

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

\_\_\_\_\_  
Appeal from Colleton County

Honorable R. Lawton McIntosh, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**  
JUN 07 2018  
SC Court of Appeals

THE STATE,

RESPONDENT,

v.

MICHAEL ANTHONY BODISON,

APPELLANT

APPELLATE CASE NO. 2017-000785  
\_\_\_\_\_

RECORD ON APPEAL  
\_\_\_\_\_

DAVID ALEXANDER  
Appellate Defender

ALAN WILSON  
Attorney General

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

WILLIAM M. BLITCH  
Assistant Attorney General  
Rembert Dennis Building  
1000 Assembly Street, Room 519  
Columbia, SC 29201

ISAAC MCDUFFIE STONE, III  
Solicitor, Fourteenth Judicial Circuit

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

**INDEX**

INDEX ..... i

TRIAL TRANSCRIPT DATED MARCH 27 – 29, 2017 ..... 1

    OBJECTION TO STATE’S EXHIBIT 2G ..... 6

    COURT’S RULING ..... 7

    OPENING STATEMENT BY MR. EVANS ..... 8

TESTIMONY

    COMPLAINANT

        Direct Examination by Mr. Evans ..... 11

    MICHAEL ATWOOD

        Direct Examination by Mr. Evans ..... 46

        Cross Examination by Mr. Matthews ..... 56

        Redirect Examination by Mr. Evans ..... 60

    EDNA GREEN

        Direct Examination by Mr. Evans ..... 61

        Cross Examination by Mr. Matthews ..... 64

        Redirect Examination by Mr. Evans ..... 65

    MOTION FOR A MISTRIAL ..... 72

    COURT’S RULING ..... 73

    MOTION FOR DIRECTED VERDICT ..... 73

    COURT’S RULING ..... 73

    CHARGE CONFERENCE ..... 74

    CLOSING ARGUMENT BY MR. EVANS ..... 82

    CLOSING ARGUMENT BY MR. MATTHEWS ..... 88

    CHARGE ON THE LAW ..... 92

    VERDICT ..... 113

SENTENCING .....119

INDICTMENT.....122

CERTIFICATE OF COUNSEL .....124

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:  
State's Exhibit No. 1B (disk) and State's Exhibit No. 2G (audio disk)**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

In the Court of Common Pleas for the  
State of South Carolina, County of Colleton

Case No.: 2015GS1500585

State of South Carolina,  
Plaintiff(s),

vs.

**Transcript of Record**

Michael Bodison,  
Defendant(s).

March 27, 2017

March 29, 2017

Ridgeland, South Carolina

BEFORE:

The Honorable R. LAWTON MCINTOSH

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

APPEARANCES

REPRESENTING PLAINTIFF(S) :

REED EVANS, ESQUIRE

Assistant Solicitor, Fourteenth Circuit

PO Box 366

Walterboro, SC 29488

revans@bcgov.net

REPRESENTING DEFENDANT(S) :

DAVID MATHEWS, ESQUIRE

Assistant Public Defender, Fourteenth Circuit

319 Lucas Street

Walterboro, SC 29488

dmathews@bcgov.net

## INDEX PAGE

1					
					INDEX
2	WITNESS:				
3	Page:		Event:		
4	<b>Complainant</b>				
5	25	Direct Examination By Mr. Evans			
6					
7	MICHAEL ATWOOD				
	61	Direct Examination By Mr. Evans			
8	70	Cross Examination By Mr. Mathews			
	74	Redirect Examination By Mr. Evans			
9					
10	EDNA GREEN				
	75	Direct Examination By Mr. Evans			
11	78	Cross Examination By Mr. Mathews			
	79	Redirect Examination By Mr. Evans			
12					
13	<b>State's Exhibits:</b>		marked	received	
14	1B	disk	92	92	
	2G	audio disk	62	62	
15	3	Google map	87	87	
16	<b>Court's Exhibits:</b>				
17	1	foreperson	25	25	
18	<b>Defendant's Exhibits:</b>				
19	1	disc	96		
20					
21					
22					
23					
24					
25					

## COLLOQUY

1 THE COURT: Okay. Are you going to make an  
2 opening statement? You don't have to say now, if you  
3 don't want.

4 MR. MATHEWS: Probably not, but perhaps. Depends  
5 on the --

6 THE COURT: I'll just ask you at the appropriate  
7 time.

8 All right. Let's take about five minutes. That  
9 enough for you?

10 MR. EVANS: Yes, sir. Thank you.

11 (Recess)

12 THE COURT: Do you want to put them on the record  
13 now?

14 MR. EVANS: I don't think he has any quarrel. We  
15 should have just three, but I'll leave it up to him.  
16 He's seen them all.

17 MR. MATHEWS: I've seen them. And my objection to  
18 the -- the one thing, the audio that I continue to  
19 object to, but as far as pre-marking them and the  
20 others, I don't have any objection to.

21 THE COURT: Okay.

22 MR. EVANS: Would you like me to just describe  
23 what they are on the record, Judge?

24 THE COURT: It would probably be helpful.

25 MR. EVANS: Okay. Our State's 1 is going to be a

## COLLOQUY

1 disc, a DVD, which contains an interview which  
2 Detective Atwood conducted with Mr. Bodison, the  
3 Defendant. I have a printout. It has some other  
4 contents on it, so I've also premarked just a printout  
5 describing what each computer file is. The third from  
6 the top is the interview -- rather, the second from the  
7 top is the interview which we'd be putting into  
8 evidence. The other three, we would not. So, I'll  
9 label those A, B, C, D. And so it would be 1B, if that  
10 makes sense. We have one disc, but several exhibits on  
11 there, and we're not going to put the rest in.

12 THE COURT: Are they all related to this case?

13 MR. EVANS: No -- oh, yes. But I don't feel the  
14 need to introduce them. So, that would be 1B.

15 THE COURT: Okay.

16 MR. EVANS: And then State's 2 similarly is a DVD.  
17 This one has the audio recording which we listened to  
18 yesterday.

19 THE COURT: And that's one Mr. Matthews objects  
20 to, and continues to object to.

21 MR. EVANS: That's correct. And again, same  
22 situation, a number of different files, the last of  
23 which is the one we'd be introducing. So, I will label  
24 those in the same fashion.

25 THE COURT: The last one was what? I missed that.

## COLLOQUY

1 MR. EVANS: I haven't said. I was counting up.  
2 That's going to be 2g, lower case g.

3 And then State's 3 is a printout from Google  
4 Earth, which Detective Atwood put together showing the  
5 best, you know, the best information on the incident  
6 location, and he'll be describing that. And that is  
7 all that State's 3 is, Your Honor.

8 THE COURT: Okay. And, Mr. Matthews, other than  
9 the objected-to audio that has the alleged victim's  
10 taking of the Defendant, any objections to the  
11 admissibility of the others?

12 MR. MATHEWS: Only to the extent that anything  
13 references the information contained within that. I  
14 mean, other than that, as far as the interviews  
15 themselves, to the extent they don't talk about that  
16 portion of it, I don't have any objection to it and I  
17 don't have any objection to the marking of it.

18 In light of the -- I mean, if it could just be  
19 noted as a continuing objection rather than just  
20 chopping things up when I know it's going to be denied.

21 THE COURT: In other words, any reference in the  
22 conversations the investigative officer had with the  
23 Defendant about the tape is objectionable to you, as  
24 well as the tape itself.

25 MR. MATHEWS: Yes, sir. And any reference to

## COLLOQUY

1 prior consensual acts. That's going to be hard to take  
2 that piece apart, but if I could just note that as a  
3 continuing objection. Otherwise, I see standing up,  
4 objecting, denied, sit down. And I -- we can do it  
5 however the Court would like.

6 THE COURT: If you feel comfortable that you're  
7 protected, I certainly think it would be appropriate.  
8 We ruled on it now twice or three times, so I think  
9 that will be fine.

10 MR. EVANS: Yes. And our plan for both is just to  
11 play them and go. I don't know of anything in his  
12 interview with Detective Atwood that falls under what  
13 you're addressing. So, I think the continuing  
14 objection is probably smoother.

15 THE COURT: Are you sure your Defendant is here,  
16 your client is coming back?

17 MR. MATHEWS: When I went to the restroom, he was  
18 at the bathroom -- there he is.

19 THE COURT: The reason I asked, I had one start  
20 take off right in the middle.

21 All right. Will you bring the jury in, please?

22 (Jury enters the courtroom.)

23 THE COURT: All right. Mr. Evans, State ready to  
24 proceed with opening statements?

25 MR. EVANS: Yes, sir. Thank Your Honor. May it

## COLLOQUY

1 please the Court.

2 THE COURT: Yes, sir.

3 OPENING STATEMENTS BY THE STATE

4 Mr. Matthews. Ladies and gentlemen of the jury.

5 Many years ago, the grandfather rounded up a  
6 number of his young grandchildren, hopped in a car,  
7 right here in Walterboro, in Colleton County, and he  
8 took a drive.

9 Now, as y'all know, you don't have to get very far  
10 out of Walterboro before you're in the country. So  
11 they were in the country pretty quickly for an  
12 afternoon of fishing. And the youngsters all looked up  
13 to this grandfather. He treated them well.

14 On August 1st, on or about August 1st of 2015, one  
15 of those grandchildren got in a car with that same  
16 grandfather, and they took a drive and they wound up  
17 pretty close to the same spot. And he was still  
18 fishing, but not with a rod and reel. He was fishing  
19 for something else.

20 The granddaughter is **Complainant**, and the  
21 grandfather is the Defendant in this case, Michael  
22 Bodison. And in early August 2015, he went fishing for  
23 pleasure with her. He touched her with his hands, and  
24 he touched her, she'll testify before you today, with  
25 his penis. That's why we're here today. And that's

## OPENING STATEMENT BY THE STATE

1 why he's charged with criminal sexual conduct in the  
2 third degree.

3 Complainant is a young person. She was 16 at the time.  
4 And under the laws of the state of South Carolina, she  
5 can consent to sexual activity. And Mr. Matthews may  
6 tell you that she did. But what Complainant is going to  
7 tell you is that this was not okay, that she was  
8 pressured and coerced by her grandfather into doing  
9 these things.

10 Now, the Judge told you already that what you see  
11 on television about court cases, whether they be a  
12 civil case or a criminal case, is a lot different from  
13 what we do here in real life. And what you may think  
14 about rape, which is what we used to call this -- now  
15 it's called criminal sexual conduct -- is that it  
16 happens between strangers, that it leaves injuries,  
17 that you can see what happened.

18 Sometimes that's the case. But what we're asking  
19 you to do here today is to take in all the evidence.  
20 Listen closely. Pay attention. We know that you'll do  
21 it because we know that you know already that this is a  
22 big day. It's a very important day to the Defendant,  
23 it's a very important day to Complainant

24 We're asking you, just like the defense wants, to  
25 pay attention. Don't make decisions until you are

## OPENING STATEMENT BY THE STATE

1 asked to, which will be at the end of the trial. The  
2 Judge already told you about the five phases. It is  
3 part of your responsibility to not decide until you've  
4 heard all the evidence.

5 The Defendant is entitled to a fair trial with an  
6 impartial jury. He is presumed innocent. But the  
7 State of South Carolina is entitled to a fair trial as  
8 well. And that's what we're asking you to give the  
9 State and give Complainant.

10 You're going to hear from Complainant herself, who's  
11 going to tell you about what happened. You're going to  
12 hear from Detective Michael Atwood, who investigated  
13 the crime. He's going to tell you why he felt  
14 comfortable proceeding with these charges against  
15 Mr. Bodison.

16 Crimes like these don't often show up in visual  
17 ways. Crimes like these take place in private, just  
18 like sex takes place in private when it's a good thing.  
19 You're going to have to evaluate credibility -- listen  
20 closely to what everybody is telling you. You're going  
21 to have to decide who do you believe more?

22 We believe that when you have heard all the  
23 evidence and analyzed the credibility of everybody  
24 who's before you, that you will know that Michael  
25 Bodison is guilty of this crime, and we will ask you to

OPENING STATEMENT BY THE STATE

1 find him so. Thank you.

2 THE COURT: Mr. Matthews, does the defense wish to  
3 have an opening statement?

4 MR. MATHEWS: Your Honor, I don't have an opening  
5 statement. I do have a matter of law, if we could  
6 briefly approach, maybe as a sidebar or --

7 THE COURT: Okay. Step over here, please.

8 (Discussion at the bench.)

9 MR. MATHEWS: No opening, Your Honor.

10 THE COURT: Thank you, Mr. Matthews. Remind me to  
11 put some matters on the record.

12 Would you call your first witness, please.

13 Thereupon,

14 Complainant

15 was called as a witness, having been first duly sworn,  
16 was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. EVANS:

19 Q Would you please introduce yourself for the court  
20 reporter and the jury, and spell your last name.

21 A Complainant

22 Q Complainant?

23 A Yes.

24 THE COURT: Stop for a second. Can y'all hear  
25 her?

## DIRECT EXAMINATION OF Complainant BY EVANS

1 (Jury indicates in affirmative.)

2 BY MR. EVANS:

3 Q Complainant, do you remember when we talked about  
4 testifying?

5 A Yes.

6 Q Did I ask you -- what did I ask you about how to  
7 speak?

8 A Loud and clear.

9 Q And slow?

10 A Yes.

11 Q Can you do that for me, today?

12 A Yes, I can.

13 Q You got a microphone in front of you, but you  
14 still need to try your best to speak up.

15 A Okay.

16 Q Complainant, how old are you?

17 A Eighteen.

18 Q And where do you live?

19 A Columbia, South Carolina.

20 Q Where are you from though?

21 A Walterboro.

22 Q When did you leave Walterboro?

23 A I can't remember.

24 Q Okay. Do you remember why you left Walterboro?

25 A Yes.

## DIRECT EXAMINATION OF Complainant BY EVANS

1 Q Why did you leave Walterboro?

2 A Because I was molested by my grandfather.

3 MR. EVANS: Mr. Beach is going to come and check  
4 on your microphone. Okay; Complainant?

5 (Discussion off the record.)

6 BY MR. EVANS

7 Q And, Complainant, if you need some water, I'll be happy  
8 to get you some of that, too, if it's okay by the Judge.  
9 All right?

10 Complainant, we all know -- those of us not in the  
11 jury box know why we're here today, and you've lead into  
12 that. But we're going to step back a little bit before we  
13 talk about that. Is that okay?

14 A Yes.

15 Q Complainant, can you tell us a little bit about growing  
16 up here in Walterboro? Who did you live with, where did you  
17 live, things like that.

18 A Well, when I was a little younger I lived with my  
19 grandmother and my mother and my auntie.

20 Q And you said before that this happened with your  
21 grandfather. Who is that?

22 A Michael Bodison.

23 Q Is he in the courtroom today?

24 A Yes.

25 Q Can you point him out and describe something he's

## DIRECT EXAMINATION OF Complainant BY EVANS

1 wearing?

2 A He has on a white shirt.

3 Q Do you mean Defendant, sitting next to

4 Mr. Matthews?

5 A Yes.

6 Q Did he live with y'all at any time?

7 A He did.

8 Q Which grandfather is he to you?

9 A My mother's father.

10 Q Who's your father?

11 A I mean --

12 Q Mr. Michael Bodison is your mother's father,

13 right?

14 A Yes.

15 Q Can you tell us a little about your father?

16 A Well, his name is Wendell Dames, (phonetic) but

17 he's in prison.

18 Q How long has he been in prison for?

19 A Eighteen years.

20 Q Your whole life?

21 A My whole life.

22 Q Were there any other men growing up in that house?

23 A No.

24 Q What was your relationship like with your

25 grandfather, Michael?

## DIRECT EXAMINATION OF Complainant BY EVANS

1 A Before this happened?

2 Q Yeah. When you were little.

3 A Well, we used to -- he used to get all of the kids  
4 together, we would go out, we would go fishing. And go to  
5 my other aunt's house and go swimming in the pool.

