

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Georgetown County

Honorable Steven H. John, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

FREDRICK WILLIAMS,

APPELLANT.

APPELLATE CASE NO. 2021-000628

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STATE OF SOUTH CAROLINA) IN THE COURT OF GENERAL SESSIONS

COUNTY OF GEORGETOWN) 2019-GS-22-00267

STATE OF SOUTH CAROLINA,)

Plaintiff,)

Transcript of Record

vs.)

June 1-2, 2021

FREDRICK WILLIAMS,)

Defendant.)

B E F O R E:

Honorable Steven H. John
Georgetown County Courthouse
Georgetown, South Carolina

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

Alicia A. Richardson, Esquire
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Madison C. Hart, Esquire
Attorney for Defendant

Kay H. Richardson
Circuit Court Reporter

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OPENING BY SMITH

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1 judgment that you use in conducting your own affairs, apply it
2 to the facts and evidence, take the law as I give it to you,
3 and then arrive at that unanimous verdict in this particular
4 matter.

5 We appreciate your service. Don't expect it to be very
6 long, but it's important. It's an important case to the
7 state, and it's an important case to the defendant, and we ask
8 for your attention to the evidence as it is presented.

9 Solicitor?

10 MS. SMITH: May it please the Court?

11 THE COURT: Yes, ma'am.

12 OPENING STATEMENT BY MS. SMITH:

13 MS. SMITH: She called him Dad. On September 8, 2018, a
14 14-year-old, MINOR [REDACTED] called the then 33-year-old
15 defendant her dad. She called him this because he had helped
16 raise her from the time she was four months old until she was
17 14 years old. And even when she was leaving the apartment
18 with police, she still called him dad, right after he had had
19 sex with her on the same bed that he slept in with MINOR [REDACTED]'s
20 mother.

21 Ladies and gentlemen, my name is Liz Smith and this is my
22 co-counsel, Alicia Richardson. You're here today because the
23 defendant has been charged with criminal sexual conduct with a
24 minor in the second degree. So, to prove this case to you, we
25 are going to bring several witnesses through the next couple

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OPENING BY HARTE

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1 of days. However, I'm not really gonna go into their
2 testimony. I'm gonna let them tell you their story
3 themselves, but I am gonna give you a few highlights, a few
4 things for y'all to look at.

5 On September 8, 2018, MINOR was 14 years old, and Mr.
6 Williams had sex with her. The police were called. She was
7 taken to the hospital, and a sexual assault kit was performed
8 on her. That sexual assault kit was then taken to SLED, the
9 South Carolina Law Enforcement Division. They analyzed this
10 kit for DNA. They found a DNA profile comparable to the
11 defendants from a swab taken from inside the 14-year-old
12 victim. This case is not a case about force. This case isn't
13 even a case about consent. This is a case about age, because
14 it is illegal for a grown 33-year-old man to have sex with his
15 14-year-old stepdaughter.

16 Thank you.

17 THE COURT: All right.

18 Mr. Harte?

19 MR. HARTE: Thank you, Your Honor.

20 OPENING STATEMENT BY MR. HARTE:

21 MR. HARTE: Good afternoon. My name is Madison Harte,
22 and I'm an attorney with the Georgetown County Public
23 Defender's Office, and today my client is Mr. Fredrick
24 Williams. Now, the state has told you they have brought some
25 pretty serious allegations against Mr. Williams, but that's

1 all that they are right now. They are allegations. Because
2 in this country and most importantly in this process that were
3 starting right now, a jury trial, you are innocent unless and
4 until proven guilty. Mr. Williams sits before you an innocent
5 man. And as we go through this trial, he will continue to be
6 an innocent man, and your decision will be whether he will
7 continue to be an innocent man beyond this trial.

8 Now, the Judge is gonna instruct you on the law, but
9 quite simply I'd like to keep in the forefront of your mind
10 beyond a reasonable doubt. It is the highest burden in all of
11 our court systems, civil court, family court; the highest
12 burden is beyond a reasonable doubt. And all 12 of you have
13 to unanimously agree on your verdict. So, when you go back in
14 the jury room after all the testimony, if you still have some
15 questions, if you still have some doubts, if you're just not
16 quite sure, then you found your burden and that's not guilty.

17 Thank you.

18 THE COURT: All right, Solicitor. Your first witness,
19 please.

20 MS. RICHARDSON: The state calls him A.B. [REDACTED].

21 THE COURT: All right. Please come around to be sworn.

22 THE CLERK: Raise your right hand.

23 A.B. [REDACTED], HAVING BEEN DULY
24 SWORN, TESTIFIED AS FOLLOWS:

25 THE CLERK: Thank you. Please be seated and state your

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A.B. [REDACTED] - DIRECT BY RICHARDSON

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1 name for the record.

2 A.B. [REDACTED] A.B. [REDACTED].

3 THE COURT: Could you spell your first name for the court
4 reporter, please, ma'am?

5 A.B. [REDACTED]: A.B. [REDACTED].

6 THE COURT: Can you cover with how old she is, first?

7 DIRECT EXAMINATION OF A.B. [REDACTED] BROWN BY MS. RICHARDSON:

8 Q: How old are you, A.B. [REDACTED]?

9 A: Thirteen.

10 THE COURT: All right. Ladies and gentlemen, the witness
11 before you is a minor according to the law. I'll give you
12 instructions at the end about this, but because she is a minor
13 it will be up to you to determine whether or not the minor
14 understands the gravity of testifying in a court of law, what
15 it means to tell the truth, whether or not the minor
16 understands the questions being asked, and again the gravity
17 of the situation. So, I'll give you a full instruction about
18 that at the end, but please understand that when you are
19 listening to the testimony of a minor that is one of the
20 things, as the judges of the facts, that you must determine.

21 Go ahead, Solicitor.

22 BY MS. RICHARDSON:

23 Q: You want to take your mask all the way off? Is that
24 good? Okay. I know I just asked you, but I'm going to do it
25 again. How old are you?

1 A: Thirteen.

2 Q: Okay. And when is your birthday?

3 A: [REDACTED].

4 Q: Okay. So, you just turned 13 in [REDACTED]?

5 A: Uh-huh, (affirmative response).

6 Q: All right. You have to say yes or no out loud. Okay?

7 A: Yes.

8 Q: All right. And where do you go to school?

9 A: Georgetown Middle School.

10 Q: And what grade are you in?

11 A: Seventh.

12 Q: And how do you do in school?

13 A: Good.

14 Q: And you understand what it means to take an oath?

15 A: Uh-huh, (affirmative response); yes.

16 Q: Okay. And do you understand what could happen if you

17 don't tell the truth?

18 A: Yes, ma'am.

19 Q: And what is that?

20 A: You can get in trouble by the law.

21 Q: Okay. A.B. [REDACTED], can you tell me who your parents are?

22 A: Versheena Brown and Fredrick Williams.

23 Q: Okay. And how many brothers and sisters do you have?

24 A: Four.

25 Q: Okay. And can you tell me their names and ages?

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A.B. [REDACTED] - DIRECT BY RICHARDSON

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1 A: S.B. [REDACTED], 10; L.W. [REDACTED], 11; K.B. [REDACTED], 8;
2 MINOR [REDACTED], 17.

3 Q: And do you and MINOR [REDACTED] have the same father?

4 A: No, ma'am.

5 Q: Okay. But do all of you have the same mother?

6 A: Yes, ma'am.

7 Q: Okay. And that's Ms. Brown seated over here on the front
8 row?

9 A: Yes, ma'am.

10 Q: Okay. And do you live in the city of Georgetown?

11 A: Yes, ma'am.

12 Q: Okay. In the Housing Authority?

13 A: Yes, ma'am.

14 Q: And how long have you lived there?

15 A: Probably five or six years; I don't know; somewhere
16 around there.

17 Q: All right. And do you remember the day that we are
18 talking about back September 8, 2018?

19 A: Yes, ma'am.

20 Q: Okay. And what were you doing that day, that morning?

21 A: I was sleeping.

22 Q: And who else was home with you?

23 A: My sisters and brother -- sisters and brother, and my
24 dad.

25 Q: Okay. And where was your mother?

1 A: At work.

2 Q: Where did she work?

3 A: Subway, Jamestown.

4 Q: Okay. And that out towards Charleston?

5 A: Yes, ma'am.

6 Q: Okay. Do you know about what time she left?

7 A: No, ma'am.

8 Q: Okay. Was anybody else at your house besides your dad

9 and your brothers and sisters?

10 A: No, ma'am.

11 Q: And your sister, MINOR [REDACTED], does she live with you all the

12 time?

13 A: No, ma'am.

14 Q: Okay. Where else did she live?

15 A: My Granny B house.

16 Q: And when did she come to your house?

17 A: The weekends.

18 Q: So, tell me what happened that morning?

19 A: I was sleeping and my sisters and brothers were being

20 noisy and bad. So, they had melatonin and went to sleep. And

21 they gave me a melatonin but I spit it out because I was

22 already sleeping, and ---

23 Q: Had y'all just woken up? This was in the morning?

24 A: Yes, around the morning time.

25 Q: Around morning time?

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A.B. [REDACTED] - DIRECT BY RICHARDSON

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- 1 A: Uh-huh, (affirmative response).
- 2 Q: All right. So, you had just woken up, because you didn't
- 3 have school that day.
- 4 A: No, ma'am.
- 5 Q: It was the weekend? All right. And after you woke up
- 6 you said they gave you melatonin.
- 7 A: Uh-huh, (affirmative response)
- 8 Q: You have to say yes or no.
- 9 A: Yes, ma'am.
- 10 Q: And who gave you melatonin?
- 11 A: I think it was MINOR [REDACTED]. She handed it to me and told me
- 12 to put it in my mouth, but I spit it out.
- 13 Q: Okay. Was anybody else with MINOR [REDACTED]?
- 14 A: My dad.
- 15 Q: He was with her when he gave it to you?
- 16 A: Uh-huh, (affirmative response).
- 17 Q: Okay. Now, did you have your own bedroom?
- 18 A: Yeah, but it was -- had a couch and clothes in it. We --
- 19 I don't know, but it had a couch and clothes in it.
- 20 Q: Did you sleep on the couch?
- 21 A: Yeah, sometimes.
- 22 Q: And if you didn't sleep on your couch in the bedroom,
- 23 where else did you sleep?
- 24 A: My sister's room.
- 25 Q: And is that your older sister or your little sisters?

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A.B. [REDACTED] - DIRECT BY RICHARDSON

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- 1 A: My little sisters.
- 2 Q: And describe what's in their bedroom?
- 3 A: They have like bunk beds, but it's not a bunk bed. It's
- 4 like a bed straight and then sideways and then the rest is
- 5 everything else.
- 6 Q: Okay. And your bedroom that has the couch in it, whose
- 7 bedroom is beside it?
- 8 A: L.W. [REDACTED]'s.
- 9 Q: Okay. And what about your mom, did she -- and your dad,
- 10 did they have a bedroom?
- 11 A: Yes, ma'am.
- 12 Q: Okay. And was that near yours?
- 13 A: Yeah; yes, ma'am.
- 14 Q: So, after you -- they tried to give you the melatonin you
- 15 said you didn't -- you spit it out?
- 16 A: Uh-huh, (affirmative response); yes, ma'am.
- 17 Q: Okay. What happened then?
- 18 A: I went back to sleep. My sister and brothers they went
- 19 to sleep, and I woke back up from hearing moaning noises.
- 20 Q: You heard what kind of noises?
- 21 A: Moaning noises.
- 22 Q: Moaning noises? And where did you hear those from?
- 23 A: From my mom bedroom
- 24 Q: Okay. And could you tell who it was?
- 25 A: MINOR [REDACTED] and my dad.

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A.B. [REDACTED] - DIRECT BY RICHARDSON

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- 1 Q: Okay. And did you hear anything else?
- 2 A: I heard the TV playing in the background.
- 3 Q: Okay. What was the TV playing?
- 4 A: The same thing my dad and my sister were doing.
- 5 Q: The same type thing you heard?
- 6 A: Yes, ma'am.
- 7 Q: So, what did you do?
- 8 A: I tried to turn the knob, but it started making noise, so
- 9 I went outside looking for her because I didn't want to think
- 10 she was in the room.
- 11 Q: So, you turned the knob to what?
- 12 A: To try to open it.
- 13 Q: To open ---
- 14 A: My mom's door.
- 15 Q: Your mom's door?
- 16 A: Uh-huh, (affirmative response).
- 17 Q: Okay, but you couldn't get in?
- 18 A: No, ma'am.
- 19 Q: Okay. So, then did what did you do?
- 20 A: I went outside. I went to go ask her friend Marie did
- 21 she seen her, and she said no. So, I went across the street
- 22 and looked for her, but she wasn't over there, so went back to
- 23 the house. And I kept hearing it so went to the neighbor
- 24 house, Ms. Gigi, and all went to go call my mom.
- 25 Q: And you called your mom at work?

A.B. [REDACTED] - CROSS BY HARTE

1 A: Yes, ma'am.

2 Q: All right. And did you go back home?

3 A: No, ma'am.

4 Q: Well, why didn't you go back home?

5 A: Because I was scared and I didn't want to.

6 Q: And what were you scared of?

7 A: That I was gonna get in trouble or something.

8 Q: And did you -- you stayed at the neighbor's house?

9 A: Yeah, and I think my mom -- my mom came and got me, and
10 she took me to the Police Department.

11 Q: All right. I have no further questions. Answer any
12 questions that Mr. Harte has for you. Okay?

13 A: Yes, ma'am

14 THE COURT: Mr. Harte?

15 CROSS-EXAMINATION A.B. [REDACTED] BY MR. HARTE:

16 Q: A.B. [REDACTED], how are you today?

17 A: Good.

18 Q: Good. You just testified you woke up that morning ---

19 A: Yes, sir.

20 Q: And your older sister, MINOR [REDACTED] gave you melatonin.

21 A: Yes, sir.

22 Q: A little later on, you said the door to your mom's room
23 was closed?

24 A: Yes, sir.

25 Q: Okay. And on the other side of that door from -- coming

State v. Williams - 2019-GS-22-00267

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A.B. [REDACTED] - REDIRECT BY RICHARDSON

1 from the TV you could hear moaning noises?

2 A: Yes, sir.

3 Q: You're 13?

4 A: Yes, sir.

5 Q: Are you old enough to know what a pornographic film is?

6 A: Yes, sir.

7 Q: Is that what was playing on the television at that time?

8 A: Yes, sir.

9 Q: Thank you.

10 MR. HARTE: No further questions, Your Honor.

11 THE COURT: Any redirect?

12 REDIRECT EXAMINATION of A.B. [REDACTED] BY MS. RICHARDSON:

13 Q: And how did you know what the other -- who the other
14 voices were in the room?

15 A: Because I could hear MINOR [REDACTED] moaning, and I heard her
16 name called in the room.

17 Q: You heard her name called by who?

18 A: My dad.

19 Q: And you recognize the voices?

20 A: Uh-huh, (affirmative response).

21 Q: No further questions.

22 THE COURT: Anything else, Mr. Harte?

23 MR. HARTE: Nothing further for this witness, Your Honor.

24 THE COURT: All right. You may step down, ma'am.

25 MS. RICHARDSON: Your Honor, we'd ask that she be excused

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MINOR - DIRECT BY RICHARDSON

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1 from her subpoena.

2 THE COURT: Any objection?

3 MR. HARTE: Without objection, Your Honor.

4 THE COURT: All right, ma'am. You are released from your
5 subpoena, you may leave.

6 THE COURT: All right. Next witness, please, ma'am.

7 MS. RICHARDSON: The state calls MINOR.

8 MINOR, HAVING BEEN DULY

9 SWORN, TESTIFIED AS FOLLOWS:

10 THE CLERK: Please be seated and state and spell your
11 name for the record.

12 MINOR My name is MINOR and I'm 17 years
13 old.

14 THE COURT: Can you spell your first name, please, ma'am?

15 MINOR: MINOR.

16 THE COURT: All right. Go ahead, Solicitor.

17 DIRECT EXAMINATION OF MINOR BY MS. RICHARDSON:

18 Q: And MINOR who do you live with now?

19 A: My grandma and my aunt.

20 Q: And where do they live?

21 A: On Highway.

22 Q: Okay. Is that in Andrews?

23 A: It's like five minutes into Andrews.

24 Q: And who is your mother?

25 A: Versheena Brown.

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MINOR - DIRECT BY RICHARDSON

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- 1 Q: And what is your living arrangement between your mom and
2 your grandma?
- 3 A: I stay with my grandma on weekdays and sometimes on the
4 weekends I go to my mom.
- 5 Q: Okay. And why you do that?
- 6 A: Because -- I don't know; I just do.
- 7 Q: Did you switch schools?
- 8 A: Yes, ma'am.
- 9 Q: Okay. So, you go to Andrews?
- 10 A: Andrews High.
- 11 Q: Okay. And your mom lives in the Georgetown district?
- 12 A: Yes, ma'am
- 13 Q: Okay. So, if you live with your mom, you would have to
14 go to Georgetown?
- 15 A: Yes, ma'am.
- 16 Q: And so you live with your grandmamma and go to ---
- 17 A: Andrews High.
- 18 Q: Andrews High. And how long have you been doing that?
- 19 A: Since sixth grade.
- 20 Q: And do you know the defendant, Fredrick Williams?
- 21 A: Yes, ma'am.
- 22 Q: And how long have you known him?
- 23 A: Since I was born.
- 24 Q: And he -- what's his relationship to your mom?
- 25 A: Her boyfriend and her kids' baby daddy.

1 Q: And how many of your brothers and sisters are his child
2 or children?
3 A: Three.
4 Q: And do you refer to him as dad sometimes?
5 A: Yes, ma'am.
6 Q: Now, tell me about September 8, 2018; do you remember
7 that day?
8 A: Yes, ma'am.
9 Q: All right. So, tell me what you remember from that
10 morning. Were you at your mom's are your grandmamma's?
11 A: I was at my mom's house.
12 Q: All right. And who was home?
13 A: My sisters, and brother, and my stepdad.
14 Q: And that's Fredrick Williams?
15 A: Yes, ma'am.
16 Q: And where was your mom?
17 A: On her way to work.
18 Q: Okay. Now, what time of day -- when does she usually go
19 to work?
20 A: She had to be to work at 3:00, so she left like 2:30.
21 Q: Okay. And tell me what happened that morning? Did you
22 sleep late?
23 A: Yes, ma'am.
24 Q: And then -- then what happened after that?
25 A: After that, my mom left and went to work, and the kids --

State v. Williams - 2019-GS-22-00267
MINOR - DIRECT BY RICHARDSON

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- 1 we were already outside playing but we came back in the house
2 because it was too hot. So we went and we went and sit in the
3 living room sit on the chair, and then that's when we was
4 watching a movie. And then the kids, we was getting ready to
5 go to a birthday party at 4 o'clock, but he was like, y'all,
6 I'm gonna give y'all this melatonin and y'all go to sleep and
7 then I wake y'all back up for the party.
- 8 Q: All right. And who is he?
- 9 A: Fredrick Williams.
- 10 Q: Okay. And did everybody take the medicine?
- 11 A: Yes, ma'am.
- 12 Q: Okay. And then what happened after that?
- 13 A: After that, he gave everybody a melatonin. And then they
14 -- everybody went back to on the couch where we was that, and
15 I was beside K.B. on the chair, and A.B. was in her
16 sister's room, she was already sleeping.
- 17 Q: And when you say A.B., that's somebody's nickname.
18 Whose nickname is that?
- 19 A: A.B.
- 20 Q: Okay. So, y'all call her A.B.?
- 21 A: Yes, ma'am.
- 22 Q: Okay. So, A.B. went to where; her bedroom?
- 23 A: She was in S.B. (spelled phonetically) and K.B.'s room.
- 24 Q: Okay. The bunkbed room?
- 25 A: Yes, ma'am.

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MINOR [REDACTED] - DIRECT BY RICHARDSON

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- 1 Q: Okay. And then what you remember after that?
- 2 A: After that, I went back on the chair -- after he gave
- 3 everybody a melatonin, A.B. [REDACTED] was waking up, and he was
- 4 trying to give her melatonin, too, but she taked it and then
- 5 she spit it out.
- 6 Q: Okay. And what did you do?
- 7 A: I went back on the chair with K.B. [REDACTED] and went to sleep.
- 8 Q: All right. And what happened after that?
- 9 A: And then after that, I woked up and I was in my mom's
- 10 bedroom.
- 11 Q: All right. Who else was in there?
- 12 A: Fredrick Williams.
- 13 Q: Anybody else?
- 14 A: No, ma'am.
- 15 Q: All right. And where were you when you woke up?
- 16 A: On my mom's bed.
- 17 Q: Okay. Where was he?
- 18 A: Standing in front of me.
- 19 Q: What happened?
- 20 A: We had sex.
- 21 Q: Okay. When you woke up, were your clothes on or off?
- 22 A: Off.
- 23 Q: What about his?
- 24 A: His shirt was on but his underwear and pants were off.
- 25 Q: Okay. And when you said you had sex, tell me what you

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MINOR - DIRECT BY RICHARDSON

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1 mean by that?

2 A: His penis was inside by vagina.

3 Q: Was that when you woke up?

4 A: Yes, ma'am.

5 Q: And what did you do?

6 A: I was trying to get away, but I couldn't.

7 Q: And why couldn't you get away?

8 A: Because he was holding me down.

9 Q: Did he say anything to you?

10 A: No, ma'am.

11 Q: And did anything else happen?

12 A: Well, when we heard the noise, A.B. was leaving, she

13 wasn't in the house.

14 Q: You heard A.B. leaving?

15 A: Yes, ma'am. She was gone.

16 Q: All right. Besides him having sex with you, did he do

17 anything else to your body?

18 A: He was licking me between my legs.

19 Q: And again, what were you doing during this?

20 A: Trying to get away.

21 Q: All right. And then how did -- how did it end?

22 A: Well, he got away from me, he went and opened the door,

23 and A.B. was gone.

24 Q: Y'all were looking for her?

25 A: He was. He told me to go shower.

MINOR [REDACTED] - DIRECT BY RICHARDSON

- 1 Q: He told you to go take a shower?
- 2 A: Yes, ma'am.
- 3 Q: And did you do that?
- 4 A: Yes, ma'am.
- 5 Q: And did you put the same clothes on that you had on
- 6 before?
- 7 A: No, ma'am.
- 8 Q: You got some different clothes?
- 9 A: Yes, ma'am.
- 10 Q: And had anything like this happened before?
- 11 A: No, ma'am.
- 12 Q: Okay. Had he ever tried to touch you before?
- 13 A: Yes, ma'am.
- 14 Q: Okay. Tell me about that.
- 15 A: My mom had caughted him the first time, but she didn't
- 16 think anything.
- 17 Q: What did she catch him doing? Tell me what happened.
- 18 A: When I was in my sister's bedroom with K.B. [REDACTED] sleeping
- 19 and she caughted him leaving out of the room. And she got up
- 20 and she came in there, and she told me to get up because I
- 21 didn't have no drawers on.
- 22 Q: Okay. When you say drawers, you mean underwear?
- 23 A: Yes, ma'am.
- 24 Q: And how did your underwear get off?
- 25 A: I don't know.

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MINOR [REDACTED] - DIRECT BY RICHARDSON

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1 Q: You woke up like that?

2 A: Yes, ma'am.

3 Q: Okay. And after he got up, you said you took a shower?

4 A: Yes, ma'am.

5 Q: All right. And then did A.B. [REDACTED] come back?

6 A: No, ma'am.

7 Q: All right. Did anybody else come to the house?

8 A: No, ma'am.

9 Q: All right. And what about your mom?

10 A: I didn't see her until I got to the police station.

11 Q: Okay. So, who came and got you?

12 A: The police officer.

13 Q: And so, they came to your house and got you?

14 A: Yes, ma'am.

15 Q: And who was at the house when they came?

16 A: He was.

17 Q: And you?

18 A: Yes, ma'am.

19 Q: And what about the other children?

20 A: They were still in the house sleeping.

21 Q: But A.B. [REDACTED] wasn't there?

22 A: No, ma'am. She was on the -- Ms. GiGi's porch.

23 Q: Ms. GiGi, that's the neighbor?

24 A: Yes, ma'am.

25 Q: All right. And when the police came and got you, where

MINOR [REDACTED] - CROSS BY HARTE

- 1 did they take you?
- 2 A: To the police department.
- 3 Q: Okay. And then, after that, where did you go?
- 4 A: To the hospital.
- 5 Q: And when you got the hospital, what happened?
- 6 A: They did a kit on me. They swabbed me with the kit.
- 7 Q: And did they take your clothing from you?
- 8 A: Yes, ma'am.
- 9 Q: All right. And did Mr. Williams so anything to you about
- 10 telling about this?
- 11 A: He told me that, if I would tell, he would kill me.
- 12 Q: I have no further questions. Answer any questions Mr.
- 13 Harte may have for you.
- 14 THE COURT: Cross-examination?
- 15 CROSS-EXAMINATION OF MINOR [REDACTED] BY MR. HARTE:
- 16 Q: Hey, MINOR [REDACTED]; how are you?
- 17 A: I'm good.
- 18 Q: You were present for your sister, A.B. [REDACTED]'s testimony,
- 19 correct?
- 20 A: Yes, sir.
- 21 Q: Okay. And you heard A.B. [REDACTED] testify that she ---
- 22 A: Yes, sir.
- 23 Q: --- that you were the one that gave her and all the kids
- 24 the melatonin?
- 25 A: Yes, sir; but I didn't give her the melatonin.

MINOR - REDIRECT BY RICHARDSON

1 Q: Your testimony was that Mr. Williams did it. However,
2 you understand A.B.'s testimony was that you gave it to
3 her, correct?

4 A: Yes, sir.

5 Q: You also heard her testify that she heard moaning noises
6 coming from your mother's room, correct?

7 A: Yes, sir.

8 Q: Okay. She said it was your voice that was doing the
9 moaning?

10 A: Yes, sir.

11 MR. HARTE: Thank you. I have no further questions, Your
12 Honor.

13 THE COURT: Any redirect?

14 REDIRECT EXAMINATION OF MINOR BY MS. RICHARDSON:

15 Q: Was there a movie playing when this was happening?

16 A: Yes, ma'am.

17 Q: And what kind of movie was that?

18 A: *Good Times -- Good Times.*

19 Q: Okay. And what kind of movie is *Good Times*?

20 A: It was like a porn movie, I guess.

21 Q: All right. No further questions.

22 THE COURT: Anything on those questions?

23 MR. HARTE: Nothing further, Your Honor.

24 THE COURT: All right. You may step down, ma'am.

25 Y'all come up here and talk to me for a second, please.

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VERSHEENA BROWN - DIRECT BY RICHARDSON

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1 (REPORTER'S NOTE: Bench conference is held off the record in
2 the presence of but outside the hearing of the jury.)

3 THE COURT: All right, Solicitor, your next witness,
4 please, ma'am.

5 MS. RICHARDSON: State calls Versheena Brown,

6 THE COURT: All right. Please come around and be sworn.

7 VERSHEENA BROWN, HAVING BEEN DULY
8 SWORN, TESTIFIED AS FOLLOWS:

9 THE CLERK: Please be seated and state and spell your
10 name for the record.

11 MS. V. BROWN: Versheena Brown.

12 THE COURT: Can you spell your first name, please, ma'am?

13 MS. V. BROWN: V-E-R-S-H-E-E-N-A.

14 THE COURT: Go ahead, Solicitor.

15 DIRECT EXAMINATION VERSHEENA BROWN BY MS. RICHARDSON:

16 Q: Ms. Brown, you are the mother to A.B. [REDACTED] and MINOR [REDACTED]?

17 A: Yes, ma'am.

18 Q: And how many of the children do you have?

19 A: Four other children.

20 Q: And what are their names and ages?

21 A: MINOR [REDACTED] is my oldest, 17; A.B. [REDACTED], she's 13; L.W. [REDACTED]
22 L.W. [REDACTED], he is 11; and I have S.B. [REDACTED], she's 10; and I
23 have K.B. [REDACTED], she's eight.

24 Q: And are any of those children with Mr. Williams? Are any
25 of those children Fredrick Williams' children?

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- 1 A: Yes, ma'am; three of them.
- 2 Q: Okay. Which three?
- 3 A: A.B. [REDACTED], S.B. [REDACTED], and L.W. [REDACTED].
- 4 Q: Have you -- how long have you been involved romantically
- 5 with Mr. Williams?
- 6 A: It's been about like since MINOR [REDACTED] was four months old;
- 7 so that's like 14, almost 16 years.
- 8 Q: And he helped you raise her?
- 9 A: Yes, ma'am.
- 10 Q: And she lives with your mother part-time?
- 11 A: Yes, ma'am. She lives with my mom on the weekends, but
- 12 when it's no school out, she comes throughout the weekdays, on
- 13 the holidays.
- 14 Q: So, she lives with your momma on the weekdays or
- 15 weekends?
- 16 A: Weekdays.
- 17 Q: Okay. And is that -- she goes to a different school
- 18 district?
- 19 A: Yes. No, she goes to Georgetown School District, she
- 20 just goes to Andrews High.
- 21 Q: Okay. And that's where your momma lives in that -- in
- 22 the Andrews area?
- 23 A: Yes, ma'am.
- 24 Q: And you live in the Georgetown area?
- 25 A: Yes, ma'am.

