

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Allendale County
Honorable Brooks P. Goldsmith, Circuit Court Judge

ORIGINAL

THE STATE,

RESPONDENT,

v.

BOBBY JONES, SR.,

APPELLANT

APPELLATE CASE NO 2018-001345

RECORD ON APPEAL

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CLOSING ARGUMENT BY THE DEFENSE

1 on and live with the grandparents until we get
2 this issue resolved.

3 See, the story here is about a man that's
4 been separated from his family. Arrested in
5 January 2013, demanded that they go ahead and
6 try this case, please, let's go ahead and put
7 all of the evidence on the table. What did
8 they ask him on cross-examination? Do you
9 still live with your wife? And what was his
10 response? No, I'm still apart from my wife
11 because of that court order. I'm still on that
12 registry until all of this is done. And this
13 had to be done under the circumstances because
14 I was charged with a crime. They somehow want
15 you to believe, well, if that hearing occurred,
16 somehow that resolved the issue. That's just
17 not the case.

18 But let's go further with Minor , Minor not
19 only testified in June of 2013, which is
20 reasonable doubt. Reasonable doubt which would
21 cause you to hesitate to act, because in 2013,
22 she said it didn't happen. Their argument is
23 that she was going to lose something. Please
24 tell me what she was going to lose. They
25 presented no evidence. Was she going to lose

CLOSING ARGUMENT BY THE DEFENSE

1 her car? No. Was she going to lose a house?
2 No. Was her dad going to pay for her to go to
3 college? No. There's nothing that's been
4 presented.

5 When they read that witness list to you
6 sitting in that room right there, when you were
7 sitting there, when they were deciding on
8 jurors, they said, one of our witnesses could
9 be Brenda Jones, could be Brenda Jones, she's
10 the one that's going to lose everything. Have
11 they presented any evidence to show that Brenda
12 Jones was going to lose something? No. Have
13 they presented any evidence that shows that
14 somehow Minor is going to lose
15 everything? No. The evidence is clear, it
16 simply shows that this child stirred up
17 everything.

18 Now, let's go through the witnesses that
19 they referred to, all right. If we go through
20 the witnesses that they referred to, the school
21 officials, you've got Ms. Chess, Pamela Kinard,
22 Officer Holmes, Nurse Solomon and Kenneth
23 Tyler. These are good people, because a child
24 made an allegation, they followed the protocol,
25 it was mandatory that they report it and it was

CLOSING ARGUMENT BY THE DEFENSE

1 mandatory that they investigate it. The only
2 disagreement we had with them was that the
3 child was taken in at 9:30 and not released
4 until 3 o'clock that evening, she was not
5 provided lunch. Out of that, they obtained two
6 statements. But these school officials are
7 good. If the children are attending school
8 there and they react in that manner, it's good
9 that they have done so.

10 But if we carefully look at the evidence
11 and the testimony that's been presented here,
12 it goes back to Minor again. They knew about
13 the testimony in the hearing that occurred in
14 June of 2013. They also heard the testimony
15 the first day of this trial. They also heard
16 the testimony yesterday of Minor . And each
17 time, she's denied the allegations.

18 And the big question is, why would she do
19 this? And she talked about it. I want to do
20 what I want to do. I was 14 years old. She's
21 20 now, she's got a child. Now, she
22 understands what the world is about. It may be
23 inappropriate to put markers in your vagina.
24 It may be inappropriate to show anatomy on the
25 Internet. It may be inappropriate to be

CLOSING ARGUMENT BY THE DEFENSE

1 rebellious toward your parents. But have they
2 proved that Bobby Jones committed a crime?

3 Let's go further. At the opening of this
4 case, the Solicitor's office came out and they
5 said, he's a rapist. You have to ask yourself,
6 is there any evidence that Bobby Jones raped
7 anyone? There is evidence that there was a
8 dispute within their home on how they were
9 going to deal with a 14-year-old girl and
10 whether she was going to receive some type of
11 punishment. And what did Jones say? I'm a
12 strict person. Bottom line, no boyfriend,
13 we're not having any of this activity here.
14 Bottom line is that it can't happen. And of
15 course, Minor made it clear, I didn't like it.
16 An allegation was made. And what's most
17 important about this case is reasonable doubt.
18 And this is in her own writing, she said, I
19 told a little lie and the little lie became a
20 big lie. And as a result of that, this is
21 what's happened.

22 Can you imagine how embarrassing this is
23 for her? She's 20 years old. She's sitting
24 here having a conversation about her vagina and
25 magic markers, having a conversation about

CLOSING ARGUMENT BY THE DEFENSE

1 anatomy over the Internet, having a
2 conversation about a little lie she told that
3 turned into a big lie that she tried to stop
4 back in 2013, but the Solicitor's office, they
5 never paid attention. So, how many times has
6 she testified? She's testified four different
7 times and simply stated, it didn't happen. I
8 was mad. I was upset.

9 Well, let's go further. Let's create more
10 reasonable doubt and let's look at the facts
11 and the evidence that they presented in this
12 particular case. They've argued in this
13 particular case that, you know, we don't have a
14 dog in this fight. We just produce the
15 evidence. Well, if we sit down and we look at
16 Mr. Bobby Jones, he's never been arrested.
17 Reasonable doubt. He's never been convicted of
18 a crime. Reasonable doubt. He goes on to
19 state --

20 MS. LUTTRELL: Objection, Your Honor, may
21 we approach?

22 THE COURT: You may.

23 (Off-the-record discussion held.)