6 Q Did you like him?

7 A Yes, I loved him as my grandfather.

8 Q As your grandfather?

9 A Yes.

10 Q Complainant, did you get in some trouble at school?

11 A Yes.

12 Q Can you tell us about that?

13 A I would skip class and curse out the male staff at  
14 school.

15 Q When did that happen?

16 A It started around the time all of this happened.

17 Q Before this or after this?

18 A After.

19 Q Okay. And what happened with you at school for  
20 skipping class and talking back?

21 A I got expelled.

22 Q Okay. And is that around the time that you left  
23 Waltherboro?

24 A Yes.

25 Q Do you remember why you had to leave?

## DIRECT EXAMINATION OF Complainant BY EVANS

1 A Because I was molested.

2 Q Why did that make -- why did that force you to  
3 have to leave?

4 A Because he would still come to my great grandma's  
5 house.

6 Q Where you were living?

7 A Where I was living.

8 Q So, you had to live somewhere else?

9 A Yes.

10 Q Where did you live at that point?

11 A I was in Beaufort in a group home.

12 Q Okay. And how long did you stay there?

13 A About three or four months -- two or three months.

14 Q Where did you go after that?

15 A Columbia.

16 Q Where you live now?

17 A Yes.

18 Q Who do you live with now?

19 A Foster parents, Felicia and Lawrence Mills

20 (phonetic).

21 Q Are they nice?

22 A Yes, they're very nice.

23 Q And are you back in school? Because you said you  
24 were expelled here.

25 A Yes.

## DIRECT EXAMINATION OF Complainant BY EVANS

1 Q Where do you go to school there?

2 A High School.

3 Q It's in the city of Columbia?

4 A Yes.

5 Q What do you do at school?

6 A Well, all I do is get my work done and do what I  
7 got to do to graduate.

8 Q What sort of activities do you do?

9 A Well, for right now, I'm not in any activities  
10 because I waited too late to sign up for any.

11 Q Okay. You had a uniform on when I first met you,  
12 what was that?

13 A ROTC.

14 Q Yeah. What do you want to do after school?

15 A Well, I want to become a lawyer.

16 Q You do?

17 A (Nods in the affirmative.)

18 Q Okay. Complainant, has anything like this -- not with  
19 Mr. Bodison, okay -- has anything like this happened with  
20 someone else in your life?

21 A Yes.

22 Q Can you tell us briefly about that?

23 A It was with my sister's father.

24 Q You accused him of doing the same thing to you?

25 A Yes.

## DIRECT EXAMINATION OF Complainant BY EVANS

1 Q Did your family believe you?

2 A My mama didn't.

3 Q And what did you take away from that experience?

4 A Hatred.

5 Q Complainant, do you remember where you were living in  
6 the summer of 2015?

7 A With my grandmother.

8 Q Do you remember that address?

9 A

10 Q Here in Walterboro?

11 A Yes.

12 Q In Colleton County?

13 A Yes.

14 Q Do you remember what happened with your  
15 grandfather?

16 A Yes.

17 Q Do you remember around the day?

18 A Uh-huh. (Indicating affirmatively.)

19 Q When did you -- before we talk about that, when  
20 did you talk to the police about it?

21 A A night or two after it happened.

22 Q Okay. Tell me what happened. Where were you?  
23 Was it day or night when things started to get bad?

24 A It was night.

25 Q And where were you?

## DIRECT EXAMINATION OF Complainant BY EVANS

- 1 A At my grandmother's house.
- 2 Q That same address on Bay Street?
- 3 A Yes.
- 4 Q Colleton County?
- 5 A Yes.
- 6 Q Who else was there?
- 7 A My great grandmama, auntie, one of my cousins, and  
8 him.
- 9 Q Who's him?
- 10 A My grandfather.
- 11 Q Okay. And did -- what was everybody else doing?
- 12 A Getting ready for church.
- 13 Q All right. Did they go to church?
- 14 A Yes.
- 15 Q Did you go to church?
- 16 A No.
- 17 Q Did Michael go to church?
- 18 A No.
- 19 Q Why not?
- 20 A I have no idea why he didn't go.
- 21 Q Do you know why you didn't go?
- 22 A Because I didn't want to.
- 23 Q Okay. Complainant, what other kind of problems were  
24 you having at that time in your life, not related to what  
25 happened with your grandfather?

## DIRECT EXAMINATION OF Complainant BY EVANS

1 A I don't understand the question.

2 Q Do you have any health problems?

3 A I have the sickle cell trait.

4 Q Did you have something that you needed medication  
5 for?

6 A Scoliosis.

7 Q What did you do to feel better with that?

8 A I took drugs.

9 Q What kind of drugs?

10 A Pain medication.

11 Q And how did you get them?

12 A From him.

13 Q From Michael?

14 A Yes.

15 Q Did you ever get them from the doctor?

16 A I had Ibuprofen from the doctor, yes.

17 Q And what did you do when that ended? Because,  
18 with the doctor, that medicine ends. They tell you how much  
19 and then it ends. What happened when that ran out?

20 A I asked him did he have anything for pain.

21 Q And did he?

22 A Yes.

23 Q Did you ever get it from anybody else?

24 A No.

25 Q Did you ever steal it?

## DIRECT EXAMINATION OF Complainant BY EVANS

- 1 A No.
- 2 Q Did you ever borrow it?
- 3 A No.
- 4 Q The only person that you got it from was Michael  
5 Bodison?
- 6 A Yes.
- 7 Q So, going back to the night that we're here  
8 talking about, everybody went to church except you and him;  
9 is that right?
- 10 A Yes.
- 11 Q And then what happened?
- 12 A He took me to get something to eat from the  
13 Chinese restaurant.
- 14 Q He took you in what?
- 15 A A car.
- 16 Q Whose car was it?
- 17 A His girlfriend's.
- 18 Q Who was his girlfriend?
- 19 A Brenda Williams.
- 20 Q Did he live with her?
- 21 A Yes.
- 22 Q Do you know where they lived?
- 23 A Can't remember.
- 24 Q Was it in Walterboro?
- 25 A Yes.

## DIRECT EXAMINATION OF Complainant BY EVANS

1 Q In Colleton County?

2 A Yes.

3 Q So he had his girlfriend's car. Was she around?

4 A No, she was out of town.

5 Q It was just the two of y'all?

6 A Yes.

7 Q And did you ask him if he could get you dinner, or  
8 did he offer? How did that go?

9 A I asked can I get something to eat because I was  
10 hungry.

11 Q And what did he do?

12 A He took me to the restaurant and got me something  
13 to eat.

14 Q You said it was a Chinese restaurant?

15 A Yes.

16 Q Okay. What else did you do?

17 A And then we went to the store to get me a soda and  
18 him a beer.

19 Q What kind of store? Do you remember what --

20 A A gas station.

21 Q A gas station; do you remember which one?

22 A Down there.

23 Q Okay. Right down south from this courthouse?

24 A Yes.

25 Q Did you eat the food before you went to the gas

## DIRECT EXAMINATION OF Complainant BY EVANS

1 station?

2 A No.

3 Q What did you do -- so you decided not to get  
4 drinks at the gas station?

5 A We decided to get the drinks. We got the drinks.

6 Q Okay. You picked up the drinks at the gas  
7 station, and then what happened?

8 A I started recording him.

9 Q Why did you do that?

10 A Because I was fed up with it happening to me.

11 Q Okay. Was he saying something that concerned you?

12 A Yes.

13 Q What did he say?

14 A He told me to wear a pair of shorts with no  
15 underwear under it.

16 Q Why do you think he did that?

17 A I don't know.

18 Q Were you worried about what was going to happen?

19 A Yes.

20 Q You said you recorded him. How did you do that?

21 A With my cell phone.

22 Q And what kind of phone was that?

23 A Can't remember what kind of phone it was.

24 Q One of those -- the fancy ones like we call a  
25 smart phone?

## DIRECT EXAMINATION OF Complainant BY EVANS

1 A Yeah.

2 Q Okay. Did he know that you were recording him?

3 A No.

4 Q How did you do it?

5 A I recorded him, and I had the camera part facing  
6 him, and the front of the screen facing the door.

7 Q So you took a video?

8 A Yes.

9 Q It was nighttime?

10 A It was.

11 MR. EVANS: Beg the Court's indulgence.

12 (Pause..)

13 MR. EVANS: May I approach the witness, Your  
14 Honor?

15 THE COURT: Yes, sir.

16 BY MR. EVANS

17 Q Complainant, I'm going to pass you something and ask  
18 you if you recognize this.

19 A Okay.

20 Q Do you recognize what that is?

21 A Yes.

22 Q What is that?

23 A The recording off my cell phone.

24 Q How can you tell?

25 A Because I listened to it.

## DIRECT EXAMINATION OF Complainant BY EVANS

1 Q And what is this right here?

2 A My initials and the date.

3 Q All right. So you reviewed this, and this is the  
4 same recording you made?

5 A Yes.

6 MR. EVANS: Your Honor, I've shown the witness  
7 what's been previously marked as State's Exhibit 2.  
8 The State would move to enter 2G at this time.

9 THE COURT: All right. Admissible subject to  
10 prior rulings.

11 *(Whereupon, State's Exhibit No(s). 2G marked for*  
12 *identification and received in evidence.)*

13 MR. EVANS: Thank you. May I publish, Your Honor?

14 THE COURT: Yes, sir.

15 (Audio recording is published to the jury.)

16 BY ATTORNEY3

17 Q Complainant, while I'm pulling this up, let me ask you:  
18 Is there anybody else on this recording other than your  
19 grandfather?

20 A No.

21 Q Are you on it at one point?

22 A Yes.

23 Q So, you're part of it. Was there anyone else?

24 A No.

25 MR. EVANS: All right.

## DIRECT EXAMINATION OF Complainant BY EVANS

1 (Audio recording played.)

2 BY MR. EVANS

3 Q Who was that speaking?

4 A My grandfather.

5 Q Who was the female voice?

6 A Me.

7 Q Was there anybody else in the car?

8 A No.

9 Q Did he make a phone call?

10 A No.

11 Q So, that was a conversation between the two of  
12 y'all?

13 A Yes.

14 Q What did he mean when he said, Don't go running  
15 your God dang mouth?

16 A He told me not to tell nobody where I got the  
17 pills from.

18 Q What was your understanding of what he was  
19 offering to do? What did you think was going to happen?  
20 Had he given you the pills yet?

21 A No.

22 Q But you were expecting him to do that?

23 A Yes.

24 Q Did you think he wanted something in return for  
25 those pills?

## DIRECT EXAMINATION OF Complainant BY EVANS

- 1 A No.
- 2 Q Did you think that he wanted to touch you?
- 3 A (No response.)
- 4 Q Can you answer that, Complainant?
- 5 A Yes.
- 6 Q Was he offering to give you pills in return for  
7 doing things to you?
- 8 A Yes.
- 9 Q Why did he tell you that stuff about the panties?  
10 Can you explain that?
- 11 A Because he wanted to get to my private area  
12 easier.
- 13 Q What were the shorts we heard about?
- 14 A It was a pair of shorts I used to sleep in and  
15 walk around the house in.
- 16 Q He was telling you to put those on?
- 17 A Yes.
- 18 Q With no panties underneath?
- 19 A Yes.
- 20 Q What were you wearing at the time?
- 21 A A pair of pants.
- 22 Q What kind of pants?
- 23 A I can't remember.
- 24 Q Okay. Like jeans, dress pants, workout pants?  
25 You're not sure?

## DIRECT EXAMINATION OF Complainant BY EVANS

1 A Not sure.

2 Q Okay. What did you do at the end of this  
3 recording -- well, let me ask you this actually: Where were  
4 you when what we just heard ended?

5 A In the car.

6 Q Okay. Where was the car?

7 A In the front of my great grandma's house.

8 Q Which was your house, right?

9 A Yes.

10 Q So, you had gotten the food and the drinks, and  
11 then you recorded him saying these things, right?

12 A Yes.

13 Q And you were back at your house?

14 A Yes.

15 Q Y'all weren't going to eat?

16 A I had no appetite to eat.

17 Q What did you do when you got to your house?

18 A I went and put on the shorts, but I kept on the  
19 panties.

20 Q So, you followed what he told you to do, sort of?

21 A Yes.

22 Q Why did you do that?

23 A Because I was scared.

24 Q Why were you scared?

25 A I was scared he might hurt me more than what he

## DIRECT EXAMINATION OF Complainant BY EVANS

1 was going to do.

2 Q You expected him to hurt you?

3 A Yes.

4 Q Well, what other feelings did you have?

5 A Embarrassed.

6 Q Embarrassment. Did you feel pressure?

7 A Yes.

8 Q What kind of pressure?

9 A Pressured into something I didn't want to do.

10 Q You're telling us you didn't want to have sex with  
11 your grandfather?

12 A No.

13 Q Have him touch you?

14 A No.

15 Q What did you tell him? Did you tell him all of  
16 these feelings?

17 A No.

18 Q Do you remember what you did tell him, if  
19 anything?

20 A No.

21 Q Did you tell him that it would be okay?

22 A No.

23 Q What happened after you changed your clothes?

24 A I went back out to the car and we drove to his  
25 girlfriend's house.

## DIRECT EXAMINATION OF Complainant BY EVANS

1 Q Okay. And what happened there?

2 A I went into one of the rooms that we -- me and her  
3 grandkids and my sister slept in when we spent the night.

4 Q So, you had spent some time over, this wasn't the  
5 first time you'd been there.

6 A This wasn't the first time..

7 Q Where is that girlfriend's house? I think I may  
8 have asked you that earlier, but I'm not sure. Do you  
9 remember where it is?

10 A It's right down the road from here.

11 Q It's in Walterboro?

12 A Yes.

13 Q In Colleton County?

14 A Yes.

15 Q And you said you went inside and slept in a room  
16 that you were used to?

17 A Yes.

18 Q How long did you sleep for, do you know?

19 A I didn't sleep very long. I couldn't sleep.

20 Q Had you had -- had you received any pills or taken  
21 any pills at this time?

22 A No.

23 Q So, you just went in and went to sleep?

24 A Yes.

25 Q Didn't eat the Chinese food?

## DIRECT EXAMINATION OF Complainant BY EVANS

1 A No.

2 Q What happened when you woke up?

3 A We then left the house, because I guess my auntie  
4 called him and told him that they were back at the house  
5 from church, and to go ahead and bring me back home.

6 Q And did you wake up yourself, or did he wake you  
7 up?

8 A He woke me up.

9 Q And what did do you?

10 A I got up and got my shoes back on, and I got my  
11 plate of food.

12 Q Okay. Had you eaten anything?

13 A No.

14 Q No. So you got your food. It's cold by now, I  
15 bet, right?

16 A Yes.

17 Q And where did you go?

18 A He took me to a designated area -- well, it wasn't  
19 a designated area, because I had family members living on  
20 the property.

21 Q And what kind of area was it?

22 A It was kind of -- it was where we went to go  
23 fishing.

24 Q Same place?

25 A Yes.

## DIRECT EXAMINATION OF Complainant BY EVANS

1 Q Was it woods, or a lake, or a field?

2 A It was kind of all in one.

3 Q Sort of -- not -- you know, not like the city,  
4 like we're here?

5 A No.

6 Q But not far from here?

7 A Not far from here.

8 Q How long about would you say it is to drive from  
9 here to there, if you had to guess? Because I know you're  
10 not driving.

