

VOLUME I OF II

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

ORIGINAL

Appeal from Greenville County

Honorable Perry H. Gravely, Circuit Court Judge

RECEIVED

THE STATE,

MAR 19 2020
RESPONDENT,
SC Court of Appeals

v.

RICHARD KENNETH GALLOWAY,

APPELLANT

APPELLATE CASE NO 2018-001806

RECORD ON APPEAL

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3 ALL EXHIBITS WERE RETAINED BY THE
4 GREENVILLE COUNTY CLERK OF COURT
5 May 14, 2018

6 THE COURT: All right, we're ready? All right,
7 this is The State vs. Richard Galloway. I believe
8 the Defense has a motion or wants to bring up
9 something?

10 MR. SHIPMAN: Your Honor, two things, actually.
11 One, as to Mr. Bass, Robert Bass, who I believe was
12 disqualified for the conviction. It's my
13 understanding he was convicted for failure to stop
14 for a blue light, which is a misdemeanor, but is
15 expugnable. That he, indeed, was disqualified from
16 service.

17 THE COURT: All right.

18 MR. SHIPMAN: And the second thing --

19 THE COURT: Hold on.

20 MR. SHIPMAN: I think we already released him.
21 But I would, at least, like to put an objection on
22 the record to that.

23 THE COURT: All right, he -- for the record, he
24 didn't come in and really making a big deal about
25 serving on jury duty with the jury coordinator
anyway. I'm -- but I -- based on what he indicated

1 to me, he did not qualify. The question to him was,
2 has anybody not had their record restored. But I'll
3 let you put it on the record if you need to.

4 MR. SHIPMAN: Your Honor, I'd just like to, you
5 know -- I don't know what the principle of law I'd
6 say this is under, but if he's -- I guess if his
7 records were expunged that that offense is eligible
8 for expungement after a certain period of time, then
9 I'd say he would be qualified to serve.

10 THE COURT: Wouldn't you have to at this point
11 make a showing now that his record was expunged?

12 MR. SHIPMAN: Your Honor, I can ask the clerk.
13 I don't know what county it would have been in.

14 THE COURT: I don't think there's any -- I mean,
15 I'll let you get -- you're on the record.

16 MR. SHIPMAN: Your Honor, I understand. I know,
17 I understand. I appreciate your patience with me on
18 that. The only other thing I have is that
19 Mr. Galloway is here. We asked a friend to bring
20 some clothes down from North Carolina so he would be
21 comfortable, not realizing that he was going to bring
22 short-sleeve shirts and Mr. Galloway has got his
23 prison bracelet on, it's bright orange. The deputies
24 said they can't cut it off, but I believe if you
25 order it to come off, they can rebook him in morning,

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perhaps, give a more reasonable bracelet.

THE COURT: I rely totally on the officers when they're secured. If they tell me they're fine with that, I'll do what they say, whatever their policy is. He can just keep his hands down.

MR. SHIPMAN: Just keep it covered.

THE COURT: Make sure he tries to keep his hands down.

MR. SHIPMAN: Yes, sir. I'll try to bring a long-sleeved shirt tomorrow. We might be able to get one from downstairs, if you'll indulge me.

THE COURT: All right. We'll work with you. Do you want to -- well, we'll go ahead and strike the jury.

All right. Anything else from the defense?

MR. SHIPMAN: No, sir, Your Honor, not yet.

MR. HOLLOWAY: Your Honor, just briefly. And I brought this up to Mr. Shipman late last week. It came to my attention on the indictments, the State is going to ask the Court to amend the date on the indictment, and this is why. On the -- so, Your Honor, there's three CSC first degree charges and one lewd act.

So as we know, an element of CSC first is the Defendant -- or the victim must be under the age of

1 11. When we put these indictments together, Your
2 Honor -- and the State intends to show through
3 testimony the victim was living with --

4 THE COURT: Do we need Mr. Galloway?

5 MR. SHIPMAN: You want me to get him out for
6 you?

7 THE COURT: I believe so, yes, sir.

8 MR. HOLLOWAY: Your Honor, now with Mr. Galloway
9 present, the dates on all four indictments are
10 between the first day of January 1988 and the 31st
11 day of July 1990. The victim in this case, Your
12 Honor, Ms. **Complainant** was born on November the
13 18th of 1978, meaning that **Complainant** turned 11 years
14 old on November the 18th of 1989.

15 So, for the purposes of a CSC first conviction,
16 the State is required to prove beyond a reasonable
17 doubt that she -- that these events occurred on the
18 three CSC first indictments on or before -- or before
19 November 18th, 1989. The State is just respectfully
20 requesting the Court to amend the dates on those
21 three indictments to include that so there won't be
22 any confusion with the jury.

23 THE COURT: So, you would basically change
24 between the period of -- right now, it says first day
25 of January 1988 through the 31st day of July 1990.

1 MR. HOLLOWAY: So, Your Honor, it would be
 2 between the first day of January 1988 and the 18th
 3 day -- or the 17th day of November, 1989. Because
 4 that was that last day she would have been 10 years
 5 old before turning 11.

6 MR. SHIPMAN: Your Honor, I believe that -- my
 7 understanding of the facts that the State's witnesses
 8 allege that these events went on from '89 to '91. I
 9 don't know if they're now planning to change that. I
 10 think this is highly prejudicial. I think, if
 11 anything, we'd have to change the charge to second
 12 degree, but that's not a lesser included. And so, I
 13 don't think there's any basis for amending those
 14 based on what I know about this case. Changing those
 15 charges at this late juncture is highly prejudicial
 16 to Mr. Galloway.

17 THE COURT: State's position?

18 MR. HOLLOWAY: Your Honor, the State's not
 19 changing the charges. It just merely wants to
 20 clarify. We're not trying to proceed under CSC
 21 second degree. We acknowledge that CSC second degree
 22 is not a lesser included. We are proceeding as
 23 indicted and -- or proceeded on the charges as
 24 indicted and merely just want to amend the date. We
 25 know that we have to prove that she was under the age

1 of 11. We just don't want there to be any confusion
2 with the jury whatsoever. I think there's been
3 sufficient notice. And all the discovery that's been
4 handed over, and Mr. Shipman and I have discussed
5 this, as to the exact incidents the State's referring
6 to and trying to capture, I don't think there's any
7 confusion here, Your Honor. It's just we want to
8 make sure -- between the parties that is. We just
9 want to make sure that the jury doesn't consider
10 something that they're not supposed to consider.

11 THE COURT: Anything further?

12 MR. SHIPMAN: Your Honor, I mean, I'm not sure
13 where we're going with this. If they can't prove
14 that two or three of them happened after 1989 -- or
15 before 1989, rather, this should be a dismissal with
16 prejudice, you know, since second degree is not a
17 lesser included ABHAN, common law ABHAN in these
18 allegations.

19 THE COURT: All right. I believe that -- I
20 mean, this is actually the opposite that I think the
21 courts have addressed when they say amended to a
22 broader area. Here, this is narrowing on the focus
23 and it -- you know, the indictment says was less than
24 11 years old. So I believe that, you know, based on
25 the indictment itself, would have been somewhat of a

1 notice. And I don't believe -- since it actually
2 narrows to time, I mean, without anything additional,
3 facts presented to the Court, I don't see how that's
4 prejudicial to the Defendant. So, I'm going to grant
5 the motion.

6 So, that would amend indictment 2017-GS-23-7926,
7 7927 and 7928. It would be amended to say -- to
8 change the date, would be the first day of
9 January 1988 to the 17th day of November 1989, is
10 that correct?

11 MR. HOLLOWAY: Yes, sir, Your Honor.

12 MR. SHIPMAN: Your Honor, if I may speak briefly
13 on this again. My concern here is that, you know,
14 now with this date being narrowed, there are
15 allegations by Ms **Complainant** that they continued beyond
16 that date in 1989. I don't want to come back and try
17 this case in a few months on a charge of second
18 degree from the greater time span that's just been
19 contracted. So, I think it could lend itself to
20 prosectorial abuse, I guess you could say, or, at
21 least, serial prosecution for the same offense that
22 he's been accused for over and over again. It would
23 be a hard time sorting this out considering how vague
24 the dates are for double jeopardy purposes. So, I
25 don't want to subject my client to that, have him

1 subjected to that. So, I'd like that as a objection
2 to the motion being granted, Your Honor.

3 THE COURT: I guess if that were an issue, that
4 can be address the next time.

5 MR. SHIPMAN: One last thing, a minor change,
6 the State is going to offer evidence of a string of
7 conduct that now is going to extend beyond this. You
8 know, they would like to introduce it under Lyle for
9 common plan and scheme and 404(b). That conduct goes
10 well beyond 1989, so I don't know how you can -- you
11 know, with Mr. Lyle's case, you know, I can refer you
12 back to that case. You know, he was -- the State --
13 or the court denied the admissibility of certain
14 event in Georgia that happened two weeks or so before
15 the events that happened in South Carolina because
16 they were so far disconnected to the time. I know
17 this will be a later issue, but I believe that this
18 now would be an issue as far as what's admissible
19 under 404(b).

20 THE COURT: Is that something -- is that
21 something we need to address at this point? I don't
22 know, I'd like to have a little more information. Is
23 that something that --

24 MR. HOLLOWAY: Your Honor, I think we can
25 address it after the jury is chosen and sworn. I

1 understand the consequences of jeopardy coming into
2 effect, but yeah, if there's -- Your Honor, there is
3 a string of what the State will call continuous
4 elicit conduct that we're going to seek to admit.
5 And I figured that we can certainly have a hearing on
6 it and the Court determine what's admissible and
7 what's not.

8 THE COURT: Let me ask you this, just because
9 there's a difference what it says. Also, indictment
10 2017-7929, the indictment says lewd act upon a child,
11 but the roster says criminal sexual conduct, third
12 degree.

13 MR. HOLLOWAY: Yes, sir, Your Honor. And
14 Ms. Troupe and I have spoke about that. The roster
15 printout is CSC, third degree, which is the new one.
16 But since these allegations are from '88 and '89,
17 yeah, from that time period, Your Honor, the lewd act
18 upon a child was in effect and the indictment is
19 correct, Your Honor.

20 THE COURT: All right, just making sure. And
21 that date would not be amended?

22 MR. HOLLOWAY: No, sir, Your Honor.

23 THE COURT: All right. Anything else before we
24 bring the jury in?

25 MR. SHIPMAN: Nothing.

1 THE COURT: All right. This is a ten and five?

2 MR. HOLLOWAY: Yes, sir, Your Honor.

3 THE COURT: All right. And I am handing -- I
4 have amended the indictments. All right. And I've
5 got the witness list and I believe there was a
6 request -- I've got kind of a standard voir dire for
7 these types of cases.

8 MR. HOLLOWAY: Your Honor, the standard voir
9 dire that the Court has is fine with the State.

10 THE COURT: I think I actually copied from John
11 DeJong.

12 Anything else from the Defendant?

13 MR. SHIPMAN: Your Honor, I believe we -- I
14 think I talked to Mr. Maubry about questions brought
15 up, anybody that's employed by or related to or
16 married to or close friends with law enforcement,
17 jailers or anything of that nature. Victims of
18 sexual assault and the same, extended family,
19 friends, relatives. And the same as far as domestic
20 violence goes, Your Honor.

21 THE COURT: All right. Okay. I've got -- I've
22 had sexual assault. You want domestic violence?

23 MR. SHIPMAN: Yes, sir, Your Honor.

24 THE COURT: All right. Anything else before I
25 bring the jury?

1 MR. HOLLOWAY: Nothing from the State, Your
2 Honor.

3 THE COURT: Anything else from the Defendant?

4 MR. SHIPMAN: No, sir, Your Honor.

5 THE COURT: All right. Ready to bring the jury.
6 We're going to have to, I guess, move some people.

7 BAILIFF: Yeah, y'all need to move outside.

8 (WHEREUPON, the jury venire enters the
9 courtroom.)

10 THE COURT: What we'll do is just let y'all know
11 when someone is selected, then y'all can basically go
12 back there and take their seats.

13 All right, ladies and gentlemen, we are now
14 going to start the jury selection process for the
15 State vs. Richard Kenneth Galloway.

16 All right. Now, I'm going to read you the
17 indictment and I always tell people the fact that I'm
18 reading from indictments, so these are merely
19 allegations by the State. Mr. Galloway has come in
20 here innocent, he's pled innocent to these charges
21 and it's up to the State, who has the burden of
22 proof, to prove these matters beyond a reasonable
23 doubt. Indictments are merely the formal papers,
24 which bring these matters before the Court.

25 Now, I'm going to have a series of questions to

1 make sure that jury selection -- they can be fair and
2 impartial to both the State and the Defendant. So,
3 that's the nature of these questions. But first I'll
4 read the indictments.

5 The indictments -- there's three separate
6 indictments for the charge of criminal sexual conduct
7 with a minor, first degree. That State -- that
8 Richard Kenneth Galloway did in Greenville County
9 between the first day of January, 1988 and the 17th
10 day of November 1989, commit a sexual battery on Complainant,
11 initials of the alleged victim, who was less than 11
12 years of age by digitally penetrating her vagina.

13 That -- the next indictment is that Richard
14 Kenneth Galloway did at 307 Highway 25 bypass in
15 Greenville County between the first day of January
16 and the 17th day of November 1989 commit a sexual
17 battery on Complainant, who was less than 11 years of age.

18 And then the third indictment is that Richard
19 Kenneth Galloway did in Greenville County between the
20 first day of January 1988 and the 17th day of
21 November '89 commit a sexual battery by performing
22 oral sex on Complainant, which was less than 11 years of age.

23 And then the fourth indictment for lewd act upon
24 a child, that between the first day of January, 1988
25 and 31st day of July 1990, being over the age of 14

1 years, willfully and lewdly commit or attempt a lewd
2 and lascivious act upon or with the body or it parts
3 of [redacted], a child under the age of 16 years, with the
4 intent of arousing, appealing to or gratifying the
5 lust, passions or sexual desires of himself or such
6 child.

7 All right, again, those are the indictments, the
8 matters before the Court.

9 First of all, at this time, Mr. Galloway, if you
10 could stand and just face the jury for a second just
11 so they can --

12 (The Defendant stands.)

13 THE COURT: All right. Thank you, sir.

14 All right. Is anyone related by blood or
15 marriage, or have any close personal, social or
16 business relationship with Richard Kenneth Galloway?
17 If so, please stand.

18 THE COURT: All right, there was no response.
19 If the attorneys could stand and introduce
20 themselves from the State.

21 MR. HOLLOWAY: Yes, sir, Your Honor.

22 Ladies and gentlemen, my name is Justin
23 Holloway. I work here at the 13th Circuit
24 Solicitor's Office. This my investigator Sherlen
25 Crawford. Very nice to meet you.

1 MR. SHIPMAN: No, sir, Your Honor.

2 THE COURT: All right. Anything else we need to
3 address then before lunch?

4 MR. HOLLOWAY: Your Honor, I don't know if we
5 need to address it before lunch or not. There are
6 some incidents, some other incidents of sexual
7 assault and battery that the victim experienced at
8 the hands of the Defendant that she's prepared to
9 testify to. The State believes that it would be
10 admissible under Rule 404(b).

11 THE COURT: All right. Let me look at that rule
12 on a couple of those cases, then we can address that
13 before opening statement. Anything any cases you
14 want me to look at because I'd like to --

15 MR. SHIPMAN: Your Honor, I believe Lyle is
16 still -- you know, 404(b), by my understanding, will
17 incorporate Lyle, so I believe that will still be
18 applicable to the case. I ask you to consider that
19 and kind of the timeframe that the court discussed in
20 that. I believe State v. Clasby, 385 S.C. 148.

21 THE COURT: What's the cite?

22 MR. SHIPMAN: State v. Clasby, 385 S.C. 148. I
23 don't know if the Court wants this on the record or
24 not. 682 S.E.2d --

25 THE COURT: That's fine, I found the South

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Carolina cite.

MR. HOLLOWAY: Your Honor, there have been a few cases, I do have those cites as well. State v. Kirton, 381 S.C. 7, 2008.

THE COURT: Okay.

MR. HOLLOWAY: State v. Edwards, 644, S.E.2d 66 in 2007. And then State v. Weaverling, 337 S.C. 460 from 1999.

THE COURT: All right, I'll take a look at that and we can address that just before opening statements.

Anything further then? Anything from the State?

MR. HOLLOWAY: Nothing at this time, Your Honor. There is an interview conducted by Investigator Bob Perry with Mr. Galloway. There has not been an agreement as of now between the defense and the State as to what redactions are appropriate. At this point, Your Honor, I don't believe we're going to be getting to that video at all today. So, it might be something we can take up at the end of the day or into tomorrow, or you would like to address it.

MR. SHIPMAN: Your Honor, Mr. Goldstein, who is outside, he will doing the cross-examination and preparing the proposed redactions --

THE COURT: Okay. Now, y'all discuss those.

1 Like I said, I don't like to get involved unless I
2 need to get involved.

3 MR. HOLLOWAY: Exactly, Your Honor. The State
4 has sent an email with our proposed redactions.

5 THE COURT: Well, that's something y'all can
6 discuss and see what it is and let me know.

7 MR. HOLLOWAY: Yes, sir, we'll certainly
8 continue to take it up between the two parties.

9 THE COURT: And I'll be glad to, I'm just saying
10 maybe y'all do as much as y'all can.

11 MR. HOLLOWAY: Certainly.

12 MR. SHIPMAN: Your Honor, as far as -- an
13 ancillary issue, but it's connected to it, but as far
14 as the interview goes with Mr. Perry, our position is
15 that if we dice up the videotape with all the chops
16 and cuts things like that highly prejudicial to the
17 jury. So, we ask audio only be given to the jury on
18 that.

19 THE COURT: All right. Again, that's something
20 we need to address at that time.

21 Anything else we need to be thinking about while
22 we go to lunch?

23 MR. HOLLOWAY: Your Honor, I don't think there's
24 any issues with any rape shield law or other prior
25 false disclosures.

1 THE COURT: Any issues, Mr. Shipman?

2 MR. SHIPMAN: Your Honor, my understanding is
3 that there may have been an adultery accusation in
4 the military. Ms. Long says that she suffers from
5 PTSD, and from my understanding that same thing --
6 there may also be another explanation for PTSD. I
7 don't know if I want to get into that for the
8 purposes of Lyle issue or anything of that nature,
9 Your Honor. But, perhaps, an alternate explanation.

10 THE COURT: All right. Anything else then?

11 MR. HOLLOWAY: Nothing further from the State,
12 Your Honor.

13 MR. SHIPMAN: Nothing further, Your Honor.

14 THE COURT: All right. Why don't y'all plan to
15 be back here at 1:30 so we can go over any matters
16 that we need to go over.

17 MR. HOLLOWAY: Yes, sir.

18 (WHEREUPON, a lunch break was taken.)

19 (WHEREUPON, State's Exhibits Nos. 1-15 were
20 marked for identification only.)

21 THE COURT: Mr. Shipman, this goes back to one
22 of your objections, I guess, on the juror that we
23 excused from the panel, Mr. Bass, or whatever. My
24 understanding, unless they've changed law, this is --
25 I thought about it later, unless they've changed the

1 law, misdemeanors are not expugnable, only
2 magistrate's court, unless they've changed it since I
3 practiced law.

4 MR. SHIPMAN: I believe first offense failure to
5 stop for a blue light is one of the few that goes
6 beyond that is expugnable without doing YOA.

7 THE COURT: Oh, okay. A non-Magistrate's court
8 offense.

9 MR. SHIPMAN: Without having to do YOA. And I
10 don't know if that was the law in '97 or not.

11 THE COURT: Okay. Because it used to be that
12 you could only expunge YOAs and municipal court
13 matters, back in the old days when I practiced law.

14 All right. I guess the only matter really that
15 we need to discuss is whether prior bad acts or
16 similar bad acts and so forth. You know, it's
17 really, and I always run into this, it's difficult to
18 make any type of meaningful decision from the bench
19 without getting more information or maybe even a
20 proffer of testimony at some point if it gets to
21 that. So, I think until we get to that point, I
22 mean, you're not going to talk about in your opening?

23 MR. HOLLOWAY: No, sir, I'm not going to go into
24 any specific details. Other than what -- just very
25 briefly as to what the State has the indicted.

1 THE COURT: All right. I guess at that point
2 that we need to address that, then raise it at that
3 point. Then, may need to be in the form of a
4 proffer. Because I've got to make a decision if
5 they're similar, you know, relevance and all of that
6 kind of analysis. I mean, I just can't do it based
7 on y'all. It's not like deposition testimony that
8 y'all have sitting out there. So, make sure at the
9 proper time we can discuss that.

10 As far as the redaction on the video, that's not
11 something you said you thought we'd get to today?

12 MR. HOLLOWAY: No, sir, Your Honor. That video
13 would come in through Investigator Bob Perry, who the
14 State thinks we'll probably get to tomorrow morning.
15 I spoke with Mr. Shipman, Mr. Goldstein after we had
16 stopped for -- had broke for lunch. We discussed
17 breaking that down again this evening and, hopefully,
18 maybe come to an agreement.

19 THE COURT: I'm sure -- y'all are three
20 reasonable attorneys. I think y'all can do it. I
21 really do. Maybe y'all can't and that's fine.

22 All right, anything else?

23 MR. SHIPMAN: Your Honor, I guess I'm not sure
24 what order we're going in here today. I don't know
25 if **Complainant** is going --

1 THE COURT: The State, they go first.

2 MR. SHIPMAN: Yeah, I'm aware of that. I'm not
3 aware how the State is going to proceed, Your Honor.
4 If **Complainant** is going to testify today, then we
5 would have to do a proffer, I believe, as mentioned.
6 So, I don't know if they're going to do that, and if
7 that's the case, we may very well be here until late
8 and may go ahead and send the jury home. If we
9 can -- I don't know. It depends on that. And I've
10 got another pre-trial motion if the mother is going
11 to testify today. So, I don't know which order
12 they're going to call witnesses in.

13 THE COURT: Well, I mean, if it's going to be a
14 pre-trial motion, it's got to be before trial, so you
15 need to make it now.

16 MR. SHIPMAN: Well, I've got a competency motion
17 for the mother's testimony that my understanding is
18 the last time this case was called, she was
19 hospitalized around the eve of trial and may have
20 been experiencing some mental illnesses that sounded
21 to me consistent with what I know about dementia.
22 So, I think that needs to be addressed before she's
23 able to testify.

24 THE COURT: Mr. Holloway?

25 MR. HOLLOWAY: Your Honor, the State's first

1 witness is going to be Detective Rebecca Lindler with
2 the Greenville City Police Department. The State
3 would then call Ms. Complainant who's the
4 victim. This witness is going to be Ms. Patricia
5 Waldrop, who's the victim's mother. Both Complainant
6 and Ms. Waldrop are here in court today in the first
7 row.

8 Ms. Waldrop was hospitalized in January of 2018.
9 However, she was released from the hospital within a
10 week, two weeks, within a week or two weeks. I've
11 spoke with Ms. Waldrop on the phone multiple times in
12 the past two weeks. I met with her yesterday. The
13 State has no concerns as to her competency. As the
14 Court's aware, all witnesses are presumed competent.
15 I believe she knows that when she's called as a
16 witness and takes the oath that it's her
17 responsibility to tell the truth and to answer the
18 questions posed to her by both myself and the defense
19 counsel truthfully. I think that's -- you know, that
20 is the test for competency as far as I know, or, at
21 least, the main concern.

22 THE COURT: All right. Let's -- well, let's go
23 ahead and -- there's no issues relating to anything
24 on the first witness, right?

25 MR. SHIPMAN: No, Your Honor.

1 THE COURT: All right, let's get started on that
2 and then we can take a break and address anything at
3 that point.

4 All right, ready for the jury from the State?

5 MR. HOLLOWAY: Yes, sir, Your Honor.

6 THE COURT: Anything else from Defendant?

7 MR. SHIPMAN: No, Your Honor.

8 THE COURT: All right, bring the jury in if
9 they're ready.

10 (WHEREUPON, the jury came into open court at
11 approximately 1:50 p.m.)

12 THE COURT: All right, ladies, and gentlemen, I
13 hope everybody had a good lunch. We will now begin
14 the case which y'all were selected for, The State vs.
15 Richard Galloway. I'm going to give you some opening
16 remarks, but before I do that, I'm going to ask that
17 the clerk administer the oath for this case.

18 THE CLERK: Would you please stand and raise
19 your right hand. The proper response is, I will.

20 (WHEREUPON, the jury was sworn.)

21 THE COURT: All right, I'm going to give you
22 some introductory remarks, just to kind of give you a
23 road map of what you will be expecting in the trial
24 of this case. I usually like to start off with
25 letting you know the different people in the

1 courtroom. You've already met the attorneys and
2 parties. But seated right in front of me is the
3 court reporter. She keeps the record and takes down
4 everything that is said in the courtroom, testimony,
5 providing a record there. The assistant clerk of
6 court is in charge of the record. To my right is my
7 law clerk, who assists me with the research in this
8 trial. But the most important people for your
9 benefit are the bailiffs. The nice-looking gentleman
10 and nice-looking lady here in the red coat. If y'all
11 have any questions, any information, please direct
12 that to the bailiffs. If there's anything that we
13 need to respond to, the bailiffs will let us know.
14 Any questions, comments anything, please discuss with
15 them.

16 Your role as jurors is to decide what the facts
17 in this case are. As the judge, my role is to
18 determine what the law that applies here, to rule on
19 the admissibility of the evidence and to preside over
20 the trial. But nothing I do or say should influence
21 you in what the facts are. I'm not to have any
22 opinion about the facts. If anything I say or do
23 throughout this trial makes you think I have an
24 opinion of the facts, disregard that. Because that's
25 your job to determine what the facts are on this

1 case.

2 I'm going to ask that you not take notes. This
3 is not the kind of case that I think you will need to
4 take notes. And part of the reason in that is I want
5 to make sure you're paying attention to each witness.
6 Because you're going have to determine the
7 credibility of all witnesses, and that's the
8 believability. Part of that is making sure that you
9 pay very close attention to all evidence that is
10 presented.

11 Usually, the -- as I told you when we were
12 qualifying the jury, this is very important, you
13 heard references to indictments. And the fact that
14 somebody is charged, they're arrested, they're
15 indicted is not something for your consideration.
16 These are merely the allegations, the formal paper
17 that brings this matter before the court.

18 Mr. Galloway has pled not guilty to these
19 charges. And therefore, that puts the burden of
20 proof on the State. And the burden of proof in any
21 criminal case in this state is beyond a reasonable
22 doubt. That's what you will be determining. It's up
23 to the State, they have the burden of proving each
24 element of crimes charged beyond a reasonable doubt.
25 And I'll give you some more information and define

1 those a little further in the closing portion of the
2 trial, what we call a jury charge.

3 And it's very important as you go through this
4 case, to not discuss the case among yourselves or
5 family member when we break at night. Because you're
6 not supposed to making up your mind until you go back
7 to the jury room and you begin your deliberations.
8 And that's real important to hear all the evidence
9 and hear the law which applies to this case. You may
10 have an idea what you think the law is in this
11 matter, but you're to disregard that and apply the
12 law that I tell you what it is at the end of the
13 case. You will -- so it's important not to discuss
14 the case.

15 It's also very important that you not do any
16 type of research on your own. That's totally
17 prohibited. And the reason is that's getting
18 information that's not presented under our rules that
19 apply to this courtroom. You know, that goes for the
20 parties, the attorneys, anything about the law.
21 Everything that you will need to make a decision on
22 the facts will be presented to you in this courtroom.

23 I'm not aware of any media coverage in the
24 matter, but if there should be, you know, newspaper,
25 radio, TV, social media, obviously, that's always out

1 there, but y'all are to disregard that because,
2 again, that's going outside this courtroom.

3 Throughout the trial, I do not expect that you
4 will be contacted by anybody, but I always tell
5 people -- this is one of my four things I always tell
6 people when we break, and that is, if you are
7 contacted by anybody other than the clerk's office,
8 then provide that contact information to the
9 bailiffs.

10 Kind of like our schedule here, let me kind of
11 let you know how the trial goes, we have opening
12 statements by the attorneys. Then we have the
13 evidentiary phase, and that's either by testimony,
14 exhibits, sometimes stipulations. Then at the
15 conclusion of the trial, we have closing arguments,
16 then we'll have jury charge. Then after all that,
17 the jury will go back and that's when you will begin
18 discussing the case.

19 Based on what the attorneys have indicated to
20 me, this case will last tomorrow and possibly go into
21 Wednesday morning. The problem is, it is sometimes
22 difficult to judge how long a case is. Even
23 experienced lawyers, it's very difficult to determine
24 exactly how long. But I don't expect it to last all
25 week and it's not something that's going to go into

1 next week or anything like that. But it looks like
2 we'll possibly go into sometime Wednesday morning.

3 As far as breaks, first of all, I want to say,
4 if anybody needs a break at any time, you know, kind
5 of indicate, signal to the bailiff that you need
6 to -- and we realize this is an inconvenience to you.
7 We try to make it as convenient as possible. We will
8 stop, we'll take a break as soon as possible if you
9 indicate that you need a break.

10 Normally, we try to run for about an hour to
11 hour and a half between breaks. But sometimes, that
12 kind of depends on where we are with witnesses.
13 Sometimes after one witness, we may take a break to
14 go over some matters that need to go over outside
15 your presence.

16 We try to stop somewhere around 5:00, as close a
17 possible to that. If we're going to go beyond that,
18 we will consult with you first. I like to make sure
19 that hey, we may need to go a little later one
20 particular day and make sure that doesn't present any
21 significant problems and you can make any
22 arrangements. We usually start about 9:30 in the
23 mornings, and we break about -- somewhere between --
24 we try to shoot somewhere between 12:30 and 1:00. A
25 lot of time, that also depends on where we are with

1 witnesses. Because, you know, witnesses, some
2 witnesses that may have other jobs going on and
3 they're having to juggle that, sometimes we have to
4 work with their schedules. So, in other words, those
5 are our kind of guidelines, but we have to be
6 flexible and I would appreciate if you are flexible
7 as well.

8 I try to keep my jurors as informed as possible.
9 We do take breaks sometimes. Sometimes under our
10 rules of evidence, it's more efficient for us to send
11 you out to discuss exactly how something may be
12 presented and then bring you back in, so that's
13 what's going on there at various times.

14 So, with that being said at this point, I'm
15 going to turn it over to the attorneys for opening
16 statements.

17 Mr. Holloway.

18 OPENING STATEMENT

19 MR. HOLLOWAY: Thanks, Your Honor, may it please
20 the Court?

21 As His Honor said, these four pieces of paper,
22 these pieces of paper, they were our tickets to get
23 in here. The reason why we're really here is because
24 of these two ladies and because of Mr. Richard
25 Galloway.

1 Now, this is Complainant Complainant
2 was born on November 18th, 1978. This is her mother,
3 Ms. Patricia Waldrop. This is Mr. Richard Galloway.
4 Mr. Galloway used to date Ms. Waldrop. In fact,
5 Mr. Galloway, before he dated Ms. Waldrop was married
6 to Ms. Waldrop's sister, Connie. The time period, as
7 you heard in these indictments, that is really at
8 issue in this case is about the time of 1987, 1988 to
9 1990, 1991, that's this course of conduct that we're
10 going to talk about here, okay. But what we really
11 need to focus on for the purpose of three of these
12 indictments especially is the time period between
13 January the 1st of 1988 and November the 17th of
14 1989. And the reason is because on November the 17th
15 of 1989 was the last day before Complainant who at
16 that time was Complainant her father's last name
17 is Harold, her father is Robert Harold, on
18 November 18th, 1999 is when she turned 11 years old.

19 Now, there are three counts of criminal sexual
20 conduct in the first degree. Criminal sexual conduct
21 in the first degree is when an adult engages in a
22 sexual battery of a minor who is under the age of 11
23 years old. His Honor, he just told you this is
24 opening statements. We're going to have the
25 presentation of evidence, then we're going to have

1 closing arguments. After that, His Honor will
2 instruct you on the law and give further explanation
3 and expound upon what all that means.

4 A sexual battery, though, is an intrusion,
5 however slight, of the vaginal area, including the
6 anus also includes oral copulation, which I'm going
7 to refer to as oral sex. So, oral sex or an
8 intrusion, however slight, of the vagina area would
9 count as a sexual battery. It's my responsibility,
10 it's the State's burden to prove that Mr. Galloway,
11 in fact, committed a sexual battery, three of them,
12 on Ms. **Complainant**, who at that time was **Complainant**,
13 before she turned 11 years old.

14 And the fourth charge is lewd act upon a child.
15 It's very similar, but it's a little more expansive.
16 It's where an individual commits a lewd act upon a
17 minor, a minor being less than 16 years of age, which
18 is why in that indictment, the timeframe is January
19 the 1st of 1988 until the 31st of July 1990. And
20 they did so to gratify sexual passion. We'll focus
21 more on that as we go through. However, if you're
22 going to commit a lewd act, a lot of times, I think
23 it goes through that as sexual gratification purpose.

24 What brings us here today is a story that is
25 almost difficult to fathom when you first hear it.

1 It's a story that I have talked to Complainant about
2 that at length, that I tried to get my head around.
3 When she testifies today, there will probably be
4 times which you think to yourself could this really
5 have happened? And it's not just dealing with the
6 acts, the sexual acts, but it's the whole situation.
7 It's the relationship between Ms. Waldrop, the
8 relationship with Mr. Galloway. You'll hear at the
9 time that Complainant had a younger brother, Clifton,
10 and she also had a couple half brothers who were in
11 and out.

12 It's May 14th of 2018. This happened almost 30
13 years ago. So, you're going to hear about the idea
14 of delayed disclosure in these sexual assault cases,
15 that's certainly what it is. And being a delayed
16 disclosure, as you can probably guess, law
17 enforcement couldn't go back in time. The
18 investigator in this case, Investigator Bob Perry,
19 he'll testify, he spoke and he interviewed
20 Mr. Galloway during the course of the investigation.
21 He will testify. As you can probably presume,
22 there's no way to go back and get forensic evidence,
23 which is what makes these crimes so hard to prove,
24 which is what makes your job really focused on
25 weighing the credibility of the testimony you hear.

1 Those pieces of paper are of no effect. What I
2 say to you right now is of no effect. What you guys
3 are going to make your determination on is the
4 testimony of **Complainant** of **Complainant** Investigator
5 Bob Perry and, very likely, a lady name Ms. Shauna
6 Galloway-Williams with the Julie Valentine Center. I
7 implore you that when we do that, think back to how
8 you remember timeframes.

9 MR. SHIPMAN: Objection.

10 THE COURT: Yes.

11 MR. SHIPMAN: Your Honor, I think we've got a
12 matter to take up outside the presence of the jury.

13 THE COURT: All right. Ladies and gentlemen,
14 I'm going to ask that you step out at this point and
15 we'll bring you right back in as soon as possible.
16 Thank you. Do not discuss the case.

17 (WHEREUPON, the jury left open court at
18 approximately 2:03 p.m.)

19 MR. SHIPMAN: Your Honor, I believe we're about
20 to get into a Golden Rule violation here. He's asked
21 the jury to put themselves in the mind of a child.
22 And I think -- vicariously is wrong here. I think --
23 I don't think he's already overstepped that line, but
24 I would ask you to caution him to avoid that line of
25 argument, Your Honor.

1 THE COURT: All right.

2 MR. HOLLOWAY: Your Honor, I think I said think
3 back to how you remember timeframes, but I can go
4 across from that. I don't believe that I went into
5 put yourself in position of the victim here.

6 THE COURT: All right. Like I said, you know,
7 I'm sure you're aware of the rules.

8 MR. HOLLOWAY: Yes, sir.

9 THE COURT: Make sure you don't cross that line.

10 MR. HOLLOWAY: Yes, sir.

11 MR. SHIPMAN: Thank you, Your Honor.

12 THE COURT: All right. If they're ready, bring
13 them in.

14 Hold on just a second.

15 Yes?

16 MR. SHIPMAN: This just struck me here. If
17 we're going to talk about timelines and delayed
18 disclosure, anything like that, if we're going to get
19 any territory of any experts, that we don't know
20 what's going to be admitted and what their testimony
21 is going to be about that. So, I ask him not to
22 speculate too much about the ability of the child
23 remembering or anything of that nature as well before
24 the jury.

25 MR. HOLLOWAY: Noted, Your Honor.

1 THE COURT: All right. Anything else before we
2 bring them back in?

3 MR. HOLLOWAY: No, sir.

4 MR. SHIPMAN: No, sir..

5 THE COURT: All right.

6 (WHEREUPON, the jury came into open court at
7 approximately 2:06 p.m.)

8 THE COURT: All right, Mr. Holloway, you may
9 proceed.

10 MR. HOLLOWAY: Thanks, Your Honor.

11 One of the more aggravating, but one of the more
12 necessary things that will happen throughout the
13 course of this trial is sometimes, there will be
14 matters that we need to take up outside the presence
15 of the jury. I kind of think of it as when a coach
16 goes out and visits a pitcher on the mound, there's a
17 break in the action. So, I appreciate y'all's
18 patience.

19 What we're going to do going forward is
20 **Complainant** and I are going to break down a lot of
21 these different times frame based on where she was at
22 school. That's the way that she's been able to
23 remember exactly when this occurred.

24 But in closing, all I want to say is keep in
25 mind the nature of this crime, keep in mind the

1 allegations. The nature being, one that's typically
2 done in private. Sexual relations in and of
3 themselves are private between people and sexual
4 relations of this nature would certainly be done in
5 private. So, we're going to hear Complainant get up
6 here and she's going to bear her soul in front of
7 you.

8 We appreciate you being here with us today and
9 allowing us to come to a resolution in a case that's
10 coming on 30 years old. I look forward to the
11 presentation of our case and the ability to talk to
12 y'all again in closing arguments.

13 THE COURT: All right, Mr. Shipman.

14 OPENING STATEMENT

15 MR. SHIPMAN: Thank you, Your Honor, may it
16 please the Court?

17 I'm a storyteller by nature. I tend to focus on
18 emotion rather than on dry facts. Those are the
19 words the State's star witness written to the State's
20 lead investigator. Emotion makes a good story, that
21 much is true, but proof comes from facts. You're
22 about to get a whale of a story. I believe the
23 solicitor tried to tell you that himself. As
24 advertised, it's going to be long in emotion and
25 short on fact. But facts are stubborn things.

1 This story starts somewhere around 1989.
2 **Complainant** **Complainant**, as she's known, is going to
3 be the hero of the story, our guide, our narrator
4 through what she alleges to be Richard Galloway's
5 random terror, the like of which Greenville County
6 may have never known if you believe this story. This
7 is a story complete with car chases and shooting,
8 kidnapping and **Complainant** daring nighttime solo mission
9 to rescue her little brother before she was even 11
10 or 12 years old. And just when you think it's all
11 over, there's even a cliff hanger. See, after **Complainant**
12 and her family make their dramatic escape from the
13 clutches of Mr. Galloway, he manages to find them and
14 show himself one more time before he faded away.
15 Because a villain in a good story never really fades
16 away. It's all better to make a good story. It's an
17 explosive story. And Mr. Holloway wants you to
18 believe it's true because he's going to go into the
19 sequel here today. It's, perhaps, the final chapter.
20 And like the other, it's long in emotion and short on
21 fact.

22 Facts are stubborn things; whatever may be our
23 wishes, our inclinations or the dictates of our
24 passions, they cannot alter the state or facts and
25 evidence. Those words were delivered by future

1 president John Adams in a courthouse in Boston,
2 Massachusetts in 1770. He rose in the defense of
3 Captain Thomas Prescott, who was a Red Coat soldier
4 who was accused of murder for giving the order to
5 fire what we now know as the Boston Massacre. John
6 Adams was the only lawyer in the colony of
7 Massachusetts who was there to represent him. You
8 see the king that's over here terrorized the people
9 of Massachusetts because they dare to rebel against
10 his ways, his tactics -- his will and his tactics.
11 Eventually, violence broke out in Boston. Even at
12 the trial, the Red Coats are still on every street
13 corner. So, you can imagine the scene that day when
14 Mr. Adams rose to defend Mr. Prescott. The bodies of
15 the American dead were fairly cold when he rose to
16 address them. A swift conviction and a public
17 hanging would have been the easiest thing to do back
18 in 1770. But facts are stubborn things and so is the
19 law.

20 Without proof by evidence of guilt beyond a
21 reasonable doubt, the law demands a jury to acquit,
22 that means it commands the jury to find the accuser
23 not guilty. Every man is presumed innocent unless
24 the government can prove to every member of a jury,
25 every single one of you that he's guilty of every

1 single reasonable doubt. That safeguard is older
2 than the foundation of this country itself. It's the
3 hallmark of the American justice system. And the law
4 is as stubborn today as it was in 1770 when the jury,
5 angry, rebellious, terrorized Bostonians found the
6 Red Coat captain not guilty, even though he was a
7 hated agent in a far away country, because the
8 government failed to prove its case. Because facts
9 are stubborn things.

10 Richard Galloway is not a saint. He's not here
11 to get the key to the city. He's almost 70 years old
12 now. He's a little rough around the edges. He's
13 from an older breed. You don't see many people like
14 him around Greenville anymore before all the nice
15 buildings went up and nice parks. He's not here to
16 ask you for praise. We're not here to decide if he's
17 even a nice guy, much less citizen of the year.
18 We're here for justice. We're here to decide if the
19 government can prove its case beyond every last
20 reasonable doubt. This case is not about emotion,
21 this case is not about Richard's character. It's
22 about facts and law and whether the government can
23 prove its case beyond a reasonable doubt and whether
24 it can prove the allegations in the indictments.

25 So, every time we get away from the indictment,

1 bear that in mind, facts are stubborn things and the
2 law is a stubborn thing. Everyone accused of a crime
3 is presumed innocent. And everyone means everyone.
4 The protection of the law makes no distinction on
5 people. It shows no favoritism, whether you're rich
6 or poor, high or low, loved or hated, everyone in
7 this room is presumed innocent unless they're proven
8 guilty. So, when the government fails to remove
9 every last reasonable doubt from your mind, when the
10 government's proof fails on the facts, the law and
11 justice and your oath demands you do nothing less and
12 nothing more than find Mr. Galloway not guilty.

13 **Complainant** has joined us today from Missouri.
14 Missouri, as you know, is a show me state, we're
15 standing in a show me court. Demand proof, show me
16 the facts when the government fails do justice.
17 Thank you.

18 THE COURT: Mr. Holloway, call your first
19 witness.

20 MR. HOLLOWAY: Thank you, Your Honor, the State
21 would call Detective Rebecca Lindler.

22 THE CLERK: Ma'am, please pause at the end of
23 the bench, place your left hand on the Bible and
24 raise your right hand.

25 REBECCA LINDLER, after being duly sworn,

REBECCA LINDLER-DIRECT BY MR. HOLLOWAY

1 testified as follows:

2 THE CLERK: Thank you, please be seated. State
3 your name for the record.

4 THE WITNESS: Rebecca Lindler.

5 THE CLERK: Thank you.

6 DIRECT EXAMINATION

7 BY MR. HOLLOWAY:

8 Q Detective Lindler, where are you employed?

9 A Greenville City Police Department.

10 Q How long have you been employed with the City
11 Police Department?

12 A Twenty years.

13 Q What unit are you currently assigned to?

14 A Family crime.

15 Q Can you tell us a little bit about the family
16 crime unit?

17 A I work crimes against children, domestic
18 violence, elder abuse cases.

19 Q In general, how do crimes against children come
20 to your attention? Get reported?

21 A Usually, it's either a mandated reporter from a
22 school, DSS, the child themselves will -- if they're old
23 enough will sometimes call. But we do have adults call.

24 Q And when adults call, are they -- what kind of
25 cases are they typically reporting when they're the

REBECCA LINDLER-DIRECT BY MR. HOLLOWAY

1 victim?

2 A Delayed disclosures.

3 Q What is a delayed disclosure? Can you expound
4 upon that a little bit for the jury?

5 A It just means that an abuse for the victim
6 happened not in the present time, and they're reporting it
7 delayed. Whether it's six months or 30 years.

8 Q In your time as a detective investigating crimes
9 against children, in your experience, have you found delay
10 disclosure cases to be common or, at the very least, not
11 uncommon?

12 A They're not uncommon. We get quite a few.

13 Q And have you personally investigated a delay
14 disclosure case?

15 A I have.

16 Q Are you familiar with the case we're here for
17 today?

18 A I am.

19 Q Do you know how this case was initially
20 reported?

21 A A letter was sent to our chief of police and
22 they, of course, give it to the proper division. I read
23 the letter and called the lady that was listed on the
24 letter.

25 Q And do you remember if the allegations in this

REBECCA LINDLER-DIRECT BY MR. HOLLOWAY

1 case occurred within Greenville City's jurisdiction?

2 A No, they did not. Working for the City of
3 Greenville, I have to establish jurisdiction because I
4 don't have arrest powers in the county. So, I first make
5 sure that that incident happened in my jurisdiction.

6 Q And if a case did not occur in your
7 jurisdiction, what would be your procedure, what would you
8 do?

9 A I would contact the agency that has that
10 jurisdiction, whether it's Greenville County, Pickens
11 County, Anderson County and refer that case to them.

12 Q Did you do that in this case?

13 A I did.

14 Q Okay. Do you know what agency you referred it
15 to?

16 A Greenville County Sheriff's Office.

17 MR. HOLLOWAY: Thank you, no further questions.
18 Please answer any questions that defense counsel may
19 have for you.

20 MR. SHIPMAN: No questions, Your Honor.

21 THE COURT: All right, you can step down.

22 MR. HOLLOWAY: Thank you, Detective Lindler.
23 Your Honor, may Detective Lindler be excused
24 from her subpoena?

25 THE COURT: Any objection?

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1 MR. SHIPMAN: No, Your Honor.

2 THE COURT: All right, you may be excused.

3 MR. HOLLOWAY: Your Honor, the State next calls

4 Ms. **Complainant**

5 MR. SHIPMAN: Your Honor, I have a matter to
6 take up.

7 THE COURT: All right. Ladies and gentlemen,
8 you're going to get your exercise here. I'm going to
9 ask you to step back to your jury room. I'm going to
10 give you an assignment this time. Y'all need to pick
11 your foreperson between the 12 initial.

12 The alternates, y'all not eligible for that.

13 Just select the foreperson. And they don't get
14 paid any more or anything like that. They just help
15 lead the discussion and do any communication with the
16 jury. At this time, if you'll step back in your jury
17 room. Do not discuss the case.

18 (WHEREUPON, the jury left open court at
19 approximately 2:17 p.m.)

20 THE COURT: All right, I believe this is the one
21 on the competency? Is that your issue there?

22 MR. SHIPMAN: No, Your Honor, this is
23 complaining witness testifying.

24 THE COURT: Oh, this is the victim, okay.

25 MR. SHIPMAN: So, I believe we need to hash

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1 out -- if they're going to get into these 404(b) type
2 things, there needs to be -- I believe the classic
3 proposition, there's got to be hearing outside the
4 presence of the jury in which you determine if you
5 believe it's been offered by clear and convincing
6 evidence before it can be admissible, then we go to
7 the 403 analysis and all that as well, Your Honor.

8 THE COURT: Give me the extent of the testimony
9 we're looking at as far as that goes.

10 MR. HOLLOWAY: Yes, sir, Your Honor. So, very
11 briefly, Ms. Waldrop is going to testify that -- and
12 Ms. **Complainant** will testify to the same, that Ms. Waldrop
13 started dating Richard Galloway either very late '87,
14 or started talking to Mr. Galloway very late '87 or
15 early '88. Ms. Waldrop worked at a Texaco Corner
16 Mart off White Horse Road. Mr. Waldrop [sic]
17 frequented that store.

18 In the summer of 1988, before **Complainant**
19 entered the fourth grade, **Complainant** is going to
20 testify -- there's going to be testimony that
21 Mr. Waldrop inappropriately touched her on her
22 vagina, rubbing up and down and inside of her labia.

23 Your Honor, from there -- there's going to be
24 other allegations. From them, the four of them,
25 **Complainant** Patricia Waldrop, **Complainant**

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1 brother, Clifton, and Mr. Galloway moved to a
2 residence at ■ Worth Street. They were there from
3 what we believe is the fall of 1988 -- or fall --

4 MR. SHIPMAN: Your Honor --

5 I don't want to cut you off.

6 Before we proceed any further, can we sequester
7 these witnesses if we're going to get this in-depth
8 into the allegations?

9 THE COURT: All right. Any --

10 MR. HOLLOWAY: I guess we're sequestering --

11 MR. SHIPMAN: Fact witnesses.

12 MR. HOLLOWAY: Patricia Waldrop?

13 THE COURT: I think during this argument, since
14 she's not testifying, I'm going to ask that she be
15 excused at this time.

16 MR. HOLLOWAY: Yes, sir.

17 Ms. Waldrop, just temporarily step outside.
18 I'll explain it to you.

19 THE COURT: I mean, you can talk to her if you
20 want to tell her right now.

21 MR. SHIPMAN: I didn't know if there were any.

22 THE COURT: That's all the witnesses, okay.

23 MR. HOLLOWAY: Yes, sir. From there, they moved
24 to ■ Worth Street. At that point, Your Honor, as it
25 pertains to the indictments, there is going to be

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1 testimony that Mr. Galloway would take Ms. **Complainant** to
2 bed many evenings a week. And when he would put her
3 to bed, he would oftentimes reach underneath her
4 panties and reach underneath her underwear and rub
5 her vagina and, again, run between her labia.
6 There's also going to be testimony that she would
7 wake up in the middle of the night often with
8 Mr. Galloway's hand inside of her vagina.

9 Your Honor, there's going to be testimony that
10 there was -- one day she was kept home from school or
11 she stayed home from school. Mr. Galloway brought
12 her back to the bedroom that he shared with her
13 mother, Ms. Waldrop, and performed oral sex on her.

14 Also, Your Honor, there's going to be testimony
15 for the last indictment, for the lewd act, that
16 Mr. Galloway would help **Complainant** bathe herself
17 regularly and when doing so, he would play with her
18 breast and spend a long time cleaning her genital
19 area and her butt.

20 Your Honor, from there, there are three
21 additional incidents in North Carolina that --
22 there's going to be testimony -- or the State would
23 seek to admit testimony to. Mr. Galloway's mother
24 lived in North Carolina. They spent the Christmas
25 of -- they spent the Christmas of 1989 -- Your Honor,

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1 I apologize. They spent the Christmas of 1988 at
 2 Ms. Galloway's house. There, there's going to be
 3 testimony from **Complainant** that Mr. Galloway performed
 4 oral sex on her after -- during Christmas time, just
 5 after the Christmas holiday on the couch. She was
 6 trying to take a nap. There was nobody around.

7 Your Honor, there also two other incidents. One
 8 at the Defendant's brother house, which occurred in
 9 North Carolina during the summer of 1989. And
 10 another incident in the woods, up in woods in North
 11 Carolina between the Defendant and **Complainant** Both
 12 of those incidents, Your Honor, **Complainant** was alone
 13 with Mr. Galloway. He had taken her up there to
 14 perform work. One time at the brother's house was to
 15 paint the house, help with the roof, pressure wash.
 16 And in the garage, he, with his hands again, was
 17 playing with her vagina area and rubbing his hands in
 18 between her labia. This was in the garage.

19 The third incident in the woods, Mr. Galloway
 20 would take the victim up to the woods and they would
 21 cut logs. The victim remembers this being in the
 22 fall. They wood cut logs and firewood for the
 23 victim's mother. She remembers it being in the fall
 24 because they were preparing for the wintertime. She
 25 was in the bed of the truck. And during this time,

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1 he, again, with his hands, started playing with her
2 vagina area through her shorts and rub his hands
3 underneath her underwear in between her labia.

4 Your Honor, the State's position per the
5 multitude of case law is that these acts are
6 sufficiently alike the allegations for which we're
7 here in court. It's the same victim, it's the same
8 Defendant, it's the same whether it's either
9 manipulation with the fingers of her vagina area or
10 performing oral sex. This happened in the same
11 timeframe, basically, between summer of 1988 and
12 December of 1990. For the purposes of CSC, first,
13 obviously, those dates are contracted.

14 And, Your Honor, this is really just one
15 continuous course of elicit conduct on behalf of the
16 Defendant. And per the multiple of cases that we
17 mentioned earlier, the State here, has a few
18 additional cases we mentioned, I guess we might have
19 been off the record earlier, but for purposes of on
20 the record: State vs. Mathis, which is 359 S.C. 450,
21 a 2004 case; State vs. Weaverling, 337 S.C. 460,
22 which is a 1999 case; State vs. Edwards, 373 S.C.
23 230, 2007 case; State vs. Bari, 413 S.C. 118, it's a
24 2015 case; and State vs. Kirton, 381 S.C. 7, a 2008
25 case.

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1 Your Honor, all these cases speak to the same
2 thing going under 404(b), talking about where
3 evidence of acts prior and subsequent to the act
4 charged in the indictment is held admissible as
5 tending to show continued elicited intercourse or
6 course of conduct between the parties. And there's
7 whether it is clear and convincing -- where it's
8 proved by clear and convincing evidence, there's a
9 logical relevance between the prior bad acts. In
10 determining that, it would be a close degree of
11 similarity or connection between the prior bad act
12 and the crime for which the defendant is on trial.

13 From there, there's a 403 analysis. And the
14 closeness or the likeness of the acts, Your Honor,
15 goes to show the amount of probative value. And
16 consistently, in all of those cases, the court has
17 found that the risk of unfair prejudice does not
18 substantially outweigh the probative value of that
19 testimony.

20 THE COURT: Mr. Shipman.

21 MR. SHIPMAN: Your Honor, if it may please the
22 Court. I am aware of the precedents he's citing
23 here. I would offer this. I believe, you know, we
24 may have gotten away from what this exception was
25 originally intended to do. If you look back at

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1 Lyle -- and this is -- it will be about Page 31 if
2 you're going by the Lexus page numbers there. But it
3 starts with third. As to plan or system. You know,
4 it basically says -- and I can just read this aloud
5 to you.

6 It says, A plan or system common to other crimes
7 was not an essential ingredient of the crime charged
8 here unless proof of such system was to serve to
9 identify the defendant as the perpetrator of the
10 particular crime charged or was necessary to
11 establish the element of criminal intent. It goes
12 on, to prove a common plan or system, therefore, this
13 connection is merely and evidential means to the end
14 of showing identity or guilty intent involves the
15 establishment of such a physical connection between
16 the extraneous crimes and the crime charge as will
17 make evidence of one logically tend to prove the
18 other as charged.

19 And then in applying the law to this particular
20 case, in Lyle, it talks about how the crimes alleged
21 in the State of Georgia, if they made a continuous
22 transaction, would only be relevant to prove
23 identity -- or excuse me, it says, to prove a
24 practically continuous transaction. Then it says or
25 as otherwise render the relevant evidence relevant to

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1 prove identity.

2 So, what they're saying is that it's not just --
3 the fact there's a common plan or scheme is not a
4 gratuity to the State. It has to be necessary to
5 prove either identity. And I believe that they kind
6 of separated this a little bit or when it's talking
7 about how that either a continuous transaction shows
8 only one man that committed all the crimes. Or a
9 continuous -- or as it was otherwise relevant to
10 proving identity. Then it goes on to say, or
11 necessary to prove intent.

12 I think over the last 90 odd years, the courts
13 have kind of gotten away from that. And I don't
14 believe that identity is an issue here. These are
15 strict liability crimes, so I don't believe intent is
16 an element either. I believe all they have to prove
17 is that did the sexual battery occur, was she under
18 the age of 11 and that constitutes the entire crime,
19 Your Honor. So, I don't see how -- I'm asking for,
20 you know, to kind of get back to the purpose of what
21 this is because --

22 THE COURT: You want me to disregard the way
23 South Carolina Supreme Court is treating it?

24 MR. SHIPMAN: Your Honor, you can get a legal
25 creep, I guess, as you say. You know, the first part

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1 of Lyle goes on to talk about how dangerous this sort
2 of evidence is and how it tends to confuse the
3 defense, confuse the jury, just kind of establish a
4 general air of criminality around the Defendant, so
5 that he is being called to answer for any number of
6 crimes outside the ones alleged in the indictment,
7 Your Honor.

8 So respectfully, I believe the courts have
9 gotten away from that court function and lost sight
10 of the danger of this type of evidence and the
11 limited admissibility of this type of evidence and
12 what those purposes are for, Your Honor. So, based
13 on that, I'd say that there's no legal standing to
14 have this kind evidence in there.

15 THE COURT: Right. And it's my understanding,
16 too, it's the same victim, we're not talking about
17 different victims here, I know which creates some
18 issues there. It's all about the same time period,
19 within the same time period that we're talking about
20 here. And it does -- you know, based on what he's
21 presented, is a continuous transaction.

22 MR. SHIPMAN: Your Honor, I respect your ruling.
23 I politely object. I also believe that there's going
24 to have to be a proffer in order for you to weigh her
25 credibility yourself as a gateway to admission before

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1 the jury. Because it's got to be -- the clear and
2 convincing standard, as I understood here, is aimed
3 at you because the standard for the jury is beyond a
4 reasonable doubt. I think that's what Clasby stands
5 for, Your Honor.

6 THE COURT: I'm just looking at Clasby. It does
7 look like I might have to -- I mean, can you put
8 forth -- I mean, you don't have to go through your
9 entire matter, but as far as it relates to this
10 motion proffer your witness on those.

11 MR. HOLLOWAY: Yes, sir, Your Honor.

12 MR. SHIPMAN: Your Honor, if I may, my
13 understanding was that there were some other
14 incidents that you considered bringing in, or are you
15 not bringing those in, about some alleged drug
16 dealings or anything of that nature?

17 MR. HOLLOWAY: I don't think it would go
18 under -- that would go under 404(b), the rule of
19 common, scheme or plan. That would be just subject
20 to a typical 403 analysis of whether it's -- the
21 prejudice -- that probative value is outweighed by
22 substantial prejudice.

23 MR. SHIPMAN: So, you're not going to pursue
24 that line, is that correct? Because we'll need to
25 have a hearing on that then as well.

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1 THE COURT: Tell the jurors we've got some
2 matters to take up and we'll be with them shortly.

3 MR. SHIPMAN: So, I don't know. I mean, what we
4 were just talking about, I mean, I understand how
5 that can fit in the rule. It was also how it was
6 perceived in the email a couple days ago about other
7 allegations about drug dealing, perhaps, another girl
8 in Florida or somewhere, and then abuse upon a dog
9 and a few other things. I don't know if the State
10 intends to try to offer that into evidence or not.

11 MR. HOLLOWAY: Your Honor, as Mr. Shipman said,
12 this is a pretty convoluted situation. What we can
13 do, certainly, there is domestic violence in the
14 household. There's allegations of domestic violence
15 in the household. There's allegations that the
16 violation towards a pet, pet dog. There's
17 allegations of -- I think the drug dealing would
18 be -- the unfair prejudice would outweigh any
19 probative value, but I think evidence of drug use in
20 the household is relative here. Your Honor, there's
21 allegations that the defendant beat up --

22 THE COURT: First of all, I mean, again, are you
23 making a limine? I mean, I'm not going to just have
24 you give me discovery and just have all these issues.
25 I mean, if it's a motion in limine, I can address it

REBECCA LINDLER-DIRECT BY MR. HOLLOWAY

1 and then we can -- usually, what I do is I'll hear it
2 and we can address it again when you --

3 MR. SHIPMAN: Well, if we're just going to swear
4 the witness and put her in, Your Honor, outside the
5 presence of the jury, I just don't want -- I didn't
6 know if we were ruling on the whole issue of the --
7 outside of the indictments or what here as far as the
8 scope of this hearing.

9 THE COURT: The scope of this hearing is going
10 to relate to the elements as set forth in Clasby.

11 All right.

12 MR. HOLLOWAY: Thank you, sir.

13 **Complainant** come take the witness stand, please.

14 THE CLERK: **Complainant** please pause at the end
15 of the bench, place your left hand on the Bible and
16 raise your right hand.

17 **Complainant** after being duly sworn,
18 testified as follows:

19 THE CLERK: Thank you, please be seated. State
20 your name for the record.

21 THE WITNESS: **Complainant**

22 THE CLERK: Thank you.

23 THE COURT: All right. Mr. Holloway, you may
24 proceed.

25 MR. HOLLOWAY: Thank you, Your Honor.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY (IC)

DIRECT EXAMINATION

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BY MR. HOLLOWAY:

Q [REDACTED] do you know the Defendant, Richard Galloway?

A Yes, sir.

Q How long have you known Richard Galloway?

A Almost all my life.

Q Okay.

MR. SHIPMAN: Could we raise the volume on the speaker?

THE WITNESS: Almost all my life.

BY MR. HOLLOWAY:

Q Did your mother ever date Mr. Galloway?

A Yes, she did.

Q Do you know about the timeframe of when your mother was in a relationship with Mr. Galloway?

A She started talking to him and he became a regular where she worked, '87 or '88, my third grade year, that summer.

Q Okay. And was there -- did anything -- did anything sexually ever happen between you and Mr. Galloway?

A Yes.

Q Can you tell us briefly about the incidents that occurred in Greenville County? I know there's a lot to

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY (IC)

1 it, but can you just very briefly for the purposes of this
2 hearing tell us about the different incidents that
3 occurred here, okay?

4 A Okay. The first incident happened at the
5 University Inn off White Horse Road where mom left me and
6 my little brother with him as she worked the third night
7 shift -- or third shift night. And so, we were dropped
8 off late. My little brother was already asleep. I
9 crawled up into the middle of bed. And after she left and
10 sometime watching TV, Richard joined us on the bed on the
11 edge, took his shoes off, nothing else. Then he rolled
12 over wrapped his arm around me.

13 He began reaching into my pants. And I
14 tried to make some subtle movement, like pulling away or
15 crossing my legs to let him know that I was awake and I
16 knew what he was doing and hoping that he would stop. He
17 didn't. He continued to touch me with his hands in my
18 vagina. There was no discernable end. There was no way
19 that -- there was no ejaculation. There was no -- he just
20 stopped. Got up, went to the table by the window and
21 smoked a cigarette. And I curled back up against my
22 brother and laid there trying to figure out what had just
23 happened. I did fall asleep and we were picked up the
24 next morning by my mother. Later that day, I told her
25 that he had touched me in my private parts.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY (IC)

1 Q Did you guys, ultimately, move in -- did you,
2 your brother and your mom move in with Mr. Galloway?

3 A Eventually. After that, my mom said that it had
4 been a mistake. That he had told her that he mistaken me
5 for her in his sleep and that he was good man now. And
6 after a few more months, we were spoiled, given cash
7 for -- given extra cash for small jobs, candy. And, you
8 know, within a few months, we did move into Worth Street
9 with him where things seemed like they were going to be
10 okay, and.

