

*Jason McManus*, No. 2015-KA-00705-COA (Miss. Ct. App. August 16, 2016)

**CASE:** Sexual Battery  
**SENTENCE:** 30 years in the custody of the Mississippi Department of Corrections, with 15 years suspended and 5 years of supervised probation.

**COURT:** Rankin County Circuit Court

**TRIAL JUDGE:** Hon. William E. Chapman, III

**APPELLANT ATTORNEYS:** Benjamin Allen Suber

**APPELLEE ATTORNEY:** Abbie Eason Koonce

**DISTRICT ATTORNEY:** Michael Guest

**DISPOSITION:** Affirmed. Barnes, J., for the Court. Lee, C.J., Irving and Griffis, P.J.J., Ishee, Carlton, Fair, James, Wilson and Greenlee, JJ., Concur.

**ISSUE:** Whether the verdict was against the overwhelming weight of the evidence

**FACTS:** McManus was charged with sexual battery of his step-daughter. Step-daughter had a close relationship with McManus. After she turned 15, he began touching her inappropriately. This advanced to sexual intercourse when McManus promised his step-daughter an iPod if she would have sex with him. Step-daughter told a family friend, who told the mother. Mother confronted McManus and he proposed to her. McManus and mother were married. Later on, daughter again told mother of sexual abuse. Mother did not believe her and sent her to live with biological father. A couple of years later, daughter told friend's mother about abuse and friend's mother reported to police. Forensic interview detected no deception in step-daughter. McManus arrested.

**HELD:** There was contradictory and inconsistent evidence but the court noted that the step-daughter's version of the events was very detailed and never changed throughout her testimony. When the police questioned the step-daughter, they did not detect any deception. Step-daughter recounted specific details of sexual incidents. She could not provide an exact date but one is not required as long as defendant was fully and fairly aware of charges against him. A specific date is also not an element of sexual battery. Fact that step-daughter recanted story was not unusual, likely caused by pressure from outside the situation. McManus did not offer concrete details to counter step-daughter's version of events, except to deny culpability.