11 A It's not that long.

12 Q And what happened when you got there?

13 A He then climbed into my area and started touching  
14 me.

15 Q Did he park the car?

16 A Yes.

17 Q Did he turn the car on -- or leave the car on or  
18 turn it off?

19 A No, he turned it off.

20 Q Okay. What did you think was going to happen  
21 then?

22 A I knew what was going to happen.

23 Q Did he do anything else before he got out of his  
24 seat?

25 A He handed me the pills.

## DIRECT EXAMINATION OF Complainant BY EVANS

1 Q That was when he gave you the pills?

2 A Yes.

3 Q Did you take them?

4 A Yes.

5 Q You took them right then and there?

6 A I didn't take all of them. I didn't take them at  
7 that time, I just took them out of his hand.

8 Q So, you accepted them, but you didn't put them in  
9 your mouth?

10 A No.

11 Q Okay. "Took" can mean two different things, I  
12 guess. So, thank you for clarifying that.

13 What else did he do before he got out of his  
14 seat, anything?

15 A No. He took my plate of food and put it on the  
16 back seat.

17 Q Okay. Did he do anything with your clothes, or  
18 his clothes?

19 A He unzipped his pants.

20 Q Before he got out of his seat?

21 A Yes.

22 Q Could you see anything?

23 A No.

24 Q Because there's no street lights around and the  
25 car's off, right?

## DIRECT EXAMINATION OF Complainant BY EVANS.

1 A No.

2 Q Could you hear anything?

3 A Yes.

4 Q What did you hear?

5 A Him unzipping his pants.

6 Q And you knew what he was doing?

7 A Yes.

8 Q What was he doing?

9 A Getting ready to molest me.

10 Q Can you be specific?

11 A Put his penis inside of my vagina.

12 Q I mean, what he was doing before he got out of his  
13 seat?

14 A He started touching me.

15 Q Okay. So, he got out of his seat?

16 A Yes.

17 Q Well, I don't mean -- touching you how? Because  
18 we do -- I know it's hard, and we talked about how hard it  
19 would be, right? But we need to be specific in court.

20 How did he touch you before he got out of his  
21 seat?

22 A He went inside my shirt, and then he went inside  
23 my pants.

24 Q Did you have anything on underneath your shirt?

25 A A bra.

## DIRECT EXAMINATION OF Complainant BY EVANS

- 1 Q Did he go under that, too?
- 2 A Yes.
- 3 Q Did he touch your breasts?
- 4 A Yes.
- 5 Q About for how long, if you know?
- 6 A Can't remember.
- 7 Q And he touched you below?
- 8 A Yes.
- 9 Q On your private parts?
- 10 A Yes.
- 11 Q Can you tell us a little more about that,  
12 specifically as you can be? I know it's hard.
- 13 A He put his finger inside my vagina.
- 14 Q Inside your vagina?
- 15 A Yes.
- 16 Q Are you positive?
- 17 A Yes.
- 18 Q With your clothes still on?
- 19 A Yes.
- 20 Q What did he do then?
- 21 A He then got out of his seat and came on to my  
22 side.
- 23 Q Okay. Did he have his clothes on still?
- 24 A Yes.
- 25 Q And you had your clothes on?

## DIRECT EXAMINATION OF Complainant BY EVANS

1 A Yes.

2 Q What did he do then?

3 A He took his private parts out of his pants and put  
4 a condom on.

5 Q He put a condom on. How can you tell that?

6 A Because I heard the paper rip and him taking it  
7 out of the pack.

8 Q And you knew what a condom was?

9 A Yes.

10 Q What did he do after he put that on and got out of  
11 his seat?

12 A He then forced it into me.

13 Q When you say "forced," what does that mean?

14 A His penis inside of my vagina.

15 Q Is that something you wanted?

16 A No.

17 Q How did it feel physically?

18 A It hurted.

19 Q It hurt. Did you tell him that?

20 A No, I didn't say anything.

21 Q What did he do?

22 A He kept going.

23 Q Was he able to get himself inside of you?

24 A Yes.

25 Q How far?

## DIRECT EXAMINATION OF Complainant BY EVANS

- 1 A Not that far.
- 2 Q Not that far. How long did he do this for?
- 3 A I don't know.
- 4 Q Is it hard to remember?
- 5 A Yes.
- 6 Q Kind of a blur?
- 7 A Yes.
- 8 Q What else do you remember?
- 9 A Me pushing him off of me.
- 10 Q You pushed him off?
- 11 A Yes.
- 12 Q What, if anything, did you tell him?
- 13 A Nothing. I didn't say anything.
- 14 Q You never said no or stop?
- 15 A All I did was cry.
- 16 Q You cried. How were you able to get him off of  
17 you?
- 18 A All I did was push.
- 19 Q And how did he know that he had to stop?
- 20 A He just kept going, but I kept pushing.
- 21 Q Do you know if he ejaculated?
- 22 A No.
- 23 Q What do you think --
- 24 A I don't know.
- 25 Q Was he enjoying himself?

## DIRECT EXAMINATION OF Complainant BY EVANS

1 A I guess so.

2 Q How about you?

3 A No.

4 Q Did it hurt the whole time, or did it ever feel  
5 less painful?

6 A Still felt pain.

7 Q Complainant, do you remember talking to other people in  
8 this case before you met me?

9 A I talked to the sheriff and the lady at Hope  
10 Haven.

11 Q Did you tell them that he penetrated you, that he  
12 put his penis inside you?

13 A No.

14 Q So you didn't tell them everything you're saying  
15 today?

16 A No.

17 Q Why is that?

18 A Because I was scared he was going to come after me  
19 again.

20 Q And why is that? Why did that keep you from  
21 telling the whole story?

22 A I was just scared.

23 Q Are you scared today?

24 A Yes.

25 Q Today is the whole truth?

## DIRECT EXAMINATION OF Complainant BY EVANS

1 A Yes.

2 Q You took an oath, you understand why that's  
3 important?

4 A Yes.

5 Q Why didn't you tell the whole truth before?

6 A Because I felt like he was there when I was  
7 telling the story.

8 Q He is here today.

9 A Yes.

10 Q You're sure that you're telling us everything  
11 that's true?

12 A Yes, I am.

13 Q Do you remember talking to me in this case about  
14 the pills and how they relate to what he did to you?

15 A Yes.

16 Q Did you ever tell me that you told him it would be  
17 okay to take the pill -- to give you the pills and you would  
18 do these things?

19 A Yes.

20 Q You told me that?

21 A Yes.

22 Q Did you tell him that?

23 A No.

24 Q So, which is the truth?

25 A What I told you.

## DIRECT EXAMINATION OF Complainant BY EVANS

1 Q Which is what?

2 A Me accepting the pills and letting him do  
3 whatever.

4 Q Okay. It's okay, as long as you tell the truth.

5 So, you told him he could do things if you  
6 got the pills?

7 A Yes.

8 Q That's what you told him, but what did you feel?

9 A I wanted to say no and --

10 Q Why didn't you?

11 A Because I was scared.

12 Q So you told him it would be okay at first?

13 A Yes.

14 Q But it wasn't okay?

15 A No.

16 Q And did you ever tell him after he started, that  
17 it wasn't okay?

18 A No.

19 Q But you did push?

20 A Yes.

21 Q And he got off of you?

22 A Yes.

23 Q And you were crying?

24 A Yes.

25 Q Tell us a little bit more about why you felt that

## DIRECT EXAMINATION OF Complainant BY EVANS

1 you had to say, even though you didn't feel it inside, that  
2 you felt you had to say that it was okay for him to do these  
3 things? Do you understand what -- that's probably too  
4 complicated a question.

5 A It was.

6 Q I'm sorry.

7 Are you telling us that you didn't feel in  
8 your heart that you wanted this, right?

9 A Yes.

10 Q Because you're old enough where you can make that  
11 decision under the law, right?

12 A Yes.

13 Q But you're also telling us that with your words to  
14 him, you told him it would be okay in return for those  
15 pills?

16 A Yes.

17 Q Why did you feel one thing in your heart and tell  
18 him another?

19 A I was scared and embarrassed.

20 Q Embarrassed about what?

21 A This happening.

22 Q What were you scared about?

23 A Getting penetrated.

24 Q Him doing what he ended up doing?

25 A Yes.

## DIRECT EXAMINATION OF Complainant BY EVANS

1 Q After you pushed him off and he got off of you,  
2 what happened?

3 A He was like, don't tell nobody what happened or he  
4 was going to tell I stole the pills.

5 Q And he told you to keep your mouth shut earlier,  
6 too, right?

7 A Yes.

8 Q We heard that on the tape.

9 A Yes.

10 Q What happened after he told you that? Did you  
11 leave the place where you were, the field?

12 A Yes.

13 Q Where did you go?

14 A Back to my great grandmother's house where I  
15 lived.

16 Q Did he say anything else, or did you say anything  
17 else on that ride?

18 A No.

19 Q You just rode silently?

20 A Yes.

21 Q And what happened when you got to your house?

22 A I still was crying. I went in my room and cried.

23 Q When did somebody else learn about what happened?

24 Or before I ask you that, was there anything  
25 else with Michael Bodison that night?

## DIRECT EXAMINATION OF Complainant BY EVANS

1 A No.

2 Q You didn't see him again?

3 A No.

4 Q So when did you tell somebody else about what  
5 happened?

6 A I text one of my cousin friends and I told him  
7 that I was just molested by my grandfather.

8 Q And just let me remind you. Don't say anything  
9 that anybody else said, unless it's Mr. Bodison. Okay?

10 A Okay.

11 Q So, just tell us about what you did.

12 A Then after I told that person that I text, my aunt  
13 came in the room and asked me why I was crying --

14 Q Don't say what she said.

15 A I was crying, and she came in the room, and I told  
16 her what happened. And I let her listen to the recording.

17 Q When did you get in touch with the sheriff's  
18 office?

19 A The next day.

20 Q The next day?

21 A Yes.

22 Q Okay. And did you meet with any of them?

23 A That night, I did.

24 Q So, the following night, one day later?

25 A (Nods in the affirmative.)

## DIRECT EXAMINATION OF Complainant BY EVANS

1 Q Did you give them the recording you made?

2 A Yes -- well, not that night, but the following day  
3 they took me away.

4 Q Who took you away?

5 A The DSS people.

6 Q Department of Social Services?

7 A Yes.

8 Q Took you out of the home because he was still  
9 around?

10 A Yes.

11 Q And the sheriff's office had picked up your phone  
12 to get that recording, right?

13 A Yes.

14 Q And then later you had -- you said earlier, you  
15 mentioned the lady at Hope Haven?

16 A Yes.

17 Q Do you -- what is that, do you know?

18 A It's where you go to talk.

19 Q Talk about things like this?

20 A Yes.

21 Q And you talked to a lady there?

22 A Yes.

23 Q Did you tell her the whole truth?

24 A No.

25 Q But today you are?

## DIRECT EXAMINATION OF Complainant BY EVANS

1 A Yes.

2 Q Do you remember what you told her?

3 A No.

4 Q Complainant, you know how serious this is, right?

5 A Uh-huh. (Indicating affirmatively.) I know how  
6 serious it is.

7 Q You're telling us the whole truth today?

8 A Yes.

9 Q Under oath?

10 A Yes.

11 Q Even though you didn't tell the whole truth in the  
12 past?

13 A Yes.

14 Q What did your grandfather do, just in one  
15 sentence, if you can?

16 A Molested me.

17 MR. EVANS: Thank Your Honor. Those are all the  
18 questions I have at this time. Complainant, please answer  
19 any questions Mr. Matthews may have for you.

20 THE COURT: Before we do, let's go ahead and take  
21 about a ten-minute break. If you need anything, ladies  
22 and gentlemen, just ask the bailiff, he'll get it for  
23 you. Okay?

24 (Jury exits the courtroom at 11:05 a.m.)

25 THE COURT: You can step down. But you can't

## DIRECT EXAMINATION OF Complainant BY EVANS

1 speak to anyone about your testimony. Okay?

2 THE WITNESS: Okay.

3 THE COURT: All right. Thank you.

4 About a ten-minute recess, please.

5 (Whereupon, a brief recess was taken.)

6 THE COURT: All right. Is the defense ready?

7 MR. MATHEWS: Yes, sir.

8 THE COURT: State ready?

9 MR. EVANS: Yes, sir.

10 THE COURT: All right. Would you bring the jury  
11 back in, please, sir.

12 THE COURT: Mr. Matthews, cross-examination.

13 MR. MATHEWS: No cross-examination, Your Honor.

14 THE COURT: Very good. Thank you. You may step  
15 down.

16 Call your next witness, please, sir.

17 MR. EVANS: The State calls Michael Atwood.

18 Thereupon,

19 MICHAEL ATWOOD

20 was called as a witness, having been first duly sworn,  
21 was examined and testified as follows:

22 THE CLERK: If you could state and spell your  
23 name.

24 THE WITNESS: My name is Michael Atwood. Last  
25 name is A-T-W-O-O-D.

## DIRECT EXAMINATION OF M. ATWOOD BY EVANS

1 DIRECT EXAMINATION

2 BY MR. EVANS:

3 Q Thank you.

4 Q Where do you work, Mr. Atwood?

5 A Currently, Jasper County Sheriff's Office.

6 Q And what's your rank over there?

7 A I'm a lieutenant.

8 Q All right. Lieutenant, where did you work before  
9 Jasper County Sheriff's Office?

10 A The Colleton County Sheriff's Office.

11 Q For about how long?

12 A About six years.

13 Q And how many years total have you been working in  
14 law enforcement?

15 A Eighteen.

16 Q Eighteen. Recently moved to Jasper County  
17 Sheriff's Office?

18 A January 3rd.

19 Q All right. So, it's a new gig for you down there?

20 A Yes, sir.

21 Q Thank you for being here on one of your old cases.

22 A Yes, sir.

23 Q How did you get involved in this case when you  
24 were working here?

25 A I was an on-call detective. I was contacted by

## DIRECT EXAMINATION OF M. ATWOOD BY EVANS

1 the road officer, and they advised me that they had a victim  
2 of a CSC. I responded and met with the victim.

3 Q Who's that victim?

4 A **Complainant**

5 Q Is she in court today?

6 A She is.

7 Q And is she the young lady who just testified here?

8 A She is.

9 Q What did you do; how did you start when you met  
10 with her?

11 A When I met with her I just basically asked her a  
12 few questions about what happened and where it happened.  
13 Because I met with her in the city we wanted to establish  
14 that it actually happened within the jurisdiction.

15 I just asked her brief questions. A lot of  
16 times females don't like to talk to males, so I just tried  
17 to get the gist of the case, to know what we needed to do as  
18 far as further interviews and stuff like that.

19 Q Okay. And what did you do?

20 A I got her statement, a verbal statement from her  
21 that night, set up an interview through Hope Haven, which is  
22 a forensic interview rape crises center. And just kind of  
23 went through the investigation as we got details through  
24 that interview.

25 Q What did you learn from those interviews?

## DIRECT EXAMINATION OF M. ATWOOD BY EVANS

1           A     That she was molested by her grandfather, her  
2     allegations, and where it occurred. We was a little  
3     unclear, so I got her to actually ride with me out there to  
4     show me where it happened.

5           Q     And when did you take that ride?

6           A     That was several days later.

7           Q     But fairly recently?

8           A     Yes.

9           Q     Where did she take you?

10          A     She took me to a vacant area off of Bomar Place,  
11     which is in the -- just outside the Walterboro area of  
12     Colleton County.

13          Q     So it's, you know, colloquially, we would say it's  
14     Walterboro, but it's actually technically outside the city  
15     limits?

16          A     Yes.

17          Q     But it's in Colleton County?

18          A     Yes, sir.

19          Q     And that's where she said it took place?

20          A     That's correct.

21          Q     Did you create anything to memorialize that?

22          A     Yes. Once she took us to the location, I went  
23     back to the office and pulled it up on Google Earth and made  
24     a map of where she said this happened versus the location,  
25     just to orient myself to the area.

## DIRECT EXAMINATION OF M. ATWOOD BY EVANS

1 Q And to preserve that?

2 A Yes, sir.

3 MR. EVANS: Beg the Court's indulgence.

4 THE COURT: Yes, sir.

5 MR. MATHEWS: No objection.

6 MR. EVANS: May I approach the witness?

7 THE COURT: Yes, sir.

8 You say you have no objections, Mr. Matthews?

9 MR. MATHEWS: No objection, Your Honor.

10 THE COURT: Very good.

11 MR. EVANS: Can I just move it into evidence now

12 then?

13 THE COURT: What's that exhibit number?

14 MR. EVANS: This will be State's Exhibit 3.

15 THE COURT: Exhibit 3 is admitted.

16 *(Whereupon, State's Exhibit No(s). 3 marked for*  
17 *identification and received in evidence.)*

18 BY MR. EVANS:

19 Q All right. I think I'll still ask him to describe  
20 what it is though. Thank you.

21 All right. Lieutenant, if you could just  
22 tell the jury what that is and then show it to them.

23 A This is a Google Earth map. This is where she  
24 said -- the yellow pin is where she said it occurred. This  
25 is Bomar Place. If you're not familiar, this area right

## DIRECT EXAMINATION OF M. ATWOOD BY EVANS

1 here is fire rescue headquarters and the maintenance  
2 facility. So this is Maple T. Willis right here, and this  
3 is Bomar Place right here.

