

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**  
**Nov 13 2020**  
**SC Court of Appeals**

Appeal from Greenville County

Honorable R. Lawton McIntosh, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICHAEL G. STROTHER,

APPELLANT

APPELLATE CASE NO 2019-001328

RECORD ON APPEAL

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| STATE OF SOUTH CAROLINA  | ) | COURT OF GENERAL SESSIONS |
|                          | ) | 2019-GS-23-00157          |
| COUNTY OF GREENVILLE     | ) |                           |
|                          | ) |                           |
|                          | ) |                           |
|                          | ) |                           |
| STATE OF SOUTH CAROLINA, | ) |                           |
| PLAINTIFF,               | ) |                           |
|                          | ) |                           |
| vs.                      | ) | TRANSCRIPT OF RECORD      |
|                          | ) |                           |
| MICHAEL G. STROTHER,     | ) |                           |
| DEFENDANT.               | ) |                           |
| _____                    | ) |                           |

January 10, 2019  
Greenville, South Carolina

B E F O R E:

THE HONORABLE R. LAWTON McINTOSH, JUDGE

A P P E A R A N C E S:

R. KYLE SENN, ESQ.  
Attorney for the Plaintiff

TEAL JOHNSON, ESQ.  
Attorney for the Defendant

CHERYL A. SMITH  
Circuit Court Reporter

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(SW) - Denotes State's Witness  
(DW) - Denotes Defense Witness  
(IC) - Denotes In Camera

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

(WHEREUPON, proceedings commenced at 12:05 p.m.)

THE CLERK: Your Honor, this is Indictment Number 2019-GS-23-0157, the State vs. Michael G. Strother, indicted for sexual exploitation of a minor in the first degree, he's pleading to the same, and it is a waiver.

WHEREUPON,

MICHAEL J. STROTHER

After having been duly sworn, testified as follows:

THE COURT: What is the range on sexual exploitation of a minor in the first degree?

MR. SENN: Three to 20 years, Judge.

THE COURT: Three to 20.

MR. SENN: It cannot be suspended.

THE COURT: Sir, you're Michael G. Strother?

DEFENDANT STROTHER: Yes, sir.

THE COURT: Mr. Strother, it says that you're 75 years old?

DEFENDANT STROTHER: 65, sir.

THE COURT: 65.

DEFENDANT STROTHER: 65.

THE COURT: I'm going to amend the sentencing sheet to reflect that. Anybody have a problem with that?

MS. JOHNSON: No, Your Honor.

1 THE COURT: All right. Mr. Strother, before you went  
2 to jail, did you work anywhere?

3 DEFENDANT STROTHER: I was retired, sir, but before  
4 that I worked for ZF Transmissions.

5 THE COURT: How long did you do that?

6 DEFENDANT STROTHER: I was there for three and a half  
7 years. Before that I was with American Trusler [phonetic]  
8 for approximately a year and a half, and before that,  
9 16 1/2 years with John D. Hollingsworth, and before that,  
10 20 years in the U.S. Navy.

11 THE COURT: All right. Sir, are you married?

12 DEFENDANT STROTHER: No, sir. I'm divorce.

13 THE COURT: You don't have any children that are  
14 18 years or younger, do you?

15 DEFENDANT STROTHER: No, sir.

16 THE COURT: Now, you heard me ask the Attorney  
17 General's Office the range on this.

18 DEFENDANT STROTHER: Yes, sir.

19 THE COURT: You understand that this carries a  
20 minimum of three years up to 20 years.

21 DEFENDANT STROTHER: Yes, sir.

22 THE COURT: And whatever amount that I assign to you  
23 cannot be suspended. You will have to serve that,  
24 whatever portion of it that you would have to serve. You  
25 understand that?

1 DEFENDANT STROTHER: Yes, sir.

2 THE COURT: Knowing that, do you understand that I  
3 can sentence you to 20 years?

4 DEFENDANT STROTHER: Yes, I do, sir.

5 THE COURT: You still want to go forward?

6 DEFENDANT STROTHER: Yes, sir.

7 THE COURT: Are you under the influence of any  
8 medications, drugs or alcohol today?

9 DEFENDANT STROTHER: No, sir.

10 THE COURT: Counsel, are you satisfied that  
11 Mr. Strother is competent to plead?

12 MS. JOHNSON: Yes, Your Honor.

13 THE COURT: Has anybody forced, threatened or  
14 promised you anything to get you to plead today?

15 DEFENDANT STROTHER: No, sir.

16 THE COURT: Are you doing so freely and voluntarily?

17 DEFENDANT STROTHER: Yes, sir.

18 THE COURT: Do you understand that by pleading  
19 guilty, you will give up your constitutional right to have  
20 a jury trial?

21 DEFENDANT STROTHER: Yes, sir.

22 THE COURT: You understand that? Is that what you  
23 want to do?

24 DEFENDANT STROTHER: Yes, sir.

25 THE COURT: Do you understand that if you were to go

1 to trial, the State would have to prove each and every  
2 element of this charge by proof beyond a reasonable doubt  
3 before you could be found guilty? Do you understand that?

4 DEFENDANT STROTHER: Yes, sir.

5 THE COURT: And throughout that trial, you would be  
6 presumed innocent unless and until the jury determines  
7 that the State has met its burden of proof. Do you  
8 understand that?

9 DEFENDANT STROTHER: Yes, sir.

10 THE COURT: You freely and voluntarily give up your  
11 right to a jury trial in order to plead guilty today?

12 DEFENDANT STROTHER: Yes, sir.

13 THE COURT: If you were to go to trial, Mr. Strother,  
14 during that trial you could exercise the following  
15 constitutional rights: first, you'd have a right to  
16 confront and cross-examine the State's witnesses who  
17 testify against you, you would have a right to present  
18 evidence in your own defense, you could subpoena people to  
19 go to court to testify on your behalf, you'd have a right  
20 under the Fifth Amendment to the United States  
21 Constitution to remain silent or not to testify. Have  
22 these rights been explained to you?

23 DEFENDANT STROTHER: Yes, sir.

24 THE COURT: Do you understand them?

25 DEFENDANT STROTHER: Yes, I do.

1 THE COURT: Do you understand that if you go forward  
2 today, you'll give up the rights we've just gone over,  
3 just like you did a jury trial?

4 DEFENDANT STROTHER: Yes, sir.

5 THE COURT: Is that what you want to do?

6 DEFENDANT STROTHER: Yes, sir.

7 THE COURT: You understand if you were to go to trial  
8 and not testify, that the Court would instruct the jury  
9 they couldn't consider that because that's your  
10 constitutional right? Do you understand that?