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1 Q: And how long has she been doing that?

2 A: MINOR was doing that ever since she was six, sixth
3 grade at Georgetown middle. I had to transfer her. She got
4 in, you know, teenagers are in school-wise, so I transfer her
5 to Andrews school.

6 Q: And she's close with your mother?

7 A: Yes, ma'am.

8 Q: And how old were you and you had MINOR ?

9 A: I was 16.

10 Q: Your mom helped you a lot?

11 A: Yes, ma'am.

12 Q: Okay. And back in 2000 -- and I guess now, where do you
13 live?

14 A: I live at the same, [REDACTED], in Georgetown, South
15 Carolina.

16 Q: And that's the Housing Authority?

17 A: Yes, ma'am.

18 Q: And how many bedrooms is your apartment?

19 A: I have a four-bedroom/two-bath.

20 Q: And back in 2018, who else lived with you?

21 A: Me, my five children, and Mr. Fredrick Williams.

22 Q: And what was the sleeping arrangement?

23 A: The first bedroom was K.B. and S.B.; the second bedroom
24 was my room, where me and Mr. Fredrick slept in; the third
25 room was A.B. and MINOR's room; and the fourth room was

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1 L.W. [REDACTED], my only son.

2 Q: So, since he's the only boy, he got his own bedroom?

3 A: Yes, ma'am.

4 Q: And you were working on September 8, 2018?

5 A: Yes, ma'am.

6 Q: And that was at Subway?

7 A: In Jamestown, the Circle K, the last store before you

8 head on to Mt. Pleasant and Charleston.

9 Q: Okay. It takes you a little while to get there?

10 A: Yes, ma'am.

11 Q: About how long does it take you to get there?

12 A: About 45 minutes to a hour.

13 Q: And when you went to work that day, you left all the

14 children at home?

15 A: Yes, ma'am.

16 Q: And Mr. Williams was with them?

17 A: Yes, ma'am.

18 Q: And that's all that was there?

19 A: Yes, ma'am.

20 Q: Okay. And did you get a call to come home?

21 A: Yes, ma'am.

22 Q: Tell me about that?

23 A: I was at work at Subway, and I got a phone call. I was

24 in the middle of lunch rush. And A.B. [REDACTED] called me, and she

25 was like, Ma, you need to come home quick, I just heard

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- 1 MINOR and Daddy in the room. And I was like, what,
2 A.B.? And as she was telling me, my neighbor snatched the
3 phone and she said, I don't know was going on, but you need to
4 come quick. A.B. was shaking, crying, she didn't want to
5 go back to the house or anything. And when I pulled up,
6 A.B. was at my neighbor house, and they was standing at
7 the door telling her to come back to the house. Like they
8 already know that something had already happened and she found
9 out.
- 10 Q: Okay. Who was standing out the door telling her to go
11 back to the house?
- 12 A: MINOR and Fredrick Williams.
- 13 Q: But A.B. was at your neighbor's house?
- 14 A: Yes.
- 15 Q: All right. And when she said she heard them in the
16 bedroom, what was your understanding that that meant?
- 17 A: She say moaning, sexual noise.
- 18 Q: Okay. And did you call the police?
- 19 A: Yes, ma'am.
- 20 Q: Okay. And they -- did they meet you there?
- 21 A: I met them, I think, it was around the corner or I drove
22 to the police station. I can't remember.
- 23 Q: Who did you take with you?
- 24 A: A.B.
- 25 Q: Okay. And then where the other children brought there?

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VERSHEENA BROWN - DIRECT BY RICHARDSON

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1 A: Yes, ma'am.

2 Q: And who brought them?

3 A: The other officers.

4 Q: And once you were at the police station, what happened

5 after that?

6 A: I was in the room with my mother down there and they got

7 MINOR and bring her, and then that's when they started

8 doing all the investigation information.

9 Q: Okay. And did you go anywhere after that?

10 A: After that? We went to the hospital. We took MINOR

11 to the hospital. And that's when she got her -- they call it

12 a rape kit or some kind of kit, and they was doing that

13 procedure where -- at the hospital, at the emergency room.

14 And then after that, we got in a room and we started talking

15 to the victim advocate and the other ladies.

16 Q: And had you ever had any suspicions of this before?

17 A: Yes.

18 Q: Tell me about that.

19 A: I works early -- I mean, I works all the time, so

20 basically school is -- I go to bed early. And this particular

21 night, I got up and tiptoeing, quietly, getting up, the first

22 room is K.B. and S.B. MINOR was in that room that

23 night, and Mr. Fred was in that room. And I was like, what's

24 going on? Why are you in this room? And when I went to pull

25 the cover back, MINOR didn't had on no underwears. And I

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1 asked, you know, what was going on. Nobody couldn't say
2 anything about what's going on.

3 Q: And how long was this before September 8?

4 A: Not long.

5 Q: Can you give an estimation?

6 A: I'd say about a week.

7 Q: Tell me what MINOR's date of birth is?

8 A: .

9 Q: And so when this happened she was 14 years old?

10 A: Yes, ma'am.

11 Q: All right. I have no further questions. Answer any
12 questions that Mr. Harte may have for you.

13 THE COURT: Cross-examination?

14 MR. HARTE: Thank you, Your Honor.

15 CROSS-EXAMINATION OF VERSHEENA BROWN BY MR. HARTE:

16 Q: Hey, Ms. Brown. Following September 8 of 2018, DSS began
17 an investigation, correct?

18 A: Yes.

19 Q: Okay. Were you aware of the results of that
20 investigation?

21 A: Yes. I had to take some classes, because there was a
22 altercation where I had saw Mr. Williams one morning, before
23 the -- and that was to get some money from him to help with
24 the light bill.

25 Q: Were you aware of the part of the findings were DSS found

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1 that you were found to be guilty of abuse and neglect?

2 A: No.

3 Q: Okay. As far as this -- well, is correct you, in the
4 past, have given your children melatonin yourself?

5 A: Sometime, it wasn't a often thing, it was just sometimes.

6 Q: But you yourself have done that in the past?

7 A: No.

8 Q: Well, you just testified sometimes.

9 A: I mean, it been -- those -- that bottle was sitting in my
10 dresser for the longest. I don't give my drugs melatonin on
11 the daily base like vitamins. Every once in a blue moon, I
12 give them melatonin, like when they've had a rough day outside
13 or even busy running around and I know they have to get ready
14 for the next day, yeah.

15 Q: Okay. So, you have in the past?

16 A: Yes.

17 Q: And you spoke about a prior suspicion that something
18 might be going on with **MINOR**?

19 A: Uh-huh, (affirmative response).

20 Q: And after you found out about that, you didn't do
21 anything, did you?

22 A: Yes. I asked them what was going on, and for them to
23 tell me right now what's going on.

24 Q: Beyond that, you didn't do anything?

25 A: Did I did anything? No, I just watched.

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VERSHEENA BROWN - REDIRECT BY RICHARDSON

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1 MR. HARTE: No further questions, Your Honor.

2 A: All right.

3 THE COURT: Redirect?

4 REDIRECT EXAMINATION OF VERSHEENA BROWN BY MS. RICHARDSON:

5 Q: Ms. Brown, you have custody of all your children?

6 A: Yes, ma'am.

7 Q: And they all still live with you except for when MINOR
8 what is with her grandmother?

9 A: Yes, ma'am.

10 Q: And why would you give them melatonin, what was the
11 purpose of that?

12 A: I only give my kids melatonin and myself when I had a
13 very rough day at work, or either I give it to the kids only
14 when they very active and it's time to go to sleep.

15 Q: And what was -- what did you think it was gonna help
16 with?

17 A: Just for them to have a nice, calm night, restless --
18 they won't be so restless.

19 Q: To help them sleep?

20 A: Yes, ma'am.

21 Q: Okay. All right. I have no further questions.

22 THE COURT: Anything on those questions, Mr. Harte?

23 MR. HARTE: Nothing further, Your Honor.

24 THE COURT: All right, ma'am. You may step down. Thank
25 you.

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BY THE COURT

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1 THE COURT: All right. How do you pronounce your first
2 name, ma'am?

3 JUROR 110: Cazadria.

4 THE COURT: All right. For reasons that I have set forth
5 in the record, I have removed Juror Number 158, Mr. Thomas,
6 from the jury. As one of the two alternates -- and in
7 criminal court just for your information, it's by lot -- your
8 name was drawn. You are now substituted in as one of the
9 regular members of the jury. Please come down and have a seat
10 down here.

11 And Ms. Strickland if you will move over, please, ma'am?

12 JUROR 154: Yes, sir.

13 THE COURT: All right. So, that having been
14 accomplished, is the state ready?

15 MS. RICHARDSON: Yes, Your Honor.

16 THE COURT: Defense?

17 MR. HARTE: Ready, Your Honor.

18 THE COURT: All right. Call your next witness,
19 Solicitor.

20 MS. RICHARDSON: The state calls Doctor Mayeux.

21 DR. EUGENE MAYEAUX, HAVING BEEN DULY
22 SWORN, TESTIFIED AS FOLLOWS:

23 THE CLERK: Please be seated and state and spell your
24 name for the record.

25 DR. MAYEAUX: Eugene Mayeux, E-U-G-E-N-E, M-A-Y-E-A-U-X.

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DR. EUGENE MAYEAUX - DIRECT BY RICHARDSON

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1 THE COURT: Go ahead, Solicitor.

2 DIRECT EXAMINATION OF DR. EUGENE MAYEAUX BY MS. RICHARDSON:

3 Q: Dr. Mayeaux, where are you employed?

4 A: Tidelands Hospital System with Georgetown Memorial and
5 Waccamaw.

6 Q: And what is your position there?

7 A: I'm an ER physician. I have been employed at the
8 hospital about 24 years.

9 Q: And can you give us the benefit of your education?

10 A: Yes, I am board certified in emergency medicine. I
11 obtained my medical degree from Louisiana State University at
12 Shreveport, Louisiana. And then, I went to residency at Earl
13 K. Long in Baton Rouge, which is also in Louisiana.

14 Q: And have you worked anywhere besides the Tidelands
15 system?

16 A: Not in the last 24 years. Before that, I did some
17 moonlighting in the State of Louisiana, but that was through
18 medical training and so forth. This is the only job I've ever
19 really had.

20 Q: And have you had any positions with Tidelands or
21 Georgetown regarding sexual assault kits and protocols?

22 A: Yes. Actually, I was instrumental years ago in bringing
23 the sexual assault nurse examiners program to Georgetown
24 Memorial Hospital. I thought it was necessary. I thought it
25 was gonna be a big win for us because a lot of times we would

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1 have cases that come into the ER and the nurses were not very
2 comfortable with the exams and so forth. So, I contacted
3 through the Columbia system, and I was able to bring the
4 program to us. And then, we had several nurses that got
5 certified, and then it just kind of took off.

6 Q: And have you participated with the nurses in performing
7 these kits at Georgetown?

8 A: Oh, yes, since residency over the course of the last two-
9 and-a-half decades.

10 Q: Could you even guess how many you have assisted with?

11 A: No. No, I would be lying if I just picked a number. I
12 don't know. Many, just say many.

13 MS. RICHARDSON: Your Honor, at this time, we'd offer him
14 as an expert in emergency medicine.

15 THE COURT: Any wish to voir dire the witness or
16 challenge his qualifications?

17 MR. HARTE: No, Your Honor.

18 THE COURT: All right. He is qualified to give his
19 opinion in the field of emergency room medicine.

20 You may proceed.

21 BY MS. RICHARDSON:

22 Q: Could you explain to the jury just briefly what a sexual
23 assault kit and nursing protocol is?

24 A: Yes. I guess, years ago, I'm not sure the powers that
25 be, but they thought that it would be necessary to have a

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1 uniform way to approach sexual assault, meaning that
2 everything needed to be universal and redundant, meaning that
3 everything had to be A, B, C, D, E, F, G. Specifically, for
4 the collection of the evidence to make sure that everything is
5 always done the same, and everyone has the same collection of
6 evidence, and there be no variation in that protocol,
7 specifically, to be true and accurate.

8 Q: What precautions are taken to make sure that this is done
9 in a sterile and in an environment where it can't be
10 contaminated?

11 A: Well, the patient, of course, is placed into a room. The
12 sexual assault nurse is in the room with the patient through
13 the entire process. They cannot leave the room as long as the
14 kit is open and in their possession. We are called into the
15 room during the process when it's time to do the physical
16 exam, so to speak. And I don't leave the room or the other
17 physicians don't leave the room until you have finished
18 collection of all the swabs, signed off on the paperwork. And
19 then the kit once it's all sealed and closed then it's given
20 to a law enforcement officer to maintain the chain of command.

21 Q: And when a person comes in alleging sexual assault, your
22 role is to beyond just evidence collection, correct?

23 A: That is correct. You know, our role -- in emergency
24 medicine, everyone thinks that everything that comes into the
25 department is an emergency, in everyone's mind that is true.

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1 In the world of emergency medicine, that is not true, and what
2 I mean by that is there are different levels of degree of
3 illness and disease process, there are a lot of minor things
4 that we see and do. However, in the world of emergency
5 medicine, sexual assault is listed as a true emergency. And
6 the reason for that is because the patient has a lot of
7 physical needs, emotional needs, psychosocial needs, and it's
8 really imperative that you collect the evidence in an early
9 part of the process, because if you don't then it negates the
10 evidence.

11 Q: And besides assisting in evidence collection, you are
12 treating the patient's physical needs as well?

13 A: Oh, that is correct. I mean, we, you know, as a
14 physician, it's my job not to just see medicine, not to see
15 just disease, but every person that you see they have more
16 needs than just a physical ailment. There are emotional
17 things. I can't tell you how many times I do just counseling
18 and the best thing that we could possibly do to people is just
19 listen to them sometimes, because ultimately, you know, not
20 everyone needs a pill, not everyone needs a prescription;
21 sometimes they just need a hug. I know that sounds simple but
22 it's true.

23 Q: On September 8, 2018, were you the treating physician for
24 14-year-old MINOR ?

25 A: Yes.

1 Q: And what was she brought into the emergency room for?

2 A: The complaint was alleged sexual assault.

3 Q: And do you recall who was with her?

4 A: Her -- I met her mother during that process. I don't

5 remember specifically the moment she came in, but I know her

6 mother was there with her.

7 Q: And law enforcement was also present?

8 A: That's correct.

9 Q: And what sort of examination did you do for MINOR ?

10 A: Well, part of that was the history taking process. What

11 I like to do is walk into the room and take the history

12 separately from the actual physical exam part of that. And

13 then I go back to the room when it's time to do the actual

14 physical part of the exam. Pretty much, it's a head-to-toe

15 physical exam including the kit, and the kit is very self-

16 explanatory in terms of examining, you know, the outside, the

17 inside, collection of evidence, swabs, that sort of thing.

18 Every female in the room knows what of pelvic exam is; it

19 entails a pelvic exam.

20 Q: And what was MINOR 's demeanor?

21 A: She was depressive, she was quiet, she was somewhat on

22 the -- I think I documented she had a flat affect, which means

23 she was pretty -- somewhat emotionless is what that means, and

24 somnolent, kind of on the depressive side.

25 Q: Somnolent?

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- 1 A: Yeah.
- 2 Q: And had you been given any information as to whether she
3 had taken anything?
- 4 A: I have been given information that she had been given
5 something; she had been given some melatonin.
- 6 Q: And can you tell the jury what melatonin is?
- 7 A: Melatonin is a natural hormone supplement that is
8 produced by your body and it's part of, it helps you in the
9 sleep cycle. It doesn't help you stay asleep it helps you to
10 go to sleep. Meaning that the hormone levels are up and down
11 so to speak for the course of time. And now, of course, there
12 are natural supplements; they make them over the counter. But
13 it is naturally produced in the body, too.
- 14 Q: Okay. So, is this something that you do a blood test for
15 at the hospital?
- 16 A: No. We're a community hospital in a small town. There
17 are certain toxins that we can measure for that are universal
18 across the country, and that would include things like
19 opiates, benzodiazepines, cocaine, marijuana,
20 methamphetamines, but melatonin is not listed as something
21 that we can test for.
- 22 Q: And that's something that's naturally in the body anyway?
- 23 A: That's correct.
- 24 Q: Okay. And was her behavior consistent with melatonin?
- 25 A: Yeah. I mean, melatonin can make you sleepy, drowsy, of

1 course.

2 Q: Now, as part of her history, did you determine if she was
3 on any medications other than the melatonin?

4 A: We asked the patient as part of the history, of course,
5 and it's part of my history, it's also part of the nurse's
6 history to ask them if they've taken anything outside of a
7 prescribed medicine or even drug ingestion, too. That's part
8 of what we call a social history.

9 Q: And with sexual assault, do you inquire about birth
10 control?

11 A: We do, yeah.

12 Q: Is there any indication that she was on birth control?

13 A: I documented that she was not on birth control and she
14 had never been sexually active.

15 Q: And obviously, because of that, did you do any further
16 testing or give her medication?

17 A: It's universal -- every, every case that we do in the
18 sexual assault world, sometimes people will -- how do you say
19 that without being judgmental -- but somebody don't always
20 tell you the truth. So, I approach every case in a terms of a
21 protection mechanism, meaning that we check them for
22 pregnancy. We do a pregnancy test on them, and then we
23 prepare them to actually not get pregnant from the sexual
24 assault. And the way you do that is you actually provide them
25 supplements to be able to abort a pregnancy if they are

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1 actually pregnant and they're lying or they're not telling you
2 the truth.

3 Q: But no indication of -- the pregnancy test was negative?

4 A: Her pregnancy test was negative.

5 Q: But you just gave her a prophylactic to make sure that
6 she did not become ---

7 A: That's correct. That's a universal prophylaxis.

8 Q: And you also did a physical exam of her?

9 A: That is correct.

10 Q: And did you find any injuries on -- external injuries?

11 A: No. I documented that she didn't have any external
12 injuries.

13 Q: And then you did a vaginal exam?

14 A: That's correct.

15 Q: What is the process for that?

16 A: Well, you know, it's actually very uncommon that we do a
17 vaginal exam in a child. And the reason for that is, if
18 they've never been sexually active, it can be a very traumatic
19 experience. For every woman in the room that's had a Pap
20 smear through their OB/GYN doctor, they know that the vaginal
21 exam involves external, as far as looking, and it also
22 involves a speculum. A speculum is basically just a plastic
23 piece of equipment that we use to insert into their vagina,
24 opens up the vagina, the introitus, and were able to see
25 better, collect evidence, swabs, everything from a Pap smear

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1 to do whatever we decide to do. And then, also of course a
2 visual -- and sometimes that includes a rectal exam as well.

3 Q: Okay. And are there special speculums for children?

4 A: Yes. There are different sizes on the speculums. We
5 call them a pediatric speculum. So, it's not a typical size.

6 Q: And is that what you used?

7 A: I have to think that I did. I can't imagine that I
8 didn't. I don't know that right offhand but I would not have
9 done a pediatric sexual assault exam with a normal speculum
10 because it would probably be traumatic.

11 Q: And then when you did her pelvic exam, there were no
12 external injuries?

13 A: No.

14 Q: Okay. And does that definitively give you an indication
15 of whether or not there's been a sexual assault?

16 A: No. No, not at all. I mean, there are different levels
17 of sexual assault. And you know, of course, they could be
18 forceful, violent; they could also be coercive and, you know,
19 a patient could be cooperative out of fear. You know, there's
20 more to it than just that.

21 Q: And when you did her internal exam, what did you find?

22 A: She had a little bit of clear white discharge at the deep
23 recesses of her vagina. We call that the posterior fornix;
24 and basically, you cannot see that unless you use a speculum.

25 Q: Okay. And that's up near the cervix?

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1 A: That is correct; yeah, it's right at your cervix at the
2 deepest part of your vagina.

3 Q: And so, did you swab that area?

4 A: Yes.

5 Q: And is that unusual for there to be that sort of fluid?

6 A: In a young person, the answer to that would be yes. In
7 -- now, you can have discharges for lots of reasons, and most
8 of those discharges are in older adult women. That could be
9 hormonal, that could be post-sexual experience, that could be
10 from infection, but in a 14-year-old that would be -- that
11 would be unusual.

12 Q: So, is this the area that you swabbed for evidence
13 collection?

14 A: It's one of the areas, yes.

15 Q: And that would be, as you said, deep in the vaginal area?

16 A: That's correct.

17 Q: All right. And the swabs, are they from -- that's from
18 the sexual assault kit?

19 A: That's correct. When -- as we talked about earlier, when
20 they came out with a universal kit to be able to approach
21 every sexual assault the same, the -- each kit has envelopes
22 in it, and each envelope is very explicit. It tells you
23 rectal swabs, vaginal swabs, pubic hair combings; they are
24 listed. And you do them from one, two, three, four, five; you
25 just go right down the list. You take the swabs, you collect

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1 the evidence, you dry the swabs in the dryer that way you
2 don't shove them into an envelope and they're wet and then you
3 lose the evidence. So, they dry them in the dryer, and then
4 we put them in an envelope of where they were obtained from.

5 Q: And when you get the new swabs, they are sealed and
6 sterile?

7 A: That's correct. Everything in that kit is sterile until
8 we open it for the very first time.

9 Q: And obviously, you wear gloves?

10 A: That is correct, too, always.

11 Q: And you take steps not to cross contaminate the different
12 samples that you're taking?

13 A: That's correct. In the dryer -- if you can imagine, it's
14 almost like a little aquarium and it's all Plexiglas, just
15 like this, and it's in the square. It has little bitty holes
16 just like an egg crate and they are lined up, and basically
17 you take the swabs and you put them -- you collect the
18 evidence, you put them in facing up to where they're not
19 touching anything. The dryer is on and it heats it up, dries
20 out the speculum -- I mean, the swabs to where you don't have
21 any contamination, and each of them are lined up. So, it's
22 not a cross contamination thing.

23 Q: And so, the nurse does some of the evidence collection,
24 right?

25 A: They do the parts of it that they can. Now, if they are

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1 a certified sexual assault nurse examiner, they can actually
2 do the whole kit. The law does allow that and we as a
3 physician can sign off on that, so to speak, because we're
4 there attending supervisor. I don't personally like to do
5 that. I like to -- I mean, if I'm going to sit here and tell
6 you a story or if I'm going to have to be protective of a case
7 and help someone, then I need to actually be the person who
8 sees and does part of the kit. So, I've always done it that
9 way.

10 Q: And so, the part that you did again was the swabbing.

11 A: That's correct.

12 MS. RICHARDSON: If I could mark this.

13 STATE'S EXHIBIT NUMBER 3

14 MARKED FOR IDENTIFICATION

15 Q: Let me show you what's been marked as State's Exhibit
16 Number 3 for identification. Do you recognize that?

17 A: Yeah. That's part of the vaginal swabs on the kit.

18 Q: Okay. And it has the label from the hospital on it?

19 A: That's correct.

20 Q: And you would've taken those, dried them, and then they
21 were placed in the ---

22 A: That's correct. And then there placed into here and then
23 they're sealed, and then they're sealed inside the kit which
24 is also sealed.

25 Q: Okay. And did you tamper with, manipulate, damage,

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DR. EUGENE MAYEAUX - CROSS BY HARTE

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1 contaminate, do anything to affect the purity of that sample?

2 A: No.

3 Q: Okay. And this is the first time you've seen it since it
4 was sealed?

5 A: That's correct.

6 Q: I have no further questions. Answer any questions that
7 Mr. Harte may have for you.

8 THE COURT: Cross-examination?

9 MR. HARTE: Thank you, Your Honor.

10 CROSS-EXAMINATION OF DR. EUGENE MAYEAUX BY MR. HARTE:

11 Q: Dr. Mayeaux, you testified that **MINOR** presented to you
12 after having never taken birth control, correct?

13 A: That is correct.

14 Q: Okay. How did you find that out?

15 A: By asking.

16 Q: Okay. And you also testified she had not -- she had
17 never been previously sexually active?

18 A: That's correct.

19 Q: And that was simply from her just telling you that that
20 was the case?

21 A: That's correct.

22 Q: There was nothing in her physical exam that could tell
23 you one way or the other?

24 A: No.

25 Q: Okay. Thank you.

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1 MR. HARTE: No further questions, Your Honor.

2 THE COURT: Any redirect?

3 MS. RICHARDSON: Just to follow up on that.

4 REDIRECT EXAMINATION OF EUGENE MAYEAUX BY MS. RICHARDSON:

5 Q: Could you -- could you tell if her hymen was intact?

6 A: I documented that it was not. That is a fallacy. You
7 know -- I know in the old times and old thinking, people
8 thought back in medieval times and all that if your hymen was
9 not intact that you had actually been violated, that you'd
10 been sexually active, but you can actually lose your hymen
11 with exercise. Young women can -- it's very possible to be
12 born without that. It's very possible that actually their
13 hymen's not intact from just normal activities or daily
14 activity.

15 Q: Can a physical exam -- does it always tell you whether or
16 not there's been a sexual assault?

17 A: No, no. I mean, you have heightened suspicion by certain
18 findings, but no, not 100 percent.

19 Q: Okay. Were there any findings in this case that
20 heightened your suspicion?

21 A: My level of suspicion was heightened from the history,
22 number one. Number two, from the physical exam part of that,
23 what we talked about a little bit earlier about the discharge
24 in the posterior aspects of her vagina. To be that deep and
25 so forth, there would have to be some type of issue, something

1 must've happened. Now, whether that be sexual assault or some
2 other cause, I don't know the answer to that, but my suspicion
3 was heightened just because of that. And that's why I
4 actually did the exam, because like I said before we don't do
5 pediatric physical exams. We usually will send those off to
6 the Children's Recovery Center. But I had a conversation with
7 Dr. Rahter a long time ago that, you know, that first initial
8 72 hours is really important for the collection of evidence,
9 and it's no different for a pediatric case versus an adult
10 case, so it changed my way of practice decades ago. And so, I
11 examine those kids in the simple reason is just if you miss
12 that window of opportunity then you miss the opportunity to
13 help the patient.

14 Q: And as far as just treating her, you would've -- besides
15 pregnancy, you would've checked for infections and that sort
16 of thing?

17 A: That is correct. We did check her for infection. She
18 was negative for gonorrhea, chlamydia, normal STD-related
19 things; they were negative.

20 Q: You'd also check her just for normal urinary tract, that
21 sort of thing?

22 A: That's correct, too. That was negative, also. And we
23 actually get a little bit of discharge from their cervix,
24 which tells us whether you have bacteria, trichomonas, or you
25 have anything that's -- kind of heightens your suspicion for

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DR. EUGENE MAYEAUX - REDIRECT BY RICHARDSON

1 an infection, and that part of the wet prep was negative.

2 Q: Thank you. No further questions.

3 THE COURT: Anything on those questions?

4 MR. HARTE: Nothing further, Your Honor.

5 THE COURT: Do you wish the witness to be excused?

6 MS. RICHARDSON: I do, Your Honor.

7 THE COURT: Any objection?

8 MR. HARTE: Without objection.

9 THE COURT: All right. Doctor, you are released from
10 your subpoena and may go back to your regular duties. Thank
11 you.

12 DR. MAYEAUX: Thank you.

13 THE COURT: All right, ma'am. Your next witness, please.

14 MS. RICHARDSON: Jessica Hewitt.

15 THE COURT: All right, ma'am. Come all the way around up
16 front, right up here to where the bailiff is all the way up
17 front, please.

18 JESSICA HEWITT, HAVING BEEN DULY
19 SWORN, TESTIFIED AS FOLLOWS:

20 THE CLERK: Please be seated and state and spell your
21 name for the record.

22 MS. HEWITT: My name is Jessica Hewitt, J-E-S-S-I-C-A, H-
23 E-W-I-T-T.

24 THE COURT: Go ahead.

25 DIRECT EXAMINATION JESSICA HEWITT BY MS. RICHARDSON:

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- 1 Q: Ms. Hewitt, where are you employed?
- 2 A: I am employed at Georgetown -- Tidelands Georgetown
3 Emergency Department.
- 4 Q: And how long have you worked there?
- 5 A: I've been there for 14 years.
- 6 Q: And you're a nurse?
- 7 A: I am.
- 8 Q: And what's your level of education?
- 9 A: I am a BSN, Bachelor.
- 10 Q: And what position do you hold at Georgetown?
- 11 A: I am the head nurse in the Emergency Department, the
12 Assistant Director.
- 13 Q: And BSN is a Bachelor of Science in nursing, a college
14 degree in nursing?
- 15 A: Yes, ma'am.
- 16 Q: Were you working in Georgetown on September 8, 2018 ---
- 17 A: Yes, ma'am.
- 18 Q: --- at Tidelands Hospital?
- 19 A: Yes, ma'am.
- 20 Q: All right. And did you have interaction with the sexual
21 assault kit of **MINOR**?
- 22 A: Yes, ma'am.
- 23 Q: Now, did you perform that kit?
- 24 A: No, ma'am.
- 25 Q: Okay. Tell us what you did as far as that kit is

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1 concerned?