11 Q Was there any sexual activity -- were you abused
12 sexually by Mr. Galloway at Worth Street?

13 A Yes.

14 Q Can you tell us about those occasions?

15 A He -- I don't remember if digital fondling
16 occurred first or if the showering occurred first, but if
17 I were to fall asleep in the living room and he would
18 carry me to bed, then he would lay with me in the bed.
19 And I would just be wearing a large adult shirt and
20 underwear, and he would touch me in my vaginal area
21 until -- I don't know what -- why he ever stopped, what
22 his finished time was, but I would fall asleep. I would
23 just try to go to sleep.

24 And then there were occasions -- and that
25 happened regularly enough that -- I did go to bed on my

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY (IC)

1 own and still after everyone had gone to bed and he had
2 finished watching the news, make rounds of the house, then
3 he would join me in the bed and I would wake up with him
4 doing the same thing.

5 There were incidents where he did wash me
6 in the shower. He -- I would shower, as I was told. And
7 when I got out of the shower, Richard would rub his finger
8 behind my ear and if anything rolled up, sometimes inside
9 my elbow, sometimes in my wrist, and if anything rolled
10 up, then I had to shower again. So, he would take me back
11 to the bathroom and watch me undress. I would get back in
12 shower and he would take a wash cloth and then he would
13 wash my butt, my vagina and my breasts and tell me that if
14 he didn't play with my titties, they wouldn't grow. Then
15 I was allowed to dry off and get redressed.

16 There was one occasion where he had me --
17 he led me into the adult bedroom, his and my mom's room,
18 which as children, we weren't allowed in there. And he
19 laid me down on the bed and took my pants off and I
20 just -- I laid there just stiff and scared. And he
21 performed oral sex on me there until -- until I -- until I
22 had an orgasm, which I didn't know what it was.

23 Q During this time, did Richard ever take you on
24 trips to North Carolina?

25 A Yes.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY (IC)

1 Q During those trips, did Richard ever perform
2 sexual acts or sexually abuse you then?

3 A Yes.

4 Q Are there certain times that you can remember
5 clearly?

6 A Yes.

7 Q Can you tell us about those occasions?

8 A In the fall of my fourth grade year, which would
9 have been 1988, we were chopping wood for his mother. We
10 were in the National forest of the Blue Ridge Mountains
11 there. And he would take a chain saw and cut the trees
12 and split them and I would load them in the truck. And as
13 I was loading them into the truck on this one occasion, I
14 went to put my foot up on the tailgate of the truck. He
15 was behind. He leaned forward penning me between him and
16 the truck and reached into my -- into my underwear and for
17 a few moments rubbed his fingers in my vagina. And then
18 it was over.

19 Q Is there something that you remember in
20 particular about this incident?

21 A The bugs on the logs. They were already in the
22 truck. I didn't know how to understand what was happening
23 to me at the time. And from counseling, I've learned that
24 what happened was disassociation. And what I could focus
25 on were the bugs that were crawling on a log so that I

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY (IC)

1 could focus on what they were doing and not what he was
2 doing.

3 Q Where there any other incidents in North
4 Carolina?

5 A Yes.

6 Q Tell us about those other incidents.

7 A That was the fall of 1988. So, a little later
8 on in the winter, I don't remember if it was before or
9 after Christmas, just that the Christmas tree was up. We
10 were at his mom's place, she wasn't there. I don't
11 remember the purpose of the visit. But I had laid down on
12 the couch and was taking a nap. And I woke up with him
13 pulling my bottoms off and performing oral sex on me.
14 This was the first time that had happened. Again, I've
15 learned through counseling that there was disassociation
16 involved there and the only thing that I focused on was
17 the Christmas tree until he finished and I could put my
18 clothes on and he left.

19 Q And did you ever tell your mom about that
20 occasion?

21 A I did.

22 Q Was there a third incident that occurred in
23 North Carolina?

24 A The third intent happened the summer after
25 fourth grade, which would have been, I think, 1989. And

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY (IC)

1 we had gone to his brother's house, his name's Robert.

2 Q You say the summer after what grade?

3 A The summer after fourth grade.

4 Q Okay.

5 A Before fifth. We had gone up there to do some
6 work on Robert's house, roofing, painting. We pressure
7 washed the driveway. And on one of those days, we took a
8 break in a detached garage that was air conditioned. And
9 there was a Budweiser banner on the wall. He asked me if
10 I knew what that stood for.

11 And I said, No.

12 He said that Budweiser stood for because
13 you deserve what every individual should enjoy regularly.

14 As I was standing there looking at the
15 banner, he was close behind me. Again, he reached into my
16 underwear, up through my shorts where he -- where he
17 touched me vaginally for a time. And I -- I don't know
18 how long it was. I just watched the banner and went over
19 and over with what he had just told me, because you
20 deserve what every individual should enjoy regularly,
21 until he was done. Then we went back to painting and
22 roofing.

23 Q Did you work with Richard pretty regularly?

24 A Yes, I did.

25 Q Were there any other -- during your time with

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY (IC)

1 Richard, were there any other jobs or did he take you
2 anywhere else to work?

3 A There were lot of places that we went to work.
4 We picked produce in the mornings and stuff where people
5 had produce on the back of a truck and took that Caesar's
6 Head to the small produce stand and resold it. And I
7 chopped wood with him.

8 Q When you rode with Richard, where did you sit in
9 the car?

10 A He had a pickup truck with a bench seat and I
11 always sat in the middle.

12 Q Was there any touching ever involved during car
13 rides?

14 A Yes.

15 Q Can you tell us about it?

16 A He would either have his hand on my knee or my
17 inner thigh, or if I was falling asleep, then my head in
18 his lap.

19 Q Near the produce stand, was there a creek or
20 river or some sort of --

21 A Yes, there was a creek that ran behind the
22 produce stand. We kept watermelons there. He would often
23 encourage me to go play in the creek. And, you know, then
24 I would be cold, my clothes would be see through and my
25 nipples would be hard.

Complainant [REDACTED] -DIRECT BY MR. HOLLOWAY (IC)

1 Q Was there any other contact between you and
2 Mr. Galloway at Worth Street that you haven't talked about
3 so far? Was there any contact with y'all that happened in
4 the den area or the living room?

5 A Yes. As these things progressed -- and I didn't
6 tell my mother again because of her reaction the first
7 time that I told her. He would -- if I were -- if I
8 walked by, he would goose me, pinch in the area between my
9 legs, whether it was my buttocks or my vagina or the area
10 in between. Excuse me, I'm sorry. He would pinch my
11 nipples. These were times that we were not alone. My
12 mother may have been in the kitchen cooking. My brother
13 would be outside. And when he would do those small quick
14 things, then he would laugh about it and ask me what was
15 wrong as I jumped in reaction. And my mom would turn
16 around, but she wouldn't have been able to see anything.

17 Q During all these occasions, were you alone with
18 Mr. Galloway?

19 A Not all of the occasions. The times that
20 occurred where he was just pinching or grabbing or -- very
21 quickly, sometimes there were other people in the room,
22 they just weren't looking our way.

23 MR. HOLLOWAY: Your Honor, is there anything
24 else that I need to go into for the Court?

25 THE COURT: No, I think that clearly falls

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY (IC)

1 within Clasby and the exception in the analysis of
2 law and it's clear and convincing those bad acts are
3 relevant, so I'm going to rule that that is
4 admissible, so.

5 MR. HOLLOWAY: Complainant [REDACTED] you can have a seat
6 back here.

7 THE COURT: Complainant [REDACTED] let me remind you, too,
8 there's been a motion that witnesses be sequestered,
9 that means y'all are separated. You cannot discuss
10 your testimony with any other witness who has not
11 testified, all right. You may step down.

12 Let's take a very short break.

13 MR. HOLLOWAY: Thank you, Your Honor.

14 (WHEREUPON, a short break was taken.)

15 THE COURT: All right, back on the record. A
16 note from the jury says Foreman is Sean Trasp, No.
17 195.

18 Put that and mark that as a Court's Exhibit.

19 (WHEREUPON, Court's Exhibit No. 1 was marked for
20 identification only.)

21 THE COURT: All right. State ready?

22 MR. HOLLOWAY: Yes, sir, Your Honor.

23 THE COURT: Defense ready?

24 MR. SHIPMAN: Yes, sir, Your Honor.

25 THE COURT: Jury ready?

Complainant DIRECT BY MR. HOLLOWAY

1 (WHEREUPON, the jury came into open court at
2 approximately 3:00 p.m.)

3 THE COURT: All right. It's my understanding
4 Mr. Trasp is Foreman. Thank you for serving in that
5 capacity.

6 All right, the State will call their next
7 witness.

8 MR. HOLLOWAY: Yes, sir, Your Honor, the State
9 would call Ms. Complainant to the witness stand.

10 THE CLERK: Complainant please place your left
11 hand on the Bible and raise your right hand.

12 Complainant after being duly sworn,
13 testified as follows:

14 THE CLERK: Thank you. Please be seated. State
15 your name for the record.

16 THE WITNESS: Complainant

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MR. HOLLOWAY:

20 Q Complainant how old are you?

21 A I am 39 years old.

22 Q When is your birthday?

23 A November 18th, 1978.

24 Q Where do you live?

25 A I live in Wentzville, Missouri?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 Q Who do you live there with?

2 A My son, JT.

3 Q How old is JT?

4 A JT is 15.

5 Q Are you single? Are you married?

6 A I'm single.

7 Q When did you drive into town?

8 A Friday.

9 Q Do you know Mr. Richard Galloway?

10 A Yes, I do.

11 Q How long have you known Mr. Galloway?

12 A Almost all my life.

13 Q How did you first get to know him? What was the
14 first contact to the relationship?

15 A He was my uncle. He was married to my aunt
16 Connie.

17 Q Do you know where Connie is nowadays?

18 A I believe she's in Hendersonville.

19 Q Do you remember when Mr. Galloway was married to
20 Connie?

21 A I don't the years they were married, no.

22 Q Do you know how long they were married for? If
23 you don't know, you don't have to guess.

24 A I don't know how long they were married for. I
25 believe they -- no, I don't know.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 Q Who is your father?

2 A Robert Harold, Sr.

3 Q Okay. Is Robert Harold, Sr., is he still alive
4 today?

5 A No, he's not.

6 Q Were your parents married?

7 A Yes.

8 Q How long were your parents married for?

9 A About six years, I think.

10 Q Where did you grow up? Where were you born?

11 A I was born in Brevard, North Carolina.

12 Q How long did you live in Brevard?

13 A Not anytime that I remember.

14 Q Where did you go from there?

15 A We lived between here in Greenville,
16 Jacksonville, Florida, and North Carolina.

17 Q Did you move to Greenville -- was Greenville the
18 first place you moved to after Brevard?

19 A I don't know, that was right after I was born.
20 The first place I remember being was South Carolina, and
21 then Florida.

22 Q Do you have any brothers or sisters?

23 A I do.

24 Q Who are they? Can you tell us about them?

25 A Clifton is a full brother between my mother and

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 my dad. He's four years younger than me. I have two
2 older brothers on my mom's side. Chris, who's four years
3 older than me, and Alan, who's eight years older than me.
4 Then I have a brother and sister on my dad's side. I
5 don't know how old they are, we've never met. And I have
6 an adopted sister.

7 Q So, what stands out about Florida? Did you say
8 that was the first place that you remember or the first
9 place you started school?

10 A I started school here in South Carolina, but we
11 did move to Florida either kindergarten or first grade,
12 very young. I remember about Florida that my dad set crab
13 traps more than once a week and we had crab a lot for
14 dinner. I loved it.

15 Q Did you graduate from high school?

16 A I did not.

17 Q Do you know when -- did you get your GED?

18 A I did.

19 Q Do you know when you would have -- when you were
20 set to graduate high school?

21 A 1997.

22 Q I'm going to draw on the map here ourtimeframe.

23 And --

24 MR. HOLLOWAY: Thank you, Madam Bailiff.

25

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 BY MR. HOLLOWAY:

2 Q All right. So, tell me again, when were you set
3 to graduate from high school?

4 A I was set to graduate in 1997.

5 Q So, does that mean -- okay. Would spring of
6 '97, would that have been your senior year?

7 A No, spring of '96.

8 Q Did you just say --

9 A Oh, I'm sorry, I guess so. Spring of '97 would
10 have been my senior year?

11 Q And when did you drop out?

12 A Sophomore year.

13 Q Do you remember when that -- was there -- why
14 did you drop out?

15 A I was pregnant.

16 Q Who were you pregnant with?

17 A I was pregnant with my first daughter, Jacelyn
18 Smith.

19 Q When was Jacelyn born?

20 A 1995.

21 Q When in 1995?

22 A October 16th.

23 Q So, it's your testimony Jacelyn was born in the
24 fall of '95?

25 A Yes.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 Q And did you ever skip a school year?

2 A No.

3 Q I want to show you something. Do these years
4 look correct to you? Before you say anything, just review
5 them.

6 A (The witness complies.) Yes, they do.

7 Q And when were you -- do you remember going to
8 school in Florida?

9 A First grade year was in Florida.

10 Q Did you spend your entire first grade year in
11 Florida?

12 A I believe so.

13 Q Where did you go to second grade?

14 A Second grade was here at Duncan Chapel
15 Elementary School.

16 Q Did you spend the entire second grade in Duncan
17 Chapel?

18 A I believe so.

19 Q How long were you at Duncan Chapel?

20 A Second, third and half of fourth year, fourth
21 grade.

22 Q Where did you transfer after Duncan Chapel?

23 A To Monaview Elementary.

24 Q What precipitated the transfer?

25 A A move.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 Q Where did you move to?

2 A [REDACTED] Worth Street.

3 Q How long did you go to Monaview Elementary
4 School?

5 A For the remainder of fourth grade and all of
6 fifth grade.

7 Q Where did you go after Monaview elementary
8 school?

9 A I started at Lakeview Middle School.

10 Q Did you finish at Lakeview Middle School?

11 A No, I didn't. We transferred to Berea Middle
12 School?

13 Q Why did you transfer to Berea Middle School?

14 A A move.

15 Q Where did you move to?

16 A Montague Avenue.

17 Q Where did you go to seventh grade?

18 A Seventh grade started in Fletcher.

19 Q Is that in South Carolina?

20 A It's in North Carolina.

21 Q Do you know what middle school you started at?

22 A Valley Springs.

23 Q Did you finish seventh grade at Valley Springs?

24 A No.

25 Q Where did you finish seventh grade?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A A. C. Reynolds High School -- or Middle School.

2 Q Where is that at?

3 A Asheville, North Carolina.

4 Q Did you stay at A. C. Reynolds for a little
5 while?

6 A I did the remainder of school A.C. Reynolds.

7 Q Until?

8 A Until tenth grade.

9 Q And remind me, when was Jacelyn born again?

10 A October of '95.

11 Q Okay. Tell me about Duncan Chapel Elementary
12 School. Tell me about second grade.

13 A Second grade, I was in Ms. Bates' class. I
14 stepped on something that year, got stitches in my foot.
15 I made the A Honor Roll. There was a school assembly for
16 everyone that made the A Honor Roll. My name was missed,
17 so they held another assembly just to give me my A-Team
18 T-shirt.

19 Q Were your dad and mom still together?

20 A Off and on.

21 Q What was the relationship like between your dad
22 and your mom?

23 A I don't know why they continued to split up, but
24 they always came back together. Even after they were
25 divorced, there were times that dad still lived with us as

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 a family.

2 Q Tell me a little bit about your dad.

3 A My dad was a helicopter pilot, war officer the
4 Army for 27 years, did four tours in Vietnam. He was 19
5 years older than my mom, so he was about the same age that
6 a grandpa would be for me. He was interested in learning,
7 learning about everything all the time. We were one of
8 the first houses to have a computer, like by fourth grade.
9 That was back in the late 80's. He was an entrepreneur,
10 he started a printing business, he did electrical work, he
11 managed properties.

12 Q Looking back, do you remember about the
13 timeframe or what grade you were in when your parents
14 separated or got divorced?

15 A Around third grade, early third grade.

16 Q So, were you back in South Carolina when your
17 parents got divorced?

18 A Yes, we were.

19 Q Does anything about third grade stand out to
20 you, any activities, anything in the like?

21 A Before dad left, before they divorced, third
22 grade was Girl Scouts and tap dance lessons and
23 gymnastics. I was roller skating on the weekends. I was
24 still a good student and all of that.

25 Q How old was Clifton?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A He was four years younger than me.

2 Q Do you know his birthday off top of your head?

3 A May 5th, 1982.

4 Q So, is it correct to say that he may have been
5 closer to three and a half years younger?

6 A Yes.

7 Q Was -- where did your mom work when y'all moved
8 back, the family moved back to Greenville?

9 A She worked at what was then known as the Corner
10 Mart, I think now it's a Texaco, on White Horse Road.

11 Q And where were you guys living at the time?
12 Where were living in second and third grade?

13 A Second and third grade were on Montague Avenue
14 as well.

15 Q What was Montague Avenue like, or Montague Road?
16 Do you remember it was Avenue or Road? Do you remember,
17 does that ring a bell?

18 A I always called it Montague Avenue.

19 Q Where is that in Greenville?

20 A It's in Berea near to Travelers Rest.

21 Q Is it next to any other landmarks?

22 A Furman University.

23 Q Does it connect any two roads, connect to one
24 road, main road?

25 A It connects off of White Horse Road and the

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 other end is the entrance of -- one of the entrances of
2 Furman University.

3 Q What kind of housing did y'all live in at
4 Montague?

5 A There were several apartments that we lived in
6 for some time. And then under the same property manager,
7 I believe, there were a set of duplexes. We lived in the
8 apartments for a short time, then we moved to the duplex.
9 Dad came back into our life then, but that's before they
10 divorced.

11 Q Were there -- how do you think of the duplexes?
12 How do you describe them?

13 A They used to all be brick. Some of them had
14 shared porches or stoops and some of them had separate.
15 That was a sidewalk that ran all the way down the
16 backside.

17 Q Okay. And did y'all -- what set of duplexes --
18 were there two different sets or describe them for me, if
19 you don't mind.

20 A No, there was a continuous set, maybe two sets
21 of construction. But we lived in those duplexes twice.
22 So, they went down a hill. The first time that we lived
23 there, we lived closer to the top of the hill. And the
24 second time that we got there, we lived closer to the
25 bottom of the hill.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 Q Okay. If you were coming from White Horse Road,
2 how would you get to your duplexes and your apartments?

3 A White Horse Road, coming from where we are,
4 you'd take a right on Montague. You would pass the
5 apartment buildings. At the top of the hill would start
6 the duplexes. And I think the first time that we lived
7 there, we were in the fourth or fifth duplex on the left.

8 Q Okay. The internet is moving a little slow for
9 me, but I'm going to show you -- if you want to stand up
10 from where you're at right now, because you might be able
11 to see a little better. Does this area ring a bell?

12 A Yes, it does.

13 Q Let's go down this road a little bit, okay?

14 A Okay.

15 Q Again, we're work on public internet, so. Tell
16 me about what you're looking at. What do you see here?
17 Have you taken seen these before?

18 A I have. The trees are new. The duplexes have
19 been upgraded some.

20 Q Are these -- what duplexes are these?

21 A These are the same ones on Montague Avenue.

22 Q Okay.

23 A Montague Road.

24 Q In looking at this map, if we continue down this
25 road the way we're going, would we eventually get to the

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 apartments?

2 A On the right as you're traveling on this map.

3 Q So, your testimony, the apartments are down in
4 this direction down White Horse Road?

5 A Yes.

6 Q Are they pretty close to one another?

7 A Yes, they are. That's the back of the apartment
8 there.

9 Q That's -- let's travel a little further down
10 then. Looks like we traveled too far. What are we
11 looking at right here?

12 A I don't remember the name of the apartments, but
13 that's the apartment complex that we first moved into.

14 Q Was your dad living with you at this time?

15 A Not at the beginning, but he joined us shortly
16 after.

17 Q How close were these apartment -- you can take a
18 seat. How close were these apartments to White Horse
19 Road?

20 A Less than a quarter mile.

21 Q And did these apartments come back into play
22 later on in this story?

23 A Yes, they do.

24 Q Did Mr. Galloway -- did anybody in this room
25 live in those apartments later on in the story?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A Mr. Galloway did.

2 Q So, how familiar were you with the Texaco?

3 A I was very.

4 Q Tell me about it.

5 A My mom worked there for a number of years.

6 Sometimes, we would go with her on an overnight shift,
7 stay up late. There was a video game in the back. Helped
8 mom stock coolers. And we would make pallets on the floor
9 in the manager's office until morning and then we would
10 get up and I would run the register and my brother would
11 just run around.

12 Q Was this back in second and third grade?

13 A Yes. It continued, though. She worked there --
14 she worked there, at least, five years. So, we were a
15 fixture in the place and knew some of the regular
16 customers and did some light help mom work.

17 Q During the time your mom worked at the Texaco,
18 did she ever get remarried?

19 A No.

20 Q And during the Texaco time, did you have any
21 other babysitters? Who looked after you at nighttime? Or
22 take that back, scratch that question. What shift did
23 your mom typically work?

24 A She worked third shift most times.

25 Q What was third shift?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A It was 11:00 p.m. to 7:00 a.m.

2 Q Was that the shift that she worked for years?

3 A Mostly, yes.

4 Q You mentioned a second ago how you and Clifton
5 would stay at the store. Did you guys ever stay anywhere
6 else?

7 A Yes.

8 Q Were there people that you typically stayed
9 with, or how did that work?

10 A My Uncle Tommy and Aunt Tina, who also lived in
11 those apartments, we stayed with them some. There was a
12 time that mom hired a babysitter, an older couple who
13 lived near the old Parker Road Drugstore. My dad would
14 watch us as well. Go ahead.

15 Q Did you have a grandmother in town? Did you
16 have any grandparents in town?

17 A My grandparents were in town. I called them
18 Little Nanny and Papaw. We stayed there as well. And my
19 dad lived with them as well.

20 Q Did your mom have any other friends or anybody
21 that you guys were very familiar with?

22 A There were a few friends during that time
23 period, but one major friend so close that I called her my
24 aunt, Aunt Dot.

25 Q Who was Aunt Dot?

Complainant DIRECT BY MR. HOLLOWAY

1 A She was a friend of my mom's. They were
2 pregnant at the same time, that's how they met.

3 Q What was your name?

4 A Dorothy Rhodes.

5 Q Did -- through third grade, was Mr. Galloway in
6 your life very much?

7 A No.

8 Q Do you remember Richard being around at all?

9 A He became familiar at the Texaco.

10 Q Do you know if that's still a Texaco?

11 A I do not know.

12 Q Was there another -- I think you said earlier,
13 was there another name that the convenience store was
14 called as well?

15 A It was called the Corner Mart.

16 Q Where did you say it was located?

17 A It's right -- if you're coming from Travelers
18 Rest on White Horse Road, it's on the left. It's one of
19 the first -- first gas stations you come to. And I think
20 a road forks behind it, Hunts Bridge Road, I think is what
21 forks behind it.

22 Q And how far away was that from the apartments
23 and the duplex off Montague?

24 A Less than a mile.

25 Q What's your first memory of Richard as we get

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 into the year, after we get into kind of your third,
2 fourth and fifth grade years?

3 A Other than him being at the Corner Mart, there
4 was a night that he babysat my brother and I while my mom
5 worked third shift. I think they were dating at the time.

6 Q What do you remember about the night? And start
7 with what time of the year it was, season. Tell me a
8 little bit about it. What strikes -- what brings back
9 your memory cords?

10 A It was the summer before fourth grade. He was
11 staying at the University Inn hotel.

12 Q Where is the University Inn motel?

13 A It's also on White Horse Road near Montague,
14 across from Furman.

15 Q Let me show you what's been premarked as State's
16 Exhibit 14 and 15. Will you look at these photos for me?

17 A Yes.

18 Q Have you seen these photos before?

19 A This morning.

20 Q Do you recognize them?

21 A Yes.

22 Q What are they?

23 A They're pictures of the University Inn motel.

24 Q And is this the hotel that you were just
25 testifying about?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A Yes, sir.

2 MR. HOLLOWAY: Your Honor, at this point, the
3 State would move -- would ask to move State's
4 Exhibits 14 and 15 into evidence and publish to the
5 jury.

6 THE COURT: Any objection?

7 MR. SHIPMAN: None, Your Honor.

8 THE COURT: All right, 14, 15 in without
9 objection.

10 (WHEREUPON, State's Exhibits Nos. 14 & 15 were
11 admitted into evidence.)

12 BY MR. HOLLOWAY:

13 Q What are we looking at here?

14 A The University Inn motel.

15 MR. HOLLOWAY: This is State's Exhibit 14. Let
16 the record reflect in State's Exhibit 14, we're
17 looking at the University Inn hotel.

18 BY MR. HOLLOWAY:

19 Q On State's Exhibit 15, are we also looking at
20 the University Inn motel?

21 A Yes.

22 Q Is this where you stayed with Mr. Galloway one
23 evening?

24 A Yes.

25 Q And is this located close to the Montague Street

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 or Montague Avenue apartments?

2 A Yes.

3 Q Can you walk us through what happened -- about
4 what time you got dropped off, was it afternoon or
5 evening?

6 A It was evening.

7 Q It was evening. How do you remember it was
8 evening?

9 A Because my mom worked third shift and we went
10 straight to bed.

11 Q Do you know about what time mom typically went
12 into work?

13 A She may have gone in a few minutes earlier, but
14 she had to be there by 11:00. So, we were probably
15 dropped off between 10:00 and 10:30.

16 Q Is that the first time you ever stayed with
17 Mr. Galloway?

18 A Yes.

19 Q Tell us about what happened that evening.

20 A Um, my mother dropped us off. My little
21 brother, Clifton, was already asleep. There was only one
22 bed in the room. She laid him on the bed and she kissed
23 me goodnight and told me to be good. And she hugged
24 Richard and said she would see him in the morning and
25 thanked him for watching us. I laid down to go to sleep

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 and Richard was still watching TV. So, I did like all
2 kids, we want to try to stay up. I peeked my eyes just a
3 little so I could watch TV, too.

4 But he turned the TV off and he took off
5 his shoes and got in the bed. And within a few minutes,
6 he rolled over and put his arm around me and pulled me
7 towards him. I didn't understand what was happening, but
8 I wasn't scared at that time. Within a few minutes, he
9 reached into my underwear. And I tried to roll over,
10 tried to snore. He would wait a few minutes. Then he
11 would try again. And he spent some time fondling with his
12 hands in between the labia of my vagina. I don't know
13 what made him stop, what constituted him being done, but
14 he got up and went over to the table by the window and
15 smoked a cigarette. And I rolled over and went to sleep.

16 Q What were you wearing to bed that night?

17 A An adult T-shirt and a pair of underwear.

18 Q What did you normally wear to bed?

19 A An adult T-shirt and a pair of underwear.

20 Q Was that your nightly pajamas?

21 A Yes.

22 Q You mentioned you tried to feign asleep or roll
23 over, what was the -- is that what happened?

24 A Yes.

25 Q What were you thinking then, what was the

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 purpose of that?

2 A I was thinking if he thought I was awake that he
3 would stop.

4 Q Is there anything about that night that stands
5 out to you? Is there any distinct memory or something you
6 were looking at or anything in that regard?

7 A After watching him smoke a cigarette, I watched
8 the blinking light of the smoke detector. That's where
9 I -- that's what I focused on until I went to sleep.

10 Q Not getting into the contents of the
11 conversation, did you ever tell anyone about that?

12 A I told my mom the next day.

13 Q Where did you tell her?

14 A We were at Aunt Dot's.

15 Q Did Richard babysit you again after that?

16 A No, not for a long time.

17 Q Who started looking after y'all at night?

18 A The older couple that my mom knew from work, who
19 lived near the Parker Road Drugstore.

20 Q When you say the older couple that your mom knew
21 from work, did they work with your mom or were they
22 customers of your mom?

23 A They were regular customers.

24 Q Was there anything about the couple or anything
25 about them that stands out to you?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A Lincoln logs. They had Lincoln logs. Me and my
2 little brother were allowed to play in the morning when we
3 got up with Lincoln logs. Or if she continued to work a
4 first shift, then that's what we did to spend our time was
5 Lincoln logs.

6 Q Did your mom, did she ever pick up extra shifts,
7 was that commonplace?

8 A Yes, she was a single mom, yes.

9 Q How did you guys get ready for school?

10 A We would either have our change of clothes with
11 us or we would go back home and change. And then be
12 either driven to school or walk, depending on how close we
13 were.

14 Q Where were you going to school at this time?

15 A At this time, it was Duncan Chapel. So, mom
16 would have driven me. Clifton wasn't in school yet.

17 Q And did you spend -- remind me again, did you
18 spend your whole fourth grade year at Duncan Chapel?

19 A No. No, that was -- I started at Duncan Chapel
20 fourth grade year and moved to Monaview.

21 Q Did this incident, we'll call it the University
22 incident, did that occur before fourth grade?

23 A The summer before fourth grade, yes.

24 Q Did you start that fourth grade year at Duncan
25 Chapel?

Complainant ██████████ DIRECT BY MR. HOLLOWAY

1 A I did.

2 Q Do you remember transferring over to Monaview?

3 A I do.

4 Q Does anything stand out about it to you? How do
5 you remember it?

6 A I remember it because there were some girls that
7 I had taken dance classes with and gymnastics class with
8 that were in the honor choir. And they asked if I could
9 audition late to be in -- the middle of the year to join
10 the honor choir, which I did.

11 Q Did you make the honor choir?

12 A I did.

13 Q In order to transfer to Monaview, did you guys
14 end up moving?

15 A We did.

16 Q Where did you guys end up moving?

17 A We moved to ██████ Worth Street.

18 Q Who did you move into ██████ Worth Street with?

19 A With Richard Galloway. My mom, myself and my
20 little brother.

21 Q How was Richard after the University Inn
22 incident?

23 A He was really nice. He would buy us candy, see
24 us do something for mom and give us money for that.

25 Q Did you ever get to meet Richard's mother?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A Yes, I did.

2 Q Did you guys ever spend any time at her house?

3 A Yes, we did.

4 Q Did you and Richard ever do anything for his
5 mother?

6 A Yes, we did.

7 Q Tell us about it. What did you do?

8 A The biggest thing that I remember is that we
9 chopped wood for her for the winter. We did that in the
10 fall.

11 Q Where did you guys chop wood at?

12 A In the Blue Ridge Mountains National Park area.
13 There was a designated.

14 Q Was this in South Carolina or North Carolina?

15 A North Carolina.

16 Q Where did Richard's mother live?

17 A She lived in -- it was off the Arden exit. I'm
18 not sure which -- if it constituted Brevard or not, but I
19 believe it was Brevard.

20 Q Did she live in North Carolina or South
21 Carolina?

22 A North Carolina.

23 Q Did anything ever happen when you were out in
24 the woods cutting wood, logs, firewood with Richard?

25 MR. SHIPMAN: Your Honor, subject to the prior

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 hearing.

2 THE COURT: Objection noted and as previously
3 stated, overruled.

4 BY MR. HOLLOWAY:

5 Q What happened when you were out cutting wood,
6 cutting firewood for Richard's mom?

7 A On one occasion, we were out cutting wood, he
8 had a chainsaw and ax. He would cut large pieces of a
9 tree, and then chop them into smaller firewood size. And
10 I would load them up, those up on the truck. And sometime
11 during that day, I went to get up on the bed of the truck,
12 I put my foot up on the tailgate and Richard was behind me
13 and he got close enough to pen me between him and the
14 tailgate. And he reached -- he reached into my underwear
15 and fondled me between the labia of my vagina. I don't
16 know how long it lasted.

17 Q What were you doing during this time?

18 A I've come to understand through counseling that
19 it was called disassociation, and I was extremely focused
20 on the bugs that were crawling on the logs.

21 MR. SHIPMAN: Your Honor, if we may take up a
22 matter?

23 THE COURT: All right, ladies and gentlemen, we
24 need to take up a matter outside of your presence, so
25 if you will step back in your jury room. Do not

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 excuse the case. And we'll bring you back out in
2 just a minute.

3 (WHEREUPON, the jury left open court at
4 approximately 3:41 p.m.)

5 THE COURT: Yes.

6 MR. SHIPMAN: Your Honor, our objection,
7 basically, would be personal knowledge -- well, not
8 necessarily personal knowledge, but she's rendering
9 an opinion about psychological phenomenon that she's
10 not been qualified as an expert to render that
11 opinion in. So, I would -- with regard to
12 disassociation. I mean, she can say what she saw and
13 what she focused on, but to be giving that
14 psychological opinion, I think is objectionable.

15 THE COURT: You couldn't object to that with the
16 jury in here?

17 MR. SHIPMAN: I'm sorry?

18 THE COURT: Couldn't you have done that with the
19 jury in here?

20 MR. SHIPMAN: I suppose, Your Honor. If you
21 want me to handle it that way.

22 THE COURT: I mean, on that particular
23 objection, I mean, I agree with you.

24 MR. SHIPMAN: If you would just instruct the
25 jury to disregard any kind of opinion testimony, Your

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 Honor.

2 THE COURT: All right. I think that's
3 appropriate, sustained.

4 All right. If they're ready, I bet they're not,
5 though. When they're ready, bring them in.

6 MR. SHIPMAN: Your Honor, if you want -- I mean,
7 I hate to --

8 THE COURT: No, I understand. And I realize the
9 sensitive nature of all this. I appreciate -- I
10 mean, that was really basically more kind of a
11 hearsay type objection as well, so.

12 MR. SHIPMAN: Thank you, Your Honor. Your
13 Honor, would you prefer that we approach the bench?
14 I hate to keep --

15 THE COURT: That may be -- yeah, that's probably
16 the best. I usually do it over here.

17 (WHEREUPON, the jury came into open court at
18 approximately 3:44 p.m.)

19 THE COURT: All right, ladies and gentlemen, on
20 the break, the defense counsel had objected to
21 certain things and I sustained the objection.
22 Basically, any witness, including this one, can
23 testify only to anything relating to direct
24 knowledge. What others told her would not be
25 admissible through this witness. I ask that you

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1 disregard anything along those lines. She can
2 testify to anything about her direct knowledge.

3 MR. HOLLOWAY: Thank you, Your Honor, moving
4 forward.

5 BY MR. HOLLOWAY:

6 Q Did you say that happened in the fall?

7 A It happened in the fall.

8 Q Do you remember which fall? What year?

9 A Of '88.

10 Q And where did you guys spend Christmas that
11 year?

12 A We spent Christmas that year --

13 Q Were you on Worth Street by then?

14 A Yes, we were.

15 Q Did anything between you and Richard happen over
16 this period of time?

17 A Yes, it did.

18 Q Can you tell us about that?

19 A We had traveled from Greenville to his mother's
20 house. I don't remember the occasion. I do remember that
21 she was not home. I went inside and was lying down on the
22 couch falling asleep. I woke up to Richard taking off my
23 clothes and performing oral sex on me. I looked away and
24 just focused on the Christmas tree.

25 THE COURT: All right, Mr. Shipman.

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1 MR. SHIPMAN: Subject to prior objections.

2 THE COURT: All right, overruled based on
3 previous rulings.

4 Go ahead.

5 BY MR. HOLLOWAY:

6 Q Was there anybody around?

7 A No.

8 Q How do you know it was Christmastime?

9 A We had a Christmas tree.

10 Q Did you tell your mom?

11 A Eventually.

12 Q Did you tell her about it right afterwards?

13 A No.

14 Q Did you continue to live on Worth Street after
15 that?

16 A Yes.

17 Q What year does that take us into?

18 A Eighty-nine.

19 Q What school are you in at that point?

20 A Monaview Elementary School.

21 Q Tell me, know it's hard to change topics on
22 something like that to something else but tell me about
23 Worth Street.

24 A The trailer we stayed at on Worth Street was a
25 single-wide trailer, fenced-in yard. It had that a gate

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 to get into the yard. It had a sunken tile birdbath in
2 the front yard. There was a shed in the back corner of
3 the lot. There was a deck on the back of the trailer.
4 And there was a very large bricked in area that had a full
5 outdoor kitchen, oven, stove, running water. It had a
6 patio deck on the front. And a large rose bush that grew
7 out of it.

8 Q So, was your mom still working at the Texaco at
9 the time?

10 A Yes, she was.

11 Q And [REDACTED] Worth Street is that here in Greenville?

12 A Yes, it is.

13 Q Do you know how far it was from the Texaco?

14 A No, it was on Star Lane Road across from the old
15 Bi-Lo.

16 Q Was it close?

17 A Yes, sir, walking distance.

18 Q Did you guys walk to school?

19 A Yes.

20 MR. HOLLOWAY: Your Honor, I'm showing defense
21 counsel what's been pre-marked as State's Exhibit 3
22 through 13, I believe.

23 THE COURT: Any objection to State's 3 through
24 13?

25 MR. SHIPMAN: No, Your Honor.

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1 THE COURT: All right, State's 3 through 13 are
2 admitted without objection.

3 MR. HOLLOWAY: Your Honor, to clarify, this will
4 be 3 through 13, minus Exhibit No. 10.

5 THE COURT: Less 10, all right.

6 (WHEREUPON, State's Exhibits Nos. 3-9 and 11-13
7 were admitted into evidence.)

8 BY MR. HOLLOWAY:

9 Q [REDACTED] Complainant I'm showing you what is State's
10 Exhibit 4, do you recognize this place?

11 A Yes.

12 Q What are we looking at here?

13 A That is the front deck of [REDACTED] Worth Street.

14 Q On State's Exhibit 3, is this also [REDACTED] Worth
15 Street?

16 A It is, but the white picket fence is new.

17 Q Let me bring this up close to you. Looking at
18 the mailbox on here, what does the mailbox in this picture
19 show?

20 A 11.

21 Q Here's State's Exhibit 6, can you see this all
22 right?

23 A I can.

24 Q Is there something that stands out to you in
25 this photograph?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A The sunken birdbath is still there.

2 Q All these years later, huh?

3 A Yeah.

4 Q Is that in the front yard or backyard?

5 A That's in the front yard.

6 Q Here's State's Exhibit 13, what are we looking
7 at here?

8 A A ruined backyard.

9 Q Is there anything in this photograph that looks
10 the same as it did in 1988, 1989, 1990 timeframe?

11 A Not much. There was a swing, but it wasn't a
12 permit fixture. The kitchen's gone. I see what looks
13 like a fire pit that wasn't there before.

14 Q Here's a laser pointer. You've just got to
15 punch the laser. It's pretty friendly for us. Can you
16 just kind of walk us through the backyard? Where was the
17 kitchen back in the day?

18 A Where was what?

19 Q Where was the kitchen? You know, tell us what
20 you remember using the laser pointer.

21 A There were a set of stairs that came off right
22 about here and a brick walkway. And then a covered area
23 here where the kitchen was. The oven and stovetop were on
24 this side and an island sink in the middle there.

25 Q Was there any landmark store or something of

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 that type that you remember near the [REDACTED] Worth Street?

2 A Yes. On Cedar Lane Road, I don't know what the
3 name of the store really was, but we called it the Florida
4 Orange store because that was the most prominent sign that
5 they had. That was a small convenience store.

6 Q How did your relationship with Richard
7 develop -- how long were you at [REDACTED] Worth Street?

8 A We were there two summers and two winters, about
9 two years.

10 Q And what summers and what winters would those
11 be?

12 A Late '88, that winter. The summer of '89, we
13 were still there. Christmas of '89 was really big. The
14 summer of '90.

15 Q How old were you during this time?

16 A I was still in fourth grade when we moved in and
17 we stayed there through just the beginning of the year,
18 the beginning of the calendar year, my sixth grade year.
19 So like, February of my sixth grade year.

20 Q Okay. And so that put -- am I right in doing my
21 math that you're talking about 1989, how old did you turn
22 in 1989? What was your birth date?

23 A I would have turned 11 in '89.

24 Q So, you were about ten years old?

[REDACTED] A Right.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 MR. HOLLOWAY: Your Honor, I'm showing defense
2 counsel a picture of State's Exhibit 2.

3 THE COURT: All right, any objection?

4 MR. SHIPMAN: No.

5 THE COURT: All right, State's Exhibit 2 in
6 without objection.

7 (WHEREUPON, State's Exhibit No. 2 was admitted
8 into evidence.)

9 BY MR. HOLLOWAY:

10 Q All right, Complainant [REDACTED] do you recognize State's
11 Exhibit 2?

12 A I do.

13 Q What are we looking at?

14 A A photo of my family.

15 Q Who's all in this picture?

16 A My mother, my younger brother, Clifton, myself
17 and my oldest brother, Alan.

18 MR. HOLLOWAY: Your Honor, permission to publish
19 it to the jury?

20 THE COURT: You may.

21 BY MR. HOLLOWAY:

22 Q Who's that in the top left?

23 A Top left is my brother, Alan.

24 Q And bottom right?

25 A Clifton.

Complainant DIRECT BY MR. HOLLOWAY

1 Q How old were you in this picture?

2 A About ten.

3 Q So, is this photograph an accurate depiction of
4 the way you were, Complainant back on your time at
5 Worth Street?

6 A Yes.

7 Q Now, when you moved to Worth Street, do you
8 remember what your bathing -- this is a weird question.
9 Do you remember what your bathing habits were like?

10 A I didn't take baths anymore, I showered, but
11 when I got out of the shower, Richard would check --

12 Q Hold up.

13 A I'm sorry.

14 Q What were your bathing habits like when you
15 moved to Worth Street?

16 A I showered.

17 Q I know you showered. Did anyone shower with
18 you? Did you shower by yourself? Did you clean yourself
19 off?

20 A I showered by myself.

21 Q Easy question. Well, tell me, did you shower in
22 the morning, did you shower in the evening? How did you
23 go about showering?

24 A In the evening after we had played outside and
25 it was time to come in to shower, eat, get ready for bed.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 Q So, was it your nightly routine to shower in the
2 evening and just get ready in the morning?

3 A Yes.

4 Q Did you ever bathe with your brother, Clifton?

5 A No.

6 Q Did anybody ever check you afterwards?

7 A Yes.

8 Q Did anyone check you afterwards before you moved
9 to Worth Street?

10 A No.

11 Q Do you remember how long you had been showering
12 on your own? Or bathing on your own?

13 A Bathing on my own, probably since I was about
14 five. Mr. Bubble Bath and. . .

15 Q So, tell us about your relation with Richard.
16 Obviously, bathing is part of it, but tell me about the
17 whole dynamic between you and Mr. Galloway when you were
18 in Worth Street?

19 A Can you make that smaller for me besides the
20 whole dynamic? I don't understand.

21 Q Was your mom still working at the Texaco?

22 A Mom was still working at the Texaco, third
23 shift.

24 Q Who was around the house at night?

25 A Richard was.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 Q You were going to school, is that correct?

2 A Yes.

3 Q What would you do when you got home from school?

4 A When I got home from school, I went to my room
5 to do homework. If time allowed, then I might go outside.
6 We'd watch the news at dinner. And I would shower when I
7 was told to.

8 Q Did you ever play outside?

9 A I roller skated on the deck some outside, yes.

10 Q Did you ever -- were there other kids on the
11 street?

12 A Yes. A neighborhood of kids on a fairly quiet
13 street, roller skating, playing ball, tag.

14 Q Did you know any of them?

15 A From the bus and from school, I did.

16 Q Did you ever play with them?

17 A No.

18 Q Why not?

19 A We weren't allowed.

20 Q Who wouldn't allow it?

21 A Richard didn't allow us to be outside of the
22 fenced-in area.

23 Q Whose us?

24 A My and my little brother.

25 Q What was Clifton doing at the time? What would

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 he do after school?

2 A He spent a lot of time digging holes in the dirt
3 with a spoon.

4 Q How old was Clifton? Was he just a few years
5 younger than you?

6 A Four or five.

7 Q Did Richard ever touch you inappropriately at
8 Worth Street?

9 A Yes.

10 Q What were the situations in which he would touch
11 you inappropriately?

12 A After showering, he would check me to see if I
13 was clean. He would rub behind my ear or on my wrist or
14 the crook of my arm and if anything was produced there,
15 then I had to shower again supervised. He would come into
16 the bathroom with me and watch me undress, start my water
17 and get in the shower. And then he would use a washcloth
18 to wash my butt, my vaginal area and my breasts. And told
19 me that he had to wash my breasts extra because if he
20 didn't play with them, they wouldn't grow.

21 Q Did he ever take you to bed at night?

22 A He did.

23 Q How would he -- would you all watch TV in the
24 living room or how did you guys wind down the evening?

25 A When we were allowed to watch TV, we might watch

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 the news in the living room. We weren't allowed to watch
2 much else. But if I fell asleep, like kids do in a chair,
3 on the couch, in the floor, Richard would carry me to bed.
4 Then he would lay down with me and pull me close to him,
5 like the first time and reach into my underwear and fondle
6 me in my vaginal area. Sometimes if I went to sleep on my
7 own, at the end of the night, he would come around and I
8 would wake up with him touching me with his hands in my
9 underwear.

10 He -- on one occasion in that particular
11 house, I was home from school, mom was at work. And he
12 took me into the adult bedroom, where we weren't usually
13 allowed to be, and he laid me on the bed and took off my
14 pants and performed oral sex on me until I had a orgasm,
15 which I didn't know what that was. Richard laughed and
16 stood up and left. I layed their pretty stiff and he told
17 me that I could rest in his room and he went to the living
18 room. Those were the -- those were the sexual encounters
19 that we had in the house.

20 Q In your bedroom -- this is a very personal
21 question, would his fingers be between your labia?

22 A Yes.

23 Q How would he go about touching your vagina?

24 A He would reach up under the shirt and down into
25 my underwear and using his -- using a finger would rub

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 that area.

2 Q Was your mother ever around?

3 A She wasn't in the room, but she saw me
4 sometimes -- him carrying me to bed or him taking me in to
5 the shower.

6 Q And how long did the bedroom occurrences, the
7 taking you to bed, the showering, how often did that
8 occur?

9 A It occurred a couple nights a week, one way or
10 the other.

11 Q On nights that he would come into your bedroom
12 after you had already been asleep, did you ever leave your
13 bedroom again or did you just stay in there until the next
14 morning?

15 A I stayed in there until the next morning.

16 Q Would you ever know what time it was then?

17 A No.

18 Q Was it not -- it just wasn't a concern,
19 obviously?

20 A No.

21 Q The time he performed oral sex with you -- on
22 you in he and your mother's bedroom, was that the first
23 time he had performed oral sex on you?

24 A No, it was the second.

25 Q Was it the first time at the Worth Street house?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A Yes.

2 Q Did he continue to touch you for a while
3 thereafter?

4 A He did.

5 Q When, to the best of your recollection, did --
6 when did he perform oral sex on you in the bedroom?

7 A It was fifth grade year.

8 Q You mentioned that he kept you home from school,
9 so I presume that means it was during the daytime hours?

10 A Yes.

11 Q Was your mother around?

12 A No.

13 Q You testified earlier about your mother's work
14 schedule, is it possible that she was working that day?

15 A She often pulled double shifts, either working
16 second through third or third through first.

17 Q And tell me the different shifts. Just give me
18 the breakdown real quick.

19 A Eleven to 7:00, 7:00 to 3:00, 3:00 to 11:00.

20 Q How had -- we've talked about the sexual nature,
21 how often were you isolated with Richard during this year,
22 during the year of 1989?

23 A A lot.

24 Q What situations were you isolated with him?

25 A Mom working, being kept out of school to work

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 with him.

2 Q What was that about, and when did that start?

3 A That started in the fall of '88. Not too long
4 after we moved into Worth Street.

5 Q Staying out of school, okay. What kind of work
6 did he do?

7 A Chopping wood in the fall, picking fruit or
8 vegetables in the summer and spring somewhere.

9 Q For what? What were you picking fruits and
10 vegetables for?

11 A He worked a produce stand on Caesar's Head, so
12 we would go to the farms where you could pick by the
13 bushel, pick strawberries, apples, peaches, buy watermelon
14 off the back of someone's truck, corn. Then we would take
15 it to the produce stand and we sell it.

16 Q Where was the produce stand at?

17 A At the top of Caesar's Head Mountain in North
18 Carolina.

19 Q And was it just y'all two or were there -- was
20 Clifton ever around?

21 A I don't remember Clifton being around often.

22 Q But was he sometime?

23 A He was sometimes.

24 Q Was you guys alone often, you and Richard?

25 A Yes.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 Q And what was Richard driving back then?

2 A A pickup truck?

3 Q How did you guys drive up there, to Caesar's
4 Head?

5 A He drove and I was supposed to sit in the
6 middle.

7 Q What was the car ride like, what happened?

8 A He would either have his hand on my knee or on
9 my inner thigh. On the way home after work, if I were
10 falling asleep, then I would have my head in his lap.

11 Q Was there a creek or anything near the produce
12 stand?

13 A There was a stream that ran behind the produce
14 stand?

15 Q What do you remember about the stream?

16 A We put our watermelons in it to keep it cold.
17 Across from the stream was a house, it wasn't abandoned,
18 but nobody lived there. And I was encouraged to play in
19 the stream so I would be wet, my clothes would be see
20 through, my nipples would be hard.

21 Q Was this during the day or before y'all left?

22 A It would be during the day.

23 Q How long would y'all be up Caesar's Head for
24 during the day? The whole day or what?

25 A From sunrise to sunset.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 Q And did Richard have you doing any other kind of
2 jobs? How often were y'all working together?

3 A I don't know how to qualify that other than to
4 say a lot.

5 Q Did you ever meet Richard's brother?

6 A I did.

7 Q How did you meet him?

8 A We were there on two occasions. Once to plant a
9 garden and once to do some work on the house. We did some
10 roofing and painting and pressure washed the driveway.

11 Q Whose driveway did you pressure wash?

12 A Robert's, his brother.

13 Q Did Richard sexually assault you at his
14 brother's house?

15 A Yes, he did.

16 MR. SHIPMAN: Objection, Your Honor.

17 THE COURT: Overruled, based on previous ruling.

18 BY MR. HOLLOWAY:

19 Q When did this occur?

20 A This would have been the summer of '90 -- no,
21 I'm sorry, summer --

22 Q Take your time. Tell us what you remember about
23 it. Maybe you can work your way to it from there?

24 A The incident that happened was that we had been
25 roofing, laying shingles and ridiculously hot. And at

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 some point, we took a break and we went into a detached
2 garage that was cooler. I don't know if it was air
3 conditioned, but it was cooler. The garage wasn't for
4 cars, though. It had a couch and banners on the wall.
5 One of the banners was for Budweiser. And I was looking
6 at it and Richard asked me if I knew what Budweiser stood
7 for.

8 And I said, No.

9 So, he pointed the letters out to me and
10 said, It's because you deserve what every individual
11 should enjoy regularly.

12 Then he was very close behind me, and
13 reached up my shorts and into my underwear and rubbed his
14 fingers in my vagina for some time. I don't know how
15 long.

16 Q Did this occur before or after he performed oral
17 sex on you at Worth Street?

18 A I think it was the summer after.

19 Q And what was Richard's relationship like with
20 your mom during these times?

21 A It started out okay.

22 Q Was it a happy house?

23 A No.

24 Q Let's start there.

25 A There was no progression of things getting

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 worse, there was just -- it just got bad fast, where there
2 would be physical fights --

3 MR. SHIPMAN: Objection, Your Honor. Outside
4 the scope, the problem that we had before, so I
5 object under 404(b).

6 THE COURT: All right, your response?

7 MR. HOLLOWAY: Your Honor, this is not -- the
8 State does not seek to admit this under 404(b). This
9 is not common scheme or plan evidence, Your Honor.
10 This is relevant evidence. If you'd like us to
11 approach?

12 THE COURT: I'm going to allow it. I'm going to
13 allow the testimony. Objection overruled.

14 MR. HOLLOWAY: Thanks, Your Honor.

15 BY MR. HOLLOWAY:

16 Q Please keep going. Tell us about it.

17 A He was frequently gone on weekends and when he
18 came back, we would have spent the day cleaning the house,
19 everything, windows, dusting, dishes. But when he was
20 angry, he was violent. He had physical altercations with
21 my mother. One in particular that was really bad.

22 Q Did you ever try to call the police?

23 A I tried once to call 911. And he saw me grab
24 the phone and asked what I was doing. And I told him that
25 I was calling the police. And he told me if I did that he

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 would kill my mom.

2 Q Was this kind of abuse, was it common, was it
3 happening pretty regularly?

4 A There would be an outburst and there would be --
5 there would be a violent event, then there would be some
6 like quiet anger in the house, then everything would be
7 okay for a while. Then it would -- something else would
8 happen, then it would be another violent outburst.
9 Sometimes we would leave and go stay somewhere else for a
10 day or two, but we came back.

11 Q Is this the time period that Clifton would be
12 outside playing in the dirt a lot?

13 A Yes.

14 Q Who assumed the disciplinary role in the house?

15 A After we moved to Worth Street, it became
16 Richard.

17 Q What was discipline like? What would you be
18 disciplined for? How would you be disciplined?

19 A I was switched. I would have to go outside and
20 pick a switch off of a bush, small limb. I don't think
21 that was out of the ordinary for the time frame. But I was
22 beaten for things like biting my nails, for if I made my
23 bed with the bottom of the blanket wasn't parallel with
24 the floor. I remember one time, I don't know if I was
25 being too talkative or in the way, but he gave me like an

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 assignment to go write down ten books that I read,
2 something like that. And I wrote them down on the paper,
3 but because they didn't align with the red line on the
4 right side of the paper, I was disciplined for that.

5 Q Did you ever miss school because you're
6 disciplined?

7 A Yes.

8 Q Did you ever have visible injuries because you
9 were disciplined?

10 A Yes.

11 Q Did you have to cover those up?

12 A Yes, long sleeves and long pants. My
13 discipline -- can I continue?

14 Q Yes.

15 A My discipline was to pick the switch and go into
16 my room and take my clothes off and Richard would come in
17 and I would be laid over the bed and he would switch me,
18 strike me from my shoulders to my knees. There were
19 occasions that it did draw blood.

20 Q Did this happen throughout 1989? Did this
21 happen throughout your fourth and fifth grade years?

22 A My fifth grade years especially, yes.

23 Q What was the Christmas like of 1989?

24 A It was huge. I think I got everything that I
25 asked for that year and then some. The Christmas before,

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 we didn't get anything. So this Christmas, I don't know,
2 there must have been 20 presents apiece for me and my
3 brother. It was really big.

4 Q Where was that at?

5 A That was at Worth Street.

6 Q You mentioned early that you guys started
7 spending nights away from Worth Street. Did this gain in
8 frequency, what was the situation there?

9 A We would stay away for a day or two with my
10 Little Nanny.

11 Q Who's Little Nanny again?

12 A She's my grandmother on my mother's side. Very
13 rarely, like maybe three times the whole two years, we
14 spent the night at Aunt Dot's.

15 Q Was there a reason why you didn't go see Little
16 Nanny very often?

17 A Her and my mother's stepfather, my Papaw, were
18 violent alcoholics.

19 Q Was this a situation that your mother got caught
20 up in quite a bit?

21 A Yes.

22 Q Did they live in Greenville?

23 A They did.

24 Q When do you remember getting out of Worth
25 Street?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A Part way through my sixth grade year.

2 Q Where did you go to sixth grade at again?

3 A Sixth grade started at Lakeview.

4 Q Was that close to the Worth Street house?

5 A It's in that school district, yes. We left
6 Worth Street, my mom, my brother and I, and spent time
7 between Little Nanny's, Dot's, my Uncle Tommy and Aunt
8 Tina for a few months and I continued to go to Lakeview
9 until the middle or the end of February.

10 Q There's something about that that springs a
11 memory for you?

12 A Yes. That Valentine's day in sixth grade, a boy
13 that I really liked asked me to the sixth grade dance and
14 showed up with another girl. It was a prank that
15 everybody seemed to know about.

16 Q And now, he's kind of successful and it makes
17 you mad?

18 A Now I don't want to talk about it.

19 Q But that's what makes you remember that you were
20 at Lakeview in --

21 A February.

22 Q -- February, right? And would that be February
23 of 1991?

24 A If you put the thing up again, yes, probably.

25 Q Review this and make sure -- before you say

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 anything, just make sure this looks correct. This is
2 based off of your testimony.

3 A It would have been February of '91.

4 Q Where did you guys move after Worth Street?

5 A Like I said; we lived with Little Nanny for most
6 of it, but when there was violence there, then we had to
7 find other places to be, Aunt Dot's, Uncle Tommy
8 occasionally, my dad. At that point, we were allowed to
9 see my dad again. I didn't see my dad the entire time
10 that we lived on Worth Street?

11 Q Why is that?

12 A We weren't allowed.

13 Q Who wouldn't allow it?

14 A Richard wouldn't allow it.

15 Q And did you guys finally get a permanent address
16 sometime in the early spring of 1991?

17 A Yes, we did. We moved into the duplexes on
18 Montague, the lower half of those duplexes. And I moved
19 to Berea Middle School.

20 Q Is Berea Middle School really close to those
21 duplexes?

22 A Walking distance, yes.

23 Q Did anything ever happen, was there another big
24 incident that occurred before y'all -- with Richard before
25 y'all moved into the duplexes?

Complainant DIRECT BY MR. HOLLOWAY

1 MR. SHIPMAN: Your Honor, may we approach?

2 THE COURT: Yes.

3 (WHEREUPON, an off-the-record bench conference
4 was held in the presence of the jury but out of
5 the hearing of the jury.)

6 BY MR. HOLLOWAY:

7 Q Complainant was there another moment that stands
8 out to you involving Richard that occurred when y'all were
9 out on Worth Street, but before you moved into the
10 duplexes?

11 A A few.

12 Q Does one of them involve Clifton?

13 A Yes.

14 Q Can you tell us about the one that involves
15 Clifton?

16 A We were staying at the University Inn.

17 Q Is that the same University Inn hotel?

18 A The same University Inn. And Richard found us
19 and kicked in the door when we wouldn't let him in and he
20 took Clifton, my little brother, away from me and my mom.
21 We jumped in the car to follow him, but Richard had him.

22 Q Did -- at this point, you guys had been living
23 with Richard for while, is that a fair statement?

24 A Yes.

25 Q Did Richard know Little Nanny?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A Yes.

2 Q Did Richard know what kind of cars that your mom
3 would be driving?

4 A Yes.

5 Q Is the University Inn, is that right there off
6 the street off White Horse Road or is that tucked away
7 anywhere?

8 A No, right there in the open.

9 Q Is the parking lot visible from the street?

10 A Yes, you enter the parking lot from White Horse
11 Road.

12 Q Did -- this entire time, how big was this little
13 shell, this little circle, pocket of Greenville y'all were
14 living in?

15 A It was very small. All of -- all of Berea from
16 White Horse Road, Cedar Lane Road, that's about as big as
17 it got.

18 Q Then Montague, is that right?

19 A Montague, yes.

20 Q Was there ever a time that your mom was
21 considering moving back in with Richard?

22 A Yes. The last time that we left, after -- after
23 he took Clifton and we got him back, the violence where
24 Little Nanny was was happening very frequently. She was
25 still working a lot now trying to save up for a car and a

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 place to live. And she was frustrated and sat with me and
2 said that we could go back so that we didn't have to deal
3 with Little Nanny anymore.

4 Q Did you guys end up moving back in with Richard?

5 A No.

6 Q Did you ever disclose to your mother that you
7 had been continuously sexually abused?

8 A At that time, I did.

9 Q What did your mother do as a result of that
10 conversation?

11 A She got very upset. She -- um, she took some
12 pills, she put a gun in her back pocket and left.

13 Q Did she come back?

14 A Yes, the next morning. Well, I saw her the next
15 morning.

16 Q Did you see Richard shortly thereafter?

17 A Yes.

18 Q Where did you see him?

19 A At Little Nanny's.

20 Q What happened at Little Nanny's that day?

21 A He pulled up to the gate, which was closed and
22 locked, and mom went down to see what he wanted. And I
23 was standing still in the trailer, but at the door. She
24 motioned for me to come down. The driveway was a little
25 long and steep. And Richard was standing on the other

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 side of the fence and told me that if I didn't forgive
2 him, he would go to hell.

3 And I said, I guess you're just going to go
4 hell.

5 And I walked back into Nanny's really
6 scared that I said the word hell in front of my mom.

7 Q Did y'all move into the duplexes on Montague
8 after that?

9 A Shortly after that, yes.

10 Q Did y'all live Greenville immediately after that
11 or was there some time that you were still at Montague?

12 A There were a few month as Montague.

13 Q Was this during the duration of your sixth grade
14 year?

15 A It was the end of the sixth grade year.

16 Q Did Richard continue to come into your life
17 during this time?

18 A Yes, he did.

19 Q Where would you see him?

20 A He would run -- he would drive his truck through
21 our yard, doing doughnuts?

22 Q Those duplexes we looked at earlier, they had
23 front yards in them?

24 A Yes. He would hide his truck, he would back
25 into somewhere behind bushes or behind a familiar location

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 and as we drove by, he would pull out behind us and
2 tailgate us and chase us, try to run us off the road, get
3 up beside us and try to run us off the road.

4 Q Where was Richard living at the time? Or do you
5 know where Richard moved after Worth Street?

6 A After Worth Street, he moved into the apartments
7 just down from the duplexes, the ones we saw earlier.

8 Q Are those the ones that you guys had previously
9 lived at?

10 A Yes.

11 Q And how far would you estimate those apartments
12 are from the duplexes?

13 A Less than quarter of a mile.

14 Q Did you guys ever try to report him or try to
15 get an order of protection or Restraining Order?

16 A There was one occasion where he chased us down
17 White Horse Road and we pulled into a store front. In
18 Missouri, we call them mini malls, so.

19 Q A shopping strip, is that what you're talking
20 about?

21 A A shopping strip. And that's where Judge Diane
22 Cagle's office was, and we went in, my mother, me, Clifton
23 and Chris was with us at the time. And we went in. He
24 had parked on the shoulder of the road where we had gone
25 into the parking lot. And we asked for help. We were

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 scared and crying and dirty. And we were told at that
2 time because he hadn't done anything to us yet that there
3 was nothing they could do.

4 Q Did you tell them at all about the sexual
5 assaults or this was just about him following you?

6 A It was just about him following us.

7 Q Did Richard and your father get along?

8 A No.

9 Q Did anything ever happen between Richard and
10 your father?

11 A Yes.

12 Q I'm sorry, I'm writing notes. I'm just trying
13 to remember all this, too. Can you tell us about what
14 happened to Richard and your father?

15 A My dad had taken us out to eat at the Waffle
16 House in Papaw's truck. It was me and my mom, my brother,
17 Chris, and Clifton. We were riding in the back of the
18 truck. As he was bringing us home to the duplexes, he was
19 winding through some -- he didn't go straight home. He
20 was winding through neighborhoods. And when we got to the
21 duplexes, instead of him pulling into the driveway, which
22 would have been on his right, he pulled onto the shoulder
23 of the road, which was on the left. And this car pulled
24 in in front of us. And Richard pulled my dad out of the
25 truck and him and his sister, I thought there was -- I

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 think there was a third person, but I don't know who it
2 was, it was dark. They hit him and kicked him. He went
3 to the emergency room with broken ribs and busted face.