11 DEFENDANT STROTHER: Yes, sir.

12 THE COURT: Do you freely and voluntarily give up  
13 your constitutional rights in order to plead guilty today?

14 DEFENDANT STROTHER: Yes, sir.

15 THE COURT: Under Indictment 2019-GS-23-0157, are you  
16 guilty of the sexual exploitation of a minor, first  
17 degree?

18 DEFENDANT STROTHER: Yes, sir.

19 THE COURT: Are you satisfied with the services of  
20 your attorney?

21 DEFENDANT STROTHER: Yes, sir.

22 THE COURT: Has she reasonably done what you've asked  
23 her to do?

24 DEFENDANT STROTHER: Yes, sir.

25 THE COURT: As we stand here today, do you have any

1 complaints about her representation whatsoever?

2 DEFENDANT STROTHER: None, sir.

3 THE COURT: Are you totally and completely satisfied  
4 with her services?

5 DEFENDANT STROTHER: I am, sir.

6 THE COURT: Counsel, have you gone over the elements  
7 of this charge with Mr. Strother, explained to him the  
8 time he could get, the minimum and maximum?

9 MS. JOHNSON: I have Your Honor.

10 THE COURT: Have you explored with him whether he has  
11 any defenses to this charge?

12 MS. JOHNSON: I have, Your Honor.

13 THE COURT: You've also explained his constitutional  
14 rights?

15 MS. JOHNSON: I have, Your Honor.

16 THE COURT: And he indicated on the sentencing sheet  
17 that he intends to waive presentment of this to the grand  
18 jury; is that correct?

19 MS. JOHNSON: Yes, Your Honor.

20 THE COURT: Did you explain that process to him?

21 MS. JOHNSON: I did, Your Honor.

22 THE COURT: And does he waive presentment?

23 MS. JOHNSON: He does, Your Honor.

24 THE COURT: Is that correct, Mr. Strother?

25 DEFENDANT STROTHER: Yes, sir.

1 THE COURT: You do so freely and voluntarily?

2 DEFENDANT STROTHER: Yes, I do, sir.

3 THE COURT: All right. Tell me about him, please.

4 MR. SENN: Thank you, Judge. May it please the  
5 Court. On April 18, 2017, Special Investigator Kevin  
6 Atkins with the South Carolina Attorney General's Office  
7 conducted an investigation into the use of file sharing  
8 networks for the distribution and possession of sexual  
9 files of children. He found one user that was requesting  
10 specific child pornography files on this network. One  
11 file he reviewed depicted what appeared to be an adult  
12 male touching the vagina of a prepubescent female believed  
13 to be between 11 and 13 years of age. Another video file  
14 was reviewed and appeared to be female children between  
15 that same age range performing oral sex on each other and  
16 rubbing each other's vagina, and then one final video file  
17 depicting what appears to be a minor female in that same  
18 age range performing oral sex on an adult male.

19 After obtaining subscriber information for this user,  
20 Special Investigator Atkins was able to identify the  
21 defendant's residence in Greenville County as the location  
22 where these files were being requested from.

23 A search warrant was executed on May 31st, 2017, at  
24 the defendant's residence where they seized several  
25 electronic devices, and at that time the defendant

1 admitted to secretly recording both an adult female and a  
2 17-year-old minor female without their knowledge.

3 Forensic preview ---

4 THE COURT: How did he do that?

5 MR. SENN: There was a hidden camera, Judge.

6 THE COURT: In his home?

7 MR. SENN: Yes, Judge.

8 Forensic preview of the devices they found, they  
9 found that there were hidden recordings from this bathroom  
10 along with the file-sharing program and files of child  
11 pornography. And at that time the defendant admitted to  
12 downloading child pornography via file-sharing, and he  
13 admitted to masturbating to these type of files. And  
14 after a full forensic analysis was conducted on several  
15 devices, because there were many devices seized, over  
16 14,000 files relevant to the investigation were found  
17 which included over 11,000 files of the adult female and  
18 minor female in various states of undress. Additionally,  
19 child pornography files which include children as young as  
20 4 years of age were found being sexually assaulted.

21 The majority of those in-house recordings appear to  
22 be taken between the dates of May 19th and May 30th, 2017,  
23 and that would have been when the minor female was  
24 17 years of age, but there also were recordings on I  
25 believe a USB drive as well, Judge, that depict the minor

1 female as far back as 2013, based on the time stamp on the  
2 image, and she would have been 13 years of age at that  
3 time.

4 Judge, he does not have a record, and he has signed a  
5 consent order to forfeiture of all the devices that had  
6 images on it.

7 The State would like to comment on sentencing at the  
8 appropriate time. I believe the victims would like to  
9 address the Court, and the investigator may like to speak  
10 as well.

11 THE COURT: Good to see you again.

12 MR. ATKINS: Thank you, sir.

13 THE COURT: Be glad to hear from you.

14 MR. ATKINS: I think I'm going to let them do all the  
15 talking today, if that's okay.

16 THE COURT: That sounds good. All right.

17 If you want to have your victims come forward, I'll  
18 be glad to hear from them.

19 You can come forward. I'm a little hard of hearing  
20 so it's actually easier. Is that all right with law  
21 enforcement if I do that?

22 THE DEPUTY: Yeah. That's fine. Whatever you want,  
23 Judge.

24 THE COURT: Would you identify yourselves for the  
25 record, please, ma'am.

1 MS. ANDERSON: My name is Sarah Anderson.

2 THE COURT: Okay. Ms. Anderson ---

3 MS. ANDERSON: Yes, sir.

4 THE COURT: --- I'll be glad to hear anything you'd  
5 like to say. Take your time.

6 MS. ANDERSON: The defendant was married to my  
7 mother. We lived in the same home, and that included my  
8 three children. I would have never had my children in the  
9 presence, much less living in the same home with the  
10 person that is this lacking of character and harm -- harm  
11 my children this way.

12 This is my daughter Sydney. She was 16 at the time,  
13 sir, not 17, when he was arrested. And as much as you can  
14 see the turmoil and hurt within me, watching my daughter  
15 go through the pain is something I can't take away.  
16 Neither one of us asked for this. This is something that  
17 you can't fix, a right to privacy, each of us speaking on  
18 a daily basis, looking in the mirror, wondering is there  
19 another camera, how many people have seen pictures like  
20 this of us. Sir, this man is sick, and he's not sorry  
21 except for one reason, that he was caught. This is not  
22 the first time he's done this.

