

THE STATE OF SOUTH CAROLINA  
In The Supreme Court

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**RECEIVED**

**Nov 28 2022**

APPEAL FROM LAURENS COUNTY  
Court of General Sessions  
Frank R. Addy, Jr., Circuit Court Judge

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S.C. SUPREME COURT

Appellate Case No. 2022-001626  
*State v. Eubanks*, Ct. App. Opinion No. 5933 (filed August 10, 2022)

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The State, .....Respondent,

v.

Michael Cliff Eubanks, .....Petitioner.

---

**APPENDIX VOLUME I OF III**

---

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***Attorneys for Respondent State of South  
Carolina***

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JAN 08 2020  
SC Court of Appeals

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM LAURENS COUNTY  
Court of General Sessions  
Frank R. Addy, Jr., Circuit Court Judge

Appellate Case No. 2018-001684

The State,..... Respondent,

v.

Michael Cliff Eubanks, ..... Appellant.

**Record on Appeal – Volume I of II**

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STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LAURENS

STATE VS.

MICHAEL CLIFF EUBANKS

AKA:
Race: White Sex: M Age: 32
DOB: SS#:
Address:
City, State, Zip: Clinton, SC 29325
DL# SID#

INDICTMENT/CASE#: 17GS30-1294
A/W: 2017D3000100103
Date of Offense: 05/01/2017
S.C. Code §: 16-03-0655
CDR Code #: 3661

SENTENCE SHEET

0-15yrs

\*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or PLEADS

TO: Criminal Sexual Conduct with a Minor, Third Degree

In violation of § 16-03-0655 of the S.C. Code of Laws, bearing CDR Code # 3661

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury.
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

C. Dale Scott, Deputy Solicitor SC Bar # 73081 Defendant Attorney for Defendant SC Bar # 6188

WHEREFORE, the Defendant is committed to the State Department of Corrections for a determinate term of 15 years or under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and or payment of \$; plus costs and assessments as applicable\*; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on: 17-65-30-1499

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. Credit 45 days - 50.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP
Total: \$ plus 20% fee: \$ days/hours Public Service Employment
Payment Terms: Obtain GED

Set by SCDPPPS

Recipient:

\*Fine: \$

Table with 3 columns: Code, Amount, Total. Includes items like §14-1-206 (Assessments 107.5%), §14-1-211 (A)(1)(Conv. Surcharge) \$100, §14-1-211 (A)(2)(DUI Surcharge) \$100, §56-5-2995 (DUI Assessment) \$12, §56-1-286 (DUI Breath Test) \$25, Proviso (Public Def/Prob) \$500, §14-1-212 (Law Enforce. Funding) \$25, §14-1-213 (Drug Court Surcharge) \$150, §50-21-114 (BUI Breath Test Fee) \$50, §56-5-2942(J) (Vehicle Assessment) \$40/ea, 3% to County (if paid in installments) \$ 3.75, TOTAL \$ 128.75

Attend Voc. Rehab. Or Job Corp.

May serve W/E beginning

Substance Abuse Counseling

Random Drug/Alcohol Testing

Fine may be pd. in equal consecutive weekly/monthly

prmts. of \$ Beginning

\$ Paid to Public Defender Fund

Other: Sex offender registry

Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Presiding Judge: Tara W. Lancaster

Judge Code: 2159

Sentence Date: 8-3-2018

Clerk of Court/Deputy Clerk: Tara W. Lancaster
Court Reporter: Tara Scott

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LAURENS

STATE VS.

MICHAEL CLIFF EUBANKS

AKA:

Race: White Sex: M Age: 32

DOB: SS#:

Address:

City, State, Zip: Clinton, SC 29325

DL# SID#

INDICTMENT/CASE#: 17GS30-1499
A/W: 2017A3010100574
Date of Offense: 01/01/2010
S.C. Code #: 16-03-0655(A)(1)
CDR Code #: 0385

SENTENCE SHEET 25 or Life

\*CDL Yes [ ] No [ ] CMV Yes [ ] No [ ] Hazmat Yes [ ] No [ ]

In disposition of the said indictment comes now the Defendant who was [ ] CONVICTED OF or [ ] PLEADS

TO: Criminal Sexual Conduct With A Minor, First Degree

In violation of §16-03-0655(A)(1) of the S.C. Code of Laws, bearing CDR Code # 0385

[ ] NON-VIOLENT [x] VIOLENT [ ] SERIOUS [x] MOST SERIOUS [ ] Mandatory GPS [ ] §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: [ ] As indicted, [ ] Lesser Included Offense, [ ] Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: [ ] Without Negotiations or Recommendation, [ ] Negotiated Sentence, [ ] Recommendation by the State.

ATTEST:

C. Dale Scott, Deputy Solicitor SC Bar # 73081 Defendant Attorney for Defendant SC Bar # 6188

WHEREFORE, the Defendant is committed to the [x] State Department of Corrections [ ] County Detention Center, for a determinate term of 25 (Twenty-Five) days/months/years or [ ] under the Youthful Offender Act not to exceed \_\_\_\_\_ years and/or to pay a fine of \$ \_\_\_\_\_; provided that upon the service of \_\_\_\_\_ days/months/years and or payment of \$ \_\_\_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for \_\_\_\_\_ months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

[x] CONCURRENT or [ ] CONSECUTIVE to sentence on: 17-65-30-1294
[x] The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. Credit 45 days - jail
[x] The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

[ ] RESTITUTION: [ ] Deferred [ ] Def. Waives Hearing [ ] Ordered PTUP \_\_\_\_\_ days/hours Public Service Employment
Total: \$ \_\_\_\_\_ plus 20% fee: \$ \_\_\_\_\_
Payment Terms: \_\_\_\_\_ Obtain GED [ ]

[ ] Set by SCDPPPS \_\_\_\_\_ Attend Voc. Rehab. Or Job Corp. \_\_\_\_\_

Recipient: \_\_\_\_\_

\*Fine: \_\_\_\_\_ \$ \_\_\_\_\_

§14-1-206 (Assessments 107.5%) \$ \_\_\_\_\_

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$ \_\_\_\_\_

§56-5-2995 (DUI Assessment) \$12 \$ \_\_\_\_\_

§56-1-286 (DUI Breath Test) \$25 \$ \_\_\_\_\_

Proviso (Public Def/Prob) \$500 \$ \_\_\_\_\_

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$ \_\_\_\_\_

§50-21-114 (BUI Breath Test Fee) \$50 \$ \_\_\_\_\_

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$ \_\_\_\_\_

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: Lynn W. Lancaster

Court Reporter: Tara Scott

Substance Abuse Counseling [ ]

Random Drug/Alcohol Testing [ ]

Fine may be pd. in equal consecutive weekly/monthly

prmts. of \$ \_\_\_\_\_ Beginning \_\_\_\_\_

\$ \_\_\_\_\_ Paid to Public Defender Fund

Other: Sex offender registry.

[ ] Appointed PD or appointed other counsel,

Proviso requires \$500 be paid to Clerk

during probation and shall be collected before

any other fees.

Presiding Judge: Fuller

Judge Code: 2159

Sentence Date: 8-3-2018

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF LAURENS

STATE VS.

MICHAEL CLIFF EUBANKS

AKA:

Race: White Sex: M Age: 32

DOB: SS#:

Address:

City, State, Zip: Clinton, SC 29325

DL# SID#

INDICTMENT/CASE#: 18GS30-1205
A/W: Direct Indictment
Date of Offense: 05/01/2017
S.C. Code §: 16-03-0655(B)(1)
CDR Code #: 0396

SENTENCE SHEET

0-20 yrs

\*CDL Yes [ ] No [ ] CMV Yes [ ] No [ ] Hazmat Yes [ ] No [ ]

In disposition of the said indictment comes now the Defendant who was

[X] CONVICTED OF or [ ] PLEADS

TO: Criminal Sexual Conduct With A Minor, Second Degree

In violation of § 16-03-0655(B)(1) of the S.C. Code of Laws, bearing CDR Code # 0396

[ ] NON-VIOLENT [X] VIOLENT [ ] SERIOUS [X] MOST SERIOUS [ ] Mandatory GPS [ ] §17-25-45 (CSC w/minor 1st or CSC w/minor 3rd)

The charge is: [X] As indicted, [ ] Lesser Included Offense, [ ] Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: [X] Without Negotiations or Recommendation, [ ] Negotiated Sentence, [ ] Recommendation by the State.

ATTEST:

C. Dale Scott, Deputy Solicitor SC Bar # 73081 Defendant Attorney for Defendant SC Bar # 6188

WHEREFORE, the Defendant is committed to the [X] State Department of Corrections [ ] County Detention Center, for a determinate term of 15 days/months/years or [ ] under the Youthful Offender Act not to exceed \_\_\_ years and/or to pay a fine of \$ \_\_\_; provided that upon the service of 45 days/months/years and or payment of \$ \_\_\_; plus costs and assessments as applicable\*; the balance is suspended with probation for 5 months/years and subject to South Carolina Department of Probation, Parole and Pardon Service standard conditions of probation, which are incorporated by reference.

[ ] CONCURRENT or [X] CONSECUTIVE to sentence on: 17-65-30-1499

[ ] The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections. Credit 45 dgs = paid.

[X] The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

[ ] RESTITUTION: [ ] Deferred [ ] Def. Waives Hearing [ ] Ordered PTUP \_\_\_ days/hours Public Service Employment
Total: \$ \_\_\_ plus 20% fee: \$ \_\_\_ Obtain GED [ ]

[ ] Set by SCDPPPS Attend Voc. Rehab. Or Job Corp. [X]

Recipient: May serve W/E beginning

\*Fine: \$ Substance Abuse Counseling [ ]

§14-1-206 (Assessments 107.5%) \$ Random Drug/Alcohol Testing [X]

§14-1-211 (A)(1)(Conv. Surcharge) \$100 \$ 100

§14-1-211 (A)(2)(DUI Surcharge) \$100 \$

§56-5-2995 (DUI Assessment) \$12 \$

§56-1-286 (DUI Breath Test) \$25 \$

Proviso (Public Def/Prob) \$500 \$

§14-1-212 (Law Enforce. Funding) \$25 \$ 25

§14-1-213 (Drug Court Surcharge) \$150 \$

§50-21-114 (BUI Breath Test Fee) \$50 \$

§56-5-2942(J) (Vehicle Assessment) \$40/ea \$

3% to County (if paid in installments) \$ 3.75

TOTAL \$ 128.75

Other: Sex offender registry. Sex offender counsel upon release.

[ ] Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

Clerk of Court/Deputy Clerk: Ryan W. Lancaster
Court Reporter: Tara Scott

Presiding Judge: Judge Code: 2159
Sentence Date: 8-3-2018

STATE OF SOUTH CAROLINA  
COUNTY OF LAURENS

IN THE COURT OF GENERAL SESSIONS  
2017-GS-30-1499 & 1294  
2018-GS-30-1205

STATE of SOUTH  
CAROLINA,

-v-

MICHAEL CLIFF  
EUBANKS,  
*Defendant.*

ORDER DENYING MOTION FOR A NEW  
TRIAL

Addy, J.

**THIS MATTER ORIGINALLY CAME BEFORE THE COURT** for a jury trial on July 31, 2018. Mr. Eubanks was represented by Rauch Wise, Esq. of the Greenwood Bar, and the State was represented by Deputy Solicitor Dale Scott and Assistant Solicitor Julie Kate Keeney. On August 3, 2018, the jury returned a verdict of guilty on the charges CSC with a Minor, First, Second, and Third Degree. Mr. Wise requested ten (10) days to file a motion for a new trial, and his motion dated August 13, 2018 was subsequently timely filed. Having considered the matters raised in the motion, reflected upon the testimony and evidence presented at trial, and considered the applicable law, the Court denies Mr. Eubanks' motion for the following reasons:

- (A) Concerning Mr. Eubanks' request for a continuance so that the I-Phone he supplied to the State shortly before trial could be examined by the State, the Court stands by its earlier ruling on this issue. First, the grounds raised in the motion for a new trial relate only to collateral issues. Second, Mr. Eubanks could have had the phone examined himself. Third, the primary and most damning evidence against Mr. Eubanks at trial was the shifting narrative and explanation he provided to the investigators. Therefore, the State's not examining the phone purportedly belonging to Mr. Eubanks, which was provided to the State only a few days before trial, was of minimal consequence in this case.
- (B) Concerning the scope of Mr. Eubanks' cross examination as permitted by the Court, the Court found the line of questioning to be relevant and material to the issues in this case, and the Court stands by the reasoning placed on the record at trial. Similarly,

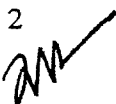
*AM*

the evidence of the victim suffering from PTSD was relevant and admissible under accepted case law.

- (C) Concerning the Court's failure to excuse Juror Bailey shortly after the trial began, the Court inquired of whether the juror could remain fair and impartial despite his limited contact with the victim's family. The Court was satisfied with the juror's assurances that he would judge the case fairly based upon the law and the evidence. Clearly, the juror's prior one-time business transaction with a member of the victim's family was extremely limited in scope and did not warrant the Court removing him from the jury. Furthermore, because the Court subsequently had to remove Juror #16, Ms. Blackstock, from the jury due to the Defense not providing a full list of their witnesses, the number of jurors would have dropped to eleven (11) had the Court previously removed Juror Bailey, thereby likely necessitating a mistrial.
- (D) Concerning Juror Bailey's being Facebook friends with the grandmother of a State's witness and with Investigator Hunnicutt,<sup>1</sup> there are several observations which the Court wishes to make. At the beginning of the trial, the Court inquired of the jury panel whether they were related by blood or marriage or presently had any close business or social relationship with the listed witnesses. First and most obviously, being a "Facebook" friend is not synonymous with a "close business or social relationship" or being related by blood or marriage. Second, as a practical matter, in smaller, more rural counties, selecting twelve (12) people who have absolutely no ties to any witnesses is virtually impossible. Put another way, smaller communities like Laurens are, by definition, more interconnected, and the Court's focus has to be on sitting a jury which is impartial despite any tenuous contact or relationships which may exist between a juror and a potential witness. Simply stated, the empaneling of an impartial jury was accomplished in this case. Third, to the extent existing case law may appear to require a court to engage in a post-trial evidentiary hearing when counsel subsequently learns of *any* relationship between a juror and a witness or a lawyer or a party, the Court makes the observation that such a reading of precedent may actually encourage the trial bar to be less than diligent in their investigation of

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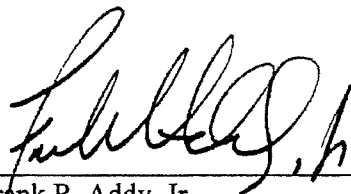
<sup>1</sup> The Court subsequently received affirmative confirmation via email from the Deputy Solicitor that Juror Bailey and Investigator Hunnicutt only became Facebook friends after the trial had concluded.

2  


potential jurors.<sup>2</sup> For example, by intentionally neglecting to check juror social media accounts until after the trial has concluded, an attorney can say to the court with full candor that they only became aware of the relationship post-trial. In fact, the very eventuality complained of by Mr. Ethridge has occurred in several cases involving this jurist over the last couple of years.<sup>3</sup> In short, Mr. Ethridge cannot complain of the fact that the Court refuses to conduct a post-trial hearing with Juror Bailey when his status as a Facebook friend of a witness' grandmother was so easily discoverable prior to trial. Furthermore, based upon the colloquy with Juror Bailey, the Court was fully satisfied with his ability to remain impartial in these proceedings. Accordingly, the Court finds no grounds exist to warrant conducting a post-trial hearing with Juror Bailey.

**WHEREFORE**, Mr. Eubanks' motion for a new trial is denied.

**IT IS SO ORDERED.**



Frank R. Addy, Jr.  
Resident Judge, Eighth Judicial Circuit

September 11, 2018  
Greenwood, South Carolina

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<sup>2</sup> "[E]valuating the merits of a juror misconduct claim is a fact-intensive inquiry, which is most appropriately conducted *after a hearing*." McCoy v. State, 401 S.C. 363, 371, 737 S.E.2d 623, 628 (2013) (emphasis supplied).

<sup>3</sup> In State v. Bennie Brown, a double homicide case tried by this jurist in July, 2016, one of Mr. Brown's attorneys moved for such a hearing to be conducted while the jury was actually deliberating. The ground in that case was that one of the juror's spouses was Facebook friends with the father of a State's witness. Despite the holding in McCoy which seems to require that the court conduct a hearing in *every* case where juror concealment of a relationship is alleged, allegations of slight or transient relationships, absent more, simply do not warrant a post-trial hearing with the juror in question.

ARREST WARRANT

2017A3010100431

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Laurens

THE STATE 17005015 against

Michael Cliff Eubanks

Address: [Redacted] Clinton, SC 29325-

Phone: [Redacted] SSN: [Redacted] Sex: M Race: W Height: 5 9 Weight: 180

DL State: SC DL #: [Redacted]

DOB: [Redacted] Agency ORI #: SC0300000

Prosecuting Agency: Laurens County Sheriff's Office

Prosecuting Officer: M B Blackmon - 2008

Offense: Sex / Criminal sexual conduct - Third degree

Offense Code: 0162

Code/Ordinance Sec: 16-03-0654

This warrant is CERTIFIED FOR SERVICE in the [ ] County/ [ ] Municipality of

The accused is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date: \_\_\_\_\_

RETURN

A copy of this arrest warrant was delivered to defendant M. Eubanks on 5-18-17

Karen Rom Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions 100 Hillcrest Square P.O. Box 287 Laurens, SC 29360

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

ORIGINAL

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Laurens

Personally appeared before me the affiant M B Blackmon

being duly sworn deposes and says that defendant Michael Cliff Eubanks

did within this county and state on or about 5/1/2017

State of South Carolina (or ordinance of [X] County/ [ ] Municipality of

in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - Third degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

That on May 1, 2017 in the County of Laurens, one Michael Cliff Eubanks did engage in sexual battery by having the victim sit in his lap rubbing on his penis with her buttocks for sexual gratification causing him to ejaculate while still clothed. This occurred at [Redacted] Beaverdam Church Road.

Signature of Affiant

[Handwritten Signature]

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Laurens

Affiant's Address 216 West Main Street

Laurens, SC 29360-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 5/1/2017 defendant Michael Cliff Eubanks

did violate the criminal laws of the State of South Carolina (or ordinance of

[X] County/ [ ] Municipality of Laurens

) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct - Third degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me

on 5/18/2017

[Handwritten Signature] (L.S.)

Thomas L. Copeland

Judge Code: 7023

Judge's Address P.O. Box 925 Laurens, SC 29360

Judge's Telephone (864)683-4485

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

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A. 12

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AFFIDAVIT

Form Approved by S.C. Attorney General April 21, 2003 SCCA 518

LYNN W. LANCASTER

who

2017 MAY 30 PM 6:13 Laurens

LAURENS COUNTY CLERK OF COURT

R. 7

ARREST WARRANT

2017A3010100574

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Laurens

THE STATE

17006739

against

Michael Cliff Eubanks

Address:

Clinton, SC 29325-

Phone:

SSN:

Sex: M Race: W Height: 5 9 Weight: 180

DL State: SC DL #: [ ]

DOB: [ ] Agency ORI #: SC0300000

Prosecuting Agency: Laurens County Sheriff's Office

Prosecuting Officer: Thomas J Hunnicutt - S00025

Offense: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

Offense Code: 0385

Code/Ordinance Sec: 16-03-0655(A)(1)

This warrant is CERTIFIED FOR SERVICE in the

[ ] County/ [ ] Municipality of

The accused

is to be arrested and brought before me to be dealt with according to the law.

(L.S.)

Signature of Judge

Date:

RETURN

A copy of this arrest warrant was delivered to

defendant Michael Cliff Eubanks on 6-14-17

R. Besu

Signature of Constable/Law Enforcement Officer

RETURN WARRANT TO:

General Sessions
100 Hillcrest Square
P.O. Box 287
Laurens, SC 29360

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A. 13

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Laurens

Personally appeared before me the affiant Thomas J Hunnicutt who

being duly sworn deposes and says that defendant Michael Cliff Eubanks did within this county and state on or about 1/1/2010 violate the criminal laws of the

State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Laurens) in the following particulars:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

I further state that there is probable cause to believe that the defendant named above did commit the crime set forth and that probable cause is based on the following facts:

Between January 1, 2010 and January 1, 2016 in the County of Laurens, one Michael Cliff Eubanks did engage in sexual battery by having sexual intercourse with the minor victim J. L., the victim being less than eleven years old and the defendant being more than three years older.

Signature of Affiant

STATE OF SOUTH CAROLINA

[X] County/ [ ] Municipality of

Laurens

Affiant's Address 216 West Main Street
Laurens, SC 29360-

Affiant's Telephone

ARREST WARRANT

TO ANY LAW ENFORCEMENT OFFICER OF THIS STATE OR MUNICIPALITY OR ANY CONSTABLE OF THIS COUNTY:

It appearing from the above affidavit that there are reasonable grounds to believe that

on or about 1/1/2010 defendant Michael Cliff Eubanks

did violate the criminal laws of the State of South Carolina (or ordinance of [X] County/ [ ] Municipality of Laurens) as set forth below:

DESCRIPTION OF OFFENSE: Sex / Criminal sexual conduct with minor or Attempt - victim under 11 yrs of age - First degree

Having found probable cause and the above affiant having sworn before me, you are empowered and directed to arrest the said defendant and bring him or her before me forthwith to be dealt with according to law. A copy of this Arrest Warrant shall be delivered to the defendant at the time of its execution, or as soon thereafter as is practicable

Sworn to and subscribed before me on 6/14/2017

Leesa W. Inabinet (L.S.)
Signature of Issuing Judge

Leesa W. Inabinet (Magistrate)
Judge Code: 7338

Judge's Address Post Office Box 925
Laurens, SC 29360-

Judge's Telephone (864)681-5689

Issuing Court: [X] Magistrate [ ] Municipal [ ] Circuit

ORIGINAL

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ORIGINAL

R. 8

ORIGINAL
Form Approved by
S.C. Attorney General
April 21, 2003
SCCA 518

LAURENS COUNTY
CLERK OF COURT
2017 JUN 19 PM 1:55

**WITNESSES**

Jared Hunnicutt

Laurens County Sheriff

**WARRANT NUMBER**

2017D3000100103

*True Bill*

*Rubal Patten*

Foreman of the Grand Jury

Date: *7/21/2017*

**VERDICT**

*Guilty*

*Tony Bains*

Foreman

**THE STATE OF SOUTH CAROLINA**

COUNTY OF LAURENS

**COURT OF GENERAL SESSIONS**

July Term, 2017

Indictment # 17GS30- 1294

THE STATE

vs.

Michael Cliff Eubanks

**INDICTMENT FOR**

Criminal sexual conduct with minor - 3rd degree

§16-03-0655

CDR: 3661


THE STATE OF SOUTH CAROLINA  
COUNTY OF LAURENS

INDICTMENT FOR  
Criminal sexual conduct with minor -3rd degree  
§16-03-0655

At a Court of General Sessions, convened on the 21st day of July, 2017, the Grand Jurors of Laurens County present upon their oath:

That Michael Cliff Eubanks, on or about May 1, 2016 to on or about May 17, 2017, in Laurens County, did being over the age of fourteen (14) years, the said defendant did unlawfully, willfully and lewdly commit or attempt to commit a lewd or lascivious act upon or with the body, or its parts, of a child under the age of sixteen years, to wit: Michael Cliff Eubanks did lewdly and lasciviously touch the private parts of J.L. , with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the said defendant, or of the said child, [REDACTED] (DOB [REDACTED] ), in violation of Section 16-3-655(C) of the South Carolina Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.

  
Deputy Solicitor

WITNESSES

Jared Hunnicutt  
Laurens County Sheriff's Department

WARRANT NUMBER

2017A3010106574

*Jane Bell*

*Richard Patton*

Foreman of the Grand Jury

Date: *8/18/2017*

VERDICT

*Guilty*

*Tony Bais*

Foreman

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS

August Term, 2017

Indictment # 1712030- 1499

THE STATE

vs.

MICHAEL CLIFF EURANKS

INDICTMENT FOR

Criminal Sexual Conduct With A Minor, First Degree

SC Code § 16-9B-605

CDS: 6385

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

INDICTMENT FOR

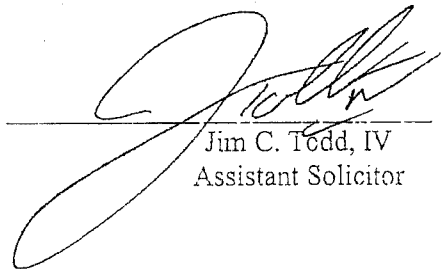
COUNTY OF LAURENS

Criminal Sexual Conduct With A Minor, First  
Degree  
§16-03-0655

At a Court of General Sessions, convened on the 18th day of August, 2017, the Grand Jurors of Laurens County present upon their oath:

The defendant, Michael Cliff Eubanks, did on or between August 15, 2010 and August 15, 2015, in Laurens County, South Carolina, commit the crime of Criminal Sexual Conduct with a Minor in the First Degree by engaging in a sexual battery with a minor, J. S. L. ( D.O.B. [REDACTED] ) who was less than eleven years of age. All in violation of 16-03-0655, *South Carolina Code of Laws* (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



---

Jim C. Todd, IV  
Assistant Solicitor

**WITNESSES**

Jared Hunnicutt  
Laurens County Sheriff's Department

**WARRANT NUMBER**

Direct Indictment

True Bill

Cynthia Edmonson  
Foreman of the Grand Jury

Date: 7-27-18

**VERDICT**

Guilty

Tony Bailey  
Foreman

**THE STATE OF SOUTH CAROLINA**

COUNTY OF LAURENS

**COURT OF GENERAL SESSIONS**

July Term, 2018  
Indictment # 18GS30- 1205

**THE STATE**

vs.  
MICHAEL CLIFF EUBANKS

**INDICTMENT FOR**

Criminal Sexual Conduct With A Minor, Second Degree  
SC Code: § 16-03-0655(B)(1)

CDR: 0396

I hereby waive presentment to the Grand Jury.

Defendant

Witness:

THE STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

INDICTMENT FOR

Criminal Sexual Conduct With A Minor, Second  
Degree  
§16-03-0655(B)(1)

At a Court of General Sessions, convened on the 27th day of July, 2018, the Grand Jurors of Laurens County present upon their oath:

The defendant, Michael Cliff Eubanks, did on or about August 15, 2015 to on or about May 16, 2017, in Laurens County, South Carolina, commit the crime of Criminal Sexual Conduct with a Minor in the Second Degree by engaging in a sexual battery with a minor, [REDACTED] (D.O.B. [REDACTED]) who is fourteen (14) years of age or less but who is at least eleven (11) years of age. All in violation of 16-03-0655(B)(1), South Carolina Code of Laws (1976, as amended).

Against the peace and dignity of the State, and contrary to the statute in such cases made and provided.



C. Dale Scott  
Deputy Solicitor

STATE OF SOUTH CAROLINA

COUNTY OF LAURENS

COURT OF GENERAL SESSIONS  
EIGHTH JUDICIAL CIRCUIT

Indictment Nos.: 2017-GS-30-1499  
2017-GS-30-1294  
2018-GS-30-1205

State of South Carolina

Plaintiff,

vs.

Michael Cliff Eubanks,

Defendant.

VERDICT FORM

We, the jury in the above captioned case, on the charge of First Degree Criminal Sexual Conduct with a Minor, unanimously find Michael Cliff Eubanks (foreperson shall initial one):

TB Guilty

\_\_\_\_\_ Not Guilty

We, the jury in the above captioned case, on the charge of Second Degree Criminal Sexual Conduct with a Minor, unanimously find Michael Cliff Eubanks (foreperson shall initial one):

TB Guilty

\_\_\_\_\_ Not Guilty

We, the jury in the above captioned case, on the charge of Third Degree Criminal Sexual Conduct with a Minor, unanimously find Michael Cliff Eubanks (foreperson shall initial one):

TB Guilty

\_\_\_\_\_ Not Guilty

Tony & Baird  
Foreperson

August 3, 2018  
Laurens, South Carolina

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENWOOD )

IN THE COURT OF GENERAL SESSIONS

The State, )  
 )  
 )  
-vs- )  
 )  
Michael Cliff Eubanks, )  
 )  
Defendant. )

Motion for A New Trial

LAURENS COUNTY  
CLERK OF COURT

2018 AUG 16 AM 10:03

LYNN W. LANCASTER

~~2017-CR-30-00574, 575, 576~~  
2017A3010100574, 2017-GS 30-1294,  
2018-GS 30-1205

Pursuant to Rule 29 of the South Carolina Rules of Criminal Procedure, Michael Cliff

Eubanks hereby moves the court for a new trial based upon the following grounds:

1. The trial court erred in failing to continue the case to have the Iphone 5 owned by Michael Eubanks examined. This was error as Counsel for Michael Cliff Eubanks did not discover that the State had not attempted to examine this cell phone until approximately ten days before trial. At that point counsel did deliver the phone to the State for examination. The pretrial conference established that the State was unable to examine the Iphone delivered to them because it has a broken screen. Replacing the screen should have enabled the Stateto examine the pone but they declined to pay for the new screen.

The contents of this phone became relevant during the trial the minor chld testified she had observed sexually explicit movies on the phone while the phone was possessed by Mr. Eubanks while they lived on Teague Road when she was 6 or 7. Defendant testified he did not have the phone until he moved to Beaverdam Church Road in April of 2016, some 5 years after the time the minor child said she saw the phone.

2. The trial court erred in permitting the Stateto cross-examine Mr. Eubanks as to his

searches on the internet of legal adult pornography. This cross examination which impeached Mr. Eubanks' credibility was more prejudicial than probative as it did not involve a crime of moral turpitude. *Green v. State*, 338 S.C. 428, 527 S.E.2d 98 (2000) Also it did not make it more likely that a person searching adult pornography would be more likely to molest a child from the ages of 6 to 12. The Court erred in failing to make a proper Rule 403 analysis as the evidence elicited on cross examination was more prejudicial than probative. The Court further erred in finding the evidence was admissible under Rule 401 as the evidence did not make the issue in this case more probable than not.

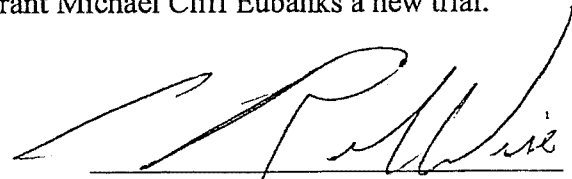
3. The Court erred in admitting evidence of Post Traumatic Stress Disorder as the evidence was more prejudicial than probative. The State used the evidence in its closing argument to bolster the testimony of the complaining witness. The substance of the testimony and argument was that the complaining witness had to be telling the truth because she suffered from PTSD. The Court nor the rules would permit Mr. Eubanks to present evidence of his suffering from PTSD after the accusations arose to bolster his testimony and to permit counsel to argue the jury should believe Mr. Eubanks because he has PTSD. The admission of this testimony deprived Mr. Eubanks of the due process of law in violation of the 14<sup>th</sup> Amendment to the Constitution of the United States of America and Article I, § 3 of the Constitution of the State of South Carolina.

4. This Court erred in failing to exclude juror Tony Bailey from the panel after Mr. Baily revealed he had sold a house to a relative of the minor child testifying. The relative was present in the courtroom during the trial. This information was not available before jury selection and would have been a basis for the defense to use a peremptory strike had this information been

known. In addition, since the trial defense counsel has learned that Mr. Bailey is friends on Facebook with Darlene Newsome, the grandmother of one of the witnesses for the State. He is also friends with Jared Hunnicutt, the chief investigator in this case. This Court should conduct a hearing with Juror Baily to determine why his friendship with these two people was not disclosed in the voir dire questions asked by the Court. Copies of the Facebook pages establishing these facts are attached as exhibit A to this motion.

