

COURT OF APPEALS OF VIRGINIA

Record No. 0979-25-1

STEVEN MICHAEL BOWEN
v.
COMMONWEALTH OF VIRGINIA

Present: Judges Beales, White and Duffan

Argued at Norfolk, Virginia

Opinion Issued September 1, 2026*

FROM THE CIRCUIT COURT OF THE CITY OF NEWPORT NEWS
Tyneka L.D. Flythe, Judge

Charles E. Haden for appellant.

Allison M. Mentch, Assistant Attorney General (Jason S. Miyares,¹ Attorney General, on brief), for appellee.

MEMORANDUM OPINION BY JUDGE KIMBERLEY SLAYTON WHITE

In a bench trial, the court convicted the appellant, Steven Michael Bowen, of two counts of rape in violation of Code § 18.2-61, two counts of forcible sodomy in violation of Code § 18.2-67.1, one count of robbery in violation of Code § 18.2-58, one count of burglary in violation of Code § 18.2-89, one count of abduction in violation of Code § 18.2-47, and one count of grand larceny auto theft in violation of Code § 18.2-95. On appeal, Bowen argues that the Commonwealth presented insufficient evidence to prove beyond a reasonable doubt that he was the perpetrator and that his abduction conviction cannot stand because the abduction was

* This opinion is not designated for publication. *See* Code § 17.1-413(A).

¹ Jay C. Jones succeeded Jason S. Miyares as Attorney General on January 17, 2026.

incidental to the rape, robbery, and forcible sodomy offenses. However, we disagree and affirm the trial court.

BACKGROUND²

During the early morning hours of December 5, 2020, the victim, M.L.³, awoke to a loud noise coming from her bedroom door. Her bedroom door, which had been locked and closed, was open, and the appellant, Steven Michael Bowen, was standing at the head of her bed. M.L. testified that Bowen told her that “he had a gun” and repeatedly stated that he “d[id]n’t want to hurt [her]” but “just want[ed] to make love to [her].” Bowen then instructed M.L. to perform oral sex on him, and she complied. Afterwards, Bowen grabbed her leg, pulled her toward him, and began performing oral sex on her. A minute or two later, Bowen positioned himself on top of M.L. and inserted his penis into her vagina. Although M.L. acknowledged that it was raining that night, she did not feel any water on her body while Bowen was on top of her.

After answering several of his questions, Bowen again instructed M.L. to perform oral sex on him, and she complied. Bowen then ordered her to turn around and get on all fours and inserted his penis into her vagina. A few minutes later, Bowen got out of bed, put on his clothes, and asked M.L. whether she had any money. M.L. told Bowen there was money in a cream-colored jacket in her closet, where he found sixty dollars inside. Afterwards, Bowen angrily asked whether she “want[ed] to die over money” and told her he “d[id]n’t want to . . . break [her] neck.” He then demanded to know where her purse was. M.L. said she usually kept it on the

² We recite the facts “in the ‘light most favorable’ to the Commonwealth, the prevailing party in the trial court.” *Hammer v. Commonwealth*, 74 Va. App. 225, 231 (2022) (quoting *Commonwealth v. Cady*, 300 Va. 325, 329 (2021)). In doing so, we “discard the evidence of the accused in conflict with that of the Commonwealth, and regard as true all the credible evidence favorable to the Commonwealth and all fair inferences to be drawn therefrom.” *Cady*, 300 Va. at 329 (quoting *Commonwealth v. Perkins*, 295 Va. 323, 324 (2018)).

³ We refer to the victim with initials in an effort to afford her privacy.

downstairs table, so they went downstairs together to find it. Although M.L. could not see him in her room due to poor light and “never got a clear look at him,” while standing near her closet, she caught a few brief glimpses of Bowen, prompting him to tell her not to look at him.