23 THE COURT: What do you mean by that, if you don't  
24 mind my asking?

25 MS. JOHNSON: And, Judge, I don't want to interrupt,

1 but ---

2 THE COURT: I get to listen to anything I want to.  
3 I'll note your objection, but I get to listen to anything  
4 I want to when I'm going to sentence somebody.

5 So I'll be glad to hear from you.

6 MS. ANDERSON: This has been a pattern with him, and  
7 in his prior marriage prior to my mother, he had a  
8 stepdaughter that he molested repeatedly. Unfortunately,  
9 my mother knew about that and didn't protect me and my  
10 children. But she didn't have anyone to stand in her  
11 corner. And even though she didn't have anyone to stand  
12 in her corner, she's in this courtroom standing in ours,  
13 in our corner.

14 Sir, this man, if given the chance to see light of  
15 day again, will do this again.

16 This is not just the emotional trauma of what we've  
17 endured, but ever since this arrest happened, Your Honor,  
18 it created a chain of reaction, chain of events in our  
19 lives. We had nowhere to go because we were being  
20 evicted, no one wanted us in that apartment complex after  
21 this arrest was made known. The only reason I was even in  
22 that apartment with my children was to restart my life  
23 after a very bad marriage, and we had nowhere to go. It  
24 took everything that I had to uproot and go live with  
25 another friend.

1           Your Honor, 20 years is not enough, but I ask you to  
2 see to that. I implore to you, sir.

3           THE COURT: All right. Thank you, ma'am.

4           Does anyone else want to speak?

5           All right. Now, I note your objection, but I think  
6 I'm entitled to listen to anything, whether it's status or  
7 not.

8           With that being said, tell me why I shouldn't give  
9 you 20 years. It's pretty egregious, his conduct in this  
10 case.

11           MS. JOHNSON: Your Honor, I'm going to explain his  
12 life and go over his background and why we're here today.  
13 But I would like to put my objection on the record.

14           THE COURT: It's noted.

15           MS. JOHNSON: I don't know anything about these prior  
16 allegations, and I'm here today to defend my client.

17           THE COURT: Sure you are. You do a good job at it.

18           MS. JOHNSON: And, you know, when somebody comes into  
19 court and makes accusations that I'm not able to defend,  
20 that puts my client at a huge disadvantage, so I would  
21 object to that.

22           THE COURT: And I know the State says he has no prior  
23 record, so that's what I have to go on. But go ahead.  
24 But the facts of this case are extremely disturbing to me.

25           MS. JOHNSON: I understand, Your Honor.

1           Your Honor, I want to, again, paint the Court a  
2 picture of my client. My client is 65. He is extremely  
3 sorry, profoundly sorry for what happened. He readily met  
4 with investigators, he cooperated with the investigators.  
5 At no point did we ever request bail in this case, Your  
6 Honor. My client knew what he had done was wrong and  
7 never once asked me to ask for bond in this case.

8           You know, we're here today to accept responsibility  
9 for these charges, Your Honor. We are not putting the  
10 victims under, you know, the stress of trial even though  
11 he's certainly entitled to that. He's here today to  
12 accept responsibility and to admit guilt.

13           I do have a psychological report that I have  
14 provided.

15           THE COURT: Who prepared it?

16           MS. JOHNSON: Dr. Bodtorf, Your Honor.

17           THE COURT: Bodtorf?

18           MS. JOHNSON: Yes, sir, Your Honor. And I would like  
19 to pass that up to the Court. I mean, he's the best in  
20 the business, Your Honor.

21           THE COURT: I don't know that that's the case, but I  
22 know he's good.

23           MS. JOHNSON: He's good. If I can find it, Your  
24 Honor. I passed that up to the Court.

25           THE COURT: Have you seen this?

1 MR. SENN: Yes, Judge.

2 THE COURT: Okay. Hang on. Let me read it.

3 MS. JOHNSON: Yes, sir.

4 THE COURT: I'm from Anderson. I can only do one  
5 thing at a time.

6 MS. JOHNSON: Yes, sir.

7 (Pause in proceedings.)

8 THE COURT: Be glad to hear. I've read it.

9 MS. JOHNSON: Your Honor, and I would just note  
10 Dr. Bodtorf said that Mr. Strother's risk to the community  
11 would be expected to be in a low range, and he is not  
12 convinced that Michael is a classic pedophile or predator.

13 Your Honor, some background. My client was married  
14 to Colleen for 12 years. This woman had Parkinson's  
15 during the marriage. That was extremely debilitating for  
16 not only her but for my client. My client tells me the  
17 most he could be gone would be like two hours on a Friday  
18 to go get groceries. Five other people were living in  
19 this two-bedroom apartment. My client was responsible for  
20 the financial support for everybody in the house, and  
21 there were some other -- I'm not here to cast blame on  
22 anybody, but there were some other issues going on. There  
23 was a lot of stress in this house that I think my client  
24 took -- it took a toll on my client, Your Honor.

25 As Your Honor heard, my client worked for ZF

1 Transmissions. He took an early retirement. He had that  
2 job for three years. Before that he worked at American  
3 Trusler. Before that he worked for John D. Hollingsworth.  
4 As Your Honor knows, that's a big name around these parts.  
5 He had that job for 16 1/2 years. He tells me he was a  
6 service tech for the first three and did research and  
7 development for the rest. He designed capital equipment.

8 Judge, where this started or I think the impetus for  
9 this, he was in the Navy. He joined the Navy at 19. He  
10 was in the Navy for 20 years. He got a good retirement  
11 from the Navy. He rose to the rank of first-class petty  
12 officer, and he served on submarines for the majority of  
13 the time. He also was a nuclear reactor operator. He  
14 tells me it was hard and confined.

15 Your Honor, he served in Japan, Korea, Australia,  
16 Guam and other parts around our nation. He provided me a  
17 list of his many accolades and awards, good conduct. He  
18 got five awards, national defense, two awards, and he, of  
19 course, got an -- he tells me he got an honorable  
20 discharge.

21 Going back to the Navy thing, Your Honor, he was  
22 exposed to porn initially in Japan in the 1970s, and that  
23 was apparently rampant, porn was in Japan. And he's also  
24 on a submarine with 150 other guys, and it's just  
25 widespread.

1           My client's brother and sister are here. At the  
2 appropriate time, his brother would like to address the  
3 Court.