Based upon the foregoing, the Court should grant Michael Cliff Eubanks a new trial.

August 13, 2018



C. Rauch Wise  
305 Main Street  
Greenwood, SC 29646  
(864) 229-5010  
[rauchwise@gmail.com](mailto:rauchwise@gmail.com)  
S. C. Bar № 06188

Attorney for Michael Cliff Eubanks

LYNN W. LANCASTER

2019 AUG 16 AM 10:04

LAVERGNE COUNTY  
CLERK OF COURT

# Exhibit A

Tony Bailey

Rauch Home

2



### Tony Bailey

Add Friend

Message

Timeline About Friends & Mutual Photos More

### About

To see what he shares with friends, send him a friend request.



You and Tony have 6 mutual friends

#### Overview

No workplaces to show

#### Work and Education

#### Places He's Lived

No schools to show

#### Contact and Basic Info

#### Family and Relationships



Lives in Laurens, South Carolina  
From Laurens, South Carolina

#### Details About Tony

#### Life Events

No relationship info to show

### Friends

Add Friend

All Friends Mutual Friends Recently Added Current City Hometown

New  Q

Results for: New



Darlene Newsome

Add Friend



Lynn Martin Newton

Add Friend

See All

### Photos

Tony's Photos Albums

- Jennifer Baldwin Turner
  - Charles Grosse
  - Pat Langley
  - Hal Roach
  - Frankie Bramlett
  - Susan Wise Turner
  - Norma Whitmire
  - Christopher CJ Russ
  - Freddy Poznick
  - Jennifer Jarrett Wilson
  - Chris Butler
  - Lauren Ledford 25m
- NEARBY
- Wayne Kelley Greenwood 2m

Search

Tony Bailey

Rauch Home

2



### Tony Bailey

Add Friend Message

Timeline About Friends 6 Mutual Photos More

#### About

To see what he shares with friends, send him a friend request.



You and Tony have 6 mutual friends

#### Overview

No workplaces to show

#### Work and Education

#### Places He's Lived

No schools to show

#### Contact and Basic Info

#### Family and Relationships

Lives in Laurens, South Carolina  
From Laurens, South Carolina

#### Details About Tony

#### Life Events

No relationship info to show

#### Friends

Add Friend

All Friends Mutual Friends Recently Added Current City Hometown

Hunn

Results for: Hunn



Jared Hunnicutt  
Laurens County Sheriff's Office

Add Friend

See All

#### Photos

Tony's Photos Albums

- Jennifer Baldwin Tum...
- Charles Grose
- Pat Langley
- Frankie Bramlett
- Susan Wise Turner
- William P. Wolf
- Freddy Poznick
- Shane Goranson
- Jennifer Jarrett Wilson
- Chris Butler
- Lauren Ledford 24m
- David Stoddard
- NEARBY
- Wayne Kelley Greenwood 1m

Search



Dale Scott <dscott@greenwoodsc.gov>

**New Trial Motion - Michael C. Eubanks**

10 messages

**Rauch Wise** <rauchwise@gmail.com>

Mon, Aug 13, 2018 at 3:24 PM

To: "Addy, Frank R." <faddyj@sccourts.org>, "Addy, Frank R. Law Clerk" <faddyjc@sccourts.org>, Dale Scott <dscott@greenwoodsc.gov>

Attached please find my new trial motion in this matter. I am this day mailing the original to the clerk of court.

Rauch

**EUBANKS MOTION1.pdf**  
1151K

**Addy, Frank R.** <faddyj@sccourts.org>

Mon, Aug 13, 2018 at 4:47 PM

To: Rauch Wise <rauchwise@gmail.com>, "Addy, Frank R. Law Clerk (Meagan White)" <faddyjc@sccourts.org>, Dale Scott <dscott@greenwoodsc.gov>

Dale,  
Let me know if you intend to file a reply, please.

Frank R. Addy, Jr.  
Resident Judge, 8th Judicial Circuit  
Greenwood County Courthouse  
528 Monument Street, Ste. 210  
Greenwood, South Carolina 29646  
Office: (864) 943-8020  
Fax: (864) 942-8581  
Email: faddyj@sccourts.org  
Secretary: Freda Sartin (faddysc@sccourts.org)  
Law Clerk: Meagan E. White (faddyjc@sccourts.org)