After searching for some time, Bowen became angrier because he could not find the purse and told M.L., “[l]et’s go back upstairs.” Once upstairs, Bowen turned on the bedroom light, found her purse on a chair, and removed the cash and her car keys. Bowen then directed M.L. to the car to look for additional money. After finding none, he told her they were going back to the bedroom. Each time they moved between rooms, Bowen followed closely behind her.

Later, Bowen instructed her to “[g]et in the bathroom . . . [and] wash up.” M.L. entered the shower, grabbed a washcloth, and lightly washed herself because she did not want to scrub away potential evidence. While she was showering, Bowen stood in the doorway and watched her the entire time. After she got out of the shower, Bowen ordered her to “wash up again.” M.L. again washed herself, and Bowen allowed her to put on a robe and slippers after drying off. Bowen then told M.L. that he “want[ed] [her] to drive [him] somewhere” so she could “drop [him] off.” When they got into the car, M.L. testified that the lighting allowed her to get several more brief glimpses of Bowen’s eyes, forehead, and the top of his head.

Without any direction from Bowen, M.L. backed out of the garage and turned right in front of her neighbor Terrence Ray’s house. Bowen asked, “What are you doing?” and M.L. responded that she was checking whether the garage door had closed. M.L. got out of the car while leaving it running, ran to Ray’s door, saw him through a second-story window watching television, and banged on the door while screaming for him to call 911. During this time, Bowen got out of the passenger’s side of the car, entered the driver’s side, and sped away.

It was around 7:00 a.m. when Ray was watching television and he noticed M.L.'s car near his driveway, which struck him as unusual because she never left home that early. Ray saw a man sitting in the passenger's seat but could not clearly see his face, so he assumed it was M.L.'s son. Believing M.L. was having an altercation with her son, Ray called 911 sometime between 7:06 and 7:11 a.m. Once Ray came to the front door, he immediately knew something was wrong because M.L. would never leave the house with her hair undone while wearing only a robe. While he was on the phone with the police, Ray opened the front door and found M.L. "broke[n] down," screaming that she had been raped and robbed. After Ray finished speaking with the dispatcher, he walked M.L. back to her house and stayed with her until police arrived.

A few weeks after the incident, police showed Ray several photographs, and he recognized Bowen as the son of a neighbor who lived only two doors down from M.L. According to Ray, he had seen Bowen walking past his home "way before" the incident occurred.

In July 2021, Bowen was arrested on outstanding warrants. While in custody, Bowen agreed to speak with Detective M.H. Jerasa of the Newport News Police Department regarding the December 5, 2020, incident. Before Bowen requested to speak with his attorney, however, he "made some spontaneous utterances about the case." According to Detective Jerasa, Bowen told her that he had a previous relationship with M.L. and believed she filed the police report because she was married. As a result of the investigation, Bowen was charged with two counts each of rape and forcible sodomy and one count each of robbery, burglary, abduction, and grand larceny.

During her testimony at trial, M.L. said she did not want to engage in any sexual activity with Bowen but complied because she feared for her life. She explained that she was afraid because Bowen told her he had a gun, had already broken into her home, and she did not know

what he was capable of doing to her. Most of all, as a single mother, she wanted to survive for her children. She also identified Bowen as her assailant and stated that she had never seen him prior to December 5, 2020.

TRIAL COURT RULING

At trial, Bowen filed motions to strike, arguing that the Commonwealth failed to present sufficient evidence to prove beyond a reasonable doubt that he was the assailant. Bowen asserted that M.L.'s testimony identifying him was unreliable because the Commonwealth presented no physical evidence, such as DNA, fingerprints, clothing fibers, video evidence, or an independent eyewitness, connecting him to the offenses. Bowen also argued that any restraint of M.L. was incidental to the other offenses and therefore could not support a separate conviction for abduction.

