if you would come up to Madam Clerk,
18 she's going to ask you to sign the indictments, please.

19 (Pause in proceedings.)

20 MR. STALVEY: Judge, while he's doing that, I'm going
21 to ask for at least maybe five minutes real quick just to
22 speak with my client.

23 THE COURT: Yeah. But let me ---

24 MR. STALVEY: However you want to do it, Judge.

25 THE COURT: I will. I don't want the jury sitting

1 over there.

2 MR. STALVEY: I understand.

3 (Pause in proceedings.)

4 THE COURT: Mr. Foreman, ladies and gentlemen, this
5 does conclude your service. Mr. Bailiff is going to take
6 your badges as well as your buttons. And, again, we thank
7 you very much for your service this week.

8 I will tell you that in the event you desire to stay
9 for sentencing, since your jury service has ended, you are
10 certainly welcome to do that. I've had jurors who want to
11 see it all the way through. If you want to do that, you're
12 certainly welcome to remain in the courtroom. I would
13 simply ask that you sit in the galley out here with
14 everyone else, and I can make a bench for you if there's
15 anyone who wants to do that.

16 Otherwise, I understand you'll be going down to the
17 jury assembly room, and from there, pick up your pay for
18 this week, which is a princely sum, I'm told, so you may
19 have to have an armed guard go with you over the value of
20 that. I don't even know what it is, but it's not a lot.
21 It's not nearly enough. But, again, we do thank you for
22 your service.

23 If you'd like to stay, you are welcome to do that.
24 Please see Mr. Bailiff. He'll take your buttons and your
25 badges and you're welcome to stay in the galley.

1 Otherwise, you are free to go as well, so whichever your
2 pleasure is at this time.

3 (WHEREUPON, the jury exits the courtroom at 1:53 p.m.)

4 THE COURT: Matters from the State?

5 MS. HODGE: No, Your Honor.

6 THE COURT: From the defense?

7 MR. STALVEY: Your Honor, at this time, I'd just --
8 for the record, we would ask or renew all motions that we
9 made during this trial as well as I move to have the jury's
10 verdict excluded based on the lack of competent evidence
11 that was submitted to the jury. That's the only motion I
12 have.

13 THE COURT: You move for a new trial?

14 MR. STALVEY: Yes, sir, Your Honor.

15 THE COURT: Okay. The Court renews its prior rulings
16 as to all prior objections and all prior motions that were
17 raised, and you are protected on the record on that.

18 As to the motion for a new trial, that is denied at
19 this time. There was evidence in the case that went to the
20 finder of fact, and they have rendered that verdict. And
21 this court will not invade the province of the jury.

22 Anything else?

23 MR. STALVEY: No, sir, Your Honor. We're ready to
24 proceed.

25 THE COURT: Do you need a minute to talk to your

1 client?

2 MR. STALVEY: Judge, I wanted to get that motion
3 together. But I think we're ---

4 THE COURT: I'm sorry. I thought ---

5 MR. STALVEY: I don't need that long. I already know
6 everything I need to know about Mr. Alexander.

7 (Pause in proceedings.)

8 THE COURT: Solicitor?

9 MS. HODGE: Thank you, Your Honor.

10 May it please the Court. As Your Honor has obviously
11 been here throughout this trial, you know that this has
12 been a very difficult case for the victim, not just the
13 case itself, but, obviously, the process that, by
14 disclosing this sexual abuse, she was put back into foster
15 care, what she truly was worried about the most. She lost
16 her grandmother by her grandmother siding with the
17 defendant, turned family against family. There's no winner
18 in this situation even though the jury has returned a
19 verdict of guilty, which the State obviously feels was
20 certainly appropriate. It's not going to take away any of
21 the pain that the victim has had, but she certainly is on
22 her way to healing, and this is a great closure in that
23 piece for her.

24 What she's always wanted was just to be acknowledged
25 as not a liar, that, in fact, she was telling the truth.

1 And I'm so thankful that the verdict came back the way it
2 did, and hopefully that will give her some peace that she
3 has been believed. Who knows what will ever come between
4 her and her grandmother at this point, but I know that that
5 certainly will help her.