[Quoted text hidden]

~~~ CONFIDENTIALITY NOTICE ~~~ This message is intended only for the addressee and may contain information that is confidential. If you are not the intended recipient, do not read, copy, retain, or disseminate this message or any attachment. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachments.

**Dale Scott** <dscott@greenwoodsc.gov>

Wed, Aug 15, 2018 at 9:52 AM

To: "Addy, Frank R." <faddyj@sccourts.org>  
Cc: Rauch Wise <rauchwise@gmail.com>, "Addy, Frank R. Law Clerk (Meagan White)" <faddyjc@sccourts.org>

Judge Addy,  
I don't intend on filing any reply with the clerk's office. We dealt with issues 1-3 fairly extensively during trial. The Court properly denied the Defense motion for continuance after the Defendant suddenly produced a phone days before trial. Any potential relevance regarding the phone is highly speculative as well. The Court's sound ruling on issues 2 and 3 is well-grounded on precedent in State and Federal cases. As to issue 4, the juror (a real estate agent) disclosed he had sold a victim's family member a home years before but could be fair and impartial if selected to serve. I don't have Facebook but my

understanding is that people generally have "friends" who they may know very distantly and sometimes not even at all. If I'm reading correctly, it looks like this very juror has mutual friends that he and Rauch share. The baseline question is whether a juror could be fair and impartial and this juror indicated he could. No new trial should be granted.

[Quoted text hidden]

---

**Rauch Wise** <rauchwise@gmail.com>

Wed, Aug 15, 2018 at 12:36 PM

To: Dale Scott <dscott@greenwoodsc.gov>, "Addy, Frank R." <faddyj@sccourts.org>

Cc: "Addy, Frank R. Law Clerk (Meagan White)" <faddyjc@sccourts.org>

And we have friends on Facebook we know very well. Without a hearing we will never know which category the friends of Mr. Bailey fall into.

Rauch

[Quoted text hidden]

[Quoted text hidden]

Find Greenwood County on social media:



NOTE: This e-mail is a public record which may be subject to disclosure pursuant to the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 *et seq.*, to a person or party requesting the same.

---

**Addy, Frank R.** <faddyj@sccourts.org>

Wed, Aug 15, 2018 at 5:34 PM

To: Rauch Wise <rauchwise@gmail.com>, Dale Scott <dscott@greenwoodsc.gov>

Cc: "Addy, Frank R. Law Clerk (Meagan White)" <faddyjc@sccourts.org>

I appreciate everyone's input. I have enough to rule on the motion. It may be several weeks, however, before I am able to get to it. I'm in Charleston next week, Laurens, Abbeville and Saluda after that, and probably somewhere other than Greenwood after that. I've tried the "Dorothy" method of clicking my ruby slippers three times and chanting "There's no place like home." But, court administration never hears me.

Have a nice week.

Frank R. Addy, Jr.

Resident Judge, 8<sup>th</sup> Judicial Circuit

Greenwood County Courthouse

528 Monument Street, Ste. 210

Greenwood, South Carolina 29646

Office: (864) 943-8020

Fax: (864) 942-8581

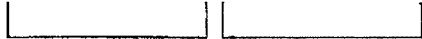
Email: faddyj@sccourts.org

Secretary: Freda Sartin (faddysc@sccourts.org)

Law Clerk: Meagan E. White (faddylc@sccourts.org)

[Quoted text hidden]

[Quoted text hidden]



[Quoted text hidden]

**Dale Scott** <dscott@greenwoodsc.gov>  
To: jkeeney@greenwoodsc.gov

Thu, Aug 16, 2018 at 11:51 AM

Sent from my iPhone

Begin forwarded message:

[Quoted text hidden]

~WRD000.jpg  
1K

**Dale Scott** <dscott@greenwoodsc.gov>

Mon, Aug 20, 2018 at 8:53 AM

To: "Addy, Frank R." <faddyj@sccourts.org>, Julie Keeney <jkeeney@greenwoodsc.gov>  
Cc: Rauch Wise <rauchwise@gmail.com>, "Addy, Frank R. Law Clerk (Meagan White)" <faddylc@sccourts.org>

Julie Kate was able to speak with Inv. Jared Hunnicutt regarding the Foreman showing up as one of his Facebook "friends." Hunnicutt indicated he had no idea who the guy was but received the friend request a few days after the Eubanks trial ended.

[Quoted text hidden]

STATE OF SOUTH CAROLINA  
COUNTY OF LAURENS

EIGHTH JUDICIAL CIRCUIT  
IN THE COURT OF GENERAL SESSIONS

STATE OF SOUTH CAROLINA, )  
 )  
 PLAINTIFF, )  
 )  
 )  
 -VS- )  
 MICHAEL CLIFF EUBANKS, )  
 DEFENDANT. )  
 \_\_\_\_\_ )

2017-GS-30-1294  
2017-GS-30-1499  
2018-GS-30-1205  
TRANSCRIPT OF RECORD

JULY 31, AUGUST 1, 2, & 3, 2018  
LAURENS, SOUTH CAROLINA

B E F O R E:

THE HONORABLE FRANK R. ADDY, JR., JUDGE, AND A JURY

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

ATTORNEY FOR PLAINTIFF:  
DALE SCOTT, ASSISTANT SOLICITOR  
JULIE KATE KEENEY, ASSISTANT SOLICITOR

ATTORNEYS FOR DEFENDANT:  
RAUCH WISE, ESQUIRE

TARA T. SCOTT, CVR  
CIRCUIT COURT REPORTER

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1 TRIAL DAY 1-07/31/18

2 THE COURT: We'll go back on the record. Ladies and  
3 gentlemen of the jury, thank you for your continued  
4 patience. I needed to counsel with the attorneys in  
5 chambers for just a moment. The first case that's up for  
6 trial. At this point, Solicitor, if you'll call the first  
7 case up.

8 MR. SCOTT: Your Honor, the State calls the following  
9 indictments against Michael Cliff Eubanks. I have a  
10 criminal sexual conduct with minor first degree, indictment  
11 number 17-GS-30-1499, true billed by Laurens County Grand  
12 Jury August 18, 2017. Criminal sexual conduct with a minor  
13 second degree, has indictment number 2018-GS-30-1205. A  
14 Laurens County Grand Jury did true bill that July 27, 2018.  
15 Criminal sexual conduct with a minor third degree, true  
16 billed by a Laurens County Grand Jury July 21, 2017.

17 THE COURT: Ladies and gentlemen, we're about to begin  
18 the trial of the *State of South Carolina vs. Michael Cliff*  
19 *Eubanks*. As a preliminary matter, I was informed in  
20 chambers with Mr. Wise that the indictment -1205, the CSC  
21 with a minor second degree charge arraignment has not been  
22 done. Mr. Wise, are you willing to waive?

23 MR. WISE: We are. We are, Your Honor.

24 THE COURT: All right. Very good. Now, ladies and  
25 gentlemen of the jury, I've been presented with three

1 indictments that charge Mr. Eubanks with the offenses of  
2 criminal sexual conduct in the first, second, and third  
3 degree. As a preliminary matter, I will tell you that the  
4 fact that Mr. Eubanks has been charged and indicted for  
5 these offenses, of course, is not evidence of guilt. Ladies  
6 and gentlemen, these indictments, these documents, are  
7 nothing more than pieces of paper. They contain the charges  
8 made against Mr. Eubanks. They're nothing more than the  
9 means by which these cases are brought into court. In this  
10 case, of course, Mr. Eubanks has pled not guilty to these  
11 charges and that plea, of course, puts the burden of proof  
12 on the State to prove each and every element of these  
13 charges beyond a reasonable doubt.

14 Now, I have a number of questions that I'll ask you  
15 which are specific to this case. We'll use the same process  
16 that we used before. If a question applies to you, simply  
17 stand and let me know if that question applies to you, or  
18 how it applies to you. Okay?

19 First question, ladies and gentlemen. Is there any  
20 member of the jury panel who is related by blood or marriage  
21 or has any close business or social relationships with the  
22 Defendant in this case, Michael Cliff Eubanks? If so,  
23 please stand.

24 (Whereupon, no jury panel member stands.)

25 THE COURT: No one is standing. The name of the

1 alleged victim in this case is who?

2 MR. SCOTT: J.L. .

3 THE COURT: J.L. . Ladies and gentlemen, the  
4 alleged victim, the complainant in this case, her name is  
5 J.L. , born in 2004. Is there any member of the jury  
6 panel who is related by blood or marriage, or anyone who has  
7 any close social or otherwise any kind of relationship with  
8 the alleged victim in this case, J.L. ? If so, please  
9 stand.

10 (Whereupon, no jury panel member stands.)

11 THE COURT: No one is standing. The State of South  
12 Carolina in this case is being represented by Deputy  
13 Solicitor Dale Scott and Julie Keeney. Mr. Scott, if you  
14 care to introduce yourself, Ms. Keeney, and the investigator  
15 with your office to the jury panel, please.

16 MR. SCOTT: Thank you, Your Honor. I'm Dale Scott,  
17 Deputy Solicitor with the Eighth Circuit, primarily trying  
18 cases here in Laurens and Newberry County. Your circuit is  
19 also comprised of Abbeville and Greenwood Counties. Your  
20 Solicitor is David Stumbo. Helping me with this case is  
21 Julie Kate Keeney, a Solicitor in Laurens County, and Walter  
22 Bentley, our investigator here in Laurens County. Thank  
23 you.

24 THE COURT: In this case Mr. Eubanks was being  
25 represented by Rauch Wise. Mr. Wise, if you care to

1 introduce yourself and certainly your client to the jury  
2 panel.

3 MR. WISE: I'm Rauch Wise, attorney out of Greenwood,  
4 South Carolina, and I represent Michael Eubanks who is the  
5 Defendant in this case. Thank you.

6 THE COURT: Thank you, Mr. Wise. Is there any member  
7 of the jury panel who has previously been represented or is  
8 currently being represented by any of the attorneys involved  
9 in this case? If so, please stand.

10 (Whereupon, no jury panel member stands.)

11 THE COURT: No one is standing. Is there any member of  
12 the jury panel who has any close business or social  
13 relationships with any of the attorneys involved in this  
14 case? If so, please stand.

15 (Whereupon, no jury panel member stands.)

16 THE COURT: No one is standing. Is there any member of  
17 the jury panel who has any close familial or business  
18 relationships or social relationships with any member of the  
19 Eighth Circuit Solicitor's Office? If so, please stand.

20 (Whereupon, no jury panel member stands.)

21 THE COURT: No one's standing. Solicitor, the  
22 allegations in this case, I believe you indicated they arose  
23 between **Month** of 2010 and **Month** of 2015; is that correct?

24 MR. SCOTT: 2017, Your Honor.

25 THE COURT: 2017.

1 MR. SCOTT: So essentially we're going to be dealing  
2 with a time period of DOB , 2010 up to about May 16,  
3 2017.

4 THE COURT: All right. Ladies and gentlemen, the  
5 timeframe that we are dealing with in this case is between  
6 DOB of 2010 and May the 16th of 2017. Is there any  
7 member of the jury panel who thinks that they may know  
8 anything about the particular allegations in this case or  
9 has formed or expressed any opinion about the allegations  
10 involved in this case? If so, please stand. Anyone who  
11 thinks they may know anything about this?

12 (Whereupon, a jury panel member stands.)

13 THE COURT: Ma'am, all right. Don't speak. I want you  
14 to come forward and speak with me down here, please.

15 (Whereupon, a sidebar was held with jury panel member.)

16 THE COURT: What's your name?

17 JURY MEMBER: Tiffany Eanes.

18 THE COURT: I'm sorry?

19 JURY MEMBER: Tiffany Eanes.

20 THE COURT: Ms. Eanes?

21 JURY MEMBER: Uh-huh.

22 THE COURT: Yes, ma'am. What do you think you know?

23 JURY MEMBER: A lot. I work at Quick Point, so -- it's  
24 a convenience store, so everybody talks about everybody and  
25 everything, and he's a customer there.

1 THE COURT: All right. So in that case -- do you  
2 recall your juror number, Ms. Eanes?

3 JURY MEMBER: 56.

4 THE COURT: All right. I'll let you sit this one out  
5 then. Okay?

6 JURY MEMBER: Okay.

7 THE COURT: Just return to the jury panel. Don't leave  
8 though yet. All right? She's going to sit this one out,  
9 number 56. No one else is standing.

10 (Whereupon, jury panel members stand.)

11 THE COURT: Sorry. We do have another person. Come on  
12 down, ma'am.

13 (Whereupon a sidebar was held with jury panel members.)

14 THE COURT: What's your name, ma'am?

15 JURY MEMBER: Georgia Alexander.

16 THE COURT: Ms. Alexander.

17 JURY MEMBER: Is this the grandchild to Diane?

18 THE COURT: Is the grandmother Diane? Do you want to  
19 check with them?

20 MR. WISE: What's the last name?

21 THE COURT: Lyons. Miller now.

22 JURY MEMBER: She's Miller now. She was married to  
23 Roger Lyons. Roger.

24 THE COURT: What do you think you know?

25 JURY MEMBER: I don't know them, but I do know Diane and

1 Roger Lyons. Diane and I worked together. And then Ms.  
2 Shumpert that's over here. I know the Shumperts. And David  
3 Stumbo is my neighbor.

4 THE COURT: You live in Mountville.

5 JURY MEMBER: I do. And I appreciate you doing that  
6 with Judge Johnson. He was a good family friend of ours. I  
7 loved him.

8 THE COURT: Let's check on this relationship. What's  
9 your number?

10 JURY MEMBER: 1.

11 THE COURT: 1, okay. Juror No. 1 is on hold for a  
12 moment. Come on down.

13 (Whereupon, a sidebar was held with jury member)

14 THE COURT: What's your name, please, ma'am?

15 JURY MEMBER: Shinar Rivera.

16 THE COURT: Ms. Rivera. And what do you think you know  
17 about the case?

18 JURY MEMBER: No, it's not about that one. It's about  
19 the Solicitor. He's supposed to be helping me with my mom's  
20 case, so I don't know if that --

21 MR. SCOTT: Who's your mom?

22 JURY MEMBER: Kimberly Smith. I didn't know if that  
23 had anything to do with it.

24 MR. SCOTT: Her mother is a murder victim.

25 THE COURT: Okay.

1 MR. SCOTT: I'm handling that case. I've spoken with  
2 her about the trial.

3 JURY MEMBER: Yeah. I didn't -- I just wanted to be  
4 like -

5 THE COURT: Transparent.

6 JURY MEMBER: Yeah.

7 MR. SCOTT: Sorry I didn't recognize you.

8 JURY MEMBER: It's okay.

9 THE COURT: And what's your name again, ma'am?

10 JURY MEMBER: Shinar Rivera.

11 THE COURT: Ms. Rivera.

12 JURY MEMBER: Uh-huh.

13 THE COURT: The fact that Mr. Scott is prosecuting that  
14 case, will that affect your ability to be fair to both sides  
15 of this case, or are you worried that it could leach over?

16 JURY MEMBER: No. I was just making sure. Like just  
17 because he's representing my mom --

18 THE COURT: Sure.

19 JURY MEMBER: -- it don't have anything to do with me  
20 being here.

21 THE COURT: When did the homicide take place?

22 JURY MEMBER: Last yeah in March.

23 THE COURT: In March of last year.

24 JURY MEMBER: 2017. Yes, sir.

25 THE COURT: And you've met with him, what, one time,

1 two times?

2 JURY MEMBER: Once.

3 THE COURT: Once.

4 JURY MEMBER: Uh-huh.

5 THE COURT: Good enough. Thank you. You can have a  
6 seat. I'm going to read a list of potential witnesses here.  
7 Do I have a full list of everyone?

8 MR. SCOTT: From the State you do, Your Honor.

9 MR. WISE: And from the Defense.

10 THE COURT: All right. Very good. I'm going to read a  
11 list of possible witnesses in this case, ladies and  
12 gentlemen. I don't know that all these people are  
13 necessarily going to testify. When I'm done reading this  
14 list, however, I'm going to ask whether there's any member  
15 of the jury who's related by blood or marriage, or anyone  
16 who has any close business or social relationships with any  
17 of these folks. Okay? So listen to the list of possible  
18 witnesses.

19 Here are the witnesses who may testify in this case.  
20 Shameka Argo, S-h-a-m-e-k-a, who works at Gateway Children's  
21 Services. Katelyn Barger, B-a-r-g-e-r. Heather Bennett,  
22 B-e-n-n-e-t-t. Investigator Walter Bentley with the  
23 Solicitor's Office. Samantha Black, who used to work at  
24 Beckman Center for Mental Health. Lieutenant Ben Blackmon  
25 with the Sheriff's Department here in Laurens. A.E.

1                   , Dennis Eubanks, Elizabeth Eubanks, Mike Eubanks,  
2 P.E.                   -- sorry. It's Denise Eubanks, not Dennis  
3 Eubanks. So Dennis Eubanks, P.E.                   , Tinsley B.E.  
4                   , Shauna Galloway, hyphen, Williams who works at the  
5 Julie Valentine Center. Marcus Hayward with SLED.  
6 Investigator Jared Hunnicutt with the Laurens Sheriff's  
7 Department. Kimberly Little with Gilchrist Counseling.  
8 J.L.                   , L.L.                   , Investigator Michael Polson,  
9 P-o-l-s-o-n, with the Sheriff's Office. Dr. Lyle Pritchard  
10 with Montgomery Center in Greenwood, Deputy Ronald Richie  
11 with the Sheriff's Department, Eman E-m-a-n Sharawy,  
12 S-h-a-r-a-w-y, also with the Beckman Center. Courtney  
13 Thompson with the Law Enforcement Division.

14                   Is there any member of the jury panel who's related by  
15 blood or marriage, or anyone who has any close business or  
16 social relationships with any of those possible witnesses?  
17 If so, please stand.

18                   (Whereupon, no jury panel member stands.)

19                   THE COURT: Ladies and gentlemen, next question.  
20 Understand that I appreciate that there are some crimes that  
21 simply make people so angry that when they hear about them  
22 they feel that perhaps the accused is automatically guilty  
23 of the crime. Is there any member of the jury panel who  
24 feels so strongly about the nature of these allegations that  
25 your ability to be fair and impartial, your ability to

1 understand that the Defendant in this case, of course, is  
2 presumed innocent, would be affected? Any member of the  
3 jury panel that feels so passionately about the nature of  
4 these allegations that you cannot be objective and would  
5 otherwise set aside the Defendant's presumption of  
6 innocence? If so, please stand.

7 (Whereupon, no jury panel member stands.)

8 THE COURT: No one is standing. Ladies and gentlemen,  
9 in cases of this nature sometimes witnesses become emotional  
10 on the witness stand. Is there any member of the jury panel  
11 who would be unable to put aside any emotion that they  
12 observed from a witness and decide this case based solely  
13 upon the evidence and the law? Any member of the jury panel  
14 who feels that they might be so affected by an emotional  
15 witness that it would affect your ability to remain  
16 objective? If so, please stand.

17 (Whereupon, no jury panel member stands.)

18 THE COURT: Is there any member of the jury panel, or  
19 any close family member who to your knowledge has ever  
20 donated money to or been a member of any organization that  
21 promotes the awareness of law enforcement, child abuse,  
22 domestic violence type cases, sexual assault cases, Mother's  
23 Against Drunk Driving, Citizens Against Violent Crime,  
24 organizations of that nature. Any member of the jury panel  
25 who's ever been a member of such an organization, close

1 family member who to your knowledge has been a member of  
2 such an organization, or anyone who's ever been contributed  
3 to such an organization? If so, please stand.

4 (Whereupon, jury panel members stand.)

5 THE COURT: Yes, ma'am. What's your name, please?

6 JURY MEMBER: Tara Glenn.

7 THE COURT: Ms. Glenn, how does that question apply to  
8 you, ma'am?

9 JURY MEMBER: My previous job was with United Way. I  
10 work very closely with Safe Home, and still make donations  
11 to that organization.

12 THE COURT: The Safe Home for -- I assume that's  
13 involving domestic violence?

14 JURY MEMBER: Yes, sir.

15 THE COURT: All right. You're no longer working there?

16 JURY MEMBER: No, sir.

17 THE COURT: How long have you been outside the United  
18 way?

19 JURY MEMBER: Three years.

20 THE COURT: Three years, okay. Very good. Thank you  
21 for that information. You can have a seat. Yes, ma'am.  
22 What's your name, please?

23 JURY MEMBER: Neeley.

24 THE COURT: Ms. Miller.

25 JURY MEMBER: Neeley. I do -- worked for a while at the

1 Sexual Trauma and Counseling Center.

2 THE COURT: How long ago was that, ma'am?

3 JURY MEMBER: In 2004.

4 THE COURT: 2004, okay. And what was your last name  
5 again? I'm so sorry.

6 JURY MEMBER: Neeley.

7 THE COURT: Heeley?

8 JURY MEMBER: Neeley.

9 THE COURT: Neeley, okay. Somebody make me an  
10 appointment to get my ears checked. Thank you, Ms. Neeley.  
11 It was with the Sexual Counseling Center. Anyone else needs  
12 to respond to that last question?

13 (Whereupon, no jury panel member stands.)

14 THE COURT: No one is standing. Is there any member of  
15 the jury panel who has ever attended, to your recollection,  
16 any advocacy meetings concerning the promotion of law  
17 enforcement or the awareness of sexual assault, child abuse  
18 or domestic violence? Anybody who has ever attended any  
19 kind of advocacy meeting to your recollection? If so,  
20 please stand.

21 (Whereupon, jury panel member stands.)

22 THE COURT: And you're number 1, correct?

23 JURY MEMBER: Right.

24 THE COURT: Yes, ma'am.

25 JURY MEMBER: I served on the Foster Care Review Board.

1 THE COURT: How long ago was that?

2 JURY MEMBER: Less than a year ago.

3 THE COURT: Foster Care Review --

4 JURY MEMBER: It would be about a year.

5 THE COURT: It would be about a year. Thank you for  
6 that information, ma'am.

7 MR. WISE: What was her name?

8 THE COURT: She's number 1.

9 MR. WISE: Number 1, okay.

10 THE COURT: Yes. Ms. Alexander. Anyone else? No  
11 one's standing. Is there any member of the jury panel who  
12 has ever actively campaigned for or made a financial  
13 contribution to either Solicitor David Stumbo or the current  
14 Sheriff of Laurens County? If so, please stand.

15 (Whereupon, no jury panel member stands.)

16 THE COURT: No one's standing. I always hesitate to  
17 ask this question, but I'm going to ask it anyway. Is there  
18 any member of the jury panel who just does not like lawyers?  
19 Particularly lawyers who represent people who are accused of  
20 crimes. If so, please stand.

21 (Whereupon, no jury panel member stands.)

22 THE COURT: All right, excellent. Ladies and  
23 gentlemen, I'm going to ask the next question, and if you  
24 need to respond what I'm going to do is give you an  
25 opportunity to come forward and speak with me privately down

1 here like we've been doing. The next two questions I'll ask  
2 and then you can come forward and speak privately with me if  
3 you need to. Is there any member of the jury panel or close  
4 member of your family who has ever been the victim of or  
5 accused of crimes like child abuse, domestic violence,  
6 criminal sexual conduct, sexual assault, crimes of that  
7 nature? Is there any member of the jury panel or any close  
8 family member who to your knowledge has ever been the victim  
9 of or charged with any crime of that nature? If so, just  
10 stand.

11 (Whereupon, jury panel members stand.)

12 THE COURT: I'll let you all come forward and speak  
13 with me privately. Okay?

14 (Whereupon, a sidebar was held with jury panel members)

15 BAILIFF: Juror No. 44, Your Honor.

16 THE COURT: Ms. Curry? Yes, ma'am. How does that  
17 question apply to you?

18 JURY MEMBER: And I'm not sure 100 percent if it does.

19 THE COURT: Sure.

20 JURY MEMBER: I was a victim of some sexual abuse  
21 probably around the age four to five. It was never  
22 documented, never anything done with it. But most recently  
23 I have been a foster parent in 2016 of a girl who did have  
24 documented sexual abuse. That wasn't the current condition  
25 that we were dealing with. She's been in counseling, so I

1 thought I should report it.

2 THE COURT: Good deal. I appreciate you telling me  
3 that. Ms. Curry, these allegations involve basically, for  
4 lack of a better word, attempts at molestation of a minor  
5 child who was age 10 at the time.

6 MR. SCOTT: Six to 12.

7 THE COURT: Six to 12, okay. Is this hitting too close  
8 to home for you?

9 JURY MEMBER: I like to think that the evidence would  
10 either support it or not. I try to have a fair view. I  
11 won't say it won't hurt to listen to it. But on the other  
12 hand, I also don't feel like I want to exclude myself. You  
13 may choose to exclude me. I don't feel like I should  
14 exclude myself just because I don't like listening to  
15 things. If the evidence is there then, you know, a decision  
16 can be made, and I don't presume guilt.

17 THE COURT: Okay. So, just so I'm clear, anything that  
18 happened to you as a kid, anything that happened to your  
19 foster child, are you able to put that aside and judge this  
20 case based solely on the evidence and the law?

21 JURY MEMBER: I believe that I can.

22 THE COURT: You've got to be sure. If you're worried  
23 that it might affect you, I'll let you sit it out. I just  
24 need the truth.

25 JURY MEMBER: Yeah, I believe that I can, but I -

1 THE COURT: Good enough. Ms. Curry, I'm going to let  
2 you sit this one out. Okay?

3 JURY MEMBER: Okay.

4 THE COURT: All right. Thank you very much for that  
5 information. Just have a seat. Jury No. 44 is going to sit  
6 this one out. Okay?

7 BAILIFF: Juror No. 69.

8 THE COURT: Mr. Ginn, Frank Addy. How are you, sir?

9 JURY MEMBER: Good, thank you.

10 THE COURT: How does that question apply to you, sir?

11 JURY MEMBER: 2010 my step-grandson was a victim of  
12 child abuse, and about a year later his mom of domestic  
13 violence.

14 THE COURT: And that was eight years ago?

15 JURY MEMBER: Yeah.

16 THE COURT: The fact that your -- the fact that your  
17 family went through that, would that affect your ability to  
18 be fair and impartial to both sides?

19 JURY MEMBER: Not really.

20 THE COURT: It wouldn't? So what happened to you  
21 step-son, what happened to your family members, you're sure  
22 you can put that aside and be fair to both sides in this  
23 case?

24 JURY MEMBER: Yes.

25 THE COURT: Good enough.

1 MR. WISE: Can I ask one --

2 THE COURT: Sure.

3 MR. WISE: Was there a criminal prosecution in this  
4 circuit on that case?

5 THE COURT: Was there any prosecution of those cases?

6 JURY MEMBER: Against the dad, yeah. He was --

7 THE COURT: This would have been your son-in-law?

8 JURY MEMBER: Uh-huh. He was in jail for a time, but  
9 he died from -- he went back and abused the mom and he had  
10 -- she had shot him. He died of a gunshot wound.

11 MR. WISE: Where was it prosecuted, do you know?

12 THE COURT: Do you recall when this was prosecuted? It  
13 would have been --

14 MR. WISE: No, no. Where?

15 THE COURT: Was it prosecuted here?

16 JURY MEMBER: Yeah.

17 THE COURT: In Laurens County?

18 JURY MEMBER: Yeah.

19 THE COURT: When, do you remember?

20 JURY MEMBER: 2011.

21 THE COURT: 2011. So it would have been Solicitor  
22 Jerry Peace that handled that?

23 JURY MEMBER: Yeah.

24 THE COURT: Good enough. Mr. Ginn, thank you very  
25 much. You can have a seat. You're good. 69's good.

1 You're good.

2 BAILIFF: Number 51.

3 MR. WISE: What's the number?

4 THE BAILIFF: 51.

5 THE COURT: 51. Ms. Depriest.

6 JURY MEMBER: Good morning.

7 THE COURT: Good morning. Frank Addy. Yes, ma'am.

8 How did that question apply to you, ma'am?

9 JURY MEMBER: As a child I was a victim of a sexual  
10 assault. At the time I was eight. It was my brother. My  
11 sister, who's now deceased, was also a victim of sexual  
12 assault at the hands of our father.

13 THE COURT: The allegations in this case, Ms. Depriest,  
14 the State is alleging that the victim of this case, who was  
15 probably six when the alleged abuse began at the hands of  
16 her step-father, that's what the allegations basically are.  
17 Is this hitting too close to home for you?

18 JURY MEMBER: Yes.

19 THE COURT: That's what I was thinking. I'm going to  
20 let you sit this one out then, Ms. Depriest. Okay?

21 JURY MEMBER: Okay.

22 THE COURT: Thank you for being so honest.

23 JURY MEMBER: You're welcome.

24 THE COURT: 51 is going to sit this out.

25 BAILIFF: Juror number 105.

1 THE COURT: Mr. Knight, Frank Addy. Yes, sir.

2 JURY MEMBER: I have a brother that's been charged with  
3 domestic violence on multiple occasions.

4 THE COURT: This is your brother? Older brother, I  
5 guess?

6 JURY MEMBER: He's 30 now.

7 THE COURT: Are they being prosecuted in this circuit  
8 or somewhere else?

9 JURY MEMBER: I'm not sure. He lives in Laurens, so  
10 more than likely.

11 THE COURT: The fact that your brother has been  
12 prosecuted for those crimes, would that affect your ability  
13 to be fair and impartial as a juror in this case?

14 JURY MEMBER: No, sir.

15 THE COURT: It wouldn't, okay. Good enough, Mr.  
16 Knight. You're good. 105 is good.

17 BAILIFF: Juror number 106.

18 JURY MEMBER: 46.

19 THE BAILIFF: I mean, 46. Sorry, Your Honor.

20 THE COURT: Mr. Davidson, Frank Addy. Yes, sir.

21 JURY MEMBER: My father-in-law is currently being  
22 adjudicated for criminal sexual conduct with a minor in  
23 Laurens County Court, James Stewart Cooley.

24 THE COURT: Cooley. That's your case?

25 MS. KEENEY: Yes.

1 THE COURT: Ms. Keeney is prosecuting that case. This  
2 is your father-in-law?

3 JURY MEMBER: Uh-huh. He is residing with us right  
4 now.

5 THE COURT: Okay. The prosecuting agency is the same  
6 as the one prosecuting this case. And obviously the  
7 allegations are similar. Is this too uncomfortable for you?

8 JURY MEMBER: I think I'll be okay.

9 THE COURT: You think you'll be okay? You're sure?

10 JURY MEMBER: Yeah.

11 THE COURT: Okay. See, if you get on there, I can't --  
12 I can't kick you off later on. So if you're worried that  
13 this might -- that what your family is going through would  
14 leach over into this case or affect your ability to be  
15 impartial to both sides I'd much rather let you go now. If  
16 you're telling me that you're sure that you can put that  
17 aside and go forward, I'm good.

18 JURY MEMBER: I -- it shouldn't affect me.

19 THE COURT: It shouldn't?

20 JURY MEMBER: I'll make it a point to not let it affect  
21 me.

22 THE COURT: All right. Good enough.

23 MR. SCOTT: Judge, that wasn't a clear answer. In  
24 fact, we struck one when she said she thought she could but  
25 wasn't sure.

1 THE COURT: Well, yeah. I need you to be sure. Either  
2 you can put it aside or you can't.

3 THE JURY: I will.

4 THE COURT: You will, okay. Good enough. 46 is okay.

5 BAILIFF: Rodreguez Woodruff.

6 THE COURT: Are you Mr. Woodruff?

7 JURY MEMBER: Yes, sir.

8 THE COURT: 192, okay. Yes, sir. Frank Addy. Yes,  
9 sir.

10 JURY MEMBER: My grandfather was convicted of sex with  
11 a minor. I don't -- I was young at the time, so -- but I do  
12 know he was convicted.

13 THE COURT: Do you know how long ago that was, Mr.  
14 Woodruff?

15 JURY MEMBER: It's been over 10 years.

16 THE COURT: Over 10 years?

17 JURY MEMBER: Yeah.

18 THE COURT: Is he still alive?

19 JURY MEMBER: Yeah, he's still alive.

20 THE COURT: The fact that your -- that your family has  
21 -- was that prosecuted here or was it prosecuted somewhere  
22 else?

23 JURY MEMBER: I have -- I have no clue. I was young,  
24 but I do know it happened.

25 THE COURT: All right. Would the fact that your father

1 -- grandfather, rather, was prosecuted and convicted for a  
2 criminal sexual conduct type of case, would that affect your  
3 ability to be fair and impartial in this particular case?

4 JURY MEMBER: No.

5 THE COURT: Good enough. You can have a seat. Thank  
6 you, you're fine. 192 is fine.

7 BAILIFF: Number 16.

8 THE COURT: Hey.

9 JURY MEMBER: How are you?

10 THE COURT: Doing well, Ms. Blackstock. Yes, ma'am.

11 JURY MEMBER: I don't know if this applies or not, but  
12 years ago my son was a police officer and one of the  
13 prisoners attacked him and they got into it. There was a  
14 fight. But he was found innocent by a jury.

15 THE COURT: So your son was prosecuted for some fight  
16 with an inmate or something?

17 JURY MEMBER: Yeah.

18 THE COURT: How long ago was it?

19 JURY MEMBER: I want to say it's been over five years.  
20 It's been a long time.

21 THE COURT: Was that prosecuted here in this circuit or  
22 somewhere else?

23 JURY MEMBER: It was here in Laurens.

24 THE COURT: Would --

25 JURY MEMBER: He was a -- I think he was a drug dealer

1 or something another, and he had been arrested and he  
2 wouldn't cooperate and my son was just trying to help the  
3 other officer out and he turned on my son and attacked him,  
4 and so my son took up for himself. But it was all caught on  
5 tape.

6 THE COURT: What's your son's name?

7 JURY MEMBER: Michael Blackstock.

8 THE COURT: The fact that your family went through this  
9 and the fact that this happened to your son, would that  
10 affect your ability to be fair and impartial to both sides?

11 JURY MEMBER: No.

12 THE COURT: It won't? Good enough. Ms. Blackstock,  
13 you're fine.

14 JURY MEMBER: Thank you.

15 THE COURT: Have a seat. 16's okay.

16 BAILIFF: Lucky Brabham. I might not have pronounced  
17 that right.

18 THE COURT: Brabham.

19 JURY MEMBER: How you doing.

20 THE COURT: Hey.

21 MR. WISE: What's the number?

22 THE COURT: Mr. -- or Ms. Brabham. 24. Frank Addy.  
23 Yes.

24 JURY MEMBER: When she was like 16 my sister got raped,  
25 and my uncle was, I think -- I don't know what his charges

1 was, but I know he's supposedly accused of touching a little  
2 girl. And his case got dropped like right before his court  
3 date. And my brother is awaiting trial for a CDV and  
4 resisting arrest.

5 THE COURT: And those charges that are pending, are  
6 they pending here in Laurens?

7 JURY MEMBER: York County.

8 THE COURT: York, okay.

9 JURY MEMBER: But my uncle was incarcerated in Clinton.

10 THE COURT: Clinton, okay. Is -- how long ago was  
11 that?

12 JURY MEMBER: I graduated in 2015, so it was between  
13 2012 and 2015 because we moved down here in 2012.

14 THE COURT: Okay. Would that -- would that thing that  
15 happened to your family, and all that stuff that happened to  
16 your family, would that affect your ability to be both fair  
17 and impartial to both the State and the Defense in any way?

18 JURY MEMBER: I'm fine.

19 THE COURT: It would not?

20 JURY MEMBER: Huh-uh.

21 THE COURT: I missed -- what did you say?

22 JURY MEMBER: I'm fine.

23 THE COURT: You're fine, okay.

24 MR. WISE: What's the age of the sister?

25 THE COURT: How old was your sister? She was 16 you

1 said or --

2 JURY MEMBER: Yeah, roughly about 16. I'm not --

3 THE COURT: Okay, good enough Mr. Brabham -- or Ms.  
4 Brabham. Sorry. You can have a seat.

5 BAILIFF: 156.

6 THE COURT: Ms. Stanley. Yes, ma'am.

7 JURY MEMBER: Unfortunately, this is something that I  
8 experienced at a very young age from six to eight.

9 THE COURT: Got you.

10 JURY MEMBER: And then '99 my mother was almost killed  
11 by her ex-husband. They got into a big fight one night and  
12 the SWAT team had to be called to the house. When I got  
13 home, she was just curled up in a ball on the couch. Those  
14 are my previous experiences.

15 THE COURT: Ms. Stanley, I'm just looking for an honest  
16 answer. Is this hitting too home -- too close to home for  
17 you? Yeah, okay. I'm going to let you sit this one out.  
18 Okay? So just go back out there, but you won't serve on  
19 this jury. Okay, Ms. Stanley?

20 JURY MEMBER: Yes.

21 THE COURT: Thank you. Yeah, just have a seat where  
22 you were. Thank you for being so honest. 156 is going to  
23 sit this one out.

24 BAILIFF: 195.

25 THE COURT: Mr. Wright, I'm Frank Addy. Yes, sir.

1 JURY MEMBER: I had a nephew that abused 15 years ago.

2 THE COURT: So it was a child abuse type of a case?

3 JURY MEMBER: Yes, sir.

4 THE COURT: Was that prosecuted here, or was there any  
5 prosecution or --

6 JURY MEMBER: It was in Greenville County.

7 THE COURT: It was in Greenville County, okay. The  
8 abuse in this case is alleged to be of a sexual nature, not  
9 a physical type of abuse. Okay?

10 JURY MEMBER: Uh-huh.

11 THE COURT: This incident, is it hitting too close to  
12 home for you or can you put it aside and be fair to both  
13 sides?

14 JURY MEMBER: I can be fair to both sides because I've  
15 forgiven.

16 THE COURT: Good enough, Mr. Wright. You're fine.  
17 Have a seat. 195 is fine.

18 BAILIFF: 114.

19 THE COURT: Hey, Ms. Mack. Frank Addy. Yes, ma'am.

20 JURY MEMBER: I was involved in domestic violence.

21 THE COURT: You were involved with a domestic violence?

22 JURY MEMBER: Yeah. And I didn't press charges, but  
23 the State took it up.

24 THE COURT: You didn't press charges but the State took  
25 it up?

1           JURY MEMBER: Yeah, they took it up. But I had to come  
2 down here and talk to the Judge and stuff. So he served  
3 time for it. He been in jail for that.

4           THE COURT: He served time in jail for that. Ms. Mack,  
5 the fact that you were a victim of domestic violence, would  
6 that affect your ability to be fair to both sides in this  
7 case?

8           JURY MEMBER: I don't think so.

9           THE COURT: I need you to be sure. If you can put it  
10 aside and judge this case only on the law and the evidence,  
11 you're fine. If you're worried that it could leach over  
12 into this, then I'll let you sit this out.

13          JURY MEMBER: Okay. Then I better sit it out.

14          THE COURT: You want to sit it out?

15          JURY MEMBER: I might get emotional, yeah.

16          THE COURT: Ms. Mack, I appreciate you being honest.  
17 All right. You can have a seat. 114 will sit this out.

18          BAILIFF: 62.

19          THE COURT: Mr. Fortman, Frank Addy. Yes, sir. How  
20 did that question apply to you?

21          JURY MEMBER: I have a cousin who got a drug addiction  
22 and suicide attempts and mental health most of her life.  
23 And it came out later that a lot of that came from sexual  
24 abuse as a minor.

25          THE COURT: And this was your cousin? Your first

1     cousin?

2             JURY MEMBER:   Third cousin.

3             THE COURT:   Third cousin, okay.  Mr. Fortman, the fact  
4     that this happened in your family, would that affect your  
