

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Lexington County
Frank R. Addy, Circuit Court Judge

RECEIVED

Dec 29 2020

SC Court of Appeals

THE STATE,

RESPONDENT,

V.

RODNEY JEROME FURTICK,

APPELLANT

APPELLATE CASE NO. 2019-001920

RECORD ON APPEAL

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1 instructing the jury on CSC third, no additions or
2 exceptions from the State?

3 MS. MAYES: None from the State, Your Honor.

4 THE COURT: All right. And with the exception of
5 the Court failing to instruct burglary second and for
6 failing to hold the State to a burden of proving both
7 aggravation and the burglary aspect of this crime, any
8 additional objections or suggestions?

9 MR. MADSEN: No, we just renew those. I think
10 it's required that we renew our same objections.

11 THE COURT: Correct. Very good.

12 All right. You-all make sure that we're good on
13 the evidence. My clerk is adding the consent defense,
14 which I neglected to put in there. I apologize for
15 doing -- for missing that, but he's adding the consent
16 language to the instructions and we'll get this to the
17 jury, okay?

18 (Pause in proceedings.)

19 (Whereupon, the evidence, jury instruction and
20 the verdict form was sent back to the jury at 1:20 PM.)

21 (Recess taken at 1:20 PM.)

22 (Back on the record at 4:54 PM.)

23 BAILIFF: All rise. Court is now is session.

24 THE COURT: Thank you. Please have a seat.

25 I'm informed that the jury has reached a verdict in

1 this case. And, of course, the record will reflect that
2 the Defendant is present with counsel.

3 Before I receive the jury back into the jury room,
4 one thing I did want to briefly note for the record. My
5 law clerk, I had him check, and apparently sunset on
6 November the 18th according to the National Weather
7 Service on the day in question was at 5:19 in Lexington
8 County, and so I just put that on the record as an
9 additional reason to deny the request to charge burglary
10 second as a lesser included of the burg first.

11 Nothing before the jury is received back in the
12 courtroom from the State?

13 MS. PATTERSON: No, sir.

14 THE COURT: From the defense?

15 MS. FULLWOOD: No, Your Honor.

16 THE COURT: Let's have them, please.

17 (Whereupon, the jury returns to the courtroom
18 at 4:57 PM.)

19 THE COURT: All right. The record will reflect
20 that the jury is back and seated.

21 Madam Forelady, I'm told the jury has reached a
22 verdict in this case?

23 FOREPERSON: We have.

24 THE COURT: And all twelve of you agree on the
25 outcome?

1 FOREPERSON: Yes.

2 THE COURT: All right. If you would hand the
3 verdict form, please, to the bailiff.

4 Madam Clerk, if you will publish, please.

5 THE CLERK: Yes, sir.

6 Indictment 2017-GS-32-2097 and 2017-GS-32-2098,
7 the State versus Rodney Jerome Furtick. We, the jury,
8 in the above-captioned case on the charge of burglary in
9 the first degree unanimously find Rodney Jerome Furtick
10 not guilty.

11 We, the jury, in the above-captioned case on the
12 charge of criminal sexual conduct in the second degree
13 of J.H. [REDACTED] unanimously find Rodney Jerome Furtick
14 guilty.

15 It is so signed by the foreperson Brenda Krust
16 November 6, 2019.

17 THE COURT: All right. Ladies and gentlemen, if
18 this is your verdict, please indicate by raising your
19 right hand.

20 All right. The record will reflect all twelve
21 hands did get raised.

22 Anything prior to discharging the jury from the
23 State?

24 MS. PATTERSON: No, sir, Your Honor.

25 THE COURT: From the defense?

1 MS. FULLWOOD: No, Your Honor.

2 THE COURT: All right. Ladies and gentlemen of
3 the jury, I want to thank you for your attention here
4 this week. Your service in this trial does conclude
5 your jury service for the week. Remember what I told
6 you on Monday. Because you came in here and you
7 participated in this case, you will get, of course, the
8 get out of jury service free exemption for the next three
9 years. It's good for the court of common pleas and the
10 court of general sessions, so if you're summoned for
11 either of those two courts you can contact your local
12 clerk of court, let her know that in November of 2019
13 you served as a juror in this case, she'll check her
14 records and you won't even have to show up the first
15 day. If you are summoned for Federal court, magistrate's
16 court or city court, I cannot help you. You must show
17 up. It is the court of general sessions or the court
18 of common pleas. Do as I say and the clerk will excuse
19 you from having to show up on that first day of court,
20 okay?