24 MR. WALTERS: In this particular case, you
25 have to look at Mr. Jones. At the start of the

CLOSING ARGUMENT BY THE DEFENSE

1 trial, they referred to him as a rapist and as
2 an abuser. We have a gentleman here who's
3 never been arrested before, never convicted of
4 a crime. We have a community leader who's
5 worked with the children here. He's not only
6 worked with the children here, he was approved
7 to deal with children that have issues. The
8 Family Court was referring these kids to DJJ
9 and then they referred the children to him, to
10 his diversion program. Never been any report
11 of any abuse where he grabbed a child or
12 touched a child. No report of any wrongdoing
13 on his part. In fact, when they asked about
14 the program, he simply responded. He said it
15 doesn't exist any more. You issued a warrant
16 and I lost everything. I can't administer to
17 these -- I can't minister to these kids. I
18 can't have a program with DJJ. I had to go on
19 the registry because I had to leave that home,
20 I had to get out of there and they prohibited
21 me from being around anyone.

22 When you sit down and look at the facts
23 and circumstances, you have to evaluate the
24 people that are before you. The way I judge a
25 man or a woman is I look at their past because

CLOSING ARGUMENT BY THE DEFENSE

1 their past is indicative of what they'll do in
2 the future. And what we have here is we have a
3 man that is similar to Job, he stood to
4 conquer. Because they've taken everything from
5 him. They said, well, she didn't want to do
6 this because it's a financial hardship. You
7 know the church is destroyed. It's gone.
8 Nobody wants to go there when somebody says oh,
9 he's involved in some type of case involving a
10 vibrator and a child. He's lost the church.
11 He's lost his ministry. He's lost all the
12 programs that come with dealing with these
13 kids. He's lost everything.

14 And they didn't let it go on for one or
15 two months, they let it go on for five years.
16 And believe me, this Solicitor's office, when
17 they call you and say your case is up, you've
18 got to get to Allendale and get ready to go.
19 Draw upon your own life experiences and tell me
20 one person that ever knew you or been part of
21 your life and said I can just get it put off
22 for five years.

23 I ask you to carefully evaluate what he
24 stood for, but most importantly, I ask that you
25 hold them to their burden proving their case

CLOSING ARGUMENT BY THE DEFENSE

1 beyond a reasonable doubt. And if you
2 carefully look at the evidence and the
3 testimony that's been presented in this
4 particular case, the only person that has been
5 consistent for the last five years is Bobby
6 Jones. He showed up for roll call. He denied
7 every allegation made against him. He's
8 testified in court. He's consistently done
9 what he's supposed to. But what's more admiral
10 than that, he's continued to take care of his
11 family even living in Barnwell, even the little
12 girl that started all of this. It takes a big
13 heart to love a woman, but it takes a bigger
14 heart to love a woman and a child that's not
15 your own. But you can see from his life, he
16 essentially says you reap what you sow. I'm
17 the one that's meeting with drug addicts, I'm
18 the one that's meeting with people that have
19 problems. I'm meeting with these children that
20 have babies, I'm meeting with everyone that's
21 suffering. That's where you'll find him.
22 Those were his words.

23 In this particular case, what the
24 Solicitor's office is doing, it is rotten to
25 the core. They do not have evidence to prove

CLOSING ARGUMENT BY THE DEFENSE

1 beyond a reasonable doubt that Bobby Jones
2 committed any type of crime. What they have is
3 speculation and conjecture and a hope and
4 belief that you will buy into it. I ask that
5 when you go in that jury room, you have to ask
6 yourself, has there been enough evidence
7 presented to put this man in jail? A young
8 lady that's confused, that has gone back and
9 forth, back and forth. And the Solicitor's
10 office say, rely on that to put someone in
11 jail. They're asking you to rely on an expert
12 that never ever saw the victim and never talked
13 to anyone and came here and started all kind of
14 ideas. And then at the end, you've got a
15 weekend worth of training. They're asking you
16 to believe a nurse, and I would believe her,
17 that talked to the victim and she said, I did
18 it. Then, after she talked to Mary Carter, it
19 got changed over again.

20 They're asking you to sit down and look at
21 what the school officials did. Well, I tell
22 you up front, I applaud those school officials.
23 They should go through every protocol. If a
24 kid walked in and said someone touched me,
25 follow the protocol and do what you're supposed

CLOSING ARGUMENT BY THE DEFENSE

1 to do. And most importantly, after social
2 services and the Solicitor's office handle the
3 case, should they have a man's life like a
4 tidal wave? We just let it sit out there for
5 five years. And we'll talk to the alleged
6 victim a week before. We'll talk to other
7 witnesses the day of. And then, we'll bring
8 somebody in that can say anything under the
9 sun.

10 And I'll also ask in this particular case,
11 you carefully look at the life that Minor

12 has at that time. She didn't lose
13 everything, she's normal. She's going to go in
14 the Air Force. She's going to raise her baby.
15 As Reverend Jones said, you don't have to live
16 in the same house to love each other. If
17 that's the case, you really don't have love.
18 To love each other, all you got to do is love.
19 And he's done that from Barnwell.

20 I ask that you return a verdict of not
21 guilty, return this man to his home, return him
22 to his family, return his name. And if you
23 carefully evaluate the evidence that's been
24 submitted by the Solicitor's office, you can
25 only reach one conclusion, they have failed

CLOSING ARGUMENT BY THE DEFENSE

1 miserably to prove their case beyond a
2 reasonable doubt. I simply ask that you do
3 what's right under the circumstances and as
4 Reverend Jones has done, he forgives everyone.
5 He's still paying for the house, still paying
6 for everything, taking care of everybody.
7 Sometimes in life, when you raise children,
8 they disappoint you, but you notice that he
9 hasn't given up on anybody. I ask that you
10 return a verdict of not guilty under the
11 circumstances and most importantly, that you
12 restore Bobby Jones to his name and his family.
13 This nightmare has gone on long enough, for
14 five years, please bring it to an end. Thank
15 you.