The trial court, sitting as the fact finder, rejected Bowen's arguments and found him guilty of all charges beyond a reasonable doubt. The trial court found M.L.'s testimony "extremely detailed" and credible because she candidly acknowledged the limitations of her observations rather than exaggerating them. Although corroboration was not required, the trial court found M.L.'s testimony corroborated by the damaged bedroom door, Ray's testimony regarding the events immediately following the sexual assault, including M.L.'s appearance and demeanor. Thus, the trial court concluded that the evidence proved beyond a reasonable doubt Bowen's guilt on the rape, forcible sodomy, robbery, burglary, and grand larceny charges.

The court further found that Bowen's repeated movement of M.L. throughout the home, including requiring her to shower twice, supported a separate conviction for abduction. Following the convictions, the trial court sentenced Bowen to 165 years' incarceration, with 105 years suspended, for an active sentence of 60 years.

On appeal, Bowen argues that the trial court erred because the evidence was insufficient to prove beyond a reasonable doubt that he was the assailant who committed rape, forcible sodomy, robbery, burglary, and grand larceny. Additionally, Bowen asserts that he cannot be convicted of abduction because it was incidental to the rape, robbery, and forcible sodomy charges.

ANALYSIS

“A motion to strike tests the legal sufficiency of the evidence.” *Hawkins v. Commonwealth*, 64 Va. App. 650, 654 (2015). “When reviewing the sufficiency of the evidence, ‘[t]he judgment of the trial court is presumed correct and will not be disturbed unless it is ‘plainly wrong or without evidence to support it.’”” *Commonwealth v. Perkins*, 295 Va. 323, 327 (2018) (alteration in original) (quoting *Pijor v. Commonwealth*, 294 Va. 502, 512 (2017)). The Virginia Supreme Court has repeatedly stated that “[t]hese principles apply ‘with equal force’ to bench trials no differently than to jury trials.” *Vasquez v. Commonwealth*, 291 Va. 232, 249 (2016). Thus, regardless of the trial format, “[i]f there is evidentiary support for the conviction, ‘the reviewing court is not permitted to substitute its own judgment, even if its opinion might differ from the conclusions reached by the finder of fact at the trial.’” *McGowan v. Commonwealth*, 72 Va. App. 513, 521 (2020) (quoting *Chavez v. Commonwealth*, 69 Va. App. 149, 161 (2018)). Rather, the relevant question for this Court is “after reviewing the evidence in the light most favorable to the prosecution, whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Commonwealth v. Barney*, 302 Va. 84, 97 (2023) (quoting *Sullivan v. Commonwealth*, 280 Va. 672, 676 (2010)).

“In a bench trial, the trial judge’s ‘major role is the determination of fact, and with experience in fulfilling that role comes expertise.’” *Blankenship v. Commonwealth*, 71 Va. App. 608, 619 (2020) (quoting *Haskins v. Commonwealth*, 44 Va. App. 1, 11 (2004)). Because the

trial judge personally observes the witnesses, “[t]he sole responsibility to determine the credibility of witnesses, the weight to be given to their testimony, and the inferences to be drawn from proven facts lies with the fact finder.” *Ragland v. Commonwealth*, 67 Va. App. 519, 529-30 (2017). As a result, we “must accept ‘the trial court’s determination of the credibility of witness testimony unless, “as a matter of law, the testimony is inherently incredible.”” *Hammer v. Commonwealth*, 74 Va. App. 225, 239 (2022) (quoting *Lambert v. Commonwealth*, 70 Va. App. 740, 759 (2019)). Testimony is not inherently incredible “unless it is ‘so manifestly false that reasonable men ought not to believe it’ or ‘shown to be false by objects or things as to the existence and meaning of which reasonable men should not differ.’” *Id.* at 239-40 (quoting *Gerald v. Commonwealth*, 295 Va. 469, 487 (2018)).

I. Identification

Here, viewing the evidence and all reasonable inferences in the light most favorable to the Commonwealth, we find the evidence was sufficient to prove beyond a reasonable doubt that Bowen committed the rape, forcible sodomy, robbery, burglary, grand larceny offenses, and abduction. After hearing M.L.’s testimony and evaluating her credibility, the trial court found her testimony “extremely detailed” and credible because she candidly admitted facts that did not necessarily favor her or the Commonwealth. Specifically, M.L. admitted that she never saw Bowen display a gun, could not identify him in her dark bedroom, saw only brief glimpses of him, did not observe footprints in her house or garage, and did not feel water on Bowen despite the rain.