4           I want to let the Court know his, I guess, early  
5 background. Life was rough for Mr. Strother. He was born  
6 in Parkersburg, West Virginia, which is right across the  
7 river from Ohio. His first wife had uterine cancer, and  
8 it was a very distant situation. His wife left him.  
9 Again, we're not disparaging anybody here. I just want  
10 to, you know, let the Court know what happened.

11           He had a son, but that is an estranged relationship  
12 because of his time in the military, Your Honor. But this  
13 son has apparently gone on to do good things. He tells me  
14 that the son has a doctorate from Cambridge and is now a  
15 professor in Ohio.

16           As Dr. Bodtorf pointed out, my client was a collector  
17 of many things. He was a collector of large music and  
18 books, and that was probably, Your Honor, a distraction  
19 for all of this that's going on in his life. Again, I  
20 just think it was very hard for him to be the sole  
21 provider for everybody in this house, to people -- and I'm  
22 not making excuses. Please know that, Your Honor. I'm  
23 not making excuses. I'm just giving the Court an  
24 explanation for why I think we're here today. I'm not  
25 making excuses at all.

1           He's in this house or apartment taking care of a  
2 sickly wife and I think -- I think he needed a  
3 distraction. It's a terrible choice, and, you know, one  
4 for which he is deeply sorry. But I just want to paint  
5 the picture. This is not a great home life that he was  
6 in, and there's just a huge amount of pressure that he is  
7 under. And his brother could speak to that. Would Your  
8 Honor like to hear from the brother?

9           THE COURT: Sure.

10          MS. JOHNSON: Your Honor, this is Mr. Ed Strother.  
11 He may need to sit because he has neuropathy from chemo --  
12 from cancer treatment, Your Honor.

13          THE COURT: That would be fine. Yes, sir. That  
14 would be fine.

15          You're Ed Strother?

16          MR. ED STROTHER: Yeah. I'm the one that's 75.

17          THE COURT: Oh, okay.

18          MR. ED STROTHER: I don't want to take a lot of your  
19 time. I respect that. I just want to speak to who my  
20 brother is, who I know him as and also speak to another  
21 thing about what addictions are.

22          Addictions are everywhere. I've seen them here  
23 today. Methamphetamine. How did it start? They don't  
24 stop once it gets started. Those are called addictions.  
25 I was a social worker and seen a lot of that, especially

1 alcoholism. Got started, couldn't stop. It has to take  
2 something, and this is the thing that's stopping it right  
3 now is what you see before you.

4 My brother and I were both raised by very strict  
5 parents, parents in the sense of they were parents. We  
6 never saw them hug, love, anything of each other. We know  
7 they loved each other, but they were just there. They  
8 raised us, and I love them for that. My dad lived to be  
9 100 years old, and I loved him to that day. My mom passed  
10 away of cancer. I had cancer, colon cancer back in 2010,  
11 and the blessing is I've been cancer free since then.

12 I know Mike. He's my brother. Obviously, this is a  
13 very trying time for both families. It's a very emotional  
14 time as I've heard. It's emotional for us, too.

15 I first heard from Colleen when she called me and  
16 said, "Mike just got arrested," and she told me what it  
17 was about. I know that they both loved each other. He  
18 has told me that, she has told me that. I know it was  
19 love. We love her, and if the family, if that's all right  
20 to tell her that we do love Colleen. We love her totally.

21 And the other thing is is I do know that growing up  
22 in the family we did, we both made our way into the  
23 service. I got myself in there. I spent nine and a half  
24 years in the service. I'm a Vietnam veteran. I spent in  
25 the country of Vietnam river patrol boats. But he's

1 decorated also as a nuclear sub sailor. That tells you  
2 something about the character that had to start out with  
3 Michael Gerard Strother. You don't get into nuclear subs,  
4 you've got top-secret clearance, without people looking  
5 into your background and seeing what kind of character are  
6 you, can you be trusted.

7 Well, I think along the way, Michael lost his way.  
8 And I think as addictions go, that needs treatment. I  
9 firmly believe that. I've never seen alcoholism stop just  
10 by putting them away for a while. That is a good reminder  
11 and a wake-up call to that person, but it doesn't stop  
12 them. Otherwise, this country would be free right now of  
13 all of that. And I respect exactly what you will do.  
14 That is your decision, and I respect it, sir.

15 But my brother, I know in coming to Greer, South  
16 Carolina, living on Halcyon Circle in an apartment with  
17 five people, I understand he fed them, he provided the  
18 money for them, he provided everything, but there were  
19 five people in there. I understand that the children were  
20 there because they were the grandchildren of his wife, and  
21 I understand they were there because he got custody of  
22 them because the mom lost custody. Now, she was also in  
23 that apartment. I don't know the situation day-to-day in  
24 that apartment. I just know that I couldn't live that  
25 type of existence that long if I've got an addiction.

1 I wish I would have known about it. I love my  
2 brother. I will stand behind him no matter what happens  
3 here today or in sentencing. He will know I will be there  
4 to see him. I've been here for 17 months now every month  
5 coming from over by Calabash, North Carolina, to see him.  
6 The minute I saw him the first time, he stood in front of  
7 me and said, "I know what I did, but I did it anyway."  
8 That defines me that he was an addict.

9 I want to see at least, no matter what happens, some  
10 treatment, because that's what he deserves is treatment.

11 I don't know what else to say to you, sir. That's  
12 about it. And like I say, I don't want to take any more  
13 of your time.

14 And if I could say one other thing. I'm a Christian.  
15 I believe in a song that Southern gospel has that says sin  
16 will take you farther than you ever wanted to go, and I  
17 think that's what happened.

18 Thank you, sir.

19 THE COURT: Thank you, sir.

20 All right. Anything further?

21 MS. JOHNSON: Your Honor, would you like me to  
22 address sentencing? I know my client would like to  
23 address the Court.

24 THE COURT: I'll be glad to hear from anybody. And I  
25 know I haven't given the State a chance yet, so I'm going

1 to let you go last. Go ahead.

2 MS. JOHNSON: Your Honor, can I go last so I can  
3 respond to -- since they're bringing ---

4 THE COURT: You can go last.

5 MS. JOHNSON: Thank you, Your Honor.

6 THE COURT: Go ahead.

7 MS. JOHNSON: My client would like to address the  
8 Court.

9 THE COURT: Let him go last.

10 MS. JOHNSON: Okay.

11 THE COURT: All right. What do you want to say about  
12 sentencing?

13 MR. SENN: Well, Judge, before we get into the  
14 State's recommendation of sentencing, I just want to  
15 address the mental health evaluation real quick.