16 REBUTTAL CLOSING ARGUMENT BY THE STATE

17 MS. LUTTRELL: Yes, Your Honor.

18 Members of the jury, my cocounsel started
19 off by telling you that the Defendant in this
20 case, Bobby Jones, raped Minor . There
21 is evidence of rape in this case. That
22 evidence is through Minor ' disclosures,
23 through the statements she wrote and through
24 the Defendant's own admissions that he used a
25 vibrator on his 14-year-old stepdaughter. That

REBUTTAL CLOSING ARGUMENT BY THE STATE

1 is a sexual battery, that is rape.

2 I just want to talk to you a little bit
3 about the expert witnesses the defense talked
4 to you about. Sitha Patel is a neutral
5 witness. She did not talk to the victim in
6 this case. She did not review the victim's
7 file. We did that on purpose so that she could
8 come in here with her experience, her
9 background, those 450 people she's done
10 forensic interviews on, those 150 people she's
11 done therapy for and tell you, overall of those
12 cases, the same characteristics and symptoms
13 she sees. We didn't want her sitting up there
14 and telling you whether or not she believed the
15 victim because she's not allowed to do that.
16 She's not allowed by the Court to do that.

17 What she did do is tell you about
18 recantation, the stages of disclosure. And
19 this case fits all of those things she talked
20 about. This case fits grooming, this case fits
21 tentative disclosure, it fits full disclosure,
22 it fits recantation and reaffirming. That was
23 the point of bringing Sitha Patel in here.
24 They have a big budget the defense wants to
25 talk about. That's to help victims. She was

REBUTTAL CLOSING ARGUMENT BY THE STATE

1 not paid to come in here and testify.

2 The other witness that he talked a lot
3 about, that was Kristin Dalton, the nurse
4 practitioner. Again, independent witness.
5 This is standard protocol. He said that
6 Kristin Dalton testified, usually, the family
7 brings the victim to these medical exams, and
8 that's true. But in this case, there was no
9 family support. She wasn't with her mom
10 anymore, so Mary Carter had to bring her to the
11 medical exam. It's a standard procedure when a
12 victim has said that they have been penetrated
13 by an abuser, and that's what happened in this
14 case. And when she came to Kristin Dalton, she
15 had been out of her home for two and a half
16 weeks, her life had already started to change,
17 so, yes, she changed her statement a little
18 bit. But she still told Kristin Dalton that
19 the Defendant put a vibrator in her. That part
20 was still consistent.

21 The only testimony you heard about what
22 was going on at home was five years later from
23 the Defendant and Minor . Minor even told you
24 that she never told anyone five years ago about
25 all this going on. Mary Carter told you that

REBUTTAL CLOSING ARGUMENT BY THE STATE

1 no one ever showed her Facebook or social media
2 or talked to her about these issues going on in
3 the home. The Defendant didn't even say that
4 five years ago. When the Defendant was asked
5 what was going on in the home five years ago,
6 he said, She has a strong sex desire. She
7 really wants to have sex. So I bought her a
8 vibrator and I showed her how to use it. Five
9 years ago, that's what the Defendant said. It
10 wasn't until he was charged with a criminal
11 offense, had some time to think about it, came
12 into court with his defense attorneys and he
13 sat on that stand and changed his story.

14 All of that testimony and those witness
15 statements, five years ago, when this was going
16 on were consistent. No one said anything about
17 these being rumors, no one said anything about
18 Minor acting out at home and being rebellious
19 and wanting a boyfriend. The first time we all
20 heard that was on this witness stand from the
21 defense.

22 Nicole S. , the friend in this case that
23 they're trying to blame all these rumors on,
24 she didn't want to be here. And it is true, I
25 did not talk to her until this week. I tried.

REBUTTAL CLOSING ARGUMENT BY THE STATE

1 I made a lot of phone calls. I called her
2 parents. She didn't want to be here. We were
3 able to finally get her here on the day of
4 trial so that I could talk to her for the first
5 time. And then, I made her sit here and wait
6 so that I could get her to get on that stand
7 and tell you what she knew.

8 And she didn't tell you that she had a
9 better memory today than what she said five
10 years ago. What she told you was, I don't
11 remember what I said five years ago, but I
12 remember what Minor told me. I remember
13 sitting at church, the Defendant's church, in a
14 room with a computer next to Minor while she
15 typed, he touched me. And then, she remembers
16 Minor telling her that he was the Defendant,
17 Minor 's stepdaddy, Bobby Jones. Nicole S.
18 has no dog in this fight. She doesn't want to
19 be involved. She wasn't starting rumors. You
20 saw her face when I asked if she started rumors
21 about Minor afterwards, she had no idea what I
22 was talking about.

23 The defense wanted to make a big deal
24 about the fact that Brenda Jones was on our
25 witness list at the beginning of trial and we

REBUTTAL CLOSING ARGUMENT BY THE STATE

1 never called her. She was on the defense
2 witness list, too.

3 MR. WALTERS: Objection, Your Honor,
4 burden shifting.

5 MS. LUTTRELL: Your Honor, it's not burden
6 shifting. The Defendant listed her as a
7 witness, I didn't say anything about they
8 didn't put her up. All I'm saying is that we
9 both listed her and she was never called.

10 MR. WALTERS: Your Honor, we don't have an
11 obligation to put anyone up. We're under the
12 presumption of innocence. We don't have to do
13 anything. They have to prove their case.