2 A: That kit was given to me in a box, sealed, and I put it
3 into our sexual assault cart which is locked, and then I also
4 put that behind a locked door per our policy.

5 Q: And as far -- and in that box would be all the samples
6 and that sort of thing?

7 A: Yes, ma'am.

8 Q: So, you can't -- you can identify the individual samples?

9 A: No, ma'am, just the kit.

10 Q: Okay. And it was already sealed up and had been by the
11 nurse, the other nurse?

12 A: Yes, ma'am.

13 Q: Okay. And so, you took it and put it in a locked cart?

14 A: Yes, ma'am.

15 Q: And who would have the key or the code to that cart?

16 A: That would be myself.

17 Q: Okay. And no one else at that time?

18 A: No one else at that time.

19 Q: And did you open, tamper with it, do anything to the
20 samples to contaminate them or manipulate them in any way?

21 A: No, ma'am.

22 Q: Okay. And you placed at that you said in a locked room?

23 A: In a locked room.

24 Q: Okay. And what did you do after that?

25 A: Once the officer arrived to obtain that kit, I handed

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1 that kit over to him and signed my name.

2 Q: Okay. And was that kit, when you handed it to him, in
3 the same condition as when you placed it in the locked box in
4 the locked room?

5 A: Yes, ma'am.

6 Q: The seal hadn't been broken?

7 A: No, ma'am.

8 Q: No indication it had been tampered with in any way?

9 A: No, ma'am.

10 Q: Let me show you what's been marked as State's Exhibit
11 Number 4. Do you recognize that?

12 A: Yes, ma'am.

13 Q: Okay. And is that where you signed the evidence over to
14 the Georgetown Police Department?

15 A: Yes, ma'am.

16 Q: And is that your signature?

17 A: Yes, ma'am.

18 Q: And is that an accurate representation of how the form
19 appeared when you signed it?

20 A: Yes, ma'am.

21 MS. RICHARDSON: Your Honor, at this time I'd offer
22 State's Exhibit Number 4 into evidence.

23 THE COURT: Any objection?

24 MR. HARTE: Without objection, Your Honor.

25 THE COURT: All right. State's 4 is in evidence without

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1 objection.

2 STATE'S EXHIBIT NUMBER 4

3 ADMITTED INTO EVIDENCE

4 BY MS. RICHARDSON:

5 Q: So, that was the extent of your involvement?

6 A: Yes, ma'am.

7 Q: Taking the box, locking it up, and passing it to the
8 police department?

9 A: Yes, ma'am.

10 Q: No further questions. Please answer any questions that
11 Mr. Harte may have for you.

12 THE COURT: Any questions?

13 MR. HARTE: No questions for this witness, Your Honor.

14 THE COURT: Do you wish the witness to be excused?

15 MS. RICHARDSON: I do, Your Honor.

16 THE COURT: Any objection?

17 MR. HARTE: Without objection.

18 THE COURT: All right, ma'am. You are released to go
19 back to your regular duties. Thank you.

20 Nest witness, please, ma'am.

21 MS. RICHARDSON: Your Honor, the state calls Johnell
22 Sparkman.

23 JOHNELL SPARKMAN, HAVING BEEN DULY
24 SWORN, TESTIFIED AS FOLLOWS:

25 THE CLERK: Thank you. Please be seated and state and

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1 spell your name for the record.

2 MR. SPARKMAN: Johnell Sparkman, J-O-H-N-E-L-L, S-P-A-R-
3 K-M-A-N.

4 DIRECT EXAMINATION OF JOHNELL SPARKMAN BY MS. RICHARDSON:

5 Q: Mr. Sparkman, where do you work?

6 A: Georgetown Police Department.

7 Q: And how long have you been there?

8 A: Approaching 22 years.

9 Q: And have you been there the whole time you've been a
10 police officer?

11 A: Yes.

12 Q: And you went to the Criminal Justice Academy?

13 A: Yes.

14 Q: Have you had continuing courses and that sort of thing as
15 part of being a police officer?

16 A: Yes, I have various training from investigation, advanced
17 homicide courses, evidence and property management training as
18 well.

19 Q: And you've recently had a promotion?

20 A: Yes, I did.

21 Q: Okay. And what's your position now?

22 A: I'm currently the Lieutenant over the Enforcement
23 Division. I oversee daily operation for patrol and
24 supervising all six sergeants that's assigned to patrol and
25 CID.

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1 Q: And before you became Lieutenant, what was your position?

2 A: I was the property and evidence manager and training
3 officer.

4 Q: And explain to the jury what the property and evidence
5 manager does.

6 A: Pretty much we oversee the property room, anything that
7 we collect via evidence, or anything we collect for
8 safekeeping via arrest/found property. It's maintained in a
9 secured room where I only had access to it.

10 Q: And explain to the jury how officers bring in evidence
11 and what you do to ensure their safekeeping.

12 A: The way the evidence room is set up on the outside of the
13 property room, there is a external access where each locker
14 has a key that's assigned, and once you submit your evidence
15 or property into it, you turn that key and drop it into a
16 whole. Once you do that, there is no outside access to it.
17 In order for me to gain access to it, there is the office and
18 then you have the property room and it's -- you have to enter
19 through a key card access and your fingerprint.

20 Q: And who has access to that evidence control room or that
21 evidence room?

22 A: Currently, we just reassigned that to Officer Danny
23 Scoggin, but I am still the backup to the evidence room
24 whenever he's not present.

25 Q: So, officers -- other officers working, do they have

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1 access to that room?

2 A: No one is allowed in there, even the Chief of Police. He
3 gives that control to the person who is assigned to that
4 position. So, any business that they have to do, we deal with
5 at the threshold of the property room.

6 Q: Did you -- when you were evidence and property manager,
7 did you also do some of the patrol and law enforcement
8 activities?

9 A: Yes. We normally filled in when a shift was short or we
10 worked off-duty assignments where we utilize our patrol
11 equipment, police department equipment.

12 Q: And on September 8, 2018, did you respond to -- as an
13 officer to [REDACTED] in the city limits of Georgetown?

14 A: Yes.

15 Q: And obviously, that's also in the county of Georgetown?

16 A: Yes.

17 Q: And what did you respond -- what sort of situation did
18 you respond to?

19 A: From what I recall, the patrol units responded to a
20 report of a sexual assault. I want to say the reporting
21 officer met with the complainant at, I think, the Subway
22 parking lot, which was located in the city limits of
23 Georgetown in the 1100 block of North Fraser Street. I pretty
24 much responded there as a backup. Got there to secure the
25 scene, met with Sergeant Shep Bone at the time. Pretty much,

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1 as they were getting information, we were getting the other
2 children that was residing at the residence and transporting
3 them to the police department. There, I stayed there to
4 maintain security after speaking with Investigator Morris. We
5 needed to secure the premises for a potential search for
6 evidence. Once the supervisor got there, I then took two of
7 the children that resided there, transported them to the
8 police department. Then, I came back to maintain the
9 integrity of the property until Investigator Morris responded.
10 Q: And who made the initial complaint?
11 A: From what I believe, I believe the mother called it in.
12 The responding officer, I believe, was Corporal Powers at the
13 time.
14 Q: So, you were just -- you were backup at the house?
15 A: Yes.
16 Q: So, some people were off seeing and some people were at
17 the home?
18 A: Yes.
19 Q: And when you got to the home, who was there?
20 A: Officer -- Sergeant Bone responded to the front door, I
21 went to the rear. Sergeant Bone made contact with Mr.
22 Williams, the defendant, and he ---
23 Q: That's Fredrick Williams?
24 A: Yes, Mr. Fredrick ---
25 Q: He was there?

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- 1 A: Yes. Once he -- once Sergeant Bone made contact, he
2 notified me to come to the front. Went inside, there was Mr.
3 Williams and the victim present on scene.
- 4 Q: And that is MINOR ?
- 5 A: Yes.
- 6 Q: Was there a younger girl there as well?
- 7 A: Yes.
- 8 Q: And who transported MINOR and the younger sister to
9 the police department?
- 10 A: I did.
- 11 Q: And you left Mr. Williams there?
- 12 A: Yes.
- 13 Q: And he was with which officer?
- 14 A: Sergeant Bone.
- 15 Q: Okay. Was there anybody else in the home at that time?
- 16 A: No.
- 17 Q: And did you notice anything about the victim?
- 18 A: She appeared to be calm. As she was leaving, she
19 referred to Mr. Williams as dad. It seemed like everything
20 was fine with her ---
- 21 Q: So, as she ---
- 22 A: But it -- it just -- speaking with Sergeant Bone, it
23 didn't seem normal based on the nature of the call that we
24 responded there for.
- 25 Q: But, as she left with you, she called him dad?

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1 A: Yes.

2 Q: And then you transported them to the police department,
3 the two children?

4 A: Yes.

5 Q: Okay. After that, did you come back to the residence?

6 A: Yes. Sergeant Bone had to leave -- you know, we were
7 still in the beginning stage of the investigation. So, I came
8 back to secure the property until we were able to obtain a
9 search warrant.

10 Q: And at some point, was Mr. Williams taken into custody?

11 A: Yes. After we were informed that we had a -- we
12 established PC, probable cause to arrest him, at some point
13 for me coming from -- leaving the police department and
14 returning to [REDACTED], he was given permission to leave
15 the residence by Sergeant Bone. And then when we -- when I
16 got back there, Sergeant Bone left and we were informed that
17 we can go ahead and take him in custody. Apparently, he
18 must've saw me at the residence because he was coming towards
19 the residence, coming back from wherever he had left to and
20 then he left the residence. At that point, I notified the
21 patrol units, the units that was in service, that he was
22 leaving, he was walking away from the residence towards the
23 other side of the Housing Authority. I was able to contact --
24 make contact with him probably a block away from the residence
25 located on Maybank Drive.

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1 Q: And then you took him into custody without incident?

2 A: Yes.

3 Q: And did you at that point in time inform him of his
4 rights?

5 A: Yes.

6 Q: Okay. And had that also been done by another officer?

7 A: Yes. He indicated that Sergeant Bone -- he identified
8 Sergeant Bone as the initial officer that Mirandized him at
9 the residence.

10 Q: So, Mr. Williams told you that Officer Bone had already
11 Mirandized him?

12 A: Yes.

13 Q: Okay. But, you went ahead and Mirandized him anyway?

14 A: Yes.

15 Q: Okay.

16 A: Rather be safe than sorry. I mean, we got a job to do,
17 but we must protect their right as well.

18 Q: Okay. All right. Let me show you ---

19 MS. RICHARDSON: (To Court Reporter.) If you'll mark all
20 those.

21 STATE'S EXHIBIT NUMBER 5

22 MARKED FOR IDENTIFICATION

23 Q: Okay. Let me show you what's been marked as State's
24 Exhibit Number 3 and State's Exhibit Number 5. Do you
25 recognize those?

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1 A: Those are the components of a sex assault kit.

2 Q: And so, I believe Number 3 is labeled as vaginal swabs,
3 and Number 5 is labeled as buccal swabs from MINOR ?

4 A: Yes.

5 Q: And how would those have come to you?

6 A: The sexual assault kits come in a box, we collect those
7 from SLED, they come sealed. So, when they're used, they are
8 taken to the hospital, they come back -- they come back in the
9 box but the seal is broken due to in order to get to the
10 components to administer the test. So, they are brought back
11 to the police department and they're returned to back into the
12 original box. I don't open the box. I collect the box, I
13 notate it, document it, and they are kept in a refrigerator
14 until it's transported to SLED for analysis.

15 Q: And as far as State's 3 and 5, the vaginal swab and the
16 buccal swab from MINOR, did you open those packages
17 and actually look at the swabs or do anything like that?

18 A: No. My job is to -- is to collect it, store it, and then
19 I'll transfer it to SLED for analysis.

20 Q: Okay.

21 A: The South Carolina Law Enforcement Division.

22 Q: Did you tamper, manipulated, or do anything to
23 contaminate it in any way?

24 A: No.

25 Q: And did you ensure that the seals were intact before you

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1 took them to SLED?

2 A: Yes.

3 Q: Okay. And let me show you what's already been introduced
4 as State's Exhibit Number 4. Can you tell us what that is?

5 A: This right here is the custody report property sheet.
6 Each officer has to submit a chain of custody sheet with any
7 and every property/evidence that they collect and submit into
8 evidence. Each signature indicates a person who is turning
9 over the property to the person who was collecting it.

10 Q: And did you receive that evidence in the evidence room?

11 A: Yes.

12 Q: And who did you receive it from?

13 A: Allen Morris.

14 STATE'S EXHIBIT NUMBER 6

15 MARKED FOR IDENTIFICATION

16 Q: Okay. Let me show you what's also been marked as State's
17 Exhibit Number 6. And what is that?

18 A: This is another component of the SLED rape kit.

19 Q: And you would've received it in the same manner that you
20 just testified to?

21 A: Yes.

22 Q: Did you tamper, alter, manipulate, do anything to that
23 evidence?

24 A: No. Everything is sealed by the person who administered
25 the test.

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1 Q: At the hospital?

2 A: At the hospital.

3 STATE'S EXHIBIT NUMBER 7

4 MARKED FOR IDENTIFICATION

5 Q: Okay. And then State's Exhibit Number 7; it's a little
6 different. If you want to open that.

7 A: As you see, it's still originally sealed by the
8 submitting officer. I just document it as such and store it
9 until either it needs to be tested by a secondary laboratory.

10 Q: Okay.

11 A: Initialed on the back and date by the submitting officer,
12 which is Investigator Morris, Allen Morris.

13 Q: Can you tell us what that is?

14 A: Spring Valley brand melatonin, five milligram.

15 Q: So actually, that's the first time you've opened that?

16 A: Yes.

17 Q: Again, didn't tamper, manipulate or anything of that
18 nature?

19 A: No.

20 STATE'S EXHIBIT NUMBER 8

21 MARKED FOR IDENTIFICATION

22 Q: And the State's Exhibit Number 8. What is that?

23 A: This right here is a swab collected, DNA swab collected
24 from Mr. Fredrick Williams, along with -- let's see, used
25 condom -- I would have to open it to actually see ---

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1 Q: And that's a sealed package from SLED?

2 A: Yes. All these items that I submitted to SLED, once you
3 get there any -- any items submitted you must seal in a heat-
4 sealed bag, initial, and date. And when it's returned, they
5 utilize the same bag that you seal items in and they reseal it
6 once it's ready to return to your department.

7 Q: Okay. And again, did you alter, manipulate, contaminate,
8 do anything to those items before they were taken ---

9 A: No.

10 STATE'S EXHIBIT NUMBER 9

11 MARKED FOR IDENTIFICATION

12 Q: And then State's Exhibit Number 9, do you recognize that?

13 A: Yes. This right here is the receipt chain of custody
14 from SLED, all items that you submit and then when it's ready
15 for pickup, you sign off on it and you get a printout from the
16 evidence tech located at SLED in Columbia.

17 Q: Who takes the evidence to SLED?

18 A: The evidence custodian.

19 Q: And that was you?

20 A: Yes, at that time.

21 Q: Okay. And who decides what evidence is to be taken to
22 SLED?

23 A: The case agent.

24 Q: And do you take everything you collected to SLED?

25 A: No.

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1 Q: Why not?

2 A: It's not required. I mean, unless -- unless the assigned
3 case agent makes the -- they make the determination on what
4 needs to go and what doesn't need to go. And sometime, they
5 actually consult with you, the solicitor, to determine what
6 needs to go and what needs not to go.

7 Q: Okay. And does SLED limit how many items can be taken?

8 A: Five per case, five submission at one time. Now, I do --
9 all the evidence collected -- do submit all drug evidence.

10 Q: And so, did you actually drive these items up to SLED?

11 A: Yes.

12 Q: And did you go back and retrieve them from SLED?

13 A: Yes.

14 Q: What is the procedure when you get to SLED as far as what
15 do you do when you get to SLED?

16 A: Well, you're required to pre-log all property evidence
17 that you are submitting. You have an account with their
18 online access, and you log in and for each item -- and it
19 depicts on there whether it's a DNA test you're requiring or
20 requesting, a toxicology request, or a drug analysis, it'll
21 indicate -- you indicate -- you pick and select which type of
22 test that you are requesting. You have to have that done
23 before you go, then you have to call and make an appointment.
24 Because of the pandemic now, the changes have -- their process
25 has changed. All before, all we had to do was go there and

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1 show up. But once you get there, you wait until you're called
2 in, and then you go inside and you in a isolated room where
3 they too have lockers. Once you drop it, you lock it, you
4 will no longer have access to it. The only person that can
5 obtain the -- get access to the property is the evidence tech
6 that's assigned. We pretty much -- you take your pre-log
7 sheets and you attach it to the property that you are
8 submitting, you timestamp it and initial it and then you
9 submit it to the locker that you selected.

10 STATE'S EXHIBIT NUMBER 10

11 MARKED FOR IDENTIFICATION

12 Q: All right. And State's Exhibit Number 10 -- is that 10
13 -- is that the remainder of the evidence that you took to
14 SLED?

15 A: That's the remainder of the sexual assault kit.

16 Q: The sexual assault kit?

17 A: Yes.

18 Q: That we just pulled out State's 6, everything in the
19 white envelopes?

20 A: Yes.

21 Q: 3, 5, and 6 were pulled out of that?

22 A: Yes.

23 Q: Okay. And that's how you received it back from SLED?

24 A: Yes, sealed.

25 Q: Okay. Same procedure as everything before, you didn't

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JOHNELL SPARKMAN - CROSS BY HARTE

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1 manipulate, alter, tamper, do anything to contaminate those
2 samples?

3 A: Correct.

4 Q: And then as far as State's Exhibit Number 9, whose
5 signature is on this document for each item of evidence?

6 A: My signature, my signature.

7 Q: And that's your signature here?

8 A: Yes, as receipt of all listed property.

9 Q: Okay. And then this -- after SLED finished with it, it
10 was brought back -- or you went and got it back for the police
11 department?

12 A: Yes.

13 Q: And it was sealed up in these little bags like this?

14 A: Yes.

15 Q: And you opened this today?

16 A: Yes.

17 Q: So, that we could do this?

18 A: Yes.

19 Q: And again, you didn't break this seal until today?

20 A: Correct.

21 Q: I have no further questions. Answer any questions that
22 Mr. Harte may have for you?

23 THE COURT: Cross-examination?

24 MR. HARTE: Just briefly.

25 CROSS-EXAMINATION OF JOHNELL SPARKMAN BY MR. HARTE:

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JOHNELL SPARKMAN - REDIRECT BY SPARKMAN

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1 Q: Congratulations on your promotion. Is it lieutenant now?

2 A: Yes.

3 Q: Lieutenant Sparkman, when you said you arrived at the
4 house, you said it didn't seem normal? Is that -- was that
5 your testimony?

6 A: Yes.

7 Q: Okay. And you said it didn't seem normal because it was
8 not -- I believe you testified it was not the typical
9 situation given the call that you were responding to, is that
10 ---

11 A: Yes.

12 Q: Okay. And when you say it didn't seem normal is it
13 because everybody was calm?

14 A: Yes.

15 Q: And so, you didn't see any signs of trauma or anyone
16 being distraught in any way?

17 A: No.

18 MR. HARTE: Thank you. I have no further questions, Your
19 Honor.

20 THE COURT: Any redirect?

21 REDIRECT EXAMINATION OF JOHNELL SPARKMAN BY MS. RICHARDSON:

22 Q: And again, the mother was not there?

23 A: No, she wasn't.

24 Q: Okay.

25 MS. RICHARDSON: That's all, Your Honor. We'd ask that

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MELISSA MOORE-WALKER - DIRECT BY RICHARDSON

1 THE COURT: Defense?

2 MR. HARTE: Yes, Your Honor.

3 THE COURT: Ask the jury to come in, please.

4 (REPORTER'S NOTE: Jury enters courtroom @ 10:53 a.m.)

5 THE COURT: All right, Solicitor?

6 MS. RICHARDSON: The state calls Melissa Moore-Walker to
7 the stand.

8 THE COURT: All right, ma'am. Please come around, ma'am.
9 Come all the way around up front right up here to where the
10 bailiff is.

11 MELISSA MOORE-WALKER, HAVING BEEN DULY
12 SWORN, TESTIFIED AS FOLLOWS:

13 MS. MOORE-WALKER: My name is Melissa Moore-Walker. Do I
14 need to spell it? M-E-L-I-S-S-A, M-O-O-R-E, hyphen, W-A-L-K-
15 E-R.

16 THE COURT: Go ahead, Solicitor.

17 DIRECT EXAMINATION OF MELISSA MOORE-WALKER BY MS. RICHARDSON:

18 Q: You can take your mask off, if you're comfortable with
19 that.

20 A: Yes.

21 Q: Can you tell us what you do for a living?

22 A: I'm a registered nurse. Right now, currently I work with
23 Hospice, but I'm a registered nurse with the hospital as well,
24 Tideland Health.

25 Q: And how long have you been a nurse?

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1 A: Since 2003.

2 Q: And I think we added that up and that's 17, almost 18
3 years?

4 A: Yes, yes.

5 Q: All right. And where did you go to school?

6 A: I went to Horry-Georgetown Technical College for my
7 associates degree, and the I attended Chamberlain College of
8 Nursing for my bachelor's.

9 Q: And in 2018, you were working at Tideland's?

10 A: Yes.

11 Q: All right. And have you been trained in sexual assault
12 ---

13 A: Yes.

14 Q: --- collection kits?

15 A: Yes, ma'am.

16 Q: And that's called a SANE nurse?

17 A: Yes.

18 Q: All right. And tell us how you became trained in that?

19 A: We were asked -- they needed several nurses to be able to
20 do this procedure for patients that came in for -- with this
21 need. And I volunteered to do it along with a couple of other
22 nurses, and we went to a training program through MUSC. And,
23 we went through training -- it was actually several --
24 several, you know, different days that we went through it, but
25 we were trained in how to do a collection kit.

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MELISSA MOORE-WALKER - DIRECT BY RICHARDSON

1 Q: Okay. And can you explain to the jury what a SANE
2 trained nurse does?

3 A: Well, they -- they take -- they learn -- they learn how
4 to take the DNA evidence from the patient with appropriate
5 technique and maintain, you know, correct -- I've lost my
6 words here -- just correct custody of it. And let's see ---

7 Q: Tell us what is -- the SANE kit comes in a box?

8 A: The SANE kit comes in a box. It's -- it's sealed. You
9 open up it -- it actually -- it tells you exactly what to do,
10 but you maintain, you know, just -- I guess sterile -- it's
11 not really sterile, but you know, you -- nothing else touches
12 it. It's a -- no one else comes in the room or anything like
13 that. It's you and the patient, unless it's of a opposite
14 sex, then you have -- somebody would witness that of the
15 opposite sex.

16 Q: Okay. So, what's in the box? When you get it ---

17 A: So, you get it, you have envelopes in it. It tells you
18 where -- when you collect the DNA what goes where. You have
19 to -- when you're taking samples, depending on whether they're
20 wet or not wet, you would have to put it -- there's a dryer
21 that you have to use. You maintain -- you know, you lock --
22 you put things in the dryer and it locks. So, whatever the
23 envelope says, that's what you do. And you actually have a
24 procedure when you go through it, there's a like a -- there's
25 a big sheet that come -- that's on the box. When you open it,

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1 you spread that on the floor, the patient takes their clothes
2 off on top of that.

3 Q: So, like a paper sheet?

4 A: It's a paper sheet.

5 Q: Okay.

6 A: Then you fold that up and that goes in the box, so if
7 anything comes off of them or their clothes or anything like
8 that, you package their clothes in a separate bag, but that
9 sheet goes in there. And that's where you collect anything
10 that's external that might fall off or anything like that.
11 Then there's envelopes that would say, you know, anything that
12 would come up underneath the fingernails. So, you would
13 scrap, do fingernail scrapings. And you would put those into
14 the envelope and you seal that. And you have -- you know,
15 where there might be DNA, like wet DNA, like I was talking
16 about, if it was wet you have take swabs and get those off.
17 Those may still be wet, so they have to be put in the dryer.
18 You put them in dryer, you label them where they come from,
19 and then you lock the dryer until it's dry. So, it just goes
20 from different body parts all the way down, every, every area
21 is labeled where it comes from, along with any other swabs
22 that are taken.

23 Q: Okay. So, let's -- first of all, the first thing you do
24 is have them disrobe on a sheet?

25 A: Yes.

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MELISSA MOORE-WALKER - DIRECT BY RICHARDSON

1 Q: So, this isn't like a normal hospital visit where they -

2 --

3 A: No.

4 Q: --- hand you a plastic bag and say change clothes, I'm
5 leaving the room?

6 A: Absolutely not. Everything is done with somebody in the
7 room ---

8 Q: Okay.

9 A: --- watching, yes.

10 Q: And so, on September 8, 2018, did you perform a sexual
11 assault kit on a minor, **MINOR**, age 14?

12 A: Yes.

13 Q: Okay. And you've reviewed the paperwork for that?

14 A: Yes.

15 Q: And so, did you follow that procedure with her clothing?

16 A: Yes.

17 Q: Let me show you what has previously been marked as
18 State's Exhibit Number 6. And do you recognize that?

19 A: Yes.

20 Q: Okay. And what is that?

21 A: That is her underwear.

22 Q: And are your initials on that?

23 A: Yes.

24 Q: Okay. So, you would've collected those, put them in that
25 bag and sealed it?

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MELISSA MOORE-WALKER - DIRECT BY RICHARDSON

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1 A: Yes.

2 Q: Would you have taken steps like you talked about not to
3 contaminate it or ---

4 A: Yes.

5 Q: --- or cross contaminate?

6 A: Yes.

7 Q: Okay. You didn't tamper or alter in any way?

8 A: Absolutely -- no; huh-uh, (negative response).

9 Q: Sealed it in this?

10 A: Yes.

11 Q: Let me show you what's been marked as State's Exhibit
12 Number 5. What is that?

13 A: Oral swabs, buccal swabs.

14 Q: Okay. And a buccal swab is when they swab the cheek ---

15 A: Yes.

16 Q: --- for a DNA standard?

17 A: Uh-huh, (affirmative response).

18 Q: Did you collect that?

19 A: Yes.

20 Q: Okay. And this is -- these are the little envelopes you
21 were talking about?

22 A: Yes; uh-huh, (affirmative response).

23 Q: That come inside the box -- big box?

24 A: Yes, where they tell you where to put where.

25 Q: And then as far as the vaginal swabs?

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- 1 A: Yes.
- 2 Q: Okay. The doctor would've collected those?
- 3 A: He would have collected those, yes.
- 4 Q: But he -- you would've been in his presence?
- 5 A: Yes, yes.
- 6 Q: And then, why are your initials on there as collector?
- 7 A: Because I have to put them in the dryer and I have to
- 8 maintain that they're not contaminated, and I -- it's taken --
- 9 I took custody of them from him when he took them.
- 10 Q: From the doctor?
- 11 A: From the doctor. So, once he swabs, he hands them to me.
- 12 Sorry.
- 13 Q: And then you dried it?
- 14 A: And then I dried it. And once it was dry, I put it in
- 15 there. So, because I did that, I had to put that I collected
- 16 it.
- 17 Q: Okay. Let me show you what's been marked as State's
- 18 Exhibit Number 10. Do you recognize those components?
- 19 A: Can I go through it?
- 20 Q: Yeah. If you can pull out that.
- 21 A: I recognize my initials.
- 22 Q: Okay. And it has a label with the patient's name?
- 23 A: Yes, it does. It's torn, but yes it's there. There it
- 24 is. I see it. Okay. Yeah.
- 25 Q: And that's where the -- this envelope is contained in

1 your sexual assault kit?

2 A: Yes.

3 Q: And then I'm gonna open this, and inside it are multiple

4 other envelopes?

5 A: Yes.

6 Q: And those would be the other swabs that you did?

7 A: Yes.

8 Q: Okay. So, there's a oral swab?

9 A: Uh-huh, (affirmative response).

10 Q: A rectal swab?

11 A: Yes.

12 Q: Suspected saliva?

13 A: Yes.

14 Q: Fingernail scrapings, and pubic hair combings as well?

15 A: Yes.

16 Q: And again, you would've gone through the protocol, sealed

17 these up, and put them in the box?

18 A: Yes.

19 Q: There's a bigger envelope.

20 A: This is the sheet that she took her clothes off on.

21 Q: That she stood on?

22 A: Yes. And that's my signature -- well, my name.

23 Q: Okay. In all these components, did you take steps to

24 make sure they remained free from any kind of cross

25 contamination?

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1 A: Yes.

2 Q: You wore gloves and all of that?

3 A: Wore gloves, yes.

4 Q: Sealed them up, signed them ---

5 A: Yes; uh-huh, (affirmative response).

6 Q: --- initialed each envelope?

7 A: Yes.

8 Q: Okay. And after you did that, what did you do with this

9 evidence?

10 A: I sealed it in the box -- once it was all ready, I sealed

11 it in the box, and because it was shift -- well, I was past

12 shift change. So, I signed it over to Jessica Hewitt.