5     ability to be fair to both sides in this case?

6             JURY MEMBER:   It would not.

7             THE COURT:   You're sure?

8             MR. WISE:  Can I ask whether there was a prosecution.

9             JURY MEMBER:   It was in Maryland.

10            THE COURT:   In Maryland, okay.

11            JURY MEMBER:   And I'm not aware of any prosecution.

12            THE COURT:   Good enough, Mr. Fortman, you're fine.

13     Thank you.  62's okay.

14            THE BAILIFF:   Your Honor, he was up earlier.

15            THE COURT:   Right.

16            THE BAILIFF:   No. 69.  Come on back.

17            THE COURT:   Mr. Ginn.  Yes, sir.

18            JURY MEMBER:  I may have another conflict.

19            THE COURT:   Sure.

20            JURY MEMBER:   I heard somebody call out a Rodreguez  
21     Woodruff.

22            THE COURT:   Yeah.

23            JURY MEMBER:   If he's the son of the dad I was talking  
24     about.

25            THE COURT:   That's one of the possible jurors on the

1 panel. Okay. So he's --

2 JURY MEMBER: I don't know if that's an issue or a  
3 concern.

4 THE COURT: Say again?

5 JURY MEMBER: I don't know if that's an issue or a  
6 concern.

7 THE COURT: How do you know Mr. Woodruff, one of the  
8 other jurors?

9 JURY MEMBER: Like I said, my grandson's dad. That  
10 could be the son.

11 THE COURT: That could be the son -- the grandson of --  
12 give me that relationship again.

13 JURY MEMBER: My step-grandson who got abused.

14 THE COURT: Right.

15 JURY MEMBER: His dad passed away. That boy possibly  
16 could be.

17 THE COURT: But you're not sure? Could be relative of  
18 the person who did the abuse?

19 JURY MEMBER: Right.

20 THE COURT: All right. If you're --

21 JURY MEMBER: I mean, if he was, Rodney O. Woodruff.

22 THE COURT: Rodney O. Woodruff? Okay. Rodreguez O.  
23 Woodruff. The man who came up here was born in 1996, which  
24 would make him -- that couldn't be the same guy then. That  
25 couldn't -- because 1990 -- he was born in '96. That would

1 make him --

2 MR. WISE: Twenty-two.

3 THE COURT: Twenty-two. Yeah, that can't be right.

4 JURY MEMBER: You called out a Mike Eubanks.

5 THE COURT: Yes.

6 JURY MEMBER: I know a Michael Wayne Eubanks.

7 MR. WISE: No, I think it's -- I can't remember his  
8 middle name but it's not. You did not recognize him in the  
9 courtroom so it's not.

10 THE COURT: He's fine.

11 MR. SCOTT: Judge, I don't know if we should handle  
12 this here. I am going to ask that -- where is he? Jeffrey  
13 Davidson be struck for cause. I don't -- I don't think it  
14 was intentional, but I think the line of questioning between  
15 he and Juror No. 44 were substantially different. 44 said a  
16 couple of times that she would base the decision she made  
17 solely on the evidence provided, and when she was asked if  
18 she was sure she said she thought so. When pressed she said  
19 she thought so. And that was similar to the answers that  
20 Mr. Davidson gave. Finally, after we instructed him that  
21 one of the co-counsel's was prosecuting his father-in-law  
22 who's living with him at the time, I just think there were  
23 two different standards and I think he should be struck for  
24 cause. Mercedes Curry said she would base it solely on the  
25 evidence given, and that's the standard.

1 THE COURT: Well, I struck her.

2 MR. SCOTT: I know, but you didn't strike --

3 MR. WISE: And Davidson is the one that has an active  
4 case pending in Laurens County. He may know something I  
5 don't, but I'm scared and would object if he has an active  
6 case pending.

7 MR. SCOTT: That's number 46.

8 MR. WISE: I shouldn't look a gift horse in the mouth,  
9 but it's a little -- makes me a little nervous, too.

10 THE COURT: Do we have any more information about juror  
11 number 1?

12 MR. SCOTT: No. But that is the -- that is her  
13 paternal grandmother. The one she was asking about. I  
14 think it was Diane Lyons.

15 THE COURT: Yes.

16 MR. SCOTT: That is the paternal grandmother. I don't  
17 know what involvement she has in the girl's life, because  
18 the dad's out of the picture. But that is who she was  
19 thinking of.

20 THE COURT: All right. Just for the record, Juror  
21 number 1. You're sitting on the back row somewhere. I'm  
22 letting you sit this one out. Okay? You'll sit this one  
23 out. So you won't be in the pool. Okay? Just hang around.  
24 Yes, ma'am. You're not free to go quite yet.

25 Is there any member of the jury panel who knows of any

1 reason whatsoever, any reason at all, why you feel like you  
2 cannot give both the State of South Carolina and the  
3 Defendant in this case a fair trial? Any reason whatsoever  
4 you feel like you just need to sit this one out? If so,  
5 please stand.

6 (Whereupon, jury panel member stands.)

7 THE COURT: All right. Come on down, please.

8 (Whereupon, a sidebar was held with jury panel  
9 members.)

10 THE COURT: What's your name, please, first?

11 JURY MEMBER: Bess Caldwell.

12 THE COURT: Ms. Caldwell.

13 JURY MEMBER: Number 33.

14 THE COURT: Yes, ma'am.

15 JURY MEMBER: Let me mention, on the witnesses --

16 THE COURT: Yes, ma'am.

17 JURY MEMBER: -- the only thing I know about Lieutenant  
18 -- Investigator Michael Polson. He came to my property  
19 about two weeks ago, two, three weeks ago, and investigated  
20 a little rental property thing. I don't know him. I just  
21 wanted to make sure.

22 THE COURT: That's not a problem. It was a  
23 landlord/tenant kind of a thing?

24 JURY MEMBER: Uh-huh.

25 THE COURT: You're fine, Ms. Caldwell.

1 JURY MEMBER: That was all.

2 THE COURT: 33's okay.

3 BAILIFF: Juror number 65.

4 THE COURT: 65. Ms. Gault, Frank Addy.

5 JURY MEMBER: Pleased to meet you.

6 THE COURT: Yes, ma'am.

7 JURY MEMBER: I'm nine months pregnant and this baby  
8 could pop out at any time.

9 THE COURT: That's good information. When are you due,  
10 ma'am?

11 JURY MEMBER: In two weeks.

12 THE COURT: In two weeks. All right.

13 JURY MEMBER: I've been trying to hold out, but those  
14 seats are horrible.

15 THE COURT: Those seats are horrible. Okay? I don't  
16 want to --

17 JURY MEMBER: If they had a cushion.

18 THE COURT: Yeah, the ones over there are more  
19 comfortable. But if you're worried. Have you had any sort  
20 of --

21 JURY MEMBER: Contractions?

22 THE COURT: Is this your first kid or your second?

23 JURY MEMBER: It's my first.

24 THE COURT: First, okay.

25 JURY MEMBER: I would stay, but --

1 THE COURT: I think I don't want to have to deliver a  
2 baby, and I'm not confident to do so, Ms. Gault. Why don't  
3 I just excuse you. Okay?

4 JURY MEMBER: Okay.

5 THE COURT: You're free to go. Okay, Ms. Gault? Good  
6 luck.

7 JURY MEMBER: Thank you.

8 THE COURT: You're free to go for the week, ma'am.

9 JURY MEMBER: Thank you.

10 THE COURT: Good luck with the baby.

11 THE BAILIFF: 43.

12 THE COURT: 43. Glad she told me that. Ms. Crowder,  
13 hey. Frank Addy. Yes, ma'am. Good to meet you.

14 JURY MEMBER: Hi. I'm pretty sure that my father and  
15 my two older brothers --

16 THE COURT: Say again.

17 JURY MEMBER: I think my father and my older two  
18 brothers --

19 THE COURT: I missed that last part. Your father and  
20 your two oldest brothers are what?

21 JURY MEMBER: Knew Mr. Eubanks.

22 THE COURT: Okay, they knew --

23 JURY MEMBER: Uh-huh.

24 THE COURT: Do you know Mr. Eubanks?

25 JURY MEMBER: No. I just didn't know if that was --

1 THE COURT: No. You're fine, Ms. Crowder. Thank you.  
2 Have a seat.

3 Last question, ladies and gentlemen. Is there anyone  
4 on the jury panel who belongs to any religious organization  
5 or has any deeply held moral or religious beliefs the tenets  
6 of which prohibit you from serving on a jury? Any member of  
7 the jury panel who belongs to a faith that doesn't allow you  
8 to serve on a jury? If so, please stand.

9 (Whereupon, no jury panel member stands.)

10 THE COURT: No one is standing. Any others you feel  
11 very strongly about? I think I hit the high points.

12 MR. WISE: 21 and 24.

13 THE COURT: Ladies and gentlemen, is there any member  
14 of the jury panel or a close family member who's ever been  
15 employed by the South Carolina Department of Social  
16 Services? If so, please stand. Any member of the jury  
17 panel who's worked for DSS previously or close family member  
18 who has?

19 (Whereupon, jury panel members stands.)

20 THE COURT: You're out.

21 JURY MEMBER: Oh, that's right.

22 THE COURT: Thank you. That was Juror number 1. Yes,  
23 ma'am. What's your name?

24 JURY MEMBER: I don't actually work for Social  
25 Services, but I do work for Beckman Mental Health.

1 THE COURT: What's your name, please?

2 JURY MEMBER: Amanda Thompson.

3 THE COURT: Ms. Thompson, when did you work for  
4 Beckman? How long did you work --

5 JURY MEMBER: I worked for Beckman for about six months  
6 in the first part of '17.

7 THE COURT: 2017, okay. But the names that are  
8 involved in this case are not familiar with you in any way?

9 JURY MEMBER: I do know Dr. Sharawy and I do know  
10 Samantha Black. I did not work closely with Samantha Black  
11 but, I mean, she did report in the same office I worked at,  
12 and Dr. Sharawy was there, too. As far as my judgment, I  
13 mean, it wouldn't be --

14 THE COURT: That wouldn't affect --

15 JURY MEMBER: No.

16 THE COURT: And you were only there --

17 JURY MEMBER: I just wanted you to be aware that I did  
18 know both of them.

19 THE COURT: Good enough. Thank you, ma'am. You can  
20 have a seat. Appreciate that information. Who else?

21 Is there any member of the jury panel who has ever been  
22 investigated by or close family member who has ever been  
23 investigated by DSS, or anyone who has ever given  
24 information to DSS about a possible child abuse or a neglect  
25 type of situation? If you've previously stood up or given

1 me that information down here, you don't have to do that  
2 again. But if you haven't told us, just stand up now and  
3 I'll let you come forward and talk to me. Anyone?

4 (Whereupon, no jury panel member stands.)

5 THE COURT: No one is standing. Strikes in this case  
6 will be 10 and 5.

7 Ladies and gentlemen of the jury panel, what we're  
8 going to do is we're going to move forward in selecting a  
9 jury at this time. If your case -- if your name is called,  
10 what I need you to do is come forward and stand right here  
11 at the corner of the table where I was standing a few  
12 moments ago, turn around and face towards the doors that you  
13 came in. At that point in time the State will be given an  
14 opportunity to either seat you or to exclude you. The  
15 Defendant will be given a similar opportunity.

16 Now, ladies and gentlemen, I've got to tell you what I  
17 tell every jury. If for some reason one of the lawyers asks  
18 that you not serve on this case, folks, don't take it  
19 personal. Okay? It ain't anything with you personally.  
20 It's just them trying to do their jobs. So again, don't get  
21 bent out of shape if somebody asks you not to serve. All  
22 right?

23 MR. SCOTT: Judge, just briefly can we approach?

24 (Whereupon, a sidebar was held.)

25 THE COURT: All right. Madam Clerk, if you'll seat me

1 a jury, please, ma'am.

2 MADAM CLERK: Juror No. 7, Tony E, Bailey. What say  
3 the State?

4 MR. SCOTT: Please present the juror.

5 MADAM CLERK: What say the Defense?

6 MR. WISE: Swear the juror.

7 (Whereupon, the juror took a seat in the jury box.)

8 MADAM CLERK: Juror No. 142, Shinar Rivera. What say  
9 the State?

10 MR. SCOTT: Please present the juror.

11 MADAM CLERK: What says the Defense?

12 MR. WISE: Excuse the juror from this trial.

13 (Whereupon, the jury member returns to the courtroom.)

14 MADAM CLERK: Juror No. 177, Michael W. Tucker. What  
15 says the State?

16 THE COURT: Ma'am, hang out. Don't leave quite yet.  
17 I've got to give you all some instructions. Okay? I'm  
18 sorry, ma'am. I'm sorry.

19 MR. SCOTT: Present the juror.

20 MADAM CLERK: What says the Defense?

21 MR. WISE: Swear the juror.

22 (Whereupon, the juror took a seat in the jury box.)

23 MADAM CLERK: Juror No. 45, Kimberly B. Darnell. What  
24 says the State?

25 MR. SCOTT: Please present the juror.

1 MADAM CLERK: What says the Defense?

2 MR. WISE: Swear the juror.

3 (Whereupon, the juror took a seat in the jury box.)

4 MADAM CLERK: Juror No. 16, Carolyn L. Blackstock.

5 What says the State?

6 MR. SCOTT: Please present the juror.

7 MADAM CLERK: What says the Defense?

8 MR. WISE: Swear the juror.

9 (Whereupon, the juror took a seat in the jury box.)

10 MADAM CLERK: Juror No. 117, C. McDowell. What says

11 the State?

12 MR. SCOTT: Please excuse the juror from this case.

13 MADAM CLERK: Juror No. 97, Edward A. Kennedy. What

14 says the State?

15 MR. SCOTT: Please present the juror.

16 MADAM CLERK: What says the Defense?

17 MR. WISE: Swear the juror.

18 (Whereupon, the juror took a seat in the jury box.)

19 MADAM CLERK: Juror No. 192, Rodreguez Woodruff. What

20 says the State?

21 MR. SCOTT: Please present the juror.

22 MADAM CLERK: What says the Defense?

23 MR. WISE: Swear the juror.

24 (Whereupon, the juror took a seat in the jury box.)

25 MADAM CLERK: Juror 95, Shatavous Johnson. What says

1 the State?

2 MR. SCOTT: Please excuse the juror from this trial.

3 (Whereupon, the juror returned to the courtroom.)

4 MADAM CLERK: Juror No. 69, Bobby F. Ginn. What says  
5 the State?

6 MR. SCOTT: Please present the juror.

7 MADAM CLERK: What says the Defense?

8 MR. WISE: Excuse the juror from this trial.

9 (Whereupon, the juror returned to the courtroom.)

10 MADAM CLERK: Juror No. 102, Kevin T. King. What says  
11 the State?

12 MR. SCOTT: Present the juror.

13 MADAM CLERK: What says the Defense?

14 MR. WISE: Swear the juror.

15 (Whereupon, the juror took a seat in the jury box.)

16 MADAM CLERK: Juror No. 200, John A. Sanuski.

17 MR. WISE: What was the number?

18 MADAM CLERK: 200. What says the State?

19 MR. SCOTT: Please present the juror.

20 MADAM CLERK: What says the Defense?

21 MR. WISE: Excuse the juror from this trial.

22 (Whereupon, the juror returned to the courtroom.)

23 MADAM CLERK: Juror No. 166, Deborah S. Templeton.  
24 What says the State?

25 MR. SCOTT: Please present the juror.

1 MADAM CLERK: What says the Defense?

2 MR. WISE: Excuse the juror from this trial.

3 (Whereupon, the juror returned to the courtroom.)

4 MADAM CLERK: Juror No. 22, Amanda L. Bowie. What says  
5 the State?

6 MR. SCOTT: Please present the juror.

7 MADAM CLERK: What says the Defense?

8 MR. WISE: Excuse the juror from this trial.

9 (Whereupon, the juror returned to the courtroom.)

10 MADAM CLERK: Juror No. 160, Donna W. Sullivan. What  
11 say the State?

12 MR. SCOTT: Please present the juror.

13 MADAM CLERK: What says the Defense?

14 MR. WISE: Swear the juror.

15 (Whereupon, the juror took a seat in the courtroom.)

16 MADAM CLERK: Juror No. 127, Theola Neeley. What says  
17 the State?

18 MR. SCOTT: Present the juror.

19 MADAM CLERK: What says the Defense?

20 MR. WISE: Excuse the juror from this trial.

21 (Whereupon, the juror returned to the courtroom.)

22 MADAM CLERK: Juror No. 33, Bess P. Caldwell. What  
23 says the State?

24 MR. SCOTT: Please present the juror.

25 MADAM CLERK: What says the Defense?

1 MR. WISE: Swear the juror.

2 (Whereupon, the juror took a seat in the jury box.)

3 MADAM CLERK: Juror No. 168, Amanda W. Thompson. What  
4 says the State?

5 MR. SCOTT: Please present the juror.

6 MADAM CLERK: What says the Defense?

7 MR. WISE: Excuse the juror from this trial.

8 (Whereupon, the juror returned to the courtroom.)

9 MADAM CLERK: Juror No. 105, Christopher F. Knight.  
10 What says the State?

11 MR. SCOTT: Please excuse the juror from this trial.

12 (Whereupon, the juror returned to the courtroom.)

13 MADAM CLERK: Juror No. 43, Eva Crowder. What says the  
14 State?

15 MR. SCOTT: From this trial excuse this juror.

16 (Whereupon, the juror returned to the courtroom.)

17 MADAM CLERK: You're excusing her? Is that what you  
18 said?

19 MR. SCOTT: Excuse.

20 MADAM CLERK: Thank you.

21 THE COURT: You can have a seat, ma'am.

22 MADAM CLERK: Juror No. 60, Matthew A. Estrada. What  
23 says the State?

24 MR. SCOTT: Please seat the juror.

25 MADAM CLERK: What says the Defense?

1 MR. WISE: Excuse the juror from this trial.

2 (Whereupon, the juror returned to the courtroom.)

3 MADAM CLERK: Juror No. 29, Sean J. Bush. What says  
4 the State?

5 MR. SCOTT: Please present the juror.

6 MADAM CLERK: What says the Defense?

7 MR. WISE: Swear the juror.

8 (Whereupon, the juror took a seat in the jury box.)

9 MADAM CLERK: Juror No. 4, Pamela R. Martin. What says  
10 the State?

11 MR. SCOTT: Please present the juror.

12 MADAM CLERK: What says the Defense?

13 MR. WISE: Swear the juror.

14 (Whereupon, the juror took a seat in the jury box.)

15 MADAM CLERK: Juror No. 100, Teresa D. Kinards. What  
16 says the State?

17 MR. SCOTT: Please present the juror.

18 MADAM CLERK: What says the Defense?

19 MR. SCOTT: Swear the juror.

20 (Whereupon, the juror took a seat in the jury box.)

21 THE COURT: We're going to select one alternate.

22 Strikes will be one and two.

23 MADAM CLERK: Juror No. 112, Danielle J. Lowe. What  
24 says the State?

25 MR. SCOTT: Please present the alternate.

1 MADAM CLERK: What says the Defense?

2 MR. WISE: Swear the juror.

3 (Whereupon, the juror took a seat in the jury box.)

4 THE COURT: All right. Any issues concerning selection  
5 of composition of the jury? None from the State?

6 MR. SCOTT: None from the State.

7 THE COURT: Any issues --

8 MR. WISE: None.

9 THE COURT: Ladies and gentlemen, who were picked on  
10 this case, what I'm going to do is let you adjourn to the  
11 jury room for just a few moments. I need to give some  
12 instructions to the jury panel, and then I'm going to bring  
13 you out and probably release you for lunch until sometime  
14 later this morning because there are a few pretrial matters  
15 that the Court needs to address before we move forward in  
16 earnest with the case. So if you would, in a few moments  
17 adjourn to the back. Running rule. Please don't discuss  
18 this case. Don't talk about this case at all. Not even  
19 among yourselves, any time that we are on break. Okay?  
20 That should be amazingly easy for you right now because you  
21 haven't heard from the first witness. You haven't heard  
22 anything about this case. It should be easy not to talk  
23 about it. So simply don't. Okay? With that, adjourn to  
24 the back, and I'll have you back out here as soon as  
25 possible. Thank you.

1           (Whereupon, the jury exited the courtroom at 11:56  
2 a.m.)

3           THE COURT: Ladies and gentlemen, if you were not  
4 selected on this particular case, gosh, I'm sorry. Here's  
5 what I'm going to do though. In my experience, and I've been  
6 doing this since 1993, occasionally something happens to  
7 cases after we've selected a jury. And understand that we  
8 do not get a lot of court time in the Eighth Judicial  
9 Circuit, and if for whatever reason something were to happen  
10 where this case was not able to go forward, I want the  
11 option of being able to try something else because, again,  
12 we don't get a lot of time here. We're not in Greenville.  
13 We're not Columbia. We're not Charleston where they're  
14 holding court all the time. We get maybe one or two weeks a  
15 month at the most, so we've got to make the most of what we  
16 get from the nice people in Columbia in terms of court  
17 assignments. All right. So out of an abundance of caution  
18 what I'm going to ask that you do is I want you to call the  
19 number on the juror information card that you have. I want  
20 you to call this number this evening after six o'clock and  
21 follow whatever those instructions are. I anticipate that  
22 if this case goes forward like I think it should, and I'm  
23 about 99.9 percent sure it will. If this case moves  
24 forward, the message is going to say, hey, give us a call  
25 back tomorrow night. All right? There's a very strong

1 likelihood, of course, that I will not be seeing you guys  
2 again. But in the event that something should happen to  
3 this case where it's not possible to proceed, again, I need  
4 the option to bring you back in here and to do another case  
5 of trial for the reasons that I've just explained. Okay?  
6 I'm a big believer of planning for contingencies, so that's  
7 the contingency I'm planning for. Call this number this  
8 evening any time after six o'clock. Follow those  
9 instructions whatever they are. You will get a jury excuse  
10 in your check, when you receive a check. If I don't see you  
11 guys again, you'll get a check in the mail from the Clerk of  
12 Court, and it will be the jury excuse. Is there any member  
13 of the jury panel that absolutely positively has to have one  
14 today? Anyone absolutely needs a jury excuse today for  
15 work? Okay, good. We do have one person. If you'll go  
16 down to the Clerk of Court's Office they'll provide you one.  
17 Okay? And you can get one today and take it to your boss  
18 today. All right?

19 With that, ladies and gentlemen, thank you for your  
20 patience here this morning. You're free to go. Call this  
21 number tonight after six o'clock. You know what to do. If  
22 I don't see you again, I hope to see you all again soon. If  
23 I don't see you again this week, I hope to see you all again  
24 soon under less formal circumstances. You all have a great  
25 weekend. Thank you.

1 (Whereupon, the jury panel members were released.)

2 THE COURT: While the jury is filtering out I know  
3 there are a couple of motions we need to address. Let's  
4 take a few moments for ourselves and then we'll kick the  
5 jury that's been impaneled out to lunch and see where things  
6 stand. Okay? We'll be at ease for a few moments.

7 (Whereupon, a brief recess was held from 12:00 p.m. to  
8 12:08 p.m.)

9 THE COURT: Solicitor, we don't have Ms. Keeney out  
10 here. Are we okay to move forward?

11 MR. SCOTT: We're good. Yes, sir.

12 THE COURT: We are back on the record. My intention --  
13 I know that we have a *Jackson v Denno* issue and we have a --  
14 we need to have a discussion concerning the logistics of the  
15 phone, the other matters that we spoke about in chambers,  
16 the PTSD type evidence. I'm going to release the jury and  
17 ask that they be back here at 2:30, and we're just going to  
18 see how things play out. Okay? You have the officer here  
19 on the *Jackson v Denno*, Mr. Scott?

20 MR. SCOTT: We do.

21 THE COURT: Let's have the jury, please.

22 (Whereupon, the jury entered the courtroom at 12:11  
23 p.m.)

24 THE COURT: Let the record reflect that the jury is  
25 back and seated. Ladies and gentlemen of the jury, here's

1 what we're going to do. I'm going to go ahead and release  
2 you for your lunch break and I'm going to ask that you be  
3 back here at 2:30. We still have some matters to help try  
4 and streamline this case that we're going to address while  
5 you're gone and there's no reason to keep you waiting back  
6 there. Okay?

7 While you're on your lunch break, while you're on any  
8 break, please don't discuss the case with anyone. I'll give  
9 you more detailed instructions on that after you're sworn as  
10 jurors and when I give you some opening remarks. Please do  
11 wear those juror badges to and from the courtroom. It'll  
12 help you -- and to and from the courthouse. It'll help  
13 identify the security people out from as jurors and it'll  
14 help you get to where you need to get to that much quicker.  
15 Okay? So I'm going to go ahead and let you all go to lunch.  
16 2:30, please do get back at that time. If for some reason I  
17 keep you waiting back there, understand it's because we're  
18 still working out here, and, of course, it's necessary for  
19 me to eat something. Otherwise, I will pass out and that  
20 will be bad. So I do also have to get some lunch, as do the  
21 participants in this case. 2:30 be back in the jury room.  
22 If you'll follow the bailiff, he'll show you the quickest  
23 way to and from the jury room. Okay? You put them in the  
24 back. Right. explain the whole situation to them, if you  
25 haven't already, and we've got you square. All right? See

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1 you all at 2:30. Thank you.

2 (Whereupon, the jury exited the courtroom for lunch  
3 recess at 12:11 p.m.)

4 THE COURT: The jury is out. Would it be possible at  
5 this point to go ahead and move forward with the *Jackson v*  
6 *Denno*, Solicitor?

7 MR. SCOTT: We can do it now, yes.

8 THE COURT: Go ahead and call your first witness then,  
9 please.

10 MR. SCOTT: The State calls Jared Hunnicutt.

11 JARED HUNNICUTT, having first been  
12 duly sworn, testified as follows:

13 DIRECT EXAMINATION (In Camera)

14 BY MR. SCOTT:

15 Q Investigator Hunnicutt, you're with the Sheriff's  
16 Department?

17 A Yes, sir.

18 Q And this case, does it not arise from an allegation  
19 that came to light May 16th of 2017?

20 A That's correct.

21 THE COURT: If you could, scooch that microphone just a  
22 little closer. I'm having trouble hearing you. I don't  
23 think it's on. Thanks.

24 Q And the named victim in this case is J.L. ?

25 A Correct.

1 Q And she made this disclosure at Gilchrist Consultation  
2 Center in Laurens County?

3 A That's correct.

4 Q Okay. Initially that was Deputy Richie that responded  
5 to Gilchrist to speak with the victim?

6 A Yes.

7 Q At what point did you become involved with this case?

8 A I got involved with the case the next day. I was  
9 assigned by Captain Robert Wilkie.

10 Q The next day, that's May 17th, you were assigned to the  
11 case.

12 A Correct.

13 Q Tell me what initial steps you take when you're  
14 assigned a case?

15 A Usually I go and speak to the victim, see if I can get  
16 a better rundown. This case being a juvenile, I had her  
17 momma there. They gave me basically the who, what, when,  
18 where, what happened. And then once I do that I try to make  
19 contact with the suspect.

20 Q So you met with J.L. and her mother, Denise  
21 Lyons?

22 A Correct.

23 Q And where was that?

24 A The Sheriff's Office.

25 Q You met with them on May 17th?

1 A Correct.

2 Q And you say typically what you do is you try to make  
3 contact with the suspect. Who was the suspect?

4 A Michael Cliff Eubanks.

5 Q Okay. Did you make contact with Mr. Eubanks?

6 A I did.

7 Q And when did you make contact with Mr. Eubanks?

8 A The same day.

9 Q May 17, 2017?

10 A Yes, sir.

11 Q Well, tell the judge how that worked. How did you  
12 communicate with Mr. Eubanks?

13 A Basically I got in touch with him and had him -- asked  
14 him if he would come up for an interview and he did so. I  
15 believe it was like about 10:00, 10:30 that morning.

16 Q So about 10:30, May 17th, you asked -- is that when he  
17 showed up?

18 A That's when he showed up for the interview, yes.

19 Q Okay, 10:17. And do you remember -- who was he with?

20 A He was by himself as far as I know.

21 Q May 17th, 10:17 a.m. And tell me what happens when he  
22 shows up to the Sheriff's Department?

23 A Basically I advise him that the reason he was there was  
24 we had some allegations of abuse made by his step-daughter  
25 and told him what they were, and then he spoke to me in

1 reference to what was going on. Basically he gave me a  
2 statement saying that he -- that he couldn't remember if he  
3 had touched her or not, and if he did, he was asleep when he  
4 did it.

5 Q Wait a minute. So when he gets there where do you take  
6 him in the --

7 A Into my office.

8 Q In your office. And tell me -- describe your office  
9 for everyone.

10 A When you walk in there's a couch on the left. At the  
11 time I think there were two chairs. I didn't have a couch.  
12 And my office is -- when you face into it my desk is to the  
13 right and there's some more chairs to the left, and there's  
14 also some chairs facing my desk.

15 Q Was he -- did you put him in detention when he got  
16 there?

17 A No, absolutely not.

18 Q So he wasn't handcuffed.

19 A No.

20 Q Was he free to leave at that point?

21 A Yes. And he did afterwards.

22 Q All right. If he showed up there and said I don't wish  
23 to speak to you, I want to leave, could he have just left  
24 freely?

25 A Absolutely.

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1 Q So there were no charges at this time?

2 A No.

3 Q Did you Mirandize him?

4 A No, I did not. He was not in custody.

5 MR. SCOTT: Let me, I guess, for purposes of this  
6 hearing, let me mark this as, I guess, a Court's exhibit.

7 THE COURT: If you're going to ultimately introduce it  
8 at some future point in time, why don't you go ahead and  
9 mark it as a State's.

10 MR. SCOTT: Okay.

11 (Whereupon, Eubanks Statement #1 was marked State's  
12 Exhibit 1 for identification.)

13 Q What's this, Investigator Hunnicutt?

14 A This is the first statement when he came in the first  
15 time that day.

16 Q And that's the statement you were just referencing?

17 A Correct.

18 Q So before you get him to fill that out you, I guess,  
19 tell him the gist of the allegations against him?

20 A Yeah. Basically I tell him why I'm asking him to come  
21 up there and speak with me. And then I ask him if he wants  
22 to give me a statement and he does. If they say they do I  
23 fill out the top with the information they give me, which is  
24 their name, address, date of birth, Social, phone number,  
25 what grade they completed in school, and if they can or

1 cannot read.

2 Q What grade did he indicate that he had completed?

3 A It says twelfth grade here, and that he can read.

4 Q And what's that -- what else is at the top of that?

5 Just under the biographical information you've got date of  
6 birth, my name is, Social Security, phone number, completed  
7 the twelfth grade. What's the information directly below  
8 that?

9 A Directly below that is the Miranda warning.

10 Q Would that have been something you asked him to read?

11 A Yes. Every time I do that I'll fill it out at the top  
12 and then I'll flip it around like such and say read the  
13 paragraph and fill it out --

14 Q So even though --

15 A -- at the bottom.

16 Q All right. So even though he wasn't in detention at  
17 the point you still did give him the warnings on this piece  
18 of paper?

19 A Correct.

20 Q The Miranda warnings? Before he puts pen to paper  
21 there on Exhibit 1 did he give you any oral statements  
22 regarding anything about the allegations?

23 A Yes. Basically what I get them -- before I get a  
24 voluntary statement is I get them to tell me about it  
25 orally. Once they do, then I say, okay, well, if you don't

1 mind, if you would just write this down what you said  
2 basically, so it's your words and not someone else's words,  
3 in your mouth.

4 Q Let me ask you is this a fair statement. Sometimes  
5 when they give you an oral recitation of events they may  
6 cover things that they don't later cover in their written  
7 statement --

8 A Sometimes.

9 Q -- and vice versa?

10 A Sometimes, yes.

11 Q Tell me what he told you orally before he puts pen to  
12 paper.

13 A Basically he had pretty much told me that -- he denied  
14 doing anything that she said as far as kissing and touching  
15 and things like that. He did, however, pretty much at the  
16 end of the oral statement, say as far as he could remember  
17 he hadn't touched J.L. in any way to make her feel like  
18 that, but basically if he had, he must have done it while he  
19 was asleep.

20 Q Now wait a minute. Tell me orally what he said. What  
21 did he say about sleeping in beds together?

22 A He basically said that he would watch TV with J.L.  
23 sometimes and that she would lay with him and watch TV in  
24 bed on the couch sometimes.

25 Q What, if anything, did he say about catching her

1     masturbating?

2     A     He said that he has caught her masturbating prior, and  
3     he also said that he had -- he said that he had caught her  
4     sending texts back and forth with other little boys.

5     Q     What, if anything, did he say about her giving him  
6     provocative looks?

7     A     He said she was very flirtatious, and the fact that she  
8     would do things that normal kids her age would not typically  
9     do.

10    Q     So he said the little girl was flirtatious with him?

11    A     Yes.

12    Q     All right. And did he indicate that he didn't know  
13    what to do about it?

14    A     Correct.

15    Q     And then thereafter he put pen to paper and created  
16    State's number 1 there?

17    A     Correct.

18    Q     Okay. And well, I guess, read it for the Court.

19    A     Okay. It says, "Came in to speak with Hunnicutt about  
20    allegations my daughter, J.L.           , has said towards me.  
21    She said I have kissed her neck, rubbed my arms across her  
22    chest, touched her butt, put my hand down her pants. As far  
23    as I can remember, I have not touched her in any way that I  
24    can remember to make her feel this way. She has fell asleep  
25    at times with me and my daughter B.E.     in bed, but I've also

1 picked her up and took her to her bed, and I have also fell  
2 asleep in my bed watching TV with me waking up with her next  
3 to me. I have no clue what goes on when I sleep, and I'm  
4 not saying that I did or --" I think he's trying to say or,  
5 but it says, "are I didn't while I was asleep."

6 Q Okay. And then that was completed at what time?

7 A 10:45 a.m.

8 Q All right. So he comes in 10:17. He signs off on that  
9 at 10:45. What happens next?

10 A Basically I told him to have a good day and I was going  
11 to have to do more investigation.

12 Q Okay. And then he left freely?

13 A Yes.

14 Q Was that -- that statement, were you the only one in  
15 the room on that particular occasion?

16 A Correct.

17 Q So he goes home. And did you speak with him again that  
18 day?

19 A I did. Before I did, I had called the victim and her  
20 mom again and I spoke with her. And at some point during  
21 that interview she had mentioned that she had told Cliff  
22 something about a nanny cam in the home, and it would be a  
23 good idea to use a DVD in the subsequent interview. So I  
24 called him back and asked him if he would come back up for  
25 another interview.

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1 Q What did you think, that he was holding something back  
2 on that first statement?

3 A I thought -- yeah, I thought there was a little bit  
4 more to it. Just due to the fact of what he said. That he  
5 didn't know if he had did anything or not, and if he did, it  
6 was while he was asleep. I thought that was kind of odd.  
7 So I called him back and said I had a little bit more  
8 information to speak with him again and he came back up.

9 Q All right. And did -- so he came back up freely and  
10 voluntarily. Do you know who he was with at that time?

11 A I believe he was with his parents.

12 Q How old is Cliff?

13 A Thirty-two.

14 Q And he shows up with his parents?

15 A Yeah.

16 Q Did he appear to be intoxicated or under the influence  
17 of anything?

18 A No. Just appeared the same way he did in the morning,  
19 when I spoke to him that morning.

20 Q Did he ask for a lawyer or anything before speaking  
21 with you?

22 A No.

23 Q Did you bully him or threaten him or anything?

24 A No.

25 Q Well, who else was with you?

1 A For the second interview?

2 Q Yeah.

3 A Myself, Investigator Polson, and Investigator Blackmon.

4 Q And where did you go for the second statement?

5 A Went to an interview room in the -- upstairs of the  
6 Sheriff's Office.

7 Q Is that a bigger room than your office?

8 A Yeah, it's a little bit bigger. More accommodating for  
9 that many people.

10 Q Did you offer him any drinks or anything, or did you  
11 keep him from going to the bathroom or anything like that?

12 A No.

13 Q Well, describe how -- did he bring his mom and dad in  
14 with him?

15 A They stayed downstairs.

16 Q Okay. Well, describe what happens whenever you and he  
17 and Polson and Blackmon go in the interview room.

18 A Okay. Basically when we walk in -- I'll describe that  
19 room for you if you'd like.

20 Q Yeah.

21 A When you walk in there's -- at the time there was a  
22 desk to the left and there's some chairs around the room.  
23 Basically you just had to pick which one you wanted. And  
24 there was one single chair between the door and the desk.  
25 That's where Mr. Eubanks sat. We sat on the other side

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1 facing -- or facing toward the door. He was with his back  
2 to the door.

3 Q Was he free to leave? You know, if he came in and said  
4 on second thought, I don't want to talk to you guys, you all  
5 are scaring me, was he free to leave?

6 A Absolutely. Just like he was the first time.

7 Q All right. So the second time what did you do? Did  
8 you get him to -- did you hand him another one of these  
9 statement forms like State's number 1?

10 A Yes. The same thing I did on the first one.

11 Q All right. Let me show you State's Exhibit 2.

12 (Whereupon, Eubanks statement 2 was marked as State's  
13 Exhibit Number 2 for identification.)

14 Q What is that?

15 A This is the second -- second form.

16 Q Okay. The same thing as number 1. Did you ask him all  
17 his biographical information? Did you ask him to fill it  