4 Q And that's based on, as you said earlier, the ride  
5 that you took and her description?

6 A Correct.

7 Q She actually took you to the place?

8 A She took us to the location, yes, sir.

9 Q Okay. And that represents it.

10 And it's in Colleton County?

11 A Yes, sir.

12 Q Yeah, if you'd just hand that to the court  
13 reporter.

14 So, you established where it took place, that  
15 that's important to make sure it's in the right  
16 jurisdiction.

17 A Correct.

18 Q How did you figure out when it took place?

19 A We met with her August the 2nd, and she stated it  
20 occurred the night prior.

21 Q August the 1st?

22 A August the 1st, of 2015.

23 Q And that's what you went off of?

24 A Yes, sir.

25 Q What did you -- so, you gathered information from

## DIRECT EXAMINATION OF M. ATWOOD BY EVANS

1 a couple of interviews that Complainant did with various folks,  
2 including Hope Haven?

3 A That's correct.

4 Q And what did you feel after seeing those  
5 interviews?

6 A After talking to her and watching those  
7 interviews, I believed that she was molested.

8 Q And what did do you next?

9 A I called the Defendant in and interviewed him.

10 Q Okay. And is the Defendant here in this  
11 courtroom?

12 A He is.

13 Q Would you identify him by something he's wearing?

14 A The gentleman over here wearing a white shirt and  
15 a brown tie.

16 Q Sitting next to Mr. Matthews?

17 A Correct.

18 Q So, when did you speak with him?

19 A I'm not sure the exact date. It was several days  
20 later.

21 Q What if -- well, let me ask you this: What do you  
22 do when you start an interview with any suspect?

23 A All of my interviews, I Mirandise them, whether  
24 they're suspect, victim, or whatever. I always read them  
25 their rights. That way --

## DIRECT EXAMINATION OF M: ATWOOD BY EVANS

1 Q Even the victim?

2 A Everybody I talk to, I read them their rights.

3 And I explain to them they're not under arrest, they're free  
4 to go at any time.

5 Q Was that the case with him?

6 A Yes. He was not under arrest at the time.

7 Q Not under arrest.

8 A We met in an interview room at the Colleton County  
9 Sheriff's Office annex. He was read his Miranda rights. He  
10 agreed to talk to me without a lawyer present, and I asked  
11 him questions about the case.

12 Q What do you do if they change their mind? If they  
13 say they don't want to talk, or they do want a lawyer?

14 A If they decide they don't want to talk or want a  
15 lawyer, then they're free to go and obtain a lawyer.

16 Q And they're advised of that?

17 A Yes.

18 Q Do you record these?

19 A Yes.

20 Q Did you record this interview?

21 A I did.

22 Q All right.

23 A They're audio and visually recorded.

24 MR. EVANS: Beg the Court's indulgence.

25 THE COURT: Yes, sir.

## DIRECT EXAMINATION OF M. ATWOOD BY EVANS

1 (Pause.)

2 MR. MATHEWS: Objection, Your Honor.

3 MR. EVANS: May we approach, Your Honor?

4 THE COURT: Yes. Just one second.

5 Mr. Foreman, would you take your jury back to the  
6 jury room, please?

7 MR. MATHEWS: Never mind. No objection, Your  
8 Honor.

9 THE COURT: Never mind. All right. Come on back.  
10 All right.

11 MR. EVANS: Thank Your Honor. May I approach the  
12 witness?

13 THE COURT: Yes.

14 BY MR. EVANS

15 Q Detective, do you recognize what I'm passing you  
16 now?

17 A Yes. It is a disc I provided to the Solicitor's  
18 office.

19 Q You created that disc?

20 A I did.

21 Q What does it have on it?

22 A This disc has on it the interviews and the -- but,  
23 yeah, it has all the interviews from everybody.

24 Q Including the interview that we just talked about  
25 with the Defendant himself?

## DIRECT EXAMINATION OF M. ATWOOD BY EVANS

1 A Correct.

2 Q And what is this right here?

3 A My initials and today's date.

4 Q Okay. Because you reviewed that with me today?

5 A Correct.

6 MR. EVANS: Your Honor, the State would move this  
7 disc, specifically letter B, that's the State's Exhibit  
8 1B into evidence.

9 THE COURT: Subject to prior motion and ruling, I  
10 find it's admitted.

11 *(Whereupon, State's Exhibit No(s). 1B marked for*  
12 *identification and received in evidence.)*

13 MR. EVANS: Thank Your Honor. May we publish?

14 THE COURT: Yes, sir.

15 (Audio and video recording of interview being  
16 played, starting at 11:28 a.m.)

17 BY MR. EVANS

18 Q Detective, before it starts in earnest, where is  
19 this?

20 A This is the interview room at the Colleton County  
21 Sheriff's Office annex.

22 Q Right down the hill from here?

23 A Yes, sir.

24 Q Okay.

25 (Audio and video ended, and the time is 12:12

## DIRECT EXAMINATION OF M. ATWOOD BY EVANS

1 p.m.)

2 BY MR. EVANS.

3 Q Did you talk to Edna Green?

4 A I did.

5 Q Without telling us what she said, did what she  
6 said affect your decisions in this case?

7 A It did.

8 Q And what did you decide to do?

9 A I decided to obtain arrest warrants for the above  
10 charges.

11 Q Criminal sexual conduct, third degree?

12 A Correct.

13 Q On Michael Bodison?

14 A Correct.

15 MR. EVANS: Your Honor, those are all the  
16 questions I have.

17 Lieutenant, please answer any questions Mr.  
18 Matthews may have.

19 THE COURT: Cross-examination.

20 MR. MATHEWS: May it please the Court.

21 THE COURT: Yes.

22 CROSS EXAMINATION

23 BY MR. MATHEWS:

24 Q Detective, how are you today?

25 A I'm wonderful. And you?

## CROSS EXAMINATION OF M. ATWOOD BY MATHEWS

1 Q How was that 40-minute trip over from Ridgeland?

2 A It's a lovely drive up here.

3 Q That was a train wreck, right?

4 A Sir?

5 Q That testimony, that was a train wreck, right?

6 A Depends on how you look at it.

7 Q Well, he didn't do very well?

8 A I would agree to that.

9 Q Okay. You indicated when Mr. Evans was talking to  
10 you that -- and you did say that in the end the evidence was  
11 what you were going to look at.

12 A Yes.

13 Q And you indicated to Mr. Evans that one of the  
14 things that was important in your decision was the Hope  
15 Haven interview; is that correct? You did testify that way.

16 A Yes, yes. I mean, her disclosure in the Hope  
17 Haven interview as well as what she told me, yes.

18 Q Right. And she never told you there was any  
19 penile penetration, did she?

20 A That's correct.

21 Q And you viewed the Hope Haven interview, and she  
22 didn't tell them that either?

23 A That's correct.

24 Q In fact, she admitted to lying several times to  
25 every officer she talked to, correct?

## CROSS EXAMINATION OF M. ATWOOD BY MATHEWS

1 A She didn't state that fact. I mean, I wouldn't  
2 consider it a lie, but she just --

3 Q Why did you not charge Mr. Bodison with criminal  
4 sexual conduct with a minor?

5 A I felt that the charges that I charged were the  
6 appropriate charges.

7 Q Well, it's because Complainant was 16 and legally able  
8 to consent, correct?

9 A Correct.

10 Q Okay. She had talked to Deputy Phillips, correct?

11 A Yes.

12 Q Talked to Detective Padgett, correct?

13 A Correct.

14 Q Talked to you?

15 A Correct.

16 Q And talked to Hope Haven. And at no point did she  
17 indicate there was any penile penetration; is that correct?

18 A Correct.

19 Q The Hope Haven interview, you've been shown that  
20 here today, correct?

21 A Not today.

22 Q But it's here -- where's the disc?

23 MR. EVANS: It's right there.

24 MR. MATHEWS: May I approach, Your Honor?

25 THE COURT: Yes, sir.

## CROSS EXAMINATION OF M. ATWOOD BY MATHEWS

1                   *(Whereupon, Defendant's Exhibit No(s). 1 marked*  
2                   *for identification.)*

3 BY MR. MATHEWS

4           Q       I'm handing you what's been marked as Exhibit  
5 No. 1, and I'm going to ask if you can identify that.

6           THE COURT: Is that defense or State?

7           MR. MATHEWS: It's marked as defense. I don't  
8 believe I'm going to introduce it, but I want to see if  
9 he can identify it.

10          A       It is a disc from Hope Haven, yes.

11 BY MR. MATHEWS

12          Q       So then the -- you have in your hand the Hope  
13 Haven interview that you relied on to make your decision in  
14 some degree?

15          A       I'm not sure if this is the exact disc, but --

16          Q       Well, take a look at it. I mean, does it say Hope  
17 Haven?

18          A       It says Hope Haven, it says **Complainant** , and  
19 the interview date.

20          Q       All right. Because **Complainant** is legally sexually  
21 able to consent, if she had told you that she had consented  
22 to this, you would not have charged Mr. Bodison with  
23 criminal sexual conduct in the third degree, would you?

24          A       No.

25          MR. MATHEWS: I have no further questions.

## CROSS EXAMINATION OF M. ATWOOD BY MATHEWS

1 THE COURT: Redirect.

2 REDIRECT EXAMINATION

3 BY MR. EVANS:

4 Q Lieutenant, what's your understanding of what  
5 sexual battery means?

6 A It's basically forced sex. It's not willing  
7 between two parties.

8 Q But what is sex under the law of this case, in  
9 this crime of criminal sexual conduct third degree? What  
10 does sex mean?

11 A The -- you talking about the penetration ever so  
12 slightly?

13 Q Yes. What does it mean?

14 A I don't understand what you --

15 Q Is it your understanding that penile penetration  
16 is required?

17 A No, no.

18 Q And what was the sex that Complainant told you about  
19 when you were making your decision on charges?

20 A When she was vaginally penetrated by his fingers.

21 Q And that's enough under the law?

22 A Yes.

23 MR. EVANS: Nothing further.

24 THE COURT: Thank you, sir. You may step down.

25 May this officer be excused?

## REDIRECT EXAMINATION OF M. ATWOOD BY EVANS

1 MR. EVANS: Yes, sir. Ask that he return to  
2 Jasper County to do good work down there.

3 THE COURT: Any objections?

4 MR. MATHEWS: No. Say hey to Chris for me, too.

5 THE COURT: Thank you, Officer. You're excused.  
6 Call your next witness, please.

7 MR. EVANS: State calls Edna Green.

8 Thereupon,

9 EDNA GREEN

10 was called as a witness, having been first duly sworn,  
11 was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. EVANS:

14 Q Could you please tell the jury and the court  
15 reporter your full name and spell your last name.

16 A Edna Green. And Green is spelled, G-R-E-E-N.

17 Q Ms. Green, do you know Michael Bodison?

18 A Yes, I do.

19 Q How do you know him?

20 A We go to church together; we're in the same gospel  
21 group.

22 Q Did you used to date?

23 A Yes.

24 Q But no longer?

25 A No.

## DIRECT EXAMINATION OF EDNA GREEN BY EVANS

1 Q About how long ago was that?

2 A About fifteen years ago.

3 Q So, it's been a while?

4 A Yeah.

5 Q I know it's not polite to ask a lady her age, but  
6 are you about same age as him?

7 A No.

8 Q No? Older or younger?

9 A Older.

10 Q Ms. Green, did you ever speak to this gentleman  
11 here?

12 A Yes.

13 Q About what?

14 A About the situation that's taking place.

15 Q And you had heard a little bit about that. --

16 A Yes.

17 Q -- in the rumor mill before you spoke to him?

18 A Right.

19 Q Did he ask you about whether you spoke to  
20 Mr. Bodison on the night it happened?

21 A Yes.

22 Q Did he play you a sound file, a recording?

23 A Yes, he did.

24 Q And you listened to it?

25 A Right.

## DIRECT EXAMINATION OF EDNA GREEN BY EVANS

1 Q You listened to part of it, or the whole thing?

2 A A part of it.

3 Q Did you -- did I play it for you again later?

4 A Yes, but you played the whole thing.

5 Q I played the whole thing for you?

6 A (Nods in the affirmative.)

7 Q Were you asked if that was a conversation that you  
8 were a part of?

9 A Yes, I was.

10 Q Were you a part of it?

11 A No, I wasn't.

12 Q And was that the same thing you told me when I  
13 played you the whole thing?

14 A Right.

15 Q You'd not heard that before. Like, you'd heard it  
16 with the detective --

17 A With the detective, yes, I did.

18 Q But you were not part of it?

19 A Not that particular conversation.

20 Q So, Mr. Bodison or whoever was speaking in that  
21 recording was not talking to you, telling you the things  
22 that you heard?

23 A No, not at that time.

24 MR. EVANS: Beg the Court's indulgence.

25 BY MR. EVANS

## DIRECT EXAMINATION OF EDNA GREEN BY EVANS

1 Q Ms. Green, I'm going to play what's been  
2 previously entered into evidence as State's Exhibit 2G, just  
3 a bit, so that we can make sure we're talking about the same  
4 thing, since you haven't heard it today. Okay?

5 A Okay.

6 Q If it's something different, you can tell me.

7 (Audio recording played at 12:24 p.m.)

8 BY MR. EVANS

9 Q Ms. Green, that was the first minute of the  
10 recording you heard when you spoke with the lieutenant?

11 A Yes.

12 Q And when you heard the whole thing with me?

13 A Yes.

14 Q That's the same one?

15 A Yes.

16 Q And you're not a part of it?

17 A Not that conversation.

18 MR. EVANS: Those are all the questions I have,

19 Your Honor.

20 THE COURT: Cross-examination.

21 MR. EVANS: Just a couple, Your Honor.

22 CROSS EXAMINATION

23 BY MR. MATHEWS:

24 Q Ms. Green, I know you don't want to be here today;  
25 is that accurate?

## CROSS EXAMINATION OF EDNA GREENBY MATHEWS

1 A You're right.

2 Q You consider Mr. Bodison a very close friend?

3 A Yes.

4 Q And you know something about Complainant, too?

5 A Yes.

6 Q Do you have a high opinion of her?

7 A In what way?

8 Q Never mind.

9 A Okay.

10 Q In any event, you did have a similar -- that  
11 wasn't the conversation, you had a similar conversation  
12 about some of those same things with --

13 A With -- yes.

14 Q -- Mr. Bodison.

15 So, some of the things he talked about, y'all  
16 talk about, joking around and all that?

17 A Right.

18 MR. MATHEWS: I don't have anything further.

19 THE COURT: Redirect.

20

21 REDIRECT EXAMINATION

22 BY MR. EVANS:

23 Q When was that similar conversation?

24 A The same day.

25 Q What do you mean by, "the same day"?

## REDIRECT EXAMINATION OF EDNA GREEN BY EVANS

1           A     Okay. It was on a Friday night, and I was  
2 cleaning the church. And he called, we were talking, and  
3 this is when it took place, the conversation took place, the  
4 same time he was with Complainant.

5           Q     But this isn't that?

6           A     No.

7           MR. EVANS: That's all I have.

8           THE COURT: May this witness be excused?

9           MR. EVANS: Yes, sir, Your Honor.

10          THE COURT: You may be excused.

11          Call your next witness, please, sir.

12          MR. EVANS: The State rests, Your Honor.

13          THE COURT: Okay. Mr. Foreman, ladies and  
14 gentlemen of the jury, the State rests, which means  
15 it's presented its case-in-chief. I have a few  
16 administrative matters.

17          My plan probably would be to send you to lunch,  
18 but let me check out a couple things and then we'll --  
19 just if you'd wait in the jury room for just a brief  
20 minute, then we'll find out when we need to get you to  
21 come back. Okay?

22          All right. If you'd go to your jury room, please.

23          (Jury exits the courtroom.)