21 Ladies and gentlemen, I want to thank you again for
22 your service here this week. I'll let you know that in
23 the coming days you'll receive a letter from me thanking
24 you for your service. You probably won't receive it
25 until Saturday, but the letter's purpose is twofold. It

1 is, of course, to formally thank you for your work here.
2 I do have an ulterior motive however. If there's
3 anything that you liked about jury service, please let
4 me know. If there's anything that you did not like,
5 definitely let me know. You will not hurt my feelings.
6 Anything that you feel like I could do better, court
7 could do better, personnel could do better, let me
8 know. It will have my e-mail, telephone number, snail
9 mail address. Feel free to shoot me an e-mail or
10 whatever the case may be and I will be happy, happy,
11 to hear any kind of feedback, positive or indifferent,
12 all right? So please don't be shy about communicating
13 with me, especially if there's something you did not
14 like or did not appreciate, okay?

15 At this point in time, the solicitor will -- I'll
16 take a brief break. The solicitor has to prepare a
17 sentencing sheet for me to pass sentence. At that point
18 in time I'll hear from the victim advocate. Ms. Hall I
19 was told earlier had to catch a flight out of here, so
20 I'll hear anything by way of impact evidence from the
21 victims advocate on behalf of Ms. Hall. I'll then hear
22 Mr. Furtick's prior criminal history and any arguments
23 in mitigation.

24 If you wish to stay for sentencing, that is
25 perfectly fine. For security reasons though we're

1 gonna reserve kind of like the last few seats on the
2 back row. I'll need you to leave and just come around
3 to the front of the courtroom and they'll have those
4 seats for you if you wish to stay during sentencing.

5 If not, that's perfectly fine, go on home, go ahead
6 and do what you need to do, okay? But if you do want to
7 stay for sentencing, I'll just ask that you take a seat
8 back out in the courtroom.

9 With that, you have my thanks again and you have
10 my appreciation. I'm in a position now to excuse you.
11 We will need those jury badges back.

12 And, Madam Forelady, I'll need you to write the
13 actual verdicts in this case on the actual indictments,
14 so if you can hang around for two seconds I'll get your
15 signature.

16 The rest of you are free to go. Thank you again
17 for your service and your help and the check is in the
18 mail, all right? Take care.

19 (Whereupon, the jury was dismissed at 5:01 PM.)

20 THE COURT: Solicitor, we'll be at ease for a few
21 moments and -- is just about five minutes probably
22 enough time for you to get those printed?

23 MS. PATTERSON: Yes, sir.

24 THE COURT: Thank you. We're at ease.

25 (Recess taken at 5:02 PM.)

1 (Back on the record at 5:12 PM.)

2 BAILIFF: All rise. Please come to order. Court's
3 in session.

4 THE COURT: Thank you. Please have a seat.

5 Ms. Fullwood, I would presume that all motions are
6 again renewed and that the defense moves for a new trial;
7 is that correct?

8 MS. FULLWOOD: That's correct, Your Honor. And
9 the grounds for the new trial motion are all motions made
10 and exceptions taken during the course of this trial.

11 THE COURT: Very good. The Court does find that
12 the motions should be denied. There is sufficient
13 credible direct and circumstantial evidence to support
14 the jury's finding beyond a reasonable doubt, so the
15 Court will deny those motions. And, of course, the same
16 motions -- or the same rulings as before on all prior
17 motions.