6 I don't know if she wants to say anything about
7 sentencing. All right. And I know that Ms. Smith would
8 like to address the Court as well.

9 Your Honor, he does have some prior history. He's got
10 1990, fraudulent checks, five counts; '96, fraudulent
11 check; '99, breach of peace; 2002, fraudulent check; and
12 2003, fraudulent checks, two counts. That would be his
13 prior criminal history.

14 THE COURT: Okay. Ms. Smith, ma'am, you can speak
15 from right there. I'm going to ask you to speak loudly.
16 She's recording. Okay? Thank you.

17 MS. Complainant : I just want to thank everybody
18 here today. It took a lot out of me to do this. It took a
19 big piece of me. It's hard trying to live a normal life,
20 but I'm normal, I'm perfectly fine, and what he did to me
21 does not define me or it doesn't make me want to feel any
22 type of way towards him because I forgive him. I forgave
23 him a long time ago.

24 The only thing that I wish he would not have done was
25 take one of the most important people out of my life. And

1 over these days, I've realized everything happens for a
2 reason. And even though this did happen to me, it made me
3 a better person. So I want to thank him for humbling me
4 and giving me a story to tell the people. I want to thank
5 him for helping me realize that even if you lose someone
6 that you feel is your everything, it still leaves you with
7 something, even when you feel like you have nothing. And I
8 feel like he's going to get what he deserves in the long
9 run. Even if he wasn't proven guilty, I know what
10 happened, God knows what happened, he knows what happened.
11 He took my childhood, and he knows he was wrong.

12 I just want to say thank you.

13 THE COURT: Thank you, ma'am.

14 Solicitor, anybody else?

15 MS. HODGE: Ms. Smith, did you want to say anything?

16 THE COURT: Ma'am, tell us your name for our court
17 reporter, please.

18 MS. LaQUINTA SMITH: My name is LaQuinta Smith. I'm
19 the mother of Complainant .

20 I just want to address my family, because he did it.
21 And I'm sorry that you lost your dad.

22 THE COURT: Ma'am, you have to talk to me.

23 MS. LaQUINTA SMITH: I'm sorry. But that's my baby.
24 That's my first baby of eight. Even though I have to deal
25 with her crying, I pushed the issue to come in this

1 courtroom, and it was swept up under the filing cabinet.
2 Because she loved her grandmother. She would cry when she
3 came home because she wanted to see her grandmother and I
4 had to tell her that she couldn't, just like I told her
5 when she was younger that she couldn't go over there
6 because it wasn't right, you know. But I just want to
7 thank everybody for justice, and whatever sentence you put
8 down, it will be appreciated.

9 I thank you.

10 THE COURT: Thank you, ma'am.

11 Solicitor, anybody else?

12 MS. HODGE: No, Your Honor.

13 THE COURT: Okay. Mr. Stalvey?

14 MR. STALVEY: Thank you, Your Honor. May it please
15 the Court.

16 THE COURT: Yes.

17 MR. STALVEY: Judge, Mr. Alexander is 58 years old.
18 Your Honor, as you saw today, he suffers from some health
19 issues including high blood pressure, diabetes. He's had
20 two replaced knees. He's had shoulder replacement surgery,
21 Judge, suffers from sleep apnea. Your Honor, he has some
22 major health problems, and I just offer that to the Court
23 to consider as far as sentencing.

24 What I also offer the Court is he has a minimal prior
25 record. And he was mentioning to me as the solicitor read

1 his prior record that he doesn't disagree with all of those
2 convictions, but, Your Honor, I just point out that the
3 prior convictions that he does have are for bad checks, and
4 that's pretty much it as far as he's concerned.

5 Judge, you've seen his wife, Nora Alexander, and his
6 daughter also testified, so you're familiar with his
7 family. He certainly -- and this is -- these are my words,
8 not his, Judge, but he maintained his innocence, and he
9 wanted a trial. And I'm not insinuating that the Court
10 would ever do this, I know you wouldn't, Judge, but I
11 certainly don't think he should be punished in any way for
12 exercising his right to a trial.