4 Q How much older was your dad than your mom?

5 A My dad was 19 years older than my mom.

6 Q So, about how old was your dad then?

7 A Late 50's, early 60's.

8 Q And when did Chris come down and visit, what
9 season?

10 A Chris and Alan had visitation during the month
11 of July. Chris opted to stay, when he turned 14, he opted
12 to stay with mom full time. So he was there that last
13 summer and on into the next school years.

14 Q So, about when do you think this happened?

15 A It was the --

16 Q Think for me. Think about where you're at
17 school, were you were living.

18 A We were living at Montague Avenue, going to
19 Berea Middle School. It would have had to have been when
20 school was out, so summer, summer after sixth grade.

21 Q Did you guys finally get out of Greenville
22 somewhere after sixth grade?

23 A Yes.

24 Q Tell us how you got out.

25 A A friend of my mom's was a long haul truck

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 driver. He took me and my mom on a cross country trip
2 from Charleston, South Carolina to LA, California and
3 back.

4 Q Where were you brothers at?

5 A My brothers were at Little Nanny's with Papaw
6 and my dad. The trip took 13 days, so we were gone about
7 two weeks.

8 Q When you got back, what happened?

9 A When we got back, we were in the duplex one
10 night and we got shot at through the windows. And so,
11 we -- so used to moving a lot, we grabbed a trash bag and
12 our close and Robbie came and picked us up. I don't
13 remember where we spent that first night.

14 Q When you got back, where did you go, when you
15 got back from California?

16 A When we got back from California, we ended up in
17 Fletcher, North Carolina in a small hunter's cabin. I say
18 hunter's cabin, it didn't have electricity, it just had
19 running water. And that's where I started seventh grade.

20 Q Where did you start seventh grade?

21 A It was either Valley Springs or Spring Valley,
22 Valley Springs Middle School. I wasn't there long.

23 Q Did you guys pick up your brothers before you
24 went up there?

25 A Yes. While Robbie was helping us find a place,

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 there was an occasion that we were headed to North
2 Carolina along 25 and Richard was heading from North
3 Carolina to South Carolina on 25. He spotted mom's car,
4 drove across the median. We pulled off at an exit at a
5 gas station that we called Greens. It's the Bob Creek
6 Road exit now, I think. We both parked. Richard began to
7 approach the car. Robbie was driving, and as Richard
8 walked closer to the car, Robbie drove away. And that
9 gave us a little bit of a head start to get out of town.
10 We did get Clifton and Chris and the four of us stayed in
11 the hunter's cabin for about two months maybe.

12 Q Where did y'all move from there?

13 A We left the hunter's cabin and moved to
14 Asheville, North Carolina to some apartments called Spruce
15 Hill where my mom's two brothers already lived, Richard
16 and Tommy already lived there.

17 Q Is this the same Tommy that's married to Tina?

18 A Yes.

19 Q And in the meantime, is it correct that they had
20 moved to those apartments?

21 A Yes.

22 Q So, y'all moved into the apartments?

23 A We did.

24 Q Where did you go to school from there?

25 A I went to A. C. Reynolds Middle School and then

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A. C. Reynolds High School.

2 Q Okay. And we've about got through Richard,
3 let's move on. You get into high school, okay. You meet
4 a boy in high school?

5 A He didn't go to my school, but, yes.

6 Q Who did you meet?

7 A We called him Charlie. His legal name is
8 Carroll Smith.

9 Q So, Charlie Smith?

10 A Charlie Smith.

11 Q Tell me about Charlie Smith. Did you guys have
12 a baby together?

13 A Yes. We were together for a year.

14 Q When did you guys get -- who were you living
15 with during high school?

16 A I live with mom until I was almost 15, then I
17 moved to live with dad. And I moved out from him on my
18 16th birthday and moved in with Charlie, who was living in
19 the same mobile home park on Sweden Creek Road in
20 Asheville.

21 Q When did you turn 16?

22 A I turned 16 November of '94.

23 Q And is that when you moved in with Charlie?

24 A That's when I moved in with Charlie.

25 Q And when did you get pregnant with Jacelyn?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A About January. I didn't find out immediately,
2 but January.

3 Q Of?

4 A Of '95. We got married in June of '95 and I
5 delivered her in October.

6 Q Were you ever able to go back to school?

7 A I tried a few times, but couldn't keep up the
8 schedule between school work and home with a new baby and
9 a husband at 16, 17. So, I dropped out and got my GED.

10 Q What did you do professionally then? Did you
11 start a new career?

12 A I did. I was able to follow in my dad's
13 footsteps and joined the Army.

14 Q Where did you do basic training?

15 A Fort Jackson.

16 Q When did you enlist in the United States Army?

17 A My official start date was May 27th of 1997.

18 Q Where was your first duty post?

19 A Fort Leonard Wood, Missouri?

20 Q Where is Fort Leonard Wood, Missouri?

21 A It's south central Missouri.

22 Q There's not much around Fort Leonard Wood,
23 Missouri, is there?

24 A No, we call it Fort Lost in the Woods.

25 Q Home of the MPs, right?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A And the engineers and signor and transportation.

2 Q Were you a signor or engineer?

3 A No, I was transportation.

4 Q You were an 88 Mike, is that right?

5 A 88 Mike.

6 Q Driving trucks. When did you move to Fort

7 Leonard Wood?

8 A I moved to be stationed there in '97.

9 Q Where was Charlie at?

10 A Charlie didn't want me to join the Army and he
11 didn't want to go when I moved. He came up twice to try
12 to make it work, but it never lasted more than about a
13 month.

14 Q Did you have custody of Jacelyn then?

15 A Neither one of us had custody of Jacelyn.
16 Because he stayed in North Carolina and I was in Missouri,
17 there was no jurisdictional right for Jacelyn because we
18 had -- we coparented well. We didn't stay husband and
19 wife well.

20 Q What was Jacelyn's situation? Where was she
21 living at the time?

22 A When I went to basic training, Charlie was
23 living with my Aunt Tina and Uncle Tommy with Jacelyn.
24 They moved to Missouri with me in the fall of '97 and left
25 in February of '98. They came again a few months later.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 And I don't think he stayed three weeks before he left. I
2 didn't know what --

3 Q Did you guys end up getting separated?

4 A We did separate and I filed for divorce in '97.
5 By the end of the year, I had filed for divorce.

6 Q By the end of '97?

7 A Yes.

8 Q Okay.

9 A He didn't sign the paper for two years, though.

10 Q Roger. Did you meet another man?

11 A I did.

12 Q Tell us about him a little bit.

13 A Kevin Vaughn, we met in '98. He was a mechanic,
14 so he worked on trucks that I broke. He was there for me.
15 He helped me visit Jacelyn. And when Charlie had found
16 someone to remarry, he signed the divorce papers, which
17 was February of '99, it was official. And by then, Kevin
18 and I had been together about nine months. And we married
19 in April of '99 because he was on orders for Korea. The
20 only way he could come back to Fort Leonard Wood was if he
21 had family here. So we moved because he was on orders.

22 Q Did you -- did you stay at Fort Leonard Wood or
23 did you PCS somewhere else?

24 A We were reassigned to Germany. I was -- after
25 his tour in Korea, he came back to Fort Leonard Wood and

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 we were there until 2002. 2002, I became pregnant and --

2 Q With?

3 A JT, my son, 15. I had to fly over early because
4 our orders were to arrive in late July and he was due in
5 August and I couldn't fly that late in the pregnancy, so I
6 went over in April and Kevin followed behind in July.

7 Q Where were y'all stationed in Germany?

8 A Mannheim.

9 Q How long were you in Germany?

10 A Two years. From that time in 2002 until 2004.
11 Kevin and I separated and divorced. He said he wasn't
12 ready to be married yet. So, I became a single parent in
13 the military with two kids and no stable family support
14 system should I be deployed. This was after 9-11, so
15 deployability was high. I was chaptered out with the Army
16 because I didn't have a family care plan. I didn't have
17 somewhere for my children to go for me to be deployment
18 ready. I came back to the states. Kevin and I, we began
19 dating again. I moved back to Missouri because that was
20 the longest place I had ever lived like in one location.
21 Five years one location was a long time for me. And Kevin
22 and I had plans on remarrying in what would have been
23 2006, but he died in a car accident October 9th of 2005.

24 Q Have you lived in Missouri for the most part
25 since you returned?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A For the most part. I have spent some time in
2 Tennessee with Kevin's family. I recently moved down
3 there for a few months because his mom had stage four lung
4 cancer. And then we moved back to Missouri.

5 Q Is that where you live today?

6 A Yes.

7 Q During your time in Missouri, have you every
8 volunteered at any sort of clinics or anything of the
9 like?

10 A Yes. I volunteered at my church. I became a
11 vista, which is a government organization, Volunteers in
12 Service to America, where I was placed, at my request, in
13 a domestic violence shelter. I worked there three
14 different occasions doing three different jobs, but for
15 about a year each.

16 Q When you were working at the domestic violence
17 shelter or during your efforts with domestic violence, did
18 you ever meet a Dr. Colleen Murray?

19 A I did. Just after my first year, we got a grant
20 to have a full-time counselor on staff. And we made
21 introductions. I talked to her one afternoon and told
22 her, basically, everything that you guys have heard today.
23 And --

24 Q Do you and Dr. Murray have a doctor/patient, a
25 counselor/patient relationship?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A We do now, yes.

2 Q How long have you that doctor/patient
3 relationship?

4 A Since 2011.

5 Q Are her services covered by insurance?

6 A No.

7 Q What do you see Dr. Colleen Murray for?

8 A Posttraumatic stress disorder from childhood
9 abuse. I never saw action while I was in the military.

10 Q Have you been seeing her for childhood sexual
11 abuse since 2011?

12 A Yes. There have been other things in life that
13 have cropped up that I didn't know how to properly deal
14 with, so she's been my counselor.

15 Q How often do you see Dr. Murray? In a given
16 month or a given year over the last seven years, how often
17 would you estimate that you visit her in a doctor/patient
18 relationship?

19 A When things are bad, I see her twice a week.
20 When things are okay, we try to stick to twice a month.

21 Q How much does it cost you every time you go see
22 her?

23 MR. SHIPMAN: Objection, Your Honor.

24 THE COURT: Sustained.

25 MR. HOLLOWAY: Your Honor, may I talk about

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 this?

2 Come up here.

3 (WHEREUPON, an off-the-record bench conference
4 was held in the presence of the jury but out of
5 the hearing of the jury.)

6 BY MR. HOLLOWAY:

7 Q [REDACTED] let me move on, I got a little too
8 far in that. Circling back, yesterday, was Mother's Day.
9 Your mother -- you mentioned that you moved out of your
10 mother's house when you were, was it 15 or 14?

11 A Fifteen.

12 Q Over the years, since 15 in the mid-90's, how
13 would you describe your relationship with your mother?

14 A Strained is the best word I can come up with
15 right now.

16 Q Strange?

17 A Strained.

18 Q In the past five or six years, how often have
19 you seen your mother?

20 A I've seen her three times since December of
21 '17 -- no, '16.

22 Q Did you see her very regularly before then?

23 A No.

24 Q Had years gone by? Can you expand just a hair
25 more into this?

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 A I didn't have a lot of contact with my mother
2 because she moved on to another relationship that was also
3 abusive, and I couldn't help. And I didn't want myself or
4 my children around it, so we did not -- we weren't around
5 her.

6 Q When did you finally decide to report this? All
7 the sexual abuse that you've just detailed at length?

8 A In April of 2016.

9 Q How did you go about doing that?

10 A I talked it over with my counselor, who helped
11 me look up the statute of limitations. And I wrote
12 letters to the jurisdictions as best as I could find them
13 in places where things had happened.

14 Q Does Greenville include one of those
15 jurisdictions?

16 A Yes.

17 Q Did you talk to your mother before you wrote the
18 letter to the Greenville City Police Department?

19 A No.

20 MR. HOLLOWAY: Your Honor, I am wrapping up, I
21 promise. If you'll just give me maybe a minute or so
22 just so I can look over everything and make sure I've
23 addressed everything.

24 THE COURT: Yes, sir..

25

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 BY MR. HOLLOWAY:

2 Q Just very briefly, the one thing I want to touch
3 on, the oral sex encounter at Worth Street, do you
4 remember what season it was when that occurred?

5 A No.

6 Q Now, think for me, when did y'all move into
7 Worth Street again?

8 MR. HOLLOWAY: And Your Honor, I beg the Court's
9 indulgence. I'm not going to hit on asked and
10 answered questions much, I'm just going to try to
11 refresh her memory through questions.

12 BY MR. HOLLOWAY:

13 Q When did y'all move into Worth Street?

14 A The middle of fourth grade.

15 Q Had the University Inn incident occurred before
16 you moved to Worth Street?

17 A Which one, Clifton's or mine?

18 Q Yours. This is all about you. Did the time
19 that you just testified that Richard sexually assaulted
20 you at the University Inn, did that happen before you
21 moved to Worth Street?

22 A Yes.

23 Q When did you -- were you in Worth Street when
24 you spent the Christmas at Richard's mother?

25 A Yes.

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 Q What year are we going into now? What school
2 year are you in?

3 A It was fifth grade.

4 Q Take a second. You have not testified to that
5 before. If that is your testimony now, that's great. We
6 need to really think. We are almost done. You have been
7 great. You have been with me. You have to think right
8 now. What is your testimony as to the summer before, what
9 grade, that the University Inn sexual assault occurred?

10 A That was the summer before fourth grade.

11 Q Okay. Was fourth grade the year in which you
12 moved to Worth Street?

13 A Yes.

14 Q Okay. That year, that first -- was it in that
15 first year at Worth Street, is that when you went to
16 Richard's mom's?

17 A Yes.

18 Q Is that first year at Worth Street, is that when
19 the bathing started happening and is that when he started
20 carrying you to bed?

21 MR. SHIPMAN: Your Honor, leading questions
22 here.

23 THE COURT: Rephrase your question.

24 THE WITNESS: Can you give me just a minute?
25

Complainant [REDACTED] DIRECT BY MR. HOLLOWAY

1 BY MR. HOLLOWAY:

2 Q Take your time. I'm going to leave this
3 question out there. When did the bathing and when did him
4 start carrying you to bed occur?

5 A That was the spring. The bathing began in late
6 '88. The incident at his mother's was in late '88. It
7 would have been early '89.

8 Q Did the oral sex on Worth Street happen that
9 same year?

10 A Yes, the same school year.

11 Q What year is that?

12 A That was the end of fourth grade.

13 MR. HOLLOWAY: No further questions, Your Honor.

14 THE COURT: All right, ladies and gentlemen, I
15 think this is a good time for us to break for the
16 day. So, I'm going to ask that you go back to your
17 jury room. Y'all may go home for the evening. Do
18 not discuss your case. Do not discuss the case with
19 anybody, not only among yourself, but anybody in your
20 family or friends. Don't do any type of research.
21 Don't pay any type of media coverage. If you're
22 contacted by anybody from the clerk's office, please
23 let the bailiff know.

24 We've got another matter to address outside this
25 case. So we'll start back at 9:45 in the morning.

1 All right. Be in your jury room ready to go at 9:45
2 in the morning. Y'all have a good evening.

3 (WHEREUPON, the jury came into open court at
4 approximately 5:09 p.m.)

5 THE COURT: All right, you're what I call in the
6 trial bubble. That means that you've started
7 testifying, but you have not completed your
8 testimony. So, you cannot discuss with the solicitor
9 or anybody anything about your testimony. Okay.

10 So, other than that, we'll be ready to go at
11 9:45 in the morning.

12 MR. HOLLOWAY: Thank you, Your Honor.

13 MR. SHIPMAN: You want us here at 9:45?

14 THE COURT: Yes.

15 THE WITNESS: May I be excused?

16 THE COURT: Yeah, you can step down.

17 MR. HOLLOWAY: You can't talk about your mom
18 either.

19 THE WITNESS: I understand.

20 (WHEREUPON, the proceedings were concluded for
21 the day to be reconvened on May 15, 2018.)
22
23
24
25

1 May 15, 2018

2 THE COURT: Anything before we get started?

3 **Complainant** you can come back and take your
4 seat..

5 All right. If the jury is ready, bring them in.

6 (WHEREUPON, the jury came into open court at
7 approximately 10:21 a.m.)

8 THE COURT: All right, good morning, ladies and
9 gentlemen. First of all, I want to apologize for the
10 delay. One of the issues we had was we thought we
11 were going to have another jury this week and so,
12 we're short one Judge, therefore, we have a lot of
13 other things going on. I apologize for the delay in
14 getting y'all back out here.

15 I, also, kind of want to let you know what our
16 schedules are going to be from talking with the
17 attorneys. We're getting ready to proceed with
18 cross-examination, then I believe another witness.
19 We may take an early lunch because there's some
20 things we have to go over with the attorneys and some
21 other matters I've got to attend to. So, trying to
22 juggle a bunch of stuff here. So, we may take a
23 little bit earlier lunch than normal. Not the
24 elementary school lunch, but more the middle school
25 lunch. But anyway, we'll keep you posted on that.

1 Ms **Complainant** if you'll come back around, you're
2 still under oath, and take the witness stand.

3 All right, cross-examination.

4 MR. SHIPMAN: May it please the Court?

5 THE COURT: Yes.

6 CROSS-EXAMINATION

7 BY MR. SHIPMAN:

8 Q Good morning, Ms **Complainant**.

9 A Good morning.

10 Q So, we've got a lot of ground to cover here
11 today, so we're going to move around a little. I want to
12 start when you reported this case to the police. You
13 wrote a letter dated June 10, 2016, to the chief of the
14 Greenville Police Department; is that right?

15 A Yes.

16 Q In that letter, you told Chief Miller,
17 basically, what you told us here yesterday?

18 A Basically.

19 Q A few weeks later, you got a call from
20 Investigator Bob Perry, who is sitting there on the second
21 row?

22 A Yes, sir.

23 Q And you were in Missouri at the time when that
24 happened?

25 A Yes, sir.

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 Q So, you two started emailing back and forth; is
2 that right?

3 A Yes.

4 Q You start -- your first email was July 14, 2016,
5 does that sound about right?

6 A About right.

7 Q Okay. And in that email, you went into more
8 detail than you had gone into with Chief Miller's letter?

9 A Yes.

10 Q And in that email, you told Perry that your
11 first memory of Richard was 1989; is that right?

12 A Yes.

13 Q And you describe the incident at University Inn?

14 A Yes.

15 Q And you said it was in the summer when you were
16 10 years old?

17 A I believe so. I haven't looked at the email.

18 Q Okay. But it wasn't so much in the email as in
19 the attachment that you sent to him. Do you recall
20 sending two Word documents?

21 A I do.

22 Q Well, there were three in total, is that right,
23 three Word documents? One about Worth Street and one
24 about -- or excuse me, one about the University Inn and
25 two about Worth Street?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A Yes.

2 Q Okay.

3 Beg the Court's indulgence.

4 (WHEREUPON, Defendant's Exhibit No. 1 was marked
5 for identification only.)

6 MR. SHIPMAN: Your Honor, may I approach the
7 witness?

8 THE COURT: Yes, you may.

9 BY MR. SHIPMAN:

10 Q You describe the University Inn incident in
11 this?

12 A Yes.

13 Q You said it was warm, probably June, summer
14 before fourth grade, 1989, I was ten; is that right?

15 A Yes.

16 Q Okay. Thank you. So, you turned 11 in November
17 of '89; is that right?

18 A Yes.

19 Q Okay. We talked earlier about -- excuse me, let
20 me back up just a second. Now, your testimony yesterday
21 was all this started in 1988; is that right?

22 A Yes.

23 Q Now, you sent one version of this and two
24 versions of the incident about Worth Street; is that
25 right?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A I believe so.

2 Q Okay. And you insisted that it was 1989 in all
3 three of those documents?

4 A I don't recall.

5 Q Okay. But you knew you were emailing the police
6 officer; is that right?

7 A Yes.

8 Q And he was a detective?

9 A Yes.

10 Q Who had been assigned to investigate a very
11 serious crime?

12 A Yes.

13 Q Okay. The last version of these events, you
14 printed out and signed and mailed back to Investigator
15 Perry; is that right?

16 A Yes.

17 Q You wrote to -- we're going back a little bit to
18 the letter, you wrote to Chief Miller that the reason for
19 the delay in this case was that your family wasn't willing
20 to press charges on your behalf. Do you remember writing
21 that statement?

22 A That was part of that statement, yes.

23 Q So, you said your family; is that right?

24 A Yes.

25 Q So, it would be your mother, who's not in the

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 room today, but will be here shortly?

2 A Yes.

3 Q That includes your father?

4 A No, he was unaware.

5 Q Your grandparents?

6 A Unaware.

7 Q What about Aunt Dot?

8 A I don't know if she was told.

9 Q What about your Uncle Tommy?

10 A Not until later.

11 Q How much later was that?

12 A Years.

13 Q Okay. So, when you wrote to Chief Miller saying
14 that your family wasn't willing to press charges, you
15 really meant your mother?

16 A Yes.

17 Q Okay. So, your mother knew about that abuse
18 from -- these allegations of abuse from fairly early on;
19 is that right?

20 A She knew about one incident early on.

21 Q You said yesterday that you told her pretty much
22 right away, the next morning or the next afternoon?

23 A About the first incident, yes.

24 Q Okay. And you only told her about the
25 University Inn?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A That's all that had happened at that time.

2 Q And you told Investigator Perry that that
3 happened at your Aunt Dot's house.

4 A No. Oh, I'm sorry, when I told my mother?

5 Q Yes.

6 A Yes, that happened at Aunt Dot's house.

7 Q I'm sorry, I wasn't clear on the question. So,
8 you told Perry that when you told your mother, you were
9 both at your Aunt Dot's house?

10 A Yes.

11 Q You told him that you asked your mother to come
12 into the bathroom with you?

13 A Yes.

14 Q Now, you wrote to Perry that everyone knew
15 eventually?

16 A I felt like everyone knew eventually.

17 Q It felt like everyone knew. You wrote
18 specifically that your mother had told everyone by the
19 time you moved to North Carolina?

20 A I had conversations with other family members
21 about it, yes.

22 Q That was when you moved to North Carolina?

23 A Yes.

24 Q And that was around '91?

25 A Yes.

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 Q You told them that you were embarrassed about
2 the questioning that you received from members of the
3 family?

4 A Yes.

5 Q That you wanted to talk to a police officer or
6 counselor or something of that nature?

7 A Can you ask again, please?

8 Q You wrote to Perry that you were embarrassed by
9 the questions and you didn't want to speak to your family,
10 rather, you wanted to speak to a police officer or a
11 counselor or somebody of that nature?

12 A Yes.

13 Q Okay. They wouldn't let you speak to a police
14 officer?

15 A I didn't think my mom would do it.

16 Q Okay. All right. So, if you'll bear with me
17 just for a moment. Using the timeline from the writings
18 to Investigator Perry, we go back to about 1991. I want
19 to cover the time from the end of your mother's
20 relationship with Richard up to your report to the police
21 about two years ago, okay. So, your mother's relationship
22 ended with Richard about 1991?

23 A Yes.

24 Q Okay. And shortly after that was the last time
25 you saw him in person until today or yesterday, rather, I

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 guess?

2 A No.

3 Q Okay. So, he continued to come around even
4 after your mother moved up to North Carolina to the Spruce
5 Hill Apartments, I believe?

6 A Yes.

7 Q Did he visit afterwards?

8 A No.

9 Q He just showed his face around?

10 A Yes.

11 Q Okay. So, let's -- your statement to Perry,
12 like we just discussed, you said your first memory of
13 Richard was in 1989; is that right?

14 A The first incident, yes.

15 Q Okay. And you wrote to him in the Worth Street
16 document, and the first version, things stay calm for
17 about six months; is that right?

18 A Yes.

19 Q So, from the summer of '89, according to Perry's
20 document, until about the winter of '89, around, perhaps,
21 of January '91 -- or excuse me, January of '90; is that
22 right? You said it happened in the summer, so the summer
23 plus six months, basically?

24 A Summer plus six months, yes.

25 Q And then things started to get worse at Worth

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 Street after that?

2 A Yes.

3 Q Okay. In the second version, the one of Worth
4 Street, the one that you sent on July 27th, you said he
5 began to keep you out of school -- that Richard began to
6 keep you out of school in the fall of 1990; is that right?

7 A Yes.

8 Q And that was when the oral sex allegation took
9 place in the master bedroom?

10 A I would have to see the email, it's been a long
11 time.

12 Q Okay.

13 MR. SHIPMAN: Your Honor, may I approach?

14 THE COURT: Yes, sir.

15 MR. SHIPMAN: Would you like me to mark the
16 exhibits, Your Honor?

17 THE COURT: Are you going to mark them as
18 exhibits or just for identification?

19 MR. SHIPMAN: Just for identification.

20 Mark this for identification. This the
21 documents from Worth Street that was sent on July the
22 27th by the witness here. Mark them, I believe, as
23 Defendant's Exhibit 2.

24 (WHEREUPON, Defendant's Exhibit No. 2 was marked
25 for identification only.)

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 BY MR. SHIPMAN:

2 Q Ms. [REDACTED], we're referring to the allegation of
3 oral sex in the master bedroom.

4 This says, On one of these days he kept me
5 out of school in the fall of 1990, we stayed at home and
6 he led me to his bedroom, laid me back on the bed and,
7 basically --

8 What you said yesterday; is that right?

9 A Yeah.

10 Q And you said fall of 1990 in that statement?

11 A In that statement, yes.

12 Q So yesterday, you testified that you had
13 enrolled in school in North Carolina, I guess, this would
14 be about the fall semester of '91; is that right?

15 A We were in North Carolina the fall semester of
16 seventh grade. I don't know what year that is.

17 Q Okay. So yesterday, you testified that you were
18 at Lakeview and you transferred to Berea in the school
19 year of '90/91. And that's in Greenville County, right?

20 A Yes.

21 Q And you said '91 to '92, you were enrolled at
22 Valley Springs and that's in North Carolina; is that
23 right?

24 A Yes.

25 Q Okay. So again, we're talking about the end of

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 your mother's relationship. Basically, the separation
2 took from about '90 to '91; is that right?

3 A Yes.

4 Q And your mother lived with Richard first at
5 Worth Street?

6 A That's the first place we lived together, yes.

7 Q Okay. She didn't live with him on Montague
8 Avenue; is that right?

9 A We didn't live together on Montague Avenue.

10 Q Okay. So, you described to Mr. Perry in your
11 statement that there was, basically, always a
12 confrontation every time there was any kind of split
13 between Richard and your mother; is that right?

14 A Yes.

15 Q And you were a witness for some of those?

16 A Yes.

17 Q So, basically, the final confrontation, I guess,
18 between -- that made the split official was the one
19 involving Robbie, the truck driver, the long-haul truck
20 driver; is that right?

21 A No.

22 Q Robbie came into y'all's life around the same
23 time y'all move to North Carolina; is that right? I guess
24 your mother had known him, but the trip to California and
25 back was right before you moved to North Carolina?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A It was before we moved to North Carolina.

2 Q Okay. You said that Robbie actually helped
3 y'all pack up the house to leave?

4 A Yes, he did.

5 Q And your father helped you pack up the house as
6 well?

7 A No.

8 Q Did your father know about the trouble with your
9 mother?

10 A Yes.

11 Q Okay. But you said he didn't know about you
12 being abused?

13 A No.

14 Q Now, let's talk about this -- and you don't
15 remember Robbie's last name, do you?

16 A No.

17 Q And he was kind of a friend who heard through
18 the grapevine about the trouble your mother was going
19 through?

20 A Yes.

21 Q And he drove the 18-wheeler. And he picked
22 y'all up one day in a car, you said, and took you up to
23 North Carolina?

24 A Yes.

25 Q Okay. Y'all were looking for an apartment or a

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 house or something like that?

2 A Yes.

3 Q And y'all looked all day and couldn't find
4 anything?

5 A Right.

6 Q Now, in your -- yesterday, you said you were
7 going on Highway 25; is that right?

8 A Yes.

9 Q And that's, basically, what we call White Horse
10 Road on up to North Carolina?

11 A Yes.

12 Q And when you wrote this to Investigator Perry,
13 you said it was I-26, didn't you?

14 A I may have.

15 Q Okay. You said that Richard was coming in the
16 opposite lane from you?

17 A Yes.

18 Q And he saw you and whipped around through the
19 median?

20 A Yes.

21 Q Okay. And then he followed you back up the
22 highway?

23 A When we pulled off an exit, he followed us off
24 the exit.

25 Q So either I-26 or Highway 25?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A It was 25.

2 Q Okay. You said there was a confrontation
3 between Robbie and Richard?

4 A Yes.

5 Q And Richard abandoned the pursuit, you said?

6 A We got out of there first, yes.

7 Q And you went back to the duplex on Montague?

8 A No, we didn't go back to the duplex. I don't
9 remember where we went after that.

10 Q Now, you said that -- what you wrote to Perry
11 was that this was on I-26 where the Greens was located; is
12 that right?

13 A Greens, yes.

14 Q You said that was about 50 miles from home?

15 A My estimation, yes.

16 Q Actually, it was about 60 miles away from Berea?

17 A From Berea.

18 Q It was about an hour trip?

19 A (The witness nods.)

20 Q Okay. And Blue Ridge Parkway is about 50 miles
21 away; is that right?

22 A I don't know.

23 Q So, you'll pass the Blue Ridge Parkway before
24 you get into Asheville, right?

25 A Yes.

Complainant CROSS BY MR. SHIPMAN

1 Q Coming from Greenville? It's right around where
2 the Biltmore Estate is, basically?

3 A Depending on which way you go, yes.

4 Q And you said this was -- where Richard found you
5 was 50 miles away from home?

6 A At Greens, yes.

7 Q And you took that out of your second version of
8 this story about the [indiscernible] at Worth Street; is
9 that right? The whole incident with Robbie and the
10 highway that day?

11 A Possibly, I would have to see it.

12 MR. SHIPMAN: Beg the Court's indulgence. So, I
13 like to have this marked Defendant's Exhibit No. 3.
14 This is from the first Worth Street document at the
15 bottom of Page 8 dealing with the I-26.

16 (WHEREUPON, Defendant's Exhibit No. 3 was marked
17 for identification only.)

18 BY MR. SHIPMAN:

19 Q Ms. Complainant, I'm showing you Defendant's Exhibit
20 3. This is from the first version of Worth Street that
21 we're talking about. That's what we were talking about,
22 the Greens exit on 26?

23 A Yes.

24 Q And that's in the midst of [indiscernible].

25 A The --

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 THE COURT REPORTER: I'm sorry, I cannot hear
2 you.

3 THE WITNESS: The greens exit is actually on 25.

4 BY MR. SHIPMAN:

5 Q Okay.

6 A But I did write 26.

7 Q Okay. You did say it was 50 miles from home?

8 A Yes.

9 Q And this is in the midst of -- this is right
10 prior to the trip to California and back; is that right?

11 A Yes.

12 Q Okay. Thank you.

13 MR. SHIPMAN: I'd like to mark this as Exhibit
14 4. This is the second version of the same
15 allegation.

16 (WHEREUPON, Defendant's Exhibit No. 4 was marked
17 for identification only.)

18 MR. SHIPMAN: I'm showing the witness
19 Defendant's 4.

20 THE COURT: Marked for identification only?

21 MR. SHIPMAN: Yes.

22 BY MR. SHIPMAN:

23 Q This is the incident where you described walking
24 down the street to Little Nanny's house where Richard
25 would come the following day?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A Yes.

2 Q Okay. And then the next incident is, Mom and I
3 spent the next 13 days driving across country?

4 A Yes.

5 Q You did not include any information about Greens
6 or anything in here, did you? Or I-25 or 26 anything of
7 that nature?

8 A No, it's not in the second email.

9 Q Both of the versions have you ending up at your
10 Little Nanny's house that night; is that right?

11 A Yes.

12 Q Prior to the trip to California?

13 A Yes.

14 Q Okay. And Little Nanny, just so I understand,
15 that, that's Lila Stepp?

16 A Yes.

17 Q And did she live on Appaloosa?

18 A Yes.

19 Q And that is your mother's mother?

20 A Yes.

21 Q But your father also resided in the house as
22 well?

23 A Yes.

24 Q Okay. You wrote that Richard came by in the
25 middle of the night shooting at the house that night

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 before the trip?

2 A Not before the trip, during the trip.

3 Q Okay, during the trip. You wrote -- excuse me.
4 I didn't mean at Little Nanny's house, I'm sorry. You
5 wrote that after you and Robbie and your mother had gone
6 to look for a place in North Carolina and came back that
7 you went back to the duplex on Montague. The duplex was
8 on Montague?

9 A The duplex was on Montague.

10 Q Okay. And so you said, Robbie took us back to
11 the duplex.

12 Is that right?

13 A I would have to see it.

14 Q This is the first version of your Worth Street
15 story.

16 Robbie took us back to the duplex.

17 Is that right?

18 A Yes.

19 Q Okay. Then you told Perry in this document that
20 Richard came by in the middle of that night shooting and
21 your mom told you to pack up?

22 A Yes.

23 Q Okay. And you said, Robbie came with his
24 18-wheeler and my dad came.

25 A I don't remember dad being there.

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 Q But you did when you wrote to Investigator
2 Perry. Okay. And then that's when you went to your
3 Little Nanny's house?

4 A Yes.

5 Q Where your father also resided. And it was at
6 Little Nanny's house you said you had another talk in the
7 bathroom with your mother?

8 A Yes.

9 Q And that's when she grabbed the gun and took the
10 pills?

11 A Yes.

12 Q You said she said something to your grandmother
13 and left?

14 A Yes.

15 Q Okay. She was back the next morning?

16 A Yes.

17 Q And the next day is when Richard came by the
18 house, Little Nanny's house?

19 A Yes.

20 Q And your mother went down to see him on the
21 street?

22 A Yes.

23 Q After -- you told her that he was there or she
24 saw him?

25 A Yes.

Complainant CROSS BY MR. SHIPMAN

1 Q Then your mother came back up and asked for you?

2 A No, she motioned for me to come down.

3 Q So, she called you to come down on the street
4 where Richard was. You came down and you said you were
5 nervous and angry and that's when he asked you for
6 forgiveness, you said?

7 A He did not ask for forgiveness.

8 Q Oh, excuse me, he said that he would go to hell
9 if you didn't forgive him?

10 A Yes.

11 Q Then was it later that day or the next day that
12 you went on the road trip?

13 A I don't know how long before the road trip.

14 Q Okay. When you did, you left the boys with
15 their dad?

16 A I didn't leave them.

17 Q I'm sorry, you left the boys with their dad?

18 A Yes.

19 Q Okay. Was that Mr. Harold or was that
20 Mr. Bishop, I believe -- you had a brother named
21 Christopher Bishop and you had a brother named Clifton
22 Harold?

23 A It was my dad, Harold.

24 Q Okay. You said you would get phone calls and
25 made phone calls on this trip?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A Yes.

2 Q And that's when you learned that Richard had
3 shot at Little Nanny's house as well?

4 A Yes.

5 Q And your father was still living there?

6 A Yes.

7 Q And you said when you came back, that's when
8 y'all lived in this cabin in the woods in Fletcher, North
9 Carolina?

10 A Eventually, yes.

11 Q Had running water, but no power?

12 A Yes.

13 Q So, in this cabin, were you, your mother,
14 Clifton and Christopher, the half brother?

15 A Yes.

16 Q And by this point, he was living full time with
17 your mother; is that right?

18 A Yes.

19 Q So, he wasn't only just visiting in July
20 anymore?

21 A Just that summer, he made the decision.

22 Q Okay. And how old was he that summer?

23 A He would have been 15, 14 or 15. 14, he was
24 allowed to make the decision.

25 Q So, he would have been about ninth or tenth

Complainant CROSS BY MR. SHIPMAN

1 grade?

2 A Yes.

3 Q And y'all had no contact with the outside world
4 at that point?

5 A School.

6 Q You stayed there -- now, you told Perry three
7 months; is that right?

8 A Yes, sir.

9 Q Yesterday, you testified to two months?

10 A It felt like three.

11 Q Okay. Now, while y'all were living in this
12 cabin is when your Uncle Tommy and Richard were living in
13 the Spruce Hill Apartments?

14 A Yes.

15 Q They moved up from Greenville; is that right?

16 A Tommy had. Richard had always lived there.

17 Q So, they lived in the same complex.

18 A Same complex.

19 Q And one of them is a manager there, if I'm not
20 mistaken.

21 A Maintenance man.

22 Q And that was Tommy or was that Richard?

23 A Richard first and then Tommy.

24 Q So, were they both maintenance men at the same
25 time or did they kind of swap?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A They were at the same time.

2 Q Okay. And they knew about your situation with
3 Richard?

4 A Eventually.

5 Q Eventually, they got you in on Section 8; is
6 that right?

7 A Yes.

8 Q So, by the time you had gotten into these
9 apartments, you had either been on the road and living in
10 a cabin for either two and a half or three and a half
11 months?

12 A Yes.

13 Q Okay. All right. If you'll bear with me a
14 little bit. We'll talk about, I guess, kind of the
15 aftermath of all this. You said after you moved into the
16 Section 8 apartments things started to settle down, but
17 even still, Richard would drive through the neighborhood a
18 couple of times?

19 A Yes.

20 Q Did you ever see him after he drove through the
21 neighborhood those few times?

22 A No.

23 Q Okay. You told Perry that your mother told
24 everyone?

25 A It felt that way.

Complainant CROSS BY MR. SHIPMAN

1 Q Because people would come to you to talk about
2 it?

3 A Yes.

4 Q Okay. And from what you told us yesterday, you
5 weren't the only one to, I guess, experience Richard as
6 far as troublemaking and abuse and things of that nature?

7 A Right.

8 Q You said he shot at your mother's house several
9 times?

10 A Yes.

11 Q While you were there?

12 A Once while I was there.

13 Q You told Perry that he shot at your mother's
14 place of employment, the Texaco station?

15 A Yes.

16 Q Okay. But you didn't tell us anything about
17 that yesterday?

18 A I wasn't asked about that yesterday.

19 Q Okay. You said that he chased you and your
20 mother and I believe a couple others up into Judge Cagle's
21 office, basically?

22 A Yes.

23 Q You said he even kidnapped your little brother,
24 Clifton?

25 A Yes.

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 Q Your father was assaulted by Richard?

2 A Yes.

3 Q You said yesterday that he was taken to the ER;
4 is that right?

5 A Yes.

6 Q And you told Perry that he had been hospitalized
7 for weeks; is that right?

8 A Yes.

9 Q He shot at your grandmother and your
10 grandfather's house as well?

11 A Yes.

12 Q You said -- you told Perry that he even shot at
13 Uncle Tommy?

14 A He did not shoot at Uncle Tommy. He had a fight
15 with Uncle Tommy.

16 Q Okay.

17 MR. SHIPMAN: Your Honor, may I approach the
18 witness?

19 THE COURT: Yes, you may.

20 MR. SHIPMAN: I'm showing the witness what's
21 previously been marked as Worth Street version one.

22 BY MR. SHIPMAN:

23 Q Can you read along with me here, it says, My
24 Uncle Tommy tried on a few occasions to check on us.
25 Richard shot at him once.

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 Is that right?

2 A Yes.

3 Q Okay. But Tommy never stopped trying to help
4 you is what you said?

5 A He tried.

6 Q You said Aunt Dot is your mother's close friend;
7 is that right?

8 A That's right.

9 Q She's not biologically related to you?

10 A No, sir.

11 Q That was one of the places where Richard
12 wouldn't disturb you?

13 A Right.

14 Q You said because Dot and her husband, Jimmy, had
15 guns?

16 A Yes.

17 Q And they weren't afraid to use them?

18 A I'm not stating that.

19 MR. SHIPMAN: Beg the Court's indulgence.

20 Q All right. Let's step back for just a minute
21 and talk a little bit about your education. Yesterday,
22 you said you dropped out in tenth grade; is that right?

23 A Yes, sir.

24 Q And you got a GED?

25 A Yes, sir.

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 Q And then you went into the Army for a couple
2 years?

3 A Yes.

4 Q You wrote to Investigator Perry, you said you
5 missed a lot of school days during this time period of
6 these allegations; is that right?

7 A At the time of the allegations, yes.

8 Q You said you routinely missed more days than
9 were allowed?

10 A The maximum number of days.

11 Q And you said 15 to 20 days a year; is that
12 right?

13 A (The witness nods.)

14 Q Okay. You said that Richard would keep you out
15 of school?

16 A Yes.

17 Q And that sometimes you couldn't go to school
18 because you had switch marks on you?

19 A Yes.

20 Q The school overlooked all these absences?

21 A No.

22 Q Is that not what you told Investigator Perry?

23 A (There was no response.)

24 Q You weren't held back any grades, were you?

25 A I was not held back.

Complainant CROSS BY MR. SHIPMAN

1 Q You said that you made straight A's?

2 A I did.

3 Q That you were in the gifted program?

4 A Yes.

5 Q That you took part in plays?

6 A Yes.

7 Q Choral concerts?

8 A Yes.

9 Q Talent shows?

10 A Yes.

11 Q You never told any of your teachers about what
12 was going on?

13 A No.

14 Q None of them asked you?

15 A No.

16 Q So, after you joined the Army, let's talk about
17 that, from the Army up to today. You were in the Army
18 from 1996 to 2004?

19 A 1997.

20 Q Okay. You did basic in '96?

21 A Did basic in '97?

22 Q So, '97 to '04. You said you were following in
23 your father's footsteps, basically, in that regard?

24 A Yes, sir.

25 Q He was a warrant officer in the Army?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A Yes.

2 Q He flew helicopters?

3 A Yes.

4 Q So, said he did four tours of Vietnam?

5 A Yes.

6 Q Did he fly helicopters in Vietnam?

7 A Yes.

8 Q You don't just become a warrant officer, do you?

9 A No.

10 Q It's a very highly coded rank, is it not?

11 A Yes.

12 Q You, yourself, were a truck driver in the Army?

13 A Yes.

14 Q And you were stationed at Fort Jackson in
15 Columbia?

16 A I did basic training at Fort Jackson.

17 Q Did you go to Germany first or Fort Leonard Wood
18 first?

19 A Fort Leonard Wood.

20 Q And then Germany?

21 A Then Germany.

22 Q Is that when you left the Army or did you come
23 back to Fort Leonard Wood?

24 A No, I left the Army from Germany.

25 Q And then you moved back to Missouri because it

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 was the last place you were familiar with, I guess?

2 A Yes.

3 Q And you left the Army with a 70 percent
4 disability rating?

5 A About a 70 percent, yes.

6 Q And you said the rating was for PTSD?

7 A Yes.

8 Q Okay. Now, you were married when you went into
9 the Army?

10 A Yes.

11 Q But he didn't come to Missouri with you; is that
12 right? Or he would visit occasionally, but --

13 A We tried twice.

14 Q So y'all, basically, were split for most of the
15 time that you were in Missouri?

16 A Yes.

17 Q Y'all divorced in 1999?

18 A Yes.

19 Q After two years of being in the Army. There was
20 a time when you had a criminal charge open while you were
21 in the Army, not against you, but against another soldier;
22 is that right?

23 MR. HOLLOWAY: Objection, Your Honor. I'm not
24 sure where Mr. Shipman is going with this, but --

25 THE COURT: Y'all approach.

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 (WHEREUPON, an off-the-record bench conference
2 was held in the presence of the jury but out of
3 the hearing of the jury.)

4 THE COURT: All right, ladies and gentlemen, we
5 need to go over some matters outside your presence.
6 If you'll step back in the jury room. Do not discuss
7 the case.

8 (WHEREUPON, the jury left open court at
9 approximately 11:07 a.m.)

10 THE COURT: All right.

11 MR. SHIPMAN: Your Honor, excuse me, yesterday
12 on direct, this witness testified that she suffered
13 from PTSD because of childhood abuse. This is
14 rebuttal evidence for that of the -- I guess, the
15 etiology of the PTSD.

16 THE COURT: All right.

17 MR. HOLLOWAY: Your Honor, yesterday on the
18 record, the witness testified that she has been
19 diagnosed with PTSD. She never said directly what
20 the result of that PTSD was. The State did not go
21 into anything regarding her 70 percent disability
22 rating with the VA. The VA disability rating, Your
23 Honor, is typically reserved to things that happen in
24 the Army. Your Honor, Mr. Shipman has no good faith
25 explanation as to any line of questioning he's going

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 down. He hasn't shown the Court that he has any
2 substantiation to any of this. And he just, all of a
3 sudden, in front of the jury starts going down this
4 line of questioning.

5 MR. SHIPMAN: Your Honor, the witness testified
6 on a question that she was -- had a 70 percent
7 disability rating. And I agree that it has to be
8 service connected. So, for the Army to award that
9 bases, there has to be a basis for it from her
10 service in the Army. Now, it may be a preexisting
11 condition that's aggravated while in the Army, but
12 either way, that explain -- that puts into more
13 context this PTSD diagnosis.

14 As to the 70 percent disability rating,
15 yesterday the State went on an extended line of
16 questioning about whether or not she had insurance
17 and was going to ask how much she had paid for this.
18 My understanding, I -- there was a lengthy line of
19 questioning which the State would use to support this
20 idea that she wouldn't keep going to this counselor
21 and paying money unless there was a genuine problem
22 and that that genuine problem actually extended from
23 childhood sexual abuse.

24 So, Your Honor, this is rebuttal evidence that
25 the State raised yesterday.

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 THE COURT: I mean, you did kind of open the
2 door going into all the counseling. I mean, based on
3 the testimony at this point, I mean, it sounded like
4 you were trying to show the counseling was all
5 related to all of this. And if there is an alternate
6 explanation, why is he not able to go into that?

7 MR. HOLLOWAY: Yes, sir. We went into
8 counseling yesterday, obviously, she's been going to
9 a counselor and we did go down that line of
10 questioning. The end all of that is why would she be
11 going to counseling if there wasn't a real issue that
12 stems from this. So, I understand where Mr. Shipman
13 is coming from there.

14 The argument, Your Honor, is he just brought
15 this up, this VA rating thing. He's contrived this
16 issue throughout his own line of questioning. So
17 now, he has opened this window and avenue up that's
18 otherwise inappropriate. He had -- there's no -- I'm
19 trying to think, Your Honor. There's no information
20 from the Army that he has in his possession about any
21 of this.

22 MR. SHIPMAN: Your Honor, she testified to it.
23 I believe she would have personal knowledge of what
24 her rating was.

25 THE COURT: I mean, I'm going to allow him to

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 get into any explanation or any other problems that
2 she's having that could relate to counseling since, I
3 mean -- but as far as ratings and --

4 MR. HOLLOWAY: Your Honor, the other thing is
5 now what we're going to get into is where is the rape
6 shield law here? Where is he going to be allowed to
7 go? Because he's about to go down --

8 THE COURT: What is this incident relating to?

9 MR. SHIPMAN: Your Honor, my understanding of
10 the incident was there was a neighbor on the base,
11 she was there -- I'm not trying to trash her morality
12 or anything of that nature, Your Honor. And I'm not
13 going to get into the details of it as far as the
14 blow by blow details of what happened. But she did
15 tell Perry that she woke up, she thought she had been
16 drugged and she found this other soldier engaging in
17 oral sex with her. There was a criminal
18 investigation, no charges came from it. I don't want
19 to get into her personal character or anything of
20 that nature because, frankly, I no opinion on it. I
21 don't think it's relevant to the jury either. But
22 this is another allegation of a sexual assault that
23 could also explain the PTSD or give it a better
24 context than what The State is arguing.

25 MR. HOLLOWAY: Your Honor, first of all, I defer

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 to the witness as to whether there is actually a
2 criminal investigation of this. I have confided with
3 judge advocates at Fort Leonard Wood and provided the
4 email that I got sent back to me to Mr. Shipman in
5 which Army CID has no information of an
6 investigation.

7 I don't mind Mr. Shipman trying to come up with
8 another reason talking about a VA disability rating
9 and that could be the reason for PTSD, but I am going
10 to sternly object to him going down any line of
11 questioning which mentions oral sex or another sexual
12 assault incident.

13 In fact, Your Honor, the email says, First,
14 Lieutenant Holloway, I just wrote the CID at FLW,
15 Fort Leonard Wood. They did not have anything on
16 either individual and would not produce anything if
17 they did.

18 They indicated U.S. Army crime record center
19 stores all investigative records and handles requests
20 for such information. Here is the link. I do not
21 believe that Mr. Shipman has followed up with the
22 Army in any way. The only thing we know is coming
23 from a captain judge advocate at Fort Leonard Wood
24 that Army CID has no information.

25 MR. SHIPMAN: Your Honor, no, I have not

Complainant CROSS BY MR. SHIPMAN

1 followed up with the Army. Mr. Holloway sent me
2 notes from conversations with Complainant dated
3 October 19th, 2017, in which he said to me that --
4 notes from his conversation with her that she was
5 disturbed and, ultimately, reported the incident to
6 Army CID, which I understand is the Criminal
7 Investigation Division of the Army.

8 And as to the rape shield statute, I've got
9 here, State v. Williams, the citation is 409 S.C.
10 455. In it, headnote six says the rape shield
11 statute is not part of victim's sexual conduct if the
12 evidence is offered for a purpose other than the fact
13 of the victim's morality. That cites the State v.
14 Grovenstein, 340 S.C. 210, which was quoting State v.
15 Lang, 304 S.C. 300.

16 MR. HOLLOWAY: Your Honor, as to the rape shield
17 law, as you know, South Carolina Rules of Evidence do
18 not -- Rule 412 leads us directly to South Carolina
19 Code Section 16-3-659.2, which requires written
20 notice to the State of any intent to proffer evidence
21 of this. There has been no written notice provided
22 by the defense. This is an ambush, Your Honor. We
23 submitted a rape shield motion months ago. In fact,
24 we did it before the first trial date in November.

25 THE COURT: I'm not going to allow it. I don't

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 think -- I think it's more prejudicial than probative
2 value.

3 MR. SHIPMAN: Your Honor, do you mean the entire
4 incident or can I ask her about a case reported to
5 CID without getting into the actual nature of the
6 case? Could I ask her if she reported a personal
7 crime against her or something of that nature,
8 however you'd like me to phrase it?

9 THE COURT: I mean, I think -- I think that if
10 you limit it to that because I think that -- because
11 I think it is something that could -- you know, is
12 rebuttable to the counseling, but I don't want -- I
13 don't want to open the door too much. I'll let him
14 ask that question.

15 MR. HOLLOWAY: Certainly, Your Honor, we would
16 just request -- I believe that on the record, he
17 asked a question about oral sex as I was objecting.
18 So, The State would request some sort of curative
19 instruction as to that.

20 THE COURT: I don't remember how much he got
21 into it. I thought he just said a criminal
22 investigation. Did he say oral sex?

23 MR. SHIPMAN: I believe I asked if you opened a
24 criminal investigation expecting an objection before
25 I go too far.

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 THE COURT: I didn't think he went any further.
2 That's what I thought I heard.

3 MR. HOLLOWAY: Yes, sir, Your Honor.

4 THE COURT: I think just follow that in with --
5 how were you going to word it?

6 MR. SHIPMAN: So, we don't draw another
7 objection, if say you reported a crime of a personal
8 nature to the Army involving another soldier. Is
9 that appropriate?

10 THE COURT: I will allow that.

11 MR. SHIPMAN: Okay.

12 MR. HOLLOWAY: Thank you, Your Honor.

13 THE COURT: Over your objection.

14 MR. HOLLOWAY: Thank you, Your Honor.

15 THE COURT: I'll give a -- well, I guess we're
16 not really curing -- because since he didn't say
17 anything further than that.

18 MR. HOLLOWAY: Your Honor, obviously, again,
19 just to make certainly clear that the Court has ruled
20 that Mr. Shipman is not allowed to go down any avenue
21 whatsoever regarding the potential sexual nature of
22 this incident?

23 THE COURT: Correct.

24 MR. HOLLOWAY: Another male, an incident between
25 a male and her. I mean, this is reporting an

Complainant CROSS BY MR. SHIPMAN

1 incident. I don't know what Complainant is going to
2 say to this, I really don't, Your Honor. So, her
3 testimony will be the first time anybody has really
4 heard it. Really be first impression.

5 I think the difference is, Mr. Shipman, I don't
6 know if you realize how things are reported in the
7 Army. There is a difference reporting something
8 criminally and there being an administrative
9 investigation.

10 MR. SHIPMAN: Well, am I wrong that CID is the
11 criminal investigation?

12 THE COURT: Are we ready? Y'all can argue in
13 the hall afterwards.

14 All right. Are you ready?

15 THE WITNESS: No.

16 (WHEREUPON, the jury came into open court at
17 approximately 11:18 a.m.)

18 THE COURT: All right, you may proceed with your
19 questioning.

20 MR. SHIPMAN: Thank you, Your Honor. May it
21 please the Court.

22 BY MR. SHIPMAN:

23 Q So, we left off talking about, I guess, when you
24 first went to Fort Leonard Wood?

25 A Yes.

Complainant CROSS BY MR. SHIPMAN

1 Q That would have been about '97 when you first
2 got there?

3 A Yes.

4 Q You were there for two years?

5 A I was there for five years.

6 Q My apologies. You were there for two years
7 before the divorce with Charlie was final?

8 A Yes.

9 Q Okay. During that time when you were there --
10 or let me ask you, do you recall speaking with the
11 prosecutor last October?

12 A No.

13 Q Okay. So, you don't recall telling him that
14 there was potentially a criminal charge opened about an
15 incident between you and another soldier at the time?

16 A I don't recall the exact conversation, but, yes,
17 he knows.

18 Q Okay. So, while you were there, this would have
19 been between '97 and '99, you reported -- you went to a
20 criminal investigator affiliated with the Army on the base
21 about a possible crime that was committed against you?

22 A I did not go to the investigator.

23 Q Okay. All right. So, let's talk about later on
24 in '99. You married Kevin Vaughn then?

25 A I did.

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 Q You two have a 16-year-old in common; is that
2 right?

3 A Fifteen.

4 Q Fifteen-year-old. You and Kevin split within a
5 couple years; is that right?

6 A In 2004.

7 Q Okay. Y'all were about to get back together in
8 2004; is that right?

9 A In 2005.

10 Q Okay. And that's when Mr. Vaughn was killed in
11 a car wreck; is that right?

12 A Yes.

13 Q So. After the Army -- you never married anybody
14 else while you were Army service?

15 A That's correct.

16 Q Okay. Then you moved back to Missouri from
17 Germany?

18 A Yes.

19 Q And then you married John,, and I don't know how
20 to pronounce his last name?

21 A Bohemian.

22 Q Bohemian. You two have no children in common;
23 is that correct?

24 A Correct.

25 Q You two got a divorce sometime after 2011?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A Yes.

2 Q Okay. Because you found photographs of your
3 daughter and her friends in bikinis on his telephone?

4 A On his laptop.

5 Q On his laptop. Okay. While you're in Missouri,
6 I guess, the second time outside of the Army, you've
7 worked as a domestic violence advocate?

8 A Yes.

9 Q So, you've worked with victims of crimes?

10 A Yes.

11 Q Physical abuse and sexual abuse?

12 A Yes.

13 Q Okay. Did you ever appear in court for them?

14 A No.

15 Q Did you ever speak to any investigators for
16 them?

17 A No.

18 Q In 2012, you told Investigator Perry that you
19 had been diagnosed with schizo-affective disorder?

20 A Yes.

21 Q And you told Perry that you were treated at
22 Columbia University; is that right?

23 A I told him Columbia, but I was mistaken, it was
24 St. Mary's.

25 Q Okay. In 2013, a year after this diagnosis, you

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 were in a car wreck; is that right?

2 A Yes.

3 Q From that, you suffered a traumatic brain
4 injury?

5 A Yes.

6 Q Were you knocked unconscious or anything of that
7 nature?

8 A No.

9 Q So, you spoke to Perry in these emails about
10 some of the problems in your life that have plagued you
11 since the late 80's; is that right?

12 A Yes.

13 Q Sleep deprivation, immune problems, fatigue,
14 mental problems?

15 A Yes.

16 Q And you told Perry that you've been -- well,
17 your phrase was, I've been blessed financially not to have
18 to work.

19 Is that right?

20 A Yes.

21 Q Okay. I want to take one step back to -- back
22 to the early 90's here. This is after your family had
23 moved into the apartments, Spruce Hill. That was about
24 the time that -- you said that was about the time --
25 besides a few drives through the neighborhood, that was

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 the last time you saw Richard?

2 A Yes.

3 Q So, when would you -- excuse me. So, you recall
4 the time when you moved away from Greenville County at the
5 time that you left Richard, that you and your family left
6 Richard; is that right? Even though he kept coming
7 around?

8 A I don't understand your question.

9 Q Okay. So, I know this was kind of -- you know,
10 your mother had broken off the relationship, but Richard
11 was still coming into the neighborhood?

12 A Yes.

13 Q So, she had left him, but he hadn't necessarily
14 left her; is that correct?

15 A Yes.

16 Q Now, you told Investigator Perry in your second
17 version of the Worth Street document that even after you
18 left him -- even after we left him, that you still spent
19 time working with him, basically, in the woods cutting
20 logs and picking fruit and things of that nature?

21 A That was after we moved into the duplexes, not
22 after we moved to Asheville.

23 Q Okay. All right. Before we -- before we wrap
24 this up, I want to talk about a few specific incidents.
25 One is involving the Texaco store. The other involves

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 Judge Cagle's office, the chase and then Judge Cagle's
2 office. And I want to talk about your brother's incident
3 at University and the kidnapping. Okay.

4 Now, you told Perry that Richard had made
5 your mother quit her job at the Texaco; is that right?

6 A That's right.

7 Q He was accusing her of sleeping with her boss?

8 A Yes.

9 Q And you gave two versions of that. One, that he
10 went in and shot the store up over this and the other that
11 he drove by and shot the store up; is that right?

12 A I don't know if he went in or drove by.

13 Q But you didn't testify to any shootings at the
14 Texaco yesterday, did you?

15 A I was not asked about it, no.

16 Q Okay. You told Perry that it made the news; is
17 that right?

18 A Yes.

19 Q But you didn't tell him where, what county, what
20 city it made the news in?

21 A No.

22 Q You didn't tell him what newspaper it was in?

23 A No.

24 Q You didn't tell him what TV station it was on?

25 A No.

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 Q You didn't tell him what radio channel it was
2 on?

3 A No.

4 Q There was no websites back then, I suppose. And
5 you said that Richard never got arrested for that
6 incident?

7 A Correct.

8 Q Okay. All right. Let's talk about Judge
9 Cagle's office. You said that you and your brother and
10 your mother were trying to get away from Richard; is that
11 right?

12 A Yes.

13 Q And that he stopped -- Richard was following you
14 three down White Horse Road?

15 A Four of us, yes.

16 Q There was another brother with you?

17 A Clifton, Chris, myself and my mom.

18 Q So, he followed the four of you down White Horse
19 Road?

20 A Yes.

21 Q Then y'all run into Judge Cagle's office?

22 A Yes.

23 Q And that you -- you wrote to Perry that you and
24 your mother begged and pleaded with Judge Cagle's
25 assistant; is that right?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A Yes.

2 Q You said that y'all were frantic; is that right?

3 A Yes.

4 Q You were scared to death?

5 A Yes.

6 Q And you said that Richard was outside the whole
7 time?

8 A Yes.

9 Q You told Perry in the parking lot, but I believe
10 you said he was by the curb --

11 A The shoulder of the road.

12 Q And he was just waiting for y'all to come out?

13 A Yes.

14 Q And nobody at the magistrate court helped you?

15 A No.

16 Q Okay. They just turned you away?

17 A Yes.

18 Q They sent you back into the parking lot?

19 A Yes.

20 Q And you had told them that Richard was out there
21 waiting?

22 A Yes.

23 Q It wasn't a sheriff's deputy in the courthouse?

24 A It wasn't a courthouse.

25 Q You said it was Judge Cagle's magistrate

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 courthouse, right? It was in the strip mall over there
2 where the fork on 25 is; is that right?

3 A Yes, but it wasn't a courthouse.

4 Q But it was occupied by Judge Cagle?

5 A Yes.

6 Q Okay. There wasn't a state trooper there?

7 A Not that I know of.

8 Q Or constable?

9 A Not that I know of.

10 Q They didn't let you behind the lobby door?

11 A No.

12 Q They didn't call law enforcement for you?

13 A No.

14 Q They just turned you away?

15 A Yes.

16 Q Okay. All right. Let's talk about the
17 kidnapping at University Inn. You said this is one of the
18 occasions when your mother had moved away to get away from
19 Richard; is that right?

20 A Yes.

21 Q Were y'all still living at Worth Street at this
22 point or was this after you had moved to Montague?

23 A We were in between.

24 Q Okay. You said this was the same place that you
25 first remembered Richard from?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A Yes.

2 Q Okay. And you wrote to Perry this was one of
3 your most traumatic memories of all?

4 A Yes.

5 Q Okay. You said that you and your mother and
6 your brother were hiding out in the inn and Richard found
7 you because he recognized the car, or the truck in the
8 parking lot?

9 A Yes.

10 Q Okay. He kicked in the door?

11 A Yes.

12 Q Struck your mother?

13 A Yes.

14 Q Snatched your brother?

15 A (The witness nods.)

16 Q Okay. And you told Perry that you remembered
17 seeing your brother taken out of your mother's arms?

18 A Yes.

19 Q Okay. You didn't go into this yesterday, but
20 you told Perry that it took days to get Clifton back; is
21 that right?

22 A It felt like days, yes.

23 Q You said at one point police officers came out
24 to search Richard's yard?

25 A Yes.

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 Q And you said they searched the trailer for over
2 an hour?

3 A I don't know how long it was, but they did
4 search.

5 Q But it was at Richard's trailer?

6 A I was at Worth Street.

7 Q Okay. That was the same place that y'all had
8 lived next door to a police officer; is that right?

9 A Yes.

10 Q Okay. You told Perry that one of the officers
11 stayed on the porch with Richard?

12 A Yes.

13 Q Okay. He talked to Richard the whole time of
14 the search?

15 A Yes.

16 Q Okay. And you said that you and your mother
17 clung to one another outside?

18 A Yes.

19 Q You remember imagining Richard telling the
20 police officers that y'all were crazy?

21 A Say that again, please.

22 Q You told Perry that you could remember imagining
23 in your head that Richard --

24 MR. HOLLOWAY: Objection, Your Honor, hearsay.

25 MR. SHIPMAN: Your Honor, this is her own

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 statement.

2 MR. HOLLOWAY: Your Honor, about Richard's
3 comments. It's not part --

4 THE COURT: No, he's -- I'm going to allow it.
5 Overruled.

6 MR. HOLLOWAY: Okay.

7 BY MR. SHIPMAN:

8 Q You told Perry that you remembered imagining
9 what you thought was Richard's conversation was with the
10 police officer?