16 THE COURT: I don't give it much credit, to be honest  
17 with you. I know this doctor. I generally do, but I  
18 don't buy a whole lot what he's selling in that report in  
19 this case. I don't give it much credit.

20 MR. SENN: Got you, Judge. The only thing I was  
21 going to say is I don't believe he was entirely truthful,  
22 and then based on the fact that he said he was looking for  
23 the hunt of child pornography rather than what he admitted  
24 to law enforcement that he would masturbate to these  
25 files. And then finally, Dr. Bodtorf himself mentions

1 that there's sexual recidivism rates for nonproduction  
2 offenders, which is relevant to this case because he is a  
3 production offender. So I'm not sure why the statistics  
4 are even mentioned in there.

5 THE COURT: All right.

6 MR. SENN: Judge, every one of the child pornography  
7 files that was possessed from Mr. Strother, searched out  
8 by Mr. Strother is the permanent record of a child's  
9 sexual abuse. That child has to live with that for the  
10 rest of their life, and every single person that views  
11 these files, sends them out, looks at them, anything like  
12 that, is revictimizing each one of those children every  
13 single time they do that. He was part of that  
14 file-sharing situation where he was getting these files  
15 and doing that. We don't know how many files were sent  
16 out. He may have sent out files, but we aren't aware.  
17 But we are aware that he did escalate this behavior by  
18 actually filming people in his house, an adult female and  
19 a minor child, and we know at least it appears to be for a  
20 period of four years if not longer.

21 And, Judge, the State believes he's clearly a danger  
22 to children. There's a significant amount of child  
23 pornography files not involving the victims in this case,  
24 and involving them there is a significant amount as well.

25 The content of the files reaches children as young as

1 4 years of age, which is some of the most horrifying  
2 things I've had to see, and this defendant has escalated  
3 his behavior over time to where he's now recording people  
4 in his own home.

5 The State believes that the defendant should receive  
6 a substantial active sentence based on all this.

7 THE COURT: All right. Thank you, sir.

8 All right.

9 MS. JOHNSON: May it please the Court. My client  
10 would like to address the Court.

11 THE COURT: All right. Mr. Strother, be glad to hear  
12 from you.

13 DEFENDANT STROTHER: Your Honor, I am deeply  
14 embarrassed by what I have done. I know that I should not  
15 have done any of this. When asked by the people who came  
16 to serve the warrant, I did not try to avoid it. I knew  
17 what I had done.

18 My greatest problem is the people I have hurt and  
19 what they have to live with. I know there's no way in the  
20 world they can forgive me for what I've done, and I don't  
21 expect that. I just hope they can find some help  
22 somewhere so they can learn to deal with what I've done to  
23 them.

24 I by no means know exactly why I did this. I'll tell  
25 you that right now. I'm too old and have done too much to

1 give you excuses. I know excuses aren't worth anything.  
2 If I had a reason to give it to you, I would. But I'm not  
3 a psychiatrist. I don't know.

4 The only help and solace I've had so far is from my  
5 brother and from the information he kept sending me about  
6 my faith, of which I am going to delve into much deeper.  
7 To deal with that, the one passage that keeps cropping up  
8 on me all the time is in Romans Chapter 13 which states  
9 that you, Your Honor, the State prosecutor are appointed  
10 over me, they are appointed by God, and I have absolutely  
11 no standing to disagree with what you do unless it  
12 violates the word of God.

13 With that, I won't say any more, sir.

14 THE COURT: Thank you, sir.

15 All right. Any final remarks?

16 MS. JOHNSON: Your Honor, it sounds like you're not  
17 giving much credit to the expert here.

18 THE COURT: I'm not. And I will not. Normally I do,  
19 but I read that report and I didn't buy anything he was  
20 selling to me in that report at all. I will make it a  
21 part of the Court's record and make it a court exhibit,  
22 but I don't think it's credible at all.

23 MS. JOHNSON: Okay. I'll just ask the Court ---

24 THE COURT: Fair enough. Okay. I'm just telling you  
25 what I think.

1 MS. JOHNSON: I understand. I understand. I just  
2 would ask the Court to make it a court's exhibit.

3 THE COURT: Absolutely. I intend to do that anyway.  
4 I'm sorry.

5 MS. JOHNSON: Yeah. No. I just -- he's been doing  
6 this since the 90s, and he's, I guess . . .

7 THE COURT: And I know you disagree with me. I'm  
8 sorry. I just ---

9 MS. JOHNSON: I understand.

10 Would Your Honor consider allowing me to have  
11 somebody else assess him?

12 THE COURT: We're going today.

13 MS. JOHNSON: I understand.

14 (WHEREUPON, Court's Exhibit Number 1 was marked for  
15 identification.)

16 THE COURT: While we're doing this, did you explain  
17 that this is classified as a violent crime to your client?

18 MS. JOHNSON: I did, or 85 percent. Your Honor, I  
19 did.

20 Your Honor, my client is in the sunset of his life.  
21 He's 65, and I think any sentence you give him will be a  
22 hard sentence for him. I don't know if he will come out  
23 of the Department of Corrections alive. But I think, you  
24 know, I would like to reiterate that his life has been  
25 about service. I don't think a person could be judged --

1 this is a very, very bad thing that he did, but I don't  
2 think a person can be judged by the worst of their acts.  
3 I ask the Court to consider everything this man has done.

4 I was coming in here, and, you know, I was going to  
5 ask for the minimum. It doesn't sound like that's  
6 reasonable. But I do think -- I read the statute: no  
7 part of the minimum sentence of imprisonment may be  
8 suspended. If Your Honor is going to give him a  
9 substantial amount of time, I would ask the Court to  
10 suspend it on three years active or something in that  
11 neighborhood so that this man can get out and get  
12 treatment. I think he is worth saving.

13 I would just ask the Court to take in everything that  
14 he has done in his life. I don't think he is just this  
15 one bad act. And I know that's what you're here today to  
16 judge, Your Honor. But I think he's been a very kind  
17 person, a very -- he's very contrite for being here, Your  
18 Honor, very sorry. And I just, I simply -- I believe that  
19 he is worth saving. I believe that he could benefit from  
20 treatment, and I would just ask the Court to take that  
21 into consideration.