14 THE COURT: I'll sustain that objection.

15 MS. LUTTRELL: But you did hear evidence
16 that Minor 's life would be ruined. In fact,
17 you heard testimony -- or argument just now
18 from defense counsel that the Defendant's life
19 was ruined. The evidence in this case and
20 Minor 's witness statement says that she doesn't
21 want him to get in trouble because everyone's
22 life would be ruined.

23 Carolyn Chess testified that she told her,
24 her mom told her it didn't happen because
25 everything would get taken away and she had a

REBUTTAL CLOSING ARGUMENT BY THE STATE

1 better life after marrying Bobby Jones. The
2 defense just stood up here and told you, since
3 he was charged with this crime, Bobby Jones has
4 lost everything, and yet, he still continues to
5 financially support Minor , he still continues
6 to financially support Brenda. He pays for the
7 house. He pays all the bills.

8 And defense even just told you that
9 sometimes kids can be a disappointment. And
10 that's what happened in this case, Minor sought
11 the help that she needed and realized that she
12 was going to disappoint her stepfather,
13 disappoint her mother who told her that it
14 didn't happen, disappoint her pastor.

15 Bobby Jones thinks he is untouchable out
16 here in Allendale. He told you himself,
17 everyone in Allendale knows him. He is from
18 this community and outsiders like me are coming
19 in here trying to charge him with this crime.
20 He thinks he is above the law.

21 They want to talk a lot about his
22 community outreach, his mentoring children, the
23 fact that he's a man of God, but members of the
24 jury, a man of God is still a man. Men have
25 desires, men sin and men commit crimes. And

JURY CHARGE BY THE COURT

1 guilty to this indictment, and that plea puts
2 the burden upon the State to prove the
3 Defendant guilty. I tell you that a person
4 charged with committing a criminal offense in
5 South Carolina is never required to prove
6 himself innocent. I further tell you that it
7 is an important rule of law that the defendant
8 in a criminal trial, no matter what the
9 seriousness of the charge may be, will always
10 be presumed to be innocent of the crime for
11 which the indictment was issued, unless guilt
12 has been proven by evidence that satisfies you
13 of that guilt beyond a reasonable doubt.

14 The presumption of innocence does not end
15 when you begin your deliberations, but it
16 accompanies the Defendant throughout the trial
17 until you reach a verdict of guilt based on
18 evidence that satisfies you of that guilt
19 beyond a reasonable doubt. The presumption of
20 innocence is like a robe of righteousness
21 placed about the shoulders of a Defendant,
22 which remains with the Defendant until it has
23 been stripped from the Defendant by evidence
24 that satisfies you of the Defendant's guilt
25 beyond a reasonable doubt.

JURY CHARGE BY THE COURT

1 The presumption of innocence is not mere
2 legal theory, it is not just a legal phrase, it
3 is a substantial right to which every defendant
4 is entitled unless you, the jury, are satisfied
5 from the evidence of the Defendant's guilt
6 beyond a reasonable doubt. A reasonable doubt
7 is the kind of doubt that would cause a
8 reasonable person to hesitate to act.

9 Some of you may have served on juries in
10 civil cases where you were told that it was
11 only necessary to prove that a fact was more
12 likely true than not true by the greater weight
13 or preponderance of the evidence, but in
14 criminal cases the proof must be more powerful
15 than that, it must be beyond a reasonable
16 doubt. Proof beyond a reasonable doubt is
17 proof that leaves you firmly convinced of a
18 Defendant's guilt.

19 But of course there are very few things in
20 this world that we know of with absolute
21 certainty, and in criminal cases the law does
22 not require proof that overcomes every possible
23 doubt. If based on your consideration of the
24 evidence you are firmly convinced that the
25 Defendant is guilty of the crime charged, you

JURY CHARGE BY THE COURT

1 must find the Defendant guilty. If on the
2 other hand you think there's a real possibility
3 that the Defendant is not guilty, you must give
4 the Defendant the benefit of the doubt and find
5 him not guilty.

6 I remind you, during this trial you and I
7 have had different responsibilities. I have
8 been required to rule on the admissibility of
9 evidence during the case. And I tell you that
10 you consider only the competent evidence before
11 you. If there was any testimony ordered
12 stricken from the record during this trial, you
13 must disregard that testimony. You are to
14 consider only the testimony which has been
15 presented from this witness stand and any
16 exhibits that have been made part of the record
17 in this case.

18 I also have the additional duty to tell
19 you or charge you about the law that applies in
20 this case. As the presiding judge, I am the
21 sole judge of the law in this case. And it is
22 your duty as jurors to accept and apply the law
23 as I now state it to you. And if you already
24 have any idea what the law is or what the law
25 should be, and it does not agree with what I

JURY CHARGE BY THE COURT

1 tell you, you must abandon that idea because
2 you are sworn to accept the law and apply the
3 law exactly as I state it to you.

4 In every case tried in this court before a
5 jury, the jury becomes the sole and exclusive
6 judge of the facts of the case. And a trial
7 judge, such as myself, cannot intimate, state,
8 comment on or make any statement to a trial
9 judge about the facts of the case. Since you
10 the jury are the sole judges of the facts of
11 the case, you are not to infer from anything
12 that I may have said during the progress of
13 this trial or in ruling upon the admissibility
14 of evidence or otherwise, or anything that may
15 have happened, that I have an opinion about the
16 facts of the case. Because I have already told
17 you that the law does not allow me to have an
18 opinion about the facts of the case. That is a
19 matter solely for you.

20 It is your duty, ladies and gentlemen, to
21 determine the effect, the value, the weight,
22 the truth of the evidence presented during this
23 trial. Necessarily, you must determine the
24 credibility of the witnesses who have
25 testified. And this simply means the

JURY CHARGE BY THE COURT

1 believability. It becomes your duty as jurors
2 to analyze, to evaluate the evidence and to
3 determine which evidence convinces you of its
4 truth.