11 A Imagining, yes.

12 Q And you could imagine Richard telling the police
13 officer that he was telling them that you were crazy?

14 A I could imagine it, yes.

15 Q And this would have been in December?

16 A Yes.

17 Q Okay. And it was either '90 or '91, depending
18 on which timeline you use?

19 A Yes.

20 Q You said the police never arrested Richard that
21 day?

22 A No.

23 Q And they never found Clifton that day?

24 A No.

25 Q And you said you came back that night; is that

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 right?

2 A My mother and I, yes.

3 Q You said your mother dropped you off about two
4 blocks away from the house?

5 A Yes.

6 Q And then you slipped through the yards, over
7 fences and got up to the trailer at Worth Street?

8 A Yes.

9 Q You said it was first reconnaissance mission; is
10 that right?

11 A In storytelling, yes.

12 Q Okay. You got up to the door undetected?

13 A Yes.

14 Q And you listened at the door?

15 A Actually, I listened by what would have been the
16 kitchen window.

17 Q And you could hear Clifton in there?

18 A I could hear Clifton.

19 Q So, you remember all of that. And you remember
20 it took days to get Clifton back?

21 A It felt like days, yes.

22 Q And you remember the police searching in the
23 yard?

24 A Yes.

25 Q Did they go in the house?

Complainant [REDACTED] CROSS BY MR. SHIPMAN

1 A Yes.

2 Q Okay. Do you remember thinking about what
3 Richard must have been saying to the police officer?

4 A I remember thinking about what he could be
5 saying.

6 Q Okay. And you remember your first
7 reconnaissance mission?

8 A I remember trying to find my brother.

9 Q But you don't remember how you got your brother
10 back home?

11 A I don't.

12 Q Okay. Just a couple more things here. So, you
13 wrote to Investigator Perry on July the 27th, you told him
14 that you had lost another jurisdiction; is that correct?

15 A Yes.

16 Q And you wrote again on the 29th that they told
17 you in Transylvania County that they weren't interested in
18 a 30-year-old case?

19 A Yes.

20 Q So, you wrote a series of emails beginning in
21 July of 2016; is that right?

22 A Yes.

23 Q In the email on July the 16th, 2016, you told
24 Perry that your were a storyteller by nature?

25 A I give details, yes.

Complainant [REDACTED] REDIRECT BY MR. HOLLOWAY

1 Q Your words were, A storyteller by nature?

2 A Storytelling, yes.

3 Q You focus on emotion rather than fact?

4 A They're not exclusive.

5 Q But that's what you told him?

6 A I'd have to see it.

7 MR. SHIPMAN: I'd like to mark this, July 16,
8 2016 email.

9 (WHEREUPON, Defendant's Exhibit No. 5 was marked
10 for identification only.)

11 MR. SHIPMAN: May I approach the witness?

12 THE COURT: Yes.

13 BY MR. SHIPMAN:

14 Q Read along with me here. I want you to see a
15 rough draft of the University Inn incident to see the
16 writing style and information is thorough enough.

17 I am a storyteller by nature and tend to
18 use emotion rather than dry fact.

19 Is that what it says?

20 A That's what it says.

21 Q Thank you.

22 MR. SHIPMAN: No further questions, Your Honor.

23 THE COURT: Redirect?

24 MR. HOLLOWAY: Yes, sir, Your Honor.

25 REDIRECT EXAMINATION

Complainant [REDACTED] REDIRECT BY MR. HOLLOWAY

1 BY MR. HOLLOWAY:

2 Q That last question, you use an adjective before
3 the word fact?

4 A I'm sorry?

5 Q You use an adjective before the word fact?

6 A Dry.

7 Q What does dry mean to you?

8 A Boring.

9 Q Does it mean fictitious?

10 A Sterile.

11 MR. SHIPMAN: Objection, Your Honor, leading.

12 THE COURT: Overruled.

13 BY MR. HOLLOWAY:

14 Q Does the word dry mean fictitious?

15 A No.

16 Q Let's roll through here. Do you recognize
17 these?

18 A Yes.

19 Q Okay. Are those original copies of your
20 statement that Mr. Shipman's been asking about?

21 A Yes.

22 Q On the first page, I believe it's in the second
23 paragraph, what is the timeframe you use when describing
24 the University Inn incident?

25 A Before fourth grade, 1989.

Complainant [REDACTED] REDIRECT BY MR. HOLLOWAY

1 Q Did we talk about fourth grade yesterday?

2 A Yes, we did.

3 Q And are you -- when you walk through here, how
4 are you able to determine when these events occurred?

5 A By the season and by the school year.

6 Q And --

7 MR. SHIPMAN: Your Honor, may we approach?

8 THE COURT: Yes.

9 (WHEREUPON, an off-the-record bench conference
10 was held in the presence of the jury but out of
11 the hearing of the jury.)

12 BY MR. HOLLOWAY:

13 Q As we were interrupted, how are you able to
14 remember the timeframes that these events occurred?

15 A By season and by the school year.

16 Q And do you remember what school year you were in
17 or going into at the time of the University Inn incident?

18 A It was before fourth grade, the summer before
19 fourth grade.

20 Q Was it correct in this you were right before
21 fourth grade in, say, 1989?

22 A Yes.

23 Q Do you remember an incident in which you -- in
24 which Richard picked you up from the Texaco station and
25 you talk about him squealing tires, does that ring bell?

Complainant [REDACTED] REDIRECT BY MR. HOLLOWAY

1 MR. SHIPMAN: Your Honor, this is outside the
2 scope of cross-examination.

3 THE COURT: I'm going to allow it. Overruled.

4 THE WITNESS: Yes..

5 BY MR. HOLLOWAY:

6 Q Did that happen in the same summer as the
7 University Inn incident?

8 A I'm not sure.

9 Q Do you know if y'all were living together at
10 that time?

11 A I don't believe so.

12 Q Were you living together at the time of
13 University Inn incident?

14 A No.

15 Q Do you know what time frame you said that
16 happened in your letters, the Texaco incident and the
17 squealing tires?

18 A It was also summertime.

19 Q Do you remember what year?

20 A No, I don't.

21 Q If you'll read this first paragraph for me.

22 A (The witness complies.)

23 It says, Summer of '89 --

24 You want me to read the whole thing?

25 Q No. Now that you've had the opportunity to

Complainant [REDACTED] REDIRECT BY MR. HOLLOWAY

1 think about it, do you think it's possible that those
2 events occurred in the same summer?

3 MR. SHIPMAN: Objection, Your Honor,
4 speculation.

5 THE COURT: He's asked her memory. I'm going to
6 allow it.

7 THE WITNESS: Can you ask the question again,
8 please?

9 BY MR. HOLLOWAY:

10 Q Okay. You just testified that, and you
11 testified yesterday, that you were not living with
12 Mr. Galloway during the time of the University Inn
13 incident?

14 A Yes.

15 Q You just testified that during that Texaco
16 incident that -- you said that was a time in which y'all
17 were living together?

18 A Yes.

19 Q In this report, did you mention that those
20 happened in the same year?

21 A In that report, yes.

22 Q And now that you've had an opportunity to think
23 about it, did those actually happen in the same year?

24 A No.

25 Q Do you know -- do you remember in your letters

Complainant ██████████ REDIRECT BY MR. HOLLOWAY

1 talking about or describing picking produce?

2 A Yes.

3 MR. SHIPMAN: Your Honor, I object. We're going
4 way outside the scope of cross-examination. If he
5 wants to do a redirect examination, we can talk about
6 that -- he can say something --

7 MR. HOLLOWAY: Your Honor, this is all about the
8 timeframe and this is the last question I'll ask.
9 I'm not trying to get into individual incidents.

10 THE COURT: I'll let him go a little further
11 with it.

12 BY MR. HOLLOWAY:

13 Q Do you remember in your letters when you
14 described Richard taking you to pick produce?

15 A Yes.

16 Q When did you say that that happened?

17 A I don't know. It would have been the summer of
18 '89. We didn't go the first year.

19 Q And can you review the last paragraph? Do you
20 remember in your letters when you told -- when you wrote
21 that Richard took you to pick produce?

22 A Yes. The summers of '89 through '91.

23 Q And given your testimony over the past two days,
24 did you pick produce in the same summer of the University
25 Inn incident?

Complainant [REDACTED] REDIRECT BY MR. HOLLOWAY

1 A No, we did not.

2 Q Okay. So, let's talk about that. Tell me the
3 process of writing these letters.

4 A Much of it had been written as part of therapy
5 and counseling as best I could remember it, just to get it
6 out and get it on paper. When I sent the letters to
7 Mr. Perry, it was to start an investigation. It wasn't
8 after the investigation, it was to see if an investigation
9 was necessary. So, I sent him excerpts from things that I
10 had written as part of counseling, which was for me a
11 storytelling style versus precise facts and dates, which I
12 couldn't recall from 30 years.

13 Q Was that one of the exercises that you -- that
14 you did or is that something that was part of your
15 counseling therapy?

16 A Yes, it was.

17 Q What was your main concern of getting this onto
18 paper when you originally wrote it?

19 A My main concern was to get all the ugly out.

20 Q Had you spoken to your mother at all before you
21 had written this?

22 A No.

23 Q During the course of this investigation, have
24 you conferred with your mother at all?

25 A After the investigation started and we were

Complainant [REDACTED] REDIRECT BY MR. HOLLOWAY

1 going to court.

2 Q And have you guys shared memories with one
3 another?

4 A Recently.

5 Q Have you guys worked together to really
6 determine when all those things occurred?

7 A Yes, we did.

8 Q This is a tough question. Is your father still
9 alive today?

10 A No, he's not.

11 Q You testified yesterday about the incident --
12 the fight, the assault, Richard assaulting your father?

13 A Yes, sir.

14 Q Were the police called that day, that night?

15 A I don't remember.

16 Q Would it surprise you if they were?

17 A No, it would not surprise me if they were.

18 Q Mr. Shipman asked you -- you mentioned something
19 about you being blessed financially. Can you tell the
20 jury what you meant by that? How you come to find, at
21 least, a little bit of money to make it day by day?

22 A Insurance money from my husband's death.

23 Q Did he have any sort of insurance policy through
24 the Army?

25 A Yes, he did.

Complainant [REDACTED] RECROSS BY MR. SHIPMAN

1 Q Who was the beneficiary of that?

2 A My son and I.

3 Q Is that money -- how do you use that money?

4 A I take care of my son. I bought our house.

5 MR. HOLLOWAY: Thank you, Ms. Complainant.

6 MR. SHIPMAN: Briefly, Your Honor.

7 RECROSS-EXAMINATION

8 BY MR. SHIPMAN:

9 Q Ms. Complainant when you were writing those emails,
10 you knew that Investigator Perry was a police officer?

11 A A detective, yes.

12 Q So, you knew he was investigating a crime?

13 A Yes.

14 Q You knew that you were making allegations of a
15 very serious nature?

16 A I was telling the truth, yes.

17 Q So, you knew that you needed to be thorough and
18 accurate?

19 A Thorough, yes.

20 Q Not accurate?

21 A As accurate as possible.

22 MR. SHIPMAN: No further questions, Your Honor.

23 THE COURT: All right, thank you. You may step
24 down.

25 All right, call your next witness.

Complainant [REDACTED] RECROSS BY MR. SHIPMAN

1 MR. HOLLOWAY: Yes, sir, Your Honor. The
2 State's next witness is going to be Ms. Patricia
3 Waldrop, the victim's mother.

4 THE COURT: Everybody good on the jury?

5 MR. GOLDSTEIN: May we approach, Your Honor?

6 THE COURT: Yes, sir.

7 (WHEREUPON, an off-the record bench conference
8 was held in the presence of the jury but out of
9 the hearing of the jury.)

10 THE COURT: There's one issue, very brief issue
11 we're going to need to take up. We kind of want to
12 get another witness in before we have lunch. But I'm
13 going to ask you to take a break. If y'all send me
14 back a note and tell me otherwise, then I will honor
15 your wishes.

16 So, at this point step back in your jury room
17 and let me know if y'all want to go forward with
18 another witness. Okay.

19 (WHEREUPON, the jury left open court at
20 approximately 11:50 a.m.)

21 MR. SHIPMAN: May I be excused to use the
22 restroom?

23 THE COURT: Yeah.

24 (WHEREUPON, a short break was taken.)

25 THE COURT: All right, the jury panel said they

Complainant [REDACTED] RECROSS BY MR. SHIPMAN

1 want to go ahead and proceed with the next witness.

2 So, are y'all ready?

3 MR. HOLLOWAY: Ready, Your Honor. I guess the
4 defense has a motion?

5 THE COURT: Yes.

6 MR. SHIPMAN: Your Honor, the [indiscernible]
7 motion want take into consideration very long
8 [indiscernible] continue due to illness from the next
9 witness. I believe that it may have been of a mental
10 capacity, something along those lines, at least, as
11 described to me. I understand that the new rules are
12 kind of more liberal than the common law rule, but I
13 would like to object to this witness under mental
14 illness, Your Honor. So, I preserve that for
15 appellate court review.

16 THE COURT: Okay.

17 All right, Mr. Holloway.

18 MR. HOLLOWAY: Your Honor, looks like State vs.
19 Needs, 333 S.C. 134 from 1998 is decisive here. It
20 says: Courts presume a witness to be competent
21 because bias or other defects in the witness's
22 testimony revealed primarily through
23 cross-examination effect the witness's credibility
24 and may be waived by the fact finder.

25 Your Honor, the burden of proof is on the mover,

Complainant [REDACTED] RECROSS BY MR. SHIPMAN

1 which is the Defendant here, the moving party. They
2 put forth no evidence that Ms. Waldrop is
3 incompetent. She was hospitalized back in January.
4 However, I've had several conversations with her.
5 She is lucid and knows that her responsibility is to
6 tell the truth.

7 THE COURT: Do we need to put you under oath?

8 MR. SHIPMAN: No, sir, I don't think we need to.

9 THE COURT: Well, also, looking at State v.
10 Sellers, it says that mental illness is not enough
11 for presumption of 601, that that goes to credibility
12 as well.

13 MR. SHIPMAN: Your Honor, I just object in case
14 we can change the law.

15 THE COURT: Okay, I understand.

16 MR. SHIPMAN: Thank you, Your Honor.

17 THE COURT: All right. How long do you think
18 this witness is going to last?

19 MR. HOLLOWAY: Your Honor --

20 THE COURT: I'm not trusting y'all's timing, but
21 just for --

22 MR. HOLLOWAY: Your Honor, we've been through so
23 many of the facts, I think Ms. Waldrop will probably
24 be done by 12:30 from a direct examination
25 standpoint.

Complainant [REDACTED] RECROSS BY MR. SHIPMAN

1 MR. SHIPMAN: I believe I may be 15 or 20
2 minutes.

3 THE COURT: All right, sounds good then. This
4 will start beeping at 12:30.

5 MR. HOLLOWAY: I can give you that laser pointer
6 and beam it at my chest and I'll know that I --

7 THE COURT: All right, let's bring them in.

8 MR. HOLLOWAY: Was that on the record, April?

9 THE COURT REPORTER: Yes.

10 (WHEREUPON, Court's Exhibit No. 2 was marked for
11 identification only.)

12 (WHEREUPON, the jury entered the courtroom.)

13 THE COURT: All right. Got your message, agree
14 with you.

15 Let's go with the next witness.

16 MR. HOLLOWAY: State's next witness is
17 Ms. Patricia Waldrop.

18 THE CLERK: Ms. Waldrop, please come and pause
19 at the end of the bench. Place your left hand on the
20 Bible and raise your right hand.

21 PATRICIA WALDROP, after being duly sworn,
22 testified as follows:

23 THE CLERK: Thank you. Please be seated. State
24 your name for the record.

25 THE WITNESS: My name is Patricia Waldrop.

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 THE CLERK: Thank you, ma'am.

2 DIRECT EXAMINATION

3 BY MR. HOLLOWAY:

4 Q Ms. Waldrop, when were you born?

5 A July 1st, 1954.

6 Q And where do you live currently?

7 A In North Carolina.

8 Q Do you have any children?

9 A Yes, sir.

10 Q Can you tell us about -- how many children do
11 you have?

12 A I have four.

13 Q What are their names?

14 A Alan Bishop, Christopher Bishop, **Complainant**
15 **██████████** and Clifton Harold.

16 Q Who are Clifton -- tell us how they're related
17 and who are their parents -- who are their fathers, I
18 mean. I'm sorry.

19 A **Complainant** and Clifton, their father was Robert
20 Harold. And Chris and Alan's father was my first
21 marriage.

22 Q Were you Robert and Harold married?

23 A Yes.

24 Q Do you remember when you were married from?

25 A We were married from 1978 all the way around

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 till '86 or '87.

2 Q Did y'all stay in contact after you were
3 divorced?

4 A Yes.

5 Q Did y'all live in the same city?

6 A Sometimes.

7 Q Did y'all sometimes live under the same roof?

8 A Yeah.

9 Q Do you know Mr. Richard Galloway?

10 A Yes, I do.

11 Q How did you meet Mr. Galloway?

12 A I first met him through my sister, Connie. They
13 were together -- they were married for a while.

14 Q Do you know about the time frame when they were
15 married?

16 A I know they were married in '78 when my daughter
17 was born.

18 Q And when you say your daughter, you're referring
19 to **Complainant**

20 A **Complainant** yes.

21 Q Where did you and Robert live in the 80's?

22 A We lived in Florida and in South Carolina.

23 Q Tell me a little bit about Florida.

24 A Well, we first went to Florida -- right after
25 **Complainant** was born, we went to Panama City, Florida. And

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 we moved from there to Jacksonville.

2 Q Do you know when you were in Jacksonville?

3 A I was in Jacksonville about 1980.

4 Q Was Mr. Galloway ever in Jacksonville?

5 A Yes.

6 Q Can you tell us about that?

7 A Yeah, we were moving to Jacksonville, Robert
8 Harold and myself, and we met up with Richard somewhere
9 along the way there and he wanted to move, too. So, we
10 had a big old van and we just told him to come on. So, me
11 and Bob and **Complainant** and Clifton and Richard moved to
12 Florida, to Jacksonville.

13 Q And were you involved -- were you and
14 Mr. Harold, were y'all married then?

15 A Yeah.

16 Q And do you remember the Challenger, the space
17 shuttle explosion?

18 A Yes.

19 Q Where were you living then?

20 A In Jacksonville.

21 Q When did you move back from Jacksonville, do you
22 remember?

23 A It was right around wintertime, or the end of
24 winter. It wasn't real cold.

25 Q Okay. Do you remember what year of school that

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 Complainant was going into?

2 A When we moved back here?

3 Q Yes, ma'am.

4 A Yeah, she was going into the second grade.

5 Q And where did you get a job when you moved back
6 to Greenville?

7 A I worked at the Texaco Corner Mart on White
8 Horse Road, the corner of Castle Bridge Road.

9 Q How long did you work there?

10 A I worked there about five years.

11 Q What was -- what were the shifts like there?

12 A Well, I was hired on as third shift, 11:00 to
13 7:00, but I had four children at home most of the time.
14 And so, you know, I was subject to work anywhere from 65
15 to 70 hours a week.

16 Q How many days a week were you working?

17 A Six.

18 Q Where did you guys move when you moved back to
19 Greenville?

20 A We stayed with my mom for a while.

21 Q Who's your mom?

22 A Her name was Lila Stepp.

23 Q Did she have a nickname?

24 A Little Nanny.

25 Q Did you end up getting a place of your own?

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 A Yes.

2 Q Where was that at?

3 A It was a duplex on Montague Road off of White
4 Horse Road.

5 Q And when you moved back from Jacksonville, did
6 Mr. Galloway come back to Greenville right away, or how
7 did that work out?

8 A I really don't remember how long it was before
9 he came back. Because I left -- I hate to say it, but I
10 left Mr. Harold and brought the kids and just myself back
11 to South Carolina. So, I really can't say how long before
12 he came back.

13 Q Why did you leave Mr. Harold down there?

14 A I was -- you know, I was trying to work, I
15 couldn't get him to go to work. You know, I just got
16 aggravated with the situation, you know. I just thought
17 if I didn't have nothing with him, I just as soon have
18 nothing without him. So, I came back home.

19 Q Did you have any family in Jacksonville?

20 A He had family in Jacksonville.

21 Q Did you?

22 A No.

23 Q Where was your family at?

24 A In South Carolina and North Carolina.

25 Q Where -- do you remember when you started

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 picking up with Mr. Galloway or when he started coming
2 back in your life?

3 A He came back probably I think around '86, '87,
4 somewhere around there.

5 Q How did y'all interact at first?

6 A We were friends. You know, he was a good
7 customer of mine at the Corner Mart. We just started
8 seeing each other, you know, going out with each other.

9 Q When you were working third shift, who did
10 **Complainant** and Clifton stay with?

11 A I had a babysitter for them, the couple that
12 lived across the street in a little place on Parker Road.

13 Q Do you remember the first time that you asked
14 Richard to look after **Complainant** and Clifton?

15 A I don't remember the exact date, you know, but I
16 had been called in to work a double shift, you know. And
17 like I said, he had been coming around and he was always
18 pretty nice and stuff, so I did ask him for help.

19 Q At that point, how long had you guys been
20 hanging out?

21 A Probably a couple months.

22 Q And do you remember, did you drop Clifton and
23 **Complainant** off or did he come pick them up?

24 A So, I took them to him.

25 Q And where was that at?

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 A At the University Inn on White Horse Road.

2 Q Did you go to work after that?

3 A Yes.

4 Q Do you know about what time you would have
5 dropped them off?

6 A I think I took them about -- around probably
7 8:00 o'clock so they could get ready for bed, you know,
8 and I could get ready for work.

9 Q Did you see Richard again that night?

10 A Yeah, a little later that night.

11 Q Where did you see him?

12 A At work.

13 Q Did he come up to the Texaco?

14 A Yeah.

15 Q Why did he come up to the Texaco?

16 A I guess, you know, the best I can figure he came
17 up there was to tell me a situation that had happened.

18 Q Tell me about that situation.

19 A He told me that **Complainant** had went to sleep.
20 Clifton was against the wall and **Complainant** was up by the
21 front of the bed. And he said that after she went to
22 slip, he had laid down there and was just going to rest
23 for a few minutes and went to sleep. And when he woke up,
24 he said that **Complainant** leg was over him and he had his
25 arm around her, you know. He said he thought it was me.

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 So, he came to tell me, you know, what happened so, you
2 know, I wouldn't get upset when -- if Complainant told me.

3 Q And did he come up and tell you that that same
4 night you had dropped them off?

5 A Yeah.

6 Q Did --

7 A Well, actually, it probably wasn't the same
8 night. It was early the next morning, you know, before I
9 got off work.

10 Q Did Complainant ever tell you about a sexual assault
11 that occurred at the University Inn that night?

12 A Yeah.

13 Q After Complainant told you about that, did you let the
14 kids stay with Richard again for a while?

15 A Not for a long while.

16 Q Tell me what you did with the kids after you had
17 that conversation with Complainant and Mr. Galloway?

18 A Do that again.

19 Q Tell me who the kids stayed with after you had
20 learned about a sexual assault incident?

21 A Sometimes they stayed with my mother and
22 sometimes they stayed with a friend of mine, their Aunt
23 Dot.

24 Q Did you continue to talk to Richard or how did
25 y'all's friendship go from there, your relationship?

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 A Well, you know, like I said, he kept coming in
2 the Corner Mart and we talked. And, you know, I tried to
3 understand that little scene there, you know. **Complainant**
4 didn't say anything about it right then, you know, so I
5 just didn't let him stay with them much anymore after
6 that.

7 Q Did you keep an eye on him?

8 A Yes.

9 Q What did you notice about the relationship
10 between Richard and your children -- and Clifton and
11 **Complainant**

12 A Well, you know, he was good to them, you know.
13 They done things, you know, he took them places.

14 Q When you say he was good to them, what kind of
15 things did he do for them?

16 A Well, he would buy them stuff and he would teach
17 them how to go to work and make money, which that was a
18 good thing.

19 Q Yeah, that's admiral, certainly.

20 A The only time I got really mad at him was I let
21 my daughter and my son's hair grow out forever and I come
22 home from work and their hair was cut.

23 Q Really?

24 A Yeah.

25 Q Okay. I understand that.

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 A But, you know, we didn't have any -- you know, I
2 didn't see any problems.

3 Q Did y'all's relationship advance?

4 A Yes.

5 Q Did y'all end up moving in together?

6 A Yep.

7 Q Where did you guys move to?

8 A ■ Worth Street.

9 Q Is that here in Greenville?

10 A Uh-huh.

11 Q Do you remember about what time y'all moved in
12 together or what season, or what year? Long time ago?

13 A Yeah, I know it's a long time ago. I think we
14 moved in probably about the end of 1988.

15 Q Do you remember the Christmas of 1988?

16 A Yeah.

17 Q Do you remember where you were spent it?

18 A Yeah, up at his mother's in North Carolina.

19 Q Tell me about Worth Street. Were you still
20 working at the Texaco?

21 A Yeah.

22 Q How was your relationship with Richard?

23 A I thought we had a really good relationship, you
24 know. He had changed a lot from when he was married to my
25 sister. And, you know, he was also really good to me, you

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 know, I tried to be really good to him.

2 Q Did things ever go south with y'all's two
3 relationship?

4 A Yeah.

5 Q What were the kids social lives like?

6 A They were mostly at home, you know, except to go
7 to school, you know. **Complainant** had school activities, she
8 was allowed to do that, but, you know, they weren't really
9 allowed to go outside our fence and play. They weren't
10 allowed to have sleepovers and weren't allowed to have
11 children over.

12 Q Were there other children in the neighborhood?

13 A Yeah, there was plenty of children.

14 Q What was Richard doing for work at the time?
15 Did he work in produce or did he a work nine-to-five job?

16 A He didn't work a nine-to-five job. I don't
17 really exactly know how much -- I mean, what kind of work
18 he did. I know he picked a lot of ivy and he sold it to
19 somebody that made Christmas wreaths out of it.

20 Q Did he ever bring **Complainant** or Clifton to work
21 with him?

22 A Yeah.

23 Q Do you know where they would go to work with
24 him?

25 A Well, he opened up a produce up on the top of

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 Caesar's Head and they went to work with him there. They
2 also done things like cut wood. They picked peaches.
3 They picked strawberries.

4 Q And did you ever go to work with them or were
5 you resting up for work?

6 A No, I went with them a lot.

7 Q Before you and Richard got together, who
8 disciplined Clifton and Complainant?

9 A I did.

10 Q Did you continue to discipline them when y'all
11 move into [redacted] Worth Street?

12 A Well, to tell you the truth, they didn't need
13 much discipline. I was very proud of the way I raised
14 them. They used their manners. They didn't hardly step
15 out of the line or anything. So, I probably didn't whip
16 Complainant any after she was like four, you know. Clifton, the
17 same way. Because they were just really good children.

18 Q Do you remember Mr. Galloway disciplining Complainant?

19 A Yeah.

20 Q And what was Clifton like back then?

21 A Clifton, back then, he was real quiet, you know.
22 He played outside a lot all by himself. He had him a
23 little spoon and he dug holes all in our back yard.

24 Q Did he come in when the dinner bell rang?

25 A Only when I made him.

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 Q And where was **Complainant** most the time after school?

2 A She was most the time in her room. You know, if
3 I was home, she was -- you know, we were out there in the
4 trailer together, you know, when Richard come home. By
5 then, our relationship had got bad, you know, starting to
6 get bad. And they wouldn't never come out around him.

7 Q Why is that?

8 A They didn't like him. You know, he fussed at
9 them a lot and stuff, so they just figured out of sight
10 and out of mind. You know, if they wasn't in front of
11 him, he wouldn't be mean to them.

12 Q Did Clifton have a dog?

13 A Yes.

14 MR. SHIPMAN: Objection, Your Honor. Can we
15 approach?

16 THE COURT: Okay.

17 (WHEREUPON, an off-the-record bench conference
18 was held in the presence of the jury but out of
19 the hearing of the jury.)

20 BY MR. HOLLOWAY:

21 Q What was Clifton's dog's name?

22 A Penny.

23 Q And how did Richard treat Penny?

24 A He didn't really care for Penny much.

25 Q Was Penny around very often?

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 A Yeah, she was always there, you know.

2 Q Okay. Moving on from Penny. Was this a
3 situation in which you had tried to get out of Worth
4 Street a couple times?

5 A Yeah.

6 Q Can you tell us about your efforts and what was
7 going on there at the end?

8 A Yeah, at the end after I moved out of Worth
9 Street -- after we separated, I moved out of Worth Street
10 and I moved into another duplex, you know, with the same
11 company. We just moved further down the hill. And he
12 started stalking me, you know. And he took his truck and
13 he'd spin doughnuts in our front yard, he shot at the
14 duplex. I mean, a lot of stuff happened at the duplex.
15 Let me know how much you want to hear.

16 Q Did -- we just jumped a little bit, but let's go
17 there. When y'all moved into the duplex, where did
18 Richard move?

19 A In an apartment right up the hill from us.

20 Q Were there other apartments -- this is a stupid
21 question. Were there other apartments in Greenville he
22 could have moved?

23 A Oh, yeah.

24 Q We talked a little bit before about your
25 ex-husband, Bob Harold. When y'all moved back to

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 Greenville, do you remember where Bob lived?

2 A Yeah, he stayed with my mom.

3 Q Was he an active part of the children's life?

4 A Yes.

5 Q During this time with Richard, was Bob around at
6 all?

7 A Yeah.

8 Q Did the children ever get to see Bob?

9 A Anytime he wanted to see them.

10 Q Did Bob and Richard get along?

11 A No.

12 Q Did Bob ever come to your house?

13 A Yes.

14 Q To Worth Street?

15 A Uh-huh.

16 Q Okay. About what time -- about when in this
17 continuum were y'all making a concerted effort, y'all as
18 in you and Clifton and **Complainant** to move out of **█** Worth
19 Street?

20 A Yeah, it was hard moving out of there. You
21 know, I had to go back to my mother's for a while so I
22 could get up the money to get our duplex.

23 Q Do you know about when this was?

24 A Around 1990.

25 Q And did y'all -- what was going on with your mom

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 at the time?

2 A My mom had a drug and alcohol problem all of my
3 life. And my stepfather had an alcohol problem.

4 Q Is that something that weighed on you?

5 A All the time.

6 Q There's been some testimony about a situation in
7 which Mr. Galloway kidnapped Clifton?

8 A Yeah.

9 Q Do you remember anything about that?

10 A Yeah.

11 Q Okay. Can you tell us what your side is, what
12 happened in your mind?

13 A Yeah, I had left Richard. He was gone to work
14 and me and the kids packed up and we left and we went to
15 the University Inn, you know. And he found me at the
16 University Inn. He pulled in there and he kicked my room
17 door opened, you know, he grabbed my children and, you
18 know, I, of course, was going to try to keep my children.
19 And I had hold of Complainant, but I couldn't get hold of
20 Clifton and he ended up taking Clifton.

21 Q Okay. And do you remember what kind of car you
22 were driving at the time?

23 A Yes, I had a white Buick.

24 Q And was Richard familiar with that Buick?

25 A Yeah, absolutely.

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 Q How was he familiar with it?

2 A We got that -- I got that car when I was with
3 him.

4 Q Had you just parked out front of the hotel or
5 where did you park the car?

6 A Well, I just parked out front because I didn't
7 think he knew anything about the University Inn and he'd
8 just be able to spot my car going by. I didn't think he
9 knew it that well.

10 Q Were you guys -- do you remember if you had
11 moved into the duplex on Montague or not at this point?

12 A No, I moved in a little after that.

13 Q There's been some testimony about an incident or
14 a situation in which you guys, you and Clifton and
15 **Complainant** stopped over at Judge Cagle's?

16 A Yeah.

17 Q Do you remember Judge Cagle?

18 A Yeah.

19 Q Do you remember where Judge Cagle's office was
20 located?

21 A Yeah.

22 Q Where was it?

23 A White Horse Road.

24 Q And was it a real courthouse or where was the
25 office at?

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 A No, it wasn't a real courthouse. It was in a
2 little shopping strip. You know, her office was one of
3 those offices in there.

4 Q And can you tell us about what led up to you
5 guys pulling into Judge Cagle's?

6 A Yeah, like I said, Richard had started stalking
7 me, you know, the very last time I left him. And so we
8 had come out of the duplex and we were going to visit my
9 mother. And he was backed up in the woods right at the
10 end of Montague before you turn on White Horse. And when
11 he seen our car come by, you know, he come out behind me
12 and he followed me and tried to run me off the road down
13 White Horse Road. And I knew of Diane Cagle's office
14 being there. So, the first thing I thought was safety, so
15 I pulled into Diane Cagle's and we all went in there.

16 Q And after that, there's also been some testimony
17 about a fight that Richard got into with Mr. Harold,
18 Robert?

19 A Yeah.

20 Q Do you remember that fight?

21 A I sure do.

22 Q Can you tell us a little bit about that?

23 A Yeah, Bob had come by and picked up me and the
24 kids and we had went over to my mom's, you know, to visit.
25 And we come home right about -- Bob brought us back right

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 about dark, you know, and he didn't pull in my driveway,
2 he just pulled on the side of the road. And when he
3 pulled on the side of the road, Richard come from nowhere
4 and jerked him out of the truck, you know, beat him up
5 pretty bad, you know, him and his sister. And I ended up
6 taking **Complainant**'s father to the hospital that night.

7 Q After you guys had separated or maybe it was
8 while you were together, would Richard ever come up to the
9 Texaco when you were working?

10 A Yeah.

11 Q Did he ever get in the argument with the
12 manager?

13 A It was kind more than an argument.

14 Q And what was the manager's name?

15 A Hugh Denton.

16 Q What happened between Richard and Mr. Denton?

17 A Well, Richard had come up there to the Corner
18 Mart. You know, I was talking to him at that time. He
19 just come up there, I guess, kind of harassing me really.
20 And he had went to leave and his truck wouldn't start and
21 he was working -- he was doing something under his truck.
22 And my boss, Mr. Denton, come out there and ask him said,
23 you know, is there anything I can do to help you? And he
24 come out from under the truck and beat him up right in
25 front of the Corner Mart. The law was called on that. Of

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 course, he is gone by then, but there was a police report
2 and pictures were taken of that.

3 Q We talked about that first Christmas of '88 up
4 at Richard's mom's. Do you remember any other Christmases
5 with Richard?

6 A Yeah.

7 Q Can you tell us about some of the Christmases?

8 A Yeah, the Christmas of -- I believe probably the
9 Christmas of '89, we had a really big Christmas at home.
10 Richard had really splurged on the children and myself.
11 It was pretty big. It was real nice.

12 Q What about the following year, where did you and
13 Clifton and **Complainant** spend that following Christmas?

14 A In North Carolina.

15 Q Who were you with then?

16 A My brother.

17 Q Which brother?

18 A Richard Waldrop.

19 Q Did you guys end up moving to North Carolina?

20 A Yeah.

21 Q Let's take it a step back. After you broke up,
22 after you and Richard separated, was there ever a point
23 where you thought about going back to Richard?

24 A Yeah.

25 Q What was going on in your mind?

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 A I was -- you know, I was just really confused.
2 You know, I was going through a hard time. Not only was
3 my relationship with Richard falling apart, you know, I
4 also had my mother and my stepfather to deal with. You
5 know, I had my mom and my stepfather drunk and stuff and
6 then Richard being mean and my kids was there -- me and my
7 kids was there with my mother. I didn't know what to do.
8 You know, I need to get them away from Richard. I need to
9 get them away from mother.

10 Q Where were the kids staying at at that point at
11 night when you went to work?

12 A There's lots of nights, they spent the night with
13 me at work. I made them pallets -- I took boxes and broke
14 them apart and put them on the floor and made pallets on
15 the floor and they sleep in the back room a lot of nights.

16 Q Was that during this timeframe?

17 A Yeah.

18 Q When you were having this second guessing about
19 what you should do and how you should take care of the
20 kids, was **Complainant** around?

21 A Yeah.

22 Q At that time -- near that time, did **Complainant**
23 tell you about a sexual assault incident?

24 A Yes, she did.

25 Q After she made that disclosure to you, what did

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 you do?

2 A Well, I had a handgun a customer gave me at
3 work, you know, for protection. It wasn't store
4 protection, it was protection from Richard, you know. So,
5 when **Complainant** told me what happened, the first thing I done
6 was, you know, went over to Richard's. He was still
7 living on Worth Street. And I just went in there and
8 asked him, you know, if there was something he needed to
9 talk to me about.

10 Q What did Mr. Galloway say?

11 A He said -- he told me yes.

12 Q Told you yes what?

13 A He told me that he had went up to his mother's
14 and talked to his mother about the incident with my
15 daughter and that his mother told him that he needed to --
16 you know, he needed to talk to **Complainant** and tell her that he
17 was sorry and everything to see if she would forgive him
18 so he could go the heaven.

19 Q Where were you guys staying at at the time?

20 A At my mom's.

21 Q Did Richard come by your mom's later that day or
22 the next day?

23 A Yeah.

24 Q What happened?

25 A Well, like I said, you know, I didn't -- I was

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 thinking about going back to him, you know, but -- and I
2 was talking to **Complainant** about that.

3 She told me, she said, No, momma, we can't
4 go back.

5 Q Tell me what happened when Richard came back to
6 your momma's the next day. Was this after the
7 conversation you had with them? Let me stop.

8 A Okay.

9 Q You had just testified that you drove over to
10 Worth Street and had a conversation with Richard. After
11 that -- and you had a gun?

12 A Yeah.

13 Q What were you doing with a gun?

14 A Well, I just thought, you know, if Richard
15 confessed, told me what -- the same thing that **Complainant** told
16 me, you know, my first thought was to kill him.

17 Q Why didn't you?

18 A Why didn't I? I guess main reason I didn't is
19 because God showed me **Complainant** and Clifton and where they
20 were at and who was taking care of them and I didn't want
21 to go to prison and leave my children.

22 Q So, you didn't shoot him that night; is that
23 true?

24 A No.

25 Q And did he come by your mom's within the next

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 couple of days, two or three days?

2 A Yeah.

3 Q Tell me what happened when he came by your
4 mother's.

5 A Like I said, he came by there and me and **Complainant**
6 went down to the fence. He had told **Complainant** that -- he told
7 me and **Complainant** that he had talked to his mother about what
8 he had done.

9 Q What happened -- how did you guys come down to
10 the fence? Did he catch your attention in any way?

11 A Well, when he pulled his big truck up there in
12 front of the drive, you pretty couldn't miss it. And
13 plus, it was right after that letter that he had wrote to
14 me and wanted me to come back.

15 Q In that letter -- what did that letter talk
16 about?

17 A He just talked to me about he was sorry that
18 he's been abusive --

19 MR. SHIPMAN: Objection, hearsay.

20 THE COURT: Is the letter from the Defendant?

21 MR. SHIPMAN: It's still hearsay within hearsay.

22 And we have the best evidence rule as well. If
23 they're going to talk about the contents of the
24 letter, they need the letter to prove it.

25 THE COURT: Do you have the letter?

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 MR. HOLLOWAY: Your Honor, there is no letter,
2 so there's no way to have better evidence --

3 MR. SHIPMAN: Well, Your Honor, it's not the
4 best evidence you can get, the best evidence rule
5 says if you're going to prove the contents of the
6 writing, you have to have the writing.

7 THE COURT: Well, I'm going to allow it I think
8 based on state of mind.

9 MR. HOLLOWAY: Thank you, sir.

10 BY MR. HOLLOWAY:

11 Q What did the letter talk about?

12 A He talked -- he apologized for being mean to us
13 and he said he wouldn't do it anymore and he really wanted
14 us to come back.

15 Q Did **Complainant** come down and talk to him that day?

16 A Yeah.

17 Q Tell us about that conversation.

18 A Yeah. Like I said, he had told her that his
19 mother told him he needed to apologize to her, you know,
20 and get things straight with her so, you know, he could go
21 to heaven.

22 Q What did **Complainant** say?

23 A She said, Well, I guess you'll go to hell then.

24 Q Like her momma?

25 A Yeah.

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 Q Did you guys -- were y'all living at the duplex
2 off Montague at the time?

3 A Not that same time, but it wasn't long after
4 that, we moved in there.

5 Q And when did you guys finally get out? What
6 precipitated -- what was the event that allowed you guys
7 to get out?

8 A I had got my -- I had got my paycheck from work
9 and I had a child support check from **Complainant** and Clifton's
10 father. We had friends up in Dacusville, Sharon and
11 Robbie. And I was talking to Sharon about, you know, how
12 I could get away from Richard.

13 And her husband said, I can tell you how
14 you can get away from him. He said, I'll take you to
15 California.

16 Q So, did you go to California?

17 A Yeah, me and **Complainant** went to California.

18 Q How long did y'all go?

19 A It was about a two-week trip.

20 Q And what about the boys, where were they at?

21 A I took them over to Clifton's dad.

22 Q Was that Mr. Harold?

23 A Yeah.

24 Q What did y'all do when you got back?

25 A Well, when we got back, we went to -- Robbie

PATRICIA WALDROP-DIRECT BY MR. HOLLOWAY

1 took us to this little cabin. I believe it's right around
2 the Fletcher area of North Carolina. And we stayed in
3 that cabin for a while, mostly waiting for my child
4 support check to come through, you know. It was about a
5 month.

6 Q Did y'all move somewhere after that?

7 A Uh-huh.

8 Q Where did you move?

9 A Moved over to Spruce Hill Apartments where I had
10 a brother that lived over there, my brother, Richard.

11 Q What did Richard do there at the apartments?

12 A He was the maintenance man. He'd been there --
13 oh, gosh, he'd been there like 10 years or so.

14 Q Did you ever see Mr. Galloway much after that?

15 A I didn't see him at all after that.

16 Q In fact, when was the last time you've seen
17 Mr. Galloway before yesterday?

18 A I haven't seen Richard since 1991 probably, the
19 early part of '91. When we left -- once we left, we never
20 seen him again.

21 Q Were you aware that possibly **Complainant** was seeing
22 him -- had seen him?

23 A I wasn't aware at the time.

24 Q But have you heard that lately?

25 A Yeah.

PATRICIA WALDROP-CROSS BY MR. SHIPMAN

1 MR. SHIPMAN: Objection, Your Honor, calls for
2 hearsay.

3 THE COURT: Sustained.

4 MR. HOLLOWAY: Thank you. We'll move along.

5 BY MR. HOLLOWAY:

6 Q And how's your relationship with your daughter,
7 **Complainant**, been over the last 15, 20 years?

8 A We've had a -- you know, we've been apart the
9 last 15, 20 years. She joined the Army in 1997. She got
10 married, you know, in '95 and she joined the Army in '97.
11 First place they sent her after boot camp was Fort Leonard
12 Wood, Missouri, and she's pretty much been there ever
13 since then.

14 Q Have you got to see her a lot lately?

15 A Yeah.

16 Q Have you enjoyed it?

17 A Absolutely.

18 MR. HOLLOWAY: Thank you, Ms. Waldrop. Please
19 answer any questions that defense counsel may have
20 for you.

21 THE COURT: Cross-examination.

22 MR. SHIPMAN: Thank you, Your Honor. May it
23 please the Court.

24 CROSS-EXAMINATION

25 BY MR. SHIPMAN:

PATRICIA WALDROP-CROSS BY MR. SHIPMAN

1 Q Ms. Waldrop, you've spoken to the investigator
2 in this case before, haven't you?

3 A Uh-huh.

4 Q Bob Perry?

5 A Yes.

6 Q Did you speak to him at his office or did he
7 come to you?

8 A He came to me.

9 Q Was that when you were living in Easley or were
10 you in North Carolina?

11 A I was in Easley.

12 Q Okay. You've spoken to the prosecutor in this
13 case, Mr. Holloway, before today as well, right?

14 A Yes.

15 Q Okay. Now, **Complainant** is your daughter. You said
16 in the last -- recently, you've been able -- you've, I
17 guess, regained contact with her, I guess, is the way to
18 phrase it?

19 A Yeah.

20 Q How many times have you spoken to her in the
21 last three years, would you say?

22 A In the last three years? The first of the last
23 three years, I didn't get to talk to her a lot. We had a
24 strained relationship, you know. We finally started
25 talking pretty much again about a year ago.

PATRICIA WALDROP-CROSS BY MR. SHIPMAN

1 Q Okay. Now, **Complainant** you said, lives in Missouri?

2 A Yes.

3 Q And you're living in North Carolina now; is that
4 right?

5 A Yeah.

6 Q You'd been living in Easley until fairly
7 recently?

8 A Yeah.

9 Q When did you move from Easley to North Carolina?

10 A Oh, I've been away from Easley now for about two
11 years. I've been in North Carolina for a year and a half.

12 Q You been out to Missouri to see **Complainant**?

13 A Once.

14 Q How long ago was that?

15 A Three Christmases ago.

16 Q So, not in the last two years or anything?

17 A Uh-huh.

18 Q You kept up -- mostly, I guess, the contact
19 you've had with her then has been by phone?

20 A Yeah.

21 Q Okay. Mr. Perry, the investigator, did he call
22 you on the phone to talk about this case or did you go to
23 him?

24 A Mr. Perry got in touch with me by phone, you
25 know, but I didn't talk about the case with him on the

PATRICIA WALDROP-CROSS BY MR. SHIPMAN

1 phone.

2 Q That's when you set up the appointment at your
3 house?

4 A Yeah.

5 Q Okay. August 1st, 2016, does that sound about
6 right as far as when you met with him?

7 A Yeah.

8 Q Did he show you that the conversation was being
9 recorded?

10 A Yeah.

11 Q Okay. Did you two speak a few minutes before
12 the tape recorder was turned on or do you recall?

13 A I don't recall.

14 Q Okay. You knew you were speaking to a police
15 officer, right?

16 A Yeah.

17 Q You knew that he was a detective and you knew
18 that he was investigating the case of Richard Galloway
19 abusing **Complainant** you daughter.

20 A Yeah.

21 Q And you wanted to help **Complainant**, right?

22 A Absolutely.

23 Q Now, Investigator Perry asked you about an
24 incident where **Complainant** came to you about Richard, do you
25 recall that?

PATRICIA WALDROP-CROSS BY MR. SHIPMAN

1 A Yeah.

2 Q But you didn't tell him anything about
3 University Inn when he asked that question, did you?

4 A I'm not sure if that was brought up.

5 Q Okay. But he asked you a few times if **Complainant**
6 told you about what happened at the University Inn, right?

7 A Yeah.

8 Q And you said no, she must have been mistaken.

9 A Well, like I said, you know, he had told me that
10 it was just a mistake, you know. And I was trying to give
11 him the benefit of the doubt about that.

12 Q But he told you that. Did **Complainant** tell you that?

13 A **Complainant** told me a different story.

14 Q Okay. Now, you told -- your testimony today was
15 that when **Complainant** told you that story, you got the gun that
16 you had for work; is that right?

17 A No, I didn't get the gun after that scene. I
18 got the gun after the scene that happened up at his
19 mother's house.

20 Q Okay. So, you got the gun that day and then you
21 went down to Richard's house?

22 A Yeah.

23 Q Was he at Worth Street then or was he in the
24 apartment on Montague?

25 A He was at Worth Street.

PATRICIA WALDROP-CROSS BY MR. SHIPMAN

1 Q Okay. You said that you just went in there and
2 asked him?

3 A Uh-huh.

4 Q When you were talking to Investigator Perry, you
5 said you pulled the gun on him, do you recall that?

6 A Yeah, I did have a gun.

7 Q Did you pull it on him?

8 A I pointed it at him.

9 Q But that wasn't your testimony today when
10 Mr. Holloway asked you; is that right?

11 A Well, I guess I misunderstood because, you know,
12 he said I had the gun.

13 Q Okay.

14 A You know, I made sure Richard knew I had the
15 gun.

16 Q Okay. You said your first thought was to kill
17 him? To kill Richard, that is?

18 A Yeah.

19 Q But you were worried you would get arrested?

20 A Yeah.

21 Q Okay. Let's talk about Clifton at the
22 University Inn. You said Richard came in and kicked his
23 way into the room and that you grabbed **Complainant**; is that
24 right?

25 A Yeah. He grabbed me and I got away from him.

PATRICIA WALDROP-CROSS BY MR. SHIPMAN

1 And my first thing, you know, was to get the kids away
2 from him.

3 Q You grabbed **Complainant** because she was the closest
4 is what you said?

5 A Yeah, I went to grab her here and I was trying
6 to turn around and get Clifton and I didn't get Clifton,
7 he did.

8 Q Okay. Do you recall if the police came out to
9 Richard's yard later in that day to search for Clifton?

10 A No. I called his mother, you know, and told his
11 mother that he needed to have Clifton back at the trailer,
12 you know, in one hour or I would call the law on him.

13 Q Okay. Now, let's talk about this fight between
14 Richard and Bob Harold. That happened at -- that was in
15 front of your house?

16 A Yeah.

17 Q And that was on Montague?

18 A Yeah.

19 Q Okay. Now, you took -- you took Richard -- or
20 excuse me, you took Robert to the ER?

21 A Yeah.

22 Q Okay. Did you come straight home that night
23 after you dropped Mr. Harold off at the emergency room?

24 A Well, after he was examined, you know.

25 Q Okay. Was he released?

PATRICIA WALDROP-CROSS BY MR. SHIPMAN

1 A He was released.

2 Q Okay.

3 A I took him back over to my mother's house and
4 then I went home.

5 Q Did you speak to the police about that?

6 A Yeah.

7 Q You did. Okay. And let's talk about the
8 argument -- I guess, the argument that turned into a fight
9 at the Texaco. You testified today that the law was
10 called?

11 A Uh-huh.

12 Q Did you call the police, or did your manager call
13 the police?

14 A Yeah, I called them.

15 Q So, you called the police when your manager got
16 assaulted out front?

17 A Yeah.

18 Q Okay. Now, you said Bob Harold was active in
19 the kids' lives?

20 A Yeah.

21 Q He could get them pretty much whenever he
22 wanted?

23 A Yeah, when we got our divorce, you know, I gave
24 him free visitation. You know, I didn't never keep him
25 away from the kids.

PATRICIA WALDROP-REDIRECT BY MR. HOLLOWAY

1 Q I mean, did y'all have a set schedule, like, was
2 it every other weekend or he'd just call and come pick
3 them up.

4 A Whenever he wanted to come and get them.

5 Q Okay. Now, Complainant told you about what happened
6 between her and Richard, is that right, eventually?

7 A Uh-huh.

8 Q You never told Bob?

9 A No.

10 MR. SHIPMAN: Thank you. No further questions.

11 THE COURT: Any redirect?

12 MR. HOLLOWAY: Yes, sir, Your Honor, just
13 briefly.

14 REDIRECT EXAMINATION

15 BY MR. HOLLOWAY:

16 Q Ms. Waldrop, I have enjoyed getting to know you.
17 You did point that gun at him, didn't you?

18 A Yeah.

19 Q I would have liked to have been there to see it.
20 So, Patricia -- you are aware of pretty much all the
21 allegations that Complainant made?

22 A Yeah.

23 Q You're aware of the Clifton situation, what
24 she's expounded upon?

25 A Uh-huh.

PATRICIA WALDROP-REDIRECT BY MR. HOLLOWAY

1 Q Is there -- is that really how it happened?
2 Tell us how it really happened with Clifton?

3 MR. SHIPMAN: Asked and answered, Your Honor,
4 she's already testified to this on direct.

5 THE COURT: Sustained.

6 BY MR. HOLLOWAY:

7 Q Is there any doubt in your mind that Clifton was
8 taken by Richard Galloway from the University Inn?

9 A No doubt at all.

10 Q When **Complainant** wrote those letters, did she
11 contact you before?

12 A No.

13 Q Did she confide in you or confer with you at all
14 when she wrote those letters?

15 A When she started writing them -- I think when
16 she started mailing them off, you know, we started talking
17 about everything. Well, I thought, I knew everything, but
18 I certainly didn't.

19 Q Was it after she mailed them off or before?

20 A I'm not really sure.

21 Q Okay. Did she ever ask you about anything about
22 that time when she was writing them?

23 A She told me that she had been in touch with an
24 investigator in Greenville and that they would probably be
25 getting in touch with me.

PATRICIA WALDROP-REDIRECT BY MR. HOLLOWAY

1 MR. SHIPMAN: Thank you, Ms. Waldrop.

2 THE COURT: All right, you may step down.

3 MR. SHIPMAN: Briefly, just one question.

4 THE COURT: No.

5 You may step down.

6 All right. Counsel approach for timing.

7 (WHEREUPON, an off-the-record bench conference
8 was held in the presence of the jury but out of
9 the hearing of the jury.)

10 THE COURT: All right. I'm starting to figure
11 what all I need to do during my lunch. All right,
12 we're going to have to take a break until about 2:45.
13 That gives you two hours. Give you a lunch and nap
14 in there. But anyway, if you'll be back in your jury
15 room at 2:45 and we'll start as soon as we possibly
16 can.

17 Four rules, do not discuss the case, do not do
18 any type of research, do not pay any attention to any
19 media coverage if there is any, and do not -- if
20 you're contacted, please, give that information to
21 the bailiff. Otherwise, have a good lunch.

22 (WHEREUPON, the jury left open court at
23 approximately 12:49 p.m.)

24 MR. GOLDSTEIN: Your Honor, just briefly. As
25 the Court was made aware, the Defendant has a list of

1 proposed redactions, so I do have an original signed
2 copy. I'd like to make this a Court's Exhibit for
3 the record. And then I have a copy for Your Honor.
4 And I've already provided the State a copy of what
5 we're asking to have stricken from that audio tape.

6 THE COURT: All right. I'll look at that during
7 my lunch. What do y'all need? Y'all. I'm through
8 with y'all for the next hour.

9 For y'all's purposes, let's be back at 2:00, a
10 little after 2:00, 10 after 2:00.

11 (WHEREUPON, Court's Exhibit No. 3 was marked for
12 identification only.)

13 (WHEREUPON, a lunch break was taken.)

14 MR. HOLLOWAY: Your Honor, we have agreed,
15 especially in light of the case law, that Jacob has
16 about -- there's only -- through 2812 we're
17 completely in agreement on what should be redacted
18 and what's not.

19 THE COURT: Hold on, I feel like I need to go
20 get a cupcake or something.

21 MR. HOLLOWAY: Right, I know.

22 THE COURT: I'm just kidding y'all. I
23 appreciate y'all doing that. Do we need to put
24 something on the record then? There's still some
25 issues sounds like.

1 MR. HOLLOWAY: Your Honor, this is what we're
2 thinking unless, certainly, the Court's experience in
3 what might be the best way to do it. I was going to
4 call Investigator Perry and then
5 Ms. Galloway-Williams. Ms. Galloway-Williams should
6 be here -- she said she should be here by 3:15. What
7 we can do -- because I don't think there's any way
8 our office is going to be able to get this cut up in
9 short order. We can transcribe this tonight and then
10 I can put Shauna up or -- and I believe that Jacob
11 and them would want to do a proffer per the recent
12 case law as to what her expert testimony would be to.
13 Then I can call Investigator Perry tomorrow as the
14 State's final witness. We could go ahead and do his
15 Jackson v. Denno hearing, which I think would be
16 somewhat perfunctory.

17 THE COURT: Would y'all -- are y'all in consent
18 on the transcript? Who's going -- you're going to
19 need somebody to type up the transcript?

20 MR. HOLLOWAY: Your Honor, we're either --

21 THE COURT: Either that or putting y'all -- you
22 could work out --

23 MR. HOLLOWAY: Yeah, I might have -- given that
24 we have this done right now, I'll probably ask
25 Lindsay to redact, to try to make the redactions.

1 The problem with the software is that every time
2 something is redacted, say we redacted it at 1:00 to
3 1:10, well, then 1:11 actually becomes 1:01. So, I
4 think with the amount of redactions here, it might be
5 a nightmare for her to do that. So, we might just
6 have to get somebody, an intern or I'll type it up
7 tonight.

8 THE COURT: You'll type it up?

9 MR. HOLLOWAY: Somebody is going to have to type
10 it up.

11 THE COURT: Well, I think to do a transcript in,
12 all parties would have to consent to the transcript.

13 MR. GOLDSTEIN: We can take look at it after you
14 prepare it.

15 THE COURT: I mean, I don't mind doing
16 something -- y'all can figure out some way. I think
17 it makes a better record if you're able to do
18 something -- because that -- quite frankly, with all
19 the stuff we've got to do, it's not like we're going
20 to be sitting here twiddling our thumbs.

21 MR. HOLLOWAY: I could call Investigator Perry
22 now for the Jackson v Denno. And then right when
23 Ms. Galloway-Williams gets here, we can call her.
24 And --

25 THE COURT: I bet if you -- I mean, there should

1 be some way you can figure out --

2 MR. HOLLOWAY: How to redact it?

3 THE COURT: Yeah.

4 MR. HOLLOWAY: I'm very hopeful. I mean, I
5 would love to play the recording.

6 MR. GOLDSTEIN: Your Honor, I can say with it
7 almost being 3:00 now and all the steps that we need
8 to go through with Ms. Galloway Williams, even after
9 the Jackson-v-Denno hearing, I think it's going to
10 probably take up the rest of the afternoon.

11 THE COURT: I think you're probably right, too.

12 All right. Well, so we're just going -- y'all
13 are going to figure out something you're going to do
14 with that and I guess we'll address that first thing
15 in the morning.

16 MR. HOLLOWAY: Yes, sir, Your Honor.

17 THE COURT: Whatever y'all come up with, that's
18 fine with me.

19 MR. HOLLOWAY: Your Honor, Ms. Galloway-Williams
20 has got to be in Columbia --

21 THE COURT: We're going to do her now?

22 MR. HOLLOWAY: Yes, sir, once she gets here. I
23 would think we could get the proffer done and have
24 her testify before the end of the day.

25 THE COURT: Okay. Yeah, we will. Okay.

1 MR. HOLLOWAY: Yes, sir.

2 THE COURT: Is there anything we can be doing
3 now?

4 MR. HOLLOWAY: We could do the Jackson v. Denno
5 hearing.

6 THE COURT: Yeah, let's go ahead and do that.

7 MR. HOLLOWAY: Yes, sir.

8 ROBERT PERRY, after being duly sworn, testified
9 as follows:

10 THE CLERK: Thank you, please be seated. Please
11 state your name for the record.

12 THE WITNESS: It's Investigator Robert K. Perry
13 with Greenville County Sheriff's Office.

14 DIRECT EXAMINATION

15 BY MR. HOLLOWAY:

16 Q Investigator Perry, did you have the opportunity
17 to investigate the allegations which we're here today?

18 A That is correct.

19 Q During your investigation, did you have the
20 opportunity to speak with Mr. Richard Galloway, the
21 Defendant?

22 A Yes, I did. I spoke to him on two separate
23 occasions.

24 Q All right. What dates were those two separate
25 occasions?

ROBERT PERRY-DIRECT BY MR. HOLLOWAY (IC)

1 A The first one was August 1st when I went to his
2 house with Detective Wade Abrams from Transylvania County
3 and spoke to him in person. The second was a couple weeks
4 later when I talked to him on the phone.

5 Q On the phone, you didn't record that
6 conversation, did you?

7 A No.

8 Q Was there a whole lot of substance behind that
9 conversation?

10 A (The witness shook his head.)

11 Q As to the August 1st conversation, where did
12 this take place?

13 A At the residence he was living at.

14 Q About what time of the day was it?

15 A I want to say it was around lunchtime.

16 Q Who were you with?

17 A Detective from the Transylvania County Sheriff's
18 Office.

19 Q And how was this meeting set up?

20 A Basically, I called their department, spoke to
21 the detective. He got me in touch with Detective Abrams.
22 We arranged to meet at his -- Mr. Richards' residence, his
23 current residence.

24 Q Had anybody spoken to Mr. Galloway before you
25 guys arrived?

ROBERT PERRY-DIRECT BY MR. HOLLOWAY (IC)

1 A No.

2 Q Did you guys announce you who were with and
3 where you were from?

4 A We did.

5 Q Where did the interview take place?

6 A I believe his kitchen table.

7 Q Was Mr. Galloway handcuffed?

8 A No.

9 Q What was Mr. Galloway told about the substance
10 of your interview and why you were there?

11 A He was told about the allegations that was made
12 by the victim and why we were present and why we wanted to
13 talk to him.

14 Q Did he, at that point, continue the conversation
15 with you all?

16 A Yes, he did.

17 Q Did he seem to be thinking clearly?

18 A Yes, he was.

19 Q Was he -- were you guys having an intelligent
20 conversation?

21 A Yes, we were.

22 Q At some point during that conversation, did he
23 mention anything about talking to an attorney or speaking
24 to an attorney?

25 A He did.

ROBERT PERRY-DIRECT BY MR. HOLLOWAY (IC)

1 Q Can you tell us exactly the details of what
2 happened at that point?

3 A As we were concluding our conversation, probably
4 every bit of 30, 35 minutes into our conversation, he
5 started talking more serious -- talking about how serious
6 the charge was and whether or not he needed to talk to an
7 attorney at that point.

8 Q Okay. Did he ever ask for an attorney?

9 A No, he did not.

10 Q Did you guys continue to talk about the
11 substance of the allegations?

12 A I don't think we did. I think he asked me more
13 questions than I asked him at that point.

14 Q Did you arrest Mr. Galloway that day?

15 A No.

16 Q In fact, what was the situation like? What were
17 the interplay between you and Mr. Galloway and the other
18 officer when you guys were leaving?

19 A Very friendly. He showed me around the
20 residence. Showed me the creek that ran behind it, the
21 flowers that he planted in the yard and things of that
22 nature.

23 Q Did you guys talk about potentially taking a
24 polygraph exam?

25 A We did.

ROBERT PERRY-DIRECT BY MR. HOLLOWAY (IC)

1 Q After that, did you followup with Mr. Galloway
2 about whether or not he was going to try to take the
3 polygraph?

4 A I did.

5 Q Okay. Is it your opinion that everybody was
6 under the understanding at that point that you were merely
7 conducting an investigation?

8 A That is correct.

9 Q And again, was this -- whose residence was this?

10 A I believe it belonged to his brother-in-law and
11 his sister.

12 Q Is that where Mr. Galloway was staying?

13 A That is correct.

14 Q How long have you been with the sheriff's
15 office?

16 A Since June 30, 2006.

17 Q How long have you been a detective with the
18 sheriff's office?

19 A Since August 16th, 2011.

20 Q In the last almost seven years of experience,
21 was it your understanding that this was a voluntary
22 conversation between two people and it was not -- was that
23 your understanding?

24 A That is correct.

25 Q Do you believe that Mr. Galloway -- or the

ROBERT PERRY-CROSS BY MR. SHIPMAN (IC)

1 circumstances as such to imply that Mr. Galloway was in
2 custody at that time?