13 Q: Okay. And the seal was intact when you gave it to her?

14 A: Yes.

15 Q: Okay. Did you have any more interaction with this

16 evidence until today?

17 A: No.

18 Q: When you do these examinations, obviously you talked with

19 the patients ---

20 A: Yes.

21 Q: --- to know where to swab and that sort of thing?

22 A: Yes.

23 Q: And did she indicate -- and this is Ms. **MINOR** --

24 did she indicate if she had showered?

25 A: She did.

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1 Q: All right. And why is that important for a sexual
2 assault collection?

3 A: Because of the DNA evidence available. We know that she
4 didn't have on the clothes that she had on when she was
5 allegedly assaulted, and we know that she didn't -- she took a
6 shower after -- after it happened. So, it does affect that
7 and I do have to note that in my notes that she did shower and
8 she did change her clothes.

9 Q: Without indicating anything about the assailant or
10 anything like that, did she indicate to you when the assault
11 had occurred?

12 A: She told me that she had -- can I tell you the whole
13 thing or ---

14 THE COURT: No, ma'am. You have to answer the question
15 directly.

16 Q: Did she say when it had occurred?

17 A: Not exactly, not the time, but she did say when it
18 occurred, yes.

19 Q: Okay. And did she say if it was that day or some other
20 time?

21 A: It was that day.

22 Q: And did you notice anything about her demeanor? How was
23 she acting?

24 A: She was -- her -- she was very flat, very non-emotional.
25 She was just very calm. She just didn't -- she didn't display

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1 any emotion.

2 Q: I have no further questions. Answer any questions that
3 Mr. Harte may have for you.

4 THE COURT: All right. Cross-examination?

5 MR. HARTE: I have no questions for this witness.

6 THE COURT: All right. So, do you wish the witness to be
7 excused?

8 MS. RICHARDSON: I do, Your Honor.

9 THE COURT: Any objection?

10 MR. HARTE: No objection, Your Honor.

11 THE COURT: All right, ma'am. You are released from your
12 subpoena and may go back to your regular duties.

13 MS. MOORE-WALKER: Thank you.

14 THE COURT: All right. Next witness, please?

15 MS. SMITH: Your Honor, the state calls Jackie Davis.

16 THE COURT: Stop right at the corner over there. Thank
17 you, ma'am.

18 JACKIE DAVIS, HAVING BEEN DULY SWORN,

19 TESTIFIED AS FOLLOWS:

20 THE CLERK: Thank you. Please be seated and state and
21 spell your name for the record.

22 MS. DAVIS: My name is Jackie Davis, D-A-V-I-S.

23 THE COURT: Go ahead, Solicitor.

24 MS. SMITH: Yes, sir.

25 DIRECT EXAMINATION OF JACKIE DAVIS BY MS. SMITH:

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JACKIE DAVIS - DIRECT BY SMITH

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1 Q: Ms. Davis, where are you currently employed?

2 A: South Carolina Law Enforcement Division, also known as
3 SLED.

4 Q: And how long have you been working there?

5 A: Since February of 2015.

6 Q: What do you currently do for SLED?

7 A: Currently, I am the admin coordinator for the Active
8 Shooter Training Unit.

9 Q: What did you do before that?

10 A: I was a forensic technician in the lab dealing with
11 evidence.

12 Q: Now, were you a forensic technician in 2018?

13 A: Yes.

14 Q: What is a forensic technician?

15 A: A forensic technician in the evidence control, which is
16 what I did, we received evidence from agencies all throughout
17 the state, and we would package it, log it, and transfer it
18 within the lab to the analyst to analyze the evidence.

19 Q: Did you also secure evidence as well?

20 A: Yes.

21 Q: And how does that work? How is evidence secured at SLED?

22 A: Once we log it in, we give it a unique lab number, and
23 that lab number follows that case throughout SLED. But once
24 we log it in, we transfer it to the evidence room and it is
25 very secured. It's got four cameras on it at all time; it's

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1 got a key pad; and there is a locked door. And the
2 technicians and our immediate supervisors are the only ones
3 allowed back in that room.

4 Q: So how many people would that be?

5 A: When I worked there, there were four technicians and only
6 two supervisors that were allowed back there.

7 Q: So, only six people were allowed in that entire room?

8 A: Correct.

9 Q: What record is made when evidence is received into SLED?

10 A: We are given a submission slip from the agency. They
11 list out the evidence they're bringing. So, we take it on a
12 said-to-contain basis. What they say they're bringing in is
13 what we log in, and that follows the evidence throughout SLED.

14 Q: Now, did you happen to be involved with a case involving
15 the defendant, Fredrick Williams, or Lab Number L1813827?

16 A: Yes.

17 Q: Okay. Did you receive any items in this matter?

18 A: Yes, I did.

19 MS. SMITH: May I approach?

20 THE COURT: Yes, ma'am, please.

21 MS. SMITH: I'm showing the witness what has been pre-
22 marked as State's Exhibit 9.

23 BY MS. SMITH:

24 Q: I'm going to show this to you and it looks like you have
25 a copy -- a clean copy of it as well.

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- 1 A: It's the chain. Okay.
- 2 Q: That's the chain? Is your name on that?
- 3 A: It is.
- 4 Q: Okay. So, did you take in the evidence in this case?
- 5 Were you the first person to take custody of the evidence?
- 6 A: Yes, I was.
- 7 Q: Okay. And what did you do when you received the evidence
- 8 in this matter?
- 9 A: The departments drop it off in a secured locker area.
- 10 And what they do is they'll -- the paperwork is done, their
- 11 evidence should be sealed, and they place it in a locker, and
- 12 they lock it. The only people who can pull it out of the
- 13 lockers are the technicians and the two supervisors. And so,
- 14 we have to physically get a key and unlock that locker and
- 15 pull the evidence out with the paperwork, and that's what I
- 16 did.
- 17 Q: And I'm showing you what's been entered as State's
- 18 Exhibit 8. Is that part of the evidence that you received?
- 19 A: Yes.
- 20 Q: And how do you know that is?
- 21 A: Because it has the same lab number that I logged it in
- 22 as.
- 23 Q: Okay. State's Exhibit 10, what about -- what about this?
- 24 What is that?
- 25 A: This is Item Number 2, which are the contents of the CSC

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1 kit.

2 Q: Okay. Those are the contents of the CSC kit?

3 A: Correct.

4 Q: And State's Exhibit 3, did you take custody and control
5 over that as well?

6 A: Yes.

7 Q: Okay. And what is that? What item number is that? Is
8 that ---

9 A: It's 2.2.

10 Q: Okay. And State's Exhibit 5, is that 2.8?

11 A: Yes.

12 Q: Would you have taken custody and control over that?

13 A: Yes.

14 Q: Okay. State's Exhibit 6, Item 2.1, would you have taken
15 control over that as well?

16 A: Yes.

17 Q: Okay. Tell me what that is? What have I just given you
18 -- over and over again, what have I just given you?

19 A: Okay. When we receive a CSC kit, it comes in a box, as
20 the nurse explained, we undo the seals and we open that box.
21 And inside that box, it is said to contain what the nurse uses
22 as the swabs, maybe a pair of panties, blood, urine, anything
23 they collect at the hospital. We open that up, make sure all
24 of this has been sealed, initialed, and dated. And then we
25 separate it into containers. And the reason we do that, the

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1 blood and urine has to stay cold, and all the other things we
2 can put into a bag, such as this, and it then goes to a DNA
3 shelf.

4 Q: So, with the sexual assault kit or the rape kit, when it
5 comes to you is it a whole box?

6 A: It is literally in a box and it is sealed, initialed, and
7 dated.

8 Q: So, even though we have items, Items 2, Items 2.1, how is
9 that created?

10 A: That is done when it goes to the analyst.

11 Q: Okay. So, they -- after you break apart the CSC kit ---

12 A: Right.

13 Q: Do you add anything to that kit?

14 A: I do not.

15 Q: Okay. Do you take anything from that kit?

16 A: I do not.

17 Q: Do you -- is it altered in any way?

18 A: No.

19 Q: Was it sealed when you got it?

20 A: Yes.

21 Q: Was there any damage to it?

22 A: No.

23 Q: If there was damage to it or it looked to be altered,
24 what would you have done?

25 A: We take pictures of it, and we put it in the chain of

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1 custody because everything we do has to go through a chain so
2 it can be -- I don't know the correct word I'm -- every step
3 has to be accounted for at SLED. So, there was nothing done
4 -- according to this chain of custody everything was intact,
5 initialed, sealed, and dated.

6 Q: And if it hadn't been, you would've noted it?

7 A: Yes.

8 Q: And there's no notation on here?

9 A: No notations.

10 Q: After you separated the items, what did you do next?

11 A: I give it the unique lab number and then I transfer it to
12 the secure evidence room. So, the blood and urine would go to
13 the refrigerator and we scan it to that refrigerator. And
14 then the DNA would go to a DNA lab -- I mean, to the DNA area,
15 and we scan it to the direct location of that as well.

16 Q: Okay. And that's the secure room that we talked about
17 earlier?

18 A: Yes.

19 Q: Let's just go with Item Number 2, as a whole. After you
20 put it back on the DNA intake shelf, according to the chain,
21 what happened next?

22 A: On 9/21/18, it was on the DNA shelf; and then on 10/8/18,
23 Bethany Davidson, who is also a forensic technician, pulled
24 that evidence and gave it to a forensic technician, Verona
25 Herrera.

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1 Q: And after Verona Herrera had worked on it, what happened
2 next?

3 A: She then brought it back to the evidence room and the
4 other forensic technician, Doris Yarbrough, took it and placed
5 it back onto DNA intake shelf 55.

6 Q: And who is Doris Yarbrough?

7 A: Doris is also another forensic technician. We all did
8 the exact same things in the evidence room.

9 Q: Is she currently with SLED?

10 A: She is now retired.

11 Q: And how long has she been retired?

12 A: It's been about a year.

13 Q: According to the chain, after it was put back on the DNA
14 intake shelf 55, who next took custody?

15 A: Another forensic technician, Charlotte Pitts took it and
16 she transferred it to the forensic scientist.

17 Q: And who is Charlotte Pitts?

18 A: Charlotte Pitts was the other technician.

19 Q: Okay.

20 A: Forensic technician.

21 Q: Did she have the same job as you?

22 A: Yes.

23 Q: And as a forensic technician, was she trained in the same
24 manner as you were?

25 A: We all did the same thing.

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1 Q: Did you have the same policies and procedures that you
2 had to follow?

3 A: Yes.

4 Q: Okay. Is she currently with SLED?

5 A: No, she's not.

6 Q: Let me go back and ask one other thing.

7 A: Okay.

8 Q: If somebody goes to get the evidence out of the secure
9 room, what has to be done?

10 A: If someone -- and that makes me nervous when you say it
11 like that -- it's only the four technicians who are allowed to
12 go back there and retrieve that evidence. We would go and
13 pull it off of -- in this case, it was DNA intake shelf 55.
14 And we would go and find by the lab number, we would take it
15 and we would scan it to ourselves. We had a barcode, and we
16 would sign it saying when we received it, and then we would
17 physically and electronically scan it to whoever was to
18 receive it. They did not come in the evidence room. We have
19 a big window, and we would pass it through that window.

20 Q: So, they would have to -- they would have to take ---

21 A: Physical and electronic custody. They also had to scan
22 it in their custody and sign it out before they could go away
23 with it.

24 Q: Okay.

25 MS. SMITH: I beg the Court's indulgence.

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1 THE COURT: Yes, ma'am.

2 BY MS. SMITH:

3 Q: And that's the same for all the evidence?

4 A: Yes.

5 Q: I have no other questions. If you'll answer anything
6 that Mr. Harte has.

7 THE COURT: Cross-examination?

8 MR. HARTE: I have no questions for this witness, Your
9 Honor.

10 THE COURT: All right. Do you wish the witness to be
11 excused?

12 MS. SMITH: Yes, Your Honor.

13 THE COURT: Any objection?

14 MR. HARTE: Without objection, Your Honor.

15 THE COURT: All right, ma'am. You are released from your
16 subpoena and may go back to your regular duties. Thank you,
17 ma'am.

18 MS. DAVIS: Thank you.

19 THE COURT: Your next witness, please.

20 COURT REPORTER: Can I just see that in your hand; I just
21 want to make sure -- Okay. You're good. Thank you.

22 MS. SMITH: Your Honor, Bethany Davidson.

23 THE COURT: All right. Very good.

24 BETHANY DAVIDSON, HAVING BEEN DULY

25 SWORN, TESTIFIED AS FOLLOWS:

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1 THE CLERK: Please be seated and state your name for the
2 record.

3 MS. DAVIDSON: Bethany Davidson, D-A-V-I-D-S-O-N.

4 THE COURT: Go ahead.

5 DIRECT EXAMINATION OF BETHANY DAVIDSON BY MS. SMITH:

6 Q: Hey, Ms. Davidson. Where are you currently employed?

7 A: I currently work for South Carolina Law Enforcement
8 Division, also known as SLED.

9 Q: And how long have you been there?

10 A: I've been employed there since July 2017.

11 Q: What is your current role?

12 A: I'm currently the coordinator for our training unit.

13 Q: What did you do before that?

14 A: Before that, I was a forensic technician in our
15 laboratory in evidence control.

16 Q: And were you working as a forensic technician in 2018?

17 A: Yes, I was.

18 Q: Okay. And did you happen to be involved in Lab Number
19 L1813827, which involved the defendant, Fredrick Williams?

20 A: That is correct.

21 Q: Okay. And what would your role have been in this case?

22 A: According to our chain of custody, I would've retrieved
23 this evidence from our DNA intake shelf from the secured
24 evidence room and then transferred it to Forensic Technician
25 Verona Herrera.

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1 Q: Okay. And how does that work?

2 A: Verona would have sent an email to us in the Evidence
3 Control Department and requested to retrieve this specific lab
4 number. I then would've went into our secured evidence room,
5 retrieved that evidence, and then transferred it to her
6 electronically and physically. She would've been in the
7 window. I would've transferred the evidence to that window,
8 and then she would've put in her secure password to retrieve
9 the evidence.

10 Q: So, she had to not only take physical custody of that,
11 but she had to put in a secure password?

12 A: Correct.

13 Q: Okay. When you retrieved the evidence, did it appear to
14 be open, tampered with, manipulated, any damage to it?

15 A: No, it did not.

16 Q: Okay. And how do you know that?

17 A: If it would have appeared to have been tampered with, we
18 would've made documentation in the case, and that would've
19 reflected on our chain of custody.

20 Q: And is there any notation in your chain of custody?

21 A: No, there is not.

22 Q: After Ms. Herrera took custody and control, do you happen
23 to know from the chain in front of you, State's Exhibit 9, who
24 took control over the evidence next?

25 A: According to the chain, after Verona had custody of that,

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1 she transferred it to Forensic Technician Doris Yarbrough, who
2 is also in evidence control with us.

3 Q: Okay. And she did the same job as you?

4 A: Correct.

5 Q: Okay. And she's no longer with SLED?

6 A: No, she's retired.

7 Q: After Doris Yarbrough, according to the chain in front of
8 you, do you know who took control and custody over the
9 evidence next?

10 A: After Forensic Technician Doris Yarbrough retrieved the
11 evidence, she then placed it back into our secured evidence
12 room on DNA intake shelf 55 on October 18th, 2018. And then
13 on November 2nd, 2018, Forensic Technician Charlotte Pitts
14 would've retrieved the evidence again to transfer it to
15 Forensic Scientist Alysha Breland.

16 Q: Okay. And I know we just heard this but who is Charlotte
17 Pitts?

18 A: Charlotte Pitts at the time was also a forensic
19 technician in evidence control with us.

20 Q: Did she have the same job as you?

21 A: Yes, she had the exact same thing.

22 Q: Same training?

23 A: Yes, correct.

24 Q: Does she currently work for SLED?

25 A: She does not.

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1 Q: Before I forget, I'm gonna go ahead and take this
2 evidence back ---

3 A: Okay.

4 Q: --- out of your way. Is that the lab number that y'all
5 used?

6 A: That is correct.

7 Q: Is this the barcode that y'all -- that SLED uses ---

8 A: Yes.

9 Q: -- the barcode to sign out?

10 A: That is the barcode that is generated when the evidence
11 comes into our laboratory. And that is the same barcode that
12 stays on it, and that is how we transfer it physically and
13 electronically for it to reflect on our chain of custody.

14 Q: And so even the smaller pieces of evidence have these
15 barcodes so that you can sign them in and out?

16 A: The smaller pieces have individual item numbers and
17 barcodes on it, yes.

18 Q: Give me one second. No further questions. Answer
19 anything that Mr. Harte has.

20 THE COURT: Cross-examination?

21 MR. HARTE: I have no questions for this witness, Your
22 Honor.

23 THE COURT: All right. Do you wish the witness to be
24 excused?

25 MS. SMITH: Yes, Your Honor, I do.

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1 THE COURT: Any objection?

2 MR. HARTE: Without objection, Your Honor.

3 THE COURT: All right, ma'am. You are released from your
4 subpoena and may go back to your regular duties. Thank you.

5 All right. Next witness, please.

6 MS. RICHARDSON: Your Honor, if I could have just a
7 moment.

8 THE COURT: Yes, ma'am.

9 MS. RICHARDSON: Your Honor, can we have about a ten-
10 minute break at this point. There's a matter that we need to
11 address with Your Honor.

12 THE COURT: All right. Very good.

13 BY THE COURT:

14 THE COURT: All right. Ladies and gentlemen, apparently
15 there's some matter of law that I need to take up that has to
16 be done outside your presence. Please go to the jury room.
17 Don't talk about the case. I'll call you out as soon as I
18 can.

19 Thank you.

20 (REPORTER'S NOTE: Jury exits courtroom @ 11:25 a.m. The
21 following takes place outside the presence of the jury.)

22 THE COURT: Yes, Solicitor?

23 MR. HARTE: Your Honor, my client has some questions for
24 me that I feel deserve my full attention. If we could just
25 have a very brief recess and let me speak to him and we'll let

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BY THE COURT

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1 you know where we're ---

2 THE COURT: All right. Very good. We'll take a short
3 break then. Thank you.

4 MR. HARTE: Thank you, Judge.

5 **RECESS - 11:27 A.M.**

6 *****OFF THE RECORD*****

7 **ON THE RECORD - 11:42 A.M.**

8 THE COURT: All right. Mr. Harte, what's the situation?

9 MR. HARTE: Your Honor, it is almost time for lunch
10 break. I think the conversation with Mr. Williams would be
11 better suited for our lunch break, so we would be fine to
12 continue until Your Honor wanted to break for lunch and then I
13 can speak with him further.

14 THE COURT: All right. Very good.

15 MR. HARTE: Thank you, Your Honor.

16 THE COURT: State ready to proceed?

17 MS. RICHARDSON: We are, Your Honor. The next witness
18 will be a little longer, and then we have two witnesses left
19 after that that should be here after lunch.

20 THE COURT: All right. Very good.

21 All right. So, your next witness is in the courtroom?

22 MS. RICHARDSON: Yes, Your Honor.

23 THE COURT: All right. Very good.

24 Ask the jury to come in, please.

25 (REPORTER'S NOTE: Jury enters courtroom @ 11:43 a.m.)

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1 THE COURT: All right, Solicitor, Your next witness,
2 please, ma'am.

3 MS. RICHARDSON: The state calls Investigator Allen
4 Morris.

5 THE COURT: All right. Please come around to be sworn.

6 ALLEN MORRIS, HAVING BEEN DULY SWORN,

7 TESTIFIED AS FOLLOWS:

8 THE CLERK: Thank you. Please be seated.

9 THE COURT: Go ahead, Solicitor.

10 DIRECT EXAMINATION OF ALLEN MORRIS BY MS. RICHARDSON:

11 Q: Did you already state your name and spell it?

12 A: No, I didn't. A-L-L-E-N, M-O-R-R-I-S; Allen Morris.

13 Q: And where are you employed?

14 A: Georgetown Police Department.

15 Q: And what is your position there?

16 A: I am a detective in the Criminal Investigations Division.

17 Q: And how long have you been with the Georgetown Police
18 Department?

19 A: Seven years.

20 Q: And what is your educational background and law
21 enforcement training?

22 A: I have an associate's degree in criminal justice from
23 Horry/Georgetown Technical College. I've also been -- I'm a
24 graduate of South Carolina Criminal Justice Academy with a
25 basic law enforcement, also basic detective, and also numerous

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1 crime scene and interviewing and interrogation courses, and
2 other courses in law enforcement.

3 Q: And did you work somewhere else before you came to the
4 police department?

5 A: I was employed at Georgetown County Sheriff's Office from
6 2011 to 2013.

7 Q: Okay. And then you've been with the Police Department
8 ever since?

9 A: That's correct.

10 Q: All right. Were you involved in the investigation
11 regarding Fredrick Williams and MINOR [REDACTED]?

12 A: I was.

13 Q: Okay. And were you the investigator that was on call?

14 A: Yes, ma'am.

15 Q: Okay. And who contacted you to respond?

16 A: I was contacted by Sergeant Bone, who was the supervisor
17 on duty for that Saturday.

18 Q: Okay. And so, the patrol officers, when they get a
19 situation like this, they make the call to contact a detective
20 to come in?

21 A: Yeah, you -- and typically, that call is made by the
22 sergeant or whoever is supervising the team that day.

23 Q: Okay. All right. And where did you respond to?

24 A: I responded to -- originally -- originally, my first stop
25 from after I left my residence was to the police department.

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1 Q: And who was at the police department when you got there?

2 A: It was Corporal Powers; it was Corporal Powers. And he
3 also had -- I believe they had all the kids there as well,
4 along with Ms. Versheena Brown. And I made the call at that
5 point to go ahead and get Ms. MINOR over to the hospital
6 for a rape kit to be conducted.

7 Q: And so, they were already there. Now, where was Mr.
8 Williams?

9 A: At that point, I believe he was still at the residence.

10 Q: And so, you sent who to the hospital?

11 A: I got Ms. Versheena Brown to take her kid -- or at least
12 get MINOR over the hospital, and I believe she ended up
13 taking Ms. MINOR along with the rest of her kids to the
14 hospital as well.

15 Q: Okay. And that was so she could get the sexual assault
16 kit ---

17 A: That's correct.

18 Q: --- that we were talking about earlier?

19 A: Yes, ma'am.

20 Q: Okay. And while you were there without saying exactly
21 what they said, did you also interview the witnesses in the
22 case?

23 A: I did.

24 Q: Okay. Who did you talk to?

25 A: I believe I talked to Ms. -- I talked to Ms. MINOR

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1 briefly, and also ---
2 Q: At the hospital?
3 A: Yes, at the hospital; and also, Ms. A.B. [REDACTED]. Spoke to
4 them very briefly.
5 Q: And what about the mother; did you talk with her?
6 A: I also spoke to her as well; yes, ma'am.
7 Q: All right. And what was everybody's demeanor; how'd they
8 act?
9 A: I mean, distraught; definitely, not normal.
10 Q: Okay. And what about the victim, MINOR [REDACTED]?
11 A: I mean, she seemed to be -- she appeared to be distraught
12 to me.
13 Q: Was she able to answer all your questions or ---
14 A: Yes, ma'am.
15 Q: And did she begin by like shaking her head and that sort
16 of thing? Nodding?
17 A: That I can't recall.
18 Q: Okay. All right. And so, you took her there or had them
19 go there to get the sexual assault kit; is that right?
20 A: That's right.
21 Q: All right. Let me show you -- and I pulled out some of
22 the components. Let me show you what's been marked as State's
23 Exhibit 10, which is the big envelope that has all these; 6;
24 5; and 3. All right. Is that the sexual assault kit and its
25 components?

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1 A: Yes, ma'am.

2 Q: Okay. And who did you get that from?

3 A: Typically, what we do is -- it's in the big box. We take
4 the box to the hospital and then the nurse does the kit on the
5 victim. And then, when we get back, when they're done with
6 it, we get that box from that same nurse.

7 Q: Okay. And did you stay at the hospital the whole time?

8 A: I did not, no; no, ma'am, because I was in the middle of
9 doing the search warrant. I was still conducting my
10 investigation.

11 Q: You had other work to do while she was doing the exam?

12 A: I did; that's right.

13 Q: So, did you get a call to come back and get the evidence
14 once it was collected?

15 A: I did. Whenever we cleared up from search warrant, I
16 went back over to the hospital and I took possession of that
17 from Nurse Jessie Hewitt.

18 Q: Okay. And I'm gonna show you State's Exhibit 4 that's
19 already been admitted into evidence. Did you have her sign
20 that form?

21 A: I did; I did.

22 Q: And then you -- is that your signature?

23 A: And then I received it, and then I released it to
24 evidence whenever I put it in the refrigerator.

25 Q: Okay. And that's the whole locked thing that they're

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1 talking about earlier?

2 A: Yes. Yeah, so we put it -- we have a evidence
3 refrigerator, which is right near our evidence lockers, which
4 is contained in a closet. There's a lock that's usually on
5 the little hasp. It has a regular padlock on that
6 refrigerator. That lock is left open on it. We put the -- we
7 put the kit in that refrigerator and then we lock that -- we
8 lock that -- the lock on the hasp on refrigerator. And the
9 only person who has a key to that would be the evidence
10 custodian.

11 Q: Okay.

12 A: Which at the time was Corporal Sparkman or now Lieutenant
13 Sparkman.

14 Q: Okay. And did you open that box, tamper with it,
15 manipulate it, do anything to damage it or contaminate it in
16 any way?

17 A: No, ma'am. All I do is transport.

18 Q: Okay. And so that would be all of the stuff that was
19 collected at the hospital?

20 A: Yes, ma'am; which had been secured in that box.

21 Q: Okay. And then, you also had an opportunity to go the
22 residence; is that right?

23 A: I did.

24 Q: Let me show you -- let me show you what's been marked as
25 State's Exhibit Number 11 for identification. Do you

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1 recognize that?

2 A: Yes, ma'am.

3 Q: All right. And what is it?

4 A: That would've been a disc containing my photos from the
5 residence at [REDACTED].

6 Q: Okay. And how do you know that that's ---

7 A: That's my -- that's my signature, initials on the top of
8 the CD.

9 Q: And is this a accurate copy of the pictures that you took
10 from the residence?

11 A: Yes, ma'am.

12 MS. RICHARDSON: Your Honor, at this time, I'd offer
13 State's Exhibit Number 11 into evidence and offer to publish
14 it to the jury.

15 THE COURT: Any objection?

16 MR. HARTE: Without objection, Your Honor.

17 THE COURT: All right. In evidence without objection.
18 You may show it to the jury.

19 STATE'S EXHIBIT NUMBER 11

20 ADMITTED INTO EVIDENCE

21 (REPORTER'S NOTE: State's Exhibit 11 published to the jury.
22 No audio.)

23 MS. RICHARDSON: The jurors on the back will have
24 monitors, and then we have this larger monitor for the jurors
25 who have been moved outside of the jury box because of COVID.

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1 BY MS. RICHARDSON:

2 Q: And this CD contained 60 pictures is what it's showing?

3 A: That's correct.

4 Q: Okay.

5 A: That would be the exterior of the apartment.

6 Q: So, the first thing you do is take a picture all the way
7 around it?

8 A: I do, yeah.

9 Q: So, I'm just gonna go through that first, again, just a
10 different view. It is that right?

11 A: Yeah.

12 Q: Now, we already covered this, but obviously this is
13 located in the city of Georgetown, and in the county of
14 Georgetown?

15 A: It is, it is. It would be located -- it's in the House
16 and Authority, but this specific part of the Housing Authority
17 is located right behind Georgetown Middle School.

18 Q: Okay. And is this where it was indicated that an
19 incident occurred?

20 A: That's correct.

21 Q: So, we just went through several pictures, and you
22 basically just took a 360 ---

23 A: I just -- I tried to take pictures all the way around the
24 residence, just some overall pictures. And then at this point
25 I would start taking pictures of going inside, and I would

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1 also start taking overall pictures of the interior of the
2 residence as well.

3 Q: And that's just showing the address ---

4 A: That's showing the placard address for the residence.

5 Q: And this is as you walk in the front door?

6 A: Yes, ma'am. That would be your entry area or your living
7 room.

8 Q: And just another view of that?

9 A: That's right. And then now, leading down the hallway;
10 the area of the kitchen or the dining room area, which were
11 adjoined.

12 Q: There's a backdoor in that room?

13 A: That's right. Yeah, those apartments typically have just
14 a front door and a backdoor, and then they have one window on
15 each wall.

16 Q: And then just more photos of the kitchen ---

17 A: Yeah, just -- yeah, and it's just a galley kitchen, so
18 that's it, so I would be coming back out the way I came.

19 Q: Hallway?

20 A: Hallway again, yeah. And there's the bathroom.

21 Q: And that's half bath?

22 A: It is. Yes, it is. I believe it just has a toilet and a
23 sink in it. And then back in the hallway; children's bedroom
24 right ahead, and then I believe this one to the right was the
25 room where the incident took place at.

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1 Q: And that's the room with the darker curtains?

2 A: That's correct, and that would be where the incident took
3 place at.

4 Q: All right.

5 A: As you can see the *Good Times* DVD, which if you remember
6 from yesterday in testimony, that was what was mentioned,
7 which is not -- it says *It Ain't Good Times*, which is a
8 pornographic video.