5 In determining the believability of the
6 witnesses who have testified, you may believe
7 one witness over several witnesses, or several
8 witnesses over one witness. You may believe
9 part of a testimony of a witness and reject the
10 remaining part of that testimony of that very
11 same witness. You may believe the testimony of
12 a witness in its entirety, or reject the
13 testimony of a witness in its entirety. And
14 you may consider whether the witnesses
15 exhibited to you any interest, any bias,
16 prejudice or any motive in this case, and you
17 may consider the appearance and the manner of a
18 witness while on the stand.

19 The rules of evidence normally do not
20 permit witnesses to testify about their
21 opinions or conclusions, but an exception to
22 that exists for witnesses that are called
23 expert witnesses. That is a witness who by
24 education, experience, or training has become
25 an expert in some art, science, or profession.

JURY CHARGE BY THE COURT

1 And they may state their opinion to any
2 relevant or material matter in which the
3 witness claims to be an expert, and give you
4 the reasons for that opinion.

5 You should consider the -- an expert
6 opinion received as evidence in this case, and
7 like any other evidence, you give it the weight
8 that you believe that it deserves. If you
9 decide that the opinion of an expert is not
10 based on sufficient education and experience,
11 or if you conclude that the -- evidence, excuse
12 me -- if you conclude that the reasons given in
13 support of this opinion is not sound, or that
14 the opinion is outweighed by other evidence,
15 you may disregard the opinion entirely.

16 An expert witness' testimony is to be
17 given no greater weight than that of other
18 witnesses simply because that person is an
19 expert. And further, you are not required to
20 accept an expert's opinion even though it is
21 not contradicted.

22 The Defendant is charged with second
23 degree criminal sexual conduct with a minor.
24 The State must prove, beyond a reasonable
25 doubt, that the defendant engaged in a sexual

JURY CHARGE BY THE COURT

1 battery with the victim.

2 I tell you that sexual battery is sexual
3 intercourse, cunnilingus, fellatio, anal
4 intercourse, or any intrusion, however slight,
5 of any part of a person's body or of any object
6 into the genital or anal openings of another
7 person's body, except when the intrusion is
8 accomplished for medically recognized treatment
9 or diagnosis.

10 The State must prove beyond a reasonable
11 doubt that the victim was at least 11 years
12 old, but not more than 14 years old at the time
13 of the sexual battery. Consent, willingness,
14 indifference, or ignorance on the part of the
15 minor, if any, as to what was taking place does
16 not in any way affect the charge of criminal
17 sexual conduct with a minor, because an
18 unmarried woman under the age of 16 cannot
19 legally consent to sexual intercourse.

20 Ladies and gentlemen, in a few moments you
21 will retire to the jury room to begin your
22 deliberations. For there to be a verdict in
23 this case, the verdict must be unanimous,
24 meaning all of you must agree. And I'm going
25 to ask our foreperson, if she will on behalf of

JURY CHARGE BY THE COURT

1 the jury, when the jury reaches a unanimous
2 verdict, write the verdict on the back of the
3 indictment under the word, Verdict. And of
4 course there are only two possible verdicts,
5 guilty or not guilty.

6 And I'll ask our foreperson to sign her
7 name and date the document. Knock on the door
8 and let the bailiff know that you have reached
9 a verdict and we will receive you back in the
10 courtroom.

11 At this time, I am going to ask all of you
12 to retire to the jury room, including our two
13 alternates. When I'm ready for you to begin
14 deliberating, I'll send to the jury room the
15 exhibits as well as this indictment. And when
16 that's brought to the jury room it will be your
17 queue to begin deliberating and for the two
18 alternate jurors to step back out of the juror
19 room into the courtroom.

20 So if you would, ladies and gentlemen, if
21 you would please retire to jury room and I hope
22 to be in touch with you shortly.

23 (WHEREUPON, the jury exits the courtroom
24 at 10:56 a.m.)

25 THE COURT: Any exceptions from the State?

JURY CHARGE BY THE COURT

1 MS. LUTTRELL: No, Your Honor.

2 THE COURT: From the defense?

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

4 THE COURT: Do we need to put a couple of
5 things on the record about side bars we had
6 during closing arguments? Does anybody wish to
7 do that?

8 MR. WALTERS: No, sir, Your Honor.

9 MS. LUTTRELL: No, Your Honor.

10 THE COURT: All right. Well, let's just
11 make sure we have all the exhibits. Let's give
12 these to the bailiff, along with the verdict
13 form.

14 Take those to the jury, if you would, and
15 ask the alternate jurors if they would please
16 step back in.

17 THE BAILIFF: Yes, sir.

18 (Alternate jurors released.)

19 (Jury deliberations.)

20

21 THE COURT: The bailiff indicates that the
22 jury has reached a verdict in this case. Is
23 the State ready to receive the verdict?

24 MS. LUTTRELL: Yes, Your Honor.

25 THE COURT: The defense?

VERDICT

1 MR. WALTERS: Yes, Your Honor.

2 THE COURT: Let's bring the jury in.

3 (WHEREUPON, the jury enters the
4 courtroom.)

5 THE COURT: Welcome back, ladies and
6 gentlemen.

7 Ms. Meyer, let me ask you as foreperson of
8 the jury, has the jury reached a verdict?

9 THE FOREPERSON: Yes, sir.

10 THE COURT: Was it a unanimous verdict?

11 THE FOREPERSON: Yes, sir.

12 THE COURT: Apparently, this is the
13 verdict form I've been handed.

14 THE FOREPERSON: Yes, sir.

15 THE COURT: This is your signature?

16 THE FOREPERSON: Yes, sir.

17 THE COURT: Madam clerk, if I could get
18 you to publish the verdict.

19 THE FOREPERSON: I was just hoping I put
20 it in the right place.

21 THE CLERK: In indictment 2013-GS-03-0039,
22 the State vs. Bobby Jones, Sr., in charge
23 criminal sexual conduct with a minor, second
24 degree, the verdict is guilty.