3 A He was not in any type of custody.

4 MR. HOLLOWAY: All right. Thank you so much.

5 Please answer any questions that defense counsel may
6 have for you.

7 MR. SHIPMAN: May it please the Court?

8 THE COURT: Yeah.

9 CROSS-EXAMINATION

10 BY MR. SHIPMAN:

11 Q Investigator Perry, you went with a detective
12 from Transylvania County as well?

13 A That is correct.

14 Q Was he also investigating the case or did he
15 just accompany you as sort of a courtesy?

16 A I think he just accompanied me as courtesy
17 officer.

18 Q You investigated cases that took you out of the
19 county before?

20 A Out the state you mean?

21 Q Out of the county or out of state?

22 A Correct.

23 Q Is it customary to kind of alert the locals that
24 you're going to be out there?

25 A Correct.

ROBERT PERRY-CROSS BY MR. SHIPMAN (IC)

1 Q And Detective Abrams introduced himself as a
2 police officer; is that correct?

3 A Yes, we were both wearing ID badges and
4 firearms.

5 Q And you were aware that Richard was on federal
6 probation at the time?

7 A I don't know if I was aware he was on federal
8 probation or just regular probation.

9 Q You contacted, I believe it was Mr. Gambrel or
10 Gamble?

11 A Yes, sir, with probation and parole.

12 Q Yes, sir. Did Mr. Gamble accompany you with
13 this or did he speak to Richard about your inquiry?

14 A He did not go with us. I don't know if he spoke
15 to Richard about it or not.

16 Q What information did Mr. Gamble give to you?

17 A Told me that he had just got out of jail for
18 serving like 10 years or something of that nature. Told
19 me the nature of the offense and where he was looking.

20 Q Okay. So, you just got the address?

21 A Correct.

22 Q And when you showed up at Richard's place, had
23 you announced yourself prior to that?

24 A No, it was totally unannounced.

25 Q Okay. So, you never had a conversation with him

ROBERT PERRY-CROSS BY MR. SHIPMAN (IC)

1 before that?

2 A No.

3 Q Okay. Now, you said when you met with him, I
4 believe -- do you have a copy of your report there?

5 A Yes, I do.

6 Q I believe this is Page 3 of 6 on the case number
7 that ends in 9142?

8 A Do you have a date?

9 Q The date is 8/17/16. At the bottom there, you
10 explained -- you said you explained why we wanted to speak
11 to him. We spoke to him about different locations in
12 Greenville, including University Inn. You said Richard,
13 at first, appeared to be confused. What was the nature of
14 that confusion?

15 A I wasn't sure if he was confused about the
16 timeframe or if he was confused about the name of the
17 motel, University Inn.

18 Q You're aware of Richard's age; is that right?

19 A Yes.

20 Q You're aware that he may not have had the
21 easiest road to 68, 69 years old?

22 A (The witness nods.)

23 Q Did you inquire about any medical conditions he
24 may have had?

25 A I don't think he spoke about his medical

ROBERT PERRY-CROSS BY MR. SHIPMAN (IC)

1 conditions.

2 Q Okay. You called him a few days after this
3 initial interview, about two weeks later; is that right,
4 to inquire about the polygraph?

5 A I believe it was maybe on the 16th or 17th of
6 August.

7 Q Okay. And he called you back; is that right?

8 A Correct.

9 Q So, he didn't pick up when you first called?

10 A I think I actually talked to his brother-in-law.

11 Q And when Richard called you back, he wanted to
12 know who you were and why you had called?

13 A Yes, he did.

14 Q Did you have to remind him that you were a
15 police officer?

16 A I had to remind him about our conversation we
17 had before and me and other detective coming out to his
18 house.

19 Q Now, during the actual visit at the house, you
20 never Mirandized him, did you?

21 A That is correct.

22 MR. SHIPMAN: Beg the Court's indulgence.

23 MR. SHIPMAN: No further questions, Your Honor.

24 THE COURT: Any redirect?

25 MR. HOLLOWAY: No, sir, Your Honor. It's the

1 State's position that Mr. Galloway, being at his
2 residence at the time where he was staying, was not
3 in custody. I understood that he was not in custody.
4 I understood he was not in custody and therefore was
5 not required that he be read his Miranda rights
6 before engaging in this conversation.

7 MR. SHIPMAN: Your Honor, I mean, it's true that
8 Miranda is mandated for custodial interrogation.
9 But, you know, the determination in Denno is the
10 totality of the circumstances as to whether or not
11 the statement was voluntarily made. You know,
12 investigator Perry didn't ask about any kind of
13 conditions he had, didn't inquire about any kind of
14 health conditions or mental conditions that may have
15 been inflicting him at the time that may have caused
16 some of these lapses in his memory or confusion or
17 forgetting even that he had spoken to a police
18 officer a couple years ago about explicit
19 allegations.

20 So, Your Honor, I think in the totality of the
21 circumstances, the fact that those inquiries weren't
22 made, there was noted confusion at the initial visit
23 and then even after the fact, that was continuation
24 of kind of a confused, you know, man, perhaps. But
25 the officer should have been on notice for that and

1 should have known that he would have -- even though
2 he wasn't -- even though he didn't have him in
3 handcuffs, didn't have him in a police car, didn't
4 have him in a police station, that out of an
5 abundance of caution, he should have advised him
6 about the nature of the charges and his right to have
7 counsel and his right to remain silent. And so based
8 on that, we move to exclude this as involuntary.

9 THE COURT: I believe that based on the totality
10 of the circumstances, I'm going to find that it was
11 voluntarily and that it is proper. So, I'm going to
12 find accordingly, that it meets the factors of
13 Jackson v. Denno and State v. Miller.

14 All right. Where are we now?

15 MR. HOLLOWAY: Yes, sir, Your Honor. I will
16 check on --

17 THE COURT: I guess, what we need to tell the
18 jury? Are they going to be waiting for another 45
19 minutes? Are you going to proffer --

20 MR. HOLLOWAY: If the defense would like me to
21 and the Court would like me to, then we'll proffer
22 testimony. I don't know --

23 THE COURT: I guess we just need -- we just need
24 I think certain portions of it. I don't know we need
25 to proffer the whole thing.

1 MR. SHIPMAN: I don't know about the whole
2 thing, Your Honor, but, certainly, we'll be asking
3 that The State proffer the testimony outside the
4 presence of the jury. We're going to be asking the
5 Court to exercise its gatekeeping function under Rule
6 702 and we're going to lead her through all those
7 points. And I expect we're going to have a motion at
8 that time after the testimony is proffered objecting
9 to her being qualified as a witness and being allowed
10 to provide testimony to the jury in this case. So, I
11 don't know that Justin needs to touch on every single
12 detail of her testimony, but the substance of it, the
13 heart of it, I think, yes.

14 THE COURT: I think State v. Brown even has her
15 name in it.

16 MR. HOLLOWAY: It does, it does, Your Honor.

17 State v. Brown, 2015, she has been qualified as an
18 expert witness and the Court of Appeals signed off on
19 it.

20 THE COURT: I mean, I think they just kind of
21 talk about the three-prong test there, so.

22 MR. SHIPMAN: Yes, sir, Your Honor. I think
23 these cases are on appeal right now. There was just
24 an argument last week in State v. Wardley Jones
25 litigating this exact same issue, this exact same

1 witness.

2 THE COURT: I just got to go what I've got on my
3 computer, what's published.

4 MR. SHIPMAN: Yes, Your Honor. And I can tell
5 you, I have a case right here, State v. Anderson that
6 held it was error for the Court not to hold a hearing
7 to determine at the outset whether or not --

8 THE COURT: Well, we said we're going to do
9 that. I said we're not going to do the full extent
10 of it.

11 MR. SHIPMAN: I'm not saying it has to be the
12 full thing, Your Honor.

13 THE COURT: All right. Well, as soon as she --
14 we're looking at probably 30 minutes at the minimal
15 once she gets here. I guess we can just tell them
16 we've got quite a few matters we're going to have to
17 go over. I want to go ahead and get this witness
18 through today. I guess they can break, if they want
19 to go down to concessions. Let's bring them out
20 here. Let's do that. And that way, if they want to
21 break and go downstairs. They don't want to get
22 stuck in that room looking at rain.

23 (WHEREUPON, the jury came into open court at
24 approximately 3:30 p.m.)

25 THE COURT: All right. My planning skills are

1 in serious doubt at the moment. So, we've got --
2 there's some matters that we're going to have to take
3 up outside your presence. We've got another witness
4 that's coming in. The reason I brought you out here
5 now is it could be 45 minutes before we're going to
6 be able to come back in here. But I want to go
7 ahead -- we need to get this witness in today. So,
8 I'm going to let y'all take a break and that way,
9 y'all can hang out in the break room downstairs so
10 you don't have to just sit in the room and look at
11 the rain. Then have y'all back in your jury room at
12 15 till 4:00, okay.

13 In the meantime, do not discuss the case. Do
14 not do any type of research. Do not pay any
15 attention to any media. If you're contacted by
16 anybody, just please let the bailiff know. So, be
17 back in your jury room and I'm hoping we'll have
18 everything ready to go. I appreciate your patience.
19 I should plan better. My wife tells me that, too.
20 Anyway, thank for your patience and we'll have you
21 back in here just as soon as possible.

22 (WHEREUPON, the jury left open court at
23 approximately 3:04 p.m.)

24 MR. HOLLOWAY: Your Honor, as we know, the
25 witnesses are sequestered. I believe there might be

1 a Dr. Price here that is on the defense witness list.
2 If he is here, I don't think it's appropriate for him
3 to be in the courtroom while Ms. Galloway-Williams
4 testifies.

5 THE COURT: I think they use him as an expert,
6 so I think it's appropriate if they want to use him
7 in that fashion. I think there's actual case law,
8 isn't there? I'm sure Mr. Goldstein has it on top of
9 his head.

10 MR. GOLDSTEIN: I don't think it applies to fact
11 witnesses.

12 THE COURT: I guess we'll break until
13 Galloway-Williams shows up. There's nothing we can
14 do right now, right?

15 MR. SHIPMAN: Not in 10 or 15 minutes.

16 THE COURT: Okay. Let's take a break. All
17 right. We'll be adjourned until we hear otherwise.

18 (WHEREUPON, a short break was taken.)

19 THE COURT: Thank you. Please be seated.

20 MR. HOLLOWAY: Your Honor, the State calls
21 Ms. Galloway-Williams. Let the record reflect that
22 we were just given a copy of Dr. Price's CV about two
23 and a half minutes ago. So, there's that.

24 THE COURT: All right. Am I supposed to say
25 something?

1 MR. HOLLOWAY: No, I think my thoughts were this
2 was not given to us before trial.

3 THE COURT: Okay.

4 MR. HOLLOWAY: Your Honor, if the Court is
5 ready, the State is prepared to call --

6 THE COURT: Well, let's get the Defendant.

7 All right. You may proceed.

8 MR. HOLLOWAY: Thank you, Your Honor. The State
9 calls Ms. Shauna Galloway-Williams to the witness
10 stand.

11 THE CLERK: Ma'am, if you will please place your
12 left hand on the Bible and raise your right hand.

13 SHAUNA GALLOWAY-WILLIAMS, after being duly
14 sworn, testified as follows:

15 THE CLERK: Thank you. Please be seated.

16 THE COURT: I won't shock you like I did in
17 Pickens.

18 THE WITNESS: Thank you. I appreciate that.

19 THE CLERK: Please state your name for the
20 record.

21 THE WITNESS: Shauna Galloway-Williams.

22 DIRECT EXAMINATION

23 BY MR. HOLLOWAY:

24 Q Ms. Galloway-Williams, where are you employed?

25 A I'm the executive director of the Julie

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 Valentine Center.

2 Q Can you tell us a little bit about the Julie
3 Valentine Center.

4 A The Julie Valentine Center is a child abuse and
5 sexual assault recovery center that serves Greenville and
6 Pickens County. We provide education and prevention
7 services, intervention and investigative services as well
8 as counseling services.

9 Q How long have you been employed with the Julie
10 Valentine Center?

11 A I've been employed with the center since 2007.
12 I've been executive director since 2009.

13 Q What are your roles and responsibilities as the
14 executive director?

15 A As executive director, I am responsible for the
16 overall administration and management of the entire
17 organization. I oversee a leadership team of six team
18 members, who are responsible for the problematic
19 day-to-day functions of the agency. I also still provide
20 clinical services at the center by way of providing
21 assessments, some counseling, consultation, training and
22 education in the community.

23 Q Taking a step back, can you briefly tell us
24 about your education, especially as it relates to this
25 field?

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 A I have a Bachelor's Degree in psychology from
2 Winthrop University and a Master's Degree in counseling
3 from Clemson University.

4 Q Okay. And what areas or field of study --
5 scratch that. Can you tell us about your continuing
6 education efforts?

7 A Yes, sir. I'm licensed as a professional
8 counselor in the State of South Carolina. We're required
9 to maintain 40 hours of continuing education every two
10 years, which I do maintain. The vast majority of my
11 continuing education is in the area of child abuse and
12 sexual assault and has been. I have over 150 skills-based
13 training hours specifically related to the investigation
14 and assessment of children who -- where there are
15 allegations of child maltreatment.

16 Q And do you actually teach any courses or provide
17 any instruction in this area?

18 A I do. I'm an adjunct faculty member at
19 USC-Upstate in their child advocacy studies program. I
20 teach two courses there. I teach one course called child
21 maltreatment and I teach a second course called gender
22 violence in society. I also do a lot of training locally,
23 statewide and nationally, again, in the area of child
24 abuse and sexual assault.

25 Q And if you don't mind, can you tell us a little

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 about the specialized training you were just referring to?

2 A So, that skills-based training directly related
3 to assessing and interviewing children. So, it will be
4 training that actually includes doing mock assessments
5 with children, actually working mock crime scenes with the
6 multi-disciplinary team, skills-based training, but it's
7 not just sitting in a workshop and looking at Powerpoint
8 presentations, it's actually hands-on training in that
9 area.

10 Q Do you currently hold any professional licenses?

11 A I am licensed in the State of South Carolina and
12 have been licensed since 2004.

13 Q Can tell us what that license is for?

14 A As a licensed professional counselor. So, I'm
15 licensed to practice counseling in the State of South
16 Carolina.

17 Q Thank you so much. How long have you counseled
18 children and adults involved in sexual abuse?

19 A I've been working in the field of mental health
20 for over 20 years. Specifically working with children and
21 adults for 17 years.

22 Q What kind of circumstances do you typically
23 provide professional assistance?

24 A When there are allegations of child
25 maltreatment, child abuse, neglect, sexual assault. I've

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 work with the child, the family. I've work as a
2 consultant on a team. But, generally, when there are --
3 when there's some type of allegation or suspicion of
4 abuse.

5 Q And what kind of counseling services do you guys
6 provide?

7 A At the center, we provide individual and group
8 counseling to children and adults. We provide group
9 counseling to caregivers, non-offending caregivers of
10 children. We provide group services to children and then
11 adults. And most of the adults that we work with are
12 survivors of childhood sexual abuse as well.

13 Q And have you ever testified before in court?

14 A I have.

15 Q On these occasions, have you ever been qualified
16 as an expert?

17 A I have.

18 Q How many times before have you been qualified as
19 an expert?

20 A Over 30 times.

21 Q In fact, have you been qualified as an expert in
22 general sessions court in the last two weeks?

23 A I have.

24 MR. HOLLOWAY: Your Honor, at this time, the
25 request that Ms. Galloway-Williams be qualified as an

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 expert in child sexual abuse dynamics and disclosure
2 pursuant to Rule 702 of the South Carolina Rules of
3 Evidence.

4 MR. GOLDSTEIN: Obviously, Your Honor, we object
5 to that. We have some questions that we have for
6 this witness.

7 THE COURT: All right.

8 MR. GOLDSTEIN: Your Honor, I didn't know if the
9 State wanted me to proffer the actual substance of
10 what she's going to be testifying to. All I've is
11 her background and qualification.

12 THE COURT: Well, he's asked her to be an
13 expert. You can ask her questions on that alone,
14 just on her qualifications. And then -- but this
15 isn't your cross-examination.

16 MR. GOLDSTEIN: I understand that, Your Honor,
17 but I plan to ask her questions about the substance
18 of her testimony today and I think --

19 THE COURT: That will come. He just moved that
20 she be qualified as an expert.

21 MR. GOLDSTEIN: We object to that.

22 THE COURT: All right. Do you have any
23 questions as to her qualifications?

24 MR. GOLDSTEIN: I don't have specific questions
25 about her qualification necessarily, but I'll have

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 more questions. I think Justin needs continue then.

2 THE COURT: Right. I think he's just moving her
3 in as an expert.

4 MR. GOLDSTEIN: Okay, we object.

5 THE COURT: I find that she does quality as an
6 expert.

7 You may proceed.

8 MR. HOLLOWAY: Thank you, Your Honor.

9 MR. GOLDSTEIN: Your Honor, can I --

10 THE COURT: This is the way it goes. Okay. He
11 made a motion that she be qualified as an expert in
12 this field. Okay, then you objected. Then you can
13 ask some additional questions. As this point, I rule
14 on that based on his motion.

15 MR. GOLDSTEIN: I understand.

16 THE COURT: Then he continues with his -- now,
17 she gives her expert opinion and when he gets
18 through, you cross-examine her.

19 MR. GOLDSTEIN: The only point that I was
20 making, Your Honor, is that I don't know that's she
21 an expert qualified to give the opinions that's she
22 going to give, but I don't know how to present the
23 opinion that she's going to give until I hear the
24 substance. That's why I can't ask the questions at
25 this time..

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 THE COURT: I'm going to -- I'm not sure it
2 makes a difference at this point because this is
3 merely a proffer. If needed, I do find that she's
4 qualified as an expert.

5 MR. HOLLOWAY: Thank you, Your Honor.

6 THE COURT: How did you word it? Expert in?

7 MR. HOLLOWAY: Expert in child abuse dynamics
8 and disclosure.

9 THE COURT: I find that she is qualified.

10 MR. HOLLOWAY: Thank you, sir.

11 BY MR. HOLLOWAY:

12 Q Ms. Galloway-Williams, do you know why you're
13 here testifying today?

14 A Yes.

15 Q Who subpoenaed you?

16 A Both the solicitor's office and the defense.

17 Q Have you had any contact with the Defendant or
18 the victim in this case?

19 A I have not.

20 Q Has either the defense or the State paid you to
21 be here today?

22 A No.

23 Q And as for this case, are you testifying -- have
24 you ever met Ms. **Complainant**

25 A No.

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 Q Before today?

2 A Other than we -- she just introduced herself to
3 me when we were in the seats.

4 Q Can you briefly talk about your familiarity with
5 this case? Do you have any familiarity with this case at
6 all?

7 A No, other than you and I briefly talking about
8 the case.

9 Q So -- and I might be repeating myself. You're
10 not testifying here today as an expert who has had any
11 association with Ms **Complainant** before or talked to her or
12 counseled her?

13 A That's correct.

14 Q Moving on to more general concepts here, the
15 terms delayed disclosure or delayed reporting mean
16 anything to you?

17 A They do.

18 Q Can you tell us about what those terms mean?

19 A Those terms refer to something that happens
20 quite often in child sexual abuse cases when a victim does
21 not report right away. That delay in reporting may be
22 days, weeks, years. Some research even supports that many
23 adults don't report until they are adults. And many of
24 the adults that we work with at our center have never
25 reported to anyone.

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 Q And in your experience, is delayed disclosure,
2 delayed reporting common?

3 A Yes, it is very common.

4 Q Okay. What kind of factors commonly play a role
5 in a child's delayed reporting?

6 A There are a number of factors. One of the main
7 factors is fear. Children often are afraid of the
8 consequences of their disclosure. They're afraid of what
9 would happen to them, what might happen to their family,
10 what might happen to the alleged offender. They may be
11 concerned about what's going to happen to their siblings,
12 their caregivers. Children may be fearful about being
13 believed. They may question whether or not someone is
14 going to believe them when they actually tell.

15 Children may have a relationship with the
16 person that is abusing them. Most times, children are
17 abused by someone they know, they love, they trust or that
18 person may also be known, loved and trusted to other
19 members of their family and the community. And the
20 dynamics of that relationship can make it very difficult
21 for a child to tell because they fear the consequences of
22 what might happen if they tell. They may also appreciate
23 some of those relationship characteristics or dynamics
24 that they have with that individual. They may know
25 that -- they may have seen that things would happen if

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 they tell and may not want that to happen again.

2 With younger children, they may not have
3 the words or vocabulary to tell. They may not have an
4 understanding of that. Children may also feel responsible
5 and guilty about what's happened. Oftentimes, children
6 are very egocentric, they think that they're the cause of
7 many things that happen to them and they may feel some
8 responsibility and guilt and shame for what's happened,
9 making it difficult for them to disclose.

10 Q What role would the victim's fear of punishment
11 play in this?

12 A Well, again, sometimes children feel as if
13 they're responsible for the abuse even though they're not
14 responsible for it and they may fear that they get in
15 trouble for that. They may fear that they're going to
16 have to face some type of consequence for this. If
17 they've, you know, already been punished harshly or
18 severely in some type of way, then they may fear that
19 that's going to happen for this as well. They may have
20 also been threatened and told that if they tell, something
21 is going to happen to them. They may have been told if
22 you tell, then this is going to happen to you. If you
23 tell, this is going to happen to your family. Those
24 threats are very real to children.

25 Q What role would the abuser having been in a

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 position of authority over the abused play?

2 A So, in most cases of child sexual abuse, the
3 person abusing the child does have some type of power or
4 authority over them. And that, in and of itself, can make
5 it very challenging for the child to disclose. In most
6 situations, we teach children to respect adults and
7 respect authority figures. And they may fear that if they
8 tell someone that no one is going to respond or respect
9 that because of the authority or power that that person
10 holds. And they may also realize that that person may be
11 bigger, stronger and, again, may have threatened them or
12 told them that something might happen to them if they do
13 tell.

14 Q What role would the normalization of sexual
15 activity play?

16 A You know, we see that a lot in cases of chronic
17 sexual abuse where this is something that happens
18 repeatedly, more than once where it becomes even more
19 difficult for a child to say something about it. The
20 younger that happens, the more normalized that may be.

21 There are other ways that sexual abuse is
22 normalized, the exposure to sexualized materials,
23 magazines, books. Sometimes, the sexual abuse starts that
24 way. That be a form of grooming or introducing the child
25 to sexual behaviors by introducing them to touch,

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 introducing them to materials, like magazines, movies,
2 books that may have sexual content, sexual jokes, those
3 types of things.

4 Q Are you familiar with the concept of grooming?

5 A Yes.

6 Q Can you tell us a little bit about it?

7 A It's really developing a trusting relationship
8 with a child and developing a trusting relationship with
9 the child's caregiver, family, and sometimes developing a
10 trusting relationship with the community as a way to gain
11 access to a child and to -- in some ways to test the
12 waters and the limits of abuse with the child. And
13 grooming can involve giving a child special treats, it can
14 involve giving a child special affection, special
15 attention. It can involve giving a child money, toys,
16 extra time. It can involve just being a loving supportive
17 person to that child more so than usual, more than others.

18 Q You kind of touched on a bunch of stuff there.
19 What's the purpose of grooming, where do we see it and
20 what would someone that is practicing grooming be trying
21 to accomplish?

22 A Trying to develop a trusting relationship with
23 that child. Trying to develop the relationship with the
24 child in an effort to prohibit the child from telling or
25 letting someone else know about what's happening to them.

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 As I said, the relationship dynamics at play with a child
2 are very powerful. And, you know, if a child is being
3 groomed, if they have a close loving relationship with
4 this person, if they had accepted gifts and treats from
5 them, that may also make the child feel more responsible
6 or more as if they played an active role in this. And
7 again, children fear getting in trouble. And, you know,
8 if they've been told they'll get in trouble for that and
9 they've accepted these gifts and treats, then that may
10 also be problematic for them.

11 Q And circling back to the process of disclosure
12 and using that exact word, is disclosure a process?

13 A It is.

14 Q If so, why is that?

15 A Well, disclosure is not a one-time event.
16 Meaning that we don't expect that when a victim, a
17 survivor talks about their abuse that they're going to
18 tell every single detail about that at one time. We know
19 that, in particular, if someone has been repeatedly
20 abused, you know, they may not tell about every single one
21 of those incidents. They may not give all of those
22 details. Sometimes that relates to who's asking them the
23 questions. The type of information they share may be
24 purely based on who's asking them the questions and the
25 level of detail that they are seeking. It may be that

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 they're still having difficulty with sharing that
2 information. The individual may not be able to share all
3 of the details at one time. It may take more time to do
4 that.

5 Q Are you familiar with the idea of risk factors
6 as it comes to households and childhood sexual abuse
7 situations?

8 A Right. So, there are some risk factors that we
9 generally talk about in terms of child maltreatment. One
10 of the -- some of the personal risk factors that would be
11 part of the child themselves might be the child's age,
12 developmental delays, emotional problems, behavioral
13 problems, things that make a child more vulnerable or
14 somewhat easier target for someone to abuse.

15 There are familial or household risks
16 factors. Substance abuse is one of those risk factors.
17 Also, single-parent homes, particularly single-parent
18 homes with live-in partners are particularly high risk
19 factors. We tend to see higher rates of abuse in those
20 types of households.

21 Then societal factors, they play a role in
22 that as well. Violence, high poverty, race may play a
23 role in abuse and neglect scenarios.

24 Q What factors commonly play a role in child
25 delayed reporting? Is it a lot of the same factors or are

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 there any different ones?

2 A Yeah, I mean, a lot of the things we've already
3 talked about. Again, one of the primary factors is fear
4 and the relationship dynamics between the individual that
5 is being abused and the person that's abusing them and the
6 fear of consequences or the threats that may have been
7 there, whether they were direct or indirect threats, real
8 or, you know, imagined threats on behalf of the victim.

9 Q And can you kind of differentiate for us what
10 would be an example of a direct threat versus an indirect
11 threat?

12 A So, a direct threat would be saying to a child
13 if you tell, then I will hurt you, if you tell, I will
14 hurt your mom, if you tell, you will have to move out of
15 the house, if you tell, we won't be able to pay the bills.
16 Those are direct threats.

17 Indirect threats are things where a child
18 may internalize what may happen to them based on things
19 that they've observed or seen. So, for example, if a
20 child is living in a household with domestic violence or
21 if the offender is an aggressive and abusive person, they
22 may internalize that if they were to tell, then things
23 that they've seen this person do to others or things that
24 they've done to them previously may happen to them if they
25 tell. So, these are not things that have been told to

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY (IC)

1 them that will happen, but they're things that they've
2 seen and they really internalize that this may be what
3 would happen to me.

4 Q How common is it for victims of abuse not to
5 remember every detail, whether that be location or date
6 and time, that sort of thing?

7 A Yes, and time is really difficult for children
8 to remember. You know, children can remember a lot of
9 details. We, as adults, can remember a lot of details
10 about our childhoods. What is difficult for us is to
11 remember those exact days, dates and times because time is
12 really an abstract concept. So, until the age of 14, we
13 don't have mastery over that. So, we may remember all
14 those things previously, but may not be able to attach a
15 specific date, time and year to that. Rather, we may be
16 able to attach it to other things that were happening in
17 our lives, where we were living, where we were going to
18 school, what grade we were in, how old we were, those
19 types of things.

20 The other thing about victims of abuse is
21 that the trauma itself of being abused can impact memory
22 and how memories are recalled. So, things may not be
23 recalled in a fully linear fashion. They may not be
24 recalled in chronological order. And the more trauma that
25 someone has experienced, the more times they have been

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 abused, the more difficult it may be for them to recall
2 those memories in a particular order.

3 Q And what risk factors -- or what factors may
4 also encourage someone to reveal sexual abuse?

5 A You know, sometimes there are accidental
6 disclosures where someone observes a behavior or hears a
7 statement and asks a question. And the victim was not
8 really ready to disclose, but someone asked a question and
9 they share that information. Sometimes it is a triggering
10 event. It may be the fear of having to be around this
11 person again, the fear of other people having to be around
12 this person again. And then there could be purposeful
13 disclosure where a victim, for whatever reason they chose,
14 decides that it's time for them to disclose their abuse.
15 So, we tend to talk about accidental, purposeful. And
16 then there are tentative disclosures where a child might
17 make a statement or someone might make a statement, just
18 giving a little bit of detail and not giving that full
19 rich information all at once.

20 MR. HOLLOWAY: Thanks, Ms. Galloway-Williams.

21 Your Honor, that covers the main topics that
22 we'd be covering in front of the juror.

23 THE COURT: All right. Cross-examination.

24 MR. GOLDSTEIN: Thank you, Your Honor.

25

CROSS-EXAMINATION

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 BY MR. GOLDSTEIN:

2 Q Good afternoon, Ms. Galloway-Williams. How are
3 you?

4 A I'm fine, thank you.

5 Q All right, I have some questions for you about
6 your proposed testimony. So, I heard you just go through
7 with Mr. Holloway some of the proposed topics that you're
8 here to talk about today. One of those is delayed
9 disclosure, right? The other is non-offending caregivers;
10 is that correct?

11 A Delayed disclosure. I'm not sure I talked that
12 much about non-offending caregivers, but I could.

13 Q It is one of the topics you could talk about
14 today, right?

15 A Sure.

16 Q You also said grooming, right?

17 A Yes.

18 Q I think I heard some testimony about memory and
19 ability of these victims to recall what happened to them?

20 A Yes, related to trauma, uh-huh.

21 Q Okay. So, if I heard correctly, you have an
22 undergraduate degree in psychology, right?

23 A Yes, I have a Bachelor's Degree in psychology.

24 Q And you have a Master's in counseling, correct?

25 A I do.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 Q Okay. Just to clarify, you're not a
2 psychiatrist or a psychologist, right?

3 A No, I'm a licensed professional counselor.

4 Q But you're not a psychiatrist or a psychologist,
5 right?

6 A I am not a psychiatrist or a psychologist.

7 Q Okay. So, you are the executive director of the
8 Julie Valentine Center, right?

9 A That's correct.

10 Q And I don't know if you know this information
11 off the top of your head, but how many cases of child
12 sexual abuse in general, like in totality, came through
13 the Julie Valentine Center last year? Do you know that?

14 A We saw over 800 children in total. So, that
15 would include forensic interviews, medical exams,
16 counseling services, followup cases. Of those, about --
17 little over 350, and this is not an exact number, did
18 receive forensic interviews. We served over 2700
19 individuals last year, that includes adult survivors of
20 childhood sexual abuse, adult survivors of sexual assault.
21 That includes both direct and indirect victims.

22 Q Okay. So, hearing your past work experience,
23 having looked at your resume, I know that you used to do
24 hands-on therapy and counseling, right?

25 A That's correct.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 Q Do you still do that or not really so much
2 anymore?

3 A Not as much anymore. I still do forensic
4 interviews. I still co-facilitate a group on occasion for
5 non-offending caregivers, but I do not do individual
6 counseling on a regular basis anymore, although I could.

7 Q This might be a real difficult question to
8 answer actually. How many children have you counseled in
9 the area of sexual abuse over the course of your career?

10 A I can't give you an exact number.

11 Q Ballpark is okay.

12 A Yeah, I mean, 1500 or more.

13 Q Okay. How many forensic interviews would you
14 say you've performed over the course of your career?

15 A Over 900.

16 Q Over 900. Okay. Now, focusing on actual
17 treatment of patients, okay. Would you agree that before
18 a counselor could provide counseling, assessment or
19 treatment in the case of sexual abuse, you actually need
20 to meet with the patient personally, right? I mean,
21 that's pretty straightforward, right?

22 A If I'm going to be treating a client, I would
23 meet with a client?

24 Q Yes.

25 A Absolutely.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 Q Basic principle, right? Okay. If you were
2 providing therapy to a patient in a case of suspected
3 sexual abuse, you would need to become familiar with that
4 patient's history, right, in order to treat them?

5 A Yes.

6 Q So, typically -- and I'm not trying to put words
7 in your mouth, but just things you might ask for,
8 biographical details, right, like their age or level of
9 education, right?

10 A Yes.

11 Q Okay. Family details and history, right? I
12 mean, we're talking about caregivers, siblings, you're
13 asking for that information, too, right?

14 A Yes.

15 Q You might ask for -- and it would depend on each
16 case, obviously, but you might ask for a history of mental
17 health treatment and diagnoses, right?

18 A I would.

19 Q Okay. And, of course, you'd ask for details
20 regarding the abuse allegations themselves, right?

21 A Yes.

22 Q Okay. So, that might include, again, I'm not
23 putting words in your mouth, but the age of the individual
24 when they're abused, obviously, that's important; right?

25 A Yes.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 Q It could be?

2 A Uh-huh.

3 Q When the disclosure occurred, right? And the
4 chronology of what they said happened?

5 A Yes, I would assess for that, depending on what
6 type of client I'm seeing, whether they can tell me that
7 or the caregiver would tell me that. Yes, that
8 information would be relevant.

9 Q In a typical case involving child sexual abuse,
10 and I don't know if you would do this, but would you
11 review warrants or indictments or police incident reports,
12 is that something you would look at?

13 A As a forensic interviewer or --

14 Q Oh, no, this right now is more focused on your
15 role in providing counseling or therapy?

16 A Okay, so as a counselor, would I review --

17 Q Yeah, would you look at that stuff?

18 A -- incident reports? Not necessarily.

19 Q But you have before?

20 A As a counselor, yes, I have reviewed incident
21 reports.

22 Q And since you bring it up, it's actually
23 relevant, how about when you perform a forensic interview,
24 would you look at those items?

25 A Yes, I always look at those items before

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 performing a forensic interview.

2 Q Okay.

3 A My role is very different as an interviewer than
4 a counselor.

5 Q Yeah, I think we talked about that a little bit
6 in our emails, right? Fundamentally, the counselor's role
7 is not to determine whether an alleged victim is telling
8 the truth or not, right? Would you agree with that?

9 A That's true. It's also not the role of the
10 forensic interview to determine whether the child is
11 telling the truth or not. It's really never my job.

12 Q Okay. Well, let's talk about that a little bit.
13 In cases where forensic interviews are performed, that
14 interview is usually conducted at the request of law
15 enforcement, right, or DSS?

16 A Law enforcement or DSS, generally investigative
17 agency.

18 Q And that interview is recorded, right?

19 A That's correct.

20 Q And that recording is preserved for later use at
21 trial if it comes a trial, right?

22 A Yes.

23 Q Okay. In the report that will be issued by the
24 Julie Valentine Center, a recommendation is usually made
25 to law enforcement or DSS, right?

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 A That's not correct.

2 Q That's not correct.

3 A We used to make recommendations, we no longer
4 make recommendations.

5 Q When did you stop making recommendations?

6 A I don't know exactly, but it's been, at least,
7 two years since we made recommendations, maybe three.

8 Q Okay. Again, I don't know if you can answer
9 this right now, but how many cases were referred to the
10 Julie Valentine Center by law enforcement last year? Is
11 that hard to say?

12 A No, I actually just had to report this on the
13 NCA accreditation application. Greenville County
14 Sheriff's Office sent 144 cases for forensic interviews
15 last year. I don't have an exact number for Pickens
16 County, but that's Greenville County.

17 Q Okay. Does Greenville City send y'all anything?

18 A They do.

19 Q How many did they send?

20 A Just under 50.

21 Q Okay. And I think you know Mr. Holloway
22 probably touched on this a good deal already, but I just
23 want to clarify this. You never met with the alleged
24 victim in this case, right?

25 A That's correct.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 Q You never spoke with her family members?

2 A Never.

3 Q You never looked at her medical records or
4 mental health records, right?

5 A I haven't seen any records, reports, incident
6 reports, any information related to the case.

7 Q Okay. So, your knowledge of this case is
8 limited to what you learned from Mr. Holloway; is that
9 right?

10 A Yeah, I'm here to testify as a blind expert.

11 Q Well, I understand that. So, everything you
12 know about this case is what he told you, is that fair?

13 A Yes.

14 Q Have you heard things from other people in the
15 solicitor's office or just Justin?

16 A No, I haven't talked with anyone else about the
17 case.

18 Q What did Justin tell you about this case?

19 A We discussed the dynamics of --

20 MR. HOLLOWAY: Objection, hearsay.

21 MR. GOLDSTEIN: Your Honor, it's not being
22 offered --

23 THE COURT: I'll let him go there.

24 THE WITNESS: We talked about what topics would
25 be relevant for my testimony given the general topics

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 that I testify about as a blind expert.

2 BY MR. GOLDSTEIN:

3 Q So, what topics did he tell you would be
4 relevant for your testimony today?

5 A The ones that we discussed, delayed disclosure,
6 grooming, disclosure patterns in general. All of the
7 general dynamics -- those are typically the topics that I
8 testify about as a blind expert.

9 Q Okay. Did he tell you anything about the facts
10 of the case?

11 A No, I don't think anything about the facts of
12 the case.

13 Q Okay. But you do know there was a delayed
14 disclosure in this case, right, or you don't know that?

15 A I know there was a delayed disclosure in the
16 case because I'm testifying about delayed disclosure.

17 Q All right. So, let's talk about that concept,
18 delayed disclosure. I just want to narrow it down. If
19 I'm incorrect, tell me, okay. So, delayed disclosure
20 refers to children not telling about abuse either right
21 when it happens or right after it happens, right? Is that
22 fair?

23 A Yes. So, not telling about the abuse right
24 after it happens or the first opportunity that they had to
25 tell a safe person or tell someone.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 Q For someone who's outside this area of
2 expertise, it could be kind of sort of like an amorphous
3 topic. So, in your opinion, what period of time between
4 an active abuse, okay, and the eventual disclosure
5 constitutes a delayed disclosure? And what I mean, is a
6 day a delayed disclosure, a couple of hours, a week?
7 What's a delayed disclosure?

8 A Again, the delay -- we consider it a delay when
9 it's not told to someone at the first opportunity that a
10 child has to tell. The whole idea of -- if something
11 happens to a child that was unwanted. Let's just a child
12 falls on the playground and skins their knee, they're
13 likely to go tell someone right away to get help for that.
14 When a child is sexually abused, most people believe that
15 that's also a harmful event to children and that they
16 would tell right away. So, any delay in telling
17 someone -- you know, if they access to their parents and
18 they don't tell after the events happen, if they go to
19 school and don't tell. So, that delay could be days,
20 weeks, years, months and for many, never tell.

21 Q Okay. So, if the first opportunity to disclose
22 to a parent or caregiver was a week later, would that be
23 an immediate disclosure or is that a delayed disclosure if
24 that's the first opportunity to tell?

25 A Well, the first opportunity that a child had to

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 interact with another adult after a sexual abuse incident.

2 Q Just hypothetically, I'm not saying this is
3 based on reality, but if that --

4 A Yeah, that's an unreal question. Like, you
5 know, what you're asking me is if a child has been abused
6 and they don't have anyone. So technically, yes, that
7 would be a delayed disclosure. But they don't have
8 anyone -- that's just not a realistic question for me, so.

9 Q Okay. Okay. Maybe this makes more sense then.
10 Immediate disclosure cases are more like where a child is
11 seen right away in the emergency room?

12 A Yes.

13 Q Okay. All right. What about another
14 hypothetical case, okay, where a child discloses to a
15 parent the first opportunity within 24 hours of the abuse
16 happening, is that delayed or immediate disclosure?

17 A If they told their parents right away, I would
18 consider that an immediate disclosure. Now, what that
19 caregiver does with that information may determine whether
20 that's viewed as an immediate disclosure or delayed
21 disclosure. If the parent doesn't follow up with a report
22 until later, then that would be considered, you know,
23 delayed reporting on their part.

24 Q But not a delayed disclosure by the child,
25 that's a delayed report by the parent, right?

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 A Yeah, that's the parent not responding
2 appropriately.

3 Q Okay. The bottom line is that some children
4 disclose right away and some disclose later, right? And
5 they are delayed disclosures?

6 A That's true.

7 Q Simplistic, but -- right?

8 A Yes. However, it's more common that children
9 delay disclosure.

10 Q Okay. Likewise, would you agree that some
11 adults disclose sexual abuse right away and some disclose
12 later?

13 A Sexual assault as adults?

14 Q Yeah.

15 A You mean when they are assaulted as adults?

16 Q Yes.

17 A Yeah, some disclose right after it happens and
18 some never tell anyone.

19 Q Okay. I know you gave an example just a couple
20 minutes ago about a child falling on a playground and
21 skinning their knee, right? I want to give you a
22 hypothetical scenario. Okay. This pattern would be the
23 same in many physical abuse scenarios and that's what I'm
24 getting at. Some kids in the United States are victims of
25 bullying, right? Would you agree with that?

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 A Yes.

2 Q Okay. Sometimes when something like that will
3 happen, some kids will tell their parents or a teacher
4 right away, right? Either the day it happens or the
5 moment home it happens, right? Some will tell about
6 bullying right away as it happens?

7 A Yes.

8 Q And some kids for various reasons, I'm not here
9 to speculate, but sometimes kids will tell a day later, a
10 week later, a month later or maybe they'll never tell,
11 right?

12 A That's correct.

13 Q Okay. Children delay reporting sexual abuse for
14 different reasons, right?

15 A Yes.

16 Q Okay. One of those reasons I think -- and this
17 might be over simplification, but if the abuser is someone
18 they love, right? That's one of the reasons?

19 A Yes, the relationship they have with that
20 person.

21 Q And another thing sometimes that keeps them from
22 telling is fear, right? Like if there's threats that have
23 been made or they witness something else happen to
24 somebody else, right?

25 A Yes.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 Q Just to clarify, delayed disclosure has nothing
2 to do with whether an allegation of abuse is true or not,
3 right?

4 A Correct.

5 Q All right. So, a case of delayed disclosure
6 doesn't make it more likely an assault happened, just
7 likewise, a case of immediate disclosure doesn't make it
8 more likely an assault happened, right? Would you agree
9 with that?

10 A Can you repeat that for me?

11 Q It doesn't have anything to do with veracity --
12 whether there's immediate or delayed disclosure, it has
13 nothing to do with whether the allegations are true,
14 right?

15 A Correct.

16 Q Okay.

17 A The timing of the report, is that --

18 Q Yeah, yeah, just that factor alone, right?
19 Okay. The research on delayed disclosure is gathered by
20 surveying victims, right?

21 A Correct.

22 Q Both kids and adults, right, or is it usually
23 just adults?

24 A It's either surveying victims or looking at
25 previous case files, so it may not necessarily be an

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 actual survey, talk face to face, but some of the research
2 is conducted that way.

3 Q Would you say most of it is?

4 A Most of it is?

5 Q Is conducted in this manner, right? It's survey
6 results or speaking to them personally, right?

7 A Correct.

8 Q So logically, the accuracy of that research is
9 going to depend on the accuracy of the information they
10 received, right? I mean, we're depending on the fact that
11 they're getting accurate survey results, right?

12 A In some of those cases, yes, it's a survey.
13 It's where you're asking questions of survivors to get
14 that information. In some of the research, they're
15 actually using cases that have already gone through the
16 system, already gone through prosecution. There may be
17 some type of evidence to support the case. And some of
18 the research is done that way, like by reviewing previous
19 cases that were conclusive for abuse or where there were
20 guilty verdicts of abuse. Then some of the research is
21 done by talking to adult survivors of abuse.

22 Q Okay. You're familiar with the nonprofit
23 organization Darkness to Light, right?

24 A Yes.

25 Q Do you view them as a credible organization?

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 A Yes.

2 Q Their work is reliable and competent usually?

3 A Yes.

4 Q Okay. I have something I want to show you.

5 THE COURT: Just for planning purposes, how much
6 longer? Because we've got to let the jury know. Are
7 you going to do your full cross here?

8 MR. GOLDSTEIN: This is different than my cross.

9 THE COURT: I'm just asking because I need to
10 tell the jury something.

11 MR. GOLDSTEIN: I might have like 10 more
12 minutes of questions, and then I have my argument.

13 THE COURT: In about 15 minutes. I just want to
14 keep them posted since we're getting late in the day.

15 MR. GOLDSTEIN: So, I have an article from
16 Darkness to Light. I'm going to have this marked
17 purely for identification purposes.

18 (WHEREUPON, Defendant's Exhibit No. 6 was marked
19 for identification only.)

20 BY MR.. GOLDSTEIN:

21 Q All right. So, just for the record, this has
22 been marked as Defendant's Exhibit 6. I want to show you
23 something on Page 3 here. And in fairness to
24 Mr. Holloway, I'm going to show it to him first.

25 All right, Ms. Galloway-Williams --

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 Is it okay if I approach the witness, Your
2 Honor?

3 THE COURT: Yes, you may.

4 BY MR. GOLDSTEIN:

5 Q So, this is an article written by Katherine
6 Townsend. If you don't mind, we'll kind of huddle up here
7 and read it together. So, this is Page 3 of Defendant's
8 Exhibit 6.

9 It's under the subheading, it says, How do
10 researchers measure disclosure?

11 And what I want to draw your attention to
12 is this final bullet point here. So, read along with me,
13 okay?

14 It says, Disclosure is typically
15 categorized by time. It says immediately, within one
16 month, less than five years and so on. There's no
17 standard for time period categories, making it very
18 difficult to compare studies or to determine a valid rate.

19 Did I read that correctly?

20 A You mean are words on that page the way you just
21 said?

22 Q Yes.

23 A They are.

24 Q Do you agree or disagree with that statement?

25 A May I have the paper so that I might know the

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 words as well?

2 Q Sure.

3 A I think if I'm going to comment on this article,
4 I'd like to have time to read the entire article if you're
5 asking me to comment on that.

6 Q Well, you can read the entire section. I don't
7 know if the Court will give you time to read the entire
8 article.

9 A You're asking me to comment on the entire
10 article.

11 THE COURT: For purposes of this hearing, we
12 have about five minutes more.

13 BY MR. GOLDSTEIN:

14 Q Would you agree or disagree with that statement?

15 A That disclosure is categorized by time?

16 Q By time and there's no standard for time period
17 categories making it very difficult to compare studies or
18 determine the valid rate when you're looking at research.

19 A I really don't like to comment on just one
20 statement taken out of context of the whole article.

21 Q So, you don't have a comment on that?

22 A I don't.

23 Q Okay.

24 A Unless I can read the entire article.

25 Q Okay. Well, you don't have time for that.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 MR. HOLLOWAY: And, Your Honor, in supporting
2 Ms. Galloway-Williams, The State feels she should
3 have an opportunity to read the article before being
4 asked to --

5 THE COURT: All right, she has responded. You
6 don't need to.

7 MR. GOLDSTEIN: Okay. We'll move on then.

8 THE COURT: Okay.

9 BY MR. GOLDSTEIN:

10 Q Does the Julie Valentine Center keep statistics
11 tracking how many cases are delayed versus immediate
12 disclosure cases?

13 A No, we do not.

14 Q Okay. Why not? I mean, isn't it helpful to
15 know that?

16 A For what purpose?

17 Q Isn't that what we're doing here today? Isn't
18 it important to know whether there's been a delay
19 disclosure or not in a given case?

20 A So, in an individual case, we would indicate
21 whether a disclosure was delayed or not. We don't keep
22 general statistics of all of our agency cases on how many
23 are delayed or not delayed. It's not a statistic that we
24 track. It's not required by National Children's Alliance,
25 who accredits children advocacy centers, which we are one

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 of.

2 Q Okay. What specific steps would you take after
3 learning that there's been a case of delayed disclosure in
4 a child that you're treating?

5 A What do we track in our data base?

6 Q I mean, what specific steps as a therapist would
7 you take, like in reliance on that information? Like, I
8 learn there's a kid who has a case of delayed disclosure,
9 how does that influence the steps I will now take as a
10 therapist? Is there any correlation in that?

11 A Can you repeat your question?

12 Q Okay. Say, you are treating a child for sexual
13 abuse, okay?

14 A As a therapist?

15 Q As a therapist, not as a forensic interviewer.
16 And that child comes in your office and you learn that
17 there's been a case of delayed disclosure, okay? Are you
18 with me?

19 A (The witness nods.)

20 Q What specific steps will you take based on that
21 factor alone, if any, in your role as a therapist?

22 A I don't know that that would be -- as a
23 therapist, I don't know that that would be the key factor
24 in treating them. I mean, it would be one piece of the
25 entire puzzle. Again, the role of a therapist and the

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 goal of treatment is very different than that of
2 investigation related to child sexual abuse.

3 Q I want to talk briefly about non-offending
4 caregivers. Is it fair to say that, basically, what
5 you're talking about in that scenario or in that context
6 is the response of the non-offending caregiver? That's
7 what you're here to talk about in court, you're here to
8 talk about non-offending caregivers, right?

9 A Yes, non-offending caregivers.

10 Q Is it fair to say that you can non-offending
11 caregivers into different categories based upon their
12 response? Right, there's a dichotomy, right? Some of
13 them have an appropriate response and they believe the
14 child and some of them have an inappropriate response and
15 they don't believe their child and they're not protective,
16 right?

17 A There's protective or non-protective caregivers.
18 And then there's some that sort of vacillate between the
19 two.

20 Q Okay. And because of your role as a therapist,
21 I mean, if a child came to you and told you about sexual
22 abuse, I mean, you would have an appropriate response,
23 right? I mean, you would believe the child, right?

24 A As a therapist?

25 Q Yes, as a therapist?

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 A Yes, as a therapist, it's not my role -- it is
2 my role to believe and support the client that's in front
3 of me. It's more about processing their experience with
4 them than investigating what may or may not have happened
5 to them.

6 Q And you're a mandatory report, too, right, so I
7 mean, you have to report it if they come and tell you
8 something?

9 A If it's not already been reported, yes.

10 Q The topics you're testifying about today, you
11 say they're based on decades of research, right?

12 A Correct.

13 Q Tell me, did you conduct that research yourself?

14 A No, I did not. I'm not a researcher.

15 Q You're not a researcher?

16 A I'm not.

17 Q Have you published any articles in academic
18 journals?

19 A I haven't.

20 Q Okay. How many times -- and maybe it was 30, I
21 think, but how many times have you been qualified as an
22 expert in criminal cases?

23 A Over 30 times.

24 Q Over 30. Are you offering scientific or
25 nonscientific testimony today?

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 A Nonscientific.

2 Q Nonscientific. The Julie Valentine Center, it's
3 a nonprofit, right, and it receives funding from a couple
4 different course, right?

5 A Yes, they're a non-profit organization.

6 Q Some of those are private donors and some of
7 that is public funds, right?

8 A We receive a good bit of funding, federal
9 funding from victims of crime act, Violence Against Women
10 Act, DHEC, National Children's Alliance, those are all
11 federal funds. Some are passed through the state. We
12 also are Greenville County United Way as well as Pickens
13 County United Way partner and we do a significant amount
14 of fund raising in the community.

15 Q Okay. These will be my final questions. Does
16 the Thirteenth Circuit Solicitor's Office contribute any
17 money to the Julie Valentine Center?

18 A To us?

19 Q Yes.

20 A No.

21 Q Okay. How about law enforcement agencies, do
22 they contribute any money?

23 A Well, they do sponsor tables at our luncheon,
24 yes.

25 MR. GOLDSTEIN: Court's indulgence for one

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN (IC)

1 moment, Your Honor.

2 THE WITNESS: If I can clarify that. They do
3 sponsor tables at our luncheon, the solicitor's
4 office, two tables, which is around a thousand
5 dollars. And the sheriff's office, a \$500 table, out
6 of our \$1.7 million budget.

7 MR. HOLLOWAY: Okay, sorry, Your Honor.

8 MR. GOLDSTEIN: Okay. Thank you, Your Honor.

9 No further questions for this witness.

10 THE COURT: All right, after hearing, I find the
11 subject matter is beyond the ordinary knowledge of
12 the jury. That she has requisite knowledge and skill
13 to serve as an expert and that I find the subject
14 testimony reliable.

15 MR. GOLDSTEIN: Your Honor, could I make an
16 argument for the record?

17 THE COURT: You can put your objection on
18 record. I've ruled. Go ahead.

19 MR. GOLDSTEIN: Can I put it on the record?

20 THE COURT: Yeah.

21 MR. GOLDSTEIN: Your Honor, just -- okay, we
22 understand the Court's ruling, I would just like to
23 preserve this for the future.

24 THE COURT: Yeah.

25 MR. GOLDSTEIN: We object to this witness being

1 qualified. Obviously, we're asking the Court to
2 exercise its gatekeeping role under 702. We would
3 object on all three fronts. We would argue that the
4 subject matter is not beyond the ordinary knowledge
5 of the jury. That she's not qualified as an expert
6 to testify in these particular matters that she's
7 offering testimony in. And we would argue that the
8 testimony is not liable.

9 Touching on the first, Your Honor, she's here
10 today to talk about a couple of topics, you know,
11 delayed disclosure as well as non-offending
12 caregivers and there are several more. Regarding
13 delayed disclosure, as you heard, she's going to tell
14 the jurors that some children disclose right away,
15 some disclose later. I would argue that that's just
16 basic common sense. Those are really the only two
17 options. I mean, in fact, that would hold true in a
18 bunch of different physical abuse scenarios. And I
19 asked her that hypothetical about bullying and she
20 agreed with that.

21 You know, with regards to non-offending
22 caregivers, again, there's a dichotomy. There's two
23 groups that she's talking about. In one group,
24 there's an appropriate response. They protect them
25 and they believe, in terms of the parents or

1 caregivers. In the second group, some of them have
2 an inappropriate response. They're not protected,
3 they don't believe. Again, that's just common sense,
4 that just falls within the human experience. I don't
5 believe that the jurors need an expert to tell them
6 that.

7 I think especially when it comes to this idea of
8 delayed disclosure, I don't think there's anything
9 terribly unique about what she has to say. When you
10 look at the reasons why, that is why some children
11 delay. So, I think a lot of this boils down to basic
12 human emotion. So, she says sometimes it's because
13 the child has like a close loving relationship with
14 the parent, so that's love. And then sometimes,
15 there's threat that's made and that's fear. Again,
16 those are basic human emotions. I don't think that
17 the jurors needs an expert to tell them about that.

18 I know that a lot of arguments that get made by
19 the State, they point to the voir dire. So, they
20 point to the limited voir dire we get in South
21 Carolina. They cite that as proof that these topics
22 are outside the realm of jury knowledge because they
23 say jurors who are sexually abused get filter out
24 before. Your Honor, I think that's a curious
25 argument to make. I just want to observe our

1 objection on that point.

2 I don't think you see that in any type of other
3 case in the courtroom. Like in a medical malpractice
4 case where a judge is going to look at the jury pool,
5 see who has experience -- like do I have any doctors,
6 do I have any nurses here or ask the jurors
7 themselves have you ever been treated by a doctor
8 before, and on that basis, what we have here, make
9 the determination of whether someone's going to
10 qualify as an expert or not. And I'm not saying that
11 the Court is doing that here, but I've just heard
12 that argument made before.

13 And we do have -- and this might be another
14 objection that we need to renew when she testifies.
15 I did hear in terms of -- so the second prong, Your
16 Honor, when you're talking about if she's an expert
17 qualified to render these particular opinions. I did
18 hear testimony about ability to remember and recall.
19 And I think that's improper. I think that's
20 commenting on the credibility of a witness and I
21 don't think she's allowed to do that. I also don't
22 think she has the scientific foundation or background
23 to do that. So, if she intends to do that when she
24 testifies --

25 THE COURT: I believe we have merely determined

1 whether she's an expert as they've noted.

2 MR. GOLDSTEIN: Yes, sir, Your Honor. And would
3 just say I don't think she's an expert in memory.

4 Second, I know she's offering herself as an
5 expert based on years of experience. I don't think
6 she's qualified to render the kinds of opinions she's
7 offering in this case. I think there's a missing
8 scientific foundation to this. I think what The
9 State is really doing is they're asking the Court to
10 take judicial notice that children are different in
11 the area of sexual abuse, that's requiring an expert
12 to explain to the jury. So, I think everyone is just
13 assuming in these cases that children are different
14 here, but no one is establishing that they are. I
15 think that's the missing foundational aspect here. I
16 like to know where the science and the support for
17 that proposition is. Ms. Galloway-Williams said
18 herself she's not a researcher, she's not a
19 scientist, she's not a psychologist, but her opinions
20 are based on the psychology of how children respond.
21 I don't think she's qualified to offer that opinion.

22 Again, I don't think that she can establish that
23 children in sexual abuse scenarios are different than
24 children in other physical abuse scenarios. Just
25 like in the reporting with the children in physical

1 abuse situations, like bullying. Some will report
2 right away, some will report later.

3 Our final argument on that point, Your Honor, is
4 about reliability. I think the State likes to hide
5 behind the fact that this testimony is not
6 scientific. But I think the case law is clear, even
7 when you look at State v. White and the Ford Motor
8 Company case, even nonscientific experts needs to
9 meet the foundational requirements of Rule 702. I
10 don't think there's an exception in the law for
11 reliability. I think State v. Chavis is a case,
12 which is a 2015 case from South Carolina Supreme
13 court, that case, in particular, dealt with the
14 admission of two experts offering nonscientific
15 testimony who were qualified as experts in the field
16 of child abuse assessment. And that case says the
17 following, Your Honor, evidence of mere procedural
18 consistency does not ensure reliability without some
19 evidence demonstrating that the individual expert is
20 able to draw reliable results from the procedures
21 which he consistently applies.

22 Looking at our particular case, the publication
23 of the peer review technique, I sent Ms. Galloway a
24 subpoena, I know the Court's familiar with that. We
25 sent it to her last week. I asked her and directed

1 her to bring with her to court today all the
2 articles, publications, treatises, books, manuals,
3 data that she would be relying upon. She chose to
4 bring to court one article about forensic
5 interviewing. She's not testifying as a forensic
6 interviewer, so she didn't respond to the subpoena.
7 That's it. She didn't bring anything -- even though
8 she doesn't conduct this research herself, I know
9 that she doesn't participate in the scholarly peer
10 review because she admitted she's not writing
11 articles.

12 When you talk about quality control procedures
13 and error rate, I think that the quality control
14 procedures in this area of study are questionable at
15 best. She testified that the raw data, the research
16 is gathered via survey responses. And those survey
17 responses is based on the accuracy of the information
18 they're getting. There's no way to test the accuracy
19 of that information, Your Honor, and I would pose
20 that the researchers aren't really interested in
21 testing the accuracy of that information because
22 everyone in this area just assumes that all these
23 children are telling the truth. And again, that's
24 why there's no error rate because they're all --
25 therapists list this witness all assume that these

1 allegations are true.

2 And I would just offer on that point, Your
3 Honor, again, I don't think that these are really
4 earth shattering data and topics she's talking about.
5 I mean, delayed disclosure is not an area of
6 expertise. It's a statistic. It's not even a very
7 helpful one because they don't keep data tracking it.
8 Likewise, non-offending caregivers and their
9 responses, it's not an area of expertise. At best,
10 these are statistics or categories. They have
11 nothing to do with veracity.

12 And I'll just make a final point on bias here.
13 I don't know how reliable her testimony can be to
14 begin with. She's a biased witness. She always
15 testifies on behalf of The State. She works closely
16 with law enforcement and prosecution --

17 THE COURT: All right. I've ruled and you've
18 got your brief written.

19 MR. GOLDSTEIN: And, Your Honor, 403. We would
20 just make an argument that it's prejudicial on that
21 front.

22 THE COURT: All right. You may step down.
23 Ready for the jury? The State ready?

24 MR. HOLLOWAY: Yes, sir.

25 THE COURT: Defense ready?

1 MR. SHIPMAN: We're ready, Your Honor.

2 MR. GOLDSTEIN: Yes, sir.

3 (WHEREUPON, the jury came into open court at
4 approximately 4:08 p.m.)

5 THE COURT: All right. We're ready to proceed.
6 State call your next witness.

7 MR. HOLLOWAY: Thank you, Your Honor, the State
8 would call Ms. Shauna Galloway-Williams to the stand.

9 THE CLERK: Ma'am, please place your left hand
10 on the Bible and raise your right hand.

11 SHAUNA GALLOWAY-WILLIAMS, after being duly
12 sworn, testified as follows:

13 THE CLERK: Thank you. Please be seated.
14 Please state your name for the record.

15 THE WITNESS: Shauna Galloway-Williams.

16 DIRECT EXAMINATION

17 BY MR. HOLLOWAY:

18 Q Good afternoon, Ms. Galloway-Williams, where are
19 you employed?

20 A At the Julie Valentine Center.

21 Q Can you tell the jury a little bit about the
22 Julie Valentine Center?

23 A The Julie Valentine Center is the child abuse
24 and sexual assault recovery center that serves Greenville
25 and Pickens County. That means that we provide services.

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY

1 related to child abuse and sexual assault. So, we provide
2 prevention and education service, we also provide
3 investigative and intervention services as well as
4 counseling services to children, adults and their
5 caregivers who may have been impacted by child abuse or
6 sexual assault.

7 Q How long have you been employed with the Julie
8 Valentine Center?

9 A I've been employed at the Julie Valentine Center
10 since 2007. I've been executive director there since
11 2009.

12 Q What are your roles and responsibilities as the
13 executive director of the Julie Valentine Center?

14 A As executive director, I'm responsible for the
15 overall organizational management. I also lead a team of
16 six leadership team members who are responsible for the
17 problematic and day-to-day functions of the organization.
18 I'm responsible for the physical oversight and management
19 of the agency as well as I have fund raising
20 responsibilities as well as clinical responsibilities,
21 which means that I still provide some services as an
22 interviewer and counselor.

23 Q And before becoming the executive director, what
24 was your position then?

25 A I was the clinical director.

SHAUNA GALLOWAY-WILLIAMS-DIRECT BY MR. HOLLOWAY

1 Q Can you tell us about what your responsibilities
2 were as the clinical director?

3 A As clinical director, I provided clinical
4 services, meaning I provided individual and group
5 counseling as well as assessments of children and families
6 who been impacted by child maltreatment. I also was
7 responsible for supervision of the other clinicians that
8 are on staff, the adult and child therapists there.

9 Q Let's take a step back. Before your career with
10 the Julie Valentine Center, can you tell us a little bit
11 about your education?

12 A I have Bachelor's Degree in psychology from
13 Winthrop University and a Master's Degree in counseling
14 from Clemson University.

15 Q And do you still have any continuing education
16 efforts?

17 A I do. As part of our licensure, we're required
18 to maintain continuing education, 40 hours every two
19 years. So, I do maintain that.

20 Q Okay. And do you have any specialized training?

21 A I do. Most of my continuing education and
22 training has been specifically in the area of child abuse
23 and sexual assault. I have over 150 skills-based hours of
24 training in assessing and responding to children and
25 families who have been impacted by child maltreatment.

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1 And those skills-based hours mean actually hands-on
2 training where you are actually not sitting in a workshop
3 just listening to a presenter, but you are role playing or
4 conducting mock assessments or mock investigations.

5 That's skills-based, that's what that is.

6 Q Are there continuing education requirements in
7 your field specifically?

8 A Yes.

9 Q Can you tell us a little bit about those?

10 A So again, as a licensed professional counselor,
11 we're required to have continuing education, at least, 40
12 hours every two years.

13 Q And what training do you have specifically in
14 counseling sexually abused individuals?

15 A Again, most all of my training, post-graduate
16 training has been in the area of sexual abuse, child
17 abuse, working with children and adults who have been
18 impacted by those issues, assessing, treating and working
19 with those types of cases.