24          THE COURT: Are you going to call --

25          MR. MATHEWS: No, Your Honor, I'm not calling

## REDIRECT EXAMINATION OF EDNA GREEN BY EVANS

1 anybody.

2 THE COURT: Do you mind telling my law clerk to  
3 hold up on that call to Patel? I was about to make a  
4 call.

5 MR. MATHEWS: No, thank you, Your Honor. The jury  
6 has seen the disc and I'm going to argue that the State  
7 could go through it, and if they want to, I know that  
8 -- I did have one other matter.

9 THE COURT: Hold on. Huh-uh. That disc has not  
10 been admitted into evidence, right?

11 MR. MATHEWS: No, I did not admit it. I didn't  
12 ask to, I don't want to lose my last argument, so I did  
13 not --

14 THE COURT: Right. So, you're going to ask them  
15 to take a look -- I thought you said you were going to  
16 ask the jury to take a look at it.

17 MR. MATHEWS: No, sir. I'm only going to comment  
18 to the jury that it was here and available, and the  
19 State didn't want to pursue it.

20 THE COURT: Oh, okay. All right.

21 Hey, you all, let me do this for your client. Let  
22 me go through his fifth amendment rights with him real  
23 quick.

24 Thereupon,

25

MICHAEL BODISON

## RIGHTS GIVEN TO MICHAEL BODISON

1 was called as a witness, having been first duly sworn,  
2 was examined and testified as follows:

3 THE COURT: Okay. Sir, you can be seated.

4 Mr. Bodison, beginning shortly, probably after the  
5 lunch break, you -- we're at a point in the trial where  
6 you have a right to put up a defense. Part of that  
7 would be your right to testify, and also your right  
8 under the fifth amendment not to testify.

9 But let me explain to you a few things about your  
10 decision whether or not you are going to testify or  
11 not. Okay, sir?

12 Has your attorney first explained to you your  
13 constitutional rights and the fifth amendment not to  
14 testify?

15 THE DEFENDANT: Yes, he did.

16 THE COURT: Do you understand those rights?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: I need you to speak up, please.

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Also, has he also explained to you the  
21 consequences of cross-examination, if you do testify  
22 and get on the stand?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you understand those as well?

25 THE DEFENDANT: Yes, sir. Yes, sir.

## RIGHTS GIVEN TO MICHAEL BODISON

1 THE COURT: Well, let me explain this to you, just  
2 to make sure that it gets gone over again on the  
3 record.

4 You have the right to claim the protections that  
5 are afforded to you by the fifth amendment of the  
6 United States Constitution. And I'm going to read  
7 through just a brief part to you.

8 It says this: It says, No person shall be  
9 compelled in any criminal case to be a witness against  
10 himself.

11 You understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: That means, Mr. Matthews or your  
14 lawyer can't call you to the stand unless you agree to  
15 it, the State can't put you on the stand, I can't make  
16 you get on the stand, nobody can.

17 You understand that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: On the other hand, you do have the  
20 right to testify on your own behalf, but the decision  
21 as to whether or not you wish to testify is a personal  
22 right, and it's a personal choice, and the only person  
23 who can make that decision is you and you alone. You  
24 can use it, make it in conference with your attorney,  
25 you can make it in conference with other folks or

## RIGHTS GIVEN TO MICHAEL BODISON

1 friends or family who are reasonably accessible to you.

2 But ultimately, you will have to decide. Okay.

3 Now, if you decide that you will testify, you'll

4 be subject to direct examination by your attorney,

5 you'll be subject to cross-examination by the State.

6 If you have any convictions involving dishonesty or

7 that fit the admissibility rules for crimes, they will

8 be allowed to impeach you with your prior record.

9 Mr. Evans, is there any prior record that you

10 contend will be --

11 MR. EVANS: He has none.

12 THE COURT: He has no prior record?

13 MR. EVANS: Not that I can find.

14 THE COURT: Okay. So, that means that you can't

15 be examined or cross-examined about any prior record.

16 Okay, sir? So you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. Now, if you decide to testify,

19 this decision's got to be made by you freely and

20 voluntarily, intelligently, knowing your rights under

21 the fifth amendment and the consequences of your

22 decision to testify.

23 Have you understood everything I've gone over with

24 you thus far?

25 THE DEFENDANT: Yes, sir.

## RIGHTS GIVEN TO MICHAEL BODISON

1 THE COURT: Okay. Now, if you decide you will not  
2 testify, I will instruct the jury in my charge to them  
3 that they may not consider your fate of testifying at  
4 all, and I will instruct the foreperson not to allow  
5 any jurors even bring that subject up in their  
6 deliberations, because the burden remains on the State  
7 of South Carolina to prove you guilty by proof beyond a  
8 reasonable doubt, and because of your fifth amendment  
9 protections.

10 Do you understand that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Now, is there any questions you have  
13 of me?

14 THE DEFENDANT: No, sir.

15 THE COURT: And you understood everything I've  
16 gone over with you; is that fair?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Your attorney indicates to me that you  
19 do not wish to testify; is that correct?

20 Do you want to decide over the lunch break?

21 THE DEFENDANT: Yes, sir, I would like to.

22 THE COURT: Okay. Well, let me, if you would --  
23 go ahead and send that jury off to lunch, ask them to  
24 be back in the jury room by 2:00. Okay, sir?

25 (Jurors excused for lunch recess.)

## COLLOQUY

1 MR. MATHEWS: Your Honor, I have one other point  
2 before we go, obviously the Motion for Directed  
3 Verdict. And then --

4 THE COURT: Well, let's do the mistrial first.

5 MR. MATHEWS: Yes, sir. Yes, sir.

6 THE COURT: Okay. Thank you for reminding me of  
7 that.

8 MR. MATHEWS: That Mr. Evans, in his opening,  
9 said, who do you believe? Asked the jury, this is  
10 about who you believe. That implies that the Defendant  
11 has a burden of testifying. The interview with him I  
12 thought was terrible. I thought it did not do -- he  
13 didn't do very well, and I think it would be a terrible  
14 idea for him to testify, but that is his decision.

15 However, I'd ask for a mistrial on the basis of  
16 that argument. It's more important now on the basis of  
17 how it's been set up, as a matter of who you believe.  
18 And I'd ask Your Honor for a curative instruction,  
19 whenever they go to consider that something -- I don't  
20 know that I had the exact language -- but just  
21 something to the effect that is not a comparison of the  
22 testimony. The State has the burden of proof or  
23 something to that effect, just so they know that it is  
24 not a comparison of who comes across for approval.

25 THE COURT: I think it would be appropriate under

## COLLOQUY

1 the -- first, let me say this: As to your motion, it's  
2 denied. While I don't disagree that the jury could  
3 infer that he means that that statement would implicate  
4 the Defendant's testimony, it also could indicate the  
5 multiple versions of the alleged sexual event that was  
6 put forth by the victim herself, as well as other  
7 witnesses who may or may not appear in this case.

8 So, there was -- I could see where and why you  
9 made the motion, but it's not so clear I think the jury  
10 comes to that conclusion.

11 I do think a curative instruction would be  
12 appropriate. If you think about any particular wording  
13 you'd like me to look at, share it with me before we do  
14 the charge. Okay?

15 MR. MATHEWS: Yes, sir. I'll do that at lunch.

16 And the other is, Your Honor, would be a motion  
17 for directed verdict. The evidence, as I understand  
18 it, Complainant said that -- if you believe everything she  
19 said on the stand today, she said, I told him it was  
20 okay, and that I never told him it wasn't okay, and he  
21 stopped when I pushed him off and started crying. And  
22 I don't see how there could be anything but consent,  
23 and I move for a directed verdict.

24 THE COURT: That's denied.

25 Anything from the State?

## COLLOQUY

1 MR. EVANS: No, sir, Your Honor.

2 THE COURT: Anything else from the defense?

3 MR. MATHEWS: No, sir.

4 THE COURT: Let's come back about two.

5 Did you tell the jury 2:00 o'clock?

6 THE BAILIFF: Yes, sir.

7 THE COURT: My clerk's going to give you a copy of  
8 the charge on third degree criminal sexual conduct.  
9 It's pretty straight. In it it references aggravated  
10 assault. And my thought was, but I'll look at it  
11 again, is to tell them it doesn't involve aggravated  
12 assault, but this is what aggravated assault is. That  
13 could be a little bit confusing, so think about that.  
14 And think whether or not I should or should not define  
15 that for them.

16 MR. EVANS: Your Honor, I know, already, my  
17 preference would be not. Just the definition of a  
18 sexual battery makes the State happy. And then just  
19 the definition of the actor uses force or coercion to  
20 accomplish the sexual battery in the absence of  
21 aggravating circumstances. Just what the statute says.

22 MR. MATHEWS: I think it actually benefits both of  
23 us to leave that other stuff out, Your Honor.

24 THE COURT: Okay. Then I'm fine not to use that.

25 Okay. Then I have a standard charge. Have you

## COLLOQUY

1 ever tried a case with Judge Hill, who's now on the  
2 Court of Appeals?

3 MR. EVANS: No, sir.

4 THE COURT: Now, I think I tried one with you,  
5 haven't I, Mr. Matthews?

6 MR. MATHEWS: Yes, sir.

7 THE COURT: I thought so. Anyway, just to let  
8 both of you know, I have a standard charge that I give.  
9 And the first part of it goes over with the jury the  
10 duties that define and control their roles as jurors.  
11 And I tell them they have to make their decision based  
12 on testimony and evidence without any undue sympathy or  
13 prejudice, et cetera, et cetera, for one side or the  
14 other. And that if they weigh the evidence, that's  
15 simply a term, they can't weigh it in its literal  
16 sense, it's a mental process that they go through and  
17 evaluate, discuss the evidence and use your common  
18 sense and sound judgment.

19 I describe what is evidence, what is not evidence.  
20 I give them the charge out of State versus Clarence  
21 Logan, as to circumstantial evidence and direct  
22 evidence. I give examples of circumstantial and direct  
23 evidence. I go to credibility of the witnesses, and  
24 that's where I would insert this mention of comparison.  
25 Okay, sir?

## COLLOQUY

1           So, that would be where I think it would fit in  
2 the best. There's been no expert testimony in this  
3 case.

4           MR. EVANS: No, sir.

5           THE COURT: Then, I would remind them that the  
6 indictment is not evidence of guilt, doesn't raise a  
7 presumption or inference of guilt. I would define  
8 presumption of innocence, or discuss it. Also, define  
9 reasonable doubt. Also, intent.

10           Any thoughts on intent? I would think intent  
11 would be appropriate, but --

12           MR. EVANS: I'm fine with that, Your Honor.

13           MR. MATHEWS: Your Honor, I do, and I'm not -- I  
14 need to -- I should have had this prepared already, I  
15 apologize for not. But I think that is a -- I think  
16 intent is an important part.

17           THE COURT: I've got intent here if you want to  
18 look at it.

19           MR. MATHEWS: Yes, sir.

20           THE COURT: The next one would be failure for the  
21 Defendant to testify.

22           If you have any other charges, bring them to me.  
23 We'll go over them.

24           MR. MATHEWS: No intent. That might be confusing.

25           THE COURT: Well, the statute doesn't define this

## COLLOQUY

1 as intent, it's coercion. You have to have a case for  
2 coercion. I think intent is right. I think intent's  
3 perfect. So I will charge. If you think that's  
4 objectionable, just bring it up before we do the  
5 charge.

6 MR. MATHEWS: Your Honor, can I do something? I  
7 can't think of it in a CSC context right off the top of  
8 my head, but something to the event that you have a  
9 right to act on appearances. I know normally in a  
10 self-defense charge -- I can't think of it in CSC as  
11 such, but the --

12 THE COURT: That's in self-defense.

13 MR. MATHEWS: It is. And I just -- it is a  
14 self-defense, and I'm trying to think if there's one in  
15 the context of when a consent is given, when you  
16 believe the Defendant has a right to act on consent,  
17 when consent is offered. Something to that effect.

18 You know, that consent --

19 THE COURT: Well, I'm certainly willing to look at  
20 it and consider it. That might be appropriate just --

21 MR. MATHEWS: I'll look over lunch, Your Honor.

22 THE COURT: You're not going to have a chance to  
23 eat anything, brother.

24 MR. MATHEWS: I am going to eat.

25 THE COURT: If you need a few extra minutes, let

## COLLOQUY

1 me know.

2 Then I have your third degree charge. The verdict  
3 form, which she's getting for you, then I go over in my  
4 final aspects of my charge, consideration for the  
5 (inaudible) at large.

6 MR. EVANS: Judge, one thing that we usually --  
7 not we, that Judge Buckner usually tells the juries  
8 here, is that there's no AV equipment in the jury room.  
9 Every court has its courthouse, so I just wanted to  
10 bring that up.

11 THE COURT: Well, yeah. Typically there's not a  
12 playing computer. There's other stuff in there.

13 MR. EVANS: And especially in this case, given  
14 that there's a bunch of other stuff on those discs that  
15 isn't in evidence.

16 THE COURT: I do not send the indictment back.

17 MR. EVANS: Okay. I wanted to ask that as well,  
18 to see if -- did you amend it or should I, to change  
19 the date?

20 THE COURT: Hang on. I can do it right here. Let  
21 me look.

22 And the amendment is to the 1st?

23 MR. EVANS: To the 1st, yes, sir. Thank you.

24 THE COURT: Subject to your objection, I'm going  
25 to amend this to the 1st.

## COLLOQUY

1 All right. Gentlemen, we'll see you after lunch.

2 Thank you, guys.

3 (Lunch recess.)

4 THE COURT: Have you seen the request to charge?

5 MS. GINSBURG: Yes, sir, from Mr. Mathews.

6 THE COURT: Yes, sir, any objections. I think

7 that the first one is just fine.

8 THE COURT: Yes, he has plenty of authority with  
9 that.

10 MS. GINSBURG: Yes, and I agree with it.

11 THE COURT: Number two?

12 MS. GINSBURG: The second one, given your earlier  
13 ruling, I'm not sure what leg I have to stand on. I'll  
14 leave it in your discretion.

15 THE COURT: I think that he's entitled to --

16 MS. GINSBURG: I couldn't agree more, that he's  
17 entitled to the curative.

18 THE COURT: A curative charge would be the only  
19 way to do it.

20 MS. GINSBURG: Yes, sir.

21 THE COURT: I always have to say, though,  
22 Mr. Mathews, that my commenting is almost -- it's not  
23 commenting on the facts, but it is something that  
24 smacks of the same thing. What I will say is that it  
25 has been intimated or implied that the case depends on

## COLLOQUY

1           who you believe.

2           MR. LOIGNON: That would be fine, Your Honor.

3           THE COURT: That way I'm not singling somebody  
4           out.

5           Are you going to require the State to open up on  
6           the law?

7           MR. MATHEWS: I don't care, Your Honor. I don't  
8           care.

9           THE COURT: You know, we had a trial in Anderson  
10          where the defense only talked the State into waiving  
11          opening on the law and said, we're just going to not do  
12          that, and defense said we're going to waive closing.  
13          And that was it. There was no closing. You can't  
14          file. You got to be careful of that.

15          MR. MATHEWS: Yeah, I don't want to do that. I do  
16          want to argue Your Honor, the case.

17          MR. EVANS: He's still got to rest, and I don't  
18          think we've heard, at least on the record, the  
19          Defendant --

20          MR. MATHEWS: Yes. I guess, for consistency, I'll  
21          renew my motion now. When they come, I'm going to  
22          close without presenting any evidence, and I will renew  
23          my motion for directed verdict.

24          THE COURT: But I will say, when they come in,  
25          call your first witness. And you can say we rest.

## COLLOQUY

1 I'll explain to them that now we'll go into closing  
2 arguments.

3 And since you didn't present any evidence,  
4 Mr. Mathews gets last closing.

5 MR. EVANS: Absolutely.

6 THE COURT: All right. Let's do it.

7 Would you bring the jury in.

8 (Jury enters the courtroom.)

9 THE COURT: Mr. Foreman, ladies and gentlemen of  
10 the jury, I hope you had a nice lunch. It's now time  
11 for the defense's side of the case.