22 He's very sorry, Your Honor.

23 THE COURT: I understand. Let me tell you what I  
24 think. Contrary to certain things I'm hearing, I don't  
25 believe for a second that these folks moving in that

1 apartment prompted him or caused him by stressors of the  
2 event or events to start looking at this child  
3 pornography. I think his brother is correct. He admitted  
4 that it started when he was in the Navy, and it's been  
5 going on over the years. Who knows what's going on. I  
6 think he's got a very serious problem. If he had murdered  
7 one of these people, you wouldn't be sitting here arguing  
8 about his military service necessarily because of the  
9 nature of the gravity. This is not much less. This is a  
10 horrible crime that has gone on for a long time, I'm sure,  
11 not just this time that they found on your computer.

12 That being said, I'm going to sentence you to  
13 15 years straight up, credit for time served. I've asked  
14 the Department of Corrections to give him the appropriate  
15 treatment while he's incarcerated.

16 You'll have ten days to appeal.

17 MS. JOHNSON: Your Honor, can you mark on the  
18 sentencing sheet credit for time served since  
19 May 31, 2017?

20 THE COURT: May 31, 2017.

21 MS. JOHNSON: Thank you, Your Honor.

22 THE COURT: Thank you.

23 (WHEREUPON, proceedings concluded at 12:48 p.m.)  
24  
25

**Karl R. Bodtorf, Psy.D.**

302 West Main Street • Taylors, SC 29687 • Tel (864) 244-1007

10/05/17

13<sup>th</sup> Circuit Public Defender's Office  
**Attn: Teal Johnson, Assistant Public Defender**  
305 E. North Street Suite 123  
Greenville, SC 29601

Re: Michael G. Strother    DOB: 02/10/53    DOE: 09/26/17

Dear Ms. Johnson:

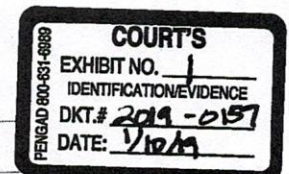
I am writing with respect to the above referenced individual who was referred to this office for psychological evaluation. As you are aware, I provide sexual offender specific assessments and outpatient treatment to this particular population, serving both South Carolina Probation and Parole, Federal Probation and Parole, as well as clients referred through the criminal justice system or legal counsel. I have been involved with providing such services since the very early 1990s. A copy of my resume documenting my training and experience as a clinical psychologist is available upon request.

I have had the occasion to meet with your client, Michael G. Strother at the Greenville County Detention Center at the end of last month. Sexual offender specific type evaluations typically take approximately four hours to complete and in addition to a clinical interview and mental status examination utilize the following procedures: Sexual Adjustment Inventory, Sexual History Questionnaire, Sexual Violence Risk-20, Personality Assessment Inventory, Psychopathic Personality Inventory-Revised, and the Shipley-2 (a test of intelligence). I also had the opportunity to review some twenty-five pages of various collateral documents (e.g. court records as well as the investigative report).

During the interview Michael informed me that he was arrested and charged with five counts of Sexual Exploitation of a Minor (3<sup>rd</sup> degree), one count of Sexual Exploitation of a Minor (1<sup>st</sup> degree), as well as voyeurism. According to his report he has been incarcerated in the detention center since May 2017. Mr. Strother was somewhat reserved early on in the interview though as time passed he became more interactive and spontaneous. Generally speaking he was able to present his circumstances in a clear and understandable manner.

At this particular juncture I have had the opportunity to score and interpret the various test instruments that were employed in Mr. Strother's assessment. From an intellectual standpoint Michael's intellectual abilities were found to span the average to above average range with an IQ estimated to fall between 100-118. The available evidence suggests that Mr. Strother possesses more than sufficient cognitive resources to benefit from any treatment interventions that might be proffered.

krbpsyd@aol.com



Michael did not present with any psychotic symptomatology such as bizarre ideations, delusions, or hallucinations. A review of background information would suggest that he has never experienced any childhood traumas and/or significant psychological problems in his past. For example he has never been involved with any mental health treatment (outpatient or inpatient), though his family doctor did prescribe an antidepressant a few years back, which he continues to take to this date. According to his report he never recognized the presence of depression until it was pointed out by a nurse practitioner. His psychosexual development (i.e. his interest in sexual matters and sexual experiences) would appear to be within the normal range. Michael does acknowledge having accessed pornography off and on through the years, beginning in late adolescence (while serving in the Navy). He readily admits to seeking out child pornography but maintains that it was often more about the "hunt" (searching for such material) as opposed to having a strong interest in child pornography. There does appear to be an addictive quality to his involvement with pornography.

The results from the Personality Assessment Inventory would suggest that Mr. Strother was experiencing much in the way of psychological distress at the time of this assessment. He reports elevated levels of dissatisfaction with his life and is quite pessimistic about his future. His difficulties with depression, as noted above, would appear to have been exacerbated by the circumstances in which he finds himself at the present time. Test findings reflect considerable social withdrawal/isolation. Michael's results on the Psychopathic Personality Inventory would suggest that he has little in common with those individuals who would be labeled as psychopathic. He was open/transparent when taking the Sexual Adjustment Inventory, a fact that cannot be said of many people referred under similar circumstances. A large percentage of individuals charged with sexual offenses are quite defensive. There was an elevation on only one of the sex related scales (Sexual Adjustment), suggesting a variety of sexual adjustment concerns. Two of the non-sexual scales (Antisocial & Distress) were elevated, reflecting the stress experienced by him in connection with his current circumstances as well as some antisocial attitudes (as it relates to social isolation/withdrawal and disagreement with certain governmental policies and regulations). An assessment tool (Sexual Violence Risk-20) reveals that his risk for future sexual aggression is in the low risk range.

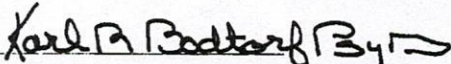
As noted above, Mr. Strother acknowledges having had in his possession various child pornography. While it is true that his possession of child pornography images would reflect at least some pedophile type interests, I am not convinced that Michael is a classic pedophile or predator. There is no evidence to suggest a preferential and/or fixed interest in minors/children; nor would there appear to be a life-long pattern of pedophilia type interests. To my knowledge there have been no allegations or incidents of where this client has attempted to interact and/or have contact electronically or otherwise with minors.