20 Q How long have you counseled children and adults
21 in the area of sexual abuse or involved in sexual abuse?

22 A I've worked in the field of mental health
23 treatment for over 20 years. I, specifically, worked with
24 children and adults beginning in 2001, so 17 years.

25 Q What circumstances do you typically provide

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1 professional assistance?

2 A I primarily work with children and adults who
3 have been impacted by child maltreatment, sexual abuse,
4 physical abuse, neglect, witness to some type of violence.
5 And that can be the children themselves, their caregivers
6 and also adult survivors of these same crimes.

7 Q What kind of counseling services do you all
8 provide at the Julie Valentine Center?

9 A At the Julie Valentine Center, we provide
10 counseling for children and adults. We provide family
11 counseling. We provide individual and group counseling.
12 Most of the adults we provide services to are adults who
13 have survived childhood sexual abuse as well as sexual
14 assault or one of the other, and we provide grief support
15 for them as well.

16 Q In addition to your counseling services, do you
17 provide any professional training or teach others in your
18 field?

19 A I do. I'm an adjunct faculty member at
20 USC-Upstate in their Child Advocacy Studies Program. I
21 teach two courses there on a regular basis. I teach a
22 course on child maltreatment. It's a three-hour
23 undergraduate course. And I also teach a course on gender
24 violence in society, also, three-hour undergraduate
25 course. I also conduct training locally, statewide and

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1 nationally on these topics related to child abuse and
2 child sexual abuse dynamics.

3 Q And have you ever testified before in court?

4 A I have.

5 Q And on these occasions have you ever been
6 qualified as an expert?

7 A I have.

8 Q How many times have you been qualified as an
9 expert in court?

10 A Over 30 times.

11 Q Before today, when was last time your were
12 qualified as an expert in court?

13 A Last Wednesday.

14 MR. HOLLOWAY: Your Honor, at this time, the
15 State request that Ms. Galloway-Williams be qualified
16 as an expert witness in childhood -- child sexual
17 abuse dynamics and disclosure pursuant to Rule 702 of
18 the South Carolina Rules of Evidence.

19 MR. GOLDSTEIN: Your Honor, can we briefly
20 approach?

21 THE COURT: Yes.

22 (WHEREUPON, an on-the-record bench conference
23 was held in the presence of the jury but out of
24 the hearing of the jury.)

25 MR. GOLDSTEIN: Your Honor, I just wanted this

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1 to be on the record. Your Honor, we just wanted to
2 renew the previous objection. I also don't know if I
3 put on the record in our review under the rules of
4 the case law of this state that this constitutes
5 impermissible bolstering and vouching under State v.
6 Cromer. Just that we renew our previous objection.

7 THE COURT: I don't think there's any problem
8 with that, you can put your objection on the record.

9 MR. GOLDSTEIN: Okay.

10 MR. HOLLOWAY: Nothing from the State.

11 MR. GOLDSTEIN: Your Honor, just for the record,
12 we want to renew our previous objection to this
13 witness being qualified as an expert. And we would
14 also posit that under the rules of the case law of
15 this state that this constitutes impermissible
16 bolstering and vouching under State v. Cromer.

17 THE COURT: All right. I believe based on the
18 previous evaluations, I will find that she is
19 qualified in the field of child sex abuse dynamics
20 and delayed disclosure and deny your objection
21 otherwise.

22 And ladies and gentlemen, let me tell you a
23 little bit about when somebody is qualified as an
24 expert witness. Normally, a person can only testify
25 as to what they've observed, what they saw, what they

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1 heard and so forth. The exception to that is when
2 someone has been qualified as an expert. An expert
3 can testify about their opinions in their particular
4 field of expertise based on their training and their
5 experience. But as I will tell you in the charge,
6 like any witness, you're to give this weight -- this
7 testimony the weight that you think is appropriate.

8 So, you may proceed.

9 MR. HOLLOWAY: Thank you, Your Honor.

10 BY MR. HOLLOWAY:

11 Q Ms. Galloway-Williams, first, I just want to
12 touch on the circumstances surrounding your testimony here
13 today? Do you know why you're testifying here today?

14 A Yes.

15 Q Who subpoenaed you?

16 A Both you and Defendant.

17 Q And have you ever had any contact with the
18 Defendant, Mr. Richard Galloway, or the victim in this
19 case?

20 A I haven't.

21 Q And has either the defense or the State paid you
22 to be here today?

23 A No.

24 Q Speaking to the Julie Valentine Center, where
25 does the center's funding come from?

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1 A We are a 501C3, which means we are a nonprofit
2 organization. We receive federal funds from the Victim's
3 Crime Act, Violence Against Women Act, DHEC, National
4 Children's Alliance. We also are Greenville and Pickens
5 County United Way partners and we do a significant amount
6 of fund raising to make up the remainder of our budget.

7 Q And what kind of fund raising efforts do you
8 guys have?

9 A We have two annual fundraisers. We have a
10 signature gala that happens in February and we have a 5K
11 run that happens in August. And then there are smaller
12 third party fundraisers that happen throughout the year.

13 Q What's the size of the Julie Valentine Center's
14 budget?

15 A 1.7 million.

16 Q And at your fundraisers, has the solicitor's
17 office ever funded a table or anything of the like?

18 A Yes.

19 Q Can you tell us a little bit about that. How
20 much does it cost to buy a table?

21 A This past year, the solicitor's office purchased
22 two tables. They're \$500 apiece, so a thousand dollars
23 was spent.

24 Q And what was your budget again?

25 A 1.7 million.

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1 Q Is that funding in any way contingent on what
2 you have to say here today?

3 A No, it's not.

4 Q All right. Let's move on to your familiarity
5 with the case. You have testified already that you've
6 never met the Defendant and you have never met the victim.
7 Have you by chance reviewed the victim's statements she
8 provided to law enforcement?

9 A I haven't.

10 Q Were you in the courtroom earlier when the
11 victim previously testified during this trial?

12 A No, I was not.

13 Q Have you seen any of the evidence at all in this
14 case?

15 A No.

16 Q Other than the conversations that you and I have
17 had, have you done any investigatory work or interviewed
18 anyone involved in this case?

19 A No, I haven't.

20 Q Moving on to our first real topic as it pertains
21 to why you're here today, disclosure. Do the terms
22 delayed disclosure or delayed reporting mean anything to
23 you?

24 A Yes.

25 Q Tell us what they mean to you. Explain that to

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1 the jury.

2 A So, delayed disclosure is a common term in the
3 field of child sexual abuse dynamics, referring to the
4 fact that most often children do not report abuse right
5 away. That delay can be days, weeks, months, years and we
6 know that many live into adulthood without ever telling or
7 even telling when they're adults.

8 Q In your experience, is delayed disclosure and
9 delayed reporting a usual occurrence?

10 A It's very common. It's more common than not
11 from my experience and from the training and research.

12 Q What kind of factors commonly play a role in a
13 child's delayed reporting?

14 A One of the most common reasons that children
15 delay reporting is fear. They fear the consequences of
16 what will happen to them if they tell. They fear the
17 consequences of what will happen to their family. They
18 fear the consequences of what will happen to the offender
19 if they tell. And those fears may be based on threats
20 that have been made to them. Those fears may be based
21 just purely on the fact that children fear that they're
22 not going to be believed and children fear that they're
23 going to get in trouble. Children may feel responsible
24 for what has happened to them. Children are very
25 egocentric. They, oftentimes, feel as if they've had a

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1 rule in everything that is going on around them. So, they
2 may feel if they played some sort of responsible role in
3 what's happened to them and they fear that they're going
4 to get in trouble for that. They may fear, again, what
5 might happen to their family, their caregivers, their
6 siblings or other members of their immediate family or
7 extended family if they are to tell.

8 Q You mentioned something about feeling
9 responsible, does that tie into what kind role guilt or
10 shame might play into delayed disclosure?

11 A Yeah, with child sexual abuse, there is a lot of
12 guilt and shame in this. This is not something that
13 children, adults, people generally want to talk about.
14 Most people are not comfortable talking about sexual
15 experiences in general. When it is an unwanted sexual
16 experience, when it is something that's happening to a
17 child, it can be very difficult to talk about. It's
18 embarrassing. They can be ashamed about what has happened
19 to them. And they can, again, feel even more responsible
20 for what's happened because of that.

21 Q What role would the abuser having been in a
22 position of authority over the abused person play?

23 A So, in most cases of child sexual abuse, the
24 child is being abused by someone that they know, they love
25 and they trust. Many times, this person also has some

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1 type of power over them, power and authority. Whether
2 that be that they are a caregiver, a coach, someone that
3 commands respect from them. That in of itself can be a
4 powerful reason why a child might not tell. They just
5 might not believe that they can have the power to tell
6 when someone this powerful or someone who has more power
7 than them in the relationship is doing this to them. You
8 know, we teach children to respect adults and to do what
9 adults or do what authority figures tell them to do, and
10 children often do that. In particular, in these types of
11 cases, that can be a very powerful force in a child not
12 feeling as if they can tell or do something about what's
13 happening to them.

14 Q In a situation where an abuser is not only being
15 in the position of authority, but also spending time in
16 the same household, would that sort of a role, would
17 magnify that by chance?

18 A So, the relationship dynamic is very powerful,
19 again, the person living at the household as well as
20 having authority and power. It might be a relationship
21 where the child has loving feelings and has a very close
22 relationship with this person. Again, most children are
23 abused by someone they know, they love and they trust.
24 And so, the fact that they're abusing them is one piece of
25 that whole relationship. So, the fact that that person is

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1 still in their household or is close to other household
2 members, they may be close to their mother, their father,
3 their siblings, other people, that can really weigh
4 heavily on whether or not a child discloses. Again, the
5 fear may be at play. They may be fearful about what's
6 going to happen to them or the other members of their
7 family or even the offender in those situations.

8 Q What role does the victims fear he or she may be
9 believed play?

10 A Well, you know, children often fear that they're
11 not going to be believed. Particularly, when something --
12 they're experiencing something as unbelievable as sexual
13 abuse and when it's being committed by someone who is
14 known, loved and trusted by others and also someone who is
15 in a position of power and authority, a child just really
16 may not believe that their voice is going to be heard
17 because the other person that's doing this to them has
18 more of the power and authority and control in that
19 situation.

20 Q What role would the normalization of sexual
21 activity play?

22 A So, you know, in cases where -- sometimes
23 children are introduced to sexual material and behavior
24 and sexual touch in a way that it almost normalizes it for
25 them. They may be exposed to books, magazines, movies,

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1 pornographic material, sexual jokes as a way of
2 introducing them to sexual behavior. They may be
3 introduced to touch in a way that is confusing, that may
4 not necessarily start off as sexual touch, but may be
5 uncomfortable and may progress to more sexualized touch.
6 And when children are repeatedly abused or in a situation
7 where there is recurring abuse, in many ways, they can
8 feel as if it is normal behavior, particularly if there's
9 been no intervention to stop it and if they feel as if
10 they're powerless to do anything about it.

11 Q Is disclosure itself sometimes a process?

12 A Disclosure is a process.

13 Q Why is that so?

14 A Well, it's not a one-time event. So, when a
15 child, when a survivor discloses abuse, we don't expect
16 that they're going to tell every single detail about the
17 abuse they've experienced. You know, they may have tell
18 the relevant details that they think are important to them
19 at that time. Depending on who's asking them the
20 questions, what level of detail someone is seeking, that
21 may change the amount of information they share. Someone,
22 when they're disclosing abuse, they may just share pieces
23 of information to see how others are going to respond and
24 then begin to share more information to see if, you know,
25 they're supported or not supported in sharing that. The

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1 response to their disclosure will often dictate, you know,
2 what additional information they share or don't share.
3 Time may also impact disclosure as a process.

4 Q Tell me about that.

5 A So, you know, as time goes on, as someone may --
6 they feel more empowered to disclose. Along with that,
7 they may not be able to share every single detail of the
8 abuse. You know, we would expect that as time goes on,
9 they may not be able to remember all of the details of
10 time, date. Some of that just may not come about
11 immediately. The more that they talk about it, the more
12 times that they do share information, they may begin to
13 remember more and more details of that.

14 Q Speaking of which, is time and date, is that a
15 particularly difficult thing?

16 A It is. It's an abstract concept that most
17 children don't really master until 12 or 14 years old and
18 still they struggle with. So, you know, to expect that a
19 child, or even an adult can remember the time and date of
20 specific events, traumatic events may be very challenging.
21 For many of us who recall a specific date and time of
22 events that happen to us may be very difficult.
23 Particularly, when we're talking about things that were
24 difficult situations. We might be able to place it in
25 context, remembering where we were living at the time, how

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1 old we were, what school we were going to, different
2 circumstances in your lives, but to actually be able to
3 remember the exact month, day, year and time that
4 something happened can be very difficult.

5 MR. GOLDSTEIN: Your Honor, can we approach?

6 THE COURT: Yeah.

7 (WHEREUPON, an off-the-record bench conference
8 was held in the presence of the jury but out of
9 the hearing of the jury.)

10 MR. GOLDSTEIN: Just for the record, Your Honor,
11 we just wanted to object that this witness has not
12 been qualified as an expert in the area of memory or
13 recall, so I think that's outside the scope of her
14 expertise. Also, the case law in our State says that
15 a witness cannot comment on the credibility of other
16 witnesses, that is strictly is in the province of
17 these ladies and gentlemen over here in the jury box.
18 And I think The State is stepping over the line, so
19 we object.

20 THE COURT: All right. I will overrule your
21 objection.

22 BY MR. HOLLOWAY:

23 Q Thank you, Ms. Galloway-Williams. Moving
24 forward, are you familiar with the concept of grooming?

25 A Yes.

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1 Q Can you please explain what grooming is for us?

2 A In relation to child sexual abuse, grooming is
3 the idea of developing a trusting relationship with the
4 child as a way of being able to continue or to abuse a
5 child. That may be giving a child special attention,
6 special affection, special treats. It may be treating
7 them differently. It's, essentially, developing a trust
8 with this child as a way of maintaining that relationship.
9 And -- with the idea that hopefully this child will not
10 tell someone about this.

11 Q And what kind of cases do you typically see
12 grooming?

13 A In many cases of child sexual abuse there's
14 grooming. Again, most children are abused by someone they
15 know, they love and they trust. That affection and that
16 relationship in and of itself can be -- is really a part
17 of the grooming process, developing that trust with the
18 child. Grooming can also involve developing trust with
19 caregivers and other community members as well, so that,
20 you know, if a child does make an outcry, it would be hard
21 for someone to believe that that happened.

22 Q And the purpose of grooming, you mentioned
23 gaining trust and gaining access. Can you tell us about
24 the idea of playing a role in the child's life and also
25 isolating the child, how does that play into the purpose

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1 of grooming?

2 A So, you know, again, it's that relationship that
3 is critically important. A child can both love the person
4 that is doing this to them and dislike the thing that is
5 happening to them. And when it comes to isolation, the
6 less access that a child has to others, the less
7 opportunity they would have to tell someone if they were
8 going to chose to tell someone what was going to happen to
9 them. It also gives them less opportunity to see how
10 others engage in relationships outside of their own family
11 as well.

12 Q How does creating a secrecy surrounding the
13 relationship play into the role of grooming?

14 A Well, I mean, secrecy is part of, you know, the
15 dynamics of child sexual abuse. I mean, this does not
16 happen out in public, it is a relationship of secrecy. It
17 is all about maintaining a secret. And doing things to
18 encourage that that continues to be a secret. Grooming
19 becomes part of that. It may mean giving someone special
20 favors and attention in exchange for keeping that secret.
21 Or, you know, doing things that, again, in that
22 relationship that balance out the bad with the good, if
23 that makes sense.

24 Q Certainly. How does the idea of controlling the
25 relationship play into grooming?

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1 A Well, you know, the person who is -- who is
2 controlling the grooming, that is the person who is in
3 control of the relationship. The person who is providing
4 whatever it is that is creating that trusting relationship
5 with the child, that is the person who has the control.
6 And, you know, oftentimes, in these types of cases, it is
7 an adult or someone who is older or in power and the child
8 may feel as if they don't have the same amount of power or
9 the power themselves to do anything about it.

10 Q Now, all these different specific areas, are
11 they consistently in place simultaneously throughout the
12 grooming process?

13 A They may be. You mean all of these factors that
14 we've --

15 Q Yeah, these factors, are there some shown
16 altogether or is there a certain process that people
17 typically go through or just something, I guess, we
18 develop within a relationship, they have different
19 statements or different time periods in a chronological
20 order of the development of the relationship?

21 A Some of these things could appear -- all of
22 these related to grooming may not be part of that
23 relationship. It may be one or two or three of those
24 things and there's really no order to it. And it may sort
25 of ebb and flow as relationships do. You know, really,

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1 the grooming is part of the relationship that this
2 offender is developing or creating with the child.
3 Ultimately, again, they're the ones in control of that.
4 Because they're deciding, you know, where this
5 relationship's going.

6 Q The next topic I want to cover is risk factors
7 and, in particular, I want to ask you what do we mean when
8 we talk about risk factors in cases of sexual abuse?

9 A So, there are risk factors that are associated
10 with the individual or with a child. So, just the child's
11 age is a risk factor. The younger the child, the higher
12 at risk they are for sexual abuse because they require
13 more caregiving or hands-on care. They don't necessarily
14 have the words to speak. The individual child who has
15 known behavior problems, emotional problems, those
16 children are more vulnerable and more at risk for sexual
17 abuse. Children who have any sort of disability or
18 difficulty are also at higher risk of sexual abuse.

19 Then there are the family dynamics that may
20 be risk factors. So, substance abuse within a household
21 is a very strong risk factor for all types of
22 maltreatment, sexual abuse, physical abuse, neglect.
23 Domestic violence within a household. Living in a
24 single-parent household, particularly single-parent
25 household with a live-in caregiver may be a risk factor

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1 for sexual abuse.

2 Then there are community factors. So,
3 living in a community where there is a high rate of
4 violence, where there is a lot of poverty and not much
5 access to resources and community support.

6 Q And what factors commonly play a role in child
7 delay reporting?

8 A As we talked about before, you know, one of the
9 strongest factors is that fear of response and the
10 relationship that the child has to the offender. Again,
11 you know, oftentimes, a child has a strong relationship
12 with the person that is doing this. Their caregivers may
13 have a strong relationship. The community may have a
14 strong relationship. And this abuse is one piece of that
15 entire relationship with them. And children may come to
16 realize that there are consequences if they are to tell.
17 There may be consequences to themselves, to their family.
18 And these consequences may be based on unrealized fears or
19 they may be based on threats that were made.

20 Those threats could be indirect threats or
21 direct threats. An indirect threat might be that a child
22 has internalized something themselves. So, for instance,
23 if a child has witnessed the alleged offender being
24 violent or aggressive to other people, they may
25 internalize that if they are to tell that this person may

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1 be aggressive and violent towards them. That would be an
2 indirect threat. A direct threat would be actually being
3 told if you tell, then I will kill you. If you tell, I
4 will kill your family member. If you tell, you'll have to
5 move out of the house. Those would be direct threats.
6 And those types of things may delay a child from
7 disclosing.

8 Q Is isolation from peers, is that a threat or
9 another threat in the spindle of child sexual abuse?

10 A So, the fear of -- the fear of peers finding out
11 about what has happened to them? Is that --

12 Q Sure, yeah, that's something I'm interested in
13 hearing about.

14 A I mean, because that's what came to mind, is the
15 fear and shame that the children experience, you know,
16 that fear that other people are going to find out what's
17 happening to them can also be a factor in them not telling
18 or reporting. Not having access to peers. Many times,
19 children as much as they're ashamed and embarrassed about
20 what's happening, children also sometimes tell their peers
21 or tell their teacher, that may be the first person they
22 tell. So again, the more isolated that a child is from
23 others, the less likely they are to be able to tell
24 someone or for someone to observe or ask them questions
25 about potential abuse.

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1 Q Ms. Galloway-Williams, one final question, what
2 factors may also encourage someone to reveal sexual abuse?

3 A You know, sometimes disclosures come about
4 accidentally. Meaning, that someone observes a behavior or
5 hears a statement and then ask a question. So, the victim
6 had no intention of actually making a disclosure, but
7 someone asked them about it or saw something. That would
8 be an accidental disclosure. Sometimes there's a triggering
9 event. You know, there may be the fear of having to see
10 this person again or the desire to not ever have to see
11 this person again, or the fear that this person is going
12 to harm someone else. Or, you know, there could be
13 something that triggers someone to tell them, another
14 experience or another event that might trigger that is
15 maybe totally unrelated to the abuse itself. Sometimes
16 time will allow someone to tell. As I said before, many
17 adults delay reporting into adulthood and they never tell
18 even as adults. It may be becoming more comfortable and
19 time may pass. And then there may be no disclosure at
20 all.

21 MR. HOLLOWAY: Ms. Galloway-Williams, thanks for
22 your patience and courtesy of your time today.
23 Please answer any questions counsel may have.

24 THE COURT: Before you start.

25 Ladies and gentlemen, it looks like we're going

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1 to going a little bit past 5:00, does that present
2 any problem or does anybody need to make arrangements
3 if we do?

4 (There was no response.)

5 All right, you may proceed with
6 cross-examination.

7 MR. GOLDSTEIN: Thank you, Your Honor.

8 THE CLERK: May it please the Court?

9 THE COURT: Yes.

10 CROSS-EXAMINATION

11 BY MR. GOLDSTEIN:

12 Q Okay, Ms. Galloway-Williams, just to clarify, I
13 know you covered some of this ground with Mr. Holloway
14 already, but you never actually met with **Complainant**
15 or spoke to her about this case, right?

16 A I didn't.

17 Q You never looked at her medical history, right?

18 A I have not.

19 Q You never looked at her mental health records?

20 A I haven't.

21 Q You never reviewed any police incident reports
22 about this case, did you?

23 A I didn't.

24 Q You never spoke to law enforcement about this
25 case?

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1 A I didn't.

2 Q You don't know anything about the Defendant,
3 Richard Galloway, do you?

4 A I don't.

5 Q You never spoke to him before?

6 A Never.

7 Q But you did speak to the solicitor before you
8 came to trial today, right?

9 A Correct.

10 Q And you guys discussed topics that might be
11 relevant to today's case, right?

12 A Correct.

13 Q I want to speak about your work that you do.
14 Professionally speaking, you're a licensed professional
15 counselor, right?

16 A That's correct.

17 Q And LPC is the acronym in South Carolina, right?

18 A Yes.

19 Q You provide therapy and counseling to patients
20 in that role, right?

21 A That --

22 Q That's part of what you do?

23 A -- is the responsibilities that I have, yeah.

24 Q But just to clarify, you're not a psychiatrist,
25 right?

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1 A I am not a psychiatrist.

2 Q And you're not a psychologist, right?

3 A And I am not a psychologist.

4 Q Looking at your education and your background,
5 so I see -- I have your CV right here. You have a
6 Bachelor of Arts in psychology, right?

7 A That's correct.

8 Q And you have -- well, you have a Master's in
9 counseling, correct?

10 A That's correct.

11 Q But that's an MED, right, that's a Master's in
12 Education; is that correct?

13 A Yes.

14 Q Now, I want to talk about your role as a
15 therapist. Before you can provide counseling, assessment
16 or treatment to a child that claims that he or she was
17 sexually abused, you have to actually meet with that
18 patient, right?

19 A Yes. If you're going to provide counseling, you
20 would have the client meet with you.

21 Q Okay. If you were providing therapy to a
22 patient in a case of suspected sexual abuse, you would
23 need to become -- in order to do your job competently, you
24 would need to become familiar with that patient's history
25 and their background, right?

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1 A Yes.

2 Q So typically, you might ask for certain things,
3 right? You'd ask for biographical details about the
4 child, right?

5 A Yes.

6 Q Like their age or level of education, right?

7 A Correct.

8 Q Okay. You'd also ask for information about
9 their family, right? I mean, that's part of what we're
10 here to talk about today, caregivers, right? So, you'd
11 figure out who the parents were at home, right?

12 A Yes.

13 Q And you'd get information about their siblings,
14 who else lives at the house?

15 A Correct.

16 Q You might get information about their mental
17 health treatment and any mental diagnoses they might have,
18 right?

19 A I would.

20 Q Okay. And of course, I mean, you would ask for
21 details regarding the abuse allegation themselves, right?

22 A Yes.

23 Q That might include a number of factors, but, I
24 mean, a couple would be the age of how old the child was
25 when they said they were abused, right?

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1 A Yes.

2 Q And how the disclosure came about and everything
3 that goes into that, right?

4 A Yes.

5 Q But again, you didn't do any of that here in
6 this case, right?

7 A That's correct. Because I'm not working as a
8 counselor to this particular individual.

9 Q Okay.

10 A That's not my role here.

11 Q Okay. Let's talk about the concept of delayed
12 disclosure. So, that is something you're here to talk
13 about today, right?

14 A That's correct.

15 Q I just want to clarify -- and if I'm wrong,
16 correct me, but my understanding of this is this delayed
17 disclosure refers to when a child doesn't report about
18 sexual abuse either right when it happens or right after
19 it happens, right? Is that fair?

20 A Correct.

21 Q Okay. In your opinion, what period of time
22 between an active sexual abuse and the child's report
23 constitutes a case of delayed disclosure? Can you put a
24 time frame on that or you can't?

25 A There's not a time frame. We think of it in

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1 terms the first opportunity that a child might have to
2 tell someone after the incident has occurred.

3 Q So really, the heart of the matter, the crux of
4 it is did the child disclose to a parent at the first
5 opportunity?

6 A To a parent or another person aside from the
7 offender who committed the act. So, the first opportunity
8 that a child would have. So, for example, if sexual abuse
9 were occurring in a household. So, if the child is
10 sexually abused in the household, the abuse has happened
11 and the next time that the child sees their sibling,
12 that's an opportunity that they could have told someone.
13 When they see their mother, whoever else it is in the
14 household that is not committing the act would have been
15 an opportunity for them to tell.

16 Q So, it doesn't necessarily have to be an adult?
17 It could be another child?

18 A It could be. It could be another person that
19 they tell. The idea is that, you know, sexual abuse is a
20 traumatic event. You know, when children are injured or
21 when they experience a traumatic event, even something as
22 simple as falling and scraping their knee, when a child
23 does that, we expect that they tell someone and they
24 usually do that. In cases of child sexual abuse, it is
25 not common -- it is not typical for a child to experience

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1 sexual abuse and then run and tell someone that this has
2 happened because of all the dynamics that I explained
3 previously.

4 Q I understand that. I appreciate you trying to
5 explain everything to the jury. What I'm also trying to
6 explain to the jury and lay out there for them is sort of
7 a time frame to understand this concept. So, I guess, the
8 eternal question is -- and, you know, it's either yes or
9 no, I guess. Is really what we're looking at is did the
10 child disclose at the first opportunity, is that a fair
11 way to put it?

12 A That's a fair way to put it.

13 Q So, immediate disclosure case would be like when
14 a child is seen like right away in an emergency room,
15 right? That would be like a traditional immediate
16 disclosure?

17 A Yes, if the child needed an examine right away,
18 yes.

19 Q So basically, I mean, some children disclosure
20 sexual abuse right away and some disclose later, right?

21 A Correct.

22 Q Okay. Likewise, some adults disclose sexual
23 abuse right away and some disclose later, right?

24 A That's correct. However, most delay reporting.

25 Q I understand that. You also have experience

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1 treating children and adults who report being physically
2 abused, right?

3 A That's correct.

4 Q So, in that context, some people disclose
5 physical abuse right away and some will disclose later,
6 correct?

7 A Correct. And many of these same concepts apply
8 to child maltreatment as a whole. So, the concept of
9 delayed disclosure applies to child sexual abuse, physical
10 abuse, neglect. We lump those things in together under
11 the category of child maltreatment.

12 Q So, these concepts are sort of applied across
13 the board, right?

14 A Yes.

15 Q So, I gave you an example of, previously outside
16 the presence of the jury, tell me if you agree with this,
17 right. Some kids in the United States, they're victims of
18 bullying, right? We all know that. Some kids will tell
19 their parents or teacher right away, right? I mean,
20 they'll either the day it happens or sometimes the moment
21 it happens. Some kids for various reasons will tell
22 later, right, they'll delay? They'll tell either the next
23 day or a week later or a month later or maybe they'll
24 never tell, right? You agree with that scenario?

25 A Correct.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN

1 Q Okay. Another topic you're here to talk about
2 today is non-offending caregivers, right?

3 A Yes.

4 Q So, essentially, the response of the
5 non-offending caregiver when they hear about the
6 allegations, right? That's one aspect of what we're
7 talking about, the response of the non-offending
8 caregiver, right?

9 A Yes, we can talk about that.

10 Q Is it fair to say you can place non-offending
11 caregivers into different categories based upon the
12 response of the child, is that fair to say?

13 A Yes.

14 Q So, in one group, you have adults that you would
15 say have an appropriate response, right? So, the child
16 comes to them and they make a disclosure and the parent is
17 protective and they believe that child, correct? That's
18 one group?

19 A Yes. So, typically, protective caregivers and
20 non-protective caregivers --

21 Q Non-protective caregivers who don't have an
22 appropriate response --

23 A Correct, and then there may be some that
24 vacillate between the two.

25 Q And those people, they do not believe the child,

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN

1 right?

2 A Well, yes, they'd be non-protective caregivers,
3 however, a non-protective caregiver does not always have
4 to remain in that category as non-protective caregiver.

5 Q Yeah, I know you guys provide classes at the
6 Julie Valentine Center?

7 A That is one of the groups I provide.

8 Q Okay. I have some questions, I guess, about
9 your prior history in court. And we did hear a little bit
10 about this from Mr. Holloway. How many times have you
11 testified in court before in a criminal case, about 30?

12 A Over 30 times.

13 Q Over 30. When you testified in the past, how
14 many times did you testify on behalf of the State, on
15 behalf of the prosecution?

16 A Most all of those times -- all of those times.

17 Q All of those times, right?

18 A Uh-huh.

19 Q You've never testified on behalf of the
20 Defendant before, right?

21 A No.

22 Q So, you currently work -- one of the things that
23 you do is you work as the executive director of the Julie
24 Valentine Center, right?

25 A That's correct.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN

1 Q I think, according to your resume, you've been
2 doing that since 2009; is that correct?

3 A I've been the executor ever since 2009, and been
4 employed there since 2007.

5 Q Okay. And the Julie Valentine Center provides
6 services for children who claim that they've been sexually
7 abused, right? So therapy and counseling?

8 A Yes. We provide services to children, adults
9 and families who have been impacted by child abuse and
10 sexual assault.

11 Q And another function that the Julie Valentine
12 Center performs is y'all also give forensic interviews at
13 the request of law enforcement, right?

14 A We do.

15 Q I think last year alone, the Julie Valentine
16 Center provided about 350 forensics interviews, right?

17 A That's correct.

18 Q And you personally have performed, was it 900
19 forensic interviews?

20 A Over the --

21 Q Over the course of your career?

22 A Yes.

23 Q So, let's talk about that briefly. In the case
24 of sexual abuse wherein a forensic interview is requested
25 by law enforcement and they ask that the Julie Valentine

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN

1 Center perform that interview, someone from the Julie
2 Valentine Center sits down and interviews the child,
3 right?

4 A That's correct.

5 Q And a recording is made of that interview?

6 A That's correct.

7 Q And that interview is preserved for later use at
8 a criminal trial, right?

9 A Yes.

10 Q Of course, it would be turned over to the State
11 and to the prosecutor's office and the police, right?

12 A If requested.

13 Q Okay. These topics that you're testifying about
14 today, and I know you went through a lot of them with
15 Mr. Holloway, but this is nonscientific testimony that
16 you're offering, right?

17 A That's correct.

18 Q I know that we've talked about that before, too.
19 You said your testimony is based on your years of
20 experience and it's also based on over 20 years of
21 research in the area of child maltreatment, right?

22 A That's correct.

23 Q But you didn't conduct that research yourself,
24 did you?

25 A I'm not a researcher, no.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN

1 Q And you haven't published any articles in any
2 academic journals, right?

3 A I have not been published, no.

4 Q Do you remember I sent you a subpoena in this
5 case, right?

6 A You did.

7 Q Okay. I believe it was May 8th, 2018, that
8 subpoena instructed you to bring with you to court today
9 all articles, publication, texts, manuals, treatise, facts
10 and data you would be basing your opinions on today, do
11 you remember that?

12 MR. HOLLOWAY: Your Honor, may we approach?

13 (WHEREUPON, an off-the-record bench conference
14 was held in the presence of the jury but out of
15 the hearing of the jury.)

16 BY MR. GOLDSTEIN:

17 Q - Okay. So, we were just talking about subpoenas,
18 right? I sent you that subpoena on May 8th, 2018, right?
19 And I asked you for all those materials that we just went
20 over, correct?

21 A Correct.

22 Q A subpoena is a court order. Now, you emailed
23 me back on May 10th, 2018, right? You remember that
24 email?

25 A Yes.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN

1 Q You said you were relying on over 20 years of
2 research in forming your opinions, but the only article
3 you brought with you today was an article about forensic
4 interviewing, right?

5 A May we read my entire email? Because I say more
6 than just that in my email. Or I can state it probably
7 pretty clearly --

8 Q Hang on a second, what I'm referring to is I
9 asked you for articles and the article you brought me was
10 an article about forensic interviewing; is that correct?
11 It's a yes or no question.

12 A So, I did bring you an article on forensic
13 interviewing because it is an article that I referenced in
14 the email after I also explained to you that it would be
15 impossible to bring every article, treatise, book, text,
16 training manual that I'm basing my opinion on. Because
17 the field is based on, again, over 20 years of research.
18 So, the article I gave you gives you a good overview with
19 a pretty lengthy bibliography of the topics related to
20 child abuse. It's called forensic interviewing, but
21 within that article, there is a subsection on delayed
22 reporting.

23 Q That covers about half of one page, right?

24 THE COURT: Let her finish her question and you
25 can respond with a followup question.

SHAUNA GALLOWAY-WILLIAMS-CROSS BY MR. GOLDSTEIN

1 THE WITNESS: So, my response to you was that
2 it's near impossible to gather all of those materials
3 and to produce them. I did give you reference cites
4 that you were looking for, National Children's
5 Alliance, National Children's Advocacy Center. They
6 are lengthy -- you can find lots of information about
7 these articles -- about these topics and those areas.

8 BY MR. GOLDSTEIN:

9 Q But again, you only brought the one article with
10 you to court, right?

11 A Yes.

12 MR. GOLDSTEIN: No further questions for this
13 witness, Your Honor.

14 THE COURT: All right, any redirect?

15 MR. HOLLOWAY: No, sir, Your Honor.

16 THE COURT: All right, you can step down. Thank
17 you.

18 All right, before 5:00. All right, we're going
19 to break for the day. So again, my four rules, y'all
20 have got them memorized, I'm sure. Do not discuss
21 the case among yourselves or with anybody else, don't
22 do any type of research, do not pay any attention to
23 any media and if you're contacted, please let the
24 bailiff know.

25 Just so we don't run into the same thing in the

1 morning, because see, what happens, we have these
2 other cases that are also on this roster that I'll
3 probably have to deal with in the morning, so we're
4 going to start at 10:00. All right. So, be in your
5 jury room at 10:00 and I will make sure we get right
6 in here at 10:00. Y'all have a good evening.

7 (WHEREUPON, the jury left open court at
8 approximately 4:55 p.m.)

9 THE COURT: All right, thank y'all.

10 And, Mr. Goldstein, on our previous argument, I
11 really did not mean to disrespect or cut you short
12 there, but I feel like in this position here,
13 whether -- whatever my position is on the way this
14 whole scenario is treated by the courts, it seems to
15 change about every few years. I think I'm kind of
16 bound by State v. Brown at this point. It may
17 well -- every few years, this whole line of cases
18 seems to change and gives all new rules. I'm not
19 going to change it in this courtroom until somebody
20 higher than me tells me that it is a different set of
21 rules. But I think you've got everything on the
22 record.

23 MR. GOLDSTEIN: I mean, in my opinion, I think
24 that State v. Brown does apply State v. Cromer.

25 THE COURT: I know. You've already got your

1 brief written.

2 MR. GOLDSTEIN: Yeah, I'm ready for the first
3 opportunity.

4 THE COURT: Okay, y'all going to work all night
5 long to get the perfectly redacted statement that
6 y'all have agreed on so we can start at 10:00.

7 MR. HOLLOWAY: Roger, Your Honor.

8 THE COURT: Anything else before we break?

9 MR. HOLLOWAY: No, Your Honor.

10 (WHEREUPON, the proceedings were concluded for
11 the day to be reconvened on May 16, 2018.)

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1 MR. HOLLOWAY: Yes, thank you, Your Honor, The
2 State would call Investigator Robert Perry with the
3 Greenville County Sheriff's Office.

4 THE CLERK: Sir, if you please place your left
5 hand on the Bible and raise your right hand.

6 ROBERT PERRY, after being duly sworn, testified
7 as follows:

8 THE CLERK: Thank you. Please be seated. State
9 your name for the record.

10 THE WITNESS: It's Robert J. Perry with the
11 Greenville County Sheriff's Office.

12 THE CLERK: Thank you.

13 DIRECT EXAMINATION

14 BY MR. HOLLOWAY:

15 Q Investigator Perry, how long have you been with
16 the sheriff's office?

17 A Since June 30th, 2006.

18 Q Since June 30th, 2006, what has been your
19 different roles and responsibilities?

20 A When I was first hired on with the sheriff's
21 office, I was assigned to uniform patrol. I was then
22 assigned to -- as a new school resource officer at a
23 school in West Greenville. From that phase, in August of
24 2016 -- or August 16th of 2011, I was requested to come
25 over to the Special Victims Unit that was just formed

ROBERT PERRY-DIRECT BY MR. HOLLOWAY

1 called Crimes Against Children. And that's where I've
2 been ever since.

3 Q What is the Crimes Against Children Unit, what
4 is the responsibilities of investigators in that unit?

5 A So currently, we have six full-time
6 investigators. And all we look at are any type of violent
7 crimes committed on a child under the age of 18.

8 Q And were you assigned to the investigation of
9 the alleged sexual assault committed by Mr. Richard
10 Galloway against Mr. **Complainant**

11 A That's correct.

12 Q Can you tell us about your investigation? Tell
13 us how it came about.

14 A So, originally, received a letter from
15 Greenville Police Department. In the letter, Ms. **Complainant**
16 outlined how -- she really outlined the cycle of violence
17 and assault that was perpetrated.

18 MR. SHIPMAN: Objection, Your Honor.

19 MR. HOLLOWAY: Your Honor, this testimony is
20 already in the record. The letters have been
21 discussed at length, mainly, by Defense counsel on
22 cross-examination.

23 MR. SHIPMAN: Your Honor, can we approach?

24 THE COURT: Yes.

25

ROBERT PERRY-DIRECT BY MR. HOLLOWAY

1 (WHEREUPON, an off-the-record bench conference
2 was held in the presence of the jury but out of
3 the hearing of the jury.)

4 BY MR. HOLLOWAY:

5 Q Investigator Perry, where we picked up. In
6 these letters, did they allege sexual assault?

7 A They did.

8 Q Okay. From there, how did you go about your
9 investigation?

10 A So, because it came from Greenville Police
11 Department, I, basically, started an additional report, a
12 brand new report. They did not really look at the
13 incident at all, other than just reading the letters.
14 Then I believe a call was made to the victim and advised
15 that there was a couple incident locations in Greenville
16 that are actually out of their jurisdiction and in our
17 jurisdiction. So, they punt it over to us and we have
18 look at it.

19 So, first thing I did was start a report,
20 wrote an initial what we call a code five, which was a
21 original offense report. Then my next step is contact the
22 victim. So, I placed a call to Ms **Complainant**. It went to
23 voice mail, I believe I left a message and I think she
24 called me back.

25 Q Before we move forward, can we touch on -- I

ROBERT PERRY-DIRECT BY MR. HOLLOWAY

1 know this is probably rudimentary to you, can we touch on
2 jurisdiction and how y'all's authority with Greenville
3 County Sheriff's Office interplays with Greenville City?

4 A Sure. So, jurisdiction is nothing more than a
5 long word that means where you have authority. So, since
6 I'm a Greenville County Sheriff, I can go -- sheriff's
7 deputy, I can go anywhere in Greenville County. And
8 that's my jurisdiction, Greenville County. Since
9 Greenville City is a much smaller jurisdiction, they're
10 very limited on where they can go. They can only go
11 within their jurisdictional bounds. So, if they get
12 something that occurs outside their jurisdictional bounds
13 as a first report, they simply send that to us because
14 they don't have jurisdictional rights to go ahead and
15 investigate the incident.

16 Q And where were the allegations from? Where were
17 the different locations that the allegations stem from?

18 A So, the first one we spoke about was 307 North
19 Highway 25 bypass, which was the University Inn. The
20 second one was ■ Worth Street, which is, basically, the
21 Berea area, West Greenville.

22 Q Are those locations inside the Greenville County
23 Sheriff's Office jurisdiction?

24 A They are.

25 Q You mentioned 307 -- you mentioned 307 North

ROBERT PERRY-DIRECT BY MR. HOLLOWAY

1 Highway 25 bypass, is that road referred to commonly as
2 something else?

3 A White Horse Road, West Duncan Road. It depends
4 on how long you've lived in that area.

5 Q Is there a main road that Worth Street is off
6 of?

7 A 183 or Cedar Lane.

8 Q Another location that's come up are either
9 apartments or duplexes off of Montague Road. Is Montague
10 connected to one of these main vessels or arteries that's
11 you've already said?

12 A Yeah, Montague Road is actually Montague Circle
13 or Road or Drive. Part of Montague Road will cut across
14 from White Horse Road up to Duncan Chapel, kind of behind
15 Furman University.

16 Q There have also been mentioned throughout this
17 trial of a Texaco Corner Mart. Are you familiar with that
18 location that's been referred to throughout the trial?

19 A I am.

20 Q Is that still a Texaco?

21 A It's actually a Citgo at this particular time.

22 Q And where is this location located?

23 A It's on White Horse Road. I believe it's 8689
24 White Horse Road. It's in the 8000 block of White Horse
25 Road just past Hunts Bridge Road directly across the

ROBERT PERRY-DIRECT BY MR. HOLLOWAY

1 street from Armstrong Elementary School.

2 Q Do you know about when, what month, what year,
3 day, if you can remember off the top of your head, that
4 you started this investigation, opened up the code file,
5 et cetera?

6 A The original report was written July 13th of
7 2016. So, that's when, basically, I got the information
8 and started that process.

9 Q And do you know when you were first communicated
10 with Ms. **Complainant**

11 A Probably the same day, same time I got the
12 report.

13 Q Did you follow up with any other of Ms. **Complainant**
14 family members?

15 A I did. I spoke to her mother, both her uncles,
16 Richard and Tommy, and attempted to talk to her brother,
17 Clifton, but I never did speak to him personally.

18 Q Did you interview any of these family members?

19 A I did. I actually went to Patricia Waldrop,
20 Ms. **Complainant** mother. I actually went to her residence at
21 the time in Easley and sat down and talked with her for a
22 while.

23 Q There was a lot made of, especially on defense's
24 cross-examination of **Complainant** of these letters of
25 multiple drafts. Can you tell us about that process, how

ROBERT PERRY-DIRECT BY MR. HOLLOWAY

1 these drafts came in your hand, that sort of thing?

2 A So obviously, I've been in the unit for a long
3 time, I've seen a lot of statements and I'm kind of
4 looking just for facts, even though those facts sometimes
5 are kind of plain. I'm not looking for frills, I'm not
6 look for somebody to tell me they're wearing jewelry
7 during this whole incident. If you were wearing shorts
8 and a shirt, that's fine. You don't have to write out
9 that it had, you know, Furman University on it or
10 something. So, just a plain, just a general statement of
11 what occurred. And like the first draft was reading more
12 to me like she was, you know, writing a short story about
13 her life --

14 MR. SHIPMAN: Objection, Your Honor, calls for
15 speculation. The response is speculative.

16 THE COURT: I think it's his interpretation, so
17 overruled.

18 MR. HOLLOWAY: Thank you, Your Honor.

19 BY MR. HOLLOWAY:

20 Q Please proceed.

21 A I just wanted her to kind of like break it down
22 a little bit and just tell me about what she remembers
23 specifically occurring to her and the locations. Now, if
24 part of her writing style needs to add some of those,
25 that's fine, but I want the facts so that's what I can

ROBERT PERRY-DIRECT BY MR. HOLLOWAY

1 work off of.

2 Q Is that what you based your investigation off
3 of, the facts of those allegations?

4 A That's correct.

5 Q And again, can you tell me how long have you
6 been in the Crimes Against Children Unit?

7 A For this agency, since August 16th, 2011?

8 Q 2011?

9 A Yeah.

10 Q What are the typical kinds of crimes that you
11 see in the Crimes Against Children Unit?

12 A Being the senior investigator there, I
13 specifically see sexual assaults that are done against
14 children. Many types of deceased persons cases with
15 children. And I have a background -- homicide background
16 from where I retired before. So, I see more of the
17 violent crimes against children. I also see the crimes
18 that are done against children with extended delays. A
19 lot of my case load investigated incidents that happened
20 in 1970's 80's, 90's. So, there's a lot of difficulties
21 with doing these type of cases.

22 Q And as senior investigator, in your experience,
23 what's the kind of evidence that you try to look for when
24 you're investigating these cases? And what evidence
25 either is or sometimes isn't available?

ROBERT PERRY-DIRECT BY MR. HOLLOWAY

1 A So, usually, our biggest piece of evidence is
2 the victim themselves and their statement. What they can
3 recall, what they remember, where they were at. We would
4 love to have forensic evidence, but reality is, it's
5 usually never obtained.

6 Q Why is that the reality?

7 A Mostly because of delayed reporting. And mostly
8 because, you know, people change clothes, relationships
9 change, they shower, they bath.

10 Q When you say forensic evidence, what are you
11 referring to? What would be examples of forensic
12 evidence?

13 A Any type of bodily fluid, whether it's semen,
14 blood, saliva, anything of that nature, any type of
15 fingerprints. Anything that can place that person with
16 that person.

17 Q In your experience, what are the types of cases
18 in which you can recover that kind of evidence?

19 A We recover that evidence in usually freshly
20 committed crimes -- well, really, on only freshly
21 committed crimes. I think maybe once in the last six or
22 seven years, I've seen something that's been over a year
23 old. So, those -- it really -- it's the time frame that
24 matters.

25 Q In a delayed disclosure case such as this, are

ROBERT PERRY-DIRECT BY MR. HOLLOWAY

1 you ever really able to recover that type of evidence?

2 A Not yet. I've recovered letters and things like
3 that written years and years ago, diaries, things of that
4 nature, but physical evidence, no.

5 Q So, in a case such as this in a delayed
6 disclosure that's coming up on 30 years, what's really the
7 evidence that you have to work with and that you're making
8 your decision on?

9 MR. GOLDSTEIN: Objection, asked and answered,
10 Your Honor.

11 THE COURT: Overruled.

12 THE WITNESS: The testimony.

13 BY MR. HOLLOWAY:

14 Q Earlier, just a few minutes ago, we walked
15 through a bunch of the different incident locations. I'm
16 going to show defense counsel real quick what's been
17 marked as State's Exhibit 16. State's Exhibit 16 is a
18 map. Can you tell me through your experience as a law
19 enforcement officer and the time as a Greenville citizen
20 what that's a map of?

21 A Looks like it's a map of the northern part of
22 San Souci and Berea area of the different incident
23 locations and schools involved, Duncan Chapel, Montague,
24 Lakeview Middle School, Berea Middle School and maybe the
25 apartment complex on Montague.

ROBERT PERRY-DIRECT BY MR. HOLLOWAY

1 Q Okay. And we spoke about the Citgo, we spoke
2 about the University Inn -- the Citgo that was formally
3 the Texaco, we spoke about [REDACTED] Worth Street. You just
4 mentioned some of the schools, Duncan Chapel, Montague,
5 Lakeview Middle and Berea Middle. Are you familiar with
6 those locations as well?

7 A I am.

8 Q And when you look at that map, do those
9 locations -- those locations printed on that map, do they
10 look accurate?

11 A They are.

12 MR. HOLLOWAY: Your Honor, at this time, the
13 State would request to move State's Exhibit 16 into
14 evidence and publish it to the jury.

15 THE COURT: All right, any objection?

16 MR. GOLDSTEIN: Your Honor, can we approach
17 briefly?

18 (WHEREUPON, an off-the-record bench conference
19 was held in the presence of the jury but out of
20 the hearing of the jury.)

21 THE COURT: All right, State's Exhibit 16 is
22 entered over the objection of defense counsel.

23 (WHEREUPON, State's Exhibit No. 16 was marked
24 for identification and received into evidence.)

25 BY MR. HOLLOWAY:

ROBERT PERRY-DIRECT BY MR. HOLLOWAY

1 Q Mr. Perry, help me with these lights to try to
2 make this as clear as possible. Investigator Perry,
3 Ms. Crawford is typically a little better at technology
4 than I am. Are you able to see -- Mr. Perry, come down
5 from the witness stand and I know you'll be able to see
6 these three locations from here. Sir, here's a laser
7 pointer.

8 Can you -- using that laser pointer, can
9 you show us or can you tell the jury -- just kind of mark
10 down these different locations and which location they are
11 and what street they're off of?

12 A So, start at the top, this looks like University
13 Inn.

14 Q If you look at the map, for the record, can you
15 tell us what street that's off of, that sort of thing?
16 Well, your eyes -- I apologize.

17 A Yeah, a lot older than I feel like. So, that's
18 off White Horse Road. So, if we move down to -- if we
19 move down to this right there, that looks like the
20 apartment complex because that's Montague that cuts from
21 here up to Duncan Chapel. So, that would either be the
22 duplexes or Montague apartments. This is Berea Middle
23 School that you actually access off the street right here
24 called Berea Middle School Drive. Next one down, if you
25 go down, that's the gas station, that Citgo. This is

ROBERT PERRY-DIRECT BY MR. HOLLOWAY

1 Hunts Bridge and 25. Shoot across to the right, this is
2 Lakeview Middle School off Old Buncombe. Come down,
3 that's going to be -- this is -- looks like Montague still
4 on Old Buncombe right there.

5 Q Investigator Perry, when was the last time you
6 went to an optometrist?

7 A Ms. Katrina, I might need it. That's better.
8 Thanks, honey.

9 Let me back up. Actually, I do better
10 without my glasses. This is Duncan Chapel up there next
11 to -- we have a command post right in front of Duncan
12 Chapel Elementary School. Come down Old Buncombe and this
13 is going to be Lakeview. If we wrap around and come down
14 here, this is going to be Worth Street. That's 183 that
15 cuts across. And then below that, that's Montague off
16 West Parker.

17 Q All right. Thank you, sir. Just a couple more
18 questions about these locations. What corridor of
19 Greenville are all these spots in? What would be that
20 little town called?

21 A Berea. It's all in the Berea location.

22 Q And in your best estimate, how long would it
23 take -- it looked like the University Inn and ■ Worth
24 Street were probably the farthest apart on that map, how
25 long would it take for you to get from one place to the

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 other?

2 A Probably driving the back roads, 10 minutes or
3 so at the max.

4 Q Investigator Perry, were you ultimately the
5 officer that took out the warrants against Mr. Galloway
6 for the sexual assault of Complainant

7 A That's correct.

8 MR. HOLLOWAY: Thank you, sir. I don't have any
9 other questions. Answer any questions that defense
10 counsel may have for you.

11 MR. GOLDSTEIN: May it please the Court, Your
12 Honor?

13 THE COURT: Yes, you may.

14 CROSS-EXAMINATION

15 BY MR. GOLDSTEIN:

16 Q Good morning, Investigator Perry, how are you
17 doing? So, I have some questions for you. I want to
18 begin -- and we talked about this a little bit on direct,
19 but talk about how this investigation got started. So,
20 just to clarify, you were, essentially, assigned to
21 represent -- or to investigate this case when you got the
22 letter, right?

23 A That's correct.

24 Q All right. So, that was July 13th, 2016?

25 A I believe that's when we got it.

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 Q Okay. So, you had just received the letter from
2 Complainant right? Well, it was directed to the
3 Greenville Police Department, right?

4 A That's correct.

5 Q And then it was sent to y'all because you guys
6 have jurisdiction over that area, correct?

7 A Yes, sir.

8 Q Okay. So, in that letter, and we've heard about
9 it, I mean, Complainant essentially, without getting into
10 the details, she described some events that occurred late
11 80's, early 90's, right?

12 A That's correct.

13 Q So, when this investigation began, Complainant
14 wasn't living in Greenville, right?

15 A No, sir.

16 Q She was living in Missouri, I think it was?

17 A I believe that's correct.

18 Q Okay. So, you placed a phone call to her. I
19 think the first time you were actually able to speak with
20 her was on July 14th, right? Does that sound right?

21 A Around there, correct.

22 Q Okay. So, you had a telephone conversation with
23 her and you asked her to write out a statement about what
24 happened, right?

25 A I did.

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 Q Okay. And she agreed to send you her statements
2 via email, right?

3 A Correct.

4 Q Okay. So, on July 16th, 2016, **Complainant**
5 emailed you a first draft of what she says happened at the
6 University Inn, correct?

7 A That is correct.

8 Q And you placed a word-for-word copy of that
9 statement inside the body of your police report, correct?

10 A Yes, sir.

11 Q Again, just to clarify, she didn't tell you that
12 in person, right, it was over email?

13 A Correct. We spoke on the phone kind of
14 intermittently, so I'm not sure if I called her and talked
15 to her then or not.

16 Q Okay. But, I mean, for the purpose of your
17 investigation, I mean, it's essentially the same thing,
18 right? I mean, if a witness tells you something over the
19 phone or in person or over email, it's a communication;
20 right?

21 A Yes, sir.

22 Q Okay. So, when a witness tells you something
23 relevant -- like you focus on the facts, right? So, she
24 tells you something relevant to a case you're
25 investigating, you try your best to put it in the report,

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 right?

2 A Correct.

3 Q Okay. After you received that first statement
4 about the University Inn, you asked her to start preparing
5 a statement about what happened at [REDACTED] Worth Street, right?

6 A That is correct.

7 Q So, according to your report, [REDACTED] emailed
8 you a draft -- and I think there was a couple, but she
9 emailed you the final draft of what she said happened at
10 Worth Street on July 27th, right?

11 A It was about two weeks later, that sounds
12 correct.

13 Q All right. And you placed a word-for-word copy
14 of that statement inside the body of your report as well,
15 right?

16 A That is correct.

17 Q Okay. You are the chief investigating officer
18 in this case, right? Is that a fair?

19 A Yes, sir.

20 Q Okay. You've been a police officer now for
21 about, I think it was 32 years, right? Since 1986, I
22 think, right?

23 A Correct.

24 Q So, I want to go through your experience just a
25 little bit. I think you started off as a reserve deputy

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 in Georgia, right?

2 A Yes, sir.

3 Q For the Thomas County Sheriff's Office?

4 A That's correct.

5 Q And you did that, I guess, for about five years,
6 right?

7 A Yes, sir.

8 Q Okay. Then you worked as a police officer in
9 Florida, you were at the Venice Police Department, right?

10 A I was employed by the Venice Police Department
11 and assigned as special deputy or investigator through our
12 local sheriff's office.

13 Q Okay. So, you did that for about 15 years, then
14 you were promoted to detective, is that a fair summary?

15 A Well, actually, I was promoted to detective
16 after about 10 years, I guess, at the police department.

17 Q Okay. And we heard you've been at the
18 Greenville County Sheriff's Office now for 12 years,
19 right?

20 A Not quite.

21 Q Since about 2006?

22 A Yes.

23 Q You started in uniform patrol, but you were
24 promoted at the Greenville County Sheriff's Office, too,
25 right?

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 A That's correct.

2 Q So, you currently work in the crimes against
3 children unit, right?

4 A Yes, sir.

5 Q I think I heard you're the senior investigator
6 there?

7 A We originally started the unit with four
8 investigators back in 2016. I'm the only one of the four
9 still in the unit. The others have retired or gone on to
10 other positions.

11 Q Okay. I don't know if you can accurately tell
12 me this, but if you can't, just ball park it to the best
13 you can. In the last seven years, how many cases would
14 you say you've investigated in the Crimes Against Children
15 Unit? It is possible to answer that question?

16 A Probably each one of those probably average
17 between 120 to 150 cases a year, so maybe 800 or so.

18 Q So, it's fair to say, I mean, during your career
19 as a police officer, I mean, you've written hundreds if
20 not thousands of police reports probably, right?

21 A Correct.

22 Q You try to put all the important facts in your
23 report, right? I mean, that's what you're trained to do,
24 correct?

25 A Per the case, that's correct.

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 Q So, when you're assigned to investigate a case,
2 you try to interview witnesses?

3 A Yes.

4 Q And you look for evidence to bring to court,
5 right?

6 A That's correct.

7 Q I mean, items to corroborate what you're
8 investigating, right?

9 A You either want it corroborated or discredited,
10 so either try to figure out an offense happened or offense
11 didn't happen.

12 Q All right. So, we've established you're a
13 investigator, you've been doing this for a long time,
14 you're good at your job. So, let's talk about that.
15 Let's talk about your investigation in this case and what
16 you brought with you to court today. Okay. Now, we heard
17 from Mr. Holloway, because of these allegations, you
18 didn't collect any DNA evidence, right?

19 A That's correct.

20 Q You didn't collect any physical evidence like
21 items of clothing or something like that, right?

22 A Well, I shouldn't say I didn't collect any
23 physical evidence. I did get pictures from Ms. Complainant.

24 Q Okay.

25 A That I placed into evidence as physical, but I

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 didn't collect clothing or anything like that.

2 Q So, nothing but the photographs?

3 A Correct.

4 Q And no medical exams was performed on

5 Ms. **Complainant**, right?

6 A That's correct.

7 Q So, we just heard there were photographs. You

8 were able to visit the scene of these alleged incident

9 locations, right?

10 A I went to the ones in my jurisdiction, **█** Worth

11 Street and University Inn.

12 Q Okay. So, you went to the University Inn and **█**

13 Worth Street, I believe it was on June 29th, 2016, right?

14 A Sounds correct.

15 Q So, **█** Worth Street, let's focus on that.

16 That's the trailer, right?

17 A Yes, with the white picket fence in the front.

18 Q So, the day you went, you had written in your

19 report, no one appeared to be home, but you were able to

20 take pictures of the front yard and the back yard, right?

21 A Yeah, they had two dogs, kind of very aggressive

22 running around inside the fence, so I wasn't even able to

23 knock on the door.

24 Q Okay. In her email statement, **Complainant**

25 described a birdbath that they had in the front yard,

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 right?

2 A Correct.

3 Q When you were out there, you saw a birdbath like
4 the one she had detailed in her report, right?

5 A Yeah, actually, I kind of was looking for a
6 birdbath like I have in my yard, on a pedestal. When I
7 saw that, I wasn't really sure we were talking about the
8 same thing, so I took some pictures of it. Looked kind of
9 abandoned or overgrown.

10 Q Okay. I believe this was admitted into evidence
11 the other day, I believe on Monday, this is State's
12 Exhibit No. 6 that I'm showing you.

13 A Okay.

14 Q So, this is the picture of the birdbath that you
15 took, right?

16 A Yes.

17 Q Okay.

18 All right. Guys, this is in evidence.
19 This is the picture of the birdbath we have that, okay.

20 Okay. Now, in her statements to you,
21 **Complainant** told you that her mother worked at that gas
22 station, right?

23 A That's correct.

24 Q Okay. It was a Texaco then, it's a Citgo now I
25 believe is your testimony?

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 A That's correct.

2 Q She worked there at the time of these
3 allegations, right?

4 A As far as I know.

5 Q Okay. So, she told you about the Texaco
6 situation where her mother was working there and you took
7 that statement and you put it in your report, right?

8 A Yes.

9 Q So, **Complainant** told you that Richard fired a gun
10 at that gas station, right?

11 MR. HOLLOWAY: Objection, that calls for
12 hearsay.

13 MR. GOLDSTEIN: Your Honor, by definition, it's
14 not hearsay. We're not offering it for the truth of
15 the matter asserted. We'll stipulate that it's
16 false. It's being offered for the affect on this
17 listener and his investigation.

18 THE COURT: Sustained. Proceed.

19 MR. GOLDSTEIN: Your Honor, can we approach
20 briefly?

21 THE COURT: Not if it has anything to do with
22 that objection.

23 MR. GOLDSTEIN: Well, it's a bit more than that.

24 (WHEREUPON, an off-the-record bench conference
25 was held in the presence of the jury but out of

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 the hearing of the jury.)

2 THE COURT: All right, ladies and gentlemen,
3 there's some things that we need to go into outside
4 of your presence. So, I'm going to ask you to step
5 back in your jury room. Do not discuss the case.

6 (WHEREUPON, the jury left open court at
7 approximately 10:39 a.m.)

8 THE COURT: All right. Secure?

9 THE BAILIFF: Yes, sir.

10 THE COURT: All right, you may proceed, proffer.

11 MR. GOLDSTEIN: Okay.

12 BY MR. GOLDSTEIN:

13 Q Okay. **Complainant** told you Richard fired a gun
14 at that gas station, right?

15 A I believe that's part of what her statement was.

16 Q Okay. She said Richard drove by one day and
17 shot the store up, right? And I can show you the report
18 if you need it.

19 A I remember -- well, it's possible if it's in the
20 report, but I thought she said shot at the trailer and the
21 duplexes --

22 Q Well, let's clear that up.

23 MR. HOLLOWAY: What page of the report are you
24 talking about?

25 MR. GOLDSTEIN: I'm going to get it right now.

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 It's a supplemental report from August 1st, 2016.

2 THE WITNESS: Supplemental report?

3 MR. GOLDSTEIN: It's on Page 8.

4 Okay. I'd like to have this marked for purposes
5 of identification. This is Investigator Perry's
6 supplemental report from August 1st, 2016.

7 (WHEREUPON, Defendant's Exhibit No. 7 was marked
8 for identification only.)

9 MR. GOLDSTEIN: Okay, permission to approach the
10 witness, Your Honor?

11 THE COURT: Yes.

12 BY MR. GOLDSTEIN:

13 Q All right. Investigator Perry, I'm showing you
14 what's Defendant's Exhibit No. 7. I know you have this in
15 front of you, too, but I have to show you. All right.
16 So, just read along with me, okay.

17 He became more aggressive, more demanding,
18 more of everything. He made mom quit her job because he
19 accused of her sleeping with her boss. He drove by and
20 shot the store up. It made the news, but he didn't go to
21 jail.

22 Did I read that correctly?

23 A Yes, sir.

24 Q Okay. Okay. Again, you've been at the
25 Greenville County Sheriff's Office for 12 years now,

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 right?