12 Mr. Mathews, call your first witness.

13 MR. MATHEWS: The Defense rests, Your Honor.

14 THE COURT: Okay. Ladies and gentlemen, the State  
15 has presented its case-in-chief. Since the defense  
16 rests, the State has no right to go further or even  
17 reply to that. So, that takes us to the third phase of  
18 this trial, which will be closing statements. And  
19 because defense didn't put up any evidence, the State  
20 will be required to argue first, with the Defense  
21 having a right to argue last.

22 The State ready to proceed, or do we need a break?

23 MR. EVANS: The State's ready, Your Honor.

24 THE COURT: Mr. Mathews, Defense ready to proceed  
25 or do you need a break?

## DEFENSE RESTS

1 MR. MATHEWS: Yes, sir. No, we're ready.

2 THE COURT: Very good. All right.

3 MR. EVANS: Thank you, Your Honor. May it please  
4 the Court.

5 THE COURT: Yes, sir.

6 CLOSING ARGUMENTS BY THE STATE

7 MR. EVANS: Mr. Mathews, ladies and gentlemen of  
8 the jury. The defense told you earlier today, before  
9 you heard from any of us, this wasn't going to be a  
10 long trial. But I don't need to remind you how  
11 important it is. You know that. You've heard it  
12 straight from this witness stand just how important it  
13 is. From **Complainant**

14 And, yes, it is important to the Defendant. And  
15 again, I'll ask you, as I did when I opened, take  
16 everything into consideration. Use your common sense.  
17 The reason we bring folks like you into this courtroom,  
18 and every courtroom in this country, is because  
19 sometimes we get lost in the woods. We rely on y'all  
20 for your common sense to look at people, listen, and  
21 come up with what the truth is. That's what verdict  
22 means.

23 The Judge is going to ask you to deliver a  
24 verdict. Verdict is a word that comes from Latin,  
25 veredicto. Truth speak.

## CLOSING ARGUMENT BY THE STATE

1           We're going to ask you to speak the truth here  
2 today when you come out of that jury room with your  
3 decision. And it's cut and dry, guilty or not guilty.

4           The Judge is going to tell you what the law is,  
5 and you will tell us what the facts are. Your job,  
6 when you go back in there, is to apply the facts as you  
7 find them to the law that the Judge gives you.

8           The Judge is going to tell you that Mr. Bodison is  
9 charged with criminal sexual conduct in the third  
10 degree. He's going to tell you that that means it's a  
11 crime for a person to accomplish a sexual battery by  
12 means of force or coercion.

13           What is a sexual battery? A sexual battery can  
14 mean a variety of things. The law says it's illegal --  
15 or that a sexual battery is the intrusion of a part of  
16 one person's body into the private areas of another  
17 person's body. So, sexual intercourse, that is a  
18 sexual battery, the insertion of a penis into a vagina.  
19 Oral sex is a sexual battery -- not that that's part of  
20 this case, I want to make that clear -- but just to  
21 express to y'all, it is a wider spectrum than sexual  
22 intercourse.

23           Insertion of a person's finger into another  
24 person's vagina is a sexual battery. None of that is  
25 illegal per se when you're talking about two people who

## CLOSING ARGUMENT BY THE STATE

1 are 16 years of age or older, which y'all already knew.  
2 None of us would be here if it weren't for those  
3 things.

4 What makes it illegal in this context is if the  
5 victim -- the individual who is saying that they're a  
6 victim, in this case **Complainant**, who's having her  
7 body penetrated by Mr. Bodison's fingers and later  
8 penis, as she said today, she can consent to those acts  
9 as a person over the age of 16 in this state.

10 Mr. Mathews is going to make that very clear to  
11 you that that is part of the law, as he should. But  
12 her ability to consent can be overcome in force or  
13 coercion.

14 What is coercion? Coercion means trying to get  
15 somebody to do something you want them to do by  
16 applying pressure, intimidation, imposing authority.

17 What did we hear about from **Complainant** today? She  
18 felt pressured. She felt scared about what he was  
19 going to do to her, that it would hurt. She felt  
20 intimidated.

21 Authority. That man is the only male father  
22 figure role model in her life. Her father's been in  
23 prison her entire life, but she grew up with him. He  
24 took her fishing. She loved him, as anyone would.  
25 This person is someone she would listen to, fear, in

## CLOSING ARGUMENT BY THE STATE

1 the right circumstances. And he put the pressure on  
2 her. Don't open your God dang mouth. Don't tell  
3 anybody where you got those pills from. You heard her  
4 talk about that.

5 She admitted -- which was hard for her to do, and  
6 y'all could see that -- she admitted that she needed  
7 those pills and she got them from him, and that's not  
8 right. **Complainant** didn't act perfectly in this case. She  
9 took the pills. At first she told him it was okay.  
10 She made an arrangement. But you heard her say, in her  
11 heart she did not want that. You heard her say she  
12 started that recording because she was afraid of what  
13 he was going to do. And she'd been through it before  
14 with somebody else, and nobody believed her. So this  
15 time she had evidence she created herself.

16 Now, you also heard **Complainant** admit that she hadn't  
17 told the whole truth to the sheriff's office or to Hope  
18 Haven, who are folks that talk to people in her  
19 situation. She did not tell them that he committed  
20 penile/vaginal intercourse upon her. That was hard for  
21 her to admit. That was a mistake. But what she did  
22 tell them is enough.

23 And today, here, she's under oath before you, the  
24 ultimate deciders. As I told you a moment ago, sexual  
25 battery is broader than sexual intercourse. And I

## CLOSING ARGUMENT BY THE STATE

1 asked Detective Atwood about that, if he used her -- if  
2 he uses his fingers upon her and puts them inside her,  
3 if you don't believe anything took place after that,  
4 but you believe that that happened, that is a sexual  
5 battery.

6 We're asking you to listen to what she said today  
7 before you, under oath, and believe her. That was not  
8 easy for her to talk about.

9 Assuming, as Mr. Mathews would probably ask you to  
10 do, that there was consent here, first of all, y'all  
11 already know that that can end. You knew that before  
12 you walked into this courthouse. A person has a right  
13 to end what's going on, when we're talking about sex.  
14 But why, if this is something that she wanted, would  
15 she report? Why would she tell her family? Why would  
16 she tell the police?

17 This girl in the first row is not a criminal  
18 mastermind. She is a young girl, 16 at the time, 17  
19 now. This is not the kind of person who can come up  
20 with a scheme like this to get revenge on her  
21 grandfather for something.

22 Why would you admit that you have these activities  
23 taking place between you and your grandfather to spin a  
24 tale? This is embarrassing. This is mortifying. This  
25 is something she's going to have to live with. And

## CLOSING ARGUMENT BY THE STATE

1 this is not something that is easy to talk about. You  
2 can take all that into consideration. You can take her  
3 demeanor today in consideration, and I ask you to. If  
4 you think that that girl on this witness stand today  
5 was making this up, then she deserves an Oscar.

6 She is not making this up. If you believe that  
7 she gave consent and it lasted the whole time and that  
8 was what she wanted, then what Mr. Mathews is about to  
9 tell you is right. If you believe that, you set him  
10 free.

11 That's not what happened. Remember what we heard  
12 today. Remember that recording. We know it's the  
13 Defendant. It came off of Complainant's phone. He himself,  
14 when he talked to Detective Atwood, didn't challenge  
15 that it was him. We know that they were in the car  
16 alone together. And you heard the recording, there is  
17 no phone call, there is nobody else listening in,  
18 there's no other person that he is talking to.

19 What is he saying? I want the panties off. Why  
20 else? Why else would a grandfather say that, telling  
21 her he wants to teach her about sex. And then he said  
22 it was an agreement. Y'all heard her. Michael Bodison  
23 was talking to Complainant in that recording, and  
24 you know it.

25 Y'all heard the evidence, and you're about to hear

## CLOSING ARGUMENT BY THE STATE

1 the law. You know what happened, and you know what to  
2 do. Michael Bodison committed a sexual battery upon  
3 **Complainant** in Colleton County on or about August  
4 1st of 2015. Listen to the Judge, and he will tell you  
5 what the law is, and go back in that room and find him  
6 guilty.

7 Thank you.

8 THE COURT: Mr. Mathews.

## CLOSING ARGUMENTS BY THE DEFENSE

9  
10 MR. MATHEWS: Thank Your Honor.

11 Mr. Foreman, ladies and gentlemen of the jury, at  
12 the beginning of this case, the Judge told you, and  
13 he'll tell you again, that this is about finding out  
14 whether the State has proven each of the elements of  
15 their case beyond a reasonable doubt.

16 One of the elements of this case is consent. You  
17 heard Detective Atwood say he relied on the Hope Haven  
18 video. Now, you got to see, you got to listen to a  
19 tape. You got to see a long interview with  
20 Mr. Bodison, which he did horribly on.

21 Detective Atwood said he relied on that Hope Haven  
22 video, and this is after **Complainant** said, I lied to the  
23 police, I lied to the Hope Haven people.

24 So, what are you going to do with that video?  
25 What does that show? It shows a lot of what she said

## CLOSING ARGUMENTS BY THE DEFENSE

1 probably was true. But when was the tape made? While  
2 she's sitting out -- on the way to her house, or to --  
3 he took her -- she said he took me back to my house  
4 recording that. And after he'd asked her to do this,  
5 she went inside the house, she didn't call law  
6 enforcement, she didn't call her mother, she didn't  
7 call her aunt, she didn't call anybody. She put on the  
8 shorts, and she came out to the car.

9 And that tells you most of what you need to know  
10 from that tape. I wish I could sit here and tell you  
11 that this is a really lovely, pleasant time. I'm sure  
12 when Lot woke up, he had to wonder what he did.

13 But the bottom line is, I asked also Detective  
14 Atwood, if you had known there was consent, would you  
15 have charged this?

16 First, I said, why didn't you charge criminal  
17 sexual conduct with a minor? Oh, because she was 16.  
18 Under the law, you can consent at age 16. It might be  
19 unwise, it may be unsavory, it may be a lot of things,  
20 but the law, under criminal sexual conduct, allows you  
21 to do it.

22 If you had known that she consented, would you  
23 have charged her? No.

24 She lied to you? Yeah.

25 And as far as what, it isn't necessarily so much

## CLOSING ARGUMENTS BY THE DEFENSE

1 about what the lies are, it's just that she continued  
2 to do it. And as far as her being a great actress, she  
3 lied to three different law officers and someone whose  
4 job it is to determine whether children are telling the  
5 truth, and she lied to all of them.

6 And she admitted that. She says, Today I'm  
7 telling you the truth.

8 And you know what? Maybe she is today. Maybe she  
9 is telling you the truth that said I -- let me see if I  
10 got this right. I told him it was okay if I got the  
11 pills.

12 That is a hard thing to hear, but that's what she  
13 said. I told him it was okay if I got the pills.  
14 After he said this, these things on this video, she  
15 went in the house, got the shorts, and came back out.  
16 And once he gave her the pills, whatever happened  
17 happened.

18 And Mr. Evans asked her, you know, did you tell  
19 him to stop? No.

20 No. Never told him after it started that I wasn't  
21 okay. He stopped when I pushed him and started crying.  
22 Well, maybe, she did that. And as soon as she did, as  
23 soon as she gave any indication that she was not okay  
24 with it, he stopped. That's her testimony.

25 This is not a pleasant case. This is not a feel

## CLOSING ARGUMENTS BY THE DEFENSE

1 good story. But it's simply a matter of whether or not  
2 the State has met its burden of proving each element of  
3 the case.

4 However else you feel, that's your job. You have  
5 to accept the law as the Judge gives it to you. And  
6 the bottom line in this case is she told you that she  
7 consented. She said she consented, and she never said  
8 she didn't. At no point.

9 As far as the why, it was for pills. As far as  
10 why she decided to say something, maybe she did have  
11 some misgivings. Maybe she did. I don't know.

12 But there's nothing here but that she consented to  
13 it. The State has not met its burden of proof.

14 Whatever else he may have done, and maybe there  
15 was something done, but what you have to consider here  
16 today is whether each of the elements of criminal  
17 sexual conduct third degree have been met, and they  
18 have not.

19 Thank you.

20 THE COURT: Thank you.

21 Mr. Foreman, ladies and gentlemen of the jury, my  
22 charge will probably be in the neighborhood of 25  
23 minutes, give or take a little bit. Check with the  
24 jury, see if y'all would like to take a break. I'll be  
25 glad to give you one, or do you want me to go forward

## JURY CHARGE

1 with my charge at this juncture, please.

2 JURY FOREMAN: Go forward, Your Honor.

3 THE COURT: I knew that's what you were going to  
4 say. All right. Colleton County jury.

5 All right. Ladies and gentlemen, let me first  
6 apologize to you that I'm not articulate or smart  
7 enough to count on my memory to tell you the law. So  
8 some of this will be read to you, I apologize in  
9 advance, but these are important points of law that I'm  
10 giving to you, and I want to make sure I don't misstate  
11 anything.

12 That being said, my charge will be in three  
13 different parts. The first part is the instructions on  
14 the general rules that define and control your duties  
15 as jurors. That will be the longer part of the charge.  
16 I'll stop and let you stand up and take a minute. Then  
17 I'm going to give you the law on criminal sexual  
18 conduct in the third degree -- or third degree criminal  
19 sexual conduct under Code Section 163654. And then I'm  
20 going to give you a few considerations for your  
21 deliberations.

22 Mr. Foreman, I'll then go over the verdict form  
23 with you and instruct you on communicating with us, if  
24 the need arises, and we'll go from there. Okay.

25 Now, ladies and gentlemen, as I told you at

## JURY CHARGE

1 beginning of this case, I -- the law imposes on me the  
2 burden of instructing you on what the law is in this  
3 case. It is your duty to find the facts. As you were  
4 told, you are the sole judges of the facts, and you  
5 will determine what those facts are based on the  
6 testimony and the evidence you heard right here from  
7 this witness stand, and from any exhibits that we allow  
8 into evidence.

9 And by the way, Mr. Foreman, any audio or video  
10 exhibits will have to be played out here in the  
11 courtroom because we don't have a way to make sure we  
12 have a clean computer back there so that there's other  
13 things that you shouldn't be seeing. Okay.

14 If you want to, watch as many times as you want,  
15 we'll just do it in here. That's okay. Then you can  
16 go back and do your deliberations.

17 Now, ladies and gentlemen, to the facts as you  
18 find them to be, you must apply the law as I give it to  
19 you now. You must not and you shall not be influenced  
20 by what you think it should be, only what it is.

21 Also, you must not be influenced by any personal  
22 likes or dislikes, opinions, prejudice, or undue  
23 sympathy that you may have for one side or the other in  
24 this case.

25 What that simply means is this, ladies and

## JURY CHARGE

1 gentlemen. Is that you, according to your oath, must  
2 decide this case, according to the facts and the  
3 evidence that's been presented and according to the law  
4 as I give it to you now..

5 Also, in following these instructions, you can't  
6 pick out certain aspects of my charge which you agree  
7 with and apply those and some that you may not agree  
8 with disregard. They are all equally important.

9 Also, let me remind you that if I've done or said  
10 or made any suggestions over the course of this trial  
11 that indicates to you how -- excuse me, you are to find  
12 facts -- in other words, the verdict you reach, I'm  
13 going to ask you, but I'm going to instruct you to  
14 disregard that. I can assure you I had no such  
15 opinion, and the law does not allow me to have one or  
16 express one.

17 You and you alone with the judges of the facts in  
18 this case. And you will determine what those facts are  
19 by during your deliberations would weigh and evaluate  
20 the evidence you heard in this case.

21 Now, obviously I don't send back a set of scales  
22 for you to weigh evidence. This is a mental process,  
23 and you in your deliberations should use your good  
24 common sense and sound judgment in reaching your  
25 determination of what the facts in this case are.

## JURY CHARGE

1           So, that leads me to a reminder of what is  
2 evidence and what is not. Again, it's the sworn  
3 testimony from this witness stand, whether it be on  
4 direct examination, cross-examination, or redirect.