13 THE COURT: Certainly not.

14 MR. STALVEY: And I know I don't need to tell this
15 court that. But, Judge, I just ask that you consider all
16 of that in sentencing.

17 Your Honor, I have no disagreement with the solicitor.
18 I mean, it's a sad, unfortunate, tragic situation, Judge,
19 and we, after a week of trial, certainly understand and
20 appreciate the difficulty that Complainant is going through and
21 that Complainant will have for the rest of her life as well as
22 her family. So we certainly are not disagreeing or arguing
23 to minimize that. We appreciate the impact of that. We
24 know that's a serious thing, and it's going to take both
25 sides of this family a long time, if ever, to get over it.

1 Your Honor, we just ask that you consider that.

2 Thank you.

3 THE COURT: Thank you.

4 Yes, sir. Be happy to hear from you.

5 DEFENDANT ALEXANDER: Your Honor, I maintain my
6 innocence. All I ever tried to do was be a good
7 grandfather, and I tried to look after her when she had
8 nowhere to be. She wasn't actually my grandchild. She was
9 my wife's, and, you know, for me to have to go through
10 this, you know, for me to have to go through this and I'm
11 innocent, and now, you know, my daughter, my grandchildren,
12 you know, have to hold their head down because I tried to
13 do the right thing.

14 And I always told them the justice system was fair and
15 just, and here I am innocent, but now I'm locked up. My
16 wife and my family, you know, I just -- I can't believe
17 this.

18 THE COURT: Anything else?

19 DEFENDANT ALEXANDER: No, sir.

20 THE COURT: Anybody else, Mr. Stalvey?

21 MR. STALVEY: Your Honor, I haven't spoken with his
22 family, but nobody has made me aware that they want to
23 speak.

24 THE COURT: Mr. Alexander, I understand you maintain
25 your innocence, and this court would never penalize you for

1 going to trial. You heard me say that I practiced
2 25 years. What you have not heard me say is I was a
3 criminal defense lawyer. I have stood where Mr. Stalvey is
4 standing in this very courtroom for years, okay?

5 Now, I understand you maintain your innocence, but we
6 have had a trial by a jury of your peers, and they have
7 said otherwise. Sir, you have harmed a precious child, one
8 of South Carolina's most vulnerable citizens. The General
9 Assembly of this State has made it clear it intends to deal
10 harshly with child molesters, and this court intends to
11 enforce the laws of this state as written by our senators
12 and our representatives, you understand?

13 DEFENDANT ALEXANDER: Yes.

14 SENTENCING

15 THE COURT: 2013-7632, that's one of the criminal
16 sexual conducts, you're confined to the State Department of
17 Corrections for the maximum 20 years. It is concurrent
18 with indictment 2013-7633. I give you credit for any time
19 you did serve.

20 2013-7633, that's the other criminal sexual conduct
21 with a minor, you are confined to the State Department of
22 Corrections for the maximum 20 years. It is concurrent
23 with indictment 2013-7632. Give you credit for any time
24 you did serve.

25 2013-7631, you're confined to the State Department of

1 Corrections for a period of five years. That is
2 consecutive to both indictments, give you credit for time
3 that you have served.

4 Best of luck to you, sir.

5 MS. HODGE: Thank you, Your Honor.

6 MR. STALVEY: Thank you, Your Honor.

7 THE COURT: If anybody wants to leave from the family,
8 leave now, please, before these other folks leave.

9 *****END OF TRANSCRIPT OF RECORD*****
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007631

DOCKET NO. 2013-GS-23-
KBH

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August

TERM 2013

THE STATE

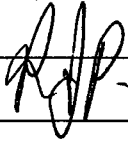
vs.

RODNEY MICHAEL ALEXANDER

WITNESSES

Robert Joseph Perry

Greenville County Sheriffs Office



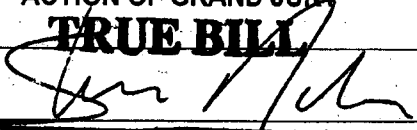
11/7/2012

ARREST WARRANT NUMBER

2012A2330203583

ACTION OF GRAND JURY

TRUE BILL



FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty



Foreperson of Petit Jury

Date: 9 Oct 15

Indictment for

2468

LEWD ACT UPON A CHILD

VIOLATION § 16-15-0140

ENTERED
ACCT.



STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
LEWD ACT UPON A CHILD

At a Court of General Sessions, convened on **AUG 27 2013** the Grand Jurors of Greenville

County present upon their oath:

That RODNEY MICHAEL ALEXANDER did in Greenville County, between October ^{26 RKK} 7, 2001 and ^{october} September 31, 2007, being over the age of fourteen years, willfully and lewdly commit or attempt a lewd and lascivious act upon or with the body, or its parts, of _____, a child under the age of sixteen years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of himself or such child. This is in violation of §16-15-0140 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.

K. Stodge
SOLICITOR

007632

DOCKET NO. 2013-GS-23-
KBH

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August

TERM 2013

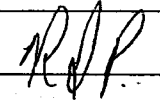
THE STATE

vs.

RODNEY MICHAEL ALEXANDER

WITNESSES

Robert Joseph Perry



Greenville County Sheriffs Office

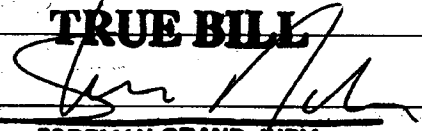
11/7/2012

ARREST WARRANT NUMBER

2012A2330203584

ACTION OF GRAND JURY

TRUE BILL



FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty

AC Bailey
Foreperson of Petit Jury

Date: 9 Oct 15

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR

2ND DEGREE

VIOLATION § 16-03-0655(B)(1)

ENTERED
ACCT. 

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE

At a Court of General Sessions, convened on

AUG 27 2013

the Grand Jurors of Greenville

County present upon their oath:

That RODNEY MICHAEL ALEXANDER did in Greenville County, between October ²⁶~~4~~, 2009 and

September ¹⁴~~31~~, 2012, commit a sexual battery on _____, who was fourteen years of age or less but who

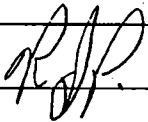
was at least eleven years of age. This is in violation of § 16-03-0655(B)(1) [formerly § 16-3-655(2)] of the South Carolina Code of Laws (1976) as amended.

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


SOLICITOR

WITNESSES

Robert Joseph Perry



Greenville County Sheriffs Office

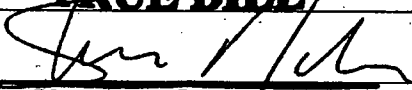
11/7/2012

ARREST WARRANT NUMBER

2012A2330203585

ACTION OF GRAND JURY

TRUE BILL



FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

Guilty



Foreperson of Petit Jury

Date: 9 Oct 15

DOCKET NO. 2013-GS-23-

007633

KBH

The State of South Carolina

County of Greenville

COURT OF GENERAL SESSIONS

August

TERM 2013

THE STATE

vs.

RODNEY MICHAEL ALEXANDER

Indictment for

0396

CRIMINAL SEXUAL CONDUCT WITH A MINOR
2ND DEGREE

VIOLATION § 16-03-0655(B)(1)

ENTERED
ACCT.



STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
CRIMINAL SEXUAL CONDUCT WITH A MINOR 2ND DEGREE

At a Court of General Sessions, convened on

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the Grand Jurors of Greenville

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That RODNEY MICHAEL ALEXANDER did in Greenville County, between October ^{RKI}₂₆, 2009 and

September ¹⁴₃₁, 2012, commit a sexual battery on who was fourteen years of age or less but who

was at least eleven years of age. This is in violation of § 16-3-655(B)(1) [formerly § 16-3-655(2)] of the South Carolina Code of Laws (1976) as amended.

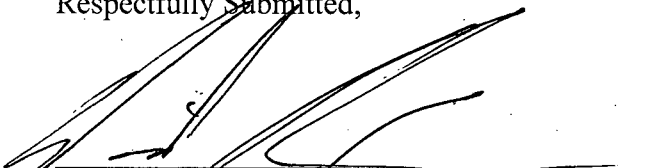
Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


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,



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 13th day of March, 2017.

RECEIVED

MAR 13 2017

SC Court of Appeals