9 Q: And that was found in that bedroom?

10 A: It was. It was found right there by the TV.

11 Q: That's just another bedroom?

12 A: And these are just some pictures of the bedrooms.

13 Q: Full bath?

14 A: And full bath. And now we're back into the bedroom. As
15 you can see, you've got a lit candle, got the bottle of
16 melatonin sitting right there on the table, alcohol bottle
17 right there, and that's just right there in that same bedroom
18 where the incident took place at.

19 Q: And let me show you what's been previously marked as
20 State's Exhibit 7.

21 A: Okay. And that would be the bottle that I took from the
22 residence.

23 Q: And you collected it?

24 A: I collected it.

25 MS. RICHARDSON: Your Honor, at this time I'd offer

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1 State's 7 into evidence.

2 THE COURT: Any objection?

3 MR. HARTE: Without objection, Your Honor.

4 THE COURT: It's into evidence without objection.

5 STATE'S EXHIBIT NUMBER 7

6 ADMITTED INTO EVIDENCE

7 A: A pair of panties on the floor. The TV showing the HDMI
8 where I guess the DVD player was -- had just been playing at
9 some point.

10 Q: And is this ---

11 A: And as you can tell, too, that the candle had been on --
12 it had been lit for so long and burning that the wax had
13 poured over onto the table. More items on the floor there.

14 Q: And that's in that same bedroom ---

15 A: It's in the same bedroom. It looks like a garment of
16 clothing and some other billing or paper documents. Mr.
17 Williams' SC ID.

18 Q: And that was found in that bedroom?

19 A: It was in that bedroom.

20 Q: Were you able to identify whose bedroom that was?

21 A: My understanding is that was the bedroom that Ms.
22 Versheena Brown and him shared.

23 Q: Okay.

24 A: And when I say him, I mean Mr. Williams.

25 Q: And that was just more photos of his ID that was found?

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- 1 A: That's right, along with his Social Security card. And
2 then you got the pillows all up against the headboard with the
3 -- with the comforter and sheets pulled back as if somebody
4 had been in the bed.
- 5 Q: And you collected those?
- 6 A: I collected -- I did, I collected all the pillows -- all
7 the bedsheets, the comforters and all that; yes ma'am. And
8 then I -- if I remember correctly, I think we left the pillows
9 but took the pillow shams off of them.
- 10 Q: Okay. These are more photos of the same room?
- 11 A: Yes, and I -- at that point I went ahead and blew the
12 candle out so we didn't have a fire.
- 13 Q: Okay. Thank you. And after you left the residence, you
14 testified that you went back to the hospital and collected the
15 sexual assault kit?
- 16 A: Yes, ma'am.
- 17 Q: And at that point, after you had interviewed everybody at
18 the hospital, what happened with Mr. Williams?
- 19 A: After I spoke to the ones at the hospital, which would've
20 been before the search warrant, or in between the smart short
21 at that time, I went and spoke with Mr. Williams at the -- at
22 the police department where he was waiting on me.
- 23 Q: Had he been taken into custody?
- 24 A: He had been.
- 25 Q: All right.

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1 A: And he was waiting there with officers.

2 Q: Okay. And you went there to talk with him?

3 A: I did.

4 Q: All right. And did -- did he appear to be under the
5 influence?

6 A: Not that I could tell him; no, ma'am.

7 Q: And did you threaten him, coerce him, or even make any
8 promises to him?

9 A: No, ma'am.

10 Q: And did you read him his Miranda rights?

11 A: I sure did.

12 Q: Let me show you what's been previously marked as State's
13 Exhibit Number 1.

14 A: Yes, ma'am. That would've been the form that we read
15 from and that he verbally told me he agreed to, and then he
16 signed showing me that he agreed, or that he wished to speak
17 with me.

18 MS. RICHARDSON: Okay. And that's State's Exhibit Number
19 1, we'd offer into evidence at this time.

20 THE COURT: Any objection.

21 MR. HARTE: Without objection, Your Honor.

22 THE COURT: All right. It's into evidence without
23 objection.

24 STATE'S EXHIBIT NUMBER 1

25 ADMITTED INTO EVIDENCE

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1 BY MS. RICHARDSON:

2 Q: Now, while you were talking with him, did you request
3 that he give you a DNA sample?

4 A: I ask him if he would, and he agreed to it, and then I --
5 and then he signed that form agreeing to it. And then at that
6 time, I gloved up and I got a swab from him, or a sample from
7 the inside of his mouth using a cotton swab.

8 Q: Okay. Did you threaten him to get him to agree to do the
9 sample?

10 A: I did not.

11 Q: Did you promise him anything?

12 A: No, ma'am.

13 Q: Did you coerce him in any way?

14 A: No, ma'am.

15 Q: Did he appear to understand what was going on?

16 A: He did.

17 Q: Was he given an opportunity to have something to drink?

18 A: He was given something to drink.

19 Q: About how long was he there?

20 A: I would say -- I can't remember looking at the time. I
21 think it was maybe 30 minutes. He wasn't -- well, he wasn't
22 speaking to me very long, and I don't recollect how long he
23 was there with the officers beforehand but he wasn't in there
24 with me but maybe -- I don't know -- it was between 15 to 30
25 minutes.

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1 Q: Okay. So, it wasn't an extended period of time?

2 A: No, huh-uh, (negative response), and we -- we did what we
3 needed to do, and I went ahead and got him out of there.

4 Q: Okay.

5 MS. RICHARDSON: If I could mark this.

6 BY MS. RICHARDSON:

7 Q: I'm going to show you State's Exhibit Number 12 for
8 identification.

9 A: Yes, ma'am. That would be the form that he signed.

10 Q: Okay. Now, that's a copy?

11 A: That is a copy; that is correct.

12 Q: Was that an accurate reflection -- no alterations to what
13 he signed that day?

14 A: Absolutely.

15 MS. RICHARDSON: Your Honor, at this time I'd offer
16 State's Exhibit 12 into evidence.

17 THE COURT: Any objection?

18 MR. HARTE: Without objection, Your Honor.

19 THE COURT: All right. It's into evidence without
20 objection.

21 STATE'S EXHIBIT NUMBER 12

22 ADMITTED INTO EVIDENCE

23 BY MS. RICHARDSON:

24 Q: Okay. And once he agreed to give you that sample,
25 explain that process.

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- 1 A: So, what I do is I get regular latex gloves, just like
2 you've seen the attorneys here do whenever they were handling
3 the evidence. I take those gloves, I put them on, I get a --
4 I get sterile cotton swabs that are sealed in the sterile
5 packaging. I take those out, I swab each cheek, usually in
6 this area right here on each side of the cheek because in that
7 sterile packaging there's two swabs. I use one on each side.
8 I then have a box that I label and then I put it inside there,
9 and then later on before it goes into evidence it's it then
10 sealed on each end with evidence tape, and it is also placed
11 in an envelope that is also labeled and sealed with evidence
12 tape.
- 13 Q: Let me show you what's been marked as State's Exhibit
14 Number 8, and do you recognize that?
- 15 A: That's correct. Yeah, that would be the -- that would be
16 the envelope, like I was just saying, that it is packaged in
17 and sealed.
- 18 Q: Okay. And is that your ---
- 19 A: That would be my handwriting, and -- yes ma'am.
- 20 Q: Okay. So, you filled all that out?
- 21 A: I did.
- 22 Q: Did you tamper, contaminate ---
- 23 A: I did not.
- 24 Q: Okay. And then, once you got his sample in that
25 envelope, what did you do with it at that point?

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1 A: It was kept with me in my possession, as was seen on the
2 video, but it was with me, and then when I left out of the
3 room, it was then put in an envelope and sealed and put in
4 evidence.

5 Q: Okay. And that would be the evidence locker that Officer
6 Sparkman testified about?

7 A: That's correct. So, we have a group of lockers that the
8 keys stay in the outside of them when they're not being used.
9 So, what I would do is I would go up to a vacant locker that
10 has nothing in it, I put it in there, I then turn it, I take
11 that lock out, and then I put that lock inside of a hole in
12 the locker which means that that -- where your evidence goes
13 inside that locker, the key is then dropped inside that locker
14 also. And then, for me, it would be locked. So, the only
15 person that could get to it would be Corporal Sparkman from
16 inside his locked evidence room, which he talked about earlier
17 where it's locked with the key card, along with the
18 fingerprint code.

19 Q: So, based on your investigation, did you determine who
20 was that the residence that day?

21 A: Yes. It would've been Mr. Williams and the other
22 juvenile children. There were no other adults in the house at
23 the time except for Mr. Williams.

24 Q: And of those children, how many were male?

25 A: Just one, which was L.W. [REDACTED], which I believe at the

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1 time was only nine years old.

2 Q: And did you have an opportunity to have L.W.
3 interviewed?

4 A: He was interviewed to by the Children's Recovery Center.

5 Q: Okay. They me show you -- let me mark these. Let me
6 show you what's been marked as State's Exhibits 13 and 14.

7 A: Yes, that would be L.W.

8 Q: And are those screenshots taken from his visit at the
9 Children's Recovery Center?

10 A: Yes. That would be the screenshot of the recorded
11 interview from CRC; yes, ma'am.

12 Q: Okay. Is that an accurate reflection of how he appeared
13 -- it looks like that was in October of ---

14 A: Yeah, at that time; yes, ma'am.

15 Q: Okay. And do you know when he was born?

16 A: Uhm, if you do that math, I guess it would be two
17 thousand ---

18 Q: I mean, what month?

19 A: Oh, what month? Was that August -- is it August? I
20 can't remember.

21 Q: And this was September?

22 A: Yes, ma'am.

23 MS. RICHARDSON: Your Honor, at this time I'd offer 13
24 and 14 into evidence.

25 THE COURT: Any objection?

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1 MR. HARTE: Without, objection, Your Honor.

2 THE COURT: All right. They're in evidence without
3 objection.

4 STATE'S EXHIBIT NUMBER 13 AND 14

5 ADMITTED INTO EVIDENCE

6 BY MS. RICHARDSON:

7 Q: And did you receive some additional evidence from the
8 mother?

9 A: I did. While we were in that residence doing the --
10 conducting the search warrant or completing the search warrant
11 and the search, she did hand to me a condom, a used condom,
12 that she said she had found from that Thursday, which -- no,
13 that was on that Saturday, so from three days before, she had
14 found that condom, and she handed it to me.

15 Q: Okay. But you didn't find that?

16 A: I did not find it, but I did collect it.

17 Q: All right. And then, did you make a determination as to
18 which items needed to go to SLED?

19 A: We did; yes, ma'am.

20 Q: Okay. And did you send everything?

21 A: No, ma'am. We -- like you heard earlier, we are only
22 limited, typically, to about five items at a time. So, we
23 send the most important items and the most needed items for
24 evidence that we can.

25 Q: And what did you decide to send to SLED?

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1 A: We sent that condom along with the sexual assault kit,
2 along with Mr. Williamson's buccal swab that was taken, and I
3 guess in the sexual assault kit -- I can't remember if I've
4 already said that, but ---

5 Q: The whole kit?

6 A: Yeah. But -- yes, ma'am, but other than that, without
7 looking, those are the main items I know that we sent, and
8 that's typically how we always do it in these cases. We want
9 to send a known sample from both parties, along with whatever
10 evidentiary value that might contain evidence or DNA evidence.

11 Q: All right. As far as the bedsheets and all that, those
12 weren't sent?

13 A: No, ma'am. They were collected but they were not sent.

14 Q: Okay. And why -- why was that?

15 A: Just because, like I said, we -- there were too many
16 items to send and in the connections with that, I mean, just
17 because Mr. Williams's stuff might've been or his DNA might've
18 been found on that, he does sleep in that bed every night, so
19 it may not have been completely relevant.

20 Q: Okay. I have no further questions. Answer any questions
21 that Mr. Harte may have for you.

22 THE COURT: All right. Cross-examination?

23 CROSS-EXAMINATION OF ALLEN MORRIS BY MR. HARTE:

24 Q: How are you, sir?

25 A: Pretty good; how are you, sir?

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1 Q: Good. You testified -- walk me through it, again. When
2 was your first contact with Versheena Brown on September 8th?

3 A: My first contact with Ms. Versheena Brown would have been
4 at the police department whenever she was there with the kids
5 when I got there.

6 Q: Okay.

7 A: And then the second contact would've been at the hospital
8 after she transported them there like I ask her to do so.

9 Q: So, after she -- you saw her at the police station,
10 that's when you went to the residence on [REDACTED]?

11 A: Yes.

12 Q: Okay. And that's when you took those pictures?

13 A: Pictures of what?

14 Q: Of the house.

15 A: Well, so we went to the police department, then the
16 hospital, and then I went to -- I went to the police
17 department myself and typed up a search warrant, then I went
18 to our judge wherever he may've been that night, and then I
19 went to the search warrant -- to the residence to do the
20 search warrant.

21 Q: Okay.

22 A: Cause, I was by myself, so I was moving a lot.

23 Q: Yes, sir. But when was your first contact with MINOR [REDACTED]
24 MINOR?

25 A: MINOR [REDACTED] would've -- I know she was at the police

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1 department, but I don't believe I spoke with her at that
2 point. I mainly was wanting to get her over to the hospital
3 and get that evidence collected was my number one concern at
4 that time.

5 Q: And then you testified the only people at the house were
6 Mr. Fredrick Williams and Ms. MINOR ?

7 A: No, no. All the juvenile children, all the juvenile
8 children, which would've been MINOR , A.B. , along with
9 L.W. and -- I'm not sure if there was another one -- the
10 juvenile children, though, but Ms. MINOR was not there by
11 herself. There was other juvenile children there as well.

12 Q: And they were all at the residence?

13 A: As far as I know, yes, sir.

14 Q: And you've been present for all the testimony before ---

15 A: Yes.

16 Q: Okay. And you say when you first were presented with
17 MINOR , you said she appeared traumatized?

18 A: I didn't say traumatized. She appeared to be distraught,
19 you know, emotional.

20 Q: Okay, okay. Were you present for Lieutenant Sparkman's
21 testimony?

22 A: I was, but I also wasn't present at the house where he
23 said -- where he seen it either.

24 Q: Y'all were not at the house at the same time?

25 A: What was that now?

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1 Q: Y'all were not at -- present at the house at the same
2 time?

3 A: At that time where he was talking about, that would've
4 been -- that would've been while I was elsewhere. That
5 would've been before the search warrant.

6 Q: Okay.

7 A: Yeah.

8 Q: So ---

9 A: Because remember, he was at the residence -- he was at
10 the residence with Sergeant Bone while I was off at the
11 hospital and we were communicating back and forth.

12 Q: Oh, okay. So, he was not there -- he was not the -- the
13 first responding officer was Sergeant Bone?

14 A: Exactly, between him and then Corporal -- excuse me?

15 Q: And then you?

16 A: No, you would've had -- you would've had Corporal Powers,
17 Sergeant Bone, and Officer -- and Corporal Sparkman who were
18 at the house.

19 Q: Oh, okay.

20 A: And then like I said, I come way later.

21 Q: Okay. Okay. So, we've all seen the clothes within this
22 house, how did you choose which clothes -- what -- you said
23 you chose the most important. With all those clothes in the
24 house, how did you decide which ---

25 A: Well, I took the -- if I remember correctly, I took a

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1 pair of panties, which if I remember correctly, they were by
2 the bed. And then, at another point, some more clothing that
3 we took where the clothing that Ms. Versheena Brown handed me
4 and said that they were her clothes.

5 Q: Okay. So, Versheena ---

6 A: If I remember correctly, and I'd have to look back at
7 that report, but I'm pretty sure that I was handed some
8 clothes as well or either pointed out the clothes. May not
9 have handed, but I was pointed out some clothes as well.

10 Q: Okay. And you had testified that the room that you took
11 pictures of where you removed the sheets and the ---

12 A: Yes.

13 Q: You verified that as Mr. Fredrick Williams and Ms.
14 Versheena Brown's bedroom, correct?

15 A: That's correct, yes.

16 Q: And the panties you collected were from that room?

17 A: Yes.

18 Q: Okay. Following that, you spoke with Mr. Williams?

19 A: Yes -- no ---

20 Q: Later that day?

21 A: No. Mr. Williams would've been -- Mr. Williams would've
22 been before the search warrant. Mr. Williams' interview
23 would've been before that search warrant.

24 Q: Okay. And during your conversations with him, he denied
25 all the allegations against him, correct?

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1 MS. RICHARDSON: Your Honor, I object.

2 THE COURT: I'm gonna allow the question.

3 A: He said that he was there. He did deny the allegations,
4 but he did say that he was there during, you know, at that
5 time, he was at that residence. And then, he put the rest of
6 the children in there, too, along with Ms. MINOR that they
7 were all in that apartment at the time.

8 Q: Okay. But, he did deny all the allegations ---

9 A: He did.

10 Q: He denied they had sex?

11 A: Yes.

12 Q: Okay.

13 MR. HARTE: Your Honor, I have no further questions for
14 this witness.

15 THE COURT: Redirect?

16 REDIRECT EXAMINATION OF ALLEN MORRIS BY MS. RICHARDSON:

17 Q: He did admit he was home there with the children alone?

18 A: He did.

19 Q: Okay. And he admitted he gave the melatonin?

20 A: He did.

21 Q: No further questions.

22 THE COURT: Anything on those questions?

23 MR. HARTE: Nothing further, Your Honor.

24 THE COURT: All right. You may step down, sir.

25 MR. MORRIS: Thank you. Thank you, Judge.

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1 ON THE RECORD - 1:45 P.M.

2 THE COURT: All right. Is the state ready for the jury?

3 MS. RICHARDSON: Yes, Your Honor.

4 THE COURT: And defense?

5 MR. HARTE: Yes, Your Honor.

6 THE COURT: Ask the jury to come in, please.

7 (REPORTER'S NOTE: Jury enters courtroom @ 1:46 p.m.)

8 THE COURT: All right, Solicitor, your next witness,
9 please.

10 MS. RICHARDSON: State calls Verona Herrera.

11 THE COURT: All right. Please come around to be sworn.
12 Just come right up here to the corner up here.

13 VERONA HERRERA, HAVING BEEN DULY
14 SWORN, TESTIFIED AS FOLLOWS:

15 THE CLERK: Thank you. Please be seated and state and
16 spell your name for the record.

17 MS. HERRERA: My name is Verona Herrera, H-E-R-R-E-R-A.

18 THE COURT: Go ahead, Solicitor.

19 DIRECT EXAMINATION OF VERONA HERRERA BY MS. RICHARDSON:

20 Q: Ms. Herrera, where are you employed?

21 A: At DHEC.

22 Q: And where were you before that?

23 A: The South Carolina Law Enforcement Division, which is
24 commonly referred to as SLED.

25 Q: And what did you do at SLED?

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1 A: I was a forensic serologist in the DNA section.

2 Q: And where do -- what is your education?

3 A: I have two associates degrees. One, a Associate of
4 Science from Tri-County Technical College; one, a Associate of
5 Arts in Public Health; and a certificate in forensics from
6 Greenville Technical College; and bachelor's degree from
7 Liberty University in criminal justice/forensics.

8 Q: And have you had any -- besides your college, have you
9 had any specialized training in forensics and in serology?

10 A: Through SLED, we're required to work under court
11 qualified analysts, learn all the processes and procedures,
12 and then take tests to be qualified to work on evidence by
13 ourselves.

14 Q: And how long did you do forensic serology at SLED?

15 A: I started out as forensic evidence processing, which they
16 added duties to those analysts and increased what they were
17 calling us to forensic serologists. So, between the two,
18 about 12-and-a-half years.

19 Q: And have you previously testified in courts in this state
20 regarding forensic serology and evidence?

21 A: Yes, ma'am.

22 Q: How many times have you testified?

23 A: Testified, approximately 75.

24 Q: Okay. And have you been qualified as an expert
25 previously?

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1 A: Yes, ma'am.

2 Q: And how many times have you been qualified as an expert?

3 A: Between 15 and 20.

4 Q: And how many -- would you be able to even guess how many
5 cases you have worked on doing forensic serology?

6 A: I have no idea.

7 MS. RICHARDSON: Your Honor, at this time, I'd offer her
8 as an expert in the area of forensic serology and evidence
9 collection or evidence analysis, I'm sorry.

10 THE COURT: Evidence analysis?

11 MS. RICHARDSON: Yes.

12 THE COURT: All right. Do you wish to voir dire the
13 witness or challenge her qualifications?

14 MR. HARTE: No, Your Honor.

15 THE COURT: All right. I am going to qualify her to give
16 her opinion in the field of forensic serology and evidence
17 analysis.

18 You may proceed.

19 BY MS. RICHARDSON:

20 Q: Ms. Herrera, can you just kind of briefly explain to us
21 what you do for forensic serology, what your job title would
22 be or your job duties would be?

23 A: Sure. There's really two aspects to forensic serology.
24 There is what's called evidence processing, and that's where
25 larger items of evidence are taken to collect either skin

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1 cells, to look for bodily fluids, such as blood, semen, or
2 saliva. That can include clothing, car parts, guns, anything
3 that's larger than basically a sheet of paper. And then
4 there's also for the serology section, which is if you find
5 the blood or the semen on the larger items, that's -- a small
6 cutting is taken. And then the serology is trying to identify
7 that fluid. So, there's quick color-change tests for the
8 evidence processing, and then there's more in-depth testing
9 for the serology section of it.

10 Q: Okay. And you would make cuttings on some of the items?

11 A: I would take swabs or cuttings from items for the
12 evidence processing. If it came in as a swab, then we take
13 very small snippets of it in order to test -- not test the
14 entire swab, just to test a small portion of the swab.

15 Q: And do you prepare that for another analyst?

16 A: After my testing, if anything was going forward for DNA
17 analysis, to develop the DNA profile, then I would prep those
18 for the DNA analyst by just taking, again, small cuttings of
19 either what was taken off the car part or the shirt or
20 whatever, and the swabs, and put those in tubes that they used
21 during their analysis just to prep for them.

22 Q: Okay. And back in 2018, did you have an opportunity
23 while at SLED to work on a case that was identified as SLED
24 Lab Number L1813827 involving victim MINOR and
25 suspect Fredrick Williams?

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1 A: I did; yes, ma'am.

2 Q: Okay. And you did serology analysis in that case?

3 A: I did, yes.

4 Q: And you also prepared evidence cuttings to be forwarded
5 to the DNA lab?

6 A: I did, yes.

7 Q: Let me show you -- let's start first with what's been
8 marked as State's Exhibit Number 9, which is the chain of
9 custody for SLED. What -- and each person who touched the
10 evidence is listed in that chain of custody; is that correct?

11 A: That is correct; yes, ma'am.

12 Q: And so, what -- let's just go one by one. What is Item
13 Number 1?

14 A: Item ---

15 Q: And they're given an item number besides the lab number,
16 right?

17 A: Right. As they come in, if there's one submission, the
18 first item is logged into the system is item 1. The second
19 item will be item 2 under that lab number. If there's a
20 second submission of evidence, that would pick up with the
21 numbering with the next available number. If any cuttings or
22 swabs are taken from an item, that becomes the item number
23 point 1, or point 2, or point 3. That way we know that that
24 swab or cutting came from that parent item -- we call those
25 parent items -- and then the children, which are the swabs or

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1 the cuttings.

2 Q: Okay. So, Item Number 1 was what?

3 A: A used condom with wrapper.

4 Q: Okay. And then was that broken down into further
5 subparts?

6 A: There were swabs taken from that item, but we didn't like
7 break it down into the condom and then the wrapper.

8 Q: Okay. So, swabs -- so, what would Item 1.1 be?

9 A: It's a swab from the exterior, as the item was submitted
10 to SLED, of the used condom.

11 Q: Okay. And then Item 1.2.

12 A: That is a swab of the interior, as the item was submitted
13 to SLED, of the used condom.

14 Q: And Item 1.3.

15 A: That is the swabs from the exterior of the wrapper.

16 Q: Okay. And so, all of those are just part of Item 1 but
17 how you processed it?

18 A: Right. They were collected from Item 1, yes.

19 Q: Okay. All right. And then, what is the second item,
20 Item 2 that you received?

21 A: Item 2 is the sexual assault evidence collection kit from
22 MINOR [REDACTED].

23 Q: Okay. And that is a big kit with lots of stuff in it?

24 A: Yes. It provides multiple options for collection at the
25 time the sexual assault examination is performed. And any of

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1 those that come in that have been collected, we again make
2 those children of the parent in the order that we normally do
3 them in.

4 Q: Okay. So, the whole kit is Item 2.

5 A: Yes.

6 Q: And then Item 2.1?

7 A: Is underwear.

8 Q: Okay. Let me show you what's been marked as State's
9 Exhibit Number 6.

10 A: Yes, ma'am. My initials, the date I processed it, the
11 lab number, and the item number it was assigned.

12 Q: Okay. So those were the underwear from the sexual
13 assault kit?

14 A: That is correct, yes.

15 Q: And did you do further processing or make further
16 children from this -- as you called it, from this pair of
17 underwear?

18 A: I did. It was examined for the possible presence of
19 semen, and that was negative for our -- the acid phosphatase
20 test, but a cutting of the underwear was taken and tested for
21 the presumptive test for saliva.

22 Q: And where would you -- I'm sure it's common sense -- but
23 where would you take the cutting of the underwear?

24 A: In this case, it was the crotch of the underwear.

25 Q: Okay. And so that, what item number did you assign to

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1 that?

2 A: Since the underwear was 1.1, the cutting from the
3 underwear became 1.1.1.

4 Q: Was that -- let's look at that again. 2.1?

5 A: Oh, I'm sorry. I am so sorry. Yes, 2.1.

6 Q: Okay.

7 A: I apologize, yes.

8 Q: So, then it would've gotten another point, 2.1.1?

9 A: Right, yes, yes. Anything that came off that item gets
10 another point and whatever number in the series.

11 Q: Okay. And then Item 2.2.

12 A: Vaginal swabs.

13 Q: Okay. Let me show you what's been marked as State's
14 Exhibit Number 3.

15 A: And again, my initials, the date that created this item
16 in our system, the lab number, and the item number.

17 Q: Okay. And then I'm gonna show you what's been marked as
18 State's Exhibit Number 10, and this is a collection. Now,
19 would 3 and 5 have been in there?

20 A: Yes, they would've been contained within this heat-sealed
21 pouch. The plastic container is called the heat-sealed pouch,
22 because we seal it with heat. And my initials and date down
23 here that it was opened tells me that this is my -- the item
24 that I opened.

25 Q: Okay. And so, that would contain the remaining swabs and

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1 evidence collected from the sexual assault kit?

2 A: Well, the swabs that were collected during the -- and
3 other evidence during the -- that was collected during the
4 sexual assault kit as well as it appears some of the products
5 of the DNA analysis and of my serology analysis.

6 Q: Okay. So, you put the chemicals and things back in there
7 that you used?

8 A: Well, the ---

9 Q: Or the cuttings?

10 A: I -- we visually examine samples from each of the
11 possible semen samples, and those are dried on slides so that
12 we can examine them under a microscope.

13 Q: Okay. And those are in here. And so, that would
14 include, just going through your list, 2.3 would be oral swabs
15 from the sexual assault kit from the victim?

16 A: Correct.

17 Q: 2.4, rectal swabs from the victim, right?

18 A: Yes, ma'am.

19 Q: 2.5, suspected saliva swabs of the right breast and right
20 inner thigh?

21 A: That is correct.

22 Q: 2.6 would be fingernail scrapings?

23 A: Yes, ma'am.

24 Q: And then you break that down into left hand and right
25 hand?

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- 1 A: Yes, ma'am.
- 2 Q: And then 2.7 would be pubic hair combings?
- 3 A: Yes, ma'am.
- 4 Q: 2.8 is the victim's buccal swab?
- 5 A: That is correct.
- 6 Q: And that is the swab of her check?
- 7 A: Yes, ma'am. After they have finished collecting all of
- 8 the DNA evidence that they need, they also take a standard
- 9 from her after she has cleaned her mouth. So that any foreign
- 10 DNA would be gone and it just be her standard or just purely
- 11 her.
- 12 Q: And then 2.9 debris collection; that's the sheet?
- 13 A: It's a paper sheet; yes, ma'am.
- 14 Q: Okay. And then Item Number 3 -- let me show you what's
- 15 been marked as State's Exhibit Number 8.
- 16 A: Yes. This is the item number ---
- 17 Q: Do you need ---
- 18 A: No, I'm good. My initials, the date, the lab number, the
- 19 item number are here on this envelope that contained the swabs
- 20 from the suspect.
- 21 Q: Okay. So, the swabs from the victim and the things
- 22 collected from the victim are mainly in the white envelopes
- 23 with the sexual kit, or these that we marked separately?
- 24 A: That is correct. They would've been kept separate, yes.
- 25 Q: And this is the defendant's stuff?