5           Also, the exhibits that I've allowed into  
6 evidence. In this case, that is the only evidence that  
7 you may consider as evidence.

8           So, that leads me to what is not evidence. Again,  
9 as I told you at the beginning, these attorneys,  
10 although they're fine attorneys, their opening  
11 statements, their closing statements or arguments is  
12 not evidence. They've not been sworn, they've not been  
13 put through the crucial cross-examination, and it is  
14 just a helpful -- it's their contentions to help you  
15 understand what their case is about.

16           And at the end of the day, when you go back and  
17 begin your deliberations, if your memory differs from  
18 what either or both these attorneys told you at any  
19 time throughout this trial, your memory will control.

20           And also, Mr. Foreman, if somebody's notes seem to  
21 have a fact one way, somebody's memory has it another  
22 way, again, those notes do not trump somebody's memory.  
23 That's why there are deliberations. You have to go  
24 through and just hash it out. It will be your job to  
25 make sure that's done. Okay, sir?

## JURY CHARGE

1 JURY FOREMAN: Yes, sir.

2 THE COURT: Ladies and gentlemen, the lawyers'  
3 questions and objections throughout the course of this  
4 trial is not evidence. And as I've told you, lawyers  
5 have an obligation to object anytime he or she sees  
6 something they feel like is inappropriate. And  
7 anything that you may have seen when the court is not  
8 in session is not evidence. It's only what has come  
9 through this witness chair and into the exhibits into  
10 the evidence.

11 Now, in South Carolina, we recognize two types of  
12 evidence. We have direct evidence and we have  
13 circumstantial evidence.

14 Direct evidence is a more easy concept, but both  
15 of them are on equal footing. Let me tell you what  
16 direct evidence is.

17 Direct evidence directly proves the existence of a  
18 fact and does not require deduction or inference. On  
19 the other hand, circumstantial evidence is proof of a  
20 chain of facts and circumstances indicating the  
21 existence of a fact.

22 In other words, you infer something from the  
23 existence of another fact that's been established in  
24 court. Let me give you an example.

25 If the issue in a case was whether or not I ran a

## JURY CHARGE

1 stop sign, and my law clerk testified that she saw me  
2 run that stop sign, that is direct evidence of that  
3 fact, because it immediately establishes the fact in  
4 question. Okay.

5 On the other hand, since I'm from the upstate, if  
6 we were to go to bed at night, each of you, and you had  
7 a fresh sheet of snow in your front yard, if you were  
8 to wake up in the morning and there were tracks in that  
9 snow, you can infer that someone or something walked  
10 through your yard through the night, even though you  
11 didn't see it directly. That is circumstantial  
12 evidence.

13 However, the conclusion you reach, Mr. Foreman,  
14 ladies and gentlemen, can't be conjecture or surmise.  
15 Okay.

16 Now, crimes, ladies and gentlemen, may be proven  
17 by circumstantial evidence, and the law makes no  
18 distinction between the weight or value to be given to  
19 either direct or circumstantial evidence. However, to  
20 the extent the State relies on circumstantial evidence,  
21 all of the circumstances must be consistent with each  
22 other, and when taken together point conclusively to  
23 the guilt of the accused beyond a reasonable doubt.

24 If the circumstances merely portray the  
25 Defendant's behavior as suspicious, the proof has

## JURY CHARGE

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

6 Ladies and gentlemen, if you recall the beginning  
7 of this case, I told you, you can talk about your  
8 notes, that you will have to determine which evidence  
9 you want to believe, and which evidence you don't wish  
10 to believe.

11 Now, in deciding what these facts are, you need to  
12 consider all the evidence that's been presented to you  
13 in this case. All right. In doing so, you have a  
14 right to disbelieve all or part of any witness's  
15 testimony. You have a right to believe all or any  
16 witness's testimony.

17 In making that decision, you should take into  
18 account a number of factors, which would include,  
19 number one, was the witness able to hear or see or know  
20 the things about which the witness testified?

21 How well was the witness able to recall and  
22 describe those things?

23 What was the witness's manner while they were on  
24 the witness stand? In other words, what was their  
25 demeanor while they're up here testifying?

## JURY CHARGE

1           You can ask yourself if there's some reason a  
2 witness would want to give testimony that would help or  
3 hurt one side or the other, or whether or not they had  
4 an interest in the outcome in this case, any bias for  
5 or against any party, or any issue involved in this  
6 case.

7           Also, you could ask yourselves how reasonable the  
8 witness's testimony was you considered in light of all  
9 the other evidence in this case, and whether that  
10 witness's testimony had been contradicted by what that  
11 witness had said or done at another time, or by the  
12 other testimony of other witnesses, or by the evidence  
13 in this case.

14          Ladies and gentlemen, those are certainly some of  
15 the factors, but not all the factors that you may  
16 consider in determining the believability or the  
17 credibility of the witnesses in this case. In  
18 performing this analysis, one thing you do not do is  
19 add up the number of witnesses who appear on behalf of  
20 one party or the other, because it does not matter to  
21 you where the truth comes from, whether it be cross or  
22 direct or redirect.

23          Ladies and gentlemen, also at the beginning of  
24 this trial, if it was intimated or implied that the  
25 case depends on who you believe, I will tell you that

## JURY CHARGE

1 is not an accurate statement of the law, and I'm going  
2 to ask you and charge you to disregard that. The State  
3 at all times has the burden of proving each element of  
4 its case by proof beyond a reasonable doubt.

5 The fact that this Defendant has been arrested,  
6 charged, and indicted is not evidence of his guilt. It  
7 does not raise an inference of his guilt, nor does it  
8 raise a presumption of his guilt. This indictment that  
9 I have in my hands is simply the charging mechanism by  
10 which the State of South Carolina brings the Defendant  
11 before the Court and a jury such as yourselves for a  
12 trial and a determination of their guilt or innocence.

13 Now, and this fact, as I told you at the beginning  
14 of this case, the defendant has pled not guilty, and  
15 that plea puts the burden on the State of South  
16 Carolina to prove him guilty.

17 I will tell you that a person charged with  
18 committing a criminal offense in South Carolina is  
19 never required to prove himself innocent. And it is an  
20 important rule of law that a defendant in a criminal  
21 trial, no matter what the seriousness of the charge may  
22 be, will always be presumed to be innocent of the crime  
23 for which the indictment was issued unless guilt has  
24 been proven by evidence satisfying you of that guilt  
25 beyond a reasonable doubt.

## JURY CHARGE

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

6           In the vernacular of lawyers, the presumption of  
7           innocence is like a robe of righteousness that's been  
8           placed around each and every Defendant's shoulders and  
9           where it remains until it has been stripped by evidence  
10          satisfying you of guilt beyond a reasonable doubt.

11          Now, ladies and gentlemen, the presumption of  
12          innocence is not a mere legal theory, it is not just a  
13          legal phrase, it is a substantial and fundamental right  
14          which every defendant is entitled to. Unless you, the  
15          jury, are satisfied from the evidence of the  
16          Defendant's guilt beyond a reasonable doubt.

17          So, that leads me to a definition of what a  
18          reasonable doubt is. A reasonable doubt is the kind of  
19          doubt that would cause a reasonable, sincere, honest,  
20          and conscientious person to hesitate to act in an  
21          important matter in their own affairs.

22          Proof beyond a reasonable doubt is proof that  
23          leaves you firmly convinced of the Defendant's guilt.

24          Ladies and gentlemen, there are very few things in  
25          this world that we know with absolute certainty, and in

## JURY CHARGE

1 criminal cases the law does not require the State to  
2 overcome every possible doubt. If, based on your  
3 consideration of the evidence, you are firmly convinced  
4 that the defendant is guilty of the crime for which he  
5 has been charged, you must find him guilty.

6 If, on the other hand, you think there is a real  
7 possibility that the defendant is not guilty, you must  
8 give the defendant the benefit of the doubt, and find  
9 him not guilty.

10 A reasonable doubt may arise from the evidence or  
11 from a lack of evidence, and I will instruct you  
12 further that a defendant is entitled to every  
13 reasonable doubt that may arise in a case.

14 And, ladies and gentlemen, what that simply means  
15 is this: That if upon an issue of fact essential to a  
16 conviction and a verdict of guilty of an offense, if  
17 you have any reasonable doubt as to how that issue  
18 should be resolved, it is your duty to resolve that  
19 doubt in favor of the defendant.

20 In order to establish criminal liability, criminal  
21 intent is required. For example, the mental state  
22 required to be proven by the State for a particular  
23 crime might be purpose, intent, knowledge,  
24 recklessness, or criminal negligence.

25 Criminal intent must be proven by the State beyond

## JURY CHARGE

1 a reasonable doubt. Criminal intent is always a matter  
2 that must be determined by the jury from the  
3 circumstances surrounding the situation.

4 Now, there's no way to prove intent to a  
5 mathematical certainty. There's no way medical science  
6 can dissect a person's brain to determine what they had  
7 in mind. So, the law says a criminal intent may be  
8 inferred from the circumstances shown to have existed.  
9 This is how you make a determination of whether or not  
10 the element requiring the intent was present.

11 It is not necessary to establish intent by direct  
12 and positive evidence, but intent may be established by  
13 inference in the same way as any other fact, by taking  
14 into consideration the acts of the parties and all of  
15 the facts and circumstances of the case.

16 Criminal intent is a mental state. It's a  
17 conscious wrongdoing.

18 Now, ladies and gentlemen, it's going to be up to  
19 you to determine what the defendant intended to do  
20 based on the circumstances shown to have existed during  
21 the course of this trial.

22 Criminal intent can arise from the action or a  
23 failure to act. It may arise from negligence,  
24 recklessness, or an indifference to duty, or to the  
25 consequences that is considered by law to be the

## JURY CHARGE

1 equivalent of criminal intent.

2 Now, finally, ladies and gentlemen, I instruct you  
3 and I emphasize the fact that the defendant did not  
4 testify is not and shall not be a factor considered by  
5 you in any way during your deliberations. Each citizen  
6 in the United States is protected by the fifth  
7 amendment to the United States Constitution.

8 And, Mr. Foreman, if any of your juror -- fellow  
9 jurors try to insert that topic into deliberations, it  
10 will be your duty to stop it. And, again, if you have  
11 any problems with that, let me know, and I'll tell you  
12 how to do that, and it won't be happening. Okay, sir?

13 With that being said, ladies and gentlemen, that's  
14 the first aspect of my charge, and the longest aspect.  
15 Let's take a minute to stand up. I anticipate I have  
16 around maybe ten minutes and then we'll send you back  
17 to your jury room very shortly.

18 (Pause.)

19 THE COURT: Ladies and gentlemen, this is the law  
20 of criminal sexual conduct. In other words, this is  
21 the law that the State must prove before you can find a  
22 defendant guilty.

23 In order to prove third degree criminal sexual  
24 conduct, the State must prove beyond a reasonable doubt  
25 that the defendant engaged in a sexual battery with the

## JURY CHARGE

1 victim.

2 A sexual battery is: Sexual intercourse,  
3 cunnilingus, fellatio, anal intercourse, or any  
4 intrusion, however slight, of any part of a person's  
5 body or of any object into the genital or anal openings  
6 of another person's body, except when the intrusion is  
7 accomplished for medically recognized treatment or  
8 diagnostic purposes.

9 If you find that a sexual battery did occur, you  
10 must then decide whether the State has proven beyond a  
11 reasonable doubt that the defendant used force or  
12 coercion without any aggravated circumstances to  
13 accomplish the sexual battery.

14 Using force or coercion means to make the victim  
15 follow a prescribed and dictated course to afflict or  
16 oppose or to force one's will on someone.

17 Ladies and gentlemen, consent is not a defense to  
18 the charge of criminal sexual conduct in the third  
19 degree. Lack of consent is an element of the crime of  
20 criminal sexual conduct of the third degree, which must  
21 be proven by the State beyond a reasonable doubt.

22 So, that leads me, ladies and gentlemen, to some  
23 thoughts about your deliberations. If you remember  
24 during qualifications you represented to the State and  
25 to the defense that you could be fair and impartial to

## JURY CHARGE

1 both sides.

2 What that simply means is, you're not partisans or  
3 advocates for one side or the other, because they both  
4 chose you because of your impartiality. You are to  
5 decide this case according to the facts and inferences  
6 from those facts as you find them to be, and according  
7 to the law as I give it to you.

8 During your deliberations, use your experiences in  
9 life, your good common sense, and your sound judgment  
10 in deliberating this case and reaching, hopefully, a  
11 unanimous verdict.

12 Deliberation is defined in this way: It's a  
13 careful consideration weighed up with a view to a  
14 decision.

15 Now, regardless of what any of you may think about  
16 our jury system, I will submit to you that the genius  
17 of the system is it allows 12 men and women such as  
18 yourselves, who come from different walks of life, who  
19 have different backgrounds, life experiences, and  
20 perspectives to listen to the testimony, to listen to  
21 the evidence, to listen to the law as I give it to you,  
22 to go back and engage in a meaningful, deliberate, and  
23 courteous deliberations of all that evidence, and  
24 hopefully reach a unanimous verdict.

25 Again, you are the sole judges of the facts.

## JURY CHARGE

1 Listen to everyone's points and their points of view.  
2 Let people explain to you why they have that point of  
3 view, and walk through and discuss all the evidence and  
4 testimony very thoroughly. You should not be in a  
5 hurry. This is their only day in court for both sides.

6 And this is a big deal for the State, and it's a  
7 big deal for this defendant. It's an important case  
8 for them. They can't come back for a second bite of  
9 the apple.

10 In order for your verdict to stand, it has to be  
11 unanimous. In other words, all 12 of you must agree.  
12 With that being said, each of you must decide this case  
13 for yourself, but you should only do so after you have  
14 impartially considered all the evidence, you have  
15 discussed it fully with your fellow jurors, and  
16 listened to the views and explanation of your fellow  
17 jurors.

18 Do not be afraid to change your view as to the  
19 weight of the evidence in this matter if your  
20 deliberations convinces you that that's the right thing  
21 to do. But, on the other hand, do not change a firmly  
22 held belief as to what the facts are simply to appease  
23 your fellow jurors.

24 Now, Mr. Foreman, once the jury reaches a  
25 unanimous verdict, you will be responsible for filling

## JURY CHARGE

1 out the verdict. Okay, sir?

2 The order in which options appear in here are of  
3 no consequence. I have to put them to some order  
4 because I have to go over those with you.

5 And it says, number one, criminal sexual conduct  
6 the third degree: A, as to the charge of criminal  
7 sexual conduct the third degree, Indictment No. 2015,  
8 GS 15585, we, the jury, unanimously find the defendant,  
9 not guilty.

10 If that is your unanimous decision, you will  
11 simply add a checkmark by the Option A. You will sign  
12 this verdict form, fold it, crease it, knock on the  
13 door, and we'll receive you here in the jury room -- in  
14 the courtroom.

15 If, on the other hand, your other option is this:  
16 As to the charge of criminal sexual conduct the third  
17 degree, we, the jury, unanimously find the defendant  
18 guilty.

19 Again, if that is your option, you'll check B, go  
20 through the same process about signature, knock on the  
21 door, and we'll receive your verdict back here in the  
22 courtroom.

23 Also, if during the course of your deliberations  
24 you ever have a question, or you want to view the  
25 evidence or hear the evidence here in the courtroom,

## JURY CHARGE

1 simply write a note, knock on the door, and our  
2 bailiffs will bring it here to me, and we'll respond to  
3 your question, or your request, here in the courtroom,  
4 and then bring you out and tell you what the response  
5 is going to be.

6 One thing you never do is tell us or anyone where  
7 the jury stands numerically as to what the verdict  
8 should be. In other words, don't say we're eleven,  
9 one, or six to six, or any possible combination of  
10 those. It's no one's business but you 12 who will be  
11 deliberating this case. Okay, sir?

12 With that being said, let me make sure I haven't  
13 misstated something. If you go back to your jury room,  
14 I'm going to ask the alternate to -- when we go back,  
15 when they send the evidence back, you come out, but you  
16 can't engage in deliberations. If you have any  
17 personal items back there, bring them with you, if you  
18 don't mind, please, sir.