18 out himself?

19 A I filled it out.

20 Q You filled it out?

21 A Yeah, just like I did the first one. And then I did  
22 the same thing that I did with everything. Once I do that I  
23 spin it around, slide it to him and tell him to read the  
24 paragraph and fill it out and sign it at the bottom when  
25 they're done.

1 Q Okay. State's number 2 there, that also has the  
2 Miranda warnings up under the biographical information?

3 A Correct. It's identical to State's number 1.

4 Q All right. The same time as the first one did he kind  
5 of give you an oral recitation or an oral version of his  
6 events?

7 A Yes.

8 Q And what were those?

9 A Basically I told him --

10 Q Hold on. I'm sorry. I didn't mean to interrupt you.  
11 Back up. Tell me about -- more about the nanny cam thing.

12 A We had got into a conversation with -- I had got into a  
13 conversation with Deanie, which is the victim's mother, and  
14 she had mentioned it just in passing that she had told him a  
15 while back she had a nanny cam in the house.

16 Q Did she, in fact, have a nanny cam?

17 A She did not, no.

18 Q Okay. So tell me how you used that information.

19 A Basically I had been given the idea to grab a blank DVD  
20 and use that as, I guess, a tool to help further the  
21 investigation.

22 Q Well, how did you do it, because we weren't there? So  
23 describe what you did with Cliff Eubanks.

24 A Once I got him to answer the phone and he called -- or  
25 he answered his phone, I said, "Hey, I need you to come back

1 up here if you don't mind." And he's like, "Yeah, no  
2 problem." I said, "Some more information has come out." He  
3 said okay. So he comes back. He rides with his parents.  
4 Polson, I believe, went downstairs and got him and then he  
5 come up there. We went to the interview room myself,  
6 Investigator Polson, and Blackmon. I sat down with him and  
7 I told him, I said, "Hey, man", I said, "There's, you know,  
8 more things that's come out". I said -- and I slid the DVD  
9 across the table. He looks at the DVD. And I told him, I  
10 said, "You need to be honest with me and tell me the truth  
11 of what's going on", I said, "Because there's more than I  
12 know that you're not telling". I said, "So you have to tell  
13 me the truth", and he says, "Okay." And then he begins to  
14 tell me basically that at some point they went down to what  
15 he called a barn, which is just a metal building, like a  
16 shop on the lower end of the property. And he said that  
17 basically they were tearing apart pallets and she had  
18 crawled into his lap at some point and was wiggling on his  
19 leg, I think is the way he put it. And he said that he knew  
20 -- he told me he tried to push her away and what not. He  
21 said she wouldn't stop, and at some point he ejaculated. He  
22 said he knew it was wrong, but he ejaculated, and at that  
23 point he was -- he didn't know what to do.

24 Q Okay. So he gives you this information the second time  
25 that the girl forced herself onto him, began wiggling -- did

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1 you put grinding? You put grinding in your supplement. Is

2 that what he said or did he say wiggling?

3 A I believe he said wiggling in his statement.

4 Q Look at your -- well, let's -- he gave you an oral

5 statement before he put pen to paper, right?

6 A Right.

7 Q You've got your notes. You can look at those. There's

8 nothing wrong with doing that.

9 A Yeah, in my supplemental I wrote grinding. So that's

10 what he said. And when he wrote down on paper he said

11 wiggling, I believe.

12 Q So the little girl forced herself in his lap and began

13 grinding on him and then he ejaculated in his pants?

14 A Right.

15 Q And he indicated that he knew that was wrong?

16 A Correct.

17 Q And did he indicate this in his written statement?

18 A He basically says in his written statement that he knew

19 it wasn't right, but he tried to push her away and, "She

20 still did it to arouse me and I ended up ejaculating in my

21 pants."

22 Q When did he come in? I see that it ended at 5:52.

23 A Uh-huh.

24 Q Do you remember when he came in to write that

25 statement?

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1 A I believe he got there around 5:15, 5:00. Something to  
2 that nature.

3 Q And you had already met J.L. . Do you remember about  
4 how big she was?

5 A I know she was small for her age, I thought.

6 Q All right. Did Eubanks look about like he does now?

7 A Yeah. I think he had a little facial hair.

8 Q Yeah, okay. So that -- I don't know. He said that  
9 little girl, he couldn't push her off of him?

10 A Correct. I thought that was kind of odd as well.

11 Q Based on the totality of the circumstances, at that  
12 point was he free to leave?

13 A At that point I conferred with my lieutenant over  
14 investigations and I said I think we had enough to go for  
15 charges. Once he put out his statement and everything and  
16 he had everything out in the open, I felt we had enough.

17 Q Okay. And at that point did you put him under arrest?

18 A Yes.

19 Q At that point had a forensic interview been done with  
20 J.L. ?

21 A No. The forensic interview was done June 1st.

22 Q Well, let me ask you this. If he had gone in there and  
23 he hadn't talked about the girl grinding in his lap and him  
24 ejaculating in his pants and everything, would he have been  
25 free to leave?

1 A Yes. We didn't have enough probable cause at that  
2 time.

3 Q But it was after he admitted to the sexual nature of  
4 their contact that you made the decision to arrest him?

5 A Correct.

6 Q And then it was sometime after that that J.L. had a  
7 forensic interview?

8 A Yeah. That was -- this was May 17th. She had a  
9 forensic on June 1st.

10 MR. SCOTT: I think that's all. Answer any questions  
11 Mr. Wise may have for you.

12 THE COURT: Mr. Wise.

13 CROSS-EXAMINATION

14 BY MR. WISE:

15 Q This interview was neither video or audio recorded?

16 A That's correct.

17 Q You had the capability of doing both?

18 A I did not.

19 Q You didn't?

20 A In my office -- the first -- the first one, I don't  
21 have audio, video in my office, and --

22 Q Excuse me?

23 A I'm sorry. The first interview I don't have audio or  
24 video. We did it in my office.

25 Q You didn't have your cell phone with you?

1 agree with the State. The second statement that was given.  
2 The ruse used in this case is a lot more vanilla than some  
3 of the others that have been found to be voluntary. And so,  
4 again, when he came in, same exact rights were explained to  
5 him, same exact rights are here on State's number 2 that  
6 appear on State's number 1. The Court finds that based upon  
7 the circumstances and the facts of this particular case, it  
8 would appear that Mr. Eubanks' statement to the authorities  
9 was voluntarily given in compliance with Miranda.

10 Obviously, Mr. Wise, if at some point you want the  
11 Court to instruct the jury about them being the ultimate  
12 finders concerning the voluntariness of the statement, et  
13 cetera, I'll be happy to look at that charge or that  
14 instruction at the conclusion of the trial.

15 I think we have the question of the cell phones. Have  
16 you been able to -- just so that the record is clear. In  
17 chambers before we came out here I had a discussion with the  
18 attorneys. Apparently the Defendant had provided several of  
19 this cell phones to the State. One of the cell phones had a  
20 broken screen. The State was unable to, and apparently the  
21 people who were looking at that cell phone, it's simply  
22 inoperable. There's no way to retrieve the information on  
23 that particular cell phone. Apparently though there were a  
24 couple other cell phones provided to the State by the  
25 Defendant that Mr. Wise wants access to, or would very much

1 like the State to have access to. The Defendant provided a  
2 PIN number, or the password to those phones earlier today  
3 and I asked Mr. Bentley to check into the timeframe about  
4 getting those phones unblocked and getting access to them.

5 Where do we -- where do things stand at this point in  
6 time, Mr. Scott, or Mr. Bentley or somebody?

7 MR. SCOTT: I think we've got a pretty clear answer on  
8 the status of those phones. There's one -- we've gotten  
9 into all but I think one of them. And that's the one that  
10 requires him to do the pattern on the -- you know what I'm  
11 talking about? Like the -- you don't just type in the  
12 digit, otherwise it's going to take him -- you know, there's  
13 kind of pattern on there to unlock it. I don't know what's  
14 on that. Mr. Wise referenced a phone that the victim  
15 describes in her forensic interview, and the gist of her  
16 description of it is that he watched some porn on that  
17 phone. It's an iPhone. That's the one with a cracked  
18 screen we just got last week that they turned over to us.  
19 You know, perhaps if we had gotten it a year ago maybe it  
20 wouldn't have had a broken screen. I don't know. But at  
21 this point it is damaged to the extent that we're going to  
22 have to regretfully tell the Court we are unable to access  
23 it. And I think Investigator Bentley was able to describe  
24 what Mr. Wise -- he's actually gotten videotape of the techs  
25 up in Greenville trying to get into it, and his video shows

1 the nature of why they can't get into it. The screen is so  
2 damaged it's unworkable.

3 THE COURT: All right. What about the other two phones?  
4 You said one with a little squiggly thing that you have to  
5 do with your finger.

6 MR. WISE: It's not his.

7 THE COURT: I'm sorry?

8 MR. WISE: It's not his and that's --

9 THE COURT: Okay. That's a non-issue then.

10 MR. WISE: That's a non-issue. It may be a non --  
11 well, I got a report from them a moment ago and it raises a  
12 couple of questions, if I may. I'm going to check on the  
13 one with an expert about the phone with the broken screen,  
14 whether or not he can access it. It's a guy named Lars  
15 Daniel out of North Carolina who is a -- runs a cell phone  
16 recovery company -- computer recovery company basically, and  
17 I'll find out what he has to say about that. There was one  
18 with a -- Alcatel phone which was not his, which was item  
19 two; is that correct? There is an item four, which on the  
20 list I'm looking at I don't know what that is other than it  
21 says item four was removed from charger and powered up, and  
22 they were able to extract something from it.

23 I don't think -- let me back up. Let me deal with the  
24 cell phone as such. There is an LG cell phone that's his  
25 that is in continuous boot mode. It tries to boot up, cuts

1 off, tries to boot up, and cuts off. I did not know that  
2 until today. I would like -- that was his, and it is one I  
3 would like to be able to look at. Secondly, I'm going to  
4 cover the one with the broken screen. In the report I got  
5 today, item four -- what is item four? Yeah.

6 MR. BENTLEY: It's a Samsung Galazy.

7 MR. WISE: A Samsung Galaxy?

8 MR. BENTLEY: Yeah, one of the ones I brought up  
9 earlier.

10 MR. WISE: The one that's not his. Do we know who's it  
11 is?

12 THE COURT: I think you said item number two is not  
13 his. Item number four --

14 MR. WISE: Item four is a Samsung Galaxy.

15 THE COURT: Right.

16 MR. BENTLEY: Item four is -- if it's boot loaded  
17 extracted. It had a pattern lock. Some type of pattern  
18 lock and they weren't able to extract but a certain amount  
19 of data due to what their capability is.

20 MR. WISE: My question is, do we know who item four is  
21 -- who it belongs to?

22 MR. BENTLEY: Look at the extraction. Look at the  
23 physical extractions. They're on a disc I mailed you. A  
24 lot of times it'll have a source -- an email source. On one  
25 of the Samsungs there's an email source using Cliff Eubanks'

1 name. I'd have to go physically look at --

2 MR. WISE: My question is, do we know who the Samsung  
3 item four belonged to?

4 MR. BENTLEY: I don't know.

5 MR. SCOTT: I bet he could ask Mr. Eubanks. He might  
6 know.

7 MR. WISE: He doesn't know.

8 MR. SCOTT: It came from his house. So we don't know.

9 THE COURT: You're going to have to help me before we  
10 move forward with this conversation. I don't understand  
11 what's relevant about the telephones.

12 MR. SCOTT: There's nothing.

13 MR. WISE: You're right. You're correct, because on  
14 item four it's listed -- the report I got today, there are  
15 multiple images of adult pornography on device. And if  
16 that's going to be coming in, then I need to know who owns  
17 it. If it's not going to come in, you're right. It doesn't  
18 make any difference.

19 THE COURT: Does the State intend to introduce evidence  
20 of pornography on item number four, the Samsung?

21 MR. SCOTT: Where are you reading from?

22 MR. WISE: I'm reading on under 11/17, big paragraph,  
23 item four, the last sentence. "There are multiple images of  
24 adult pornography on device."

25 MR. SCOTT: I'm not -- I'm not going to introduce

1 anything. Anything I saw would not rise to the level of  
2 pornography. I think -- I observed female breasts, and that  
3 was about as bad as it got.

4 MR. WISE: And we've had this discussion before. So  
5 that kind of surprised me that it was in this report.

6 MR. SCOTT: Well, this report is on your disc. And I  
7 don't know if you saw it, but this report is on that disc.

8 MR. WISE: Okay. I didn't see the report.

9 MR. SCOTT: Yeah, and it's on there.

10 MR. WISE: Okay, good.

11 MR. SCOTT: I'm not really -- I'm not going to get into  
12 cell phones. So this argument to me has kind of gone over  
13 my head. I don't have any evidence with cell phones.

14 MR. WISE: If he's not getting into it, it's a moot  
15 issue.

16 THE COURT: So the Defense is not pushing forward for  
17 any further investigation of either the cracked cell phone,  
18 the one with the squiggly, any of that? We're comfortable,  
19 we're good, we don't need to -

20 MR. WISE: No. No, that's not correct.

21 THE COURT: What is it that you are looking to access?  
22 And this goes back to the point that the Court raised in  
23 chambers that if there is -- if there is some evidence that  
24 Mr. Wise is hoping to access on these cell phones, and I  
25 swear this jury and it's not able to get done by the time --

1 it's not able to get done in a timely manner, then Houston,  
2 we have a problem, because we have a jury that's sworn --

3 MR. WISE: They're not sworn.

4 THE COURT: No, I haven't sworn them yet. The  
5 question, Mr. Wise, is what is it that you anticipate  
6 getting from the busted cell phone, the one with the cracked  
7 screen that they can't access that's essential to your case  
8 and what's relevant in that?

9 MR. WISE: Dale and I had a conversation about the --  
10 what was -- he sent me a disc. I looked through it and  
11 couldn't find any pornography. I talked to him. He said  
12 there's no pornography on it. I'll take his word for it.  
13 Report -- pornography may be in the eyes of the beholder,  
14 right? But it's not anything he was going to introduce.  
15 The cracked cell phone I think is important because  
16 apparently that's the cell phone that the complaining  
17 witness is going to be saying she saw some pornography on  
18 it, and she makes reference to some pretty crude stuff in  
19 her forensic interview. I need that analyzed.

20 Secondly the LG phone, which is another phone he had  
21 earlier they can't access, I think it should be analyzed to  
22 see if there are any inappropriate pictures of child --  
23 there's allegations in there about his taking some pictures  
24 of her, which isn't on the computer. And I think it -- if I  
25 can analyze the cracked screen cell phone, yes, I want it

1 done to show there's nothing on there inappropriate.

2 One thing, too, Your Honor. She did say in the  
3 forensic interview it was an iPhone. And maybe I didn't pay  
4 close enough attention to what phones they were analyzing.  
5 But it wasn't until I talked to my client a couple of weeks  
6 ago when I realized they did not have the phone that he  
7 actually had at about the time that this allegation was  
8 made.

9 THE COURT: All right. Mr. Scott.

10 MR. SCOTT: And I know he's thrown a lot at you. The  
11 LG he's talking about, that was -- they attempted to extract  
12 that phone. They were unable to perform forensic extraction  
13 on that phone. The iPhone to me is the sole thing here that  
14 we need to consider. But I'm not going to introduce  
15 anything regarding the iPhone. Essentially why this is  
16 relevant to some degree, in her forensic interview she  
17 doesn't even say he showed them to her. She said she  
18 remembers seeing him looking at porn on his iPhone. Okay?  
19 I don't really need to get into that. That's the least of  
20 his troubles. He can look at porn all he wants. If she  
21 happens to look at him while he's looking at it, he's not  
22 done anything criminal to me. I don't find that  
23 particularly relevant. But what I will note is that Rauch  
24 gave us that phone last week, and then told us extract,  
25 extract, extract. We tried to. We can't get it. And now

1 he's saying he needs to get an expert to do an extraction on  
2 it. We don't need the phone. We're not going to use the  
3 phone. I don't even need to reference it. As far as I'm  
4 concerned, he's done nothing illegal in regards to his  
5 iPhone. I have no evidence of it.

6 THE COURT: I would agree. But I think the point that  
7 Mr. Wise might be raising -- and again, let's face facts  
8 here. There are perhaps a variety of ways to have illicit  
9 images on a phone. They could be downloaded as an actual  
10 photograph, they can be downloaded where they're actually  
11 saved in the phone, presumably you can access it online just  
12 like you would with a computer. Is there any indication  
13 that -- Mr. Wise, that -- I mean, it's your client's phone.  
14 I realize I might be putting you in a difficult position,  
15 but obviously you're in the best position at being able to  
16 speak to your client to know whether photographs have, in  
17 fact, been downloaded onto the phone, whether they were ever  
18 deleted, whether they -- if they were deleted, that  
19 information may have been overwritten by something else. If  
20 he did view pornography or illicit images on the phone,  
21 perhaps he did it by way of a website as opposed to a  
22 download. The nature of the pornography. I mean, honestly  
23 I think that maybe the better course of action is to stay  
24 completely away from it. I know that you're talking about  
25 possible impeachment of the victim if she was not -- if she

1 says that she oversaw him viewing porn on the phone. But  
2 again, just because he views porn on the phone doesn't mean  
3 that the website was otherwise preserved or that the images  
4 were downloaded so that they were physically present in the  
5 inner-workings of the cell phone. You have to help me.

6 MR. WISE: You're 100 percent correct on all accounts.  
7 The problem is this. We don't know. She makes reference to  
8 two movies. One --

9 THE COURT: Your client would though, is my point. It  
10 was his phone that you gave to them and I'm bit surprised  
11 that you didn't suggest -- or that you didn't take it upon  
12 yourself to maybe send it to the guy in North Carolina to  
13 see if they could access it.

14 MR. WISE: I called -- well, one, SLED is cheaper than  
15 the guy in North Carolina. Right? Or whoever they sent it  
16 to. Right? In all honesty, I mean, we really didn't -- I  
17 mean, I did not know they didn't get this phone from him. I  
18 don't know why they didn't, but they didn't. That's neither  
19 here nor there now. Because I think it was actually in --  
20 anyway, they didn't get it for whatever reason. They knew  
21 there was an iPhone because she said that in her statement.  
22 Right? Her forensic interview. I think I'm entitled to  
23 know what can be found on that. I am confident nothing's  
24 going to be on that. She named two specific movies that she  
25 say. One, Stepdaddy Does Daughter, or something like that,

1 and the other one is Birthday Sex. For her to see the title  
2 on there would imply, quite clearly, that the movie was on  
3 there, first.

4 THE COURT: Technologically speaking, what timeframe are  
5 we dealing with when she says that she saw this image on the  
6 phone? Because if these incidents arose in 2010, the  
7 ability -- I mean, if she initially saw this in 2010 the  
8 phones back then you -- I think you had to physically  
9 download a whole bunch of stuff into the guts of the phone  
10 in order to view it. If it was later, you could view it  
11 streaming online, so --

12 MR. WISE: Yeah. He got this iPhone sometime in 2016.  
13 Probably summer, late summer, something like that. So we're  
14 talking about the year period from 2016 to 2017.

15 THE COURT: Well, that's most recent than the phone  
16 that I've got and I can watch video, TV programs, whatever  
17 on this thing. So clearly, if he got it more recently, or  
18 if he got it in 2016, he would have been able to stream it  
19 over the internet as opposed to actually download it.

20 MR. WISE: Perhaps she got it and looked at it, I  
21 think, according to one statement. All right? I don't know  
22 what -- I mean, it -- as I read it, it reads like it was  
23 downloaded on his -- on his phone in order for her to access  
24 it. I could be wrong. I have really no clue, except for  
25 the fact that it wasn't like she said I got his phone and

1 went to TV mode or what -- maybe she said she went to  
2 YouTube and looked at something. I don't know. But I think  
3 I'm entitled to figure out -- if my expert tells me that --  
4 if the phone has a cracked screen and he can access it, then  
5 I want to know. And if he says it has a cracked screen, you  
6 lost it forever, then it's lost forever.

7 THE COURT: Let's do this. Let's see -- let's go ahead  
8 and take a break. Call your expert with Mr. Bentley around,  
9 because Mr. Bentley seems to be the one with the technical  
10 knowledge that spoke with the guys at SLED who's going to be  
11 able to say okay, here's what I'm saying. The screen is  
12 cracked and they keep trying -- you keep getting a  
13 repetitive number as you try to punch in the code. And so,  
14 the SLED guys are telling us, Mr. New York -- or North  
15 Carolina expert, that we just can't access it. Can you do  
16 any better. That way let's get that question solved. If  
17 it's something that cannot be retrieved, then we don't have  
18 an issue. If it's something that potentially could be  
19 retrieved --

20 MR. WISE: I agree.

21 THE COURT: -- maybe there's some issue. Let's go  
22 ahead and make that phone call.

23 MR. WISE: And I agree Mr. Bentley could probably  
24 explain it better than I can.

25 THE COURT: Exactly, which is why we are once again,

1 Mr. Bentley, relying upon your technical expertise, which it  
2 seems like we do every week. We're going to take a break.  
3 I know that you've got to run to Greenwood, Mr. Wise, and  
4 get that other --

5 MR. WISE: It shouldn't take 10 minutes.

6 THE COURT: Very good. You all go ahead and talk.  
7 We'll break for lunch.

8 We're at ease until around -- we're at ease until as  
9 soon as Mr. Wise gets back.

10 (Whereupon, a recess was held from 1:00 p.m. until 4:29  
11 p.m.)

12 THE COURT: All right. We will go back on the record.  
13 I assume that we are still in a trial posture in this case,  
14 despite various efforts. Is that accurate?

15 MR. SCOTT: That's correct.

16 THE COURT: Everybody? Okay. What we will do, is  
17 we'll go ahead and move forward with the Court's opening  
18 instructions to the jury. We'll do opening arguments. We  
19 have still floating around out there, the issue of the PTSD  
20 testimony. Were you intending to allude to that in your  
21 opening remarks?

22 MR. SCOTT: No, I think we can get around that.

23 THE COURT: All right. We'll leave that hanging out  
24 there for the time being then. We'll go ahead and proceed  
25 like I suggested, see if we can get a few witnesses, maybe

1 go a little bit late. Who was your first witness going to  
2 be, Solicitor?

3 MR. SCOTT: L.L. .

4 THE COURT: Okay.

5 MR. SCOTT: And that is the brother of the victim.

6 THE COURT: Okay.

7 MR. SCOTT: And he is here present in court.

8 THE COURT: All right. Very good. Anything  
9 housekeeping wise further before I bring the jury back out?  
10 From the State? From Defense?

11 MR. WISE: I would like to put on the record my request  
12 to continue the case, so I can have the broken cell phone  
13 analyzed.

14 THE COURT: I understand.

15 MR. WISE: Thank you.

16 THE COURT: The record will reflect that we did have a  
17 very lengthy discussion in chambers about the question of  
18 the cell phone. Upon further reflection -- I indicated in  
19 chambers that it sounded like a collateral issue and I'm  
20 happy to make a more extensive record later, but we do also  
21 have an authentication issue with that. But we can discuss  
22 that at greater length later on. Your request for  
23 continuance has been noted, and for reasons I expressed in  
24 chambers, we're going to move forward. I don't see where  
25 that issue is central to the ultimate issue in this

1 particular case. At the most, it would be an impeachment  
2 type of an issue.

3 MR. SCOTT: Judge, I have one thing, and this will be  
4 later, but I submitted during the pre-trial, hole punched  
5 copies of the statements. I might see if we could  
6 substitute the originals whenever the time comes later in  
7 trial.

8 THE COURT: That's fine. What we may very well do, we  
9 could make the originals 1A or we could just put another --

10 MR. SCOTT: Okay.

11 THE COURT: Just pull those and let them be State's 1  
12 and 2. However you want to -

13 MR. SCOTT: Okay.

14 THE COURT: -- do it would be perfectly fine. I  
15 grabbed the wrong notebook. Back in five minutes.

16 (Whereupon, there was a brief recess.)

17 THE COURT: Let's go ahead and get the jury moving,  
18 please.

19 (Whereupon, the jury entered the courtroom at 4:30 p.m.)

20 THE COURT: All right? Ladies and gentlemen of the  
21 jury, first of all let me offer to you my most sincere and  
22 profound apologies for keeping you waiting back there for  
23 two hours. Okay? Please understand that I and everyone  
24 involved in this case fully appreciates how boring it can be  
25 to be locked in a room for that period of time. Understand

1     though, again, I apologize. We had some matters that I just  
2     needed to work through, and the Court needed to work through  
3     in order to get this case moving along. It took longer than  
4     I had anticipated. It's my fault. Don't blame any of the  
5     parties involved in this. Okay? Again, because it's my  
6     fault. I'm the one extending to you my apology.

7             Our first order of business before we begin the trial  
8     in earnest, is to appoint a foreperson of the jury. The  
9     first juror selected was Mr. Bailey. Who is Mr. Bailey?  
10    Mr. Bailey, I'd like to make you the foreperson. I'll tell  
11    you -- yeah, I'm sorry. You're it. Not asking for  
12    volunteers. I'm appointing you. All right. I'll tell you  
13    this isn't a hard job. Your primary responsibility is once  
14    the case is submitted to you, your job is to make sure  
15    everybody has a chance to have their fair say. Okay? And  
16    you'll ultimately write the verdict, whatever it may be, on  
17    the verdict form and that's pretty much all that's involved  
18    with being the foreperson. Okay? You're first among  
19    equals. Your vote counts as much as anyone else's. But  
20    when we resume, since you'll be the foreperson, you'll sit  
21    in the chair that's occupied by the gentleman in the green  
22    shirt. Okay? Our alternate is Mrs. Lowe. You're in the  
23    correct seat. Okay? The rest of you feel free to move  
24    about as you may want to. If at any point during the trial  
25    ladies and gentlemen, you have any difficulty hearing any of

1 the testimony of the witnesses I want you simply to raise  
2 your hand, waive at me, waive at the attorney, get our  
3 attention and we'll tell the witness to speak up. Okay?  
4 So, again, if you can't hear or you're having difficulty  
5 hearing what's being said, hand goes up. I'll tell them to  
6 speak up. Similarly, during trial if at any point you need  
7 a comfort break of any kind just let us know. Waive at us  
8 and let us know you need a break, we'll take a break. All  
9 right?

10 Now, ladies and gentlemen, we're about to begin the  
11 trial of the case of the *State of South Carolina vs Michael*  
12 *Cliff Eubanks*. And before we begin this trial I want to let  
13 you know that these cases are just a little bit different or  
14 trials in real life are a little bit different from how you  
15 see them depicted on t.v. or in the movies. From what we  
16 see in popular culture we often get the impression that  
17 trials are filled with intense drama and a lot of riveting  
18 action. And sometimes that's the case, but understand  
19 ladies and gentlemen, obviously this case is not for  
20 anyone's entertainment. This is real life. This ain't t.v.  
21 This isn't the movies. This isn't fiction. This is real  
22 life and this case is very important of course to the State  
23 and certainly to Mr. Eubanks. All right?

24 You've been selected as fair and impartial individuals  
25 who have no interest in the outcome of this case. I want to

1 thank you at the outset for undertaking this responsibility.  
2 I've heard jury duty referred to as the last true direct  
3 democracy that we have in this country. Okay? And again,  
4 you've been picked as twelve, thirteen individuals who have  
5 no interest in the outcome of this and your job as I'll  
6 explain it to you later, will be to find and determine the  
7 facts, apply the law to those facts, and render a verdict  
8 under the oath that you're going to take in just a few  
9 moments. Again, thank you for your service. Thank you for  
10 your patience going forward. I assure you that this is the  
11 only way that we could resolve this case is to put thirteen  
12 people in the jury box and let them make a decision. All  
13 right? So, again, thank you very much for your efforts  
14 going forward. With that, I'm going to ask that you stand  
15 where you are, and simply raise your right hand so that the  
16 Clerk can administer your oath to you as jurors. Madam  
17 Clerk?

18 (Whereupon, the jury was sworn at 4:33 p.m.)

19 THE COURT: Now ladies and gentlemen, what I now say to  
20 you is intended to serve as an introduction to the trial and  
21 of course these remarks are not an instruction on the law.  
22 I'll explain to you the law at the conclusion of the trial  
23 before you begin your deliberations. Again, this is just an  
24 overview of the process that we're going to use going  
25 forward so that you can better understand what's going to

1     happen.

2             Now ladies and gentlemen, as I explained earlier today,  
3     the Defendant in this case is charged by indictments filed  
4     in this court with the offenses of criminal sexual conduct  
5     with a minor in the first, second, and third degrees. I'll  
6     explain the elements of these charges to you later. Again,  
7     ladies and gentlemen, these indictments are merely the  
8     charges by which these cases are brought to court. They are  
9     not, in any sense of the word, proof of any of the  
10    allegations contained in these indictments.

11            Again, in this case, Mr. Eubanks has pled not guilty to  
12    these charges and that plea puts the burden firmly on the  
13    State to prove each and every element of these charges  
14    beyond a reasonable doubt. It'll be your duty as jurors to  
15    determine whether the State has met that burden. Now, your  
16    purpose as jurors, as I said a moment ago, is to find and  
17    determine the facts. Understand that you are the sole  
18    judges of the facts. So, if at any time I make any comment  
19    concerning the facts you have to disregard that comment.  
20    You will determine the facts from the testimony that you  
21    hear, and the other evidence introduced during the course of  
22    the trial. It's up to you to determine the inferences which  
23    you feel can properly be drawn from the evidence presented.

24            Now, ladies and gentlemen, it's especially important  
25    that you perform your duty of determining the facts

1 diligently and conscientiously, because ordinarily there is  
2 no way to correct an erroneous determination of facts by a  
3 trial jury.

4 Now, the same law that makes you the judge of the facts  
5 makes me the judge of the law. The law given by the Court  
6 is the only law that you can consider. You'll have to  
7 accept it and apply it even though you may disagree with it.  
8 Again, I'm not permitted to tell you what the facts are,  
9 you're not allowed to disagree with me about what the law is  
10 and what it should be. Your job will be to take the law as  
11 I give it to you, apply it to the facts that you find them  
12 to be, and after doing that you'll render your verdict under  
13 the oath that you have just taken as jurors.

14 As I mentioned earlier, until you begin your  
15 deliberations don't discuss this case. Don't discuss it  
16 among yourselves. Don't discuss it with friends, family  
17 members. Understand that the parties and the other  
18 individuals involved in this case have been told to stay  
19 away from you while the case is going on. And so, if you  
20 happen to see one of the attorneys or one of the parties  
21 coming or going from the courtroom and they don't even say  
22 hello to you, understand, they're not being rude to you.  
23 They're just following my instructions to have nothing to do  
24 with you. The reason for this is self-evident. If the  
25 other side were to see you conversing with one of the

1 attorneys from the other side, they could easily  
2 misinterpret this as jury tampering or an effort at jury  
3 tampering, so the easiest way to keep that issue from even  
4 coming up is just to say the jurors are off limits while the  
5 case is going on.

6         Again, of course while the case is going on, please do  
7 not read anything about this case. Don't conduct any sort  
8 of independent investigation of the allegations involved in  
9 this case. Do not go home and start googling people's names  
10 or party's names in this case. Don't conduct any kind of  
11 independent investigation. The reason for this ladies and  
12 gentlemen, is as you well know, the stuff that's online  
13 there's no filter for it. Okay? There's no guarantee that  
14 that information is accurate. All right? Very often the  
15 stuff that's published online simply is not accurate. And  
16 the rules of evidence are tested. They've been tested over  
17 time. They're designed to try and give you the best  
18 evidence possible, the best information possible. The same  
19 cannot be said for stuff that's put in newspapers. The same  
20 can't be said for stuff that's put online. So again, please  
21 don't conduct any sort of independent research. I'll let  
22 you know that there have been circumstances where circuit  
23 judges in this State have been confronted with a juror who  
24 decided that they would conduct some kind of independent  
25 internet research. When the judge finds out about it, the

1 judge usually isn't too happy with that juror. Please don't  
2 put me in that kind of position. I've never been put in  
3 that position. Please don't in this case. Okay? I assure  
4 you, you'll get the information that you need from this  
5 witness stand to judge the case according to the law and to  
6 the facts.

7 Now, ladies and gentlemen, when the case is submitted  
8 to you, of course you'll discuss it only in the jury room.  
9 It's important that you keep an open mind throughout the  
10 trial. Don't decide any issue in this case until all the  
11 evidence has been presented, you've heard the attorneys  
12 closing arguments and you've received my instruction on the  
13 law. Understand that it's your solemn responsibility to  
14 determine the guilt or the innocence of the defendant and  
15 your verdict has to be based solely on the evidence  
16 presented during trial on the laws I instruct you.

17 Now, in a moment the attorneys will make an opening  
18 statement to you in which they'll argue to you what the  
19 issues are, or what they contend the facts are, the issues  
20 are in this case. Understand that what the attorneys say  
21 during their opening and their closing arguments is not  
22 evidence. All right? It's merely their contention as to  
23 what has been proven or will be proven. Again, the evidence  
24 will be presented through the testimony of sworn witnesses  
25 as well as any exhibits.

1           Now, from time to time during most trials, ladies and  
2 gentlemen, it's necessary to take brief breaks while I take  
3 up issues of the law. And during those breaks I'll ask that  
4 you leave the jury room or that you'll leave the courtroom  
5 and return to the jury room. The reason that I'm asking  
6 that you return to the jury room is that sometimes in making  
7 a legal ruling, I have to discuss what testimony has been  