2 A Yes.

3 Q So, it's fair to say you know where the local
4 news stations are, right?

5 A Yes, sir.

6 Q So, know where Channel 4 is, WYFF?

7 A Yes.

8 Q Channel 7 and Channel 21, right?

9 A I have no idea where they're at.

10 THE COURT: I don't think anybody knows where
11 Channel 21 is.

12 MR. SHIPMAN: I think it's on Pelham Road, Your
13 Honor.

14 BY MR. GOLDSTEIN:

15 Q Just to clarify, you don't have with you here
16 today any newspaper articles showing that a Texaco
17 shooting happened, right?

18 A That's correct.

19 Q Okay. And you don't have here with you today
20 any news videos showing that a Texaco shooting happened,
21 right?

22 A That's correct.

23 Q If a Texaco shooting happened, it would have
24 been in the jurisdiction of Greenville County Sheriff's
25 Office, right?

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 A It would have.

2 Q Okay. You don't have here with you today any
3 police reports, police records showing that that Texaco
4 shooting actually happened, right?

5 A No.

6 Q Okay.

7 MR. GOLDSTEIN: Your Honor, I'm going to
8 continue to proffer. I have questions about the
9 kidnapping, I have questions about what happened in
10 Judge Cagle's office. I believe it falls within what
11 we're talking about, too, so I'm just going to
12 proffer that as well.

13 THE COURT: All right.

14 BY MR. GOLDSTEIN:

15 Q Now, I want to direct you to Page 9 of your
16 supplemental report from August 1st, 2016, okay?

17 A Are we still on her statement?

18 Q Yeah -- well, in your report. Page 9 of your
19 report. It's in the middle of page.

20 THE COURT: And I guess the way you ask the
21 question is what brings in hearsay. You can still
22 ask him what he did in response to his investigation.
23 But you just can't get him to read his report and say
24 this is what the person told him.

25 MR. GOLDSTEIN: Yeah, but, Your Honor, I'm just

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 saying there needs to be a preliminary thing like you
2 learned about this and then --

3 THE COURT: Okay. You can proceed with your
4 proffer then.

5 MR. GOLDSTEIN: Well.
6 Can we approach?

7 THE COURT: We don't have to approach.

8 MR. SHIPMAN: And I don't mean to highjack the
9 cross because this is his, but if it were phrased in
10 such a way as to say you heard an allegation about a
11 shooting at the Texaco.

12 MR. GOLDSTEIN: During your investigation, you
13 learned about a shooting at the Texaco involving this
14 Defendant.

15 MR. SHIPMAN: Because this is actually for the
16 affect on the listener, it's not to get --

17 MR. GOLDSTEIN: Yeah, I think --

18 MR. SHIPMAN: -- the story in. We're certainly
19 not offering for the truth that it happened.

20 MR. GOLDSTEIN: Yeah, by definition, it's not
21 hearsay when we offer it for that purpose.

22 THE COURT: Well, I think when you go to the
23 report -- I mean, there's definitely a way that you
24 can ask him what he did in the investigation. But
25 when you say this person told you X, Y, Z in this

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 report, that's when it comes into hearsay.

2 MR. SHIPMAN: If the question were --

3 MR. GOLDSTEIN: We'll talk about --

4 THE COURT: And that's the whole purpose of the
5 report.

6 MR. SHIPMAN: Your Honor, just to clarify this,
7 if the question were, you don't have your report
8 about a shooting at a Texaco today. Would that -- I
9 mean, that's asking him what he doesn't have in court
10 today, but it still is referring back to that
11 statement, which can be readily ascertained by the
12 jury.

13 THE COURT: Right, that's not hearsay.

14 MR. GOLDSTEIN: Is that okay? All right. Then,
15 I think we can dispense of the proffer then if that
16 will work.

17 THE COURT: Okay.

18 MR. HOLLOWAY: Your Honor, I'll just say -- just
19 to give a heads up so it's all here and we don't
20 expound upon this unnecessarily, there is a jail
21 phone call by Mr. Galloway that I've got in which he
22 specifically talks about an incident at Judge
23 Cagle's. So, if they're going to go down that path,
24 then I think it's going to open the door to me
25 calling a rebuttal witness -- we haven't rested yet.

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 So, that would be the case.

2 THE COURT: All right.

3 MR. SHIPMAN: Your Honor, this is the first I've
4 heard of this. And we were talking about trial by
5 ambush earlier this week.

6 THE COURT: I don't think we've gotten to that
7 river yet, so we don't need to cross that bridge.

8 So, bring the jury back.

9 MR. SHIPMAN: Your Honor, can we take a brief
10 recess to discuss with my client?

11 THE COURT: Yeah, let's do since the jury is
12 already out.

13 Hold on.

14 BAILIFF: Got them.

15 THE COURT: Tell them we're not quite ready for
16 them.

17 THE BAILIFF: All right.

18 THE COURT: Five minutes.

19 (WHEREUPON, a short break was taken.)

20 MR. HOLLOWAY: Your Honor, the Defendant is
21 trying to listen to the audio of the jail call.

22 THE COURT: Well, y'all can do that next break.
23 Let's go.

24 Are y'all ready for the jury?

25 MR. HOLLOWAY: Yes, sir, Your Honor, if I can

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 get this disk out of here.

2 (WHEREUPON, the jury came into open court at
3 approximately 10:53 a.m.)

4 THE COURT: All right. You may proceed.

5 BY MR. GOLDSTEIN:

6 Q Investigator Perry, before we left off, we were
7 talking about how you learned during the course of your
8 investigation that her mother worked at the Texaco
9 station, right?

10 A That's correct.

11 Q Okay. You've been at the Greenville County
12 Sheriff's Office now for 12 years, right, since 2006?

13 A Yes.

14 Q All right. So, it's fair to say that you know
15 where some of the local news stations are, right?

16 A Yes, sir.

17 Q So, you know where WYFF, right, Channel 4?

18 A Yes.

19 Q And you're familiar with Channel 7 and Channel
20 21, right?

21 A Correct.

22 Q Just to clarify, you don't have here with you
23 today any newspaper articles showing that a Texaco
24 shooting actually happened, right?

25 A That's correct.

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 Q And you don't have here with you today any news
2 videos showing that a Texaco shooting actually happened,
3 right?

4 A That's correct.

5 Q If a Texaco shooting had happened, it would have
6 been in the jurisdiction of the Greenville County
7 Sheriff's Office, right?

8 A Yes, sir.

9 Q That's your agency, correct?

10 A That's correct.

11 Q You don't have here with you today any police
12 records or reports showing that a Texaco shooting actually
13 happened, right?

14 A That's correct.

15 Q Okay. That trailer on ■ Worth Street, again,
16 that's in the jurisdiction of the Greenville County
17 Sheriff's Office, right?

18 A Yes, sir.

19 Q I mean, that's why you're involved in this case
20 to begin with, right?

21 A That is correct.

22 Q It's your agency? This is your case, you're the
23 investigating officer, right?

24 A Yes, sir.

25 Q Okay. You never spoke to any police officers

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 involved with the kidnapping incident at █ Worth Street,
2 right?

3 A That's correct.

4 Q Okay. You didn't bring any of those police
5 officers here with you to court today, did you?

6 A That's correct.

7 Q You don't have here with you today any police
8 records or incident reports showing that a kidnapping
9 happened at this location, right?

10 A I do not have any.

11 Q You never found any reports like that, right?

12 A I did not find any.

13 Q Clifton was the name of the kidnapped brother,
14 right?

15 A Yes, sir.

16 Q And you tried to call him on the phone, right?

17 A Several times.

18 Q But you never spoke to him, right?

19 A That's correct.

20 Q I want to ask you, you never spoke with Judge
21 Cagle about this case, did you?

22 A No, I did not.

23 Q All right. So, ultimately, you took out arrest
24 warrants for Richard on or about August 17th, 2016, right?

25 A Yes, sir.

ROBERT PERRY-CROSS BY MR. GOLDSTEIN

1 Q Okay. That's about 35 days after receiving that
2 initial letter from Ms. Complainant

3 A Yes, sir.

4 Q All right. In that time, you chose to take
5 pictures of the trailer on Worth Street, right?

6 A Yes.

7 Q You chose to call Complainant on the phone,
8 right?

9 A Yes, sir.

10 Q You exchanged emails with her?

11 A Several times.

12 Q You called her uncles, right?

13 A Yes.

14 Q You chose to speak with her mother?

15 A That's correct.

16 Q All right. You chose to run a background check
17 on Richard, right?

18 A Yes.

19 Q But in that time, you never spoke with anyone
20 from Judge Cagle's office, right?

21 A I did speak with their office at a later date
22 after the arrest.

23 Q But you didn't speak with Judge Cagle, right?

24 A That is correct.

25 Q You never spoke with Clifton, right?

ROBERT PERRY-REDIRECT BY MR. HOLLOWAY

1 A That's correct.

2 Q You never spoke with any police officers who
3 would have been involved in the kidnapping, right?

4 A If it was reported, I did not find it.

5 Q Okay. You never followed up with those news
6 stations about the Texaco shooting, right?

7 A That's correct, I did not even think about going
8 physically to each one of those news stations.

9 Q And you never -- during that time period, you
10 never met with Ms. **Complainant** in person, right?

11 A No, I met with her later.

12 MR. GOLDSTEIN: Okay. Thank you, Investigator
13 Perry. I appreciate it.

14 THE COURT: All right. Any redirect?

15 MR. HOLLOWAY: Yes, sir.

16 REDIRECT EXAMINATION

17 BY MR. HOLLOWAY:

18 Q Investigator Perry, are you familiar with the
19 West Greenville Summary Court?

20 A Yes.

21 Q Are you very familiar with West Greenville
22 Summary Court?

23 A I work West Greenville for about a year, so I
24 did some of the paperwork that went through them, so I am
25 familiar with it.

ROBERT PERRY-REDIRECT BY MR. HOLLOWAY

1 Q Okay. Do you know who the judges are over
2 there?

3 A Well, they're not actually at the location.
4 They're actually at our location where our office is at
5 county square. It's Judge Horne and Judge Fisher.

6 Q Is Judge Cagle still a judge of the West
7 Greenville Summary Court.

8 A No. Judge Cagle has had some medical issues
9 really over the past, maybe six years where she's
10 physically been limited. And then over the last couple of
11 years, where she's really been limited.

12 Q So, is she still on the bench?

13 A No.

14 Q And was there ever any allegations that somebody
15 was actually shot around the Texaco?

16 A No.

17 Q Is there an unlawful discharge law in the
18 county?

19 MR. GOLDSTEIN: Objection, Your Honor. Can we
20 approach?

21 THE COURT: Yes.

22 (WHEREUPON, an off-the-record bench conference
23 was held in the presence of the jury but out of
24 the hearing of the jury.)

25 MR. HOLLOWAY: Your Honor, for the record, is

ROBERT PERRY-REDIRECT BY MR. HOLLOWAY

1 the objection overruled?

2 THE COURT: Yes, it is.

3 BY MR. HOLLOWAY:

4 Q Were there ever any allegations that someone
5 was shot during the --

6 THE COURT: Hold on. Hold on. Now, that I hear
7 it again, I'm going to sustain the objection. It
8 does call for hearsay.

9 MR. HOLLOWAY: Okay.

10 THE COURT: I'm sorry, I misinterpreted your
11 question, so I'm going to sustain the objection. I'm
12 sorry.

13 BY MR. HOLLOWAY:

14 Q Okay. We can all think back to the testimony
15 and what we heard. Is there a law in the county for an
16 unlawful discharge of a firearm?

17 A Yes.

18 Q Okay. How long were you investigating violent
19 crimes?

20 A Started probably in 19 -- well, probably 1998,
21 '97, something like that.

22 Q And does that involve multiple jurisdictions?

23 A Yes.

24 Q Throughout your time and experience as a police
25 officer, would you say it's strange for there to be

ROBERT PERRY-REDIRECT BY MR. HOLLOWAY

1 multiple gunshots in a night in the entire county?

2 MR. GOLDSTEIN: Objection, Your Honor, relevance
3 and calls for speculation.

4 THE COURT: Yeah, sustained.

5 MR. HOLLOWAY: Excuse me one second, Your Honor.

6 THE COURT: Yes, sir.

7 MR. HOLLOWAY: I've got no further questions.

8 THE COURT: All right, you may step down.

9 THE WITNESS: Thank you, sir.

10 THE COURT: All right.

11 MR. HOLLOWAY: Your Honor, at this point, the
12 State rests.

13 THE COURT: All right, ladies and gentlemen, the
14 State has rested, which means they've put forth their
15 evidence in chief in this case. So, at this time,
16 there are things I have to take up with the
17 attorneys. And so, if you'll go back to your jury
18 room. Getting your exercise. Do not discuss the
19 case. We'll bring you back out as soon as possible.
20 Thank you.

21 (WHEREUPON, the jury left open court at
22 approximately 11:02 a.m.)

23 THE COURT: All right, anything from the
24 Defendant?

25 MR. SHIPMAN: May I confer with Mr. Goldstein

1 briefly?

2 THE COURT: Yes.

3 MR. SHIPMAN: Your Honor, may we step outside to
4 the conference room?

5 THE COURT: Yeah, that will be fine.

6 (WHEREUPON, a short break was taken.)

7 MR. SHIPMAN: Your Honor, I believe the defense
8 is going to call one witness, Dr. Price, so we'll
9 probably need to qualify and voir dire him. It's
10 almost 11:20 right now. I don't know how want to
11 schedule this.

12 THE COURT: Is he available now?

13 MR. SHIPMAN: He's on Stone Avenue. He can
14 be -- when I call him, about 10 minutes away.

15 THE COURT: Well, let's do -- any motions at
16 this point?

17 MR. SHIPMAN: Your Honor, move for a directed
18 verdict on the indictment concerning the oral sex in
19 the master bedroom. I believe that Ms. **Complainant**
20 testified yesterday that happened in 1990. It would
21 be past her 11th birthday. So, I would ask for a
22 directed verdict on that ground.

23 THE COURT: Mr. Holloway.

24 MR. HOLLOWAY: Yes, sir, Your Honor. She
25 testified during direct examination that it happened

1 in the spring of 1989. She turned 11 on November the
2 18th, 1989. So, Your Honor, there is evidence on the
3 record that she was under the age of 11 when that
4 occurred.

5 THE COURT: From my understanding, the way I
6 recall the evidence, I think there's kind a little
7 bit of testimony on both of them, so I feel like that
8 will be a jury issue.

9 MR. SHIPMAN: Thank you, Your Honor.

10 THE COURT: All right. Anything else on behalf
11 the Defendant?

12 MR. SHIPMAN: No.

13 THE COURT: All right. Sounds like -- so you'll
14 need to proffer his testimony, is what you're saying?

15 MR. SHIPMAN: Yes, sir.

16 THE COURT: Proffer the testimony. Then we'll
17 probably need to go through the jury charge and
18 verdict forms. So, we could be ready to argue and
19 charge by 1:00 -- oh, no, Dr. Price would come in.
20 It's almost 11:30 now.

21 MR. SHIPMAN: I think maybe 1:30, 2:00, we can
22 probably get through Dr. Price in an hour or so.

23 THE COURT: Let's start him at 1:00. And then,
24 during lunch, we'll also discuss -- get started on
25 the jury charge.

1 MR. SHIPMAN: Okay. Your Honor, I believe both
2 Mr. Holloway and I sent some emails concerning the
3 State's requests jury charge.

4 THE COURT: All right. So, let's proffer -- go
5 ahead and have Dr. Price here now. Proffer his
6 testimony and get that, then we can actually begin
7 with the jury at 1:00.

8 MR. SHIPMAN: Okay. Thank you, Your Honor.
9 I'll call him now.

10 THE COURT: I'll bring the jury out here and
11 just tell them to be back at 1:00. Also, I guess at
12 this point -- at some point, I'll go ahead and
13 start -- usually what I do in a break like this,
14 based on what you've told me, doesn't sound like your
15 client is going to testify. I will -- I mean, I like
16 to just go ahead and put his Fifth Amendment rights
17 on there, then with him making the final decision at
18 that point.

19 MR. SHIPMAN: Yes, sir, Your Honor.

20 THE COURT: All right. Go ahead and call him
21 and then we'll bring the jury.

22 MR. SHIPMAN: He says he's on his way.

23 THE COURT: All right, bring the jury in.

24 THE COURT: I'm going to tell the jury just so
25 they'll know, I'm going to bring them back after

1 lunch and that the Defendant is going to present
2 their case after lunch, but from what they've told
3 me, it's not going to be very lengthy. We should be
4 able to go to the jury this afternoon. Any problem
5 with any of that?

6 MR. SHIPMAN: No, sir.

7 THE COURT: That way, I can tell them that while
8 we're breaking early, we'll be working on the charge.
9 Well, you know what -- okay. We'll have them come
10 back at 1:30.

11 MR. SHIPMAN: Okay. Thank you, Your Honor.

12 (WHEREUPON, the jury came into open court at
13 approximately 11:19 a.m.)

14 THE COURT: All right. Here's kind of where we
15 are. The State has rested their case. And this
16 is -- so therefore, we're -- based on what the
17 defense attorneys have told me, they're going to
18 be -- their case is not going to be very lengthy, all
19 right. So, what I anticipate is that we should have
20 a relatively short case -- of course, that's subject
21 to change, but based on what we've been told now. So
22 therefore, it looks like we will be able to submit
23 this case to y'all this afternoon.

24 But before we do that, there's a couple of
25 things that we've got to do. One is kind of what we

1 call a charge conference, and that's to determine
2 exactly what law applies to this case. So, all of
3 that takes some time to go over. So, we're going to
4 go ahead and break now for lunch and get everything
5 done so when y'all come back, we will put the rest of
6 the testimony in and then we'll proceed with closing
7 arguments and jury charge. And at that point, you
8 begin deliberating, but don't discuss the case before
9 that.

10 So, I'm going to let y'all go to lunch now and
11 be ready to be back in your jury room at 1:30. Don't
12 discuss the case, don't do any type of research about
13 the case, do not pay any attention to media coverage,
14 if anybody contacts you, then, please let the
15 bailiffs know. Other than that, have a good lunch.
16 That's the elementary school lunch I thought we're
17 going to do yesterday.

18 BAILIFF: Your Honor, you said 1:30?

19 THE COURT: 1:30.

20 (WHEREUPON, the jury left open court at
21 approximately 11:22 a.m.)

22 (WHEREUPON, Defendant's Exhibit No. 8 was marked
23 for identification only.)

24 THE COURT: All right, we'll be at ease until
25 Dr. Price arrives.

1 MR. SHIPMAN: I just want to renew all motions,
2 motions and objection, renew the directed verdict
3 motion, Your Honor, after the State rested.

4 THE COURT: Well, you did your DV motion.

5 MR. SHIPMAN: I just renew all other motions,
6 Your Honor, that were made previously in the trial.

7 THE COURT: I think you just said your directed
8 verdict. You don't need to renew it.

9 MR. SHIPMAN: I want to renew all the ones that
10 we made.

11 THE COURT: All right.

12 MR. SHIPMAN: I also move for directed verdict,
13 actually.

14 (WHEREUPON, a short break was taken.)

15 THE COURT: We're back on the record now. Be
16 glad to hear from the Defense.

17 MR. SHIPMAN: Your Honor, I'd like to move for a
18 directed verdict on the remaining three charges as
19 well based on the inconsistency of the --

20 THE COURT: I find there's factual issues for
21 the jury.

22 Let me ask you this, Mr. Holloway, let me ask
23 you this, and this is just -- all right. Let me get
24 the indictment and let me make sure I've got -- the
25 Indictment 2017-7928, that's sexual battery, just

1 generally, just says commit a sexual battery. Then
2 on 2017-7927, it has commit a battery with oral sex,
3 7926, commit a battery with digital penetration.

4 So, my question is to the general one on 2017,
5 the general just commit a sexual battery, is that not
6 included in the other two? What additional sexual
7 battery can there be without penetration and oral
8 sex?

9 MR. HOLLOWAY: Yes, sir, Your Honor, the reason
10 for that is purely for identification purposes. And
11 allowing the wording of the defense on the episodes.
12 On the first one, there's a date. 307 North Highway
13 25 bypass is not dated.

14 THE COURT: Okay.

15 MR. HOLLOWAY: So, that's the University Inn.
16 And we just generically alleged sexual battery. Then
17 the two, being at Worth, we differentiated.

18 THE COURT: All right. I didn't catch the
19 difference. All right. Because it's specific
20 incidents. All right. That clarifies that for me.
21 Thank you.

22 Hold on just a second, hold on.

23 All right. Are we ready to proceed with the
24 Price is Right? Sorry, Dr. Price, just couldn't
25 resist.

1 DR. PRICE: That's all right.

2 MR. SHIPMAN: The defense would call Dr. David
3 Price to the stand.

4 THE CLERK: Sir, place your left hand on the
5 Bible and raise your right hand.

6 DAVID PRICE, M.D., after being duly sworn,
7 testified as follows:

8 THE CLERK: Thank you. Please be seated.
9 Please state your name for the record.

10 THE WITNESS: David Price.

11 THE CLERK: Thank you, sir.

12 MR. SHIPMAN: Ready, your Honor?

13 THE COURT: Yeah, you may proceed.

14 MR. SHIPMAN: May it please the Court. About 15
15 minutes left.

16 DIRECT EXAMINATION

17 BY MR. SHIPMAN:

18 Q Good morning, Dr. Price. Please introduce
19 yourself to the Court.

20 A I'm Dr. David Price, practice out of Greenville,
21 South Carolina.

22 Q Dr. Price, let's talk about -- what is your
23 profession.

24 A I'm a forensic psychologist and forensic
25 neuropsychologist.

DAVID PRICE-DIRECT BY MR. SHIPMAN (IC)

1 Q Okay. Let's talk about your education and
2 training a little bit about that. Where did you go to
3 college?

4 A I received my undergraduate degree from Clemson
5 University in psychology. I received my Master's and
6 Doctorate Degree in clinical psychology from Auburn
7 University. I interned in Pittsburgh at the University
8 Drive VA and University of Pittsburgh Internship
9 Consortium. I've been licensed as a psychologist in South
10 Carolina since 1982, I believe it is.

11 Q Okay. Did you have to take any kind of
12 examinations to be licensed?

13 A Well, you have to serve a internship of over
14 1900 supervised hours of clinical experience. Then you
15 have to pass written and oral examinations.

16 Q And you passed those?

17 A I did.

18 Q Do you have any continuing education
19 requirements?

20 A We're required to get 24 hours of continuing
21 education every two years, but I exceed that every year.

22 Q All right. So, you're licensed to practice
23 psychology in South Carolina; is that correct?

24 A Yes, sir.

25 Q Are you licensed anywhere else?

DAVID PRICE-DIRECT BY MR. SHIPMAN (IC)

1 A I am not.

2 Q Are you licensed in any specific area or
3 specialty?

4 A Back in the dark ages when I was originally
5 licensed, I was licensed as a licensed clinical
6 psychologist because, at that time, the State of South
7 Carolina had eight specific licenses for psychologists.
8 They don't do that anymore. They just have one license
9 for psychologists.

10 Q Okay. Let's talk about your work experience.
11 Where do you currently work?

12 A I work here in Greenville, South Carolina. I
13 consult individually, and then I have a practice called
14 The Forensic Network.

15 Q When you say you consult individually, about
16 what kind of things?

17 A Well, I do fitness for duty evaluations for
18 local industry and do disability evaluations. I do some
19 interventions for business and industry. I don't do
20 leadership development, but if they have someone they
21 think is suicidal or some issue like that, I'll do focused
22 interventions. I have a small treatment practice,
23 Posttraumatic stress disorder patients because I'm
24 interested in that. Then I consult in criminal and civil
25 cases across the country.

DAVID PRICE-DIRECT BY MR. SHIPMAN (IC)

1 Q Have you held any other clinical positions in
2 the past before you went into private practice?

3 A I have, basically, been in -- when I came off my
4 internship, I worked for The Department of Mental Health
5 for South Carolina, the State Hospital. But shortly after
6 that, I've been in private practice ever since.

7 Q Okay. What kind of patients did you treat at
8 The Department of Mental Health?

9 A At that time, I worked on the acute admissions
10 ward.

11 Q What would that entail?

12 A That would be patients that had been involuntary
13 committed from across the State of South Carolina.

14 Q For any particular kind of illness or a wide
15 range?

16 A For psychiatric -- yeah, a wide range of
17 psychiatric illnesses.

18 Q Do you hold any academic positions?

19 A I'm inactive now, but I used to be a faculty
20 member for the Medical University of South Carolina. In
21 fact, Jim Ballenger and I started the Forensic Psychiatry
22 Program there. I used to teach at USC-Upstate. It was
23 USC-Spartanburg then. I certainly had academic positions
24 where I taught at Auburn University when I was there.

25 Q What kind of topics did you teach?

DAVID PRICE-DIRECT BY MR. SHIPMAN (IC)

1 A Well, actually, at the Medical University of
2 South Carolina, I taught the fourth year psychiatric
3 residents on forensic issues surrounding the psychiatrist
4 practice.

5 Q What kind -- sorry, proceed.

6 A Other courses when I've talked at like
7 USC-Spartanburg, Auburn University, I would teach courses
8 in psychology, like abnormal psychology, introduction to
9 psychology, courses like that.

10 Q What kind of forensic issues would you teach
11 about when you were at MUSC, I believe you said?

12 A About all that they might be called upon to
13 render, that would be give opinions in criminal matters,
14 issues in family court matters, disability, causation
15 issues, things like that.

16 Q All right. Have you published any articles in
17 the area of psychology?

18 A I should have checked before I came here. I
19 think I have something like 28 or 29 publications and
20 about 280, 290 professional presentations.

21 Q Okay. All right. What kind of topics have you
22 written and given presentations about?

23 A Malingering, posttraumatic stress disorder,
24 psychological injury, traumatic brain injury,
25 psychological injury, things of that nature.

DAVID PRICE-DIRECT BY MR. SHIPMAN (IC)

1 Q Have you written any articles -- you said PTSD;
2 is that right?

3 A That's correct.

4 Q Have you written anything about schizoaffective
5 disorder?

6 A I have not written anything about
7 schizoaffective disorder specifically, but in lecturing
8 and discussing things regarding psychological injury
9 claims, we have discussed schizoaffective disorder. I,
10 actually co-edited a textbook on psychological injury
11 claims. That would cover those kind of topics as well.

12 Q When was that textbook published?

13 A Can't remember exactly, it was in the late 90's.

14 Q Still in publication?

15 A No.

16 Q You don't do anymore research, do you?

17 A Actually, I don't do anymore active research,
18 although, I am passively involved in -- starting to do
19 some research on posttraumatic stress disorder in
20 kidnapping.

21 Q How do you stay up-to-date in the fields of your
22 study?

23 A By the meetings that I attend, the readings that
24 I do, the research that I do in preparing for cases or
25 analyzing case or lecturing that I do.

DAVID PRICE-DIRECT BY MR. SHIPMAN (IC)

1 Q Okay. So, you still treat patients; is that
2 correct?

3 A I treat a small number of patients, but the bulk
4 of what I do are evaluations or forensic matters.

5 Q Okay. In your treatment of patients, have you
6 rendered treatment for posttraumatic stress disorder?

7 A I have.

8 Q And what about schizoaffective disorder?

9 A Generally, schizoaffective disorder requires
10 psychiatric management and some psychological management,
11 so I have been involved in that. I, certainly, have seen
12 a number of schizoaffective, schizophrenic and bipolar
13 patients throughout my career.

14 Q So, you consult with a psychiatrist in that
15 treatment?

16 A I would refer them all unless they're -- I do
17 disability evaluations. So, I evaluate people that may be
18 disabled because of schizoaffective disorder.

19 Q Okay. Dr. Price, have you ever testified before
20 as an expert witness in a criminal case?

21 A I have.

22 Q About how many times?

23 A Well, I've testified probably close to 300 times
24 involving civil and criminal. It would be over a hundred
25 times criminal.

DAVID PRICE-DIRECT BY MR. SHIPMAN (IC)

1 Q That's as an expert, not as a fact witness?

2 A That's correct.

3 Q Okay. Do you always testify for the defense?

4 A No.

5 Q Okay. Have you testified for prosecution
6 before?

7 A I have.

8 Q How often have you done that?

9 A I do it whenever the referrals come. I have
10 testified for the 13th Solicitor's Office.

11 Q Okay. You're being compensated to be here
12 today; is that right?

13 A As everybody else is here.

14 Q That's standard in your field?

15 A That is.

16 Q Does that have any effect on the opinion that
17 you render here today?

18 A No.

19 MR. SHIPMAN: Your Honor, at this time, we'd
20 offer Dr. Price as an expert in psychology generally
21 and, specifically, in PTSD, schizoaffective disorder.

22 THE COURT: All right, any objection or voir
23 dire?

24 MR. HOLLOWAY: Your Honor, yes, there would be
25 some voir dire.

DAVID PRICE-VOIR DIRE BY MR. HOLLOWAY

1 MR. SHIPMAN: He said psychology, PTSD?

2 THE COURT: Exactly what was your -- run that by
3 us again.

4 MR. SHIPMAN: Beg the Court's indulgence.
5 Psychology generally, but more particularly, PTSD and
6 schizoaffective disorder.

7 THE COURT: Schizoaffective disorder?

8 MR. SHIPMAN: Yes, sir.

9 THE COURT: All right.

10 VOIR DIRE EXAMINATION

11 BY MR. HOLLOWAY:

12 Q Dr. Price, kind of briefly on this note, as a
13 licensed psychologist, tell me about it. So, do you focus
14 on PTSD and how does that work? How does your psychology
15 practice work?

16 A Well, I focus on a number of different topics.
17 I focus on whatever the current patient or client
18 presents.

19 Q Okay. Well, what kind of patients are you
20 seeing?

21 A I see a multitude of patients.

22 Q Can you tell me about them?

23 A Well, it's so broad it's so hard to describe. I
24 see generally adolescents and adults that present with
25 psychiatric issues. That may be seeking claims of

DAVID PRICE-VOIR DIRE BY MR. HOLLOWAY

1 compensation from personal injury, it may be seeking
2 workers' compensation and may be disability. It may be an
3 area of local business or whatever had concerns that a
4 patient was a danger to themselves or others and they get
5 referred for an evaluation. I see criminal cases in which
6 people are referred for an evaluation about what
7 conditions they have, competency, that type of thing.

8 Q Okay. Tell me about some of the recent criminal
9 cases you've worked on.

10 A Well, there's this one. And I testified in a
11 criminal case over in Pickens in front of Judge Gravely.
12 I'm not exactly sure what you mean by criminal cases I've
13 worked on. You're talk about defendants that I have
14 evaluated.

15 Q Yes, sir. You said you've been doing some
16 criminal work and evaluating cases. I want to know were
17 these defendants suffering -- were there victims or
18 witnesses suffering from something, a mental disorder?

19 A They could be. I just evaluated one recently
20 that was -- that had paranoid schizophrenia.

21 Q All right. And now how do these kind of
22 referrals come to you?

23 A I get referrals from doctors, business,
24 governmental agencies, attorneys, human resource
25 directors. They come in a broad array of referral

DAVID PRICE-VOIR DIRE BY MR. HOLLOWAY

1 sources.

2 Q Okay. As to the last one, you mentioned you had
3 recently qualified as an expert in Pickens County. Have
4 you -- did you travel down to Chester County or up to
5 Chester County at all to try to testify?

6 A I didn't travel there. I've evaluated people in
7 Chester County before.

8 Q Well, did you try to testify in a case in
9 Chester County as an expert recently?

10 A No.

11 Q All right. Not in the last three, four, five
12 years?

13 A I didn't try to testify. The public defender
14 made a motion to have me testify, but I didn't testify. I
15 was not called to testify.

16 Q Why didn't you testify?

17 A You'd have to ask them. I wasn't there.

18 Q Was there not a court ruling declaring that you
19 were found not to be an expert?

20 A No.

21 Q Okay. So, right now -- and we're just covering
22 the voir dire. I assume, procedurally-wise, we'll go into
23 the substance of your testimony afterwards.

24 Is that correct, Your Honor?

25 THE COURT: Yes.

DAVID PRICE-VOIR DIRE BY MR. HOLLOWAY

1 BY MR. HOLLOWAY:

2 Q You did mention a lot about PTSD. I want to
3 talk a little bit about schizoaffective disorder. From
4 there, you said that you had a little less experience, or
5 it sounded like there was a little less experience with
6 schizoaffective versus PTSD. Can you break down the
7 difference and how your practice operates for me?

8 A I've seen thousands and thousands of patients.
9 I've seen thousands of schizoaffective, schizophrenic and
10 posttraumatic stress disorder patients. So, if there was
11 any -- if you felt that I had less experience with
12 schizoaffective, that's not correct.

13 Q So, tell me about what kind of patients you see
14 that's schizoaffective. Is this something you treat? I
15 mean, are you counseling anybody that has schizoaffective
16 currently?

17 A Generally, schizoaffective patients that I see
18 are being referred either for fitness review or disability
19 evaluations.

20 Q And are you seeing those currently, or when was
21 the last time you saw a patient with schizoaffective
22 disorder?

23 A Probably in the past 10 days.

24 Q Okay. And can you tell me just briefly, how
25 does that effect an individual?

DAVID PRICE-VOIR DIRE BY MR. HOLLOWAY

1 A Schizoaffective disorder?

2 Q Yes, sir.

3 A Well, there's some variability from individual
4 to individual. Schizoaffective disorder is the gray area
5 between schizophrenia and having a bipolar disorder or
6 mood disorder. It's an individual that manifest signs of
7 both disorders. It can affect them by having delusions,
8 hallucinations, inability to care from themselves. They
9 can have manic episodes, they can have depressive
10 episodes. It can vary from individual to individual.

11 Q Is this something that somebody is born with or
12 is this something that can come about later on?

13 A Actually, the research would suggest that it's a
14 biological model. They probably are born with a genetic
15 predisposition to have the disorder. And then based upon
16 things in their lifestyle, they may show it or they may
17 not. But it is genetic.

18 MR. HOLLOWAY: Excuse me for a second, sir.

19 THE WITNESS: Yes, sir.

20 MR. HOLLOWAY: Your Honor, that's the only
21 questions I'll have right now as to expertise on
22 these topics.

23 THE COURT: All right. Y'all don't forget the
24 whole purpose of this proffer is merely to get to the
25 threshold level as identified in Brown. So, this

DAVID PRICE-CONTINUED DIRECT BY MR. SHIPMAN

1 doesn't have to be the full ball of wax at this
2 point.

3 All right. You made a motion in voir dire. Any
4 additional argument or comment at this point?

5 MR. HOLLOWAY: Your Honor, not to his expertise
6 in psychology with focus on PTSD and schizoaffective
7 disorder.

8 THE COURT: All right. You may proceed.

9 MR. SHIPMAN: Thank you, Your Honor.

10 THE COURT: Again, I'm not sure I need you to
11 qualify him just to proffer.

12 CONTINUED DIRECT EXAMINATION

13 BY MR. SHIPMAN:

14 Q All right. Dr. Price, can you define PTSD?

15 A Posttraumatic stress disorder is an abnormal
16 reaction to an identifiable psycho -- what we call a
17 potentially traumatic event. Generally, it's a
18 life-threatening event. It causes a constellation of
19 symptoms associated with that exposure to that event. It
20 became an official diagnosis in 1980. It became an
21 official diagnosis in 1980 based upon the research that
22 had been done on Vietnam vets, rape trauma syndrome and
23 concentration camp survivors.

24 Q Is there a particular classification for that
25 kind of disorder?

DAVID PRICE-CONTINUED DIRECT BY MR. SHIPMAN

1 A Posttraumatic stress disorder?

2 Q Yes, sir.

3 A I'm not sure what you mean by a particular
4 classification?

5 Q Psychologists refer to the DSM, the diagnostic
6 --

7 A Actually, you will find it in the Diagnostic
8 Statistical Manual Fifth Edition.

9 Q And is it categorized with other certain types
10 of disorders or is it stand alone?

11 A It's characterized with other trauma-induced
12 disorders.

13 Q And how is PTSD diagnosed?

14 A Well, it's difficult to diagnose. When you
15 diagnose it, one of the things you do is that you have to
16 screen for a number of stressors that could potentially
17 cause PTSD. Because that's important for the treatment
18 that you might develop based upon a diagnosis of PTSD.

19 One of the first things you look for when
20 you diagnose PTSD is that the person has experienced an
21 event that was life threatening. That could be associated
22 with PTSD. It could be a number of things, seeing
23 somebody violently killed, military combat, incarceration,
24 those kind of things. Then that they engage in avoidance
25 of the intrusive recollections. You know when -- I think

DAVID PRICE-CONTINUED DIRECT BY MR. SHIPMAN

1 everybody probably associates flashbacks with PTSD. What
2 those are, they're sort of some dissociative experiences
3 where the person feels like they're experiencing whatever
4 the traumatic event was again. And by intrusive, they are
5 very uncomfortable, very frightening. People generally
6 have a great deal of emotion when they have them. Then we
7 look for other symptoms, like anxiety symptoms, insomnia,
8 disruption concentration and appearing in occupational,
9 social or some other area of their life.

10 Q Do any of those symptoms have an effect on the
11 memory?

12 A Well, they can have an impact upon memory. But
13 it would just depend on the individual and what other
14 things they have going on in their life. But, yes.

15 Q Okay. Would the disorder cause someone to
16 embellish a memory, perhaps?

17 A You know, memories are dynamic and they change
18 with each telling. And that's why when you put five in a
19 room and they experience the same event, they have five
20 different memories of it. It can cause them to distort
21 it. Generally, it causes them to avoid any recollection
22 of it because it's so painful or disturbing.

23 Q Okay, I'm going to pose to you a hypothetical,
24 Dr. Price. If two people observe the same event, for
25 instance, one person suffering from PTSD and the other

DAVID PRICE-CONTINUED DIRECT BY MR. SHIPMAN

1 was -- I don't know what would be the appropriate term, I
2 don't know. The other person not suffering from any kind
3 of disorders, would that PTSD cause the person who
4 suffered from it to remember the event extremely
5 differently from a person who was standing there next to
6 them?

7 A I'm confused here. Is this an event that would
8 cause PTSD or just some other event?

9 Q It could be that. I just ask it both ways, if
10 two people saw a traumatic event and one person came down
11 with PTSD, would they then later remember it extremely
12 differently than the person who was there that did not
13 suffer PTSD?

14 A Sure. Actually, PTSD is a rare disorder and has
15 a good prognosis. 85 percent of the people in this
16 courtroom would have experienced a potentially traumatic
17 event that could cause PTSD. For men, it's about five.
18 For women, it's like four and a half. Of that, only 25
19 percent will go on to develop the disorder and of that 25
20 percent, 50 percent will spontaneously remit within 90
21 days. So obviously, the interpretation of the event would
22 impact that person differently.

23 Q Okay. If a person had been diagnosed with it
24 and then witnessed another event, not necessarily the one
25 that caused the PTSD, and they're standing there with

DAVID PRICE-CONTINUED DIRECT BY MR. SHIPMAN

1 another person, could the PTSD have an effect on their
2 ability to relate what happened objectively, I suppose?

3 A It could. It could have an emotional reaction
4 that distorts the encoding of the event that the other
5 person is not having.

6 Q Would it cause them to add details that didn't
7 occur, perhaps?

8 A Generally, when people have had true events that
9 cause PTSD, their recall of the event is somewhat cryptic,
10 it's not very detailed because it's so unpleasant for them
11 to talk about or recall. So, they don't generally have
12 very detailed recollection of it. I mean, they recall
13 what happened, but it's not detailed and fleshed out per
14 se.

15 Q Okay. I think the hypothetical I want to pose
16 to you, let's say, two people are standing and witness an
17 event. One of them already has PTSD, person A already has
18 PTSD. Person A and B then go and talk to somebody about
19 it. Would it be possible that Person A could say things
20 that no one else saw that happened there because of the
21 condition that they suffered from?

22 A It could be.

23 Q Okay. I want to move on to the schizoaffective
24 disorder. You defined that earlier as the gray area
25 between bipolar and schizophrenia. Can you tell us a

DAVID PRICE-CONTINUED DIRECT BY MR. SHIPMAN

1 little bit more about that?

2 A Well, it's that they manifest aspects of both
3 disorder. Schizophrenia is a major thought disorder and
4 disturbance in cognition and how a person perceives and
5 reacts to the world. It can have disturbances in thought
6 processes, such as having delusions. And there are
7 different kind of delusions. There's delusions of
8 grander, delusions of sematic delusions where they think
9 they have some rare disease, persecutory delusions where
10 they think people are after them or some conspiracy
11 against them. Then you have hallucinations, which are
12 sensory disturbances.

13 Q Are those delusions a choice?

14 A No. They have no choice over them. Actually,
15 when you have a delusion, it's real for that person.

16 Q Okay. The last thing I want to talk to you
17 about is memory. Is it possible for someone to formulate
18 a false memory?

19 A It is possible to have a false memory. In fact,
20 I published on false allegations of clergy sexual abuse.
21 You get them different ways. One is -- I mean, just some
22 different ways. You can have what we call iatrogenic
23 suggestions. Iatrogenic is where the doctor causes it. A
24 therapist or some treatment provider suggest things that
25 suggestible people then think happened or come into court

DAVID PRICE-CONTINUED DIRECT BY MR. SHIPMAN

1 with their definition of what happened. There's what's
2 called autistic fantasy where people embellish memories.
3 They may get something out of being the victim or add some
4 richness to the memory that's not there.

5 There's the recovered memory, repressed
6 memory, issues that -- we saw a lot of in the 80's and
7 90's where people -- the allegation was that in therapy,
8 repressed memories were recovered of past abuse or things
9 like that. Repressed memory, when you repress something,
10 you unconsciously block it out. When you suppress it, you
11 consciously block it out. Well, there was -- there's a
12 lot of literature about people alleging recovered memories
13 of past abuse or awakening of repressed memory of past
14 abuse. Actually, the research indicates that that's not
15 true, that, basically, people remember every bad thing
16 that's ever happened to them.

17 And then we have things that -- other ways
18 we get these kind of memories, we get erotomantic
19 delusions. That's where people are delusional or believe
20 someone loves them or something happened. They have a
21 romantic interest. You see that in some of these
22 individuals that try to stalk movie stars, for example.
23 And there's persecutory delusions, where people feel
24 conspiracy or bad things have happened to them, which, in
25 fact, haven't, but when you talk to them, they sound like

DAVID PRICE-CROSS BY MR. HOLLOWAY (IC)

1 they did and they certainly firmly believe they did.

2 Q Are there any risk factors for formation of
3 these kind of false memories?

4 A It varies. Suggestibility is one, experience is
5 another, presence of mental disorders, what they might
6 have been involved in with treatment. And, you know, the
7 other mental disorder that can influence it, like having a
8 histrionic personality disorder or a borderline
9 personality disorder, things like that.

10 MR. SHIPMAN: All right, thank you. No further
11 questions. Please answer any question the State may
12 have.

13 THE COURT: Cross-examination.

14 MR. HOLLOWAY: Thank you, Your Honor.

15 CROSS-EXAMINATION

16 BY MR. HOLLOWAY:

17 Q Dr. Price, we just went into false memory. Is
18 that at all associated with PTSD or schizoaffective
19 disorder or is that a totally different avenue?

20 A Well, it can be associated more schizoaffective
21 disorder than posttraumatic stress disorder.

22 Q Tell me what you mean by it can be with
23 schizoaffective more so than PTSD?

24 A Well, schizoaffective people have thought
25 disorders. And it's the disruption of thought and recall

DAVID PRICE-CROSS BY MR. HOLLOWAY (IC)

1 a delusion and all that can cause false memories.

2 Posttraumatic stress disorder would not been as regularly
3 involved with false memories.

4 Q And with false memory disorder, are you talking
5 specifically about so this is the regular person just
6 looks back at the course of time and they just seem, every
7 day people, you and me, could remember things differently;
8 is that what you're saying?

9 A That's true, yes.

10 Q And we're talking about so if someone wasn't
11 diagnosed with schizoaffective disorder as a child, is it
12 your testimony that if they are schizoaffective now that
13 they could possibly just misrepresent something in their
14 mind?

15 A Correct.

16 Q But if they didn't have schizoaffective disorder
17 now, is it your testimony that they still could
18 misrepresent something in their mind?

19 A That's correct.

20 Q How exactly -- you know, is false memory
21 disorder, is this tied to -- you said it was everybody.
22 So, it's not -- it's not just uniquely sexual abuse
23 victims; is it?

24 A Number one, I don't think I used the term false
25 memory disorder. It's not a disorder like PTSD is a

DAVID PRICE-CROSS BY MR. HOLLOWAY (IC)

1 disorder or depression is a disorder.

2 Q Is it just a syndrome or how would you describe
3 it, sir?

4 A Well, it's been described as a syndrome in the
5 past.

6 Q So, is there anything that -- like have you been
7 in here for -- were in here for Ms. **Complainant** testimony
8 earlier?

9 A I was not.

10 Q You were not in here?

11 A No, sir.

12 Q Have you gone over the case with the defense
13 counsel at all?

14 A I've discussed some of the case with the defense
15 counsel, but not in great detail.

16 Q So, is there anything -- are you prepared to
17 testify here today that there's anything in her past or
18 her current status that would make her more amenable to
19 these false memories?

20 A I'm here as a blind expert testifying about
21 these disorders. I'm not testifying about anything in
22 detail with Ms. **Complainant** I haven't evaluated her.

23 Q Okay. Is that something -- if you were going to
24 testify in, I guess, a medical or doctoral opinion or a --
25 psychological, that's the word I'm looking for,

DAVID PRICE-CROSS BY MR. HOLLOWAY (IC)

1 psychological opinion about Ms. **Complainant**, what would you
2 need to do? What would be the steps that you were take in
3 order to render that opinion?

4 A If I was going to render an opinion about her
5 specifically, I would either evaluate her or review all of
6 her records, medical records and things of that nature.

7 Q Sir, we talked a little bit about your history
8 as an expert witness before. I'm aware that you testified
9 on behalf of the 13th Circuit. When was the last time you
10 testified on behalf of the 13th Circuit?

11 A I think it was two years ago.

12 Q Do you know who the prosecutor was?

13 A I think it was Betty and Walt. It was a murder
14 plea over in Pickens.

15 Q Okay. And how often -- or in the last few
16 years, how often have you testified as an expert?

17 A Ten to 12.

18 Q And how many of those times in the last -- in
19 those 10 to 12 times have you testified as an expert for
20 the State or the Defense?

21 A Well, that testimony would be both civil cases.

22 Q Okay, so 10 to 12 is both civil and criminal?

23 A That's correct.

24 Q And do you know how many times criminal?

25 A It'd probably be about a third.

DAVID PRICE-CROSS BY MR. HOLLOWAY (IC).

1 Q So maybe four?

2 A Something like that, I would think.

3 Q Other than possibly this case with Betty and

4 Walt, were there any other cases for the State?

5 A Not for the 13th.

6 Q Where else?

7 A I think I had some for the justice department.

8 Q Sir, I appreciate your candor, do you think or
9 did you?

10 A I can't recall.

11 Q You can't recall?

12 A That's correct.

13 Q And when you testified for Betty and Walt, were
14 you paid?

15 A I was.

16 Q Okay. Do you remember how much you were paid?

17 A I charge 350 an hour.

18 Q Is that still how much you charge?

19 A That's correct.

20 Q Okay. One second, sir. I appreciate your
21 patience.

22 A Sure.

23 Q Sir, would this false memory, this -- you know,
24 we said it might be a syndrome, that's what it's been
25 called in the past, for purposes here today, are you

DAVID PRICE-CROSS BY MR. HOLLOWAY (IC)

1 prepared to testify that these false memories actively
2 produce false allegations in criminal court?

3 A They can.

4 Q Okay. But is that -- I mean, is that something
5 that you would stand behind, that this happens routinely?

6 A It happens enough to be a concern. I don't know
7 that I would use the word routinely.

8 Q When you talk about that, says it happens enough
9 to be a concern, where are you drawing that information
10 from?

11 A From my work in civil cases involving lawsuits
12 regarding allegations of past sexual battery.

13 Q And you mentioned specifically civil cases, so
14 not criminal case?

15 A Well, criminal cases, I didn't participate in,
16 but the big criminal cases were those with the child care
17 workers in Minneapolis and Los Angeles where there were
18 lurid allegations made of child sexual battery that were
19 later on found to be unfounded.

20 Q When was that?

21 A Those were in the 80's, early 90's, I forget the
22 exact dates.

23 Q Have has development of the dynamics of child
24 sexual abuse enhanced significantly since the 80's and
25 90's?

DAVID PRICE-CROSS BY MR. HOLLOWAY (IC).

1 A It was in reaction to those kind of cases, sure.

2 MR. HOLLOWAY: Okay. No further questions at
3 this time.

4 THE COURT: All right, anything further?

5 MR. SHIPMAN: Nothing further, Your Honor.

6 THE COURT: All right. You can step down.

7 Reminder of the testimony that has been --
8 what's the record now as to the actual disorder that
9 was suffered by the victim in this matter?

10 MR. SHIPMAN: Ms. **Complainant**? Are you addressing
11 that to me?

12 THE COURT: I'm just trying to make --

13 MR. SHIPMAN: Your Honor, I believe on direct,
14 Ms. **Complainant** testified to PTSD and on cross, she
15 testified to the schizoaffective.

16 THE COURT: That's what I had recalled, but I
17 was making sure.

18 Is that correct?

19 MR. HOLLOWAY: Yes, sir, Your Honor. I think
20 there may be -- she testified on direct that she has
21 gone to see a counselor since 2011. I believe that
22 it was all on cross in which Mr. Shipman got into
23 PTSD and schizoaffective. And that was allowable
24 given the fact that I think the Court had ruled that
25 the State had opened the door to why she was going to

DAVID PRICE-CROSS BY MR. HOLLOWAY (IC)

1 go see a counselor.

2 MR. SHIPMAN: Your Honor, I'm sorry, I don't
3 mean to shut you off. As I recall, she said that she
4 suffered PTSD from child sexual abuse on direct, Your
5 Honor.

6 THE COURT: I find that based on -- again, I
7 think that the nature of the testimony is beyond the
8 standard for the jury, so I think that prong -- I
9 think that he's indicated that he has this knowledge
10 that qualifies him as an expert. Generally, with
11 exception that the substance is reliable as to
12 anything relating to PTSD and schizoaffective
13 disorder. But I am not going to allow any testimony
14 on this whole false memory syndrome or whatever it's
15 called, you could open the door for every single case
16 from that. So, I'm not going to allow anything
17 regarding false memory, repressed memory since he has
18 not evaluated this particular person and being able
19 to diagnosed that's what's going on here.

20 MR. SHIPMAN: I preserve my objection.

21 THE COURT: All right, yes.

22 Anything else before we --

23 MR. SHIPMAN: Your Honor, could we have a
24 recess? Mr. Galloway indicated he needs to use the
25 restroom.

DAVID PRICE-CROSS BY MR. HOLLOWAY (IC)

1 THE COURT: We're just going to talk about
2 scheduling things. He can go the restroom. All
3 we're going to talk about is scheduling, nothing of
4 substance.

5 All right, it's 1:20 now. I don't think the
6 jury charge, looking at it, it's probably going to be
7 about two issues that need to be discussed on that
8 and go through the verdict forms. I don't think
9 we're going to need a whole bunch of time. I think
10 15 minutes, if y'all will be back in here in an hour
11 and come back in chambers. What I usually do is go
12 through the jury charge in chambers and then we'll
13 come out here and anything you need to put on the
14 record, we'll put in on at that time. So, we'll be
15 ready to go at 1:30?

16 MR. HOLLOWAY: Yes.

17 MR. SHIPMAN: Yes.

18 THE COURT: I guess before we bring the jury in,
19 I'll discuss with your client about his right to
20 testify as well.

21 MR. SHIPMAN: Yes, sir. Thank you.

22 THE COURT: Anything else before we break for
23 lunch?

24 MR. HOLLOWAY: Your Honor, just to confirm
25 instructions, we need to be here about 15 after 1:00,

DAVID PRICE-CROSS BY MR. HOLLOWAY (IC)

1 20 after 1:00?

2 THE COURT: Yeah.

3 MR. HOLLOWAY: Thank you, Your Honor.

4 (WHEREUPON, a lunch break was taken.)

5 THE COURT: We found a 1989 case that talks
6 about the statute. He's going to make sure all
7 that -- on the criminal sexual conduct lewd act
8 analysis, you find anything on that?

9 MR. SHIPMAN: Yes.

10 MR. HOLLOWAY: Is it any different?

11 MR. SHIPMAN: I don't know that it's any
12 different, but I did find the -- I think, Your Honor

13 --

14 THE COURT: Chasing daylight.

15 MR. SHIPMAN: The former statute is detailed in
16 this case of State v. Hardy, 279 S.C. 409.

17 THE COURT: What year?

18 MR. SHIPMAN: That was 1983.

19 THE COURT: Well, that's the same in '83 what we
20 have here. What's the cite again?

21 MR. SHIPMAN: State v. Hardy --

22 THE COURT: Cite.

23 MR. SHIPMAN: Oh, sorry. 279 S.C. 409.

24 THE COURT: 409.

25 MR. SHIPMAN: Yes, sir.

DAVID PRICE-CROSS BY MR. HOLLOWAY (IC)

1 THE COURT: Okay. Y'all ready for the jury?

2 MR. SHIPMAN: Just a brief moment, Your Honor.

3 I believe Mr. Goldstein is out of the office -- or
4 out of the courtroom.

5 THE COURT: Okay. Who's doing Dr. Price, you or
6 him?

7 MR. SHIPMAN: I will.

8 THE COURT: We need to get going. If we wait
9 too much longer, we're not going to get this into the
10 jury today.

11 MR. SHIPMAN: Thank you, Your Honor.

12 (WHEREUPON, the jury came into open court at
13 approximately 1:52 p.m.)

14 THE COURT: All right. Hope everybody had a
15 good lunch. We're now ready to proceed with the
16 Defendant's case.

17 Mr. Shipman.

18 MR. SHIPMAN: May it please the Court, the
19 Defense calls Dr. David Price.

20 THE CLERK: Place your left hand on the Bible
21 and raise your right hand.

22 DAVID PRICE, after being duly sworn, testified
23 as follows:

24 THE CLERK: Thank you, please be seated. State
25 your name for the record.

DAVID PRICE-DIRECT BY MR. SHIPMAN

1 THE WITNESS: David Price.

2 THE CLERK: Thank you, sir.

3 DIRECT EXAMINATION

4 BY MR. SHIPMAN:

5 Q Good afternoon, Dr. Price. Dr. Price, what are
6 you a doctor in?

7 A In clinical psychology.

8 Q Okay. Let's talk about your education and
9 training for a moment. Where did you go to college?

10 A I received my undergraduate degree at Clemson
11 University in psychology. I received my Master's and
12 Doctoral Degree in clinical psychology from Auburn
13 University. I did my internship at University Drive,
14 University VA Medical Center in Pittsburgh, Pennsylvania.
15 Then I was licensed by the State of South Carolina as a
16 psychologist in 1982 or 1983.

17 Q And Dr. Price, are there any specialty areas of
18 licensure in South Carolina in the field of psychology?

19 A When I was licensed, there was specialty area
20 and I was licensed as a clinical psychologist. Now,
21 there's not specialty areas and it's just a licensed
22 psychologist or not.

23 Q All right. Are there any continuing education
24 requirements that you're required to maintain in order to
25 maintain your license?

DAVID PRICE-DIRECT BY MR. SHIPMAN

1 A We are required to get 25 CEUs every two years.
2 I exceed that, but yes.

3 Q Okay. Dr. Price, where do you currently work?

4 A I have a national practice, but I work out of
5 Greenville.

6 Q And what kind of things do you do at your
7 practice?

8 A My practice is predominantly forensic. I
9 evaluate civil cases, in which someone may be suing for
10 mental injury. I evaluate probate court cases, when there
11 may be questions about someone's ability to form a Will.
12 I do fitness for duty evaluations for most of the area
13 businesses. That's where they think an employee is a
14 danger to themselves or others. I do disability
15 evaluations for governmental agencies and insurance
16 companies. I do personal injury evaluations. I evaluate
17 in criminal cases and things of that order.

18 Q Let me back up a little bit, too. What kind of
19 continuing education requirements are you required to
20 maintain?

21 A Twenty-five hours every two years.

22 Q What would those hours consist of?

23 A Well, they vary. I speak a good bit, so I get
24 credit for the seminars that I speak at. But I also go
25 and have CEUs on evaluating brain injury or posttraumatic

DAVID PRICE-DIRECT BY MR. SHIPMAN

1 stress disorder, psychological injury, malingering, things
2 of that nature.

3 Q All right. And Dr. Price, how long did you say
4 you were in private practice?

5 A I've been in private practice since 1983.

6 Q Okay. Prior to that, did you have any teaching
7 position or any treating positions, I guess?

8 A I've had both treating positions and teaching
9 positions.

10 Q Can you describe those?

11 A Teaching positions, I taught at Auburn
12 University while I was there. I have taught, it was then
13 USC-Spartanburg, it's now USC-Upstate. I help found the
14 forensic psychiatry program at the Medical University of
15 South Carolina in Charleston. Treatment-wise, I was one
16 of the principles in one of the largest group of
17 psychological practices in the 80's. I narrowed my
18 practice down to forensics in 1990. I do see a small
19 amount of patients for treatment. Most of the patients I
20 see are for evaluation. I do a small amount of treatment
21 in posttraumatic stress disorder.

22 Q Have you ever published any articles in your
23 field?

24 A I think I've published 28 articles and have had
25 over 280 professional presentations.

DAVID PRICE-DIRECT BY MR. SHIPMAN

1 Q What kind of presentations and articles have you
2 presented and produced?

3 A Well, I co-edited a textbook on evaluating
4 psychological injury claims. I've written book chapters
5 on conceptualizing psychological injury claims and
6 personalty disorders. I've written on posttraumatic
7 stress disorder, I've written on malingering, I've written
8 on evaluating brain injury issues.

9 Q About how -- over the years, about how many
10 patients would you say that you've actually treated, not
11 necessarily evaluated, but actually treated yourself?

12 A Thousands.

13 Q Have you treated patients with PTSD?

14 A Yeah, I received my early training in treatment
15 at the VA Hospital first, the VA Hospital in Tuskegee,
16 Alabama and in Pittsburgh. That was at the height of the
17 Vietnam veterans returning and seeking treatment for
18 posttraumatic stress disorder. That was also during the
19 period of time that posttraumatic stress disorder became a
20 recognizable diagnosis, which was in 1980.

21 Q Okay. And now you're a psychologist and not a
22 psychiatrist; is that correct?

23 A That's correct. A psychiatrist has a medical
24 degree and generally treats patients with a biological
25 basis, meaning medication or electroconvulsive therapy,

DAVID PRICE-DIRECT BY MR. SHIPMAN

1 some things like that. We, generally, receive more
2 training in evaluation using psychological,
3 neuropsychological tests and more training in providing
4 psychotherapy counseling, behavioral consultation, things
5 of that nature.

6 Q Okay. In your role as a psychologist, have you
7 dealt with patients that have presented with
8 schizoaffective disorder?

9 A I have.

10 Q Okay. What way have you worked with those
11 patients?

12 A Well, I diagnosed them. I've referred them for
13 psychiatric care. I've diagnosed them to see if they're
14 disabled from being able to perform substantial gainful
15 activity, that just means work. I've seen them in family
16 consultation for their family dealing with them. I've
17 seen them for psychotherapy or cognitive behavioral
18 training for some of them.

19 Q But you can't prescribe medicine?

20 A I cannot.

21 Q Okay. Dr. Price, have you ever testified as an
22 expert witness in a criminal case before?

23 A I have.

24 Q Have you testified in a civil case before?

25 A I have.

DAVID PRICE-DIRECT BY MR. SHIPMAN

1 Q About how many times would you say that you've
2 testified in criminal cases?

3 A Well, I keep a federal list of testimony and I
4 went back and reviewed it. Since January of 2014, I've
5 testified 11 times in criminal cases.

6 Q What about civil cases in that same time?

7 A I'd have to go back and count, but I would have
8 testified probably over 50.

9 Q Okay. In your testimony in criminal cases, have
10 you exclusively testified as a defense witness?

11 A No.

12 Q How many times have you testified on behalf of
13 the State?

14 A I went back and the most recent time I've
15 testified on behalf of the State was in 2012.

16 Q What kind of case was that?

17 A That was -- it was a case that was originally a
18 death penalty case. The person was going to plead to life
19 in prison without parole.

20 Q And you testified for the government in that
21 regard?

22 A I was actually already evaluated the defendant,
23 Ms. Hendricks, but I was called to testify by the
24 solicitor's office in the plea hearing.

25 Q Are you compensated to appear here today as a

DAVID PRICE-DIRECT BY MR. SHIPMAN

1 witness?

2 A I am.

3 Q Does the fact that you're being paid for your
4 time effect your opinion at all?

5 A No.

6 MR. SHIPMAN: Your Honor, at this time, I would
7 move to offer Dr. Price as an expert in psychology,
8 particularly as an expert in the treatment of PTSD
9 and schizoaffective disorder.

10 THE COURT: All right. Any objection or
11 additional voir dire?

12 MR. HOLLOWAY: No, sir.

13 THE COURT: All right. Okay. Ladies and
14 gentlemen, as I told you before, normally, a person
15 cannot give their opinion testimony. They can only
16 testify as to what that saw, heard, smelled or
17 sensed, something of that nature. However, the
18 exception is when somebody has been qualified as an
19 expert witness and they can give an opinion based on
20 their education or experience. This witness will be
21 qualified in the area of psychology and posttraumatic
22 stress disorder and schizoaffective disorder, give an
23 opinion in those areas. This does mean that you must
24 accept it, it's for you to use in any way you see fit
25 and to give it the weight and credibility that you

DAVID PRICE-DIRECT BY MR. SHIPMAN

1 feel is appropriate.

2 MR. SHIPMAN: Thank you, Your Honor.

3 Your Honor, may we approach briefly?

4 THE COURT: Yes.

5 (WHEREUPON, an off-the-record bench conference
6 was held in the presence of the jury but out of
7 the hearing of the jury.)

8 MR. SHIPMAN: Your Honor, may I approach the
9 witness?

10 THE COURT: Yes.

11 BY MR. SHIPMAN:

12 Q Dr. Price, do you recognize this?

13 A That's a copy of my CV.

14 Q Can you tell the jury what a CV is?

15 A It's curriculum vitae. It really is just a list
16 of professional experiences, lectures, employment
17 positions, professional presentations, things of that
18 nature.

19 Q And did you put those presentations and other
20 accomplishments yourself?

21 A Well, actually, my secretary does. I keep the
22 same CV and anything new I do gets added to it.

23 Q You give her the information and she puts it
24 into the CV?

25 A That's correct.

DAVID PRICE-DIRECT BY MR. SHIPMAN

1 Q So, you've got personal knowledge of each one of
2 those things in there?

3 A That's correct, I do.

4 Q Is that a document that you rely upon in your
5 professional work? Is it a thing you keep as a regular
6 part --

7 A I keep it as a regular part of my business and
8 professional endeavors and show my credentials and what
9 I've done.