19 If I need to bring you back and correct something,  
20 I'll do so shortly. Okay.

21 (Jury exits the courtroom at 3:00 p.m.)

22 THE COURT: Any additions or exceptions from the  
23 State?

24 MR. EVANS: Not from the State, Your Honor.

25 THE COURT: From the Defense?

## COLLOQUY

1 MR. MATHEWS: Your Honor --

2 THE COURT: Can you get that door shut for me?

3 Okay. Go ahead and bring her out -- him out.

4 Come out.

5 MR. MATHEWS: Two matters, Your Honor. First,  
6 everything was great except I realized what I wrote,  
7 when I was said it out loud, it sounded a little  
8 different than when I read it.

9 What I should have said is what I've asked to have  
10 been charged as consent is not an affirmative defense.  
11 When it said consent is not a defense, it sounds like  
12 -- it sounded differently. But the follow-up sentence,  
13 I think it will be okay. But that's my wording.

14 And what I should have said is it's not an  
15 affirmative defense, which must be proved by the  
16 defendant. And then the rest is the same.

17 I think it's going to be okay, but that's the only  
18 thing when I heard it, it sounded different than when I  
19 read it.

20 THE COURT: Well, you know what? I think that's  
21 probably more something that stands out to lawyers than  
22 it does to jurors. Anyway, I note your objection.

23 Any other objections or issues with my charge?

24 MR. MATHEWS: No, sir. The only thing I would  
25 mention as a housekeeping matter is, I don't know that

## COLLOQUY

1 Mr. Bodison said he didn't want to take the stand on  
2 the record. He told me that he did not, but I don't  
3 know that that was on the record. If it is, then I'm  
4 mistaken. That's fine. If it's not --

5 THE COURT: I thought I asked, I thought he --  
6 well, no, because he said he was going to talk to you  
7 about it during the course of lunch.

8 MR. EVANS: Mr. Mathews is right, Your Honor. We  
9 left it open for lunch.

10 THE COURT: Mr. Bodison, you want to confirm that  
11 you didn't want to testify. That's correct, right?  
12 You exercised your right of the fifth amendment?

13 THE WITNESS: Yes, Your Honor. What did you say  
14 now? I didn't understand what you was saying.

15 THE COURT: Remember, before lunch break, I asked  
16 you whether or not you wanted to exercise your right of  
17 the fifth amendment and testify or you wanted not to  
18 testify. And you did not want to testify, correct?

19 THE WITNESS: That's right.

20 THE COURT: All right. Thank you, Mr. Bodison.  
21 Thank you for reminding me of that.

22 MR. MATHEWS: Yes, sir.

23 THE COURT: All right. Can we get our exhibits  
24 and take them back to the jurors.

25 MR. EVANS: It will just be the one. State's 3 is

## COLLOQUY

1 the only one they can have back there.

2 THE COURT: Okay. Well, I'm sure they'll be  
3 coming up here to show it.

4 May I see our alternate -- let me thank the  
5 lawyers again. You both did a fine job. You were  
6 prepared, you fought when you needed to, you didn't  
7 make a big deal out of stuff that is trivial and  
8 incidental. I go all over, I see people with different  
9 skill levels, I guess, for lack of a better term, and  
10 you do your county very good, and you do good jobs.  
11 So, thank you.

12 (Alternate juror is released.)

13 (Jury deliberating.)

14 THE COURT: Please be seated.

15 All right. Gentlemen, we have a verdict. Let me,  
16 not for the lawyers, but for everybody else in the  
17 gallery, just whatever the verdict is, I don't know  
18 what it is, just don't have any outbursts, if you don't  
19 mind.

20 Would you bring the jury in, please, sir.

21 (Jury enters the courtroom.)

22 THE CLERK: Mr. Foreman, have y'all reached a  
23 verdict?

24 JURY FOREMAN: We have.

25 THE COURT: If you could publish it, please,

## VERDICT OF THE JURY

1 ma'am.

2 THE CLERK: The State of South Carolina versus  
3 Michael Bodison, Indictment No. 2015 GS 1500585, the  
4 charge of criminal sexual conduct in the third degree.

5 As to the charge of criminal sexual conduct in the  
6 third degree, Indictment No. 2015 GS 15585, we, the  
7 jury, unanimously find the defendant guilty, signed by  
8 the foreperson, John T. Soprano, Jr.

9 If this is your verdict, please raise your  
10 right-hand.

11 (Jurors indicate.)

12 THE CLERK: Thank you then.

13 THE COURT: Let the record reflect all 12 answered  
14 in the affirmative to the Clerk's question.

15 All right. Ladies and gentlemen, the Court is  
16 never concerned with your verdict, but is concerned  
17 that you followed through and followed the instructions  
18 that I give to you, the law as I give it to you. I  
19 variously watched each of you throughout the course of  
20 this trial. I know it's short, but you stayed engaged,  
21 you listened to my charge on the law, you listened to  
22 the attorneys. For that, I thank you for doing your  
23 civic duty, not for your verdict, but for doing your  
24 civic duty.

25 Because without people like yourselves, we don't

## VERDICT OF THE JURY

1 have a rule of law. Because without a jury -- you are  
2 the backbone of the system.

3 With that being said, I'd like to say you're done  
4 for the week. But if you could show up -- what time we  
5 will come bring them in, 9:30 in the morning, Madam  
6 Clerk?

7 THE CLERK: Yes, sir.

8 THE COURT: Okay. Solicitor, 9:30 in the morning?

9 MR. MATHEWS: Suits me, Your Honor.

10 THE COURT: Mr. Knight.

11 MR. KNIGHT: I love 10:00, Your Honor.

12 THE COURT: You love 10:00; 9:30, it will be.

13 Okay. All right.

14 Do you need 10:00?

15 MR. EVANS: No, sir. 9:45 is better for me, but  
16 y'all set the clock.

17 THE COURT: I could manage that I'd be here at  
18 8:30 in the morning. I'm not worried. 9:30, please.

19 If you come back in the morning at 9:30, your  
20 pads, would you leave them in your jury room.

21 THE CLERK: I have them.

22 THE COURT: You got them? I'm telling you, she's  
23 a really good clerk.

24 THE CLERK: No, they were very good. They brought  
25 them, my security guy there.

## SENTENCING

1 THE COURT: All right. Now, that I have you here,  
2 if anyone wants to sit here and we'll go through some  
3 sentencing in just a few minutes, you're more than  
4 welcome to stay here. You're more than welcome to  
5 leave. Don't feel like you're compelled. Don't feel  
6 compelled, I'm going to hear from his attorney further.

7 Usually, during trial, we don't need to hear a  
8 whole lot. But if you need to be escorted, if you want  
9 to, the deputy will get you out to your car. Okay?  
10 Those that want to stay, just stick around.

11 Does anybody have any questions about anything?  
12 About the process? Okay. All right.

13 You have that sentencing sheet done?

14 MR. MATHEWS: Yes, sir, I'm just asking Ms. Adrian  
15 to run and pick up the Strickler (phonetic) book just  
16 to make sure that it's violent and serious, because I  
17 don't fill them out in advance.

18 THE COURT: Do you have the CDR, too?

19 MR. EVANS: CDR is already gone.

20 THE COURT: While we're waiting, Mr. Mathews, I'm  
21 going to tell Mr. Bodison that he has ten days to  
22 appeal the sentence after any motion for  
23 reconsideration are determined, if there are any. If  
24 not, it'll be ten days from today's date.

25 Reed, check with your victim. See if she wants

## SENTENCING

1 any --

2 MR. EVANS: Ms. Adrian already has. She does wish  
3 to address the Court at the appropriate time.

4 THE COURT: Very good.

5 MR. EVANS: Your Honor, it looks like I've made an  
6 error. It is actually not violent or serious.

7 THE COURT: It's not violent or serious?

8 MR. EVANS: I was confirming it's not violent and  
9 Strickler says it is not serious. I'll keep working on  
10 confirming on the serious.

11 THE COURT: Mr. Mathews, have you investigated  
12 whether or not it's not violent or serious in the third  
13 degree?

14 MR. MATHEWS: I believe that it is not.

15 THE COURT: Go get my black book back there. I  
16 have it. It's not going to change anything about my --

17 MR. MATHEWS: I understand.

18 THE COURT: All right. Everybody ready to get  
19 started?

20 MR. EVANS: Yes, sir. Sorry, about the delay.

21 THE COURT: Not a problem.

22 Ma'am, would you come back around here. I'm going  
23 to let you, before we bring Mr. Bodison up, to say what  
24 you want to say.

25 And let me just remind you and anyone else who

## SENTENCING

1 wants to speak, you are in a courtroom. So, just  
2 conduct yourself accordingly. Okay? I know that you  
3 probably have the most right to be upset than anybody  
4 else, but if you don't mind.

5 THE VICTIM: I just wanted to say thank you to the  
6 jurors for finding him guilty.

7 THE COURT: I need you to speak up.

8 THE VICTIM: I just wanted to thank the jurors for  
9 finding him guilty, and I hope he gets what he  
10 deserves.

11 THE COURT: Okay. Thank you, ma'am.

12 Anyone else on the side of the State?

13 MR. EVANS: I don't believe so, Your Honor. I  
14 don't have anything to tell you beyond what was  
15 explained.

16 THE COURT: All right. Mr. Mathews, would you  
17 bring Mr. Bodison around.

18 MR. MATHEWS: May it please the Court.

19 THE COURT: Yes, sir.

20 MR. MATHEWS: Mr. Bodison is 58. In those 58  
21 years, he has no prior criminal record. He was in jail  
22 two days before being released on bond.

23 He graduated from Walterboro High School, has five  
24 grown children. He's been an electrician his whole  
25 life, was an elder in his church, is an elder in his

## SENTENCING

1 church, plays in his church band. You know, this is  
2 his home.

3 He would ask for whatever mercy the Court has. I  
4 don't think he's a danger to the community, and I don't  
5 know how much --

6 THE COURT: I might disagree with that. I  
7 understand that he may not be a threat to all the  
8 members of the community, but anybody -- and I know he  
9 denies it, but now the jury has spoken. So, the facts  
10 have found that he is guilty of the things that he's  
11 done.

12 I can't -- if that had been my granddaughter, we  
13 wouldn't be having trial, I'm afraid. And there are  
14 other women out there.

15 MR. MATHEWS: I understand, sir. And I just ask  
16 for whatever mercy the Court has. I don't know what  
17 good a lengthy prison sentence is going to teach him at  
18 this point, and I'd ask the Court to consider that.

19 THE COURT: Mr. Bodison, anything you want to add?

20 THE DEFENDANT: Well, yes. I would like to say --

21 THE COURT: Would you mind, sir -- I know this is  
22 tough, but do you mind speaking up, please.

23 THE DEFENDANT: Yes. I still say I'm innocent. I  
24 raised five girls and potty trained many family  
25 members. And I've never tried to hurt anybody. Never.

## SENTENCING

1 Never in my life. Ain't had no kind of bad record,  
2 because I ain't never -- I was brought up in the  
3 church, and I brought my girls up in the church. My  
4 grands are in the church, and that's where I'm at.  
5 It's just one of them things. But it is what it is.

6 THE COURT: Mr. Bodison, let me just tell you  
7 this, too. I watched the trial. And although there  
8 were discrepancies somewhat in the victim's testimony,  
9 when I watched, especially that video, it was clear to  
10 me that the jury was within its province to find you  
11 guilty, because you certainly appeared guilty to me,  
12 even though I'm not a finder of the facts. My opinion  
13 doesn't matter.

14 That being said, the range on this is zero to ten  
15 years. Under the circumstances, having it been a  
16 family member, I'm going to sentence you to ten years.  
17 Good luck to you.

18 Again, you will have ten days to appeal this  
19 decision unless -- is there going to be a Motion for  
20 Reconsideration?

21 MR. MATHEWS: No, sir. We'll just do the appeal.

22 THE COURT: All right. Very good. Good luck to  
23 you.

24 All right. Ladies and gentlemen, let's let him be  
25 escorted out.

## SENTENCING

1 (The defendant exits the courtroom.)

2 THE COURT: Would you escort the jury out, please,  
3 sir. And we'll see you at 9:30 in the morning.

4 (Jury exits the courtroom.)

5 THE COURT: I don't see in here where it's serious  
6 or violent. I just see DNA and then registrant.

7 MR. MATHEWS: Yes, sir. I made an error, and I  
8 went ahead and checked the boxes, and that's why we  
9 have the books.

10 MR. EVANS: Violent usually starts at 15 years,  
11 and if it's ten --

12 THE COURT: I thought -- it's 15 or 20?

13 MR. EVANS: It's 15 -- it's over 15. Over 15. Up  
14 to 15 is a -- well, in fact, burglary violent starts at  
15 15. So, violent must be 15, 15 or more. The ten is --  
16 it's not great.

17 MR. MATHEWS: I better check, or Your Honor can,  
18 the non violent box, rather than leave them both blank.

19 THE COURT: Okay. Do we have that sentencing  
20 sheet? Do you feel like I need to get him back out  
21 here?

22 MR. MATHEWS: I don't know. That's not up -- I  
23 don't think that's a substantive thing. I think, on  
24 the record, I think we've said that we agreed that it  
25 was nonviolent and not serious.

## SENTENCING

1 THE COURT: Right. And DNA and sexual registry,  
2 that's a statute, I wouldn't put any of that on there.  
3 So ...

4 I checked nonviolent. I'll let you see it.

5 MR. MATHEWS: Yeah, that's fine.

6 THE COURT: All right, guys. Again, thank you. I  
7 appreciate it.

8 (Court recessed.)

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

122

WITNESSES

*K. Wallace*

The State of South Carolina

County of Colleton

COURT OF GENERAL SESSIONS

May Term 2016

THE STATE

vs.

Michael Anthony Bodison

Indictment For

Criminal Sexual Conduct - Third Degree

SC Code: 16-3-654(1)(a)

CDR Code: 0162

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

Defendant

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

ARREST WARRANT NUMBER

2015A1510100506

TRUE BILL

*[Signature]*

Foreperson of Grand Jury

Date: 05/19/2016

Defendant

VERDICT

*Guilty*

Foreperson of Petit Jury

Date: 5-29-17

Witness:

C.C.C. PLS. and G.S.

INDICT

2016 MAY 20 AM 9:33  
COLLETON COUNTY  
GENERAL SESSIONS COURT

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF COLLETON )

IND. MENT  
2015GS1500585

123

At a Court of General Sessions, convened on May 19, 2016, the Grand Jurors of Colleton County present upon their oath:

**Criminal Sexual Conduct - Third Degree**

(RUD) 1st

That in Colleton County, South Carolina, on or about August 9, 2015, the Defendant, Michael Anthony Bodison, did engage in sexual battery with the use of force or coercion with Complainant , all in violation of Section 16-3-654(1)(a), et al. of the Codes of Law of South Carolina.

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

*James M. Stovall*

---

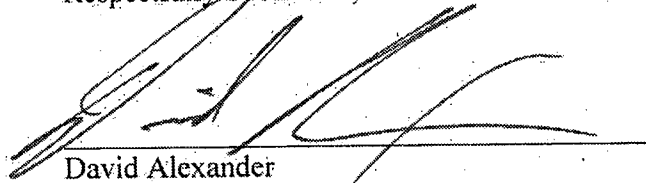
Solicitor

*Michael Anthony Bodison*

## 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

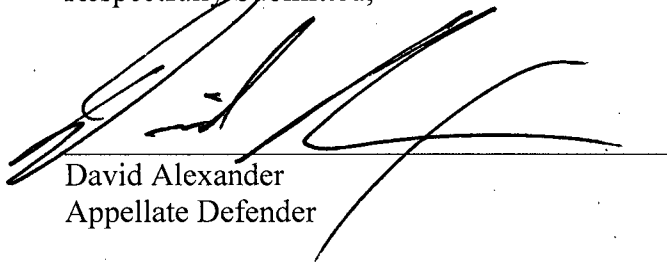
ATTORNEY FOR APPELLANT

This 7th day of June, 2018.

## 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 7th day of June, 2018.

**RECEIVED**  
JUN 07 2018  
SC Court of Appeals