18 Solicitor, do you have Mr. Furtick's prior criminal
19 history, ma'am?

20 MS. PATTERSON: Yes, sir, Your Honor, I do.

21 Your Honor, Mr. Furtick has been a registered
22 sex offender since 1998. His arrest records date
23 back actually to 1986 where he has a conviction for
24 trespassing, purse snatching. In 1988 he had a lewd
25 act. I'm showing on the sentence sheet that that may

1 have been two counts, Your Honor, and that obviously was
2 against children under fifteen. 1989, driving under
3 suspension. 1990, purse snatching. 1993, conspiracy
4 to distribute crack and criminal conspiracy, which he
5 received five years. 2001, possession of crack,
6 possession of Schedule I drugs, forgery. 2003, public
7 disorderly conduct. 2006, assault and battery of a
8 high and aggravated nature. 2007, petit larceny. 2009,
9 driving under suspension, failure to stop for a blue
10 light, possession of meth. 2010, burglary third.
11 2011, trespassing, possession of marijuana. 2012, petit
12 larceny, possession of controlled substance, assault and
13 battery second degree, two counts. And, Your Honor,
14 those were pled down from criminal sexual conduct with
15 a minor second degree. 2015, trespassing and petit
16 larceny third degree.

17 And as Your Honor heard from the facts of the case,
18 he wasn't served these arrest warrants until March 7th of
19 2017; however, eight days after this offense,
20 November 18, 2015, he was arrested for criminal sexual
21 conduct first degree, kidnapping, contributing to the
22 delinquency of a minor. He's had at least three sets
23 of sexual assault victims.

24 And, Your Honor, at this time my victims advocate
25 would like to speak on behalf of J.H. [REDACTED] as well as

1 Lieutenant Merrill on behalf of Cayce Public Safety.

2 THE COURT: Certainly. I'd like to hear what
3 Ms. Hall would like me to know first, please.

4 VICTIM ADVOCATE: Thank you, Your Honor.

5 In working with J.H. for the time that we have
6 and talking with her, one of her main concerns during
7 all this was her daughter. She said from the time that
8 she had met Rodney that he just kind of always gave her
9 an eerie feeling. She didn't like the way he was always,
10 you know, looking at her child and talking to her child.
11 That's why she mostly went across the street whenever
12 he would come over with her husband. That night she
13 said she knew something was gonna happen. She just
14 didn't know what it was going to be and, you know, she
15 was just determined with all her might that she was gonna
16 protect her daughter. She pretty much just, you know,
17 tried to do what he said and then just kind of mindful,
18 just left, you know, the scene of what was happening
19 just so he wouldn't bother her daughter. That was what
20 was most on her mind. She was worried and looking over
21 her shoulder the whole time until they left the State of
22 South Carolina for the next several months and she just
23 didn't want it happening -- you know, him being out and
24 it happening to other children, so she was wanting the
25 maximum sentence for him.

1 THE COURT: All right. Thank you. Please convey
2 to her my appreciation for her coming down from Wisconsin
3 and her bravery in moving forward with this case, okay?
4 So the next time you speak to her, please express to her
5 my appreciation.

6 VICTIM ADVOCATE: I will.

7 THE COURT: Public safety wanted to -- yes, sir.

8 LIEUTENANT MERRILL: Yes, Your Honor. Thank you.
9 I'll be brief. I know it's been a long day.

10 THE COURT: It's quite all right.

11 LIEUTENANT MERRILL: On behalf of the Cayce
12 Department of Public Safety I would ask in light of
13 what the solicitor has relayed to you about his criminal
14 record, his criminal history, he's a registered sex
15 offender, and a significant portion of these crimes that
16 he's been convicted of have occurred in the Cayce -- if
17 not in Cayce proper, in the Cayce area, and I just ask
18 that you take that in consideration and we'd as for the
19 max sentence.

20 Thank you, Your Honor.

21 THE COURT: Thank you, sir.

22 MS. PATTERSON: And, Your Honor, I forgot to add,
23 too, those A and B seconds that were pled down from
24 criminal sexual conduct with a minor second degree, I
25 just wanted to add that those victims were seven and

1 nine years old, Your Honor.