10 MR. SHIPMAN: Your Honor, at this time, I would
11 move to introduce what's been marked as Defendant's
12 Exhibit 8, Dr. Price's CV, into evidence under the
13 business records exception to hearsay rule.

14 MR. HOLLOWAY: Your Honor, we've discussed on
15 the record the State would object to an hearsay out
16 of court statement. Secondly, I don't think this
17 individual is actually a business. He's a person, so
18 the business records exception would not apply.
19 Secondly, I think it's improper bolstering, he's
20 already testified. The State didn't object to him
21 being an expert. I think all this is going to do is
22 demonstrate his publications, which he could easily
23 testify to, but the State certainly understands the
24 Court's ruling.

25 THE COURT: All right. I'm going to let it in

DAVID PRICE-DIRECT BY MR. SHIPMAN.

1 over the State's objection.

2 MR. SHIPMAN: Thank you, your Honor.

3 (WHEREUPON, Defendant's Exhibit No. 8 was
4 admitted into evidence.)

5 BY MR. SHIPMAN:

6 Q Dr. Price, would you briefly define PTSD for the
7 jury?

8 A Posttraumatic stress disorder is a disorder
9 which is an abnormal reaction to identifiable, what we
10 call, potentially traumatic events. You can -- for
11 example, you can have it by seeing somebody killed,
12 hearing about a loved one killed, being directly involved
13 with the death of somebody. Then you have certain other
14 symptoms related to that. It is one of the disorders
15 that's related to having a traumatic onset.

16 It goes back to -- as I mentioned earlier,
17 PTSD became an official diagnosis in 1980. It's the
18 result of ongoing research and rape trial syndrome,
19 Vietnam veterans and concentration camp survivors. It's
20 undergone every revisions since then. The most recent one
21 was published May of 2013.

22 With the exposure of the traumatic event,
23 it has to cause certain emotional things to terror or
24 [indiscernible]. It then has the constellation of
25 symptoms where the individual has intrusive recollections

DAVID PRICE-DIRECT BY MR. SHIPMAN

1 of the event. You might know them as flashbacks. They
2 can have nightmares. They can have them as bad memories.
3 Then they are associated with cognitive distortions. They
4 may not be able to recall certain parts of the event. Or
5 they may have distorted cognitions of themselves with the
6 event or as a consequence of the event. You could have
7 difficulty -- really, sort of anxious reactions, like
8 insomnia, loss of concentration, panic attacks, things
9 like that. Then you can really have what are called
10 social actions. You can have depersonalization or
11 derealization.

12 Q Okay. Can a person diagnose him or herself with
13 PTSD?

14 A Well, I guess people can describe themselves in
15 whatever way they want to without restriction, but they
16 can't officially diagnose themselves with posttraumatic
17 stress disorder. Generally, it requires some type of
18 mental health professional or medical professional to do
19 that.

20 Q So, if a person were actually diagnosed with
21 PTSD, there would be a record of that somewhere?

22 A You would think so, yes, sir.

23 Q Okay. Would PTSD -- you said it could cause
24 some problems with recall of the event. Does PTSD have an
25 effect on the amount of detail in the recollection?

DAVID PRICE-DIRECT BY MR. SHIPMAN

1 A When somebody currently has PTSD, when they
2 recall the distressing event, it's so emotional for them,
3 they generally have some restriction of how much they
4 recall. And that's why one of the criteria, they may not
5 be able to remember aspects of the event because they try
6 not to think about it.

7 Q Okay. And would it -- would PTSD have an effect
8 on their ability to actually retell the story to another
9 person?

10 A Since the recollections are distressing, they
11 generally don't want to talk about it. I think people
12 probably had layman experiences where people come back
13 from war and don't want to talk about those experiences.
14 It's generally in treatment even difficult to get them to
15 describe the event and exactly what went on. Because they
16 end up crying or sobbing or things of that nature.

17 Q Okay. Can you briefly define what
18 schizoaffective disorder is?

19 A Schizoaffective disorder is the diagnosis that's
20 listed as a thought disorder. It's sort of a mixture of
21 schizophrenia and a mood disorder. In order to have
22 schizoaffective disorder, you generally have to have the
23 presence of schizophrenia first and meet that criteria and
24 then have a disruption in mood when you become manic or
25 depressed superimposed upon that.

DAVID PRICE-DIRECT BY MR. SHIPMAN

1 Q And a person can't diagnosis himself or herself
2 with that either, can they?

3 A Again, people can describe themselves however
4 they wish, but, professionally, you would need a medical
5 professional or mental health professional make that
6 diagnosis.

7 Q What are some of the symptoms of schizoaffective
8 disorder?

9 A Well, first, you meet the criteria for
10 schizophrenia. Generally, we look at schizophrenia as a
11 thought disorder, so we would look for the presence of
12 delusions, hallucinations, anhedonia, they don't get
13 pleasure out of things. Generally, they have difficulty
14 maintaining themselves appropriately. Then
15 schizoaffective on top of that is you would see a
16 disruption in mood, such as periods of depression or
17 mania.

18 Q Okay. And schizoaffective disorder, is that --
19 I guess, what's the biological source of that?

20 A Well, the research tends to -- particularly with
21 schizophrenia, show a genetic predisposition to that. And
22 they do have -- some of that, the research they do, they
23 research twins that were adopted into different families
24 and both would develop schizophrenia. So, there is a
25 genetic loading. Some of it doesn't happen unless you're

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 interfaced with an environment that may be traumatic.

2 Q Okay. You said delusions and hallucinations are
3 possible symptoms of this disorder?

4 A Yeah, delusions are not uncommon in
5 schizophrenia, and thereby, in schizoaffective disorder.

6 Q Is it possible to determine an objective source
7 for a delusion if someone has one?

8 A No. What you're asking is can you make a
9 rationale determination of where an irrational belief came
10 from. And all you can really do is identify -- it's a
11 central belief. And that person, they think -- that's
12 reality for them. Upon sustained interaction and
13 observation, skilled people can see that it's not. But it
14 is a belief, so it effects the way they see the world,
15 react to the world and behave within the world.

16 MR. SHIPMAN: Thank you, Dr. Price. No further
17 questions. Please answer my questions the State may
18 have for you.

19 THE COURT: Mr. Holloway.

20 MR. HOLLOWAY: Thank you, sir.

21 CROSS-EXAMINATION

22 BY MR. HOLLOWAY:

23 Q Dr. Price, all right, you mentioned that since
24 2012, you've testified 11 times in a criminal case?

25 A No, I did not. I said since January 2014

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 through today, I've testified 11 times.

2 Q That's right. That's right.

3 A 2012 is in reference to the last case I did for
4 the solicitor's office.

5 Q Yes, sir. Yes, sir. And that was with the
6 solicitor, Mr. Walt Wilkins and Betty Strom; is that
7 correct?

8 A That's correct.

9 Q Okay. So, I apologize for mixing up those
10 dates. Eleven times since 2014. Stated the last time
11 with the State was 2012. Did I mention -- you said
12 something about a guilty plea. Was that for a guilty plea
13 hearing or a sentencing hearing or was that a trial?

14 A No, it was a guilty plea.

15 Q Okay. So, you didn't actually testify at a
16 trial; is that correct?

17 A No. I testified in front of a judge.

18 Q All right. All right. So, do you remember the
19 last time you testified on behalf of the State in a trial?

20 A It would have been 2012 or earlier.

21 Q Okay. You actually had a preexisting
22 relationship with that defendant in 2012, did you not?

23 A I previously evaluated, that's correct.

24 Q Okay. So, here -- you were present yesterday
25 when Ms. Shauna Galloway-Williams testified?

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 A Yes, sir.

2 Q And she was qualified in the dynamics of sexual
3 abuse, child sexual abuse and disclosure, do you remember
4 that?

5 A I do.

6 Q Is that a field that you actively work in or
7 used to actively work in?

8 A I have experience with it. I don't actively
9 work in it anymore, no.

10 Q When was the last time that you did actively
11 work in it?

12 A Several years ago.

13 Q How long is several?

14 A I can't recall.

15 Q Isn't it true that the development in the
16 dynamics of child sexual abuse have grown via education
17 significantly through the late 70's and 80's?

18 MR. SHIPMAN: Objection, Your Honor, this is
19 bolstering of the -- Dr. Galloway Williams.

20 THE COURT: I think this is proper
21 cross-examination, so overruled.

22 MR. SHIPMAN: Your Honor, it's also outside of
23 the scope of his expertise.

24 THE COURT: Well, I think it's proper
25 cross-examination.

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 MR. HOLLOWAY: Thank you, Your Honor.

2 THE WITNESS: Would you repeat the question,
3 please?

4 BY MR. HOLLOWAY:

5 Q Yes, sir. Isn't it correct that the development
6 and the whole arena of the dynamics surrounding childhood
7 sexual abuse have changed significantly since the 80's?

8 A What's changed significantly since the 80's is
9 the way they've been evaluated more than anything else.

10 Q Okay. And we talked about with PTSD, that seems
11 to be -- that's certainly something you have quite a bit
12 of experience in?

13 A I do.

14 Q And you mentioned the commonality of what I
15 think the layperson would term flashbacks; is that true?

16 A I did mention flashbacks, I'm not sure I used
17 commonality with it.

18 Q But that is one of the -- the symptoms with PTSD
19 is reexperiencing these flashbacks, right?

20 A Well, they can have nightmares, they can have
21 recall, as if the event is happening, or they can have
22 flashbacks, or they can have all three, yes.

23 Q Okay. With your experience, I mean, do you see
24 patients with PTSD?

25 A I do.

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 Q And in your experience with your patients with
2 PTSD, are these flashbacks and these nightmares pretty
3 vivid?

4 A They can be.

5 Q Can be. And vivid in a sense that they can
6 almost put themselves back in the exact place?

7 A Generally, nightmares are more vivid than
8 flashbacks.

9 Q Okay. And with PTSD, we're talking about how
10 they have these vivid nightmares, they also could have
11 flashbacks. The memory beforehand, from years beforehand,
12 is that distorted or is that still retained?

13 A It can be distorted or it can be retained.

14 Q So, that's just to each their own?

15 A It varies by individual, yes, sir.

16 Q All right, thank you, sir. We talked about --
17 we talked a little bit about schizoaffective -- you talked
18 about schizoaffective disorder with Mr. Shipman. And it's
19 almost like you separated into two different, not
20 categories -- there's two different things going on. Did
21 you say it was schizophrenia and then affective?

22 A I think I used the word mood disorder, but you
23 could use affective disorder.

24 Q I apologize for that. This is sort of out of
25 wheelhouse. The affective nature, the mood disorder, that

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 doesn't have anything to do whatsoever with memory; is
2 that correct?

3 A The mood disorder didn't have anything to do
4 with memory?

5 Q Yes, sir. I guess what I'm saying, I'm sorry.

6 MR. SHIPMAN: May we approach?

7 THE COURT: Yes.

8 (WHEREUPON, a off-the-record bench conference
9 was held in the presence of the jury but out of
10 the hearing of the jury.)

11 BY MR. HOLLOWAY:

12 Q Let's go back through and break down the
13 difference in schizophrenia and affective. So what does
14 the affective part mean?

15 A The affective part means they have schizophrenia
16 and then they have mood disorder embellished upon or
17 placed upon that, and that can either be mania or
18 depression.

19 Q And when you talked about schizophrenia, you
20 mentioned delusions and hallucinations?

21 A That's correct.

22 Q Can you define what the difference in a delusion
23 and hallucination is?

24 A Sure. A delusion is a fixed belief that's not
25 amendable to change, which can be bizarre. Like the

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 person may think aliens inhabit their chest or live under
2 their bed. Or it can have -- sound somewhat reasonable
3 when they might be delusional about having cancer, or a
4 delusions that someone's spouse is being unfaithful to
5 them. Those are fixed beliefs and their behavior is
6 understandable in like of understanding their beliefs.
7 They don't have any factual basis in reality. It's a
8 thought disorder, it's a thought process disorder. It's a
9 way of interpreting, interacting and perceiving the world.

10 An hallucination is a sensory experience.
11 You can have an auditory hallucination where you hear
12 voices. And people that hear voices, they feel like they
13 really hear people talking to them. And these voices are
14 external. It's not like it occurs inside of their skull.
15 They may have identity and they may not have identity.
16 They may be positive or they may be negative. Visual
17 hallucinations are visual hallucinations, they see things.
18 They see things that -- generally, they may have demons,
19 let's say, or things like that. They'll come home and
20 cover up all of their windows because they see people
21 spying on them. You can have olfactory hallucinations in
22 which they smell things. The odor is not in existence,
23 but they perceive -- a schizoaffective person I saw one
24 time that was depressed, thought they could smell their
25 body decomposing. That's an olfactory hallucination.

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 There's different types of delusions. You
2 can have persecutory delusions where someone thinks that
3 they're being plotted against, maligned against. You can
4 have erotomanic delusions where they think somebody loves
5 them. Those are the kind of people that stalk movie
6 stars' homes and try to go in there. You can have
7 delusions of grander where the person thinks they have
8 immense power and popularity and things of that nature.

9 Q Is there any information -- when it comes to
10 someone who has been diagnosed with schizoaffective
11 disorder, are these necessary traits or these some people
12 could experience them, some people might not experience
13 them?

14 A Well, they'll experience some order of them in
15 order to get the diagnosis.

16 Q All right. How long does it typically go to
17 where you get the diagnosis?

18 A Well, generally, we try not to give the
19 diagnosis of schizophrenia or schizoaffective disorder
20 unless we're really sure because, generally, once you get
21 that, you're going to have difficulty with health
22 insurance and things like that rest of your life. So, the
23 first time you have a psychotic experience like that,
24 you'll probably be diagnosed with a brief psychotic
25 disorder or schizophrenic disorder that's sort of time

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 limited. But then when you continue to show that, then
2 you'll get the diagnosis, generally, first of
3 schizophrenia and then when the mood disorder becomes
4 apparent, the diagnosis of schizoaffective disorder.

5 Q All right. Actually, it's one of the least
6 diagnosable or diagnosed disorders that we know of in
7 mental health; is that correct?

8 A Yes and no. The schizophrenics tie up
9 80 percent of all mental health beds. So, new cases are
10 diagnosed less frequent than other cases, but once they
11 diagnose, they tend to stay around for the rest of their
12 lives.

13 Q Okay. And you have testified that you treat
14 people with these disorders; is that correct?

15 A I have treated people with these disorders. I
16 continue to evaluate people with these disorders, but I
17 don't actively treat anything but PTSD cases.

18 Q And when you do treat people with these, what's
19 that process like? How do you intake a patient, how do
20 you go about talking to a patient, how do you evaluate a
21 patient?

22 A Well, generally -- generally, people with
23 schizophrenia come into contact with the medical or mental
24 health professional, oftentimes, through an involuntary
25 commitment. They're behavior gets so where somebody takes

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 them to the emergency room. Or their family brings them
2 in because they notice things are odd about them, they're
3 not doing things, they're seeing them change across time.
4 What happens with these cases is they start off with the
5 prodromal period, that's when a person -- they're
6 functioning here -- generally, these cases start coming up
7 between the ages of 18 to 28. They start declining a
8 little bit over time until they have an actual psychotic
9 break and that's when they have the florid aspects to the
10 disease, such as hallucinations and delusions.

11 Q You said you don't currently still see patients
12 for any of this kind of stuff?

13 A Yeah, I evaluate them all the time. I don't
14 treat patients for that anymore.

15 Q When you treated patients, how long was it when
16 you treated patients?

17 A I treated 40 or patients a week up until about
18 1990 when I started focusing just on forensics.

19 Q So, it's been 28 years since you've treated
20 anybody for any of this kind of stuff?

21 A No. I still see them and I still evaluate them
22 and consult in their cases. I don't actively sit down
23 with them one-to-one. Like for a period of my career in
24 the late 90's and early 2000's, I supervised the delivery
25 of mental health services to about 6,000 nursing home

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 beds. I saw schizophrenics and schizoffective all the
2 time.

3 Q I understand that. The thing is you have made a
4 differentiation yourself against the difference of
5 evaluating and treating; is that not correct?

6 A There is a difference between evaluating and
7 treating. They need to be properly evaluated before they
8 can be properly treated.

9 Q Okay. But my question is -- and I think you
10 have gone over this, is that you stopped treating people
11 in the 90's, sir; is that correct?

12 A That's not correct. I just mentioned that I
13 continue to treat people in posttraumatic stress disorder.
14 I supervised the treatment of people up until the early
15 2000's.

16 Q And when you do treat people for posttraumatic
17 stress disorder, what kind of activities do you have them
18 go through? How do they get treated? What's, not an
19 ailment, but for lack of a better word, what are the sort
20 of things you have them for treatment purposes?

21 A Well, when I treat them, it's pretty active.
22 And say, one of the kind of referrals I get are bank
23 tellers that have been robbed or whatnot and developed
24 PTSD and treat them. And what you treat is you treat the
25 stressor that causes them to experience the PTSD. What

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 that experience is, is the exposure to stimuli that they
2 associate with having caused the reaction to begin with.

3 So, for anybody that has studied classical
4 conditioning or had an intro psychology course in college,
5 classical condition is Pavlov's Bell. The dog began
6 salivating at the ringing of the bell before -- well,
7 that's actually the mechanism by which PTSD occurs. When
8 someone is robbed at a teller station like this, had a gun
9 in their face, they had this reaction. Well, the next
10 day, they don't want to come here because, as they get
11 closer, they start getting real anxious. So, when they
12 avoid it and back off, the anxiety subsides. And that
13 reduction in anxiety is what reinforces that avoidance
14 behavior. So, the next day when they come, as they
15 approach the door to the bank, the anxiety starts again,
16 so they go away. That anxiety reduces, which reinforces
17 the avoidance of that door.

18 The next thing, it's the sign of the bank
19 and then the parking lot. So, what you do is you teach
20 them relaxation skills to manage their anxiety and then
21 you have gradual exposure to those symbols that have
22 caused them until they can successfully negotiate each
23 step and get back to their job. So, we actually take them
24 out in the community, work on being able to reapproach
25 those things, things of that nature.

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 It's a little bit different when -- when I
2 first started treating PTSD patients, I was on internship
3 in Pittsburgh, Pennsylvania. I was treating 40 veterans a
4 week, maybe 30 veterans week. And one of the things
5 that -- we talked about intrusive recollections. When a
6 person has an intrusive recollection, it is frightening,
7 it's like it's happening again. And in my office on the
8 tenth floor of the VA hospital, like all hospitals, I have
9 a concrete floor with carpet laid on it. I was also over
10 a life light. And I'm talking to this veteran, and as I'm
11 talking to him, he started seeing a helicopter come up to
12 the bottom of the window at the back of my office. He
13 screamed and threw himself on the floor to hide under my
14 desk with such force he dislocated his shoulder. That's
15 PTSD. That was intrusive recollection and that was the
16 avoidance behavior. All right. So in treating that
17 veteran, we had to start with first getting him out of
18 being anxious being in the VA and at my office and go from
19 there. So, it's a gradual reduction and mastering of
20 anxiety.

21 Q Is that gradual reduction or mastering or one of
22 the things you might put into the practice, is that
23 putting the traumatic event into paper -- or onto paper?

24 A I don't know that journalism is very successful
25 where treating PTSD people, I've never done it. None of

DAVID PRICE-CROSS BY MR. HOLLOWAY

1 them would want to keep a detailed account of what
2 distressed them. They would be anxious to write about it.
3 It would be distressing to write about it.

4 Q But is it true that when you have these
5 patients, you've got to revisit -- at some point, you've
6 got to revisit these things? I think you were just
7 talking about you eventually take that bank teller back
8 and you take them to that parking lot or that sign or that
9 door; is that correct?

10 A That's correct. Do it real life.

11 Q So, the goal is to eventually get them over this
12 so that they can live a successful life?

13 A That's correct.

14 Q Okay. As we wrap up here, I don't have too many
15 more questions for you, you're here as a blind expert; is
16 that correct?

17 A Correct.

18 Q All right. So, you were here with
19 Ms. Galloway-Williams yesterday, however, you were not
20 here when Ms. **Complainant** testified?

21 A Correct.

22 Q And you don't have -- you don't have any
23 knowledge of this case or anything going on in that
24 regard; is that correct?

25 A That's correct.

DAVID PRICE-REDIRECT BY MR. SHIPMAN

1 Q You don't have an opinion as to the factual
2 underpinning of this case; is that correct?

3 A That was not what I was asked to opine on, so
4 no, I don't.

5 Q And you were asked to opine simply on
6 posttraumatic stress disorder and schizoaffective
7 disorder; is that correct?

8 A Yes, sir.

9 Q And you were asked by the Defense counsel?

10 A That's correct.

11 Q Everyone knows this, you are paid to be here
12 today, correct?

13 A That's correct.

14 Q How much are you getting paid to be here today?

15 A 350 an hour.

16 MR. HOLLOWAY: Dr. Price, thanks so much. I
17 don't have any further questions for you.

18 THE COURT: Redirect?

19 REDIRECT EXAMINATION

20 BY MR. SHIPMAN:

21 Q Dr. Price, one question, does flashbacks play
22 like a film reel in someone's head or is it something more
23 complicated than that?

24 A It's more much complicated than that.

25 Q Could you explain it, briefly?

1 A Well, the memories are vibrant and they change
2 over time. It's true with flashbacks, too. So,
3 flashbacks may be an exact recount of what happened or it
4 may not be. If you're looking at a veteran from combat,
5 it may not be the same combat scene that caused him to
6 have PTSD. It could be something like that or in another
7 generation. It can vary.

8 MR. SHIPMAN: Your Honor, no further questions.

9 THE COURT: All right. Thank you, you may step
10 down.

11 THE WITNESS: Thank you, Judge.

12 MR. SHIPMAN: Your Honor, at this time, we renew
13 all of our motions. And before we rest, we have a
14 matter to go over with the Defendant.

15 THE COURT: All right, ladies and gentlemen, I'm
16 going to ask that you go back to your jury room at
17 this time. I have some matters to go over with the
18 attorneys. It may be we can submit this case to the
19 jury here very shortly. Do not discuss the case.
20 I'll bring you back out as soon as possible.

21 (WHEREUPON, the jury left open court at
22 approximately 2:30 p.m.)

23 THE COURT: All right. I guess before the
24 Defendant rests, I think I need to go through his
25 Fifth Amendment rights with Mr. Galloway.

RICHARD GALLOWAY-EXAMINATION BY THE COURT

1 MR. HOLLOWAY: Your Honor, the most recent, he
2 was in the Federal Bureau of Prisons from 2005 until
3 February of 2016 for felony possession of a firearm.
4 He's got some drug -- that's the only conviction that
5 comes in in the last 10 years. However, the State
6 has put the Defense on notice of an involuntary
7 manslaughter conviction in 1969 and an assault with a
8 deadly weapon conviction in 1976. And the basis for
9 that, if it ever became an issue, would be that the
10 allegations stem from 1988. So that gets us -- 1987,
11 1988, 1989, so that gets us way closer to that
12 10-year window.

13 THE COURT: I'm not going into the -- I'm just
14 going to advise him of his rights.

15 BY THE COURT:

16 Q But anyway, again, that would be subject to
17 admissibility of certain things there. But anyway, you
18 will be subject to the same rules. If you decide not to
19 testify, I would tell this jury that they're not in any
20 way to consider the facts that you didn't testify, that
21 they should consider that at all or even discuss that,
22 because still the burden is clearly on the State to prove
23 you guilty beyond a reasonable doubt.

24 So, ultimately -- you can consult with your
25 attorneys about this, but, ultimately, the decision is

RICHARD GALLOWAY-EXAMINATION BY THE COURT

1 yours to decide whether you want to testify or not. First
2 of all, let me ask you this, are you under the influence
3 of any alcohol, drugs or medication today?

4 A No, sir.

5 Q All right. Do you have any health or mental
6 issues which would keep you from understanding what I'm
7 asking you, what we're discussing?

8 A No, sir.

9 Q All right. Do you need -- before I ask you
10 whether you want to testify or not, do you feel like you
11 need any additional time to talk with your attorneys about
12 whether you want to testify or not?

13 A No, sir.

14 Q And you fully understand your right to testify
15 and not to testify?

16 A Yes, sir.

17 Q All right. Based on that, do you wish to
18 testify?

19 A No, sir.

20 THE COURT: All right. Okay. Based on that,
21 does the Defense rests?

22 MR. SHIPMAN: We do, Your Honor. We renew all
23 of our motions.

24 THE COURT: All right. Is there anything else
25 from the State?

1 MR. HOLLOWAY: No, sir, Your Honor.

2 THE COURT: All right. I think that since you
3 didn't officially -- and since we're going into the
4 charge, since you didn't say you rest with the jury
5 out here, I will tell them that the defense has
6 rested, indicated they've rested just so that's clear
7 and then we'll go into argue and charge.

8 Now, based on -- and let y'all -- based on my
9 law clerk's review, it appears that the statute on
10 criminal sexual conduct is --

11 Did you find anything different?

12 It looks like the same at that time as it is
13 now.

14 MR. SHIPMAN: It's sort of the same, Your Honor.
15 It's may be phrased a little bit more efficiently in
16 the older statute.

17 THE COURT: Let's just step back in here and
18 figure all this out. We can put anything on the
19 record that we need to.

20 (WHEREUPON, a short break was taken.)

21 THE COURT: All right. The State has rested --
22 I'm sorry, the Defendant has rested. The State is
23 not going to provide any rebuttal evidence?

24 MR. HOLLOWAY: No, sir, Your Honor.

25 THE COURT: We've gone over the jury charge in

1 chambers. Does either party feel like they need to
2 put anything on the record? Anything from the State?

3 MR. HOLLOWAY: No, sir, Your Honor.

4 THE COURT: Anything from the Defense?

5 MR. SHIPMAN: None, Your Honor.

6 THE COURT: All right. The verdict form, y'all
7 have looked at the one. Any objections to the
8 verdict form by the State?

9 MR. HOLLOWAY: No, sir.

10 THE COURT: Anything from the Defense?

11 MR. SHIPMAN: No, Your Honor.

12 THE COURT: All right. We ready to call the
13 jury back in?

14 MR. HOLLOWAY: Yes, sir.

15 THE COURT: All right. Bring them in.

16 (WHEREUPON, the jury came into open court at
17 approximately 2:50 p.m.)

18 THE COURT: All right, ladies and gentlemen, the
19 Defense has also rested at this point and the State
20 is not providing any rebuttable evidence. So
21 therefore, all of the evidence that you're going to
22 have to consider has been introduced, that's all the
23 evidence that y'all have to consider during your
24 deliberations. So, now we're at the part of the
25 trial where the attorneys will have a chance to have

1 closing arguments. This is not evidence. This is
2 their argument of the facts that they feel supports
3 their positions. Then after that, I will charge you
4 on the law. Then after I charge you on the law, then
5 you can go back to your jury room and finally begin
6 discussing the case.

7 All right, with that being said, Mr. Holloway.

8 CLOSING STATEMENT

9 MR. HOLLOWAY: Thank you. Ladies and gentlemen,
10 I've got a big timeline here that we're going to work
11 with.

12 Hand me that marker, please.

13 We're going to address this, okay. Before we
14 get started on that, this is not a battle of the
15 experts. Two of our last three witnesses have been
16 expert witnesses. Expert witnesses are important,
17 but this case has really never been about the
18 experts. However, in that last testimony -- and I
19 don't know a whole lot about PTSD and I don't know
20 anything about schizoaffective disorder, but the two
21 things I took away from that is, especially with
22 PTSD, which sounded like it was the doctor's
23 speciality, was that there's a triggering event and
24 that everybody handles it differently. So, I guess
25 there's three things I took away. There's a

1 triggering event, how everybody handles it
2 differently and how tough it is to go back and to
3 revisit those issues.

4 On the triggering event, the thing that makes
5 sense to me is that it is the defense that's being
6 proposed today that they **Complainant** could be
7 misremembering what happened because she has PTSD
8 would imply, would implicitly admit that there was a
9 triggering event from those year that she spent with
10 Mr. Galloway. Something in that timeframe, if that
11 is truly their defense, if that was the reason for
12 calling him, they're admitting already that something
13 happened and that now it's the burden of the State to
14 prove that.

15 The next thing is just how difficult it is to go
16 back. And I think that ties in nicely without
17 everybody handles it differently, and effects it
18 differently. My father was in Vietnam in 1968. My
19 father always said that nobody with real war stories
20 tells war stories. And I think that's exactly what
21 he was talking about for a while there is how hard it
22 is to go back and talk about that. But the
23 difference is my Godfather, Cliff Sanders, was in
24 Vietnam with my father and has gone back to Vietnam.
25 Whereas, my father has never gone back to Vietnam

1 because he's never been able to face that. And I
2 think what that explains is, it shows just what
3 **Complainant** has been going through all those years
4 from 1988, 1989 on. How when she started seeing
5 Dr. Murray in 2011, one of her methods for dealing
6 with this or talking about this was putting it on
7 paper. And it's taken all these years for her to get
8 to a point where she's comfortable confronting it.
9 And we heard testimony from the doctor just how
10 difficult it is to go back to that bank, to get to
11 that sidewalk. It's got to be so difficult for
12 **Complainant** to have been here today.

13 Now, as we move forward, let's talk about the
14 real reason why we're here, which is the indictments.
15 And as y'all know, there are four indictments. And
16 indictment language is a little bit different. It's
17 all kind of spelled out a little differently. What I
18 want to do is I want to use this timeline and I want
19 to go through the facts. After we do that, we'll
20 address them as they specifically relate to the
21 indictments, but I want to put those indictments out
22 there for you.

23 There are three CSC first degrees, okay. Those
24 are -- and His Honor is going to describe those and
25 define those for you at greater length in the jury

1 instruction. But that is a sexual battery committed
2 on a minor who must be under the age of 11, which we
3 discussed the first time around. The sexual battery
4 is an intrusion of the body, however slight, meaning
5 the genitals, the anus or oral sex.

6 The indictments all start out a little
7 differently. One of them describes specifically the
8 address at University Inn. And I wanted to do this
9 to make it easier on everybody so we knew what we
10 were talking about. So, one of the indictment has
11 the North Highway 25 bypass on it, that is referring
12 to the University Inn. And the incident in which
13 Richard Galloway reached his hand down Complainant
14 [REDACTED] pants. One of them mentions [REDACTED] Worth Street
15 and specifically mentions oral sex. That would be
16 the incident in which Richard Galloway took Complainant
17 [REDACTED] back to the bedroom and performed oral sex on
18 her. And the other one just mentions the sexual
19 battery at [REDACTED] Worth Street. Neither of those have an
20 address. I apologize for that. So, the one with the
21 address is University Inn, the other two just state
22 Greenville County. Then we have the lewd act, which
23 is performs a lewd or lascivious act on a minor.
24 That minor has to be under the age of 16. The focus
25 on that would not be astringent on the age.

1 When we go through this, I always try to find
2 that guiding light or the north star that makes
3 things make a little more sense. It seems like the
4 Defense is focused on misremembering by **Complainant**
5 because, possibly, she has PTSD and schizoaffective
6 disorder and that sort of thing. You know what
7 there's no information about, is anything of that
8 nature that Ms. Waldrop suffers from.

9 Ms. Waldrop came up here, lives in North
10 Carolina. I mean, dealt with this man for longer
11 than she could ever want to deal with this man. She
12 knew this man when he was married to her sister,
13 Connie. They divorced, he follows her down to
14 Florida. So, she's still married to Robert Harold.
15 So, I want to start the story there.

16 This thing all picks up -- so pre this chart is
17 let's just say before '84 and we know there's -- I'm
18 going to use a triangle for Defendant and Connie, and
19 we don't know the exact times. Then we know that we
20 have -- I'm going to use PW to indicate Ms. Waldrop,
21 and use RH to indicate Robert Harold, who is
22 **Complainant** father. And I'm just going to refer to
23 **Complainant** as **Complainant**, and I'll probably say
24 her mother, okay, just to make it a little easier.

25 So, we know that **Complainant** -- that her mother is

1 married to Robert Harold when we get to this time,
2 this '85, '86. And one of the things that
3 Ms. Galloway-Williams, Shauna talked about yesterday
4 was how difficult it is for children -- and she was
5 actually talking as we discerned in the
6 differentiation between the expert today and
7 Ms. Galloway-Williams, that she was talking about the
8 dynamics of childhood sexual abuse and disclosure.
9 And we know that those dynamics have changed
10 significantly over time. And that's the area of
11 practice that the defense's expert hasn't had any
12 sort of expertise in a significant amount of years.

13 So, the reason why we know that in early '86
14 that this family was down in Florida is because the
15 Challenger Space Shuttle. Something random, it seems
16 like, but the Challenger Space Shuttle, as we all
17 know, was January 28th, 1986. That's something that
18 someone would remember. That's something that
19 Ms. Waldrop remembers being down in Florida, okay.

20 Now, I have no idea why else Mr. Galloway would
21 be down there with them. I think you've got a
22 situation where she's married, she's got two kids and
23 you have another man who used to be in-law, who used
24 to be Uncle Richard, who's down in Florida with them.
25 So, there's a lot of things -- I think we'll all

1 agree that this wasn't your typical family of four,
2 you know, that we all sort of envision as America.
3 As we get older and it's 2018, we realize that's not
4 the America that really exist a lot of times. I
5 mean, this certainly wasn't. But it doesn't make any
6 sense to me that this man is down with them in
7 Florida. And we know that they moved back before
8 this school year. So, second grade really picks up
9 the time in Greenville and that starts to set the
10 precedent for where we're going to go from there.

11 They move into the Montague Road apartment.
12 Montague Road is that little small road that we saw
13 on the map. Everyone here in Greenville is probably
14 familiar with the Berea area. But they move into
15 those apartments. And when she moves back, she moves
16 back because that's where her parents are. And
17 although Little Nanny and her stepfather are on
18 pills, they're drinking, family is family. She's a
19 single mother -- or, at least, she's a mother now
20 that is not going to have a dad around and she needs
21 support and tired of being in Florida, moves back.

22 They move back, they move into these apartments.
23 She takes a job at Texaco. Why all of a sudden does
24 Mr. Galloway move back? I mean, do we get the sense
25 that he's sort of following this family around?

1 There's more that we're going to talk about with the
2 grooming side that Ms. Galloway-Williams, that Shauna
3 went into yesterday. But all from the get-go,
4 there's just something odd about this man going to
5 Florida with them and then coming back to Greenville
6 when she's, at this point, basically, a single mom
7 separated from her husband. That kind of crossed my
8 wires.

9 MR. SHIPMAN: May we approach?

10 THE COURT: All right.

11 (WHEREUPON, an off-the-record bench conference
12 was held in the presence of the jury but out of
13 the hearing of the jury.)

14 MR. HOLLOWAY: Thank you, Your Honor. Note for
15 the record that the Defendant's objection has been
16 overruled.

17 Moving forward on that same line of reasoning.
18 He has now followed them back and here they are in
19 Greenville. Ms. Waldrop was working at the Texaco on
20 White Horse Road. And like we've done with **Complainant**
21 throughout this, the marker -- and goes back to what
22 Shauna was saying -- is going to be school and
23 residence. I think those were Shauna's exact words,
24 is that people can remember school and they can
25 remember residence. So, she remembers that she was

1 at Duncan Chapel Elementary School. And we saw on
2 the map where Duncan Chapel fits it, it's right
3 there. And they're at Duncan Chapel. And then she
4 goes in the third grade and she's in Duncan Chapel as
5 well. So, there's not a whole lot to say here other
6 than this is sort of the building up to what we
7 really need to focus on, and that's the bolts of this
8 case.

9 So, at this time, Ms. Waldrop says that Richard
10 is coming around. He's around the Texaco. There's a
11 bunch of regulars, presumably. This is Greenville in
12 is '86, '87, not the Greenville we know today. She's
13 known him previously already because he's her
14 brother-in-law. So, there's got to be some sense of
15 understanding and familiarity between those two.
16 Eventually, they start seeing each other and that's
17 where everything gets magnified and that's what
18 brings us here today.

19 So, it's the summer before fourth grade. And we
20 don't need to beat down -- the defense is certainly
21 going to beat down the inconsistencies in these
22 stories. The State's position is these were written
23 with the understanding or with the mindset of getting
24 this stuff down.

25 And **Complainant** told you, she sat here and said, I

1 wrote these without confiding in my mother. I wrote
2 those from my memory.

3 And if you remember those letters in which she
4 says this incident was the summer of '89 before
5 fourth grade and she also says there's additional
6 stuff, like going to the produce stand with Richard
7 that started in the summer of '89 as well. So, we
8 know those couldn't have been the same summers as
9 we've gone through and we've really started figuring
10 out where they were living and where this stuff
11 happened. And this is adding that time proximity
12 element that is so necessary for these charges.

13 The University Inn night. I sit here and I
14 think about it and **Complainant** is -- kids have been
15 staying at Little Nanny's, they've been staying at
16 Aunt Dot's, sometimes they've been staying at the
17 Texaco sleeping on pallets. She asked Richard, who
18 she obviously trust at this point in time, they've
19 been engaging in a relationship, to look after the
20 kids. That night at University Inn in summer before
21 fourth grade, which is fourth grade summer of '88.
22 So, this is August through July, so you could say it
23 kind of dabs right here, and I'm going to write
24 University Inn. That's the night Richard Galloway
25 first inappropriately touches **Complainant**

1 underneath her underwear, rubs his hands up and down
2 her vagina, rubs his hands between her labia, which
3 is an intrusion, however slight.

4 Now, I told you that I think of Ms. Waldrop in
5 this case as the guiding light. And the reason why I
6 think as Ms. Waldrop in this case as the guiding
7 light is because she was the one that had the
8 relationship with Richard Galloway. And the reason
9 why we know something happened this night is because
10 it was a big enough thing for Richard that he went
11 and spoke to her immediately. That he needed to get
12 ahead of this before she would ever hear anything
13 from **Complainant**. So, this just wasn't a disclosure
14 from **Complainant**, this was a disclosure from Richard
15 Galloway himself. He felt the need to go up there
16 and say something. Of course, he told her that he
17 woke up, that little **Complainant** legs were around him,
18 that he had mistaken little **Complainant** for Ms. Waldrop.

19 However, we know that Ms. Waldrop had dropped
20 her off there in the first place. So, unless he's in
21 the deepest sleep imaginable, there is no mistaking
22 going on here. The mistake was not an element in
23 play. He gets up, he goes directly to the Texaco and
24 talks to Ms. Waldrop that night and he gives her his
25 side of the story so he can get out in front of it.

1 And the very next day or the next 48 hours is when
2 **Complainant** goes to her mother and gives her the exact
3 same story of something inappropriate happening with
4 the additional details of what actually happened.

5 And what happens from there, Richard is no
6 longer babysitting the kids. Okay. Now, the kids
7 are going back to Aunt Dot's, they're going back to
8 Little Nanny's. They're getting babysat by the older
9 couple over at Parker drug store. Okay, this is
10 putting us right here in the summer of '89 before
11 fourth grade. And the reason we can make so much
12 sense of this and we know it's '89 is because we know
13 that she was going to graduate from high school in
14 '97. She didn't obviously and we'll get into those
15 important details, but she did not miss a school
16 year, so that brings us right to the summer of '88.

17 Now, what happens in that fall? She transfers
18 from Duncan Chapel Elementary School to Monaview
19 Elementary School. And the reason she transfer from
20 Duncan Chapel to Monaview is because now she's living
21 at ■ Worth Street. And all this comes in and brings
22 us back to what Ms. Galloway-Williams was talking
23 about yesterday. Okay, the first thing you're trying
24 to do is get access. So, Richard has gone down to
25 Florida while Mr. Harold was still there. Richard's

1 come back to Greenville, now that Mr. Harold is no
2 longer in the picture. They have separated. He has
3 spent all this time gaining access not just to
4 Complainant, but through her mother to get that access
5 to Complainant. So, he tries his hands, it blows
6 up on him. He tries to cover his rear end. Complainant
7 tells her mother. He no longer has access to the
8 child.

9 Takes us to that fall. What do we know happened
10 after that fall? All of a sudden, Richard's spoiling
11 the kids, Richard's being nice to the kids. At this
12 point, it reminds me of a quote -- and I don't know
13 how I stumbled on this, but it's Maya Angelou and
14 it's through Oprah Winfrey. It is, When people show
15 you who they are, believe them. And Ms. Waldrop's
16 biggest misstep is that she didn't do that the first
17 time. If she would have believed her the first time,
18 who knows what the future would have held. But
19 instead, she let Richard slide back into her good
20 graces and, ultimately, being a single mother,
21 working six days a week, needing child support,
22 needing assistance without your husband around, who's
23 she separated from, went back to Richard's arms
24 because she didn't see who he was the first time,
25 even though he was showing her.

1 So, they moved to █ Worth Street. The reason
2 why there are no indictments on the other acts that
3 we talked about is they did not happen in this
4 jurisdiction. So, they're -- they moved to █ Worth,
5 Richard's regained access to **Complainant**. She is now in
6 Monaview Elementary School, which we can lend
7 credence to because we have the honor choir story as
8 well. She remembers going from Duncan Chapel to her
9 friends at Monaview and they say, we want you to join
10 the honor choir. That would be great. She gets in
11 the honor choir that year.

12 So, they go up -- there's trips to and from the
13 woods. And this process that Ms. Galloway-Williams
14 was talking about, you know, sometimes it's a gradual
15 thing. They don't just jump from one to the other.
16 So, while they're up there and they're chopping
17 wood -- and she's knows it's in the fall because it's
18 getting ready for wintertime and Richard would take
19 her up in the woods in North Carolina. They would
20 chop wood for his mother. At that point in time, he
21 tries again. **Complainant** she's told her mom once. You
22 know, mom didn't do anything. At this point,
23 she's -- Richard is in their lives, he's a caregiver.
24 All those ideas that come about that
25 Ms. Galloway-Williams has talked about are at play.

1 and it's just an unfortunate situation unraveling
2 right before her eyes. So, they stay at Worth
3 Street.

4 The thing that always stood out to me and the
5 very first thing that caught my attention through all
6 the details, all the stories was when I looked at
7 Robert Perry's photographs -- Investigator Perry, I'm
8 sorry, and there's this sunken birdbath. And it was
9 the exact words, sunken birdbath and here it is in
10 the front yard. After all these years at ■ Worth
11 Street, that sunken birdbath is still there. She can
12 remember it like it happened yesterday. The picket
13 fence, the sunken birdbath. All of a sudden, there
14 comes to be this avalanche of credence to what she
15 has to say because everything else is confirming
16 itself. Where she's in school, what's going on
17 around the house.

18 So, ■ Worth Street happens and that's where the
19 majority of all this takes place. 1989 is our
20 humungous year and -- I don't even know how to circle
21 this, but I'm just going to sit here and write '89
22 and this would have been the interplay of fourth and
23 fifth grade.

24 At this point, there's no doubt that Richard has
25 access to **Complainant** Ms. Waldrop testified to you

1 here that she worked the third shift, she worked it
2 routine. She also picked up extra shifts as well
3 trying to provide for the family. And who did that
4 leave alone? Who then had sole access to **Complainant**?
5 Richard Galloway. He would take her to bed almost
6 every night, three or four nights a week, and he
7 would do the exact same thing he did at University
8 Inn that night.

9 **Complainant** sat here -- and I think one of the most
10 telling was, at this point, you're talking about 1
11 10-year-old girl. We saw the picture of **Complainant**.
12 This was her. She knew how to bathe herself. She
13 knew how to shower. She was -- anybody that's ever
14 known children growing up in a single-parent
15 household, a lot of times, they get a little more
16 advanced in the basic things like clothing
17 themselves, showering themselves, making a meal for
18 themselves. She had been showering and bathing
19 herself for years now. What sense does it make --
20 Clifton Harold, her brother, was born on May the 5th
21 of 1982. At the very least at this time, he's seven
22 years old.

23 **Complainant** -- this is was American averages
24 is prepubescent and about to go into puberty, she's
25 not bathing or showering or any of that nature along

1 side her brother. She is bathing herself. And why
2 at that point does Richard Galloway need to get
3 involved with her bathing and determine whether she
4 is clean or not? He's taking advantage of another
5 situation in which he has access. A situation in
6 which before he comes around was not only
7 unnecessary, but, honestly, it was just unnecessary.

8 So, here we are in a situation -- and that's the
9 lewd act allegation. That is where you're touching
10 breasts, you're touching butt, you're cleaning around
11 the genital areas. There is nothing else to call
12 that besides a lewd and lascivious act and that is
13 only going to be done for the personal gratification,
14 sexual gratification, however the words that His
15 Honor is going to read them out to you. This is the
16 year that things start kind of downhill around the
17 house.

18 So, we've heard about how domestic abuse, that
19 sort of issue. And it became a bigger issue than
20 probably we needed to get to, but we heard about how
21 that interplays with delayed disclosures and why
22 disclosures aren't made at the time they are
23 happening. So, Ms. Waldrop sitting here saying
24 Richard is abusive, Clifton is not coming inside,
25 Clifton is sitting outside playing in the dirt.

1 **Complainant** said the exact same thing. He would only
2 come inside when it's get cold. **Complainant** is in her
3 room not really doing a whole lot when she doesn't
4 have to. And we go through this entire year in which
5 Ms. Waldrop is working five, six days a week.
6 Richard has got nothing but access to these people
7 and he's taking advantage of it.

8 The third CSC allegation -- so we've talked
9 about the first one at University Inn. We've talked
10 about the lewd act. We've talked about the second
11 CSC. The second CSC is the carrying to bed, what's
12 becoming almost a weekly routine of Richard as he
13 puts **Complainant** to bed, feeling her up inappropriately.
14 And then it's grown, it's grown, he's become more
15 aggressive. At this point in time, we already know
16 that in North Carolina, he's performed oral sex on
17 her at his mother's house. It was that Christmas --
18 and I'm getting out of order and I'm sorry about
19 that. I was trying to be as chronologically sound as
20 I could. But everybody agrees that this Christmas
21 happened at Richard's mom. And the one thing that
22 **Complainant** remembers is that during that situation,
23 during that occasion, she's focusing and staring on
24 the Christmas tree. So, it was right around
25 Christmastime. He has steadily grown more confident

1 with less inhibitions about what he does because, as
2 time as gone on, **Complainant** -- he has gained confidence
3 that she's not going to say anything, whether it's
4 because she's scared, whether it's because the role
5 he plays is a financial provider, that sort of thing.

6 So, here we go, she knows this happened in 1989.
7 She testified -- we sat there at the very end of her
8 testimony and she thought as hard as she could
9 possibly think about it and said it happened in the
10 spring of 1989, in the end of my -- what would be her
11 fourth grade year. So, that is the last CSC and that
12 puts her in the spring of 1989, that puts her
13 underneath the age of 11 years old.

14 From there, things are getting pretty haywire.
15 The sexual acts have continued. The abuse from both
16 a violent nature has continued. Ms. Waldrop, as we
17 kind of move forward, is looking for a way to get
18 out. She doesn't really know how to escape. They
19 get out -- and you've got to remember, that's why
20 that map kind of resonates with me is that they never
21 were really outside of a three-mile from one another.
22 Greenville is a pretty big place. Nobody moved to
23 Greer. They didn't know any other place to be. She
24 worked at a Texaco. They're trying to stay put.
25 They get out. I'm skipping over a lot because

1 there's just so many details that go into this as we
2 went through. **Complainant** as you saw her, she sat here
3 for three and a half hours.

4 But when you advance it forward, you see the
5 situation in which **Complainant** is trying to get away,
6 but she has nowhere to go. She can't just stay at
7 Aunt Dot's all the time. She can't stay at Little
8 Nanny's. She's dealing with that. She's dealing
9 with her mother. And she's thinking about going to
10 be with him. She's thinking about going back with
11 Richard. And what does **Complainant** say?

12 She says, Mom, we're not going back. The abuse
13 has not stopped.

14 And there, that day is the second confirmation
15 we have from Richard Galloway that this was real and
16 this was happening. She takes a gun -- she does the
17 only thing she knows how to do. Ms. Waldrop has come
18 in here and sweat pants and sweatshirts. She's
19 showing who she is to you. This is a not a person
20 that was running to the cops. This was a person that
21 has lived a tough life, that was handling the
22 situation the only way she knew how to handle the
23 situation. She went over to Richard's house, she
24 pointed that gun right in his face and she told you
25 yesterday why she didn't pull the trigger. Because

1 the only other option she had -- she knew if she
2 pulled that trigger, she would be sitting in a
3 courthouse just like this and she had two young kids
4 that she needed to look after.

5 And what did Richard do from her testimony
6 yesterday? He admitted to it. And then not only did
7 he admit to it, he talked to his momma, he came by
8 Little Nanny's house in the next 24 to 48 hours, he
9 spoke to **Complainant** Waldrop, he asked for Ms. **Complainant** to
10 come down.

11 And he looked at her and said, My momma told me
12 that you have to forgive me or else I'm going to go
13 to hell.

14 And she looked him right in the eyes and said,
15 Well, I guess you're going to go to hell.

16 From there, you heard about the stories. How he
17 beat the crap out of Robert Harold, about Judge
18 Cagle's. But the thing that ties it altogether, from
19 the very beginning, I said why is he down in Florida?
20 And why is he coming back to Greenville after
21 Ms. Waldrop separates from Robert Harold? Why in the
22 world is this man moving off of Montague in those
23 freaking apartments when they're living in the
24 duplex? This is a man, assumably, has some means.
25 He's living in this trailer. Why doesn't he just

1 stay in that trailer? Why doesn't he move anywhere
2 else? Because he wants to keep an eye on these two
3 because these two are his possession and he cannot
4 let them out of his eye. That's why they have this
5 entirely difficult time, way too difficult of a time
6 getting out of here. And when they finally do, they
7 get to North Carolina and they find refuge after
8 Ms. Waldrop gets her tax returns and has enough money
9 saved away to get to the apartment complex at Spruce
10 Hill in Asheville where her brother is the
11 maintenance man, the only reason they could get in
12 there. They finally got away from Richard.

13 Now, we've been through the context. I think
14 this lays out the timeline pretty clearly, you know,
15 hopefully, simply enough at the very at least. But
16 one thing that always comes up is why, why is this
17 now an issue? How is this coming up? How is this
18 written in June 2016 and how are these letters coming
19 to the police? That's what I think is really the
20 bedrock of this whole charge -- of this whole story
21 that makes the most sense.

22 So, in 1994, **Complainant** turns -- well, in '93, she
23 turned 15. Okay. She moves out of mom's at 15 years
24 old and she moves in with her father. At 16 years
25 old, she moves in with Charlie Smith. All right. In

1 January of '95, she's 16 years old, she gets pregnant
2 with Jacelyn. She married Charlie in June of '95.
3 They're 16 years old, they've got a kid together. In
4 1995, that's what you do. Jacelyn is born October
5 1995.

6 She is now a mother of a newborn child and she's
7 no longer around Richard Galloway. She is living her
8 life the best that she can try to live it. She does
9 not go back into school, she gets her GED. And when
10 she turns 18, the first thing she does is she enlists
11 in the United States Army like her father. Seeking
12 comfort, seeking some source of steady income and
13 housing that she's never really had because they
14 packed their bags and moved every year for her entire
15 life. She gets -- goes to basic combat training in
16 Fort Jackson. She gets assigned to Fort Leonard Wood
17 in Missouri where she's got a kid. She and Charlie
18 are trying to make it work. It doesn't work.

19 She marries Kevin in April of 1999. She and
20 Kevin Vaughn are married. She has a man in her life,
21 she has a child in her life. Richard Galloway is an
22 afterthought. He is there, but he is an
23 afterthought. In '02 in the military, if you're a
24 married couple, you get PCS, Permanent Change of
25 Station, together. They go to Germany. She is an

1 entire Atlantic ocean away. And in 2002, she has JT,
2 her son, who she has custody of, who's back in
3 Missouri, who's she away from and waiting to go back.

4 At this point, she's got two children. She
5 moves back from Germany. All of a sudden, Mr. Vaughn
6 passes away in a car accident. A lot going on. She
7 is back in Missouri because it's the only place that
8 she's really considered home because she's at Fort
9 Leonard Wood for five years, and meets John Wilhelme
10 in 2006, the year after -- or a little over a year
11 after Mr. Vaughn passes away, marries John Wilhelme,
12 ends up getting divorced, I believe she said in 2011.
13 She started seeing Dr. Murray. She gets divorced
14 from him because he's got pictures of her teenage
15 daughter, Jacelyn, and her friends in bikinis. And
16 what triggers the exact same thing that happened to
17 her by being married to a man who's got the same kind
18 of immoral beliefs or desires.

19 She goes from 2011 until it is May the 16th of
20 2018, she's been seeing Dr. Colleen Murray.
21 Dr. Colleen Murray does not accept insurance. She's
22 paying a copay every single time she goes and sees
23 Dr. Colleen Murray. This has been for seven years.
24 This has been an incredibly long hoax that she is
25 trying to pull over somebody just to get back to

1 somebody that she hasn't seen since 1991. Can't make
2 up this counselor stuff, cannot make it up.

3 Before I sit down, what I think about is th
4 judge said in this case, you heard if from
5 Investigator Perry, they're tough because there's no
6 evidence, there's no forensic evidence that can be
7 gained from 1988. There isn't going to be forensic
8 evidence. So, we're working on stories and we're
9 trying to pair these stories and lend them
10 credibility through hard facts and hard knowledge of
11 grades and schools and where they went. Who's got
12 more of a reason to be credible, who's got more of a
13 reason to be telling the truth than these two women?

14 **Complainant** all this time later, who spent
15 all this time in counseling, she sat here and on the
16 other end of what Maya Angelou said, She showed you
17 who she was, who she is. And I hope you believe her
18 because, regardless of what happens here, regardless
19 of your decision, she's going back to Missouri
20 tomorrow, probably going to start the drive tonight.
21 And she's going to go back to her 15-year-old son.
22 She's going to check in with her 27-year-old
23 daughter, Jacelyn. She's going to raise that kid,
24 she's going to get him through high school. Her
25 life, regardless, maybe some closure, other than

1 that, it's not going to change. Ms. Waldrop, she's
2 going to go back to her trailer in North Carolina.
3 She's going to go back to getting her government
4 paycheck. She was never even involved.

5 **Complainant** **Complainant** never even called her mom
6 before she wrote these letters.

7 She called her mom and she said, Mom, I finally
8 wrote these letters.

9 As the Defense expert was trying to say, I'm
10 finally ready to revisit this whole trauma that I
11 experienced so many years ago. And she didn't even
12 talk to her mom. You heard about the difficulties in
13 their relationship. And momma, she said, Okay. Her
14 life isn't going to change. She has seen Richard --
15 she told you, she hasn't seen Richard Galloway in 28
16 years. Twenty-eight years, she hasn't seen the man.
17 These two peoples lives are not changing regardless
18 of what your decision is today. And I implore you
19 that because of that, they have no reason to lie.
20 So, believe them when they tell you who they are.

21 THE COURT: Mr. Shipman.

22 CLOSING STATEMENT

23 MR. SHIPMAN: May it please the Court.

24 Good afternoon. We're almost there. I told you
25 at the beginning of this, this case was going to be

1 about the facts. And I told you the facts are
2 stubborn things and I told the law was a stubborn
3 thing. And maybe I went on too long about John
4 Adams, I don't know, but I don't know of a single
5 American lawyer who's not moved by that story.
6 That's the only thing that matters in a court of law
7 are the facts and the law, not the man accused. If
8 there's one place in the world -- I'm going to quote
9 some books here today. It's been said, if there's
10 one place in the world where a man can get a fair
11 shake, it's right here in the courtroom.

12 I'll just say this before I end the history
13 lesson and get back to what's going on here. People
14 have struggled for centuries to be able to do what
15 you're doing. You have a right to be here.
16 Mr. Galloway has a right to a trial by a jury and
17 that much is certain.

18 I want to talk about the right that you have,
19 okay. People have given their lives and liberties to
20 have this spot in this very room, to serve on a jury.
21 It's all part of the conflict between liberty and
22 authority. It's been going on since the history of
23 mankind. And today, you represent the public,
24 Mr. Holloway represents the government and you
25 represent the people sitting in this room. You're

1 sitting in judgment of their case. You get to write
2 the final chapter of this story.

3 You heard me say that this was a show in court.
4 You heard the prosecutor and the investigator talk
5 about how difficult it is to find corroboration in
6 [indiscernible] court. That doesn't change their job
7 to prove this case. A story can't prove itself.
8 That just goes without saying. All we've got here
9 are pictures of a picket fence, a family and a sunken
10 birdbath. That's all the evidence they brought to
11 you in court today. Those are the only hard facts
12 that we got here in court today.

13 So, let's turn -- well, before we do that,
14 let's -- the solicitor raised this point several
15 times about going down to Florida and coming back up
16 to Greenville as if to say that my client is,
17 basically, hounding this family all the way up and
18 down the eastern seaboard. If he can get to Florida
19 and get back to Greenville and he's a man of
20 independent means, like they suggest, he can't get to
21 Asheville? I mean, I can get there in an hour.

22 All right, so let's turn to the story here.

23 **Complainant** testified that the first incident she told
24 her mother about was the University Inn. Ms. Waldrop
25 says that it wasn't. Ms. Waldrop says that Richard

1 talked to her in the morning about the University Inn
2 and she made sure the kids had other babysitters for
3 a long time. I can't remember if she said a very
4 long time, but I know it was a long time. But
5 eventually, they moved into together. **Complainant**
6 says that Richard would goose her and pinch her while
7 her mother was in the house and listen to her yelp
8 and laugh. And the mother would sometimes stick her
9 head in there and see what was going on, but not see
10 anything. She said her mom would see Richard carry
11 her to bed and take her to the shower.

12 So, let me ask you this, at the University Inn,
13 which Ms. Waldrop said she understood it was a
14 mistake, she wouldn't let Richard babysit for a long
15 time. I believe that may be an appropriate response.
16 But she saw all this other stuff going on and didn't
17 scratch her head once and ask what's going on here?
18 That doesn't make any sense.

19 **Complainant** testified that everyone knew. She
20 said the reason for the delay in these charges was
21 that her family didn't want to press charges. And I
22 asked her if that meant her mother and she said yes.
23 I asked her if it meant her father and she said no.
24 Her grandparents, no. Her uncles, no. Aunt Dot, not
25 sure. Well, she testified that people would come to

1 her and talk to her about what happened and that she
2 was embarrassed about the questioning and that she
3 wanted to talk to a police officer.

4 Her mother said that the kids were close to
5 their father, referring to Robert Harold, that's also
6 **Complainant** father. I believe there's some half
7 brothers in here as well. Mr. Harold would visit
8 them whenever he pleased. That he wasn't on a
9 schedule then, he was very much a part of their lives
10 even after they moved back from Florida. Mr. Harold
11 flew helicopters in Vietnam. He was a warrant
12 officer, which is not an easy rank to achieve. And
13 flying helicopters is not an easy job to do,
14 especially when you're flying combat tours in Vietnam
15 four times. He was still close to Ms. Waldrop even
16 though they had been divorced. He must have been
17 because he lived with his ex-in-laws, Mr. and
18 Ms. Stepp, sometimes you heard her referred to as
19 Little Nanny on Appaloosa Drive. It's the same house
20 that Richard supposedly shot on several occasions,
21 the same house that supposedly Richard came to in
22 order to get this whole thing off of his soul per his
23 mother's advice.

24 It's the same place where when he supposedly did
25 that, Ms. Waldrop waved **Complainant** **Complainant**, as she

1 was called back then, down to the street to talk to
2 him. So she switched babysitters for a long time,
3 but then she called her daughter back down to the
4 street after she's supposed to know about it. That
5 doesn't make sense. The day before, she said she had
6 a gun in his face and that he told her what happened
7 and that she wanted to kill him.

8 And nobody told Mr. Harold what was going on? I
9 mean, beggar's belief. Ms. Waldrop said she
10 threatened Richard with a gun, that she wanted to
11 kill him, but she came to her senses and wondered
12 what would happen if she went to prison. Well, what
13 did she do after that? She told you she didn't tell
14 Mr. Harold. She didn't tell police. But she talked
15 to the police about the fight between Mr. Harold and
16 Mr. Waldrop. She talked to the police about the
17 fight between the Texaco manager and Mr. Galloway.
18 After that night with the gun, what did she do? I
19 just told you. She called her daughter back down to
20 street to talk to Mr. Galloway at their Little
21 Nanny's house.

22 Soon after that, she, Ms. Waldrop that is, left
23 the boys with their father and she and **Complainant** went on
24 a two-week long cross-country drive with a truck
25 driver. Mr. Harold didn't start asking any questions

1 about what was going on? None of this behavior led
2 any of these family members to ask any questions?
3 We've already shown that they'll go to the police
4 over other things.

5 Now, **Complainant** she said that she was a star
6 student. She was in the gifted program, she was in
7 the chorus, she performed in plays and talent shows,
8 but she missed 15 to 20 days of school a year. She
9 came in with long sleeves and pants and switch marks
10 on her knees. And all this was going on, her grades
11 didn't drop, she didn't fall behind a year. Y'all
12 probably know, the gifted program and theater groups
13 and choruses and things like that are small groups
14 within the school. They're usually pretty tight nit.
15 She didn't show any outward signs of distress to any
16 of the other people in this group, any of the
17 teachers from this group? None of her teachers took
18 her aside and ask her any questions? Nobody made any
19 reports? It's all a little too convenient. This
20 story isn't disheveled and disorganized, it's all
21 just too neat and tidy. And maybe the reason nobody
22 noticed anything amiss is that nothing extraordinary
23 was going on. But that doesn't make a good story.

24 Unfortunately, Mr. and Ms. Stepp are both
25 deceased, Mr. Harold is deceased. Where is the

1 little brother? Where are Christopher and Alan, the
2 other half brothers? How come the only ones that
3 tell this story are Ms. Waldrop and **Complainant**? And
4 how come their stories don't match? I don't know,
5 but I can tell you a maybe and I don't know is
6 reasonable doubt.

7 And the State makes a big deal about the
8 timeline when Ms. Waldrop and **Complainant** got back
9 together and whether they talked about the letters or
10 not. **Complainant** testified that April of 2016, she
11 made a decision to start writing these letters. In
12 June of 2016, she sent a letter to the chief of
13 police in Greenville County -- or Greenville City,
14 rather. In July of 2016, she and the investigator
15 from Greenville County began communicating with one
16 another. In December of 2016 is when **Complainant** and
17 Ms. Waldrop got back together and started talking
18 again. That was almost two years ago. The fact that
19 maybe she didn't talk with her before these letters,
20 what does that have to do with their ability to tell
21 the truth? If anything, they've had two years to
22 talk about it.

23 The State has attempted to remedy some of the
24 problems with **Complainant** testimony and her memory
25 by bringing Ms. Galloway-Williams to talk about child