8 presented or what facts have been presented. Because you  
9 are the sole judges of the facts, I don't want anything that  
10 I say about those facts to have an effect on what you  
11 ultimately find the true facts to be. Okay? So that's why  
12 I ask that you leave the courtroom, so I can have a candid  
13 discussion with the attorneys on the record out here, and I  
14 can be sure that anything that I say about the facts doesn't  
15 ultimately affect what you find as being the facts.

16           In determining what the true facts are you by  
17 definition have to decide whether or not the testimony of  
18 witnesses is believable or not. It's my responsibility to  
19 rule on whether certain testimony can be admitted. However,  
20 once that testimony is admitted, whether you believe it is  
21 solely up to you. In deciding whether to believe a witness,  
22 you can consider the interest of any witness, any bias of  
23 the witness, the prejudice of any witness, the opportunity  
24 for the witness to have seen the matters and things about  
25 which they testify, and you can also consider the way they

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1 act while on the witness stand.

2 You can consider anything that's in the record in this  
3 case which will help you evaluate the testimony of the  
4 witnesses. That means it's your obligation to pay close  
5 attention to them, listen to them, observe them and don't  
6 let your thoughts wonder. Instead just give strict  
7 attention to everything that's going on here in court and  
8 you'll be in as best a position possible at the conclusion  
9 of the trial to determine what the facts are, apply the law  
10 to those facts and thus render your verdict under the oath  
11 that you have just taken.

12 Now, one other housekeeping matter, ladies and  
13 gentlemen. If any of you want to take notes, that's  
14 perfectly fine. I do let you take notes. Some people are  
15 note takers, some people are not. I'm not telling you you  
16 have to take them. I'm not telling - I'm seeing some smiles  
17 there. So, we've got some note takers perhaps. If you want  
18 to take notes just raise your hand. I'll get the bailiff to  
19 get a few notebooks and pass them out. Okay. We're going  
20 to need at least two notebooks, three, four, five, six,  
21 seven. Seven. We'll need eight. We'll need eight and out  
22 of an abundance of caution, give me nine notebooks after the  
23 attorneys close or opening arguments. I'll let you hand  
24 them out to the jurors so that they can take notes. Okay.  
25 So, if you want to go out and scare up nine tablets we'll

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1 pass those out after the opening arguments of the attorneys.

2 All right?

3 We're going to give the lawyers an object - an  
4 opportunity to object to anything that I've said during  
5 these opening remarks. Any objections from the State?

6 MR. SCOTT: No, Your Honor.

7 THE COURT: None from the defense?

8 MR. WISE: None from the defense.

9 THE COURT: Very good. All right. Solicitor Keeney,  
10 you're recognized for your opening, ma'am.

11 OPENING STATEMENTS

12 BY MS. KEENEY: Good afternoon. This case is about  
13 disloyalty. It's about deception. But most of all, it's  
14 about betrayal. Betrayal of trust. Betrayal of what it  
15 means to be a father. Betrayal of what it means to be a  
16 protector. And a betrayal of innocence. Now in 2010,  
17 Denise Eubanks, sitting right there in the blue, she married  
18 the Defendant, Michael Cliff Eubanks. Now Denise, you might  
19 hear her called Deanie. That's what she goes by. Deanie.  
20 And then the Defendant goes by Cliff. So, they got married  
21 in 2010. But before they got married, they both had  
22 children from previous relationships. So, I made a little  
23 chart for y'all because sometimes it gets confusing when all  
24 these names get thrown at you. But I wanted to connect it  
25 for you at the beginning. So, Cliff had a relationship with

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1 Jennifer Newsome. She's here. She's in the baby blue  
2 shirt. And they had two children together before Cliff met  
3 Deanie, the victim's mother in this case. And their  
4 children are A.E. and P.E. . P.E. is  
5 in the little gray shirt right there and A.E. is in the  
6 white shirt with her head against Deanie, sitting next to  
7 her mom, Jennifer.

8 Now, Denise had children as well before she met the  
9 Defendant. And she had a child - two children with a man  
10 named Josh Lyons. And those two children are J.L. and  
11 L.L. . Now J.L. is the victim in this case. She's  
12 sitting right here next to her mother. She's got a little  
13 necklace on with a black shirt. And then L.L. is over here  
14 in his fancy collared shirt with his necklace on. So that's  
15 the family tree. I just wanted to get that out in the open,  
16 so we know who everyone is and how they're related.

17 Now when Cliff and Deanie get married they eventually  
18 have a child, B.E. . B.E. 's not here. She's really young  
19 so she didn't come to court today. So, they have a child  
20 together. And Deanie trusted Cliff Eubanks with her two  
21 children, J.L. and L.L. , even though he wasn't the  
22 biological father. Their biological father, Josh, he had  
23 his own problems. He was never in J.L. and L.L. 's life.  
24 He didn't really want to spend time with them or he never  
25 saw them every other weekend like most dads do whenever the

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1 couple separated. And he had his own issues. So, when  
2 Deanie and Cliff got married in 2010, it was like this new  
3 opportunity, you know, for these two children, L.L. and  
4 J.L. , to get a new dad, to get a new father figure in their  
5 life. It's exciting times. But instead of being the  
6 stepfather that stepped up and protected J.L. , he was a  
7 stepfather from a nightmare. You see, when J.L. was only  
8 six years old, that's when he began habitually raping her.  
9 From six years old till twelve years old he raped her  
10 constantly on a regular basis. Or he touched her in an  
11 inappropriate way if he wasn't penetrating her. And that's  
12 why we're here today. Because in May of 2017 is when J.L.  
13 finally had the courage to find her voice and tell a  
14 counselor what was happening to her. And it wasn't even  
15 J.L. 's counselor. Her brother, L.L. , was in counseling.  
16 He went to a counseling session in May of 2017 here in  
17 Laurens called Gilchrist Counseling. Gilchrist Counseling  
18 and Consulting. I'm sorry. I can't even say it right now,  
19 but they - she goes there, or L.L. goes there and J.L. 's  
20 there with them, but L.L. is having his session, and  
21 there's just something that the counselor wants to talk to  
22 J.L. about. And that's where everything comes to light.  
23 And so, the counselor's what we call a mandatory reporter.  
24 So, there's certain people like teachers, counselors, they  
25 have to report to law enforcement when there's allegations

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1 of abuse that come up during a session or just during normal  
2 conversation. So, that's what happened. That counselor,  
3 Kim Little, she immediately contacted law enforcement after  
4 J.L. spoke with her. And that's how the Sheriff's Office  
5 gets involved.

6 So, the Laurens County Sheriff's Office responds to the  
7 scene and you're gonna hear from them. You're gonna hear  
8 from the counselor. You're gonna hear from the Sheriff's  
9 Office and about their investigation. And you're gonna hear  
10 from people that actually lived in the same household as  
11 Cliff and Deanie and J.L. and L.L. . You're gonna hear from  
12 L.L. himself. He's gonna tell you why he went to  
13 counseling. And you're gonna hear that he had a lot going  
14 on in his life. There were some family members that had  
15 passed away. He had some friends that passed away. He  
16 didn't have a good relationship with his biological father  
17 and he didn't have a good relationship with the Defendant.  
18 And so, you're going to hear from those people. You're also  
19 going to hear from Deanie, J.L. 's mom. She's gonna tell you  
20 about her marriage to Cliff and she's gonna to tell you  
21 exactly what happened after, you know, J.L. told the  
22 counselor this. What J.L. had to go through. And you're  
23 gonna hear about Cliff's relationship from her, with the  
24 other children. With J.L. and L.L. and A.E. , his  
25 biological child. And you're gonna hear from A.E. too, his

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1 own child. And she's gonna tell you about how Cliff, her  
2 biological dad, treated her versus how he treated J.L. . And  
3 what you're gonna hear is that he treated J.L. like she was  
4 everything. J.L. was like the queen. Whatever J.L. wanted  
5 J.L. got from Cliff. Now, if A.E. wanted something, that  
6 was a different story. He would tell her no. So, J.L. was  
7 Cliff's favorite. You're gonna hear from the witnesses that  
8 dealt with J.L. after she came forward with what the  
9 Defendant was doing to her.

10 You're going to hear from the forensic interviewer  
11 which is this lady from Beyond Abuse that interviewed J.L.  
12 and talked to her about what happened to her. J.L. had to  
13 go tell a complete stranger about these horrible things that  
14 the Defendant was doing to her when she was only six years  
15 old and it continued until she was twelve. And you'll hear  
16 from a doctor. Her name's Lyle Pritchard. And she'll tell  
17 you about the medical exam that J.L. had to go through.  
18 It's very intrusive. You have to - you could only imagine,  
19 you have to, you know, strip down. She has to look at,  
20 examine her private parts. And you'll hear about the  
21 results of that.

22 And you're gonna hear from J.L. herself. J.L. is  
23 thirteen now. She'll be fourteen in approximately two  
24 weeks. And so, she's gonna come here and tell all of y'all,  
25 this whole room full of people, exactly what that man did to

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1 her for seven years. And you're gonna hear what Cliff  
2 Eubanks has to say. Investigator Hunnicutt is from the  
3 Sheriff's Office. He spoke with Cliff two times and he,  
4 Cliff, gave two statements. And I'm not gonna go into the  
5 details of what he said right now, because you're gonna hear  
6 it yourself. You're gonna hear what he had to say and  
7 you're gonna see what he had to say, because he wrote it in  
8 his own handwriting. And just wait for it. Pay close  
9 attention to that part. It's very, very telling.

10 And at the end of this, you're gonna have to decide  
11 whether or not you believe J.L. . Is she telling the  
12 truth? You've trained your whole life to decide whether or  
13 not someone is telling the truth. We use our common sense.  
14 We can - we can say why would a person lie? Why would they  
15 make this up? What do they have to gain? So, I want you to  
16 start thinking about that because it's July. Summer break.  
17 She's not in school. Why would she want to come here on her  
18 summer break to tell a room full of strangers about - talk  
19 about her private part? His private parts? Why would she  
20 wanna give up being the favorite child when he's spoiling  
21 her rotten, giving her whatever she wants? Why would she  
22 wanna loose that when she didn't have a real father figure  
23 in her life. So those are the things that you're gonna have  
24 to think about.

25 And at the end of this, the Judge is gonna tell you

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1 what the law of the case is. Basically, the State has to  
2 prove beyond a reasonable doubt that he committed certain  
3 crimes and they're certain elements we call - we say  
4 elements, but certain requirements we have to meet. And I  
5 wanna talk to you about that from the beginning because  
6 sometimes I think it's funny that we wait till the end to  
7 tell y'all what y'all need to be looking for, when you  
8 should probably hear about it from the beginning, so that  
9 you know exactly what we have to prove. So, the first crime  
10 that he's charged with, it says CSC. That stands for  
11 criminal sexual conduct. All the - he's charged with three  
12 crimes. They're all called criminal sexual conduct and  
13 sometimes we just shorten it and say CSC. And they're all  
14 with a minor, and the first one is for first degree. And it  
15 says the actor engages in a sexual battery. And the second  
16 requirement is the victim has to be less than eleven years  
17 of age. So, a sexual battery is defined as sexual  
18 intercourse, cunnilingus, fellatio, anal intercourse or any  
19 intrusion, however slight, of any part of a person's body or  
20 of any object into their genital or anal opening. So  
21 basically, that means anytime that he puts his finger inside  
22 of her vagina, anytime he puts his penis inside of her  
23 vagina, anytime he puts his penis inside of her rear, that  
24 would be a sexual battery. And it doesn't matter, and I  
25 know this kind of uncomfortable for people to talk about. I

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1 don't like talking about it in front of a room full of  
2 strangers either, but this is what we're here for. It  
3 doesn't matter if his whole penis went in her. If it went  
4 in a little bit, that counts because it's however slight.  
5 And so, for anytime that happened when she was under the age  
6 of eleven years old, that's CSC with a minor first degree.

7 Now CSC with a minor second degree which is another  
8 charge he's charged with, and it's the same exact thing  
9 except for the only difference is it's from when she turns  
10 eleven to the age of fourteen. Well she comes forward at  
11 twelve. So basically, anything that he did to her when she  
12 was eleven or twelve years old, just like we discussed, any  
13 penetration, however slight, any oral sex, any of that,  
14 would be CSC with a minor second degree. And then the last  
15 charge, CSC, criminal sexual conduct with a minor third  
16 degree, is basically, it says the actor is over fourteen  
17 years of age. There is no question that he's older than  
18 fourteen years old. That's kind of a no brainer here. And  
19 he has to willfully and lewdly commit or attempt to commit a  
20 lewd or lascivious act upon or with a body or its parts.

21 And the last thing, or sorry, the third thing is of a  
22 child under sixteen years of age, and the fourth thing is  
23 with the intent of arousing, appealing or gratifying the  
24 lust passions or sexual desires of the actor or the child.  
25 And that is a mouthful and I will admit that. But

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1 basically, what that means is any kind of touching of her  
2 private part, whether it's her vagina, her butt, her breast,  
3 any of that, would be this because it's lewd and lascivious.  
4 That basically just means indecent, obscene. We're not  
5 talking about walking past someone and accidentally like,  
6 you know, bumping into them, and accidentally hitting their  
7 rear. That's not what we're talking about. We're talking  
8 about his penis on her, you know, maybe not going inside  
9 because that would be a sexual battery but rubbing his penis  
10 on her or rubbing his penis on her butt, those types of  
11 things. And so, those are what - those are the crimes he's  
12 charged with.

13 The Judge is also gonna talk to you about reasonable  
14 doubt. And what he's gonna tell you is that the State has  
15 the burden of proof and we have to prove all those things to  
16 you beyond a reasonable doubt. But what that doesn't mean  
17 is beyond every single doubt. There are very few things in  
18 life we know beyond every single doubt. That's not what the  
19 law requires us to prove. It's a reasonable one. It's one  
20 that would make a reasonable person hesitate. So, if you  
21 are firmly convinced that he did this, at the end of this,  
22 you go back there, and you say yeah, he did this, then he's  
23 guilty. It's that simple. If you believe J.L. and you see  
24 his statement, hear what he had to say, then he's guilty.  
25 If you believe those things. Now, at six years old the

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1 Defendant, Cliff Eubanks, took something from J.L. that  
2 she'll never get back. And that's her innocence. We're not  
3 here to get that back for her. We can't do that. We can't  
4 undo the horrific things that had been done to her at his  
5 hands. We can't - we can't fix it. So why are we here?  
6 We're here to hold him accountable for what he did. You  
7 know, J.L. , he might've taken her innocence, but he has not  
8 taken her courage. She is here today facing him in this  
9 courtroom and she's gonna get up there and tell you exactly  
10 what he did. In front of him. In front of his family, and  
11 she's asking that you believe her. She has nothing to gain  
12 by coming here and telling the truth. Now at the very end,  
13 the Judge is gonna give you a verdict form. And a verdict  
14 form's gonna say guilty or not guilty. And you have to make  
15 a decision. And the word "verdict" comes from a Latin word  
16 and it basically means to speak the truth. And that's what  
17 I'm asking you to do. I'm asking that you reach a verdict  
18 that speaks the truth. And the truth is that he's guilty of  
19 all three crimes. Thank you.

20 THE COURT: Ms. Keeney, thank you. Mr. Wise, you're  
21 recognized for your opening, sir.

22 MR. WISE: Ladies and gentlemen of the jury, I think  
23 virtually everyone in this courtroom would agree with two  
24 propositions. Very simple propositions. One, child sex  
25 abuse unfortunately happens. And two, child sex abuse

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1 unfortunately is made up. That is what this case is about.  
2 You're going to find from the testimony, you're gonna hear  
3 about the family of Cliff Eubanks and his wife Deanie.  
4 You're gonna find that they kind of got married on the  
5 rebound. That they had one child and lived together for a  
6 number of years. Then you're going to find the marriage  
7 started having problems. She was involved in a wreck and  
8 had a settlement from an insurance company. You'll find  
9 that he took the money out of the bank because she was  
10 spending it too fast. Put it in cash, in a safe, in a barn  
11 near that house. He had the combination to it. She didn't.  
12 You're going to find that the children knew about this cash  
13 in the safe. Then you're gonna find these allegations came  
14 about. And when Cliff went back to the house to get the  
15 safe, it was gone and hadn't been seen since.

16 Cliff Eubanks is also gonna testify. He is gonna sit  
17 up here and he's gonna tell you none of this happened, that  
18 there is no basis for it. You will hear testimony about a  
19 good relationship he had with his daughter and stepdaughter.  
20 And how they did things together and that nothing was  
21 untoward. You will find that there was some problems with,  
22 at times, with J.L. and her mother. All these things that  
23 come out, this is not gonna be a pleasant case for either  
24 side to air in front of you. There's going to be and you'll  
25 have testimony from the Eubanks family that there were no

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1 favorites played out there and he treated everybody equal.  
2 There were no special rewards for J.L. and something like  
3 that. It just didn't exist.

4 But one aspect of this case I think I need to tell you  
5 about really, because it's an issue that needs to be  
6 addressed in opening. It is not the act that makes the  
7 crime. Again, it is not the act that makes the crime in  
8 this case. What makes the crime in this case is the intent  
9 with which an act is done. If the act is not done with the  
10 intent to satisfy the lust of a person, then the act is not  
11 a crime. Because there is a statement by Mr. Eubanks in  
12 this case in which he admits to an act that he is not proud  
13 of. That he is frankly embarrassed by. But he admits to  
14 it. When the police came in and interviewed him, brought  
15 him back the second time, they encouraged him a little bit  
16 by lying to him and saying we have a video of you in the  
17 barn. And he said - they said tell us what happened. We  
18 need to know. We've got the video. We know. You tell us.  
19 And he told of an act. He did not tell them of an intent.  
20 And the act was -- and you'll find out from the testimony of  
21 this case that J.L. was very, very active in dancing, and  
22 has been since about six years of age, has engaged in  
23 dancing and attends dance class and loves it. So, she's  
24 kind of always dancing type of child. He was out at the  
25 barn doing some work as he usually does. She was out there

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1 doing go karts or whatever they were doing. He comes in the  
2 barn and he sits down. And she comes and sits in his lap and  
3 starts wiggling around and jumping up and down. And he puts  
4 in his statement, and I have to put it in the statement.  
5 Have to tell you because it's there, that frankly her  
6 jumping up and down on him caused him to ejaculate. That is  
7 an act. But you will find there was no intent on his part  
8 to have her sit on his lap to the point that he was  
9 satisfying his lustful desires. There was no intent. And  
10 if the intent is not there, the act is not illegal. It is,  
11 call it what you want to, but you can't call it illegal  
12 because of the lack of intent.

13 I ask you to listen carefully to all of the testimony  
14 and all the details of the testimony because sometimes  
15 things happen in small details that tell you a lot about a  
16 case. But I am confident when all the witnesses of the  
17 defense testify, and you learn the character of Cliff  
18 Eubanks, you'll find that the proper verdict in this case is  
19 not guilty. Thank you.

20 THE COURT: Thank you, Mr. Wise. Solicitor Keeney, if  
21 you'll call your first witness please.

22 (Whereupon, the Court speaks with the bailiff off the  
23 record.)

24 All right. Let me do this. The bailiff has explained  
25 to me, Mr. Foreperson, what you just told him. And I am

1 right that you're the foreperson, right?

2 MR. BAILEY: Yeah.

3 THE COURT: Okay. The rest of you, the other twelve, I  
4 need y'all to step outside just a second while I just talk  
5 with the foreman for very, very briefly. This shouldn't  
6 take more than a few moments. Okay.

7 (Whereupon the jury exited the courtroom.)

8 THE COURT: Mr. Bailey, the bailiff told me that you  
9 had mentioned to him that once you came out here, and you  
10 were - you were seated, you realized that basically, your  
11 ex-wife was related to certain members of the Lyons family?

12 MR. BAILEY: Yes.

13 THE COURT: Okay. And not to pry or get into your  
14 personal business, but how long have y'all been divorced?

15 MR. BAILEY: We've been divorced eleven years and have  
16 two children together.

17 THE COURT: All right. Do you still associate with any  
18 members of the Lyons clan or -

19 MR. BAILEY: I sold a relative a house recently.

20 THE COURT: I'm sorry.

21 MR. BAILEY: I sold one of the relatives a house  
22 recently.

23 THE COURT: Okay.

24 MR. BAILEY: I'm a real estate agent.

25 THE COURT: Right. Right. Okay. So --

1 MR. BAILEY: But no, we don't hang out or talk on a  
2 regular basis.

3 THE COURT: All right. Mr. Bailey, the fact that you  
4 used to be related to the Lyons family, would that affect  
5 your ability to be fair and impartial in this case, or are  
6 you good?

7 MR. BAILEY: I'm good.

8 THE COURT: All right. So, you can put aside any past  
9 relationship you may of had with that family, and judge the  
10 case based solely on the evidence of the law?

11 MR. BAILEY: Correct.

12 THE COURT: All right. Any additional voir dire of Mr.  
13 Bailey from the - from the State?

14 MR. SCOTT: No. I - no Your Honor. I can't think of  
15 any.

16 THE COURT: Anything Mr. Wise? Or if y'all want to  
17 approach feel free.

18 MR. WISE: Yeah.

19 (Whereupon, a side bar was held.)

20 THE COURT: One additional quick question. Who was it  
21 that you recently sold a house to sir?

22 MR. BAILEY: Jenna.

23 THE COURT: Jenna? Okay.

24 MR. BAILEY: The Aunt.

25 THE COURT: All right. And that was a couple months

L.L. : Direct Examination

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1 ago you said?

2 MR. BAILEY: Maybe two years ago.

3 THE COURT: Two years ago. All right. Just hang on.

4 THE COURT: All right. Mr. Foreman, if you could,  
5 you're going to sit right there. So, go ahead and take that  
6 seat and let's have the other twelve jurors come on back in.  
7 Okay? Thank you for that information, sir. I do appreciate  
8 it.

9 (Whereupon, the jury entered the courtroom.)

10 THE COURT: The jury is back. I think we're good. All  
11 right. Solicitor, if you'll call your first witness please.

12 MS. KEENEY: The State calls L.L. .

13 L.L. , having first been  
14 duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MS. KEENEY:

17 Q L.L. , do you go by L.L. ?

18 A I go by both L.L. and L.L. .

19 Q Okay. How old are you?

20 A Turning sixteen this Saturday.

21 Q Happy early birthday. Who are your parents?

22 A Denise Eubanks and Josh Lyons.

23 Q What school do you go to?

24 A I go to Laurens High School.

25 Q And you're - what grade are you going into?

L.L. : Direct Examination

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- 1 A Eleventh grade.
- 2 Q Okay. School start back in a couple weeks?
- 3 A Yes, ma'am.
- 4 Q So Josh Lyons is your biological father, correct?
- 5 A Yes, ma'am.
- 6 Q Who - you have any brothers or sisters?
- 7 A I only have one biological sister and that's J.L. . And
- 8 then one half-sister and that's B.E. .
- 9 Q Okay. What's J.L. 's last name?
- 10 A J.L. .
- 11 Q Okay. And so, who is B.E. 's parents?
- 12 A Denise Eubanks and Cliff Eubanks.
- 13 Q Now, who is Cliff Eubanks to you?
- 14 A He - I don't know if he's still my step-dad or not.
- 15 Q Are your parents going through, or they're going
- 16 through a divorce?
- 17 A Yes.
- 18 Q Deanie and Cliff?
- 19 A From my understanding.
- 20 Q So at one point in time Cliff was your step-father?
- 21 A Yes, ma'am.
- 22 Q I want to take you back to around May 16 of 2017. You
- 23 went to the Gilchrist counseling place, correct?
- 24 A Yes, ma'am.
- 25 Q That's in Laurens?

L.L. : Direct Examination

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1 A Yes, ma'am.

2 Q Here. Why were you going there?

3 A Well it started with a lot of deaths and a lot of  
4 family members. One was my great grandpa. Then it was my  
5 grandpa, and then it was friends, cousins that committed  
6 suicide. It was multiple things. But mainly it was my  
7 grandpa's death. That really hit hard.

8 Q Okay. Was it your idea to go to therapy?

9 A Yes. Well it was - my mom thought it would be a good  
10 idea. And I decided it's worth a shot.

11 Q Okay. And so, when you went to Gilchrist, you met with  
12 a lady named Kim - Kimberly Little, correct?

13 A Yes, ma'am.

14 Q Was that your first session or have you been to  
15 multiple ones?

16 A That was my first.

17 Q Okay. Tell me how that session went. Who went with  
18 you?

19 A My mom. And my grandma took us there, but she stayed  
20 outside in the car.

21 Q Okay. Was there anybody else there?

22 A No.

23 Q Was J.L. there?

24 A No, ma'am.

25 Q Not at that time?

L.L. : Direct Examination

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- 1 A Not at that time.
- 2 Q Okay. What happened during that session?
- 3 A We talked about why I was there, and past depression  
4 and past anxiety - anxiety that I had. Past therapy  
5 sessions that I been to that didn't work and just life.
- 6 Q Did you talk about your biological father, Josh Lyons,  
7 at all?
- 8 A Yes.
- 9 Q And what was your relationship with Josh Lyon?
- 10 A Very slim. I only see him once every two years maybe.
- 11 Q Okay. So, he really isn't in your life that much?
- 12 A No, ma'am.
- 13 Q Okay. Do you ever go to his house like every other  
14 weekend, that type of stuff?
- 15 A No.
- 16 Q So, you're primarily staying with your mom, Deanie,  
17 right?
- 18 A Yes, ma'am.
- 19 Q Okay. Did you talk about your relationship with your  
20 step-dad, Cliff?
- 21 A Yes, I did.
- 22 Q And how is that relationship?
- 23 A I told her that it was very slim just like Josh's.  
24 It's just that I saw him more than I saw Josh, but it just  
25 didn't feel like he was my step-dad.

L.L. : Direct Examination

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1 Q And why was that?

2 A He just treated J.L. like she was everything. Like she  
3 was on a pedestal. That I was just there - be there. He  
4 didn't treat me like a son.

5 Q And so did he treat J.L. like a daughter to your  
6 knowledge at that time?

7 A Yes.

8 Q Can you give examples of how treated J.L. versus how he  
9 treated you?

10 A Anything she wanted he'd give it to her. He couldn't  
11 leave the house without her and he wouldn't - he wouldn't  
12 ask me. He might ask me once or twice, hey, can you go with  
13 me to do this or do that, but J.L. was always right there.

14 Q Did you want to be close with Cliff?

15 A I've always wanted a dad. I've always wanted someone  
16 to be there for me. Someone that I could talk to, look up  
17 to. But with him I never had one.

18 Q What about money? How did he treat you with money  
19 versus how he treated J.L. with money?

20 A He would give J.L. money all the time. He would come  
21 home from work and put money in her piggy bank. Put money -  
22 any - any change that he had he'd give it to her. But with  
23 me, I'd ask him, he'd - he'd ask me didn't you bring your  
24 money? Didn't you bring this? I thought that you got this  
25 money for your birthday. Like, you should save up. You

L.L. : Direct Examination

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1 shouldn't spend it this much.

2 Q But, J.L. got whatever she wanted?

3 A Yes, ma'am.

4 Q And you said you're going to be sixteen this weekend,  
5 right?

6 A Yes, ma'am.

7 Q How old is J.L. today?

8 A J.L. today is thirteen.

9 Q And she'll be fourteen in a couple weeks?

10 A On DOB .

11 Q Okay. So, there's not a big age difference between you  
12 and J.L. .

13 A Just the two years.

14 Q What about A.E. or A.E. ? Who - who is that  
15 to the Defendant?

16 A That is his daughter. Biological daughter.

17 Q Okay. Would A.E. come and visit? Let's talk about -  
18 let's see, you lived in two different houses during this  
19 time period, correct?

20 A I only lived in one, but I'd stay at my grandma's house  
21 a lot.

22 Q Okay. Where was your grandma's house?

23 A Just on the next road.

24 Q Was that Teague Road?

25 A No. We lived on Teague Road, but they lived on Beaver

L.L. : Direct Examination

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1 Dam Church Road.

2 Q Okay. So, you had one house that you lived at, Teague  
3 Road. Do you remember how old you were when you lived at  
4 that house?

5 A It was approximately eight or nine years ago, so I was  
6 about seven or eight.

7 Q Okay. And then do you remember about how old you were  
8 approximately when you moved into the Beaver Dam Road house?

9 A That was about two years ago. No. Yeah, about two  
10 years ago. So, I was about - I was turning fourteen. I was  
11 about thirteen years old.

12 Q And so, Cliff lived with you in that Beaver Dam Church  
13 Road house, right?

14 A Yes.

15 Q That's in Mountville?

16 A Yes.

17 Q Okay. And so, Cliff's biological daughter is A.E. ,  
18 correct?

19 A Yes.

20 Q And P.E. ?

21 A Yes.

22 Q And would they ever come and visit?

23 A Every other week. Yes.

24 Q Okay. So, he got rights to them every other weekend?

25 A Yes, ma'am.

L.L. : Direct Examination

133

1 Q And how did he treat A.E. and P.E. versus how he  
2 treated J.L. ?

3 A A lot of the times he would complain that A.E. and  
4 P.E. are coming over to the house because that's either  
5 more money and that's more stuff or we couldn't do - go out  
6 to eat or go out and do this cause he didn't want to spend  
7 money on them. He said in his exact words, "I pay child  
8 support. Why should I pay for them when they come over?"

9 Q And did you see any differences about like how he hung  
10 out with J.L. versus A.E. and P.E. when they were over  
11 there?

12 A Yes. He would stay in J.L. 's room all the time. But  
13 when A.E. and P.E. would come over he would - he would not  
14 stay in the room because they would be in the room.

15 Q Okay. And then your mom got in a car accident in 2013,  
16 right?

17 A Yes.

18 Q What - did she injure herself?

19 A She broke her neck in multiple places.

20 Q And so, after she broke her neck, was she able to move  
21 around like she normally did?

22 A No, ma'am. Not at all.

23 Q Did you notice any weird interactions with J.L. and  
24 Cliff?

25 A It became stronger. Their relationship with one

L.L. : Direct Examination

134

1 another became stronger.

2 Q So, after your mom got in the accident, J.L. and Cliff  
3 got closer?

4 A Yes.

5 Q Okay. Did you notice any like weird like touching or  
6 anything like that?

7 A Yes. Just grabs on the butt or just - it was mainly  
8 the butt. Yes.

9 Q Okay. Like in - in what context? Would y'all be at  
10 the house? Where would this happen? What would y'all be  
11 doing?

12 A Mainly at the house. Every once in a while, in the car  
13 or something.

14 Q Okay. And then - so your house on Beaver Dam Road, the  
15 one you live in now, correct?

16 A Yes.

17 Q And you moved in a couple years ago? You have the main  
18 house, right? And then is there a - something that y'all  
19 call a barn there?

20 A Yes, ma'am.

21 Q And what is in that barn?

22 A It's mainly storage. Just anything that we can't keep  
23 in the house, because it takes up too much room.

24 Q So there's not like animals in there?

25 A No.

L.L. : Direct Examination

135

1 Q Y'all just call it a barn?

2 A Yes, ma'am.

3 Q Okay. Did Cliff hang out at the barn?

4 A He said that was his getaway place.

5 Q Did he hang out with anyone at the barn that you know  
6 of?

7 A No. He wouldn't have any friends over. It was just  
8 mainly him and J.L. mostly.

9 Q So him and J.L. would hang out at the barn a good bit?

10 A Yes.

11 Q Would you get to go to the barn?

12 A No. I was never really invited to go hang out or  
13 something. And - and they like, if they'd want me they  
14 would -- if they wanted me they'd ask me.

15 Q Did you notice the incident that happened in the  
16 bathroom of your house?

17 A Yes.

18 Q Can you describe that incident?

19 A One morning when I think this was - when mom still  
20 worked, yes, cause she wasn't there. It was when mom was  
21 still working. I was alone one morning. J.L. had to go  
22 take a shower. She said the shower wasn't working and she  
23 needed help and they - he went into - Cliff went into the  
24 bathroom and was fixing it and told her she could go ahead  
25 and take her clothes off. And then they closed the door and

L.L. : Direct Examination

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1 he was in there with her for about twenty minutes.

2 Q How old do you or how long ago do you think this was?

3 A It was - I was about ten, so it was about five or six  
4 years ago.

5 Q So you were about ten. How old would J.L. probably  
6 been?

7 A About eight.

8 MS. KEENEY: Beg the court's indulgence.

9 Q So, you were telling the jury about how you witnessed  
10 Cliff touch J.L. 's butt numerous times. Did he ever touch  
11 your butt like that?

12 A No, he mainly just knee -- kneed me and punched me in  
13 the groin area.

14 Q And you were talking about how J.L. was about eight  
15 years old and the shower wasn't working, and he went in  
16 there for like twenty minutes and told her to take her  
17 clothes off. At eight years old, do you remember if J.L.  
18 was taking baths on her own at that point?

19 A Yes. She was.

20 Q She didn't need help taking a bath?

21 A No.

22 Q Okay. Did you ever see something on the couch with  
23 J.L. and Cliff?

24 A It was - he would call it wrestling, but it would turn  
25 into more than wrestling. Just grabbing of the butt area or

L.L. : Direct Examination

137

1 just - it was grabbing everywhere.

2 Q Did he wrestle with any of the other kids?

3 A Every once in a while, but mainly J.L. .

4 Q When he wrestled the other kids, did you see grabbing  
5 of the butt?

6 A Not to my eyesight. I didn't see anything.

7 Q And you're talking about how you're in counseling and  
8 you talked about your grand - it was your granddad that  
9 passed away recent - back then? Why was that particularly  
10 hard on you?

11 A He was my only father figure. He's the person I've  
12 always looked up to. That I've always had in my life. So,  
13 he was - he was my dad. He - he was the only one that I  
14 looked up to as a father.

15 Q Who took you to school?

16 A My grandmother.

17 Q Okay. What school -- I guess that's a poor question  
18 because I guess you've been to numerous schools, right?  
19 You've been to elementary, middle, high school. So, when  
20 you were living with Cliff in that Beaver Dam house road,  
21 you were in high school at that time, right?

22 A Yes.