Nevertheless, while inside her vehicle, where the lighting was better, M.L. was able to see Bowen’s eyes, forehead, and the top of his head. She also identified Bowen as the perpetrator in court. Her credited testimony alone was sufficient to sustain the sexual offense convictions because “a conviction for rape and other sexual offenses may be sustained solely

upon the uncorroborated testimony of the victim.” *Wilson v. Commonwealth*, 46 Va. App. 73, 87 (2005).

Moreover, other evidence corroborated material portions of M.L.’s account. Investigators observed damage to her locked bedroom door, and Ray testified that around 7:00 a.m. he saw M.L.’s vehicle near his driveway with a man in the passenger seat, observed what appeared to be an altercation, and then found M.L. wearing only a robe and slippers and immediately reporting that she had been raped and robbed. That evidence corroborated M.L.’s description of the offenses and further supported the trial court’s credibility determination. Accordingly, her testimony was not inherently incredible.

Bowen’s contrary argument rests largely on the Commonwealth’s failure to present DNA, fingerprints, clothing fibers, video evidence, or an eyewitness who observed the sexual assaults, but the Commonwealth was not required to present such evidence to sustain his convictions. Indeed, the law does not require such evidence because “sexual offenses are typically clandestine in nature, seldom involving witnesses to the offense except the perpetrator and the victim, a requirement of corroboration would result in most sex offenses going unpunished.” *Garland v. Commonwealth*, 8 Va. App. 189, 191 (1989). Rather, the trial court was entitled to credit M.L.’s testimony and draw reasonable inferences from the evidence presented.

While much of the Commonwealth’s corroborating evidence did not independently identify Bowen as the assailant, Bowen’s own statements supported the trial court’s finding that he was the perpetrator. Specifically, Bowen voluntarily told Detective Jerasa during his custodial interview that he had a previous relationship with M.L. and believed she had filed the police report because she was married. Bowen’s statements permitted the trial court to infer that he admitted engaging in sexual activity with M.L. while claiming the encounter was consensual.

Thus, the trial court reasonably could infer that Bowen's own statements placed him with M.L. and offered an alternative explanation for why she reported the sexual assault.

Even though Ray's testimony and the physical evidence did not independently identify Bowen as the perpetrator, they corroborated M.L.'s account that the offenses occurred. Moreover, Ray testified that he recognized Bowen as the son of a neighbor who lived two doors from M.L. and had seen him in the neighborhood before the incident. Given M.L.'s in court identification, Bowen's proximity to M.L.'s home, Ray's recognition of Bowen as someone from the neighborhood, and Bowen's own statements implying prior sexual contact with M.L., the trial court reasonably could find that Bowen was the perpetrator. Accordingly, the evidence was sufficient to prove Bowen's identity as the perpetrator of the rape, forcible sodomy, robbery, burglary, grand larceny, and abduction.

II. *Abduction*

Bowen also argues that he cannot be convicted of abduction because it was incidental to the rape, robbery, and forcible sodomy offenses. According to Code § 18.2-47, abduction is defined as "[a]ny person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains, or secretes another person with the intent to deprive such other person of his personal liberty." Likewise, under Code § 18.2-47(A), "a defendant 'detains' a victim by having that victim 'remain in a certain location, or even in a certain position' through the use of force, intimidation, or deception." *Commonwealth v. Herring*, 288 Va. 59, 74 (2014) (quoting *Burton v. Commonwealth*, 281 Va. 622, 628 (2011)).