Psychosocial stressors neither excuse nor fully account for sexual aberrant behavior, though such factors can be important in understanding an individual's offense. The use of pornography can be viewed as a maladaptive attempt to manage the stress in one's life. The following stressors would appear to have been precursors to his offense: wife's chronic illness (advanced stage Parkinson), wife's grown daughter's relationship/financial instability combined with substance use (allegedly two DUI's) that led her to moving in with the Strothers, and eventually requiring Mr. Strother to assume legal custody for a time of her three children (as DSS had intervened).

Mr. Strother's circumstances are very similar to individuals participating in specialized sexual offender type counseling. Michael is an appropriate candidate for involvement in sexual offender specific treatment (i.e. an outpatient counseling program designed for individuals who have come to the attention of the authorities for computer related crimes (e.g. possession of child pornography, criminal solicitation of a minor, and sexting). The focus of this program is aimed at providing a facilitative environment for the exploration of one's thoughts, feelings and behaviors as it relates to matters of sexuality, and especially as it relates to those behaviors that may involve compulsions, addictions and/or deviance. With respect to recidivism (i.e. possession of child pornography), a recent study conducted by the federal government found that the "sexual recidivism rates" for non-production offenders fell at 7.4%. Of those offenders, 3.6% were arrested for or convicted of a sexual contact offense and 2.3% were arrested for or convicted of a subsequent child pornography offense. The remaining offenders, 1.5%, were arrested for or convicted of a non-contact offense (e.g. obscenity). Given the low rates of recidivism and assuming successful completion of sexual offender specific counseling and probation requirements (sexual offender guidelines), Mr. Strother's risk to the community would be expected to be in the low risk range.

I trust this information will be of value to you in your work with this client.

Respectfully,

  
Karl R. Bodtorf, Psy.D.

THE STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )  
THE STATE )  
v. )  
MICHAEL G. STROTHER, )  
DEFENDANT. )

IN THE COURT OF GENERAL SESSIONS  
THIRTEENTH JUDICIAL CIRCUIT  
Indictment No. 2019-GS-23-0157

**MOTION TO RECONSIDER SENTENCE OR  
IN THE ALTERNATIVE MOTION TO  
VACATE GUILTY PLEA**

19 AUG 13 2019  
CLERK OF COURT  
JULIA WILSON  
1300 GOLF SC

COMES NOW the defendant, **Michael G. Strother**, by and through his undersigned counsel, and, pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure, respectfully moves this Honorable Court to Reconsider the Order of January 10, 2019 imposing a fifteen year sentence upon the Defendant or in the alternative, moves this Honorable Court to Vacate the Defendant's Guilty Plea entered on January 10, 2019.

The following is submitted in support of Mr. Strother's Motion:

- 1. Mr. Strother was charged with one count of Sexual Exploitation of a Minor 1<sup>st</sup> Degree, five counts of Sexual Exploitation of a Minor, 3rd Degree, and one count of Voyeurism on May 31, 2017;
- 2. He was sentenced by the Court on January 10, 2019 to fifteen years in the South Carolina Department of Corrections (SCDC), which means he will be released by SCDC when he is seventy-six years old, if he survives;

**Mr. Strother's Background:**

- 3. Mr. Strother is sixty-five years old;
- 4. Mr. Strother has no prior record;
- 5. Mr. Strother is in poor health with high cholesterol and high blood pressure;
- 6. Mr. Strother is a decorated Veteran of United States Navy;

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SC Court of Appeals

7. Mr. Strother held longstanding employment with John D. Hollingsworth On Wheels, Inc., in Greenville, South Carolina for sixteen years;

**Mr. Strother's Plea Agreement with the State:**

8. The Attorney General's Office sent a plea offer to Mr. Strother on or about October 9, 2018 (this enclosed plea offer is attached as "EXHIBIT A");

9. Mr. Strother accepted this plea offer, and entered a plea to one count of Sexual Exploitation of a Minor 1st Degree on January 10, 2019 before the Honorable R. Lawton McIntosh;

10. It should be of particular note that the Indictment to which Mr. Strother pled references only one victim who is eighteen years old;

**State's Breach of Plea Agreement:**

11. On January 10, 2019, prior to entering the plea, Defense counsel met with Assistant Attorney General Kyle Senn. Mr. Senn informed defense counsel that there were "other allegations (that were sexual in nature) against the Defendant" from a different victim, and for which the Defendant was neither charged nor indicted who, according to Mr. Senn, had previously recanted;

12. This was the first time defense counsel was put on notice of these unfounded and uncharged allegations. Mr. Senn assured counsel that these allegations would not be brought up during the guilty plea;

13. Defense Counsel, relying on Mr. Senn's representations, advised the Defendant to continue with the plea agreement in light of Mr. Senn's representations that these new allegations would not be presented at the plea;

14. There is no indication in the plea offer, indictment and discovery that the State would use the new allegations during the plea hearing or at sentencing;

15. Despite the representations by Mr. Senn that the new allegations would not be a part of the plea or sentencing, the new allegations were presented to Court at sentencing. The mother of the victim of the crime to which the Defendant was pleading discussed, at length, with the Court the new allegations during her victim impact statement;

16. Defense counsel objected during this presentation to the admission of the new allegations. The objection was overruled, and the Court allowed the new, uncharged allegations to be presented;

17. Mr. Senn was aware of the new allegations before the plea colloquy. He failed to properly prepare and/or advise the victim about inadmissible and highly prejudicial testimony (i.e. "only talk about your own experiences"), which would tend to affect the Court's sentence;

18. Mr. Senn also failed to stop the victim from testifying to things he knew were beyond the scope of the plea;

19. This information was not relevant to the charge to which Mr. Strother was pleading, and was not agreed upon by the Defendant to be included in the plea agreement nor was it contained in the indictment;

20. This information was highly prejudicial, inflammatory and excessive;

21. The State breached its plea agreement with Mr. Strother;

22. Once sandbagged with new allegations, Mr. Strother could only deny these allegations, and has never been given the opportunity to prepare to rebut the allegations or to mount a full defense, as is his right under the Eighth Amendment;

23. Given the circumstances of the sandbagging of Defendant, the presentation of new allegations rendered the guilty plea unknowing and involuntary as these allegations were not contained in the indictment, were not revealed to Mr. Strother until the day of the plea, and he was told they would not be presented to the Court during sentencing;

24. Given that the plea hearing was already an emotionally charged event, this new information pushed the plea over the edge and soured the entire guilty plea;

25. The improper testimony affected the Court's determination, which was evidenced by the Court's comment that this was likely not the first time this had happened;