23 Q Okay. And so, your grandma took you to school. Who  
24 took J.L. to school?

25 A Cliff.

L.L. : Direct Examination

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1 Q Okay. Why - do you know why that arrangement was made?

2 A He said that he was going right past the school when he  
3 was - when he goes to work, so he could drop her off.

4 Q J.L. 's school?

5 A Yes.

6 Q And what school was she going to?

7 A Sanders Middle School.

8 Q Okay. Did you know where Cliff worked at the time? Or  
9 the location?

10 A I can't remember the name, but it was near Spartanburg.  
11 It was in the Spartanburg, Gray Court area.

12 Q Did he pass your school when he went to work?

13 A It's very easily to pass my school when he would go  
14 right by it.

15 Q And did he ever offer to take you to school?

16 A No. He would complain if he'd have to go out of his  
17 way, when it wasn't really out of his way.

18 Q When you were in that counseling session on May 16th of  
19 2017 with that lady, Kimberly Little, what - do you know  
20 what led up to Kimberly Little wanting to talk to J.L. ?

21 A Not to my knowledge.

22 MR. WISE: Objection, Your Honor. I think that that's  
23 conclusion on his part although he said he didn't know.

24 THE COURT: I think - sustained.

25 Q What conversations were you having with Ms. Little?

L.L. : Direct Examination

139

1 A It was, other than the things I've been through, it was  
2 mainly how I didn't - I felt mistreated and just out of  
3 placed. That I felt like I was dirt to Cliff and that  
4 really started a big thing.

5 Q And at that point did the counselor ask to speak with

6 J.L. ?

7 A She didn't ask me. She might've asked mom but -

8 Q Do you know if J.L. came up there?

9 A Yes, she did.

10 Q Okay. I know you said Cliff didn't take you to school,  
11 but did he ever give you money before school?

12 A No.

13 Q So no money for lunch or anything like that? I mean I  
14 assume you maybe took your lunch?

15 A No. He - we didn't. He said he didn't have any money  
16 to spare. He needed it for his lunch.

17 Q Okay.

18 MR. WISE: You had --

19 MR. SCOTT: Wait. Wait.

20 THE COURT: One second. I'm not quite sure she's done.

21 MR. WISE: I thought she was through.

22 BY MS. KEENEY:

23 Q Did you notice any weird like cuddling wise?

24 A Yes.

25 Q Can you tell us about that?

L.L. : Cross Examination

140

1 A They would cuddle under blankets or on the couch or in  
2 J.L. 's room. Mainly after mom would - him and my mom would  
3 get in an argument and he would rush to J.L. 's room, get  
4 under the covers and cuddle with her.

5 Q Okay. So your mom, Deanie, and Cliff would get in an  
6 argument and he would go into J.L. 's room?

7 A Yes.

8 Q Did he shut the door?

9 A Yes.

10 MS. KEENEY: No further questions.

11 THE COURT: Mr. Wise.

12 CROSS-EXAMINATION

13 BY MR. WISE:

14 Q You had braces at one time, didn't you?

15 A I still do. Yes, sir.

16 Q Still do. And Cliff paid for those.

17 A I think so. Yes, sir.

18 Q Okay. So, he helped you out financially?

19 A Every once in a while. Yes, sir.

20 Q Okay. Braces is a little more expensive than change  
21 out of the pocket.

22 A Yes, sir.

23 Q Okay. Now, I'm - the incident in the shower you talked  
24 about, was about how many years ago?

25 A I was - it was about five or six years ago.

L.L. : Cross Examination

141

1 Q Five or six years ago. And it has stuck in your memory  
2 since then?

3 A Yes, sir.

4 Q Because you thought it was strange?

5 A I thought it was just not something you do with a - a  
6 kid.

7 Q All right. So, you mentioned that to your mother?

8 A No. I was scared to.

9 Q Excuse me?

10 A I was scared to.

11 Q Did he threaten you?

12 A Yes.

13 Q He - did you say you were going to mention that shower  
14 incident to -

15 A No, sir.

16 Q -- your mother and he threatened you?

17 A No, sir.

18 Q Did he discuss the shower incident with you at all?

19 A No, sir.

20 Q Okay. Do you know what route he took to work?

21 A No, sir.

22 Q All right. And you said he would rush to J.L. 's room  
23 and shut the door.

24 A Yes, sir.

25 Q And that happened you say more than once?

L.L. : Cross Examination

142

1 A Multiple times.

2 Q Over how long a period of time?

3 A For the whole time we were there.

4 Q Oh, so, for years?

5 A Years.

6 Q Years. And your mother was in the house?

7 A Yes.

8 Q So, your mother was in a position to observe that?

9 A No, she was on bed rest because it was mainly happening  
10 after her broken neck, but every once in a while, before  
11 that. And then --

12 Q But your mother observed it at least once or twice?

13 A She could have. Yes, sir.

14 Q Yes. All right. And that was something you never  
15 discussed with your mother either?

16 A Sir?

17 Q That was something you never discussed with your mother  
18 either?

19 A No, sir.

20 Q Now how long had the counseling session been planned on  
21 May the 16th of 2017?

22 A About two weeks before it happened.

23 Q Two weeks before it happened?

24 A Yes.

25 Q All right. And you went to - and this - that was a

L.L. : Cross Examination

143

- 1 counselor you had not been to before?
- 2 A Yes, sir.
- 3 Q Okay. Now you went fishing with Cliff on occasions?
- 4 A About once or twice.
- 5 Q All right. And you went to the racetrack with him.
- 6 Laurens racetrack.
- 7 A Once or twice.
- 8 Q All right. He was at one time a racecar driver.
- 9 A Yes, sir.
- 10 Q All right. And you would go with or without J.L. ?
- 11 A No.
- 12 Q Would you go with J.L. or without J.L. ?
- 13 A Oh. We would - J.L. was always there.
- 14 Q And he would carry y'all on a lot more trips?
- 15 A What do you mean?
- 16 Q Well, did you ever go out to Crying Bridge with him?
- 17 A Crying?
- 18 Q Crying Baby Bridge.
- 19 A Yeah, we did once.
- 20 Q Okay. You - all the kids went.
- 21 A Yes.
- 22 Q All right. And that's kind of a spooky thing?
- 23 A Uh-huh.
- 24 Q You have to speak up and say yes or no.
- 25 A Yes, sir.

L.L. : Cross Examination

144

1 Q That correct?

2 A Yes, sir.

3 Q Okay. All right. Now -- now you also been - been to a  
4 counselor earlier in 2014 or 15?

5 A Sir?

6 Q Is that correct?

7 A From my knowledge. Yes, sir.

8 Q Up in Greenville?

9 A Yes, sir.

10 Q And one of the things you complained to that counselor  
11 about was that the impact that your step-sisters, that's  
12 A.E. and P.E. , have on the family finances. Didn't you  
13 discuss that with them?

14 A From what I remember. Yes, sir.

15 Q Excuse me?

16 A Yes, sir.

17 Q You did.

18 A From what I remember.

19 Q I mean, you remember discussing that with them?

20 A I think.

21 Q So, you, in fact, were concerned about the impact of  
22 your step-siblings coming to spend the weekend, on the  
23 family finances?

24 A Yes, sir.

25 Q Okay. Because it does cost money to feed them.

L.L. : Cross Examination

145

- 1 A Uh-huh.
- 2 Q Okay. And you also had a problem with J.L. being home-
- 3 schooled?
- 4 A Yes, sir.
- 5 Q What was that problem?
- 6 A I just felt like a lot attention was going to her.
- 7 Q Excuse me?
- 8 A I felt like a lot of attention was going to her.
- 9 Q By being home-schooled?
- 10 A Yes.
- 11 Q She would spend more time with her mother?
- 12 A Yes.
- 13 Q And you were not being home-schooled?
- 14 A No, sir.
- 15 Q Would you've liked to have been home-schooled?
- 16 A No, sir.
- 17 Q You weren't interested in it?
- 18 A No.
- 19 Q Okay. So you were concerned with the time that your
- 20 mother was spending with J.L. and the time that Cliff was
- 21 spending with J.L. ?
- 22 A Yes, sir.
- 23 Q Is that a fair statement?
- 24 A Yes, sir.
- 25 Q Okay. And also, part of the counseling was about

L.L. : Redirect Examination

146

1 problems with your relationship with your mother?

2 A I don't know about that.

3 Q You don't know about that? So, the purpose of going to  
4 counseling back in 2014-15 was primarily what issues were  
5 you dealing with?

6 A Depression.

7 Q Excuse me?

8 A Depression.

9 Q Depression? All right. And you went there for about  
10 six months or so?

11 A From - I guess. I don't know.

12 Q You don't.

13 A I don't recall.

14 Q It wasn't years?

15 A Yeah, it wasn't years.

16 Q Okay. Give me one moment. Did you finally get over  
17 J.L. being home-schooled?

18 A Yes.

19 Q Thank you.

20 REDIRECT EXAMINATION

21 BY MS. KEENEY:

22 Q The defense attorney mentioned about did Cliff threaten  
23 you about the shower and you said no. Had he threatened you  
24 before?

25 A Somewhat. Yes.

L.L. : Redirect Examination

147

1 Q Can you describe that?

2 A He would tell me if you want to settle - settle this  
3 like real men, we'll go out back and fight like real men.

4 Q And he asked you about what you were going for  
5 treatment for in 2014 and you said depression?

6 A Yes.

7 Q Why were you depressed?

8 A I felt like I didn't have anybody.

9 Q You didn't have a dad?

10 A Didn't have a dad. I got bullied at school. Started  
11 feeling like I got - I was getting bullied at home.

12 Q By who?

13 A By Cliff.

14 Q And he asked you about family -- that you brought up  
15 family finances. That was 2014. You would've been -- let's  
16 do the math. How old would you have been?

17 A I would've been about eleven or twelve.

18 Q Yeah. So, you're eleven or twelve, you're talking to  
19 the counselor about family finances. Who put that in your  
20 idea about being concerned about family finances?

21 A Cliff.

22 Q Were you afraid of the Defendant?

23 A Yes. Very.

24 Q And why was that?

25 A He was bigger than me and I didn't want to mess with

Ronald Richey: Direct Examination

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1 him.

2 Q No further questions.

3 MR. WISE: Just give me one second. Nothing further.

4 THE COURT: Sir, you can step down. Thank you very  
5 much. Solicitor do you have a witness that you think we can  
6 get to in about twenty minutes?

7 MR. SCOTT: Oh yeah. Yes, sir.

8 THE COURT: Both direct and cross? Go ahead then  
9 please.

10 MR. SCOTT: Deputy Ronald Richey.

11 RONALD RICHEY, having first  
12 been duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. SCOTT:

15 Q Deputy Richey, how long have you been with the  
16 Sheriff's Department?

17 A Approximately five years.

18 Q Okay. And what are your duties there?

19 A I'm sergeant over the uniform patrol.

20 Q Okay. You remember May 16, 2017?

21 A Yes sir, I do.

22 Q You remember responding to Gilchrist or Gilchrist -  
23 we're gonna figure out how to pronounce that. Gilchrist  
24 Consultation group?

25 A Yes, sir, I do.

Ronald Richey: Direct Examination

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1 Q And that's here in Laurens?

2 A Yes, sir, it is. On 1010 West Main Street.

3 Q Okay. I don't want the specifics, but what were the  
4 general allegations you were responding to?

5 MR. WISE: I would object to the general allegations.  
6 That would clearly be hearsay and not admissible.

7 MR. SCOTT: There's a State v. Thompson and it's not  
8 going to the truth of the matter asserted, and I need to be  
9 able to describe why he shows up there. And I don't think  
10 it's hearsay.

11 THE COURT: All right. Is it related to that he got a  
12 report about this? Is that what this is about?

13 MR. SCOTT: Yes, sir. Yes, sir.

14 THE COURT: All right. If you want to ask him if he  
15 received a report about this particular case, if that's why  
16 he went to the residence, let's just ask that. I think  
17 that's perfectly fine.

18 Q Who called you?

19 A Ms. Kim Little from the counseling center.

20 Q Okay. And she was one of the counselors at Gilchrist?

21 A Yes, sir.

22 Q And did the name J.L. come up?

23 A Yes, sir, it did.

24 Q Okay. And did you respond to Gilchrist Consultation  
25 Center?

Ronald Richey: Direct Examination

150

1 A Yes, sir.

2 Q And did you take a report?

3 A I did.

4 Q And did you listen to general allegations that Ms.  
5 Kimberly Little was conveying on behalf -

6 MR. WISE: Your Honor, I have to object to this. I  
7 don't know where it's even remotely going. It's  
8 inadmissible.

9 THE COURT: All right. Y'all approach real quick.  
10 (Whereupon, a side bar was held.)

11 THE COURT: Continue please, Solicitor.

12 MR. SCOTT: Thank you, Your Honor.

13 Q Did you respond to Gilchrist Consultation Group at the  
14 behest of Kimberly Little, the counselor?

15 A Yes, sir.

16 Q All right. Thank you. And did you take a report?

17 A I did.

18 Q Okay. And did you speak with J.L. ?

19 A Yes sir, I did.

20 Q Okay. And did you call back in and tell your  
21 supervisor what you had been told?

22 A I - when I was told what I was told by J.L. -

23 MR. WISE: Your Honor, I object to what he was told.

24 THE COURT: Without -- it's kind of a yes or no

25 question. Based upon what you were told by individuals

Ronald Richey: Direct Examination

151

1     there, did you contact your supervisor?

2     A     I just contacted Department of Social Services and also  
3     informed our investigation department.

4     Q     Okay. You informed investigations and they picked it  
5     up from there?

6     A     Yes, sir.

7     Q     Are you aware of who the lead investigator was that was  
8     assigned to the case?

9     A     Jared Hunnicutt.

10    Q     Okay. While you were there - do you know this guy?

11    A     I recall seeing him at the scene.

12    Q     All right. So, while you were there taking a report,  
13    tell me how it came to be that you saw him at the scene?

14    A     Well, when I was talking to Ms. Little, and also  
15    talking to J.L. , he showed up unexpectedly outside.

16    Q     Okay.

17    A     And they were concerned why - how he knew.

18           MR. WISE: Objection, Your Honor. What they were  
19    concerned about would be hearsay.

20           MR. SCOTT: Well.

21           THE COURT: Sustained. They can testify to that.

22    Q     They, do you mean this man, Cliff Eubanks? What was he  
23    concerned about?

24    A     No. It wasn't him. It was -

25    Q     Who was he with?

Ronald Richey: Direct Examination

152

1 A His mother.

2 Q Do you see her? Is that the lady raising her hand?

3 A Yes sir, it is.

4 Q Okay. So, he showed up with his mother?

5 A He did.

6 Q Did he indicate to you how he knew to show up to that  
7 consultation group?

8 A No. He never indicated how he ended up getting there.

9 I was informed by -

10 Q Nope. You can't do that.

11 A Right.

12 Q But did he indicate - you don't know how he wound up  
13 there, but while you were on the scene he shows up with his  
14 mom?

15 A Yes sir, he does.

16 Q Okay. Did you give him any instructions at that point?

17 A No, sir.

18 Q Okay. Did you ask him to probably leave the scene or  
19 anything like that?

20 A I told him - he was wanting to go inside. I told him  
21 it's best to sit out in the parking lot right now.

22 Q He was wanting to get inside of that counseling center?

23 A Yes sir, he was.

24 MR. WISE: Objection, Your Honor. That's conclusion on  
25 his part.

Ronald Richey: Cross Examination

153

1 Q Well, did he say he wanted to get inside?

2 A Yes sir, he did.

3 Q Okay. All right. Tell me about what time you arrived.

4 You said - did you tell me the date? What date was that?

5 A Yes, sir. It was on the 16th of May, 2017.

6 Q Okay.

7 A Approximately 4:30.

8 Q 4:30 is about what time you said?

9 A Yes, sir.

10 Q Okay. Answer any questions Mr. Wise has, please.

11 THE COURT: Any questions?

12 CROSS-EXAMINATION

13 BY MR. WISE:

14 Q You didn't talk in any great detail with Mr. Eubanks?

15 A I'm sorry. I couldn't hear you.

16 Q You didn't talk in any great detail with Mr. Eubanks?

17 A No. Great detail? No sir, I did not.

18 Q All right. Did you make notes in your conversation

19 with J.L. ?

20 A No, sir.

21 Q All right. So, you didn't take any notes that day

22 either?

23 A Well, I took notes as far as to what the allegations

24 were.

25 Q Right.

1 A I did. And I turned them over.

2 Q But nothing specific?

3 A No. Not in a great detail.

4 Q All right. Thank you.

5 THE COURT: All right, sir. Thank you for coming. You  
6 can step down. You have a fifteen-minute witness?

7 MR. SCOTT: No, sir. I'm afraid not. Sorry.

8 THE COURT: I didn't think. All right. I didn't think  
9 that was going to be the case anyway. Ladies and Gentlemen  
10 of the jury we've probably reached a good point - a good  
11 breaking point for the evening. What we're going to do is  
12 we're going to resume with this trial tomorrow morning. If  
13 you would please be in the jury room -- I'm going to ask you  
14 to be in the jury room at 9:00 o'clock. I hope I don't keep  
15 you waiting. I promise you I hope I don't keep you waiting.  
16 If I do, I'll apologize for it, but my plan is to not keep  
17 you waiting. All right? As it relates to those notes, the  
18 notebooks, simply leave those in your chair and put, kind of  
19 like write your name or initials on the outside cover. The  
20 bailiff will collect those tonight and secure those  
21 overnight.

22 Again, Ladies and Gentlemen, I do understand how  
23 perhaps your husband, wife, I know that they know that you  
24 have jury duty. And when you come home tonight what are  
25 they going to ask you? Well, honey did you get picked on a

1 case? You can definitely say yes. Yes, I did. But what's  
2 the next thing they're going to ask you? Well, what kind of  
3 case is it exactly? That's where you draw the line, ladies  
4 and gentlemen, because you obviously you are the ones that  
5 are going to have to make a decision in this case, not your  
6 spouse, significant other, or whoever it is you share a roof  
7 with. All right? So, hopefully you have more pleasant  
8 things to talk about than this particular case tonight,  
9 because you're not allowed to talk about this case. All  
10 right? With that, back in the jury room tomorrow morning at  
11 9:00 o'clock, and my intention is to hit the ground running  
12 at that particular point in time. Again, thank you for your  
13 patience. Thank you for your attention. See you in the  
14 morning. Have a great night. Take care.

15 (Whereupon, the jury exited the courtroom at 5:45 p.m.)

16 TRIAL DAY 2

17 (Whereupon, State's Exhibit Nos. 3 through 10 were pre-  
18 marked for identification.)

19 THE COURT: We'll go back on the record. The Defendant  
20 is present with counsel. Solicitor, you have your next  
21 witness in the courtroom?

22 MR. SCOTT: We do, Your Honor.

23 THE COURT: All right. Let's go ahead and have the  
24 jury, please.

25 (Whereupon, the jury entered the courtroom at 9:21

1 a.m.)

2 THE COURT: The record will reflect that the jury  
3 is back and seated. Ladies and gentlemen of the jury,  
4 welcome back. I trust you all had a pleasant evening last  
5 night. Thank you for being back here. Of course, we're  
6 still engaged in the trial of the State vs. Mr. Eubanks and  
7 we're still involved with the State's case in chief. So at  
8 this point, Solicitor, if you'll call your next witness.

9 MS. KEENEY: State calls Kimberly Little.

10 KIMBERLY LITTLE, having first been  
11 duly sworn, testifies as follows:

12 MS. KEENEY: May it please the Court?

13 THE COURT: Yes, ma'am.

14 DIRECT EXAMINATION

15 BY MS. KEENEY:

16 Q Ms. Little, where do you work?

17 A I work for Gilchrist Consultation and Counseling and  
18 Southern Health Partners.

19 Q Where's that located?

20 A Laurens, South Carolina, and Southern Health Partners  
21 is a company outside of Chattanooga, Tennessee.

22 Q So your business here in Laurens, is it -- do you own  
23 it?

24 A Yes, ma'am.

25 Q How long have you worked there?

## Kimberly Little-Direct Examination

157

1 A We -- I've been in business a little over seven years.

2 Q What kind of services do you provide?

3 A We provide counseling, assessments to families for this  
4 area. I have an office here in Laurens and Newberry.

5 Q Do you have a license for counseling?

6 A Yes. I have a -- I'm a licensed professional counselor  
7 and I'm a licensed professional counseling supervisor.

8 Q And can you go into some of your educational  
9 background?

10 A Yes. I have a Bachelors, an undergraduate from Lander  
11 University in at-risk child care management with an emphasis  
12 in special ed. I have a Master's in counseling from  
13 Webster, a Master's in psychology from Capella. I have a  
14 certification from USC in behavioral analysis, and a  
15 certification in autism education from Liberty University.

16 Q In May of 2017 how did you first get involved in this  
17 case?

18 A Ms. Eubanks had brought her son, L.L. , in for some  
19 counseling.

20 Q And do you know why he was there for counseling?

21 A She had explained that the family had had some recent  
22 loss. He had been bullied at school and he had been, what  
23 she said, appeared to be suffering from depression.

24 Q Did you talk to L.L. ?

25 A I did.

1 Q Did he confirm all those things?

2 A He did.

3 Q And what made you want to speak with J.L. ?

4 A In speaking with L.L. he discussed that there was a lot  
5 of dynamics going on in the home. He explained that he did  
6 not have a relationship with his father and there was a  
7 step-father in the home that he wanted a relationship with,  
8 but did not have a relationship with. He explained that the  
9 step-father was spending a lot of time with the middle  
10 sister, J.L. . And speaking with him, and just -- just  
11 talking about all the dynamics that were going on in the  
12 home. He said his parents weren't really getting along.  
13 J.L. was the peacekeeper. That J.L. was the peacekeeper in  
14 the home. So I wanted to speak with J.L. as well to make  
15 sure that she was okay.

16 Q Was J.L. there that day?

17 A Not at that particular day. On May 16 mom was to bring  
18 J.L. in to speak with me.

19 Q And did you, in fact, speak with J.L. ?

20 A I did.

21 Q And what was her demeanor when you spoke with her?

22 A When I initially met J.L. she was nervous. She was  
23 fidgety. She was crying a little. Real anxious to speak  
24 with me.

25 Q Okay. And without going into what she said, did she

## Kimberly Little-Direct Examination

159

1 tell you something that caused concern?

2 A Yes. J.L. disclosed some information ---

3 MR. WISE: Your Honor, this is a limited disclosure  
4 situation.

5 THE COURT: Exactly. She just did disclose -- she did  
6 disclose some information to you, ma'am, that caused you  
7 some concern?

8 THE WITNESS: Yes.

9 THE COURT: Okay, go ahead.

10 Q And as a result of what she disclosed to you, what did  
11 you do?

12 A I contacted law enforcement and DSS.

13 Q And why did you contact law enforcement?

14 A I'm a mandated reporter, and anytime --

15 Q Something gets disclosed to you --

16 A Yes.

17 Q -- of concern --

18 A Uh-huh.

19 Q -- you contact law enforcement and DSS?

20 A Yes.

21 Q Then law enforcement and DSS show up?

22 A They did.

23 Q Did they come that day?

24 A Yes.

25 Q And did they speak with everybody involved?

## Kimberly Little-Cross Examination

160

1 A Yes.

2 Q Take statements from you?

3 A Yes.

4 Q And did anyone else show up?

5 A Yes. Mr. Eubanks showed up.

6 Q Where did you see him?

7 A The way my office is set up is -- there is the parking  
8 lot, then the front door, and then there's a lobby area. He  
9 was with his mother and they were coming in the front door,  
10 and we asked law enforcement to go and intercept him and  
11 bring him into the office.

12 Q And that was the first time you -- you had met with  
13 J.L. , correct, that day?

14 A Yes.

15 Q And the first time you met L.L. was a few days prior?

16 A Uh-huh, yes.

17 MS. KEENEY: No further questions.

18 THE COURT: Mr. Wise.

19 CROSS-EXAMINATION

20 BY MR. WISE:

21 Q So you -- you saw L.L. how many days prior to  
22 this?

23 A It was approximately a week prior to.

24 Q About a week before?

25 A Yes, sir.

## Kimberly Little-Cross Examination

161

1 Q And he was discussing the fact that his mother and  
2 step-father weren't getting along?

3 A They were -- he discussed a lot of things, and one of  
4 which was the relationship of mom -- his step-mother -- I  
5 mean, his mother and his step-father.

6 Q And they were not getting along? Fighting a lot, stuff  
7 like that?

8 A Primarily arguing. He didn't say that there was any  
9 physical --

10 Q Physical fighting?

11 A Yes.

12 Q Constant bickering --

13 A Yes.

14 Q -- I guess is a better way to put it? And then you  
15 asked Ms. Eubanks to bring J.L. by?

16 A Yes.

17 Q And she brought her by on the 16th?

18 A Yes.

19 Q And that was the first time you ever seen J.L. ?

20 A Yes.

21 MR. WISE: All right. Thank you.

22 THE COURT: Thank you, ma'am. You can step down and  
23 you are free to go.

24 (Whereupon, the witness stepped down from the witness  
25 stand.)

J.L. -Direct Examination

162

1 THE COURT: Solicitor, call your next witness.

2 MR. SCOTT: The State calls J.L. .

3 J.L. , having first been duly  
4 sworn, testified as follows:

5 DIRECT EXAMINATION

6 BY MR. SCOTT:

7 Q Good morning, J.L. . Tell everybody your full name.

8 A My name is J.L. .

9 Q How old are you?

10 A Thirteen.

11 Q When do you turn 14?

12 A DOB .

13 Q And what year were you born?

14 A DOB .

15 Q Okay. Where do you live?

16 A On Beaver Dam Church Road.

17 Q Do you know how long you've lived there?

18 A For about two years.

19 Q Do you remember the day you moved in?

20 A April 1, 2017.

21 Q Two years ago that would have been 2016. Was it 2016?

22 A Yes, sir.

23 Q Who's your mother?

24 A Denise Eubanks.

25 Q Okay. And L.L. , that's your brother?

J.L. -Direct Examination

163

1 A Yes, sir.

2 Q Okay. B.E. is your little half-sister; is that right?

3 A Yes, sir.

4 Q And then P.E. and A.E. are your step-sisters; is that  
5 right?

6 A Yes, sir.

7 Q Who is Cliff Eubanks?

8 A He's my mom's ex-husband.

9 Q Do you remember how old you were when your mother and  
10 he got together?

11 A I was going into fifth -- 5-K.

12 Q So five-year-old kindergarten? Is that what you said?

13 A (Nonverbal response).

14 Q Okay. Do you remember how old you were when they got  
15 married?

16 A I'm not sure.

17 Q That's fine. Remember I told you don't be nervous.

18 And if I ask a question, ask you to repeat it if you don't  
19 understand it, you know to do that?

20 A Yes, sir.

21 Q So do you remember when they married where you all  
22 lived?

23 A On Teague Road.

24 Q Teague Road. And is that in Laurens County?

25 A Yes, sir.

J.L. -Direct Examination

164

1 Q And who all lived in the Teague Road house?

2 A Cliff, B.E. , L.L. and Deanie.

3 Q And A.E. and P.E. , they lived with their mother;  
4 is that right?

5 A (Nonverbal answer).

6 Q And their mother, Jennifer?

7 A Yes, sir.

8 Q And then at that time would P.E. and A.E. come to  
9 your house on Teague Road on the weekends?

10 A They would visit, yes.

11 Q And what was your relationship with your step-sisters?  
12 Did you all have a good relationship?

13 A We argued a lot.

14 Q Okay. Well, just for -- about what? Just what kids  
15 argue about or --

16 A Attention.

17 Q Attention? What does that mean?

18 A Like my siblings would get mad at me because I had more  
19 attention.

20 Q From who?

21 A The parent, Cliff.

22 Q And Cliff is their real dad?

23 A Yes.

24 Q And they got upset with you because he would always  
25 give you a lot more attention than they got?

J.L. -Direct Examination

165

1 A Yes, sir.

2 Q And your real dad is who?

3 A Josh Lyons.

4 Q Tell me about your relationship growing up with Josh  
5 Lyons.

6 A My mom divorced when I was younger, and we don't really  
7 see him a lot.

8 Q So, J.L. , is it safe to say you've never really had a  
9 relationship with your dad?

10 A Yes, sir.

11 Q Was that -- how did that affect you? Did you want a  
12 relationship with him?

13 A Yes, sir.

14 Q Okay. Did you want to have a dad in your life?

15 A Yes, sir.

16 Q Teague Road. Tell me about -- hold on a second. Did  
17 you feel like -- just growing up after Cliff came into your  
18 life, did you feel like he gave you a lot more attention  
19 than other kids?

20 A Yes, sir.

21 Q Okay. Can you give the jury some examples of what he  
22 would do with you that you didn't really see him doing with  
23 his real daughters, A.E. , or his real daughter, P.E. ,  
24 or your older brother L.L. ? Tell me some things that he  
25 would do with you or attention that he would give to you

J.L. -Direct Examination

166

1 that he didn't really give them.

2 A He would take me places, buy me things, tell me about  
3 his problems, tell me why him and my momma were arguing, and  
4 just stuff.

5 Q How old were you when he was telling you about his  
6 problems?

7 A Like nine-ish, 10.

8 Q Okay. Did you think that that was appropriate at the  
9 time that a grownup was telling you about his problems?

10 A No, sir.

11 Q Tell me about what kind of problems? Were they grownup  
12 problems he was having?

13 A Just about money and why A.E. and P.E. have to come  
14 over all the time because we don't have enough money to pay  
15 for them, too.

16 Q Did you feel at the time that you all were having  
17 problems with money?

18 MR. WISE: Objection. He's leading the witness.

19 THE COURT: Overruled. I'm going to give him a little  
20 bit of latitude. Go ahead.

21 Q J.L. , did you have any reason to believe that you all  
22 were having trouble with money at the time?

23 A No, because he would give me money.

24 Q Well, tell me about that, what -- what kind of money --  
25 or how would that happen that he would give you money?

J.L. -Direct Examination

167

1 A Before school he would take me to school and give like  
2 five to \$10 for lunch.

3 Q Well, tell me about lunch. How much did lunch at  
4 school cost?

5 A Not nothing. Just snacks for like a dollar.

6 Q Okay. But he would -- you're saying that he would talk  
7 to you about his money problems, and then he said he would  
8 talk about problems with your mother. What would he say  
9 about your mother?

10 A Just like she doesn't love him, that I'm the only  
11 person that does, and just stuff like how I am always there  
12 for him and nobody else is.

13 Q And was this your first real kind of, I guess,  
14 experience with a dad?

15 A In the beginning. Yes, sir.

16 Q Okay. Because you really didn't have too much of a  
17 relationship with your real dad, did you?

18 A No. I didn't really know how a daughter was treated by  
19 a father, yes.

20 Q Well, I guess that's what I'm asking. Was that -- was  
21 it normal to you at the time that he was talking to you  
22 about money problems and problems with your mom?

23 A I didn't know it was wrong.

24 Q Okay. So he would give you money. What else did you  
25 say he would do that he didn't really -- you didn't see him

J.L. -Direct Examination

168

1 doing with L.L. ?

2 A Like anything I would need.

3 Q Okay. And he would take you places alone. Tell me  
4 about that.

5 A Like to the gas station or the grocery stores, or to  
6 drop off trash, or pick me up from dance.

7 Q Okay. Did you ever remember him taking L.L. to the  
8 mall or anything like that?

9 A (Nonverbal response).

10 Q Do you remember -- so tell me, if he would go to the  
11 store or something, would he invite the other kids to come  
12 along?

13 A Only if they asked, and my mom would be like, well, you  
14 should take them and spend some time.

15 Q Okay. Well, was that an issue in your house about him  
16 spending more time with you than the other kids?

17 A A big issue.

18 Q Well, let me ask you this. Did you kind of like  
19 getting more attention than everybody else?

20 A It kind of made me feel like I'm actually wanted kind  
21 of.

22 Q Did it make you feel special a little bit?

23 A Yes.

24 Q Well, I do want to talk about though, were there some  
25 bad things that came along with that attention?

J.L. -Direct Examination

169

- 1 A Yes, sir.
- 2 Q When did the bad things start?
- 3 A I was young. Around six.
- 4 Q Six? And so, you all were at the Teague Road house?
- 5 A Yes, sir.
- 6 Q And what's the -- what's the town? Is that Mountville?
- 7 A Yes, sir.
- 8 Q If you think back when the bad things first started
- 9 when you were six, can you tell us about what you remember?
- 10 Some of the first ones you remember?
- 11 A It was like early in the morning and he would pick me
- 12 up and move me to the couch.
- 13 Q Okay. Wait a minute. Do you remember where your
- 14 mother was at the time?
- 15 A She was either at work or asleep, because it was way
- 16 early.
- 17 Q Who was in your bedroom with you? Did you have your
- 18 own bedroom or was L.L. in there?
- 19 A I had my own.
- 20 Q And he would -- early in the morning. Would you be
- 21 awake yet?
- 22 A No.
- 23 Q And, J.L. , you say he would come in there and pick you
- 24 up and take you where?
- 25 A To the couch in the livingroom.

J.L. -Direct Examination

170

1 Q Do you remember -- this particular memory you're  
2 telling me about, can you tell me about how old you were  
3 then?

4 A Around eight.

5 Q Eight? Tell me what happened?

6 A He -- like he cut the TV on but he turned it down  
7 really low, and I'd be half asleep like. Like drowsy kind  
8 of. And he would pull down my pants and then he'd pull down  
9 his, and then he'd get his boy part and rub it against my  
10 girl part.

11 Q Okay. And this was -- and you remember this, and this  
12 was when you were about eight. Had there been some other  
13 things that happened before that?

14 A Yes.

15 Q Are you telling me this one because this was sort of --

16 A The first one that kind of like caught my attention.

17 Q Well, tell me before that had he ever showed you any of  
18 his boy parts before that you --

19 A Just the times that he'd do the things.

20 Q Okay. Well, I want to get back to this one you were  
21 just describing. But before that, would he ever touch you  
22 on places?

23 A Yes.

24 Q With his hand or what?

25 A His hand and mouth.

J.L. -Direct Examination

171

1 Q His hand and mouth, okay. And let me ask you how old  
2 were you -- that was before this time when you were eight?

3 A Yes.

4 Q Okay. And when he would touch you with his hand where  
5 are we talking about?

6 A My -- the places on your body where men shouldn't touch  
7 you.

8 Q We've had to talk a lot about this, haven't we? And if  
9 you look at these people, they're all grownups, and you're  
10 not going to embarrass them if you talk about these parts.

11 I promise you. The parts that a man are not supposed to  
12 touch on a child, tell us what you're talking about?

13 A My chest area, my butt, and my girl part.

14 Q Girl part, okay. And he would touch your girl part  
15 with his hand?

16 A Yes.

17 Q Was that under your clothes or on top of your clothes?

18 A Under.

19 Q Under. And did -- when he touched you with his hands  
20 did his fingers go inside or did they stay on the outside?

21 A It rubbed against.

22 Q Tell me what that means.

23 A Like...

24 Q Here's the tissue box. You understand when I'm talking  
25 about the tissue box I'm talking about on the outside or the

J.L. -Direct Examination

172

1 inside. Where's my hand right there?

2 A In.

3 Q Okay. And what is it when I do that?

4 A Out.

5 Q Did -- when he touched under your pants did his hand  
6 stay on the outside or did it go on the inside?

7 A Like whenever he was rubbing back it wasn't -- he was  
8 rubbing forward his finger like move in. Like -- it was  
9 like in and out like kind of.

10 Q So it would go on the inside a little bit?

11 A Yeah.

12 Q Okay. And how did that make you feel?

13 A Disgusting.

14 Q Had anybody ever done that to you before?

15 A No, sir.

16 Q Did you know what it meant?

17 A No, sir.

18 Q Did you know -- did you know any better? Did you know  
19 about grownups and kids, whether or not that was something  
20 they did together?

21 A I thought that it was something that every man did to a  
22 child. I didn't know it was wrong, because I didn't have a  
23 father to show me that it wasn't.

24 Q But it made you feel -- tell me what the word you said?

25 A Disgusting.

J.L. -Direct Examination

173

- 1 Q Disgusting. Did it hurt?
- 2 A Yes.
- 3 Q And then you say he used his mouth part?
- 4 A Yes.
- 5 Q What did he put his mouth on?
- 6 A My chest, and my butt, and my girl part.
- 7 Q Okay. When he put his mouth on your girl part did it
- 8 go on the inside?
- 9 A Yes.
- 10 Q And how did that make you feel?
- 11 A Weird.
- 12 Q Okay. It was a weird kind of feeling?
- 13 A (Nonverbal response).
- 14 Q Do you remember what kind of things he would say when
- 15 he was doing these things to you?
- 16 A Whenever he would be like -- it's almost there and he'd
- 17 breath really hard and be really jumpy kind of.
- 18 Q What do you mean jumpy?
- 19 A Like excited kind of. Like move fast.
- 20 Q Okay. And he would start breathing kind of hard?
- 21 A Yes.
- 22 Q When he would -- what would happen after he would put
- 23 his mouth on your girl part?
- 24 A Then he would do the things, pull my pants down and do
- 25 the things, and then he'd -- he'd do things with his mouth,

J.L. -Direct Examination

174

1 and then he'd go back to doing the other things.

2 Q All right. Well now, when you say things and other  
3 things, you've got to describe what you're talking about,  
4 and you know that. So he would touch with his hands first,  
5 and then he would put his mouth on your girl part --

6 A Yes, sir.

7 Q -- and would -- okay. Was his mouth kind of wet when  
8 he'd do that?

9 A Yes, sir.

10 Q And then after he would put his mouth on your girl part  