According to the Virginia Supreme Court, when an abduction conviction is challenged as merely incidental to another offense involving some level of detention, such as rape, robbery, or

assault,⁴ “[t]he only issue” we consider is whether the detention “exceeded the minimum necessary to complete the required elements of the other offense.” *Lawlor v. Commonwealth*, 285 Va. 187, 225 (2013). Therefore, a defendant will be guilty of abduction “only when the detention committed in the act of abduction is separate and apart from, and not merely incidental to, the restraint employed in the commission of the other crime.” *Brown v. Commonwealth*, 230 Va. 310, 314 (1985). Thus, on appeal, we determine “whether sufficient evidence exists to support the factfinder’s determination that a defendant used greater restraint than that necessary to commit the simultaneously charged offense.” *Epps v. Commonwealth*, 66 Va. App. 393, 403 (2016).

Here, the evidence was sufficient to prove that Bowen’s abduction of M.L. was separate and apart from the restraint inherent in the rape, forcible sodomy, and robbery offenses. As M.L. testified, when Bowen broke into her home, he told her that “he had a gun” and then sexually assaulted her. After committing the sexual offenses, Bowen demanded money. Because he only found sixty dollars in her cream-colored jacket, Bowen angrily asked whether she “want[ed] to die over money” and told her he “d[id]n’t want to . . . break [her] neck.” He then demanded that M.L. go downstairs with him to look for additional money in her purse and followed closely behind her.

After failing to find the purse downstairs, Bowen forced M.L. back upstairs to the bedroom, where he found the purse and took her money and car keys. He later forced M.L. to shower twice while he stood in the doorway watching her. Immediately afterward, Bowen directed M.L. back to the garage and told her that he “want[ed] [her] to drive [him] somewhere” so she could “drop [him] off.” Therefore, by force and intimidation, Bowen asported M.L. by

⁴ The Virginia Supreme Court has “acknowledged some degree of detention to be inherent in rape, robbery, and assault.” *Lawlor*, 285 Va. at 225 n.13.

moving her through multiple areas of the home, into the garage, into her vehicle, and down the street.

Thus, Bowen's act of requiring M.L. to move involuntarily through multiple rooms supplied sufficient evidence "to support an independent conviction for abduction without being subsumed by [the rape and sodomy] offense[s]." *Vay v. Commonwealth*, 67 Va. App. 236, 251 (2017). Additionally, Bowen detained M.L. in the bathroom and vehicle after the sexual offenses were complete, which "further establishes an abduction separate and apart from the physical restraint necessary to accomplish the rape and sodomy."⁵ *Id.* at 252. Accordingly, none of these acts was intrinsic to the rape or forcible sodomy offenses.⁶

As for the robbery charge, the asportation and detention of M.L. were clearly greater than necessary to complete the robbery offense. Bowen's conduct was not intrinsic to the robbery because he could have taken the money without forcing M.L. to walk from room to room. Moreover, as we have previously found, "the asportation of a victim from one room to another . . . [is] not [an] act[] inherent in the crime of robbery." *Phoung v. Commonwealth*, 15 Va. App. 457, 462 (1992). Furthermore, Bowen's detention of M.L. in the bathroom and vehicle occurred after the robbery. Accordingly, the evidence was sufficient for the trial court to find that Bowen's abduction of M.L. was separate and apart from, and not merely incidental to, the robbery offense.

⁵ See *Vay*, 67 Va. App. 251-52 (holding that pushing the victim through several rooms was sufficient to establish asportation and that the detention and asportation of the rape victim to avoid detection were not intrinsic to the rape and forcible sodomy offenses).

⁶ See *Swezey v. Commonwealth*, 77 Va. App. 809, 817 (2023) (finding that the assault and brandishing offenses were completed before the appellant detained the victim and rejecting his "claim that detaining his wife on the floor while pointing a loaded gun to her head was intrinsic in the crimes of brandishing and assault"); see also *Epps*, 66 Va. App. at 403-04 (holding that the assault and battery had occurred in the victim's bedroom before the appellant detained the victim in her home).

CONCLUSION

For the foregoing reasons, the trial court's judgment is affirmed.

Affirmed.