25 THE COURT: Anything before the jury is

VERDICT

1 discharged from the State?

2 MS. LUTTRELL: No, Your Honor.

3 THE COURT: From the defense?

4 MR. CULLER: No, Your Honor.

5 THE COURT: Would you like the jury
6 polled?

7 MR. WALTERS: No, sir, Your Honor.

8 THE COURT: Ladies and gentlemen, I want
9 to thank you for your service, and tell you a
10 couple of things. Previously, I told you you
11 couldn't talk about this case, but you are now
12 free to talk about it. You're free to talk
13 about not just what happened in the courtroom,
14 you're free to talk about what happened in the
15 jury room, or not. It's totally up to you as
16 to whether you talk about it or not. I don't
17 have any reason to think anybody is going to
18 bug you or bother you about your verdict. I
19 just tell every jury the same thing, you've got
20 the right to talk about it or not talk about
21 it. If anybody bothers you about it or
22 persists after you tell them you don't want to
23 talk to them, report them to the clerk of
24 court, if you would. But I don't think anybody
25 is going to do that, but I just want to let you

DISMISSING THE JURY BY THE COURT

1 know that you have the right to do it or not to
2 do it.

3 I'm getting ready to discharge you and let
4 you go. And you can do one of several things,
5 you can leave the building and go about
6 whatever it is you want to do, or if you would
7 like to stay and see what happens next,
8 normally, in these proceedings, the Court will
9 impose a sentence, probably shortly. Some
10 jurors want to be present for that, others
11 jurors, it's not their business, their business
12 is to decide guilt or innocence. It's my job
13 to impose sentencing, but if you want to stay,
14 I'll ask you to leave, all leave, but then come
15 back in in the back, if you wish to stay. That
16 gives you an opportunity to either stay or to
17 leave.

18 Does anybody have any problems? Any
19 questions? Anything that we can do for you?

20 (No response.)

21 THE COURT: Ladies and gentlemen, you're
22 excused. Thank you for your service.

23 (WHEREUPON, the jury exits the courtroom
24 at 11:45 a.m.)

25 THE COURT: Any motions?

DISMISSING THE JURY BY THE COURT

1 MS. LUTTRELL: Not from the State, Your
2 Honor.

3 MR. WALTERS: Your Honor, we make a motion
4 to suppress the judgment and set aside.

5 THE COURT: I think I understand that.
6 I'm saying the reasons to find the verdict is
7 in the province of the jury and I deny your
8 motion.

9 MR. WALTERS: Thank you.

10 THE COURT: Is there any reason the Court
11 should not go ahead and sentence him?

12 MS. LUTTRELL: No, Your Honor.

13 MR. WALTERS: No, Your Honor.

14 THE COURT: Does the State have a
15 sentencing sheet?

16 MS. LUTTRELL: We do, Your Honor. I'll
17 hand that up to the bench.

18 THE COURT: I'll be glad to hear from the
19 State on the issue of the sentence.

20 MS. LUTTRELL: Yes, Your Honor, may it
21 please the Court. The charge in this case is a
22 violent charge, it's a most serious charge.
23 The potential penalty is 20 years in prison and
24 the State is asking that Your Honor impose the
25 20 years in this case.

SENTENCING

1 This -- Your Honor heard all the evidence
2 in this case, you've heard all the testimony,
3 along with the jury. This case involves the
4 Defendant's stepdaughter. She was only 14
5 years old at the time. There was both
6 allegations of the Defendant having intercourse
7 with her as well as using a vibrator on her.
8 There's a lot of evidence about the Defendant's
9 control of this family, his influence over this
10 family to keep her quiet about it. And
11 eventually, she did try to recant what she told
12 all of those people when she was trying to get
13 help for this case. And the Defendant himself
14 even admitted to the crime, Your Honor back in
15 2013.

16 He abused his position as a pastor in the
17 community, he abused his position as her
18 stepfather. It's an abuse of his power, so we
19 are asking for the 20 years. And in addition,
20 pursuant to statute 23-3-540(b), the Court may
21 require the Defendant to wear electronic
22 monitoring if and when he's released from
23 prison and we also ask that you impose that
24 condition.

25 THE COURT: Before I hear from defense

SENTENCING

1 counsel, will you motion for the jurors who
2 were trying to come in? Please let the jurors
3 come in and sit on this side.

4 And from the defense?

5 MR. WALTERS: May it please the Court,
6 Your Honor, I believe you've heard the
7 testimony in regard to my client and his status
8 in this community, the services that he has
9 performed. He's never been convicted of a
10 crime. I ask that under the circumstance, you
11 consider the life that he's lived. And this
12 particular issue, of course, it's a sad issue,
13 but it's an issue that, unfortunately, that's
14 occurred at this time. I'd ask that you take
15 into consideration that he's never been
16 incarcerated, he's never caused any problems in
17 this community. So, when you look at his prior
18 record, he's been an outstanding citizen.

19 In addition to that, I ask you also
20 consider his age. There's still good in this
21 man and there's still good that he can do. And
22 under the circumstances, this is a very, very
23 serious charge, so we would ask that you take
24 into consideration all of the testimony,
25 especially testimony he's given and good that

SENTENCING

1 he's done to the lives of others. And of
2 course, also, the fact that he does have a
3 family. Thank you.