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- 1 A: And the -- it appears the condom.
- 2 Q: Condom, okay. All right. Now, who did you receive
3 these items from?
- 4 A: Bethany Davidson.
- 5 Q: And when you receive them, do you check them to make sure
6 that they're intact?
- 7 A: I do. If the seals were not intact or they hadn't been
8 signed, I would return them to our evidence control and not
9 process them until the agency had come back to determine if
10 there had been any tampering.
- 11 Q: And so, then you take these out and you prepare them to
12 run the tests on them?
- 13 A: Yes, ma'am.
- 14 Q: So, with Item 1 with the condom, what sort of testing
15 would you have done?
- 16 A: From the swab of the interior, I mean, exterior as
17 submitted of the used condom, that was tested for acid
18 phosphatase and p30, which are components of semen. Both of
19 that was positive, but when it was examined for spermatozoa,
20 the sperm cells, that was not -- there were no spermatozoa
21 identified.
- 22 Q: And then, so you tested the interior, exterior, and then
23 the wrapper that it came in?
- 24 A: That is correct.
- 25 Q: Okay. And then for the underwear, what sort of testing

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1 did you do on the underwear?

2 A: The acid phosphatase testing, which is the quick color-
3 change test for semen, and then presumptive testing for
4 saliva.

5 Q: Okay. And then you also tested the vaginal swabs as
6 well?

7 A: That is correct.

8 Q: And the remaining swabs were testing in a similar way?

9 A: Yes, ma'am

10 Q: Okay. Then, as far as the buccal swabs from the
11 defendant ---

12 A: Yes, ma'am.

13 Q: --- and from the victim, now on those you wouldn't do any
14 sort of serology testing; is that right?

15 A: That is correct. They were just prepped for the DNA
16 analyst.

17 Q: Okay. And how do you prep them?

18 A: Take a small cutting of the cotton part of the swab, put
19 that in a little plastic tube and then seal it in an envelope
20 and place it in a heat-sealed pouch.

21 Q: And what steps do you take to make sure that this
22 evidence is not contaminated or cross contaminated?

23 A: No two pieces of evidence are open at the same time. So,
24 the -- we work in a hood similar to this, it just has sides
25 and kind of a top on it. All the victim stuff would be

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- 1 processed. That would be cleaned, sterilized, all the
2 instruments would be cleaned and sterilized. And then the
3 subject buccal swab would be cut. They would never be open at
4 the same time. His would never be done first so it can't be
5 contaminated onto the victim, swabbings, or anything like
6 that. We also wear gloves and jackets and masks, if needed,
7 to keep us away from the evidence as well.
- 8 Q: Okay. And after you prep the evidence that needs to go
9 DNA, make your cutting, and do your testing, what did you do?
- 10 A: They were -- the different items were sealed in the
11 respective heat-sealed pouches, and it was returned to our
12 Evidence Control Department.
- 13 Q: And who did you provide those to? Who received those?
- 14 A: Doris Yarbrough.
- 15 Q: Okay. And we've heard testimony before, she -- Ms.
16 Yarbrough is retired?
- 17 A: She is, yes.
- 18 Q: She was at SLED for a very long time?
- 19 A: Not quite as long as I was, but she came just a little
20 bit after me, but she had worked other places with the state,
21 I think.
- 22 Q: Okay. And other than the testing that you did, did you
23 do -- and the cuttings that you made, did you do anything to
24 tamper with any of this evidence?
- 25 A: No, ma'am.

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1 Q: Okay. And did you ensure that the seals were intact
2 before you got it?

3 A: I did; yes, ma'am.

4 Q: And did you ensure that it was resealed after you
5 returned it?

6 A: Yes, ma'am.

7 Q: Now, if items of evidence are negative on your serology
8 test, you still forward them to the DNA department?

9 A: For juveniles, it was the policy that those samples go
10 forward, yes, ma'am

11 Q: Okay. And are there other types of cells or fluids that
12 can be -- or other types of things that can be deposited?

13 A: Skin cells are sometimes deposited, and that's the
14 reasons in juveniles, it was -- it was sent forward for
15 further DNA testing.

16 Q: Okay. And can that also include in the vaginal area?

17 A: Yes, ma'am, especially.

18 Q: And usually when you're trying to get -- do you typically
19 call that touch DNA?

20 A: Touch DNA is the depositing of skin cells on a surface,
21 whether it's human skin or clothing, cloth, or the table. We
22 kinda call that touch DNA in general, yes.

23 Q: Okay. But that doesn't mean it has to be touched with
24 your hands?

25 A: No. It can be touched with any body part that is covered

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1 with skin.

2 Q: Okay. So, like for instance on a shirt where would you
3 look for ---

4 A: Typically, if we were looking for a shirt to see who had
5 worn it, we would scrap the neck area around the collar, and
6 depending on whether it's long sleeves or short sleeves, the
7 underarms or the cuffs.

8 Q: And you were looking for ---

9 A: Skin cells.

10 Q: --- areas of friction?

11 A: Yes, ma'am.

12 Q: Okay. Or sweating, I guess?

13 A: Well, sweating transfers the skin cells, yes, ma'am.

14 Q: I have no further questions. Answer any questions that
15 Mr. Harte may have for you.

16 THE COURT: Cross-examination?

17 CROSS-EXAMINATION OF VERONA HERRERA BY MR. HARTE:

18 Q: How are you, Ms. Herrera?

19 A: I'm well; and you?

20 Q: Good. Just a couple of questions. For Item 1.1 ---

21 A: Yes, sir.

22 Q: --- the condom. From what I can tell from your testing,
23 it looks like a mixture of two -- a profile developed is a
24 mixture of two individuals, correct?

25 A: That's not me; I'm sorry. I'm the serologist, not the

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1 DNA analyst.

2 Q: Okay.

3 A: You would have to ask the DNA analyst.

4 Q: You simply tested it?

5 A: I'm sorry?

6 Q: You simply tested it and then they would analyze it;
7 isn't that right?

8 A: Correct, yes. I prepped it for them to analyze.

9 Q: Okay. And you testified your next -- after you, Ms.
10 Yarbrough was the next one to handle the ---

11 A: That is correct. I returned the heat-sealed pouches to
12 her in our evidence control.

13 Q: Thank you.

14 MR. HARTE: No further questions, Your Honor

15 THE COURT: Any redirect?

16 MS. RICHARDSON: No, Your Honor.

17 THE COURT: You wish the witness to be excused?

18 MS. RICHARDSON: I do, Your Honor.

19 THE COURT: Any objection?

20 MR. HARTE: No, Your Honor; no objection.

21 THE COURT: All right, ma'am. You are released from your
22 subpoena and may go back to your regular duties. Thank you.

23 MS. HERRERA: Thank you.

24 THE COURT: Can you make sure those exhibits go back to
25 the court reporter.

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1 MS. RICHARDSON: I will.

2 THE COURT: All right, Solicitor, your next witness,
3 please.

4 MS. RICHARDSON: The state calls Alysha Breland.

5 THE COURT: Please come around and be sworn, ma'am, just
6 right up front.

7 ALYSHA BRELAND HAVING BEEN DULY
8 SWORN, TESTIFIED AS FOLLOWS:

9 THE CLERK: Please be seated and state and spell your
10 name for the record.

11 MS. BRELAND: My name is Alysha Breland, B-R-E-L-A-N-D.

12 DIRECT EXAMINATION OF ALYSHA BRELAND BY MS. RICHARDSON:

13 Q: You want to spell your first name as well.

14 A: Oh, yes, A-L-Y-S-H-A.

15 Q: All right. And you can take your mask off if you want to
16 while you're seated.

17 All right. Ms. Breland where are you currently employed?

18 A: Right now, I'm currently employed by the Anne Arundel
19 County Police Department, which is in Millersville, Maryland.

20 Q: And what do you do there?

21 A: I am a DNA analyst in the crime lab.

22 Q: And where did you work before you went to Maryland?

23 A: I was previously employed at the South Carolina Law
24 Enforcement Division, commonly referred to as SLED, in the DNA
25 department.

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1 Q: And how long did you work at SLED?

2 A: I was there for approximately four-and-a-half years.

3 Q: Okay. And why did you leave SLED?

4 A: More of personal matter with family. Being from
5 Pennsylvania, I was just trying to get closer to home.

6 Q: Okay. You just moved out of state?

7 A: Correct.

8 Q: All right. Can you tell us where you went to college and
9 what degrees you have?

10 A: Yes. I obtained my Bachelor of Science in biomedical
11 science of Quinnipiac University in Connecticut. I then went
12 onto grad school at Arcadia University and received my Masters
13 of Science in forensic science, which is just outside of
14 Philadelphia.

15 Q: And after you received your master's degree, when was
16 your first job?

17 A: My first job then was at SLED starting in April of 2015.

18 Q: And did you have any additional training at SLED?

19 A: Yes. SLED required that we did inhouse training with a
20 court qualified analyst and that program took me approximately
21 one year and two months to complete. And during that time, I
22 just had to get familiar with the protocols and procedures by
23 doing training samples, mock case samples. I then had to
24 complete a written and oral examination as well as the mock
25 trial prior to -- prior to me being deemed competent to do DNA

1 analysis independently.

2 Q: And how many cases do you think that you have done DNA
3 analysis on at SLED and in Maryland together?

4 A: Together, I've probably done about 500 cases.

5 Q: And have you previously been qualified as an expert in
6 the courts and the state?

7 A: Yes, I have.

8 Q: And how many times has that occurred?

9 A: Ten times.

10 MS. RICHARDSON: Your Honor, at this time, I would offer
11 Ms. Breland as an expert in the area of forensic DNA analysis.

12 THE COURT: Do you wish to voir dire the witness or
13 challenge her qualifications?

14 MR. HARTE: I do not, Your Honor.

15 THE COURT: All right. She's qualified to give her
16 opinion in the field of forensic DNA analysis.

17 BY MS. RICHARDSON:

18 Q: Okay. Ms. Breland, could you tell us what -- what DNA is
19 and what DNA analysis is?

20 A: Uh-huh, (affirmative response). So, DNA is simply
21 deoxyribonucleic acid. It's the chemical that's found in all
22 cells of your body with the exception of red blood cells. In
23 terms of inheriting DNA, you get half from your mother and
24 half from your father. So, with the exception of identical
25 twins or triplets, those type of multiples, no two people have

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1 the same DNA profile, and that's when we're looking at the
2 whole genome. In terms of the inheritance as well, you have
3 -- so, DNA has 46 chromosomes, which are in 23 pairs, and one
4 of those pairs is the XY or XX chromosome, and that is just
5 the sex determining pair, and if you are female you will have
6 two X chromosomes and if you're a male you will have an X
7 chromosomes and a Y chromosome. And like I mentioned before,
8 with your mother and your father each giving you half, the
9 mother in this case is always going to give her child an X
10 chromosome, however the father can either give an X or a Y
11 chromosome. So, if he gives an X to the child, it will be
12 female; and if he gives a Y to that child, it would be male.

13 Q: And when you do DNA analysis, what are you looking at?

14 A: So, in forensic DNA analysis, we're looking at particular
15 areas in DNA that are referred to as STRs, or short tandem
16 repeats, and those are just areas of your DNA that are highly
17 variable among individuals, and what we can do is we target
18 those areas and you can kind of think of a DNA sequence as a
19 bunch of letters that create words. And in those particular
20 areas those words will repeat so many times. And using our --
21 the work that we do in the lab, we can tell at those
22 particular locations how many times they have their DNA repeat
23 at that particular location, and then we just look at several
24 locations. For a normal autosomal DNA profile, were looking
25 at 24 locations, and now we have Y specific kits which just

1 look at locations on the Y chromosome. Those multiplex kits
2 now can look at up to about 25 locations.

3 Q: So, when you're talking about locations, you're talking
4 about on the chromosome?

5 A: Correct.

6 Q: Okay. So, not just the 23 locations?

7 A: Those locations for the autosomal kits are throughout
8 those 23 pairs of chromosomes, and the Y specific kits are
9 only for the Y chromosome that they're looking at.

10 Q: And what is the process which you used for DNA analysis?

11 A: So, for forensic DNA, there's basically four steps that
12 we do in the lab to create a DNA profile. The first step is
13 known as extraction, and that's just us trying to get the DNA
14 off the substrate that it's contained on. As Verona earlier
15 touched on, those could be swabs, clothing, gun. We basically
16 separate the DNA from those items as well as purify it, so
17 we're getting rid of any of the cellular debris that's
18 included in that sample. The second step is known as
19 quantification where we are basically just doing an estimation
20 and trying to determine how much DNA is present in the sample,
21 and that's important for the third step which is the
22 amplification step. And at the amplification step, that's
23 where we are finally targeting those regions that I was
24 talking about with the STRs. And we -- during that step, we
25 make millions and millions and millions of copies of those

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1 different areas of the DNA. And then the last step is just a
2 separation step where we basically take those millions and
3 millions and millions of copies and we separate them out based
4 on size. And in that third step, there are also -- they have
5 a florescent dye that's attached to them, so based on that
6 color of that dye, they will also get separated out and that
7 will create a more readable DNA profile for us to interpret.

8 Q: And do some items or substances tend to have more or a
9 stronger DNA profile than others?

10 A: That's correct. Kind of brief, going back into the
11 serology, typically your bodily fluids, the blood, the semen,
12 saliva will be things that have -- those fluids have a higher
13 amount of DNA in them as opposed to what was called the touch
14 DNA, which is just the skin cells.

15 Q: And do certain areas of the body produce more of the skin
16 cells or these DNA -- these things where you can get DNA
17 profiles?

18 A: Yeah. So, generally, when we refer to something as a
19 known standard, typically it's gonna be a buccal swab, which
20 is just swabbing the inner cheek of someone's mouth, and
21 that's just a great area to get DNA because it is a mucous
22 membrane that has epithelia cells that are just scraping the
23 right off onto that cotton swab versus, if you would take
24 another swab and swab someone's arm, just maybe on their
25 forearm here, you know, you're just coming into contact with

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1 dead skin cells so there's less of a chance of more cells
2 getting onto that swab.

3 Q: And are there other mucous membranes in the body?

4 A: That's correct. The vaginal wall is also -- has a mucous
5 membrane to it.

6 Q: And in January of 2019, did you do a DNA analysis on the
7 case with SLED Lab Number L1813827 involving the victim
8 MINOR and the suspect Fredrick Williams.

9 A: If I can refer to my notes, I believe most of the
10 analysis that I did for the case was in November or possibly
11 December before that, but I did issue a report on January 15th
12 of 2019 for SLED Lab Number L1813827.

13 Q: And we've been over this with several witnesses, but
14 obviously SLED protocol requires a detailed chain of whoever
15 touches the evidence in the case?

16 A: That's correct.

17 Q: And let me show you what has been marked as State's
18 Exhibit Number 9, and is that that chain of custody?

19 A: Yes, it is.

20 Q: Okay. And who did you receive the evidence from that you
21 tested?

22 A: So, for this case, I received all of the items within the
23 case from Charlotte Pitts on November 2nd of 2018.

24 Q: All right. And would you have checked when you received
25 them from Ms. Pitts to see if the seals were intact?

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1 A: That's correct.

2 Q: Okay. And was there any issue with the seals on any of
3 the evidence you received?

4 A: There was not.

5 Q: Okay. And if there had been any evidence of tampering,
6 what would you have done?

7 A: As Verona stated earlier, I would've returned it to the
8 Evidence Control Unit where we would've had to notify the
9 supervisors to alert them that there was possibility of
10 tampering happening.

11 Q: Okay. And so, when you received it from Charlotte it was
12 intact, all of the items?

13 A: That's correct.

14 Q: And is this an accurate reflection of the chain of
15 custody ---

16 A: Ah, yes.

17 Q: -- for those items.

18 MS. RICHARDSON: Your Honor, at this time, I'd offer
19 State's Exhibit Number 9 into evidence.

20 THE COURT: Any objection?

21 MR. HARTE: Your Honor, I am gonna have to object.

22 Looking at the chain of custody here, we have heard from all
23 the forensic technicians, apart from one who handled it before
24 -- is it Doctor Breland -- or Ms. Breland or Dr. Breland
25 before this witness, so we'd have to object on incomplete

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1 chain of custody.

2 THE COURT: All right. I'm gonna allow it into evidence
3 over the objection of the defense based on the testimony
4 presented that the items were not tampered with, so it is not
5 necessary to have all of the individuals who signed the
6 document to testify.

7 MR. HARTE: Thank you, Your Honor.

8 STATE'S EXHIBIT NUMBER 9

9 ADMITTED INTO EVIDENCE

10 BY MS. RICHARDSON:

11 Q: And after you complete your analysis, is -- the DNA is
12 just returned to -- back to the evidence?

13 A: Yeah. So, specifically, in my analysis there are tubes
14 that contained the DNA extracts from each sample that was
15 processed. Those tubes will actually be dried down, just to
16 preserve any DNA that remaining, and then those tubes will get
17 repackaged with the original evidence at that time, and then
18 it will be returned.

19 Q: Okay. But, at that point, all the testing is done?

20 A: That's correct.

21 Q: All right. Let me show you what has been marked as
22 State's Exhibit Number 3. Can you identify that?

23 A: So, it's been identified as L1813827, Item Number 2.2,
24 and it is labeled as vaginal swabs from the victim.

25 Q: And let me show you what is been marked as State's

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1 Exhibit Number 10. And is that a SLED bag that that's in?

2 A: Correct. Yeah, you can see up here the heat-sealed pouch
3 is something that SLED provides for agencies to package their
4 evidence in.

5 Q: Okay. And do you make any markings on that?

6 A: You can see down at the bottom here, there is two
7 markings, which means there's two seals that I created with my
8 initials and the date that I created that seal.

9 Q: And what does that bag contain?

10 A: This contains what is being referred to as L1813827, Item
11 Number 2, which is the sexual assault kit collected from the
12 victim.

13 Q: And then Item 3, this little envelope of vaginal swabs,
14 was pulled out of that?

15 A: That's correct.

16 Q: And then also Item -- let me show you what's been marked
17 as -- because we got a lot of numbers here, so we got State's
18 Exhibit Number 5, but the item number is 2.8.

19 A: Okay.

20 Q: And what is that?

21 A: So, I should mention it is SLED Item 2.8 for case
22 L1813827, and it is the known DNA standard or buccal swabs
23 from the victim that was collected at the time of the sexual
24 assault kit.

25 Q: Okay. And State's Exhibit Number 6, which is Item Number

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1 2.1 on SLED's paperwork.

2 A: Correct. This is the underwear that was collected at the
3 time of the sexual assault examination.

4 Q: Okay. And would there be a buccal swab from the victim
5 in the evidence collection portion?

6 A: Yeah. This -- specifically, this Item 2.8 is that known
7 standard.

8 Q: Okay. And then the other items are all contained in here
9 with various numbers?

10 A: That's correct.

11 Q: All right. Now, when you received this package, was it
12 intact?

13 A: Uh-huh, (affirmative response). That is correct.

14 Q: And did you also receive it from Ms. Pitts?

15 A: Yes. That would've come from Charlie, yes.

16 MS. RICHARDSON: Your Honor, at this time I would offer
17 State's Exhibits 10, 6, 5, and 3 into evidence.

18 THE COURT: Okay. So, 10, 6, 5, and 3?

19 MS. RICHARDSON: Yes, Your Honor.

20 THE COURT: All right. Any objection?

21 MR. HARTE: Your Honor, simply renew my objection.

22 THE COURT: All right. I am gonna allow State's 10, 5,
23 6, and 3 in evidence over the objection of the defense finding
24 again that a proper chain of evidence has been established.
25 Since there was no evidence of tampering, it is not required

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1 to have every single person that signed the document to
2 testify.

3 MR. HARTE: Thank you, Your Honor.

4 STATE'S EXHIBITS NUMBER 3, 5, 6, AND 10

5 ADMITTED INTO EVIDENCE

6 BY MS. RICHARDSON:

7 Q: So, all this stuff that you have over here now, that is
8 from the sexual assault kit on the victim; is that right?

9 A: That's correct.

10 Q: Okay. And how would you have processed that?

11 A: So, Verona, as a serologist -- one of the procedures that
12 we had in place at SLED is the serologists were responsible
13 for doing the body fluid testing of the sexual assault kits,
14 but they would also prep the samples by making cuttings from
15 each of the items, putting those into tubes, and then
16 resealing it and putting it back through evidence control.
17 And then when a DNA analyst like myself was ready, we would go
18 grab the evidence from evidence control, and I would start my
19 DNA analysis with those cuttings that she prepped.

20 Q: Okay. And do you call these intimate objects or how
21 would you refer to it?

22 A: Yes. In DNA analysis, we refer to something as being
23 intimate if it's taken directly off of a person, which can
24 include swabs from their body, as well as clothing that was
25 taken directly off of them.

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1 Q: Okay. So, just common sense, if you take something off
2 of somebody's body, particularly like a bodily fluid or a
3 scraping, you expect it to be that person?

4 A: Correct. We have a reasonable belief that their DNA will
5 be present in any samples that we process.

6 Q: Okay. So, for example, Item 2.2, the vaginal swabs from
7 MINOR [REDACTED], you would expect MINOR [REDACTED]'s DNA to be in
8 that?

9 A: That's correct.

10 Q: Okay. So, when you're doing this analysis, are you
11 looking for profiles foreign to her?

12 A: Ah, yes; that's correct.

13 Q: Okay. And in any of these samples, did you find profiles
14 -- and this is from the sexual assault kit -- did you find any
15 profiles that were foreign to MINOR [REDACTED]?

16 A: I did.

17 Q: Okay. And on which ones did you find other DNA besides
18 hers?

19 A: I believe it was just with two items within the kit,
20 which would be Item 2.1.1, which was the cutting from the
21 crotch of the underwear and the underwear that was collected
22 at the time of the sexual assault examination; as well as Item
23 2.2, which is the vaginal swabs.

24 Q: Okay. So, just on those two items out of the sexual
25 assault kit, you found foreign profiles?

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1 A: That's correct.

2 Q: Okay. And could you tell if those were male or female
3 profiles?

4 A: Specifically, for both those items, what I developed were
5 Y-STR profiles which are specific to male donors.

6 Q: Okay. To a male donor?

7 A: A male donor, yeah.

8 Q: And is there any difficulty in separating profiles from,
9 let's say, the vaginal swabs?

10 A: So, typically, with this intimate samples, we suspect
11 that there will be an overwhelming amount of the person that
12 the sample was taken from. Specifically with semen profiles,
13 what we can do is do a special extraction method that tries to
14 separate any sperm cells that would be present. Based on
15 Verona's serology, that extraction was not performed on these.
16 However, at the end of my analysis seeing the DNA profiles
17 were possible mixtures of two people, I'm able to go back and
18 do the Y-STR analysis to target that Y profile specifically.

19 Q: So, in this case, there's a lot of female DNA because it
20 comes from a female's body?

21 A: Correct.

22 Q: And then would there be a smaller amount of the foreign
23 or the male DNA that you found?

24 A: With any case, that can vary item to item, case to case,
25 just depending on the circumstances.

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- 1 Q: Okay. But, in this case, let's say specifically Item
2 2.1.1, the cutting from the crotch of the underwear, were you
3 able to get a full profile of the male DNA?
- 4 A: So, using the kit that targets all areas in DNA, I wasn't
5 able to interpret any foreign profile there. However, going
6 back and using the Y-STR kit, which is specific to the Y
7 chromosome, I was able to develop a Y-STR profile.
- 8 Q: Okay. And as far as the vaginal swabs, were you able to
9 develop a male or Y-STR profile?
- 10 A: That is correct.
- 11 Q: Okay. Now, let me show you what has been marked as
12 State's Exhibit Number 8, you'd looked at before. What is
13 Item 3 in that package?
- 14 A: Item 3 would be the buccal swab from Fredrick Williams.
- 15 Q: Okay. And that's the cheek swab that was done?
- 16 A: Correct.
- 17 Q: So, you were able to get a full good profile from that
18 cheek swab?
- 19 A: Yes. I developed the autosomal DNA profile as well as a
20 Y-STR profile.
- 21 Q: Okay. And did you compare that profile to the male
22 foreign profile that you found on the swabs from the victim's
23 vagina?
- 24 A: That's correct. I did make that comparison.
- 25 Q: Okay. And what did you determine?

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- 1 A: The Y-STR profile developed from Item 2.2 or vaginal
2 swabs matches the Y-STR profile of Fredrick Williams. The
3 probability of randomly selecting an unrelated male individual
4 having a Y-STR profile matching this item is approximately 1
5 in 7500. Paternal male relatives of Fredrick Williams may not
6 be excluded as the contributor of this profile.
- 7 Q: Okay. So, we're in the south, so paternal male
8 relatives, do you mean everybody he's kin to or related to,
9 someday, some fashion, somehow?
- 10 A: No. So, paternal male relatives is specifically
11 targeting any male relatives that would come from his father's
12 side.
- 13 Q: But directly from male to male?
- 14 A: Yes. It's that lineage from father to son. And if a
15 father had other brothers that came from the same father, they
16 would be included as well.
- 17 Q: Okay. But not sons of daughters or anything like that?
- 18 A: That's correct.
- 19 Q: All right. The same thing with the cutting from the
20 underwear, were you able to compare the cuttings from the
21 underwear, the foreign profile that you found with Mr.
22 Williams?
- 23 A: Yes, I did.
- 24 Q: And what did you determine there?
- 25 A: The partial Y-STR profile developed matches the Y-STR

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1 profile of Fredrick Williams. The probability of randomly
2 selecting an unrelated male individual having a Y-STR profile
3 matching this item is approximately 1 in 7500. Paternal male
4 relatives of Fredrick Williams may not be excluded as the
5 contributor of this profile.

6 Q: And as far as the remaining items, the oral swabs, the
7 rectal swabs, all that sort of thing, you did not find any
8 foreign DNA; is that right?

9 A: No. For those items, the DNA profiles developed were
10 either consistent with the victim or they were just limited in
11 quality, and I couldn't do any type of interpretation.

12 Q: And from your experience with DNA, would showering and
13 that sort of thing affect what you would be able to recover as
14 far as a DNA profile?

15 A: Yes, it can.

16 Q: Obviously, if something is washed it could wash away some
17 of the DNA, skin cells, bodily fluid?

18 A: Correct, yes.

19 Q: Just common sense there. Okay. You also analyzed a used
20 condom that had been provide. Did you find either the victim
21 or Mr. Williams in the interior or exterior of the condom?

22 A: So, both the victim and the suspect were excluded from
23 being contributors to the profiles on the inside and the
24 outside of the condom.

25 Q: And then as far as the packaging of the condom, you did

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1 find Ms. Brown's DNA on the packaging?

2 A: That's correct.

3 Q: But, the condom itself had another female on the outside?

4 A: Yes. There was an unidentified female individual as a
5 major contributor to the exterior of the used condom.

6 Q: Okay. And an unidentified male on the inside that wasn't
7 Mr. Williams?

8 A: Yes, something I determined as Unidentified Male
9 Individual B.

10 Q: And they were excluded from the actual condom itself.

11 A: The victim and the suspect, yes, were.

12 Q: Okay. And when you have these what you call intimate
13 samples, that we talked about would include the vaginal
14 samples and the underwear.

15 A: Uh-huh, (affirmative response).

16 Q: Is there any process that you can use to kind of
17 eliminate the victim from that?

18 A: Yes. I touched on it briefly mentioning the different
19 extraction type that I can use. Basically, again, that's just
20 an extraction type that can be used to separate out the sperm
21 cells if any from the sample to try and generate a DNA profile
22 of just a male contributor versus the female contributor.

23 Q: And again, when you say a major contributor, that's gonna
24 be the female because it's her body?

25 A: Correct.

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1 Q: All right. And as far as the statistics that you
2 reported for the match on the vaginal swabs and the underwear,
3 are the Y-STR statistics different than the other -- than the
4 statistics for the full profile?

5 A: Yes. So, typically, stats that people are normal with on
6 the regular DNA profiles is generated from a random match
7 probability calculation. In terms of Y-STR profiles, it's a
8 different statistic because -- because all of those loci that
9 we detect come from the same chromosome, they're known as
10 what's called linked. So, there's no random matching going on
11 there. It's just the same Y chromosome that gets passed down,
12 so it's a different statistic that's used.

13 Q: Okay. And what is the highest statistic you've seen in
14 that regard?

15 A: From my time at SLED and the Y-STR database that we used,
16 for a full Y-STR profile, the statistic that I saw that was
17 highest was about 1 in 11,000. And this was 1 in 7500?

18 A: That's correct.

19 Q: But, again, the vaginal swab and the underwear cutting
20 both matched the profile of the defendant, Fredrick Williams?

21 A: Yes; that's correct.

22 MS. RICHARDSON: Your Honor, I'll go ahead and introduce
23 or move to introduce State's Exhibit Number 8, which is the
24 swab from Fredrick Williams.

25 THE COURT: Any objection?

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1 MR. HARTE: I would simply renew my objection from
2 earlier, Your Honor.

3 THE COURT: All right. In accordance with the same
4 ruling, I'm gonna allow State's 8 in evidence without
5 objection.

6 MR. HARTE: Thank you, Your Honor.

7 THE COURT: I mean, over the objection; I'm sorry.

8 STATE'S EXHIBIT NUMBER 8

9 ADMITTED INTO EVIDENCE

10 MS. RICHARDSON: And I thought we had admitted, but just
11 out of an abundance of caution, State's Exhibit Number 9, the
12 chain of custody.