2 You heard the facts of the case, you heard what
3 **J.H.** went through, you've heard his record, you've
4 heard the concerns of the public safety -- Cayce Public
5 Safety and our victim, as well as our office, Your Honor.
6 We will be asking for the maximum sentence.

7 Thank you.

8 THE COURT: And if I'm not mistaken, the potential
9 sentence is from zero to twenty years. It is 85 percent
10 and, of course, classified as violent; is that correct?

11 MS. PATTERSON: Yes, sir, and most serious.

12 THE COURT: All right. Ms. Fullwood, I'm happy to
13 hear from you and certainly anything that Mr. Furtick
14 may want to say.

15 MS. FULLWOOD: Thank you.

16 Your Honor, you've heard a bit about Rodney's
17 background during the trial itself and I'm not gonna
18 reiterate any of that. You heard about how he was
19 living with his mother. His mother is still alive and
20 at this time she lives in Orangeburg County. Rodney
21 has been adamant throughout my representation that his
22 mother not be bothered about this case in any way. He
23 didn't want to put her through any stress. It was
24 conceivable that she could have -- could have, I say
25 might have been of some assistance to us in corroborating

1 certain aspects of his testimony such as him getting
2 food from the kitchen, but he insisted that we just not
3 bother her and we have respected his request. I just
4 tell you that because it's not that he doesn't have
5 family out there who care about him, but he has chosen
6 to face this trial on his own without involving his
7 family members and hurting them.

8 He has been in jail since service of these warrants
9 974 days. We understand he has a record and, of course,
10 we understand you have to take that into consideration,
11 as well as the facts of this case. We'd also ask you to
12 take into consideration his age. He's fifty-one now.
13 That's -- in modern times, that's not so terribly old,
14 but it is old for a person going to prison and almost any
15 sentence you give him could very well end up being the
16 practical effect of a life sentence.

17 THE COURT: Okay. Thank you.

18 Mr. Furtick, is there anything that you would like
19 to say, sir?

20 THE DEFENDANT: No, Your Honor.

21 THE COURT: You said 974 days?

22 MS. FULLWOOD: Yes, sir.

23 THE COURT: All right. Well, Mr. Furtick,
24 obviously I've presided over this trial and I do agree,
25 of course, with the verdict of the jury. It does -- it

1 is, as I said earlier, supported by the evidence and as
2 your attorney correctly points out, I do have to take
3 into account your prior criminal history, Mr. Furtick,
4 which candidly, sir, is rather abysmal. Not to be too
5 harsh, but the fact of the matter is that it appears
6 you've lived most of your life as a predator of one sort
7 or another.

8 And I realize that you'll have to serve 85 percent
9 of this time, but in light of everything that's been
10 presented, I have sentenced you, sir, to twenty years.
11 You will, of course, receive credit for the 974 days that
12 you've served in pre-trial detention.

13 Mr. Furtick, if you desire to appeal the proceedings
14 that we've had here this week, let your lawyers know
15 immediately so that they can file the necessary notice
16 of intent to appeal and after any appeal is exhausted
17 you have one year to file any action for post-conviction
18 relief.

19 I do wish you luck, sir.

20 THE DEFENDANT: All right. Thank you.

21 MS. PATTERSON: Thank you, Your Honor.

22 MS. FULLWOOD: Thank you, Your Honor.

23 (Whereupon, the proceedings were concluded at
24 5:22 PM.)

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C E R T I F I C A T E

I, Stacy S. Johnson, Official Court Reporter for the Eleventh Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete transcript of record of all the proceedings had and the evidence introduced in the trial of the captioned case in Circuit Court held November 4th-6th, 2019.

This transcript may contain quoted material. Such material is reproduced as read by the speaker.

I do further certify that I am neither of kin, counsel, nor have an interest to any party hereto.