4 THE COURT: I'm sorry, how old is
5 Mr. Jones?

6 MR. WALTERS: He's 59, Your Honor.

7 THE COURT: Fifty-nine.

8 And does Mr. Jones wish to speak or anyone
9 else?

10 THE DEFENDANT: I just want to say that
11 despite of the verdict, I still feel like I'm a
12 good part of the community. And with that
13 being said, of course, I still deny in spite of
14 the charges, but I appreciate your process.

15 THE COURT: I'm sorry, Mr. Walters, on the
16 issue of the request of electronic monitoring?

17 MR. WALTERS: Your Honor, my client has
18 faithfully appeared before this court for the
19 last five years and released under some form of
20 supervision, I don't think it would be a
21 problem, Your Honor. Even when he was under
22 these circumstances, he's behaved admirably.
23 Of course, if he's released, he will behave
24 admirably and, certainly, will start his
25 ministry again and continue working.

SENTENCING

1 THE COURT: All right. Mr. Jones, I
2 sentence you to the Department of Corrections
3 for a period of 12 years. I will deny the
4 request for electronic monitoring.

5 MR. CULLER: Thank you, Your Honor.

6 MS. LUTTRELL: Thank you, Your Honor.

7 MR. CULLER: Your Honor, may we approach?

8 (Off-the-record discussion held.)

9 MR. CULLER: Your Honor, may it please the
10 Court, we had a sidebar briefly. I did want to
11 put on the record that approximately two years
12 ago, Mr. Walters and I appeared before Judge
13 Buckner in this courtroom and the solicitor at
14 that time was not one of these young ladies, it
15 was Lynorr Musser, and she had extended an
16 offer of assault and battery, third degree with
17 no jail time. My recollection is registry was
18 part of the offer. And the Defendant was
19 present when Mr. Walters and I rejected that
20 offer. I just wanted to put that on the
21 record.

22 MS. LUTTRELL: That is also the State's
23 understanding of the offer at the time.

24 THE COURT: I'm sorry?

25 MS. LUTTRELL: That is also our

SENTENCING

1 understanding of the offer made by the previous
2 solicitor in this case, Judge.

3 THE COURT: All right. Anything else?

4 MR. CULLER: No, Your Honor. Thank you.

5 THE COURT: One thing I would like to say,
6 I probably should have already said it sooner.
7 But all the attorneys involved in this case did
8 an outstanding job and a very professional job
9 and it was my pleasure to preside over this
10 trial.

11 MR. CULLER: Thank you, Your Honor.

12 MS. LUTTRELL: Thank you, Your Honor.

13 (Trial concluded.)

14

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VOLUNTARY STATEMENT
Milendale County Sheriff's Office
1388 Law Enforcement Court
Fairfax, South Carolina 29827

DATE 3-4-13 TIME 11:00 PLACE AFAA APR 18 '13 PM 1:01
Minor _____ years old and I live at _____

I am giving this statement to Samuel Holmes to Sheriff Deputy who has id
myself as a 3RD

and he has duly warned me that I have the following rights: that I have the right to remain silent and to make any statement at all; any statement I make may be used against me at trial; that any statement I make may be used as evidence against me in court; that I have the right to have a lawyer present to advise me prior to and during any questioning; that if I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and that I have the right to terminate the interview at any time.

Prior to and during the making of the statement, I have and do hereby knowingly, intelligently, and voluntarily waive the above explained rights and I do make the following voluntary statement to the aforementioned person of my own free will

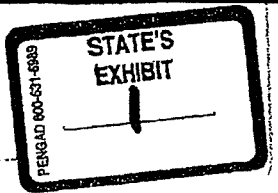
and without any promises or offers of leniency or favors, and without coercion or persuasion by any person or persons whomsoever:
My step dad was touching me in places then we did it then after I told my mom she got mad and wouldn't talk to him and he almost killed himself. Sometimes I think that it will happen again and sometimes I don't when I'm round my mom.

~~EF EF EF EF~~

I have read this statement consisting of _____ page (s), each page of which bears my signature, and I do affirm that all facts and statements contained herein are true and correct.

Samuel Holmes

Signature of person making voluntary statement
The above warnings were given by and the voluntary statement was taken by _____



VOLUNTARY STATEMENT
Allendale County Sheriff's Office
158 Law Enforcement Court
Fairfax, South Carolina 29827

APR 18 '13 PM 1:01

DATE 3-4-13 TIME 12:32 PLACE Allenbrook-fairfax-homeschool
Minor _____ years old and I live at _____

I am giving this statement to Samuel Holmes I.D. Deputy Sheriff who has identified himself as a SRO

and he has duly warned me that I have the following rights: that I have the right to remain silent and to make any statement at all; any statement I make may be used against me at trial; that any statement I make may be used as evidence against me in court; that I have the right to have a lawyer present to advise me prior to and during any questioning; that if I am unable to employ a lawyer, I have the right to have a lawyer appointed to advise me prior to and during any questioning and that I have the right to terminate the interview at any time.

Prior to and during the making of the statement, I have and do hereby knowingly, intelligently, and voluntarily waive the above explained rights and I do make the following voluntary statement to the aforementioned person of my own free will

and without any promises or offers of leniency or favors, and without compulsion or persuasion by any person or persons whomsoever:

One night after Christmas me and my stepdad (bobby jones) did it one night first he started touching me and he was touching him back and I took off my clothes and lifted my legs up and then he had put his penis inside me then it started feeling good to me that's why I didn't say anything while

can't write any more because I don't want him or my mother or me and my brother to lose everything I mean he's a great man of god but the only reason why I did it because I wanted the help that I needed and that was the only help to me that I could get for myself I just don't want him to get in any trouble and I know that it won't happen again because I'm with my mother and she sleeps with me ->

I have read this statement consisting of _____ page(s), each page of which bears my signature, and I do affirm that all facts and statements contained herein are true and correct.