13 THE COURT: Is that already in, Madam Court Reporter?

14 MS. RICHARDSON: We weren't sure.

15 COURT REPORTER: I didn't check it off; I don't think so.

16 MR. HARTE: Your Honor, I have no objection to the chain
17 of custody.

18 THE COURT: All right. So, if it's not, then State's 9
19 is in evidence without objection.

20 BY MS. RICHARDSON:

21 Q: I have no further questions. Answer any questions that
22 Mr. Harte may have for you.

23 THE COURT: All right. Cross-examination?

24 MR. HARTE: Thank you, Your Honor.

25 CROSS-EXAMINATION OF ALYSHA BRELAND BY MR. HARTE:

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ALYSHA BRELAND - CROSS BY HARTE

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1 Q: Good afternoon. Do I refer to you as doctor?

2 A: I am definitely not a doctor. Ms. Breland is fine.

3 Q: Okay. I just want to go over some of this from this
4 forensic lab report. Item 1.1, the condom, the results came
5 back as being a mixture of at least two individuals, an
6 unidentified female and unidentified male?

7 A: Yes. So, for what we're calling the non-sperm fraction
8 of Item 1.1, which is the exterior of the used condom, there
9 was a major contributor that was identified Female A. The
10 interior of the condom as submitted, Item 1.2, the major
11 contributor in that mixture was Unidentified Male B.

12 Q: Let me ask you, having gotten the swabs from both Mr.
13 Williams and **MINOR** ---

14 A: Uh-huh, (affirmative response).

15 Q: --- which are Items 2.8 and 3.

16 A: Yeah.

17 Q: Is it possible to test this condom and it, even having
18 the swabs of those two individuals, could you test those and
19 it still not come back as them?

20 A: So, I don't believe whether I had the known standards or
21 not, the evidence profile developed from the condom would not
22 change. They would just merely be my interpretation. So, in
23 that same train of thought, if I did not have known standards
24 from the victim and suspect, other areas in my report where I
25 did match their DNA profiles to the evidence, those would also

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1 have been labeled Unidentified Female or Male, possibly, C and
2 D.

3 Q: So, in your expert opinion, there was no DNA from either
4 Mr. Williams or MINOR on the condom?

5 A: That's correct.

6 Q: Okay. Just to circle back to the beginning of your
7 testimony, you referred to 23 -- are you referring to alleles
8 in that sentence? Is this -- am I understanding that
9 correctly?

10 A: No. So, the 23 was referencing the number or chromosome
11 pairs that humans have. That 23 is also used -- the 23andMe
12 kit, that's -- again, that's something that's also referring
13 to the 23 pairs of chromosomes that humans have. So, that's
14 not referring to the loci or the locations we're looking at in
15 the DNA or the alleles; it's just referring to the number of
16 pairs.

17 Q: And these 23 pairs, are these supposed to account for
18 everyone?

19 A: So, just based on how DNA is inherited from parents to
20 children, typically you're gonna have 46 chromosomes.
21 However, there are, you know, diseases and such where there's
22 either a deficiency in the number of chromosomes, or there's
23 too many chromosomes. An example would be Downs Syndrome
24 where there is an extra chromosome, or it's possibly a
25 deletion of a chromosome at the chromosome number 22, where

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1 there's either an extra pair or there's one lacking, so...

2 Q: And just to clarify, the 23 pairs ---

3 A: Uh-huh, (affirmative response).

4 Q: In your opinion, that could account for basically anyone
5 on the planet?

6 A: I'm not sure what you're kind of getting at. So, each
7 human has 23 pairs of chromosomes. The makeup of those 23
8 chromosomes is what's different from person to person. The
9 exact sequence of the letters or the words that I was talking
10 about earlier is different person to person.

11 Q: Okay. So, there's -- so, everybody has 23 is what you're
12 referring to that you can look at.

13 A: Typically, yes; yeah.

14 Q: Okay. Looking at those 23 pairs, can you positively
15 identify everyone on the planet using just those 23 pairs?

16 A: I mean, that's kind of what we're limited to. Those
17 specific amplification kits that we use in forensic biology,
18 it's not looking at the entire 23 pairs. Again, it's only
19 looking at sections of the DNA which are included in those 23
20 pairs.

21 Q: So, your testimony is maybe?

22 A: I'm not -- again, I'm kind of unsure what -- the
23 question, direct question that you were asking.

24 Q: Well, I'm simply just asking -- if you're telling me that
25 SLED looks at 23 pairs to help to identify an individual, my

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1 question is, if there's seven billion people on this planet
2 roughly, can those 23 pairs, looking at just a random swab
3 from a piece of DNA from somebody, can you tell who that is?

4 A: By itself, you cannot tell who it is. I mean, that's why
5 we always have the comparison.

6 Q: If -- I didn't mean to interrupt. Given a comparison of
7 everyone on this planet, can you identify everyone
8 individually with a comparison?

9 A: With the kits that we use and the discrimination and
10 sensitivity, it would be a long process to test seven billion
11 people, but it could be done, yes.

12 Q: I'm just saying, if you just got a random swab and
13 analyze it with matching 23, you could identify everybody; not
14 looking at all seven billion, just some random one.

15 A: Yes, I think the answer is yes what you're getting at.

16 Q: Okay. All right. Thank you.

17 As far as some of these statistics, you're referring to
18 the Y-STR profile, which you said was only found in males,
19 correct?

20 A: Yes. Those -- that profile is developed by only looking
21 at the Y chromosome.

22 Q: Right. And you said the probability of randomly
23 selecting an unrelated male individual having a Y-STR profile
24 is 1 in 7500, correct?

25 A: Uh-huh, (affirmative response).

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1 Q: Can you explain that? How -- is that a random number,
2 arbitrary number, or how did it come to be statistic
3 specifically?

4 A: So, the Y-STR profile, there is a database where it just
5 contains individual's Y DNA profiles. And basically, when I
6 am comparing the Y-STR profile I developed from evidence to
7 that database, that database is just gonna tell me how many
8 times it sees the same possible profile. And I think
9 specifically for the Y-STR profile that I developed, there was
10 only one other time in that database that it saw the same
11 alleles from the same person. So, when you factor that one
12 time in, that's where you get this 1 in 7500 statistic from.

13 Q: And referring to Item 1.3, the condom wrapper, I believe
14 the results indicated partial DNA profile contributor matches
15 the DNA profile of MINOR ?

16 A: So, that particular profile was a mixture of at least
17 three individuals and the partial DNA profile of the major
18 contributor is what matches the DNA profile of the victim.

19 Q: Okay. And you're saying the other two DNA samples were
20 unidentified?

21 A: Yes. If you're referring to Item 1.1 and 1.2, the condom
22 again?

23 Q: I am. I am.

24 A: Correct, yes. The victim and the suspect were excluded
25 from Item 1.1 and 1.2.

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1 Q: And just briefly, the same as the probability with the Y-
2 STR profile, the probability of randomly selecting an
3 unrelated individual matching the major contributor in this
4 mixture is approximately 1 in 660 trillion. Can you explain
5 to me that basis for that probability?

6 A: Yes. You're referring to the statistic tied to the major
7 contributor of Item 1.3 being to the victim?

8 Q: Yes.

9 A: So, like I mentioned before, that type of statistic, I
10 was using location throughout the entire DNA genome, where
11 there's 23 pairs. And that statistic being 1 in 660 trillion
12 is coming from the match -- random match probability
13 calculation which uses the frequency that we see those same
14 numbers in the population. And just based on probability 101,
15 when you have two independent events, you can multiply them
16 together to get the probability of it happening. And a simple
17 probability that we all know is flipping a coin; it's either
18 heads or tails, so you have a one in two chance of getting a
19 tails, or you also have a one in two chance of getting a
20 heads. And that statistic can get greater if you add more
21 coin flips to it. So, if you try to get two heads or two
22 tails, you know, and you just keep multiplying each event.
23 That's kind of what we're doing with that statistic where
24 instead of the coin flips, we're just looking at more
25 locations in the DNA, and that's where you're starting to get

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1 these crazy high numbers.

2 Q: Just briefly, Item 2.5, this was a test of the -- swab of
3 the right breast and right inner thigh.

4 A: Okay.

5 Q: Are you with me?

6 A: Uh-huh, (affirmative response).

7 Q: It was insufficient to find any DNA, correct?

8 A: Yes. My result was the partial DNA profile developed is
9 insufficient inter -- insufficient for interpretation. And
10 basically, for us to make any comparisons for evidence to the
11 known standards, that evidence profile has to reach kind of
12 like a certain quality threshold. And in this case, for Item
13 2.5, I just wasn't reading that quality threshold in order for
14 me to make determinations of either who was there or who isn't
15 there. So, I just deemed it insufficient.

16 Q: It simply wasn't a good enough sample?

17 A: Correct.

18 Q: Okay. And as far as 2.6.1, the left-hand fingernail
19 scrapings, it looks like a partial DNA profile was developed,
20 but it was insufficient for the same reason, same basis?

21 A: Yes. Again, the quality of the profile just wasn't good
22 enough to make interpretations to people.

23 Q: Okay. So, no DNA found there. And then right-hand
24 fingernail scrapings, only consistent with **MINOR**?

25 A: That's correct.

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1 Q: Pubic hair combings, only consistent with MINOR ?

2 A: Yeah. There were two separate pubic hairs that were
3 collected and both of them -- oh, I'm sorry -- one was
4 consistent with victim; and the other one, again, was
5 insufficient for interpretation.

6 Q: Okay. Okay. I see 2.1 -- 2.7.1 and 2.7.2. So, one came
7 back positive as MINOR, and the other was
8 insufficient, correct?

9 A: Correct.

10 MR. HARTE: Your Honor, I have no further questions for
11 this witness.

12 THE COURT: All right. Redirect?

13 MS. RICHARDSON: Yes, Your Honor.

14 REDIRECT EXAMINATION OF ALYSHA BRELAND BY MS. RICHARDSON:

15 Q: Just to be clear -- I guess a little DNA class here. So,
16 when you're doing these comparisons, you're not just comparing
17 to see if one of these 23 chromosomes is the same as somebody
18 else's chromosome, right?

19 A: Right.

20 Q: You're looking at location on the chromosome?

21 A: That's correct.

22 Q: Okay. So, how many locations are on a chromosome?

23 A: I mean, you're looking at upwards of thousands, and ---

24 Q: Okay. So, we're not talking about ---

25 A: --- we're only looking at a couple, yeah.

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ALYSHA BRELAND - REDIRECT BY RICHARDSON

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1 Q: So, we're not talking about just comparing 23 pairs of
2 things; we're talking about comparing 23 pairs of things that
3 contain 1,000 locations?

4 A: Correct.

5 Q: So, that's how you're able to distinguish or have some of
6 these bigger numbers that you have?

7 A: Yeah. So, specifically, nowadays forensic labs are using
8 multiplex kits that contain up to 24 locations, and it's the
9 combination of those locations that create the DNA profile,
10 which is used to compare evidence and known standards.

11 Q: Okay. And so, it's just thousands upon thousands of
12 things that make up the DNA?

13 A: Correct. And we're only looking at 24 of them.

14 Q: Okay. That make each of us different.

15 A: Uh-huh, (affirmative response); that's correct.

16 Q: And you did generate a report -- I guess we've been over
17 all these findings, but you did generate a report in this
18 regard?

19 A: Yes; that's correct.

20 Q: Let me show you what's been marked now as State's 15.

21 A: Okay.

22 Q: And is that your report?

23 A: Yes, it is.

24 MS. RICHARDSON: Your Honor, at this time, I'd offer
25 State's 15 into evidence.

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1 THE COURT: Any objection?

2 MR. HARTE: Without objection, Your Honor.

3 THE COURT: All right. In evidence without objection.

4 STATE'S EXHIBIT NUMBER 15

5 ADMITTED INTO EVIDENCE

6 BY MS. RICHARDSON:

7 Q: And again, sometimes you just can't get enough to develop
8 a profile?

9 A: That's correct.

10 Q: And so, for instance, from her own fingernail left hand
11 you couldn't develop a profile, 2.6.1?

12 A: Yes. It was a partial DNA profile that I couldn't do any
13 further interpretations on.

14 Q: But, on 2.6.2, her right hand you could?

15 A: That's correct.

16 Q: You could say it her.

17 A: Uh-huh, (affirmative response).

18 Q: So, sometimes you just -- you just don't get a full
19 profile?

20 A: Yes; that's correct.

21 Q: Okay. I have no further questions.

22 THE COURT: Anything on those questions just asked?

23 MR. HARTE: Nothing further, Your Honor.

24 THE COURT: All right. Do you wish the witness to be
25 excused?

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ALYSHA BRELAND - REDIRECT BY RICHARDSON

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1 MS. RICHARDSON: Yes, Your Honor.

2 THE COURT: Any objection?

3 MR. HARTE: Without objection.

4 THE COURT: All right, ma'am. You are released from your
5 subpoena and may go back to your regular duties. Thank you.

6 MS. BRELAND: Thank you.

7 THE COURT: All right. Next witness by the state?

8 MS. RICHARDSON: Your Honor, the state rests.

9 THE COURT: All right. Very good.

10 BY THE COURT:

11 THE COURT: All right, ladies and gentlemen. The state
12 has finished its presentation of evidence in this case. At
13 this time in the case and every criminal case, there are
14 matters of law that I have to take up outside your presence
15 that I need to talk to the attorneys about. So, if you would
16 please go to your jury room, I'll call you out as soon as I
17 can. Thank you very much.

18 Remember, don't talk about the case.

19 (REPORTER'S NOTE: Jury exits courtroom @ 2:50 p.m.)

20 THE COURT: All right. I'm gonna take a very short break
21 and we'll come back in and then I'll hear from the defense at
22 that point in time. Thank you.

23 MR. HARTE: Thank you, Your Honor.

24 RECESS - 2:53 P.M.

25 *****OFF THE RECORD*****

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BY THE COURT

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1 THE COURT: All right. Very good.

2 All right, ladies and gentlemen. You've heard all the
3 evidence you're going to hear in this particular case. What
4 remains are the closing arguments of counsel and then the
5 charge on the law, the law that you will apply to the facts
6 and evidence you've heard in this case. As I told you at the
7 very beginning, opening statements, closing arguments, they're
8 not evidence. They cannot be considered by you as evidence in
9 the case. You've already heard that evidence. But, the
10 closing arguments are important. They are each side's
11 summation to you of what they believe the evidence has shown
12 to you during the course of this trial. Of course, what they
13 will be doing is asking you to return a verdict in a certain
14 manner. Remember, that you are the judges of the facts of
15 this case, and after the closing arguments I will give you the
16 law that you will apply to the facts and evidence you've heard
17 in the case, and then I will submit the case to you for your
18 deliberations and unanimous decision.

19 So, with that, Solicitor?

20 MS. RICHARDSON: May it please the Court?

21 THE COURT: Yes, ma'am.

22 CLOSING ARGUMENT BY MS. RICHARDSON:

23 MS. RICHARDSON: MINOR called this man her dad. He
24 had helped raise her and had been with her mom since she was a
25 baby, four months old. She was the oldest one, oldest child

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CLOSING BY RICHARDSON

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1 in this household. She called him dad. Officer Sparkman told
2 you when they came to get her, after her momma called the
3 police and they came to get her from the house, as she left,
4 she called him dad. She was 14 and he had sex with her. She
5 told you and her momma told you something kind of funny
6 happened a little before. He was seen coming out of her room,
7 she had no underwear on; mom's suspicions were raised. So,
8 when little A.B. [REDACTED] called and heard what she heard and
9 called the momma, then momma called the police, and that's how
10 we ended up here today.

11 Now, this isn't a case of us trying to find one person
12 out of the whole world with the DNA. This isn't a case where
13 somebody was snatched up off the street and we don't know,
14 let's take a profile and see who it matches. This isn't that
15 kind of case. This is the case where MINOR [REDACTED] told you what
16 happened to her; A.B. [REDACTED] heard it; the momma had seen
17 something before; and it was reported. This isn't a case
18 where were trying to pull a DNA profile out of the whole world
19 and figure out who the heck did this.

20 What is this DNA for? We're looking at corroboration.
21 We're looking at -- and I know she's a teenager and I know she
22 looks older now, but under our law she is a child. She is a
23 child; she is a minor. She is 14 years old. The decisions
24 she makes shouldn't be compared to the decisions of a grown
25 man trying to raise five children. And you know what the law

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CLOSING BY RICHARDSON

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1 says? The Judge is gonna tell you her actions don't matter.
2 There was a lot made of, well, how did she act; you know, who
3 gave who the melatonin and that sort of thing. It doesn't
4 matter. Under our law, she is a child, and she cannot consent
5 to sexual activity with a grown man; especially one that's
6 practically her daddy. She can't consent to it. So, get all
7 that out of your mind; it doesn't matter. All that matters is
8 did it happen, did it happen? Did he have sex with her?

9 So, let's look at what we have. What we have is the
10 momma told you something funny happened. And did the momma do
11 -- there was some made about DSS and that sort of thing.
12 She's got her children now. She was worried. Worried enough
13 so that, when another call came, she knew what to do; and she
14 called the police.

15 What did A.B. tell you? Now, this is A.B.'s
16 biological dad. What a horrible situation for child to be in.
17 I heard a movie. Guess what? What was laying on the dresser?
18 A movie, of porn. The TV was still on. I heard my sister,
19 and I heard my daddy, and I couldn't get in the room.

20 Momma said she was upset, shaking, crying, called her.
21 Momma knew immediately; came and called the police.

22 He gave them some melatonin. Middle of the day, just got
23 up, gave them some melatonin.

24 Guess what? (Shakes bag.) Melatonin. Doctor said she
25 acted sleepy. He told the detective, yeah, I gave them

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CLOSING BY RICHARDSON

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1 melatonin; corroborating what they already said.

2 We're not looking for one in a billion or a trillion.
3 Who was home? Momma said she works all the time, left him
4 with the children; he was home with the children. A.B. [REDACTED]
5 says it was daddy and us children. MINOR [REDACTED] says it was
6 Fredrick Williams and the children. When the officers get
7 there, who's there? Him and the kids. He says, yeah, it was
8 me and the kids.

9 Criminal sexual conduct, this is what he's charged with,
10 criminal sexual conduct in the second degree. The judge is
11 gonna explain to you the law and tell you what it means, but
12 criminal sexual conduct with a minor in the second degree, a
13 person guilty of this -- he engages in a sexual battery -- and
14 will come back to this -- with the victim who is 14 or less or
15 least 11. So, the victim is between 11 and 14. Well, that's
16 easy, everybody knows she was 14. So, the question is, did he
17 engage in a sexual battery? And I got this in blue, you know
18 how when you scroll the computer and click on something blue
19 it takes you to another link? Well, that's the way the law
20 is. Things have different meaning. When you think of sexual
21 battery, I tend to think of battery, but that's not what it
22 is. There doesn't have to be any force. The Judge is gonna
23 explain to you that under the law, this is what sexual battery
24 means. Sexual battery means any of these things, any of these
25 things. So, sexual battery can be sexual intercourse; that's

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CLOSING BY RICHARDSON

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1 a sexual battery. Cunnilingus, oral sex from male and female;
2 fellatio, oral sex from female on to male; annual intercourse
3 or any intrusion however slight of any part of a person's body
4 or an object into the genital or anal openings of another
5 person's body. And then the exception would be a doctor. I
6 mean, obviously, the doctor doing an exam is not gonna be
7 criminal sexual conduct. So, basically, even though it says
8 battery and it makes you think of battery, it doesn't require
9 any force. Battery just means that there was some sort of
10 penetration, sexual intercourse, or oral sex.

11 So, A.B. [REDACTED] testified that she heard what was going on.
12 MINOR [REDACTED] told you that he had intercourse with her. The
13 doctor told you that he examined her -- and, now, I understand
14 there was no outward trauma or anything like that, but he
15 explained to you that that's not always the case. That it's
16 kind of an old wives' tale and you can't always tell when
17 something like that has happened. But what was suspicious is
18 there was some fluid way deep in the vagina, close to the
19 cervix. The cervix -- most women who have had a child born
20 will understand that is where -- what holds the baby in during
21 pregnancy, but way deep in the vagina was the fluid, and
22 that's where he did his swabs. He did his swabs way up there,
23 not at the edge but deep, and those are the swabs that were
24 put into the sexual assault kit and sent to SLED. The nurse
25 testified she also collected her underwear. Now, you've heard

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CLOSING BY RICHARDSON

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1 testimony about a couple of different pairs of underwear.
2 There was some underwear on the floor, the pink underwear;
3 y'all remember seeing those by the bed. There was some other
4 underwear and clothing that was collected. We're not talking
5 about that. We're not talking about those weren't analyzed.
6 We're not talking about the clothes that came from the house.
7 We're talking about the panties, the underwear she had on that
8 she put on when she went to the hospital that she was wearing
9 before they did the exam. That's what was collected by the
10 nurse, and that's what you have the cuttings of, and that's
11 what was checked. So, the items of clothing that were
12 obviously closest to her private area, that's what was
13 checked. You heard her testify that she had taken a shower.
14 She had taken a shower before they got there because there was
15 some time -- momma had to come from Jamestown, remember.
16 There was some time between the time A.B. [REDACTED] called and they
17 came back.

18 So, what you will see with all this DNA stuff, okay, we
19 did have the condom. The condom wasn't either one of them;
20 she was on the packaging. You will see that there is a
21 difference in the statistics. There is a difference in the
22 statistics between on her profile that was compared to the
23 outside of that condom package and the profile that was
24 collected from her, her body and the underwear she had owned.
25 You'll see that one was really high, and it was 1 in 7500 as

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CLOSING BY RICHARDSON

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1 far as the DNA that was compared to him. Those are different
2 tests. Those are different kinds of tests. It's the why Y-
3 STR and then the full DNA. And the analyst explained that to
4 you that those are just different types of tests.

5 The evidence that came from her body, from inside of her,
6 you would expect it just to be an overwhelming amount, and
7 they had to separate out the part that was male. But again,
8 don't get bogged down in that. What that is his
9 corroboration. Did he have sex with her? He was the only one
10 there except for a little boy. He was the only one there
11 besides the little boy. And again, we're not trying to pull,
12 you know, some unknown person. This is corroboration of what
13 she said. She said he had sex with me. Everybody said he was
14 the only adult male at the house. He had sex with me. The
15 doctor said there was some fluid, I swabbed deep into the
16 vaginal area. The analyst said it's consistent with him, him.
17 We're not looking for some random guy off the street; we're
18 looking for corroboration of what she said. And the profile
19 consistent with him, male DNA, was found in her vagina and on
20 the underwear that she had on.

21 And again, the Judge is gonna tell you consent is not an
22 issue. Did he have sex with her? Did he have sex with her?
23 Look at how everything has lined up. You're gonna hear and
24 the Judge is gonna instruct you about reasonable doubt. The
25 Judge is gonna tell you that reasonable doubt is not every

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CLOSING BY RICHARDSON

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1 far-fetched possibility in the world. It's evidence that
2 taken together leaves you firmly convinced about what
3 happened, firmly convinced. We brought in all these people to
4 show you the care that was taken with the samples that were
5 taken. She was taken to the hospital pretty much immediately.
6 She did take a shower and we had to wait for the momma to come
7 down, but she was taken pretty much immediately. We're not
8 looking for one in a million. We're looking for who was in
9 that house, and it was him.

10 She trusted him. The momma trusted him. She'd known him
11 her whole life, this child, her whole life. Momma is working.
12 He is in the house with the kids, the only adult there. And
13 what does he do? He had sexual intercourse with a 14-year-
14 old, which the judge will tell you, cannot consent. This
15 isn't why; this is not who wanted it, who acted funny. This
16 is did it happen.

17 You saw these ladies, these children, come up here and
18 tell you that, and everything else confirms it. He was there,
19 the only one there, the only adult there. He did it, he got
20 told on. And I ask that you find him guilty of criminal
21 sexual conduct in the second degree.

22 Thank you.

23 THE COURT: All right. Mr. Harte?

24 MR. HARTE: Thank you, Your Honor.

25 CLOSING STATEMENT BY MR. HARTE:

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CLOSING BY RICHARDSON

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1 MR. HARTE: I'd like to start by thanking you for serving
2 on this jury this week.

3 In my opening statement, I told you about the burden of
4 proof. And the Judge is gonna instruct you on the law, so
5 listen to what the Judge says about the law. But, the burden
6 of proof is beyond a reasonable doubt, so let's talk about a
7 reasonable doubt. Okay? The state went through -- you heard
8 from several different officers from law enforcement. They
9 did their investigation. You saw pictures of the house, and
10 yet most of the clothes that was collected from law
11 enforcement were hand-delivered to them from Versheena Brown.
12 Those were the ones they collected; those are the ones they
13 tested. We've heard all kinds of testimony about melatonin.
14 When we got from Versheena Brown herself, MINOR
15 herself, as well as my client Fredrick Williams, everybody's
16 giving out melatonin. We heard from Versheena Brown there was
17 suspicions from a month before September 8 and yet she did
18 nothing. You even heard from Doctor Mayeaux here from
19 Tideland Hospital, he checked out MINOR, he said no
20 injuries, no trauma. He described her as domicile and
21 unemotional, and he's not the only one to do it. Nurse Hewitt
22 did it; Lieutenant Sparkman did it; they all said she was
23 docile and unemotional.

24 Now, you heard a lot about DNA. You went through the
25 chain of custody, that's a formality that has to be done. We

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CLOSING BY HARTE

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1 heard from a forensic scientist, and she talked a lot about
2 DNA. But, when the solicitor redirected her testimony, she
3 asked the forensic scientist, you can get DNA from one hand
4 and not get it from the other. How reliable can it be? The
5 forensic scientist said it could be a paternal relative. How
6 positive can you be -- how reliable can DNA be if that's the
7 case? Now, I'm asking you to hold true to the oath you took.
8 The burden of proof is beyond a reasonable doubt. So, if you
9 go back in that jury room, if you have questions, unanswered
10 questions, if you have issues, if you're just not quite sure
11 then you your verdict is not guilty.

12 Thank you.

13 CHARGE TO JURY:

14 THE COURT: All right, ladies and gentlemen. It's now my
15 duty and responsibility to give you the law that you will
16 apply to the facts and evidence you have heard in this
17 particular case. I told you at the very beginning that I
18 would not indicate to you in any fashion what I thought the
19 facts of the case were. It's not my job; it's not my
20 responsibility. It's your job and your responsibility. Now,
21 in that same vein, if you came into this courtroom with any
22 preconceived ideas of what the law is, what it ought to be,
23 what it should be, what you hope it would be, you'll disregard
24 that. You will take the law as I now give it to you and apply
25 it to the facts and evidence you heard in this case. I told

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CHARGE TO JURY

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1 you at the very beginning one of your jobs, duties, and
2 responsibilities was to judge the credibility and the
3 believability of the witnesses that came before you and
4 testified under oath. Remember, I told you you could believe
5 one witness against several, several against one, believe a
6 portion of what a witness says and disregard the remaining
7 portion. If you've got a good and sound reason for doing so
8 you can disregard in its entirety the testimony of a
9 particular witness. You look at whether or not they have
10 exhibited to you any kind of interest, motive, bias, prejudice
11 they might have. Also, the opportunity for knowledge; how did
12 they come about that information. You can consider their
13 demeanor. How did they appear when they testified before you?
14 Obviously, this is a mental exercise. We are asking you to
15 use your good common sense in looking at the facts and
16 evidence in this case. You don't have any friends to reward,
17 enemies to punish. Your verdict can't be the result of any
18 kind of passion, prejudice, or sympathy. It has to be an
19 examination of the facts and evidence presented.

20 Two types of evidence presented in this case, virtually
21 every criminal case, called direct and circumstantial. Direct
22 evidence, that's the testimony of a person who asserts or
23 claims to have actual knowledge of a fact; what I saw, what I
24 heard, what took place in my presence. Circumstantial
25 evidence is proof of a chain of facts indicating the existence

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CHARGE TO JURY

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1 of a fact. The law doesn't make any distinction between the
2 two, a greater degree of certainty over one of the other is
3 not required. But, to the extent that the state relies on
4 circumstantial evidence, the circumstances must be consistent
5 with each other, and when taken together point conclusively to
6 the guilt of the defendant beyond a reasonable doubt. During
7 the trial, you heard the testimony of a minor, a child. Where
8 a witness is a child, you must determine as with any witness
9 whether that testimony is credible or believable. You may
10 consider not only the things I talked to you about in deciding
11 credibility and believability but, in regards to a child or
12 minor, you have to and you may consider their age, their
13 ability to observe, remember facts, the child's ability to
14 understand and answer questions. Young children may not fully
15 understand what's happening in a court of law. It's up to you
16 to decide whether the child understood the seriousness of
17 appearing as a witness in a criminal trial, whether the child
18 has a good memory, understands the difference between a lie
19 and telling the truth and that young children may be
20 influenced by the way questions are asked is up to you to
21 decide whether the child understood the questions and answered
22 those questions truthfully. And again, you're judging their
23 credibility and believability.

