

State of South Carolina
Solicitor, Thirteenth Judicial Circuit



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PRESS RELEASE
For Immediate Release

May 8, 2013

Greenville Man Sentenced in Deadly Sexual Assault

Thirteenth Circuit Solicitor Walt Wilkins states that JAMES BYRON RUSHTON, age 52, pled guilty May 7, 2013 to the charges of Criminal Sexual Conduct First Degree and Voluntary Manslaughter. Rushton was sentenced to 26 years in the South Carolina Department of Corrections by the Honorable Edgar Warren Dickson. Rushton will have to serve at least 85 % of the sentence before he becomes eligible for parole.

Evidence presented at the plea hearing by Assistant Solicitor Christy Kednocker Sustakovitch established that on May 29, 2011, police were called to Rushton's residence in Greenville County after he called 911. He told police the victim, 33 year old April Smith, was not breathing. On arrival, EMS found the victim deceased. During the investigation that followed, Rushton admitted to sexually assaulting the victim with a potato masher multiple times. The medical examiner determined that Smith suffered blunt force trauma to her genital region, and that she ultimately died from an air embolism that reached her lungs during the assault. Sustakovitch presented evidence the victim was impaired at the time of the assault and that she could not have consented to the sexual battery inflicted on her by the Rushton.