February 7, 2020

Stacy S. Johnson
STACY S. JOHNSON
CIRCUIT COURT REPORTER

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NOV 18 2019

SC Court of Appeals

DOCKET NO. 2017GS3202097

The State of South Carolina

County of Lexington

COURT OF GENERAL SESSIONS

JUNE TERM 2017

**THE STATE
vs.**

Rodney Jerome Furtick

CDR #: 0160

Indictment for

Criminal Sexual Conduct First Degree

§ 16-03-0652

S.R. Hubbard III, SOLICITOR

WITNESSES

Cayce Department of Public Safety

John R Reese

Law Enforcement Case #: 1509172

RWP

ARREST WARRANT NUMBER

2017A3220300077

ACTION OF GRAND JURY

TRUE BILL

Sherril R. Ferguson
Foreperson of Grand Jury

Date: 6-5-17

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA)
)
COUNTY OF LEXINGTON)
)

INDICTMENT FOR
Criminal Sexual Conduct First Degree

§ 16-03-0652

NOV 20 2017
MURDER & VOL.
MURDER & VOL.

At a Court of General Sessions, convened on June 2017, the Grand Jurors of Lexington County present upon their oath:

That **Rodney Jerome Furtick**, did in Lexington County, South Carolina on or about November 18, 2015, willfully and unlawfully commit the offense of criminal sexual conduct in the first degree by engaging in a sexual battery with the victim, **J.H.** by the use of aggravated force to accomplish the battery and the victim submitted to the sexual battery under circumstances of forcible confinement, kidnapping, robbery, extortion, burglary, or any other similar offense or act, in violation of Section 16-3-652, Code of Laws of South Carolina, (1976, as amended).

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



ASSISTANT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Lexington
STATE VS.
Rodney Jerome Furtick
AKA:
Race: Black Sex: M Age: 51
DOB: SS#:
Address:
City, State, Zip:
DL#: SID#: SC00541860

INDICTMENT/CASE#: 2017GS3202097
A/W#: 2017A3220300077
Date of Offense: 11/18/2015
S.C. Code §: 16-03-0653 16-3-652
CDR Code #: 0161 160

SENTENCE SHEET

RECEIVED
NOV 18 2017
SC Court of Appeals

*CDL Yes No CMV Yes No Hazmat Yes No
In disposition of the said indictment comes now the Defendant who was TO: Sex / Criminal sexual conduct - Second degree

CONVICTED OF

in violation of § 16-03-0653 of the S.C. Code of Laws, bearing CDR Code # 0161
NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS

The charge is: As Indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: Solicitor 15969 Defendant Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the State Department of Corrections, County Detention Center,
for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.
CONCURRENT or CONSECUTIVE to sentence on:
The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the SCDOC.

The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.
Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic
Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$
Payment Terms:
Set by SCDPPPS

Table with 2 columns: Description and Amount. Includes items like § 14-1-206 (Assessments 107.5%), § 14-1-211(A)(1) (Conv. Surcharge) \$100, § 14-1-211(A)(2) (DUI Surcharge) \$100, § 56-5-2995 (DUI Assessment) \$12, § 56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Probation) \$500, § 14-1-212 (Law Enforce. Funding) \$25, § 14-1-213 (Drug Court Surcharge) \$150, § 50-21-114 (BUI Breath Test Fee) \$50, § 56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$

days/hours Public Service Employment
Obtain GED
Attend Voc. Rehab. or Job Corp.
May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol testing
Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ beginning
\$ paid to Public Defender Fund
Other:

TOTAL \$
Clerk of Court/ Deputy Clerk
Court Reporter:
SCCA/217 (04/2018)

Appointed PD or appointed other counsel,
§Proviso requires \$500 be paid to Clerk
during probation and shall be collected before
any other fees.
Presiding Judge:
Judge Code: 2159
Sentence Date: Nov. 6, 2017

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/ Joanna K. Delany

Joanna K. Delany
Appellate Defender

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

ATTORNEY FOR APPELLANT

This 29th day of December, 2020.