24 I qualified two witnesses to give their opinion,
25 sometimes called expert witnesses. What we're doing is we're

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CHARGE TO JURY

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1 allowing them to give their opinion. Normally, we don't allow
2 people to give their opinion; they have to tell you this is
3 what I saw, this is what I heard, this is what took place in
4 my presence. But some witnesses by reason of their education,
5 experience, training, we'll allow them to give their opinion,
6 but that doesn't give them any special status. You judge
7 everybody's credibility and believability the same.

8 In this case, the defendant did not testify. I instruct
9 you and tell you the fact that the defendant did not testify
10 cannot be considered by you in any manner. You can't use it
11 mentally; you can't talk about it. It has no factor
12 whatsoever in your decision. Every defendant, every American
13 has the right to remain silent. It cannot be used against
14 them. And this will go into the point of the presumption of
15 innocence. The defendant doesn't have anything to prove to
16 you. I tell juries all the time defendants don't even have to
17 show up for trial because they don't have anything to prove.
18 They don't have anything to show to you. The state must prove
19 the defendant guilty beyond a reasonable doubt based upon the
20 evidence presented. So, that presumption of innocence I told
21 you about at the very beginning, it hasn't ended now. It does
22 not end unless and until you believe the state has proven to
23 you the guilt of the defendant of the crime charged beyond a
24 reasonable doubt. This presumption of innocence, we liken it
25 to a robe of righteousness that's placed on the shoulders of

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CHARGE TO JURY

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1 the defendant, and it stays on the shoulders of the defendant
2 unless and until the state can ripped that robe of
3 righteousness from the shoulders of the defendant by proof
4 beyond a reasonable doubt that convinces you of the guilt of
5 the defendant beyond a reasonable doubt. It's not just some
6 legal theory or phrase; it's a substantial right to which
7 every defendant, to which this defendant is entitled. And you
8 must be satisfied of the evidence of the defendant's guilt
9 beyond a reasonable doubt before you can find him guilty of
10 the crime charged.

11 So, what's reasonable doubt? The kind of doubt that
12 would cause an ordinary, reasonable person to hesitate to act.
13 Proof beyond a reasonable doubt is proof that leaves you
14 firmly convinced of the defendant's guilt. Now, there are
15 very few things we can know with absolute certainty, and the
16 law doesn't require the state of South Carolina to give you
17 that kind of proof. What is required is based upon your
18 consideration of the evidence you are firmly convinced the
19 defendant is guilty of the crime charged, you must find the
20 defendant guilty. On the other hand, if you are not firmly
21 convinced that the defendant is guilty of the crime charged,
22 you must give the defendant the benefit of the doubt and find
23 him not guilty.

24 So, what is the defendant charged with? The state has
25 charged the defendant with criminal sexual conduct with a

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CHARGE TO JURY

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1 minor, second degree. The state must prove beyond a
2 reasonable doubt that the defendant engaged in a sexual
3 battery with the victim. Sexual battery, that's intercourse,
4 cunnilingus, fellatio, anal intercourse; some kind of
5 intrusion, however slight, of a person's body or of any object
6 into the genital or anal openings of another person. The
7 state then has to prove beyond a reasonable doubt that the
8 victim was 14 years old or less but at least 11 years old.
9 Consent, willingness, indifference, ignorance on the part of
10 the minor, if any, as to what is taking place does not affect
11 this charge of criminal sexual conduct with a minor second
12 degree because an unmarried woman under the age of 16 cannot
13 legally consent to sexual intercourse. That's the law.
14 That's the law you will apply to the facts and evidence you've
15 heard in this case.

16 I've had prepared for you a verdict form. It's very
17 straightforward. It has the caption of the case, State of
18 South Carolina versus Fredrick Williams, criminal sexual
19 conduct with a minor in the second degree. On the charge of
20 criminal sexual conduct with a minor in the second degree, we,
21 the jury, by unanimous consent find the defendant -- there's
22 two choices. I have to put one before the other; don't assign
23 anything to that, I've got to put one before the other. Not
24 guilty or guilty.

25 So, Mr. Foreman, on the verdict form, you check the

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CHARGE TO JURY

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1 appropriate block, you sign your name, put the correct date,
2 indicate that's the unanimous verdict of the jury. Now, I've
3 said unanimous several times. It means exactly what you think
4 it means 12/0; not 11/1, 12/2, 10/2, any combination thereof.
5 It is the verdict of each and every member of the jury.

6 So, Mr. Foreman, you sign your name, you check that
7 block, you're telling the Court each and every member of the
8 jury agrees. So, after the clerk's representative reads the
9 verdict and she asked all members of the jury to confirm that
10 as their verdict by the raising of their right hand, all
11 members of the jury will be able to do so.

12 What I'm gonna ask that you do, Mr. Foreman, is take your
13 jury to the jury room. Madame Alternate, you stay with us.
14 The rest of you go with the foreman. Do not, do not begin
15 your deliberations until the bailiff hands to you the verdict
16 form and the exhibits. At that point in time, you may begin
17 your deliberations.

18 Mr. Foreman, take your jury to the jury room.

19 (REPORTER'S NOTE: Jury exits courtroom @ 3:42 p.m. The
20 following takes place outside the presence of the jury.)

21 BY THE COURT:

22 THE COURT: At this point in time from the state, is
23 there any reason I cannot excuse the alternate?

24 MS. RICHARDSON: No, Your Honor.

25 THE COURT: From the defense?

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BY THE COURT

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1 MR. HARTE: No, Your Honor.

2 THE COURT: Ma'am, I want to tell you I appreciate the
3 fact that you were the only alternate. As you saw, we had to
4 substitute one of you in there and it could've very well been
5 you just by drawing out the name. It happens more often than
6 we want, actually. But you served a valuable purpose I
7 appreciate very much. I'll excuse you from your jury service
8 for the week. And remember, you've got that three-year
9 exemption for coming back to Circuit Court jury duty. With
10 that, you are now excused. Thank you, ma'am

11 JUROR 154: Thank you.

12 THE COURT: Yes, ma'am. Do you have anything in the jury
13 room?

14 JUROR 154: No, sir.

15 THE COURT: All right. Very good. So, you can go out
16 the other -- that's great. Thank you.

17 JUROR 154: Go out that way?

18 THE COURT: Well, or you can go the back hall. Either
19 way, it doesn't really matter.

20 JUROR 154: Okay.

21 THE COURT: But if you want to go out back this way ---

22 JUROR 154: I'll go this way if that's okay?

23 THE COURT: Yes, ma'am. That'd be great; not a problem.

24 (REPORTER'S NOTE: Juror 154 is excused and exits courtroom @
25 3:43 p.m.)

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BY THE COURT

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1 MS. RICHARDSON: Yes, Your Honor.

2 THE COURT: Defense?

3 MR. HARTE: Yes, Your Honor.

4 THE COURT: All right. And to everyone in the courtroom,
5 as I always do, we asked this jury to do something they did
6 not volunteer to do. You will receive their verdict with
7 respect and silence. I will not tolerate any kind of show of
8 emotion. If you can't do that, please leave the courtroom.

9 Ask the jury to come in.

10 (REPORTER'S NOTE: Jury enters courtroom @ 3:54 p.m.)

11 VERDICT OF THE JURY:

12 THE COURT: All right. Mr. Foreman, has your jury
13 reached a verdict in this matter?

14 JUROR 44: Yes, we have, Your Honor.

15 THE COURT: Can you hand the verdict form to the bailiff,
16 please?

17 All right, ma'am. You may publish the verdict.

18 THE CLERK: 2019-GS-22-00267, State of South Carolina,
19 County of Georgetown versus Fredrick Williams, on the charge
20 of criminal sexual conduct with a minor in the second degree,
21 we the jury by unanimous consent find the defendant guilty.

22 THE COURT: All right. Ladies and gentlemen, if this is
23 your verdict, so indicate by the raising of your right hand.
24 You may put it down. All jurors having affirmed the verdict
25 by the raising of their right hand.

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SENTENCING

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1 MR. HARTE: Your Honor, apart from the past night ---

2 (REPORTER'S NOTE: Mr. Harte confers with defendant.)

3 THE COURT: All right. Well, I will mark the block about
4 being given credit for the time he has already served.

5 MR. HARTE: Thank you, Your Honor.

6 THE COURT: All right. 2019-GS-22-267, State of South
7 Carolina, County of Georgetown versus Fredrick Williams
8 regarding criminal sexual conduct with a minor, second degree,
9 based upon the evidence presented in this matter, the jury
10 having found you guilty of that crime, the sentence of the
11 Court is the defendant is committed to the State Department of
12 Corrections for a determinate term of 16 years. The defendant
13 is given credit for the time he has already served.

14 Thank you very much.

15 MS. RICHARDSON: Your Honor, just for the record, you
16 may've marked on the sentencing sheet ---

17 THE COURT: He is placed on the Central Registry for
18 Child Abuse and Neglect and the Sex Offender Registry is
19 required.

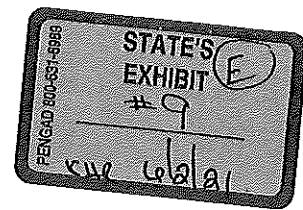
20 MS. RICHARDSON: And it's also a sexually violent
21 offense, Your Honor?

22 THE COURT: Yes, ma'am.

23 MS. RICHARDSON: Thank you.

24 MR. HARTE: Thank you, Your Honor.

25 **ADJOURNED - 4:08 P.M.**



SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Prepared for Release

By Sharon Hunt at 10:11 am, Nov 02, 2020

Chain Of Custody

L18-13827

Item 1 One (1) sealed clear sealed pouch containing Condom described as used condom w/lifestyle wrapper

Submissions

Submitted by

Johnell Sparkman of the Georgetown Police Department into Evidence Submission Lockers.

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
9/21/18	13:20	A	Forensic Technician	Jackie M. Davis
9/21/18	13:25	A	Evidence Room (150)	DNA Intake Shelf 69
10/8/18	9:27	A	Forensic Technician	Bethany D. Davidson
10/8/18	9:35	A	Forensic Technician	Verona T. Herrera
10/18/18	8:46	A	Forensic Technician	Doris Yarbrough
10/18/18	8:54	A	Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46	A	Forensic Technician	Charlotte Pitts
11/2/18	15:46	A	Forensic Scientist	Alysha J. Breland
2/27/19	16:57	A	DNA Department	DNA Return
3/4/19	9:58	A	Forensic Technician	Anglika Dodwani
3/4/19	15:10	A	Forensic Technician	Doris Yarbrough
3/4/19	15:15	A	Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48	A	Forensic Technician	Bethany D. Davidson

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

3/8/19 11:00 A Evidence Disposition Returned to Agency in person

Johnell Sparkman-Georgetown PD

Item 1.1: One(1) sealed heat sealed pouch containing Swab(s) described as Swabs from exterior (as submitted) of used condom

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:32		Forensic Technician	Verona T. Herrera
10/18/18	8:46	A	Forensic Technician	Doris Yarbrough
10/18/18	8:54	A	Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46	A	Forensic Technician	Charlotte Pitts
11/2/18	15:46	A	Forensic Scientist	Alysha J. Breland
2/27/19	16:57	A	DNA Department	DNA Return
3/4/19	9:58	A	Forensic Technician	Anglika Dodwani
3/4/19	15:10	A	Forensic Technician	Doris Yarbrough
3/4/19	15:15	A	Evidence Room (150)	Bin 9 Shelf B
3/8/19	10:48	A	Forensic Technician	Bethany D. Davidson
3/8/19	11:00	A	Evidence Disposition	Returned to Agency in person

Johnell Sparkman-Georgetown PD

Item 1.2: One(1) sealed heat sealed pouch containing Swab(s) described as Swabs from interior (as submitted) of used condom

Submissions

Item Chain of Custody

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:32		Forensic Technician	Verona T. Herrera
10/18/18	8:46	A	Forensic Technician	Doris Yarbrough
10/18/18	8:54	A	Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46	A	Forensic Technician	Charlotte Pitts
11/2/18	15:46	A	Forensic Scientist	Alysha J. Breland
2/27/19	16:57	A	DNA Department	DNA Return
3/4/19	9:58	A	Forensic Technician	Anglika Dodwani
3/4/19	15:10	A	Forensic Technician	Doris Yarbrough
3/4/19	15:15	A	Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48	A	Forensic Technician	Bethany D. Davidson
3/8/19	11:00	A	Evidence Disposition	Returned to Agency in person
				 Johnell Sparkman-Georgetown PD

Item 13: One (1) sealed heat sealed pouch containing Swab(s) described as Swabs from exterior of wrapper

Submissions

Item Chain of Custody

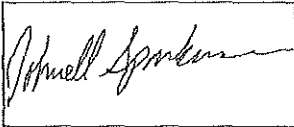
Date	Time	Container	Custody Of	Location / Person
10/8/18	11:32		Forensic Technician	Verona T. Herrera
10/18/18	8:46	A	Forensic Technician	Doris Yarbrough
10/18/18	8:54	A	Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46	A	Forensic Technician	Charlotte Pitts

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

11/2/18	15:46	A	Forensic Scientist	Alysha J. Breland
2/27/19	16:57	A	DNA Department	DNA Return
3/4/19	9:58	A	Forensic Technician	Anglika Dodwani
3/4/19	15:10	A	Forensic Technician	Doris Yarbrough
3/4/19	15:15	A	Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48	A	Forensic Technician	Bethany D. Davidson
3/8/19	11:00	A	Evidence Disposition	Returned to Agency in person
 Johnell Sparkman-Georgetown PD				

Item 2: One (1) sealed heat sealed pouch containing CSC kit described as Shaliyah Brown

Submissions

Submitted by

Johnell Sparkman of the Georgetown Police Department into Evidence
Submission Lockers.

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
9/21/18	13:20		Forensic Technician	Jackie M. Davis
9/21/18	13:25		Evidence Room (150)	DNA Intake Shelf 69
10/8/18	9:27		Forensic Technician	Bethany D. Davidson
10/8/18	9:35		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

10/18/18	8:54	Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46	Forensic Technician	Charlotte Pitts
11/2/18	15:46	Forensic Scientist	Alysha J. Breland
2/27/19	16:57	DNA Department	DNA Return
3/4/19	9:58	Forensic Technician	Anglika Dodwani
3/4/19	15:10	Forensic Technician	Doris Yarbrough
3/4/19	15:15	Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48	Forensic Technician	Bethany D. Davidson
3/8/19	11:00	Evidence Disposition	Returned to Agency in person
Johnell Sparkman-Georgetown PD			

Item 2: One (1) sealed white paper bag containing Panties described as Underwear

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:06		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pitts
11/2/18	15:46		Forensic Scientist	Alysha J. Breland
2/27/19	16:57		DNA Department	DNA Return

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

3/4/19	9:58	Forensic Technician	Anglika Dodwani
3/4/19	15:10	Forensic Technician	Doris Yarbrough
3/4/19	15:15	Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48	Forensic Technician	Bethany D. Davidson
3/8/19	11:00	Evidence Disposition	Returned to Agency in person
Johnell Sparkman-Georgetown PD			

Item 2.1.1: One (1) sealed white paper bag containing Cutting(s) described as Cutting of crotch of underwear

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:18		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pilts
11/2/18	15:46		Forensic Scientist	Alysha J. Breland
2/27/19	16:57		DNA Department	DNA Return
3/4/19	9:58		Forensic Technician	Anglika Dodwani
3/4/19	15:10		Forensic Technician	Doris Yarbrough
3/4/19	15:15		Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48		Forensic Technician	Bethany D. Davidson

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

LI8-13827

3/8/19 11:00 Evidence Disposition Returned to Agency in person

Johnell Sparkman-Georgetown PD

Item 2.2: One(1) sealed white envelope containing Vaginal swab(s) described as Vaginal swabs

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:06		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pitts
11/2/18	15:46		Forensic Scientist	Alysha J. Breland
2/27/19	16:57		DNA Department	DNA Return
3/4/19	9:58		Forensic Technician	Anglika Dodwani
3/4/19	15:10		Forensic Technician	Doris Yarbrough
3/4/19	15:15		Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48		Forensic Technician	Bethany D. Davidson
3/8/19	11:00		Evidence Disposition	Returned to Agency in person

Johnell Sparkman-Georgetown PD

Item 2.3: One(1) sealed white envelope containing Oral swab(s) described as Oral swabs

Submissions

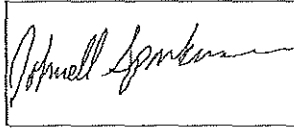
Item Chain of Custody

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:06		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pitts
11/2/18	15:46		Forensic Scientist	Alysha J. Breland
2/27/19	16:57		DNA Department	DNA Return
3/4/19	9:58		Forensic Technician	Anglika Dodwani
3/4/19	15:10		Forensic Technician	Doris Yarbrough
3/4/19	15:15		Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48		Forensic Technician	Bethany D. Davidson
3/8/19	11:00		Evidence Disposition	Returned to Agency in person
				 Johnell Sparkman-Georgetown PD

Item 2.4: One (1) sealed white envelope containing Rectal swab(s) described as Rectal swabs

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:06		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pitts

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

11/2/18	15:46	Forensic Scientist	Alysha J. Breland
2/27/19	16:57	DNA Department	DNA Return
3/4/19	9:58	Forensic Technician	Anglika Dodwani
3/4/19	15:10	Forensic Technician	Doris Yarbrough
3/4/19	15:15	Evidence Room-(150)	Bin 9 Shelf E
3/8/19	10:48	Forensic Technician	Bethany D. Davidson
3/8/19	11:00	Evidence Disposition	Returned to Agency in person
Johnell Sparkman-Georgetown PD			

Item 2-5: One (1) sealed envelope containing Suspected Saliva described as Suspected saliva swabs, right breast, right inner thigh

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:06		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pitts
11/2/18	15:46		Forensic Scientist	Alysha J. Breland
2/27/19	16:57		DNA Department	DNA Return
3/4/19	9:58		Forensic Technician	Anglika Dodwani
3/4/19	15:10		Forensic Technician	Doris Yarbrough

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

3/4/19	15:15	Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48	Forensic Technician	Bethany D. Davidson
3/8/19	11:00	Evidence Disposition	Returned to Agency in person
Johnell Sparkman-Georgetown PD			

Item 2.6 One (1) sealed white envelope containing fingernail scrapings described as fingernail scrapings

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:06		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pitts
11/2/18	15:46		Forensic Scientist	Alysha J. Breland
2/27/19	16:57		DNA Department	DNA Return
3/4/19	9:58		Forensic Technician	Anglika Dodwani
3/4/19	15:10		Forensic Technician	Doris Yarbrough
3/4/19	15:15		Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48		Forensic Technician	Bethany D. Davidson
3/8/19	11:00		Evidence Disposition	Returned to Agency in person
Johnell Sparkman-Georgetown PD				

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



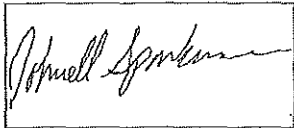
Chain Of Custody

L18-13827

Item 2.6.1: One (1) sealed white envelope containing Fingernail scrapings described as Left hand fingernail scrapings

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:07		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pitts
11/2/18	15:46		Forensic Scientist	Alysha J. Breland
2/27/19	16:57		DNA Department	DNA Return
3/4/19	9:58		Forensic Technician	Anglika Dodwani
3/4/19	15:10		Forensic Technician	Doris Yarbrough
3/4/19	15:15		Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48		Forensic Technician	Bethany D. Davidson
3/8/19	11:00		Evidence Disposition	Returned to Agency in person
				 Johnell Sparkman-Georgetown PD

Item 2.6.2: One (1) sealed white envelope containing Fingernail scrapings described as Right hand fingernail scrapings

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:07		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

10/18/18	8:54	Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46	Forensic Technician	Charlotte Pitts
11/2/18	15:46	Forensic Scientist	Alysha J. Breland
2/27/19	16:57	DNA Department	DNA Return
3/4/19	9:58	Forensic Technician	Anglika Dodwani
3/4/19	15:10	Forensic Technician	Doris Yarbrough
3/4/19	15:15	Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48	Forensic Technician	Bethany D. Davidson
3/8/19	11:00	Evidence Disposition	Returned to Agency in person
Johnell Sparkman-Georgetown PD			

Item 2.7: One (1) sealed white envelope containing Pubic hair combings described as Pubic hair combings

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:06		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pitts
11/2/18	15:46		Forensic Scientist	Alysha J. Breland
2/27/19	16:57		DNA Department	DNA Return

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

3/4/19	9:58	Forensic Technician	Anglika Dodwani
3/4/19	15:10	Forensic Technician	Doris Yarbrough
3/4/19	15:15	Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48	Forensic Technician	Bethany D. Davidson
3/8/19	11:00	Evidence Disposition	Returned to Agency in person
Johnell Sparkman-Georgetown PD			

Item 2.7.1: One(1) sealed white envelope containing Public hair combs described as Hair from public hair combs.

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/15/18	10:01		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pitts
11/2/18	15:46		Forensic Scientist	Alysha J. Breland
2/27/19	16:57		DNA Department	DNA Return
3/4/19	9:58		Forensic Technician	Anglika Dodwani
3/4/19	15:10		Forensic Technician	Doris Yarbrough
3/4/19	15:15		Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48		Forensic Technician	Bethany D. Davidson

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

3/8/19 11:00 Evidence Disposition Returned to Agency in person

Johnell Sparkman-Georgetown PD

Item 2.7.2: One(1) sealed white envelope containing Pubic hair combings described as Hair from pubic hair combings

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/15/18	10:01		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pitts
11/2/18	15:46		Forensic Scientist	Alysha J. Breland
2/27/19	16:57		DNA Department	DNA Return
3/4/19	9:58		Forensic Technician	Anglika Dodwani
3/4/19	15:10		Forensic Technician	Doris Yarbrough
3/4/19	15:15		Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48		Forensic Technician	Bethany D. Davidson
3/8/19	11:00		Evidence Disposition	Returned to Agency in person

Johnell Sparkman-Georgetown PD

Item 2.8: One(1) sealed envelope containing Victim Buccal Swabs described as Victim buccal swabs

Submissions

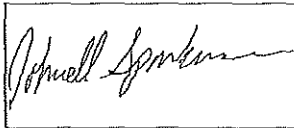
Item Chain of Custody

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:06		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pitts
11/2/18	15:46		Forensic Scientist	Alysha J. Breland
2/27/19	16:57		DNA Department	DNA Return
3/4/19	9:58		Forensic Technician	Anglika Dodwani
3/4/19	15:10		Forensic Technician	Doris Yarbrough
3/4/19	15:15		Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48		Forensic Technician	Bethany D. Davidson
3/8/19	11:00		Evidence Disposition	Returned to Agency in person
Johnell Sparkman-Georgetown PD				

Item 2.9: One (1) sealed heat sealed pouch containing Debris described as Debris collection

Submissions

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
10/8/18	11:07		Forensic Technician	Verona T. Herrera
10/18/18	8:46		Forensic Technician	Doris Yarbrough
10/18/18	8:54		Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46		Forensic Technician	Charlotte Pitts

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

11/2/18	15:46	Forensic Scientist	Alysha J. Breland
2/27/19	16:57	DNA Department	DNA Return
3/4/19	9:58	Forensic Technician	Anglika Dodwani
3/4/19	15:10	Forensic Technician	Doris Yarbrough
3/4/19	15:15	Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48	Forensic Technician	Bethany D. Davidson
3/8/19	11:00	Evidence Disposition	Returned to Agency in person
 Johnell Sparkman-Georgetown PD			

Item 3: One (1) sealed heat sealed pouch containing Buccal swab described as 2 cotton swabs containing a buccal sample from subject Fredrick Williams.

Submissions

Submitted by

Johnell Sparkman of the Georgetown Police Department into Evidence
Submission Lockers.

Item Chain of Custody

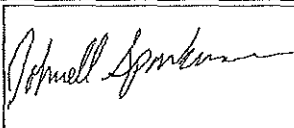
Date	Time	Container	Custody Of	Location / Person
9/21/18	13:20	A	Forensic Technician	Jackie M. Davis
9/21/18	13:25	A	Evidence Room (150)	DNA Intake Shelf 69
10/8/18	9:27	A	Forensic Technician	Bethany D. Davidson
10/8/18	9:35	A	Forensic Technician	Verona T. Herrera
10/18/18	8:46	A	Forensic Technician	Doris Yarbrough

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

10/18/18	8:54	A	Evidence Room (150)	DNA Intake Shelf 55
11/2/18	15:46	A	Forensic Technician	Charlotte Pitts
11/2/18	15:46	A	Forensic Scientist	Alysha J. Breland
2/27/19	16:57	A	DNA Department	DNA Return
3/4/19	9:58	A	Forensic Technician	Anglika Dodwani
3/4/19	15:10	A	Forensic Technician	Doris Yarbrough
3/4/19	15:15	A	Evidence Room (150)	Bin 9 Shelf E
3/8/19	10:48	A	Forensic Technician	Bethany D. Davidson
3/8/19	11:00	A	Evidence Disposition	Returned to Agency in person
 Johnell Sparkman-Georgetown PD				

Item 4: One (1) sealed heat sealed pouch containing Blood (Toxicology) described as labeled "BROWN, SHALTYAH, KATRICE"

Submissions

Submitted by

Johnell Sparkman of the Georgetown Police Department into Evidence
Submission Lockers.

Item Chain of Custody

Date	Time	Container	Custody Of	Location / Person
9/21/18	13:20		Forensic Technician	Jackie M. Davis
9/21/18	13:21		Evidence Room (150)	Tox evidence intake storage - ER150R1
9/24/18	8:45		Forensic Technician	Charlotte Pitts

SOUTH CAROLINA LAW ENFORCEMENT DIVISION



Chain Of Custody

L18-13827

9/24/18	8:46		Forensic Technician	Brooklynn Gonzalez
9/24/18	10:33		Toxicology Department	Refrigerator
9/26/18	13:49		Forensic Technician	Jessica Kapp
9/26/18	16:26		Toxicology Department	Refrigerator
10/5/18	14:05		Forensic Scientist	Celia K. Modell
10/5/18	15:07		Toxicology Department	Refrigerator
10/17/18	9:53		Forensic Scientist	Celia K. Modell
10/17/18	9:53	TX2018-00262	Toxicology Department	Refrigerator
4/6/19	13:15		Forensic Scientist	Kelly A. Bugden
4/6/19	13:17	TX2018-00337	Toxicology Department	Refrigerator
3/10/20	10:50	TX2018-00337	Forensic Scientist	Brooklynn Gonzalez
3/10/20	10:56	TX2018-00337	Forensic Technician	Vera Martinez
3/10/20	11:30	TX2018-00337	Evidence Disposition	Returned to Agency in person
Return to Johnell Sparkman - Georgetown PD				

WITNESSES

Georgetown Police Department

DOCKET NO. 2019GS2200267

The State of South Carolina

County of Georgetown

Alicia Richardson

18G00810

COURT OF GENERAL SESSIONS

MARCH, 2019 TERM

ARREST WARRANT NUMBER

2018A2220200524

CDR: 0161 §16-03-0653

DOI: 9/8/2018

THE STATE

vs.

FREDRICK WILLIAMS

HEMINGWAY, SC 29554-3794

DOB: [REDACTED] 1985

SSN: [REDACTED]

B / M

ACTION OF GRAND JURY

TRUE BILL

ATTORNEY: Madison C. Harte

Indictment for

**CRIMINAL SEXUAL CONDUCT
WITH A MINOR SECOND DEGREE**

Jimmy A. Richardson, II, Solicitor

Percy Stuel
Foreperson of Grand Jury
Date: 3/27/2019

VERDICT

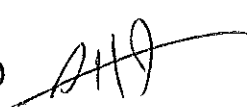
Foreperson of Petit Jury
Date:

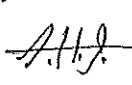
STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

INDICTMENT

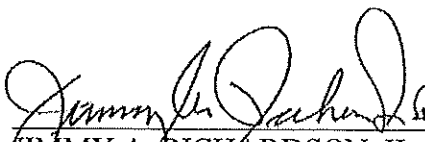
At a Court of General Sessions, convened on March 27, 2019 the Grand Jurors of Georgetown County present upon their oath:

CRIMINAL SEXUAL CONDUCT WITH A MINOR
SECOND DEGREE

CDR: 0396 16-03-0655(B)(t.) 

That Fredrick Williams did in Georgetown County, State of South Carolina, on or about September 8, 2018, willfully and unlawfully commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree by engaging in sexual battery with a minor who was at least fourteen (14) years or less but who was at least eleven (11) years of age, to wit: **MINOR**,  whose date of birth is  2004, in violation of Section 16-3-655(B) [formerly Section 16-3-655(2)], S. C. 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.

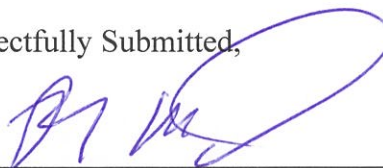

JIMMY A. RICHARDSON, II
FIFTEENTH JUDICIAL CIRCUIT

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."

RECEIVED**Jul 01 2022****SC Court of Appeals**

Respectfully Submitted,



Robert M. Dudek
Chief Appellate Defender

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

ATTORNEY FOR APPELLANT

This 1st day of July, 2022.