Signature of person making voluntary statement
The above warnings were given by _____ and
this voluntary statement was taken by _____



This must be signed by same person as named above

Sometimes just to make sure that I'm
OK. Please, don't say anything to
anyone else please I'm begging you
Everything is fine now we are back to
our happy family please don't say anything
and if its anything else I need I
promise that I will come to you
for anything what I can't handle or
need help

THANK YOU

Smiley J. Lowe



VOLUNTARY STATEMENT

CASE # 21-120022

LEAD #

LAST NAME Minor	FIRST NAME	MIDDLE NAME	AGE 19	DOB [redacted] 98
NICKNAME/AKA	M <input type="checkbox"/> F <input checked="" type="checkbox"/>	SSN	STREET ADDRESS Terry Rd	
CITY Attendale	STATE SC	ZIP	MAILING ADDRESS IF DIFFERENT	
HOME TELEPHONE	WORK TELEPHONE	CELL TELEPHONE	OCCUPATION Student	
EMPLOYER Student	EMPLOYER ADDRESS Student			
DRIVER'S LICENSE NUMBER/STATE Juvenile	DATE AND TIME OF INTERVIEW 3-26-13 @ 11:45 am			
LOCATION OF INTERVIEW Barnwell High School				
INTERVIEWING AGENT B. Johnson	DEPARTMENT SLED	INTERVIEWING AGENT B. O'Brien	DEPARTMENT BESD	

I, _____ understand I do not have to say anything, and I volunteer the following information of my own free will, for whatever purposes it may serve. I can _____ read and write and completed the _____ grade in school.

Q: when did your stepfather first had a conversation with you about "boys and girls" having sex?
A) Do not recall

Q: what was said during that first discussion about sex?
A) I wanted to know about sex so I ask him

Q: what made you ask your stepfather about sex?
A: I wanted to know what it was like to have sex, and since he counseled people I ask him

Q: Did you ask your mother about sex?
A: I went to her first but she did not really talk to me.

Q: when you ask your stepfather about sex what did he said or did?
A: I don't recall

I have read each page of this statement consisting of _____ page(s), each page of which bears my signature, and corrections, if any, bears my initials, and I certify that the facts contained herein are true and correct.
Minor

Date: 3-26-13 Time: 12:30pm

Signature of person giving voluntary statement
WITNESS: [Signature] WITNESS: [Signature]

I certify that I have been given a copy of this statement consisting of _____ pages.



SLED
CF003 5/95

PAGE NO. _____ OF _____ PAGES

VOLUNTARY STATEMENT
SUPPLEMENTAL

Minor

Statement of, Continued.

Minor's

request she asked if she could
write her own statement.

The truth is my stepdad was just telling about to have sex the only physical contact we made was when he touch the top of my chest and thats all I used the vibrator myself not him. This is the truth I'm tired of asking @ people asking me questions about what happen and I'm tired of going through the same thing over and over again I just want to live my normal life and be with my mom and stepdad the reason why I said those statements and said the things that I said to the DSS and others was because I was getting frustrated and tired of them they just kept asking the same question over and over again and I just wanted them to stop so I just told them things just so that they could leave me alone. I'm sorry if I have you here for nothing and my friend Nicole took it the wrong way when I was telling her and it just spreaded all over the place and thats how it all started up and I wish I never would have told nobody but my mother because no one is your enemy but yourself because you telling your personal things to another person. He also did use the vibrator on me. Only once. We were in my room. My top was on and bottom off. It was a blue vibrator and I got it around January. The ~~one~~ time we did it was with the night I was texting my friend.

Minor

Person giving statement to place initials behind last word of statement as appears on last page.

Signature of person giving voluntary statement

WITNESSES

Richard Johnson - South Carolina Law Enforcement Division

ARREST WARRANT NUMBER

2013A0310100074

ACTION OF GRAND JURY

True Bill

Opie Proctor

Foreperson of Grand Jury
Date:

VERDICT

Guilty

Bonnie Meeker

Foreperson of Petit Jury

Date: 7-12-2018

INDICT

DOCKET NO. 2013GS0300039

The State of South Carolina

County of Allendale

COURT OF GENERAL SESSIONS

July Term 2018

THE STATE

vs.

Bobby Jones, Sr.

Amended
Indictment For

Criminal Sexual Conduct With Minor,
Second Degree

SC Code: 16-3-655(B)(1)

CDR Code: 0396

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

Defendant

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

Defendant

Witness:

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF ALLENDALE)

AMENDED INDICTMENT
2013GS0300039

At a Court of General Sessions, convened on July 5, 2018, the Grand Jurors of Allendale County present upon their oath:

Criminal Sexual Conduct With Minor, Second Degree

That in Allendale County, South Carolina, on or about January 21, 2013, the Defendant, Bobby Jones, Sr., did engage in sexual battery with E.F. who was fourteen years of age or less but who was at least eleven years of age at the time of the sexual battery, all in violation of Section 16-3-655(B)(1), 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.

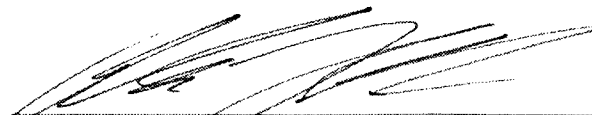


Solicitor

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Adam Sinclair Ruffin
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 14th day of October, 2019.

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,



Adam Sinclair Ruffin
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 14th day of October, 2019.

RECEIVED
OCT 14 2019
SC Court of Appeals