26. Having been harmed by the admission and consideration of this inappropriate new evidence, Mr. Strother was deprived of his right to due process and to a fair hearing;

**Court's Dismissal of Sex Offender Expert's Evaluation and subsequent Rejection for Separate Evaluation of Mr. Strother:**

27. Defense counsel also provided the Court and opposing counsel with a copy of a letter from Dr. Karl Bodtorf in mitigation (attached as "EXHIBIT B");

28. Defense counsel had previously Dr. Bodtorf's letter to Bethany Miles (the previous Attorney General in this case) on October 31, 2017 via electronic mail (attached as "EXHIBIT C");

29. Dr. Bodtorf has provided sexual offender specific assessments and outpatient treatment since the 1990s (see EXHIBIT B);

30. Dr. Bodtorf performed a sex offender specific evaluation on Mr. Strother on September 26, 2017 and said in his report, "I am not convinced that Michael is a classic pedophile or predator" (see EXHIBIT B);

31. The Court rejected this evaluation in its entirety, saying that it did not buy what Dr. Bodtorf was selling;

32. In response, Defense counsel moved to have Mr. Strother evaluated by a different expert;

33. The Court summarily rejected this proposal and ruled that the plea would be done that day but did not cite any prejudice for a delay and did not find any prejudice existed;

34. The Court refused to consider the report but did not put a reason on the record;

35. The State did not argue prejudice or delay;

36. The State did not provide its own expert witness in response to Dr. Bodtorf's letter;

37. Mr. Strother should have been afforded the opportunity to present the actual expert witness or to be evaluated by another expert; and


38. The Court deprived Mr. Strother of his right to due process and to a fair hearing under the United States and South Carolina Constitutions by summarily dismissing the evaluation of Dr. Bodtorf.

WHEREFORE, for the foregoing reasons, Mr. Strother prays that this Court:

- (1) Sentence the Defendant to three years in the South Carolina Department of Corrections, as requested;
- (2) Vacate the Defendant's guilty plea.

Respectfully submitted,

GREENVILLE COUNTY PUBLIC DEFENDER

By: 

Teal Johnson, Esq.  
Bar No. 78451  
Attorney for Defendant  
305 E. North Street, Suite 123  
Greenville, SC 29601  
(864) 467-8522

Greenville, SC  
Date: January 18, 2019

STATE OF SOUTH CAROLINA )  
COUNTY OF GREENVILLE )

IN THE COURT OF GENERAL SESSIONS  
THIRTEENTH JUDICIAL CIRCUIT

Indictment No.: 2019-GS-23-0157

State of South Carolina )  
Plaintiff, )

**Order on Defendant's Motion  
to Reconsider Sentence or in the Alternative  
Motion to Vacate Guilty Plea**

vs. )

Michael G. Strother, )  
Defendant. )

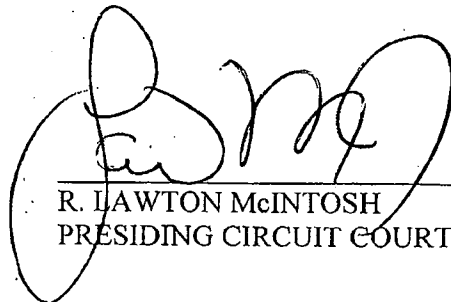
19 AUG 5 PM 4:25  
Paul Winkensher, CIO, OUL, SC

Defendant filed a Motion to Reconsider Sentence or in the Alternative Motion to Vacate Guilty Plea. This Court issued an Order on January 10, 2019 sentencing the Defendant to fifteen years in the South Carolina Department of Corrections. Defendant's Motion to Reconsider Sentence or in the Alternative Motion to Vacate Guilty Plea is Denied without the necessity of a formal hearing.

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SC Court of Appeals



R. LAWTON McINTOSH  
PRESIDING CIRCUIT COURT JUDGE

Anderson, South Carolina.  
July 31, 2019

DOCKET NO. 2019-GS-23-

0157

The State of South Carolina  
County of GREENVILLE

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

*Michael G. Strother*  
Defendant

I, Michael G. Strother  
hereby appear in my own proper person and plead guilty to the within indictment or to

*Michael G. Strother*  
Defendant

Witness:

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

COURT OF GENERAL SESSIONS

2019 TERM

THE STATE

vs.

MICHAEL G. STROTHER  
D.O.B. 2/10/1953

Indictment for

SEXUAL EXPLOITATION OF A MINOR  
FIRST DEGREE

S.C. CODE §16-15-395(A)  
CDR Code: 0379

ENTERED  
ACCT *led*

WITNESSES

Kevin Atkins — SC Attorney General's Office

ARREST WARRANT NUMBER

2017A2330205164

ACTION OF GRAND JURY

Foreperson of Grand Jury  
Date:

VERDICT

Foreperson of Petit Jury  
Date:

STATE OF SOUTH CAROLINA )  
 )  
 )  
COUNTY OF GREENVILLE )

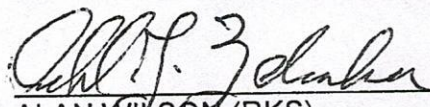
INDICTMENT  
SEXUAL EXPLOITATION OF A MINOR,  
FIRST DEGREE

At a Court of General Sessions, convened on \_\_\_\_\_, 2019,  
the Grand Jurors of Greenville County present upon their oath:

That Michael G. Strother, did in Greenville County, between the dates of May 19, 2017, and May 30, 2017, commit the crime of Sexual Exploitation of a Minor, First Degree. To wit: Michael G. Strother, did knowingly use, employ, induce, coerce, encourage or facilitate a minor, (S.M., DOB 7/19/2000), to engage in or assist others to engage in sexual activity for the purpose of producing material in a file that contains a visual representation depicting this activity or appear in a state of sexually explicit nudity, as defined by Section 16-15-375(5) and (6) of the South Carolina Code of Laws. This incident occurred within the County of Greenville, State of South Carolina, and is in direct violation of Section 16-15-395(A) of the South Carolina Code of Laws (1976), as amended.

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

OFFICE OF THE ATTORNEY GENERAL

  
for ALAN WILSON (RKS)  
ATTORNEY GENERAL

## 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,

s/Taylor D. Gilliam

Taylor D Gilliam

Appellate Defender

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**Nov 13 2020**

**SC Court of Appeals**

South Carolina Commission on Indigent Defense

Division of Appellate Defense

PO Box 11589

Columbia, S.C. 29211-1589

ATTORNEY FOR APPELLANT

This 13th day of November, 2020.