11 tell me what things he did after that?

12 A He'd use his boy part against my girl part.

13 Q And his boy part, describe -- describe his boy part  
14 when he would be doing these things.

15 A It was like stiff and poke me kind of on my legs.

16 Q How were you laying -- whenever -- I want to go back  
17 when you were eight. This time you're talking about on the  
18 couch, was that -- was that the first time he did something,  
19 or was this just one time you remember specifically?

20 A That was just one time, because I started to get the  
21 feeling that it wasn't -- like it wasn't -- I don't think  
22 this is what a girl -- I don't think this is what happens to  
23 a girl.

24 Q Well, what was it about this time? Was this the first  
25 time he put his boy part on your girl part?

J.L. -Direct Examination

175

- 1 A Huh-uh.
- 2 Q Okay. But this is just one time where it seemed really  
3 wrong?
- 4 A Yeah.
- 5 Q Were you laying on your back?
- 6 A Yes. On my back and my side.
- 7 Q Okay. And when you were on your back where was he?
- 8 A On top.
- 9 Q And do you remember -- you said his boy part was on  
10 your girl part. Did it ever go on the inside of your girl  
11 part?
- 12 A The tip of it did.
- 13 Q And how did that feel?
- 14 A It hurt.
- 15 Q Do you remember how this whole thing ended?
- 16 A I told my -- L.L. 's counselor.
- 17 Q Well, we're going to get to that, too. But on this  
18 particular time though, when you all were on the couch, do  
19 you know what he did when he was finished?
- 20 A He like -- like pushed me away and then he'd go to the  
21 bathroom and he'd have a rag in his hand, and then I pulled  
22 my pants up because I was scared that he would come and do  
23 it again, and then he'd pick me up and put me on my bed.
- 24 Q Okay. Now, did you go tell your mom?
- 25 A No.

J.L. -Direct Examination

176

1 Q That's going to be -- I'm predicting that's going to be  
2 the question. Why didn't you tell your mom, why didn't you  
3 tell a policeman, your teacher? Would you go ahead and  
4 explain what was it that kept you from telling people when  
5 it happened?

6 A That because like I didn't mind. Well, I don't want to  
7 make it sound like I wanted all the attention, but I didn't  
8 mind having the things that he gave me. So I didn't want  
9 that stuff to go away and I didn't want him to hurt any of  
10 my family. And I -- he kind of guilted me saying that  
11 nobody loved him and he wouldn't have anywhere to go, and so  
12 I felt bad.

13 Q Well, he didn't really ever say he was going to hurt  
14 you, did he?

15 A I'm not sure.

16 Q But that was something you were afraid of?

17 A My intention.

18 Q Do you remember another time that happened? You talked  
19 about going on rides with him. Did he ever do anything to  
20 you when you all would go on these rides together?

21 A It was mainly at night and I'd fall asleep in the car.

22 Q And what kind things would he do when you all would go  
23 for rides at night?

24 A I'd kind of -- I'd kind of like lay down in the seat  
25 and he'd put his hands in my pants.

J.L. -Direct Examination

177

1 Q Did he ever say why he was doing this to you?

2 A No, sir.

3 Q What about did he ever ask you to touch his boy part?

4 A He'd -- he'd say things like it'd be nice. And after  
5 he'd get done putting his mouth on my girl part he'd say now  
6 it's your turn, and I'd just be like no, that's nasty.

7 Q So he -- are you saying he would ask you to put your  
8 mouth on his boy part?

9 A (Nonverbal response).

10 Q And you'd say that was nasty. Did he ever talk you  
11 into doing it?

12 A No, sir. He'd just be sad after I told him that.

13 Q Was that kind of one of the times he would give you  
14 guilt kind of thing?

15 A Yes, sir.

16 Q So the time on the couch. That was about when you were  
17 eight. And what I want to do is I want to -- the times you  
18 remember before you turned 11. So this was when you were  
19 young -- younger. And you probably were on the Teague Road  
20 house. Do you know how old you were when you moved into the  
21 Beaver Dam Church Road house? You said it was April 1st,  
22 2016.

23 A I'd be 11 or 12.

24 Q So at the Teague Road house do you remember some other  
25 times when he did things to you?

J.L. -Direct Examination

178

1 A And my bedroom.

2 Q How many other times did it happen on the couch? Do  
3 you remember other times on the couch?

4 A Yes, sir.

5 Q Tell me about some of the other things he would do on  
6 the couch to you.

7 A Just the same things he did that one time. Before he  
8 would just start with the touching, and then as I got older  
9 he would carry on to different things.

10 Q The boy part things?

11 A Yes.

12 Q So when you were young, young it was mostly the hands  
13 and the mouth, and then as you got a little older it started  
14 to be he'd use his boy part?

15 A Yes, sir.

16 Q Do you remember another time at the Teague Road house  
17 when he used his boy part on you?

18 A In my bedroom.

19 Q And tell me about that time.

20 A It was late at night and they were -- because my mom  
21 worked late. So she'd be like coming home. And he'd come  
22 in there and he'd start by laying on my bed and we'd watch  
23 TV. And then I would get tired, and then he'd pull down my  
24 pants and start with his hands, and then he'd use his mouth,  
25 and then pull down his pants and use his boy part.

J.L. -Direct Examination

179

1 Q And do you remember -- do you remember it going inside  
2 or staying on the outside?

3 A Going in.

4 Q And how did that feel?

5 A It hurt and it made me feel like different kind of. My  
6 body was loose.

7 Q Okay. You talked about him having a rag with him. Was  
8 that something that you saw more than once?

9 A Yes, every time.

10 Q Tell the jury what you would see him do with the rag?

11 A He'd put his boy part on the rag and just white stuff  
12 would come out.

13 Q Did you know what that was?

14 A Not at the time.

15 Q But do you know what it is now?

16 A Yes, sir.

17 Q Have you been taught sex education in school?

18 A Yes, sir.

19 Q Was this before or after you were taught about sex  
20 education?

21 A After.

22 Q Wait. This happened after you were taught sex  
23 education?

24 A Yes, sir.

25 Q Did some of it happen before? What grade were you

J.L. -Direct Examination

180

1 taught sex education?

2 A It was this year.

3 Q Okay. So these times you're talking about was before  
4 you were taught about it at school?

5 MR. WISE: Your Honor, her voice gets kind of low.

6 MR. SCOTT: If I'm back here maybe it'll force me to  
7 talk louder.

8 MR. WISE: Much better.

9 Q So you were taught sex education this year, and these  
10 times you're talking about, this was before you learned  
11 about sex education. Is that what you're saying?

12 A Yes, sir.

13 Q Okay. Did he say anything about when the white stuff  
14 would come out, what that was?

15 A He'd tell me what it was.

16 Q What did he tell you?

17 A Saying it's what happens after his boy part gets like  
18 hard or excited.

19 Q And then would he clean it up with a rag, or what was  
20 the rag for?

21 A He'd put the stuff on the rag.

22 Q Did you ever get to see what he would do with the rag?

23 A No, sir.

24 Q What else would he say?

25 A Just like it's almost there when he'd do the things in

J.L. -Direct Examination

181

1 his boy part.

2 Q What does that mean it's almost there?

3 A Like almost all the way inside.

4 Q That was your girl part. Did he ever do it in the  
5 butt? Butt part?

6 A Yes, sir.

7 Q Okay. And where was that? I mean what house?

8 A Teague Road.

9 Q Teague Road house. Do you remember about how old you  
10 were when that one happened?

11 A No, sir.

12 Q And did that stay on the outside of your butt or did it  
13 go on the inside of your butt?

14 A The tip went in a little bit, and then it rubbed  
15 against.

16 Q Okay. And how did that feel after?

17 A It hurt.

18 Q So how many times do you think some of these kind of  
19 things happened on the couch?

20 A More than -- more than five.

21 Q Five or more is what you're saying? And I know you  
22 didn't write down every time it happened. Do you know about  
23 how many times it happened in your bedroom?

24 A More than five.

25 Q And you say you remembered that your mother was working

J.L. -Direct Examination

182

1 during a lot of these times. Where was she working then?

2 A She was police. She worked in the front.

3 Q At the jail?

4 A Yes.

5 Q And so, that was before she had her wreck?

6 A Yes.

7 Q Has she been able to work since her wreck?

8 A No.

9 Q Anywhere else at the Teague Road house that you  
10 remember some of these things happened? You talked about  
11 more than five times on the couch probably, more than five  
12 times probably in your bedroom. Did it happen any other  
13 place in the house?

14 A No. Like I'd be in the bathroom and he'd just come --  
15 like walk past there a lot and peek when I wasn't looking.

16 Q Well, let's talk about that just a little bit. Do you  
17 remember how old you were when -- when was the last time you  
18 remember your mother bathing you?

19 A Five.

20 Q So you were a little girl?

21 A Uh-huh.

22 Q And after that could you kind of bathe yourself?

23 A Yes, sir.

24 Q So tell me about when he would have to go to the  
25 bathroom when you were in there?

J.L. -Direct Examination

183

1 A I'd be like go to the other bathroom or wait until I  
2 get out.

3 Q Wait, say that again, J.L. ? What were you saying?

4 A I'd be like go to the other bathroom or wait until I  
5 get out.

6 Q Oh, okay. So he would try to go in there and you would  
7 tell him to go to the other bathroom?

8 A Yes.

9 Q Or wait until you were done. And would he wait?

10 A No, sir.

11 Q What would he do?

12 A He'd go it's all right. Just -- it won't take but a  
13 minute.

14 Q And then what would he be doing?

15 A Just use the bathroom.

16 Q But there was another bathroom in the house?

17 A Yes, sir.

18 Q All right. Well, did he ever -- was there ever a time  
19 when he would try to bathe you anything or --

20 A Yes, sir.

21 Q Tell us about that.

22 A The showers wasn't working, and I preferred to take  
23 showers over baths, just because I'm bored, and he would --  
24 the shower wasn't working. Like the water wasn't coming out  
25 as much, and I'd ask him if he could fix it, and he'd go in

J.L. -Direct Examination

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1 there and fix it and be like, oh, you can go ahead and get  
2 in. And I'd get in. And then he'd -- we'd laugh and cut  
3 up, and then he'd offer to wash my hair and I'd say, no,  
4 I've got it.

5 Q Okay. Anything else you remember happening in the  
6 bathroom at the Teague Road house?

7 A No, sir.

8 Q Well, did he ever do anything to you in his bedroom at  
9 the Teague Road house?

10 A Yes. But that was in the mornings.

11 Q Do you know where your mother was then?

12 A Work.

13 Q Where would L.L. be?

14 A In his bedroom.

15 Q Asleep is what you're saying? Early in the morning?

16 A Yes.

17 Q Tell me what happened in his bedroom with you?

18 A He -- he'd just touch me or cuddle, because like B.E.  
19 would be in there, too, but she'd be in her little bed  
20 beside the big bed.

21 Q They had a big bed and then she had her own little --  
22 was she -- how old was B.E. at the time?

23 A Four maybe, three.

24 Q Little?

25 A Yes.

J.L. -Direct Examination

185

1 Q How old is she now?

2 A Six.

3 Q Okay. And then you all -- so you all moved to the new  
4 house about two years ago. So she would have been four or  
5 under?

6 A Yes.

7 Q And tell me about what he would do in the bed when  
8 B.E. was in the room?

9 A He'd just touch me, because like the bed, it squeaked a  
10 lot.

11 Q Was that -- were you all under the covers or on top of  
12 the covers?

13 A Under.

14 Q Okay. But that was just touching is what you're  
15 saying?

16 A (Nonverbal response).

17 Q Okay. And you said he would cuddle you. Did that  
18 happen a lot?

19 A Yes.

20 Q From the time you were six until the time you were 12  
21 was he doing a lot of cuddling with you?

22 A Yes, sir.

23 Q Do you ever remember him cuddling a lot with the other  
24 kids?

25 A No, sir.

J.L. -Direct Examination

186

1 Q Do you remember him cuddling a lot with A.E. ?

2 A No, sir.

3 Q Would he get under the blankets and cuddle a lot with

4 P.E. ?

5 A No, sir.

6 Q But that was something he did a lot with you?

7 A Yes.

8 Q And when we talked about cuddle, would you describe

9 what he was doing when he would cuddle with you?

10 A Like I'd be laying on my side and he'd be right there  
11 behind me only an inch away from my body.

12 Q So laying on this side and he was behind you laying on  
13 his side?

14 A (Nonverbal response).

15 Q And was that on top of the blankets --

16 A Under.

17 Q -- or under the blankets or both?

18 A Under. Like if I'd get hot and I'd throw off the  
19 blanket.

20 Q Was there anything happening other than him just  
21 cuddling you, or was there anything else that you remember  
22 about the cuddles?

23 A Like he'd put his hand like -- like on my chest or like  
24 on my butt.

25 Q Where was his boy part?

J.L. -Direct Examination

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1 A It was just in his pants, but I could feel it like on  
2 my leg.

3 Q Let's talk about him grabbing your butt. Was that  
4 something that happened a lot?

5 A Yes, sir.

6 Q Would he sometimes do that just around the house even  
7 when you all were walking around and doing things?

8 A Yes, sir.

9 Q And did you ever see him grabbing A.E. 's butt?

10 A No, sir.

11 Q Do you remember seeing him grab P.E. 's butt?

12 A No, sir. Unless like they'd be in trouble and he'd pop  
13 them.

14 Q Okay. Well, was that what you're describing what he  
15 would do to your butt or was that --

16 A No, sir.

17 Q It was -- how would you describe it?

18 A Like --

19 MR. WISE: Again, his voice drops when his back is --

20 THE COURT: He asked how she would describe contact.

21 Go ahead.

22 Q How would you describe when he was grabbing your butt?

23 You said he would pop A.E. or P.E. if they got in

24 trouble which is, you know, nothing wrong with that if

25 they're getting spanked. But you're saying he was doing

J.L. -Direct Examination

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1 something different to your butt.

2 A It was more aggressive and more like a grab.

3 Q So it's not something where you were in trouble? He  
4 was -- and would you ever see him do that to L.L. , grab his  
5 butt?

6 A No, sir. But I do remember this one time they were  
7 outside playing. And I don't know if it was on accident,  
8 but he hit my girl part real hard.

9 Q You all were playing and he -- that sounds kind of like  
10 an accident.

11 A But like --

12 Q Was it -- describe that time.

13 A Like we was like -- we wrestled a lot, and when we'd  
14 get done he would like pat me on the back, kind of a -- but  
15 then he like kicked me.

16 Q And wrestling, is that something you all did a lot of?

17 A Yes, sir.

18 Q And we heard L.L. talking about that yesterday. Do you  
19 remember him wrestling a lot with A.E. ?

20 A Only if she'd jump into it.

21 Q Do you ever remember her getting invited to wrestle and  
22 horseplay with you guys?

23 A I'd invite her, like do you want to come play with us.

24 Q Okay. Before you turned 11 do you remember how many  
25 times he put his mouth on your girl part?

J.L. -Direct Examination

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1 A A lot.

2 Q A lot? Before you turned 11 do you remember how many  
3 times he put his fingers on the inside of your girl part?

4 A A lot.

5 Q Before you turned 11 do you remember how many times  
6 he'd put his boy part, even just a little bit, on the inside  
7 of your girl part?

8 A A lot.

9 Q I want to talk about do you remember moving to the  
10 house you're in now? That's the Beaver Dam Church Road  
11 house.

12 A Yes, sir.

13 Q Were you happy about moving there?

14 A Yes, sir.

15 Q Because -- who all lived in that house?

16 A At the time it was my papa, my grandmother, my  
17 great-grandma, my mom, me, B.B.E. , L.L. and Cliff.

18 Q Okay. And do you remember, did any of the bad touches  
19 happen in that house?

20 A Yes, sir.

21 Q Did they start right away?

22 A Just about a week after we moved in all the way.

23 Q Okay. Tell me about -- tell me about everybody's  
24 rooms. Where was everybody -- how many rooms is the house,  
25 bedrooms?

J.L. -Direct Examination

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1 A Well, we -- there was a dining room. And after we moved  
2 in there wasn't enough room for everybody, so we had like --  
3 there was like a wall kind of for my great-grandmother, and  
4 four bedrooms.

5 Q So papa was alive then?

6 A Yes.

7 Q He's passed on now?

8 A Yes, sir.

9 Q Great-grandma, grandma, Cliff, B.E. , and your mom and  
10 you?

11 A Yes, sir.

12 Q Did I miss anybody?

13 A No, sir.

14 Q And so, did Cliff and your mother have a room?

15 A Yes.

16 Q And you had a room with who?

17 A Me, P.E. and B.E. .

18 Q And how often would A.E. and P.E. come over?

19 A Mostly on weekends.

20 Q Was -- but B.E. was always in that room with you?

21 A Yes.

22 Q Okay. When touches first happened tell me -- tell me  
23 what you remember when the touches first started happening  
24 at the Beaver Dam Church Road house.

25 A I was in my bedroom. And A.E. was on the top bunk, but

J.L. -Direct Examination

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1 she was like watching Netflix on her phone, because she did  
2 that a lot when she came over. And we were watching a scary  
3 movie, and I had a vanity with a mirror, and he'd go put --  
4 I had this big bear and he'd put the bear on the mirror to  
5 where she couldn't see.

6 Q She's on the top bunk, you're on the bottom. And I  
7 think what you're describing is there's a vanity over here?

8 A Yes.

9 Q And it had a mirror on it? And you said he put a teddy  
10 bear, and you thought he was doing that to block the mirror  
11 so A.E. couldn't see what was going on?

12 A Yes.

13 Q And had your mom already been in the wreck?

14 A Yes.

15 Q What happened after your mom got in the wreck? How did  
16 things change?

17 A She wasn't very active. She -- mainly all she could do  
18 was cook around the house, because she couldn't pick up  
19 anything. She couldn't like do everything she could do  
20 before.

21 Q Was she in the bed a lot?

22 A Yes.

23 MR. WISE: Your Honor, would there be any serious  
24 objection if I move a chair over to this table.

25 THE COURT: Can he maybe just get a little bit -- if you

J.L. -Direct Examination

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1 need to get a little closer or move to the corner or  
2 somewhere around here that would be fine.

3 MR. SCOTT: Is it me?

4 THE COURT: I think he's just having trouble hearing.  
5 If you could, maybe pull the microphone just a little bit  
6 closer to you and we'll put it down a little bit and I think  
7 we'll be okay. All right? Very good. Solicitor.

8 MR. SCOTT: Thank you, Your Honor.

9 Q So your mother, after the wreck, you said there was a  
10 lot of things she couldn't do. Where did you see your mom  
11 most of the time after the wreck? Where was she, I guess,  
12 is a better word for it?

13 A Outside or in the kitchen.

14 Q And was she able to work after the wreck?

15 A No, sir.

16 Q Did she stay in her bed a lot?

17 A Yes, sir.

18 Q And there was something L.L. said about them arguing.  
19 Cliff and your mother. Was there a lot of arguing at this  
20 time?

21 A Yes, sir.

22 Q What was the arguing about, if you remember?

23 A Like how he has to like run all the errands because she  
24 couldn't drive, and like how he has to pick us up from dance  
25 and how he has to pay all this money for child support and

J.L. -Direct Examination

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1 has to pay for us, too.

2 Q So money things were again the issue. And you talked  
3 about dance. We kind of skipped over all that. Dance is a  
4 big part of your life?

5 A Yes, sir

6 Q And, I mean, do you ever remember a time that you  
7 weren't doing dance classes?

8 A That one time I thought about quitting because he  
9 thought that it took too much time away from us spending  
10 time together.

11 Q Cliff wanted you to quit because he thought it was  
12 taking your all's time together away from him?

13 A Yes, sir. And because I had a boyfriend at dance.

14 Q I want to get back to that, too. We have a lot to  
15 cover. But who paid for your dance, do you remember?

16 A My grandmother and money that my mom got from her  
17 wreck.

18 Q She got some money from her wreck? Where did you take  
19 dance?

20 A The Dance Shop.

21 Q All right. So remember when this lawyer was -- I think  
22 you heard. He was talking about you dancing very  
23 provocatively. You don't know that word, do you?

24 A No.

25 Q And what kind of dance do they teach you? Is it Dance

J.L. -Direct Examination

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1 Studio? What's the name of the place?

2 A The Dance Shop.

3 Q The Dance Shop. And what kind of dance did they teach  
4 you? Was it nasty dancing?

5 A No, sir.

6 Q Okay. Did they teach you to shake your butt around or  
7 anything like that?

8 A No, sir.

9 Q So what kind of dance did they teach you at the Dance  
10 Shop?

11 A Like tumbling, jazz, clogging, tap.

12 Q Okay. Those were the dances you'd do?

13 A Yes, sir.

14 Q And that was a big part of your life? Tell me about  
15 the boyfriend at dance. What was his name?

16 A Collin.

17 Q Do you remember how old you were when you and Collin  
18 called yourself boyfriend and girlfriend?

19 A Probably young, because we dated for three years.

20 Q Okay. That's a long relationship. How old were you  
21 guys?

22 A When I broke up I was like 12 maybe.

23 Q So from nine to 12 you all were boyfriend and  
24 girlfriend?

25 A Yes, sir.

J.L. -Direct Examination

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- 1 Q Did he dance there, too?
- 2 A Yes, sir.
- 3 Q Did he ever send you text messages that were not  
4 appropriate?
- 5 A Collin?
- 6 Q Yeah.
- 7 A No, sir. He wasn't that type.
- 8 Q Did he ever send you naked pictures or anything like  
9 that?
- 10 A No, sir.
- 11 Q Did you guys ever even kiss each other?
- 12 A No, sir.
- 13 Q But tell me what Cliff would talk to you about when he  
14 heard about Collin?
- 15 A He asked me questions like you don't love him more than  
16 me, do you, or like he would take my phone a lot because I'd  
17 be texting him too much and like spending time with him.
- 18 Q Who, Collin?
- 19 A I'd be texting Collin too much.
- 20 Q What kind of time -- where did you see Collin? Did you  
21 ever see him outside the Dance Shop?
- 22 A Yeah. We went to the movies together and to Frankie's  
23 for his birthday.
- 24 Q And what did Cliff think about all this?
- 25 A He thought I was too young to do that.

J.L. -Direct Examination

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1 Q Too young to go to Frankie's Fun Park?

2 A Yes.

3 Q And I'm bouncing around, but I do want to get back to  
4 the bunk bed at Beaver Dam Church Road. And there's a  
5 vanity and Cliff would put the teddy bear up there. And  
6 then what would he do to you while you all were on the  
7 bottom bunk?

8 A He'd touch me, because like A.E. would be on top? And  
9 kiss me on my ears and my neck.

10 Q And were you on top of the blankets or under blankets?

11 A Under.

12 Q Do you remember any other times at the Beaver Dam  
13 Church Road where the touches and the bad things were  
14 happening?

15 A In the barn --

16 Q The barn?

17 A -- and in his bedroom.

18 Q And in his bedroom. I want to show you -- this is  
19 State's No. 3. Can you tell what that is, J.L. ?

20 A It's our house.

21 Q And you talked about a barn. Do you see the barn in  
22 that picture?

23 A Yes, sir.

24 MR. SCOTT: Your Honor, the State would offer State's  
25 No. 3 for admission.

J.L. -Direct Examination

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1 MR. WISE: No objection.

2 THE COURT: In evidence without objection.

3 (Whereupon, State's Exhibit No. 3 was admitted into  
4 evidence.)

5 Q This is what, J.L. ?

6 A My house.

7 Q And this is the one that you, L.L. , Cliff, your mother,  
8 your great-grandmother and your grandma all live in right  
9 now?

10 A Yes.

11 Q Well, not Cliff. But everybody else lives in the  
12 house, and Cliff used to live in this house?

13 A Yes.

14 Q And that's the barn you're talking about?

15 A Yes.

16 Q And you talked about some of the bad things happening  
17 down at the barn. Tell me about that. What's in that barn?

18 A Just like storage stuff that doesn't have any place for  
19 it in the house, or tools or tractors.

20 Q So tractors, tools. It's of junky in there, isn't it?

21 A (Nonverbal response).

22 Q Just storage for the most part? And would you and  
23 Cliff go down there a lot?

24 A Yes.

25 Q Tell me -- tell me just like a time you -- how would it

J.L. -Direct Examination

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1 happen? You all would be the big house and what? He'd say,

2 J.L. , come on, let's go down to the barn or something?

3 A Yeah. Come and help me work on some stuff.

4 Q What kind of --

5 A Like all this stuff.

6 Q And would you help him?

7 A Not really.

8 Q He just wanted your company down there?

9 A Yes.

10 Q Do you remember A.E. getting invited down there a  
11 lot?

12 A No.

13 Q Do you remember L.L. getting invited down to the barn a  
14 lot?

15 A If Cliff needed help like lifting something, or putting  
16 something down there.

17 Q But was L.L. ever asked to just come down there and  
18 hang out like you would do?

19 A When I wasn't there.

20 Q Okay. What about P.E. ? Do you remember her being  
21 asked to come and just hang out down there?

22 A No.

23 Q Here's some other pictures. This is just sort of 4 and  
24 5. What are those?

25 A That's the barn.

J.L. -Direct Examination

199

1 Q That's the barn? And that's how it kind of looks from  
2 the ground, I guess?

3 A Yes.

4 MR. SCOTT: State offers four and five for admission.

5 MR. WISE: No objection.

6 THE COURT: In evidence.

7 (Whereupon, State's Exhibit No. 4 and 5 were admitted  
8 into evidence.)

9 Q So that's just kind of what the barn looks like from  
10 the outside. Would that door -- is that the door you all  
11 would go into or the side door?

12 A The side.

13 Q And would that door -- he'd keep that open while you  
14 all were in there, or was it closed?

15 A It'd be open.

16 Q Okay. Go to 5. All right. So that's the door you  
17 would go in, I guess?

18 A Yes, sir.

19 Q And so, tell me about some times when you'd go to the  
20 barn and some bad things would happen. Tell me about that.

21 A One time me and B.E. were outside looking for worms,  
22 and he called me over there. And then B.E. would come with  
23 me and he told B.E. to like go up to the house. Momma  
24 needs you. And then I offered to take her up there and he'd  
25 be like no, sit down with me. She'll be all right.

J.L. -Direct Examination

200

1 Q Okay. And this is at Beaver Dam Church. Now, I'm  
2 looking. If you all moved in, like you said, April 1st,  
3 2016, you would have been at least 12. So things that  
4 happened in the barn are when you're 12 and over. But  
5 B.E. , I guess -- do you remember about how old she'd be at  
6 that time?

7 A No, sir.

8 Q But he would tell her you need to go on, go on up to  
9 the house. But he'd tell you to stay there?

10 A Yes, sir.

11 Q And tell me where the bad things happened inside the  
12 barn?

13 A On the chair behind the doll house.

14 Q Okay. Describe that chair.

15 A It was black and it -- like you could spin it around.

16 Q Okay. And what would he -- this is State's No. 6. Is  
17 that the chair you're talking about?

18 A Yes, sir.

19 MR. SCOTT: State offers six for admission, Your Honor.

20 THE COURT: Any objection?

21 MR. WISE: No objection.

22 THE COURT: State's 6 is in evidence.

23 Q That's the chair you're talking about?

24 A Yes, sir.

25 Q And -- well, tell me what he would do that involved the

J.L. -Direct Examination

201

1 chair?

2 A I'd sit down in the chair and he would come -- there  
3 was two of them, and he'd sit in the other one and he'd tell  
4 me to come sit in his lap and I would, and we'd start  
5 laughing and then he'd rub my back. Because when I was  
6 younger my mom would like rub my eyebrows and I'd get tired.  
7 And he'd rub my back. And like I'd like fall asleep kind  
8 of.

9 Q Okay. It was just sort of -- he would, I guess, relax  
10 you or something. Did it feel good, I guess?

11 A Yes, sir.

12 Q Kind of like being petted. State's No. 7, is that --  
13 what is that?

14 A Which one?

15 Q Is that the inside of the barn?

16 A Yes.

17 MR. SCOTT: State offers State's No. 7 for admission.

18 MR. WISE: No objection.

19 THE COURT: Without objection it's in evidence.

20 (Whereupon, State's Exhibit No. 7 was admitted into  
21 evidence.)

22 Q And this is what?

23 A We got it for Christmas.

24 Q And is that the chair?

25 A Yes.

J.L. -Direct Examination

202

1 Q You said there were two of them?

2 A Yes, sir.

3 Q But he would get -- he would sit in one and get you to  
4 sit in his lap?

5 A (Nonverbal response).

6 Q You said the door would be open a lot of times. Would  
7 it get hot in there if the door was closed?

8 A Yes, sir.

9 Q Well, when he would do these things how would he keep  
10 other people from seeing it?

11 A Because the dollhouse, and then there was a lot of  
12 boards. He'd put down a piece of wood, just like tall  
13 enough for him to see over.

14 Q Describe that one more time. I missed it. You said it  
15 was a dollhouse and what?

16 A A board. There was pieces of board.

17 Q Are you talking about like plywood?

18 A Yes.

19 Q Tell me how high the board was off the ground.

20 A Like came to my shoulders maybe.

21 Q So -- and how long was it?

22 A (Indicating)

23 Q And you said he would do what with the board?

24 A He'd put it like in front of us kind of.

25 Q And then he would take you back behind the board?

J.L. -Direct Examination

203

- 1 A Yes.
- 2 Q Do you remember, did it ever look like he was looking  
3 out for people or anything like that?
- 4 A Most of the time I was kind of asleep.
- 5 Q You were asleep?
- 6 A (Nonverbal response).
- 7 Q How many times did things happen in the barn between  
8 you and Cliff?
- 9 A Six maybe, seven.
- 10 Q I want to talk about some times you were awake and you  
11 remember things that happened. Okay? Can we do that?
- 12 A Okay.
- 13 Q Because that chair -- you don't like to see that chair,  
14 do you?
- 15 A (Nonverbal response).
- 16 Q Tell the jury what you've done with that chair since  
17 all this happened.
- 18 A We destroyed it.
- 19 Q How did you do that?
- 20 A With a hammer.
- 21 Q And then what did you do with the busted up chair?
- 22 A Put it in a bonfire.
- 23 Q How did that make you feel?
- 24 A Relief.
- 25 Q I do want to talk about that. The times you remember

J.L. -Direct Examination

204

1 being awake. And we've got to talk about that chair and  
2 things that happened in that barn. Tell me some times you  
3 remember where he did these things to you in the barn.

4 A We were sitting in the chair and -- well, he'd be  
5 sitting in the chair and then I'd go sit in his lap. And  
6 he'd like -- like mess with my shoulders and my back and rub  
7 them. And then like he'd put the board up and he'd pull  
8 down my pants and like put me in the position on him.

9 Q Tell me about that. What kind of position?

10 A Like where my butt was on his boy part.

11 Q And was he sitting in the chair --

12 A Yes.

13 Q -- or standing up?

14 A Sitting.

15 Q And would he make you kind of bend over?

16 A Kind of.

17 Q Or would he sit you in his lap?

18 A Sit me in his lap.

19 Q Were his pants on or off?

20 A Off.

21 Q And would he make you wiggle, or would he wiggle you or  
22 --

23 A He'd wiggle me.

24 Q And then what would he do? What do you remember? Was  
25 he doing the hard breathing thing or not?

J.L. -Direct Examination

205

- 1 A Yes, sir.
- 2 Q And was he saying anything?
- 3 A Just breathing hard.
- 4 Q Do you remember how that ended when he would do that?
- 5 A Like my mother would be like dinner's ready, and then
- 6 B.E. would come down like to the tree that's kind of like
- 7 halfway and she'd yell, come on. It's time to eat.
- 8 Q Was there ever a time when you all almost got caught
- 9 doing these things?
- 10 A When B.E. ran down there.
- 11 Q What did he say -- or what did he do when B.E. was
- 12 running down there?
- 13 A He'd just like punch me off of him and I'd pull my
- 14 pants up and he'd pull his and he'd act like we were playing
- 15 with something.
- 16 Q Were you scared you'd get caught?
- 17 A Yes.
- 18 Q Did you think you'd get in trouble or something?
- 19 A Yes.
- 20 Q Did he ever -- you talked about the rag thing that he
- 21 did at the other house. Did he use a rag any time in the
- 22 barn?
- 23 A No.
- 24 Q Do you remember any other times when the white stuff
- 25 would come out?

J.L. -Direct Examination

206

1 A In the barn.

2 Q He did do that in the barn? But he didn't have a rag?

3 A (Nonverbal response).

4 Q Do you remember what happened to the white stuff?

5 A He like -- on the chair and on the floor.

6 Q Did he do anything with it?

7 A Cleaned it up.

8 Q Was that the only time he used his boy part on you in  
9 the barn?

10 A That happened quite a few times.

11 Q Where else in the Beaver Dam Church Road would these  
12 things happen?

13 A In his room.

14 Q His room? Where would your mom be then?

15 A At L.L. 's band concerts.

16 Q L.L. had -- he's in a band or was in a band and he'd  
17 have concerts?

18 A Yes.

19 Q And why wouldn't you and Cliff go to those?

20 A Because like it'd be -- they'd come home late. Like  
21 late at night.

22 Q Okay. So they would last late at night on a school  
23 night?

24 A No.

25 Q Okay. Well then, but you all just wouldn't go because

J.L. -Direct Examination

207

1 they would end too late at night?

2 A Yeah.

3 Q Who else would stay home? Where was B.E. ?

4 A B.E. , she stayed and my great-grandmother stayed, but  
5 my grandmother took my mom because she couldn't drive.

6 Q Okay. Great-grandma -- tell me about great-grandma.

7 Do you know how old she is?

8 A She's 84 now.

9 Q Okay. And where would she be when he took you into his  
10 bedroom?

11 A She'd be in the livingroom watching her TV shows.

12 Q Does great-grandma get up and move around the house a  
13 lot?

14 A (Nonverbal response).

15 Q What does she do most -- you've got to say yes or no.

16 Does she get up and move around the house a lot?

17 A No, sir.

18 Q Okay. Great grandma, what does she do most days?

19 A Watches her stories or goes out and waters the flowers.

20 Q Were you worried that she would hear you guys in the  
21 bedroom that time?

22 A No, because she had a hearing aid and she turns the TV  
23 up loud.

24 Q Okay. But -- and tell me what happened. He took you  
25 into his room?

J.L. -Direct Examination

208

1 A Yes.

2 Q What happened?

3 A And he put **B.E.** in the bath and tell her to cut off  
4 the water when it gets to her belly button, and then he'd  
5 come back in the room and lay down, and then he'd watch his  
6 videos on his phone.

7 Q Okay. Well, what would he -- did he touch you in any  
8 way at that point?

9 A After he would.

10 Q Okay. With his hands or mouth or boy part?

11 A Both. All three.

12 Q All three? That happened in the bedroom, too?

13 A (Nonverbal response).

14 Q Did -- on that time did anything go inside?

15 A Yes.

16 Q Okay. Inside your girl part or inside your boy --  
17 sorry. Inside your girl part or inside your behind?

18 A Both.

19 Q And how did that feel?

20 A That hurt really bad.

21 Q Anywhere else in the house beside -- we've got the  
22 barn. You said how many times in the barn?

23 A Quite a few.

24 Q In his bedroom how many times?

25 A More than seven.

J.L. -Direct Examination

209

1 Q Anywhere else? Did anything happen on the couch in  
2 Beaver Dam Church Road house?

3 A No.

4 Q Well, let me ask you, when this all started, do you  
5 think this happened -- it didn't happen every day, did it?

6 A Just about.

7 Q You feel like it happened just about every day?

8 A (Nonverbal response).

9 Q By that do you mean touching, or some form of touching?

10 A Yes.

11 Q But you're not saying he put his boy part in you every  
12 day?

13 A Not in. He'd rub it against me.

14 Q Okay. And that you're talking about the cuddle kind of  
15 thing he would do?

16 A (Nonverbal response).

17 Q You talked about one time in the bunk bed. What about  
18 the couch in the livingroom? Would he cuddle with you out  
19 there?

20 A We -- like my grandma would be there and we'd just sit  
21 on the couch and watch TV.

22 Q So if your grandma was in there would he do that cuddle  
23 with you?

24 A No. He'd just sit beside me.

25 Q Okay. So what you're saying is almost every day he was

J.L. -Direct Examination

210

1 touching your butt or rubbing your chest or doing something  
2 like that?

3 A (Nonverbal response).

4 Q And then sometimes it would be the boy part and the  
5 girl part stuff?

6 A Yes, sir.

7 Q The money thing, that was just something that he would  
8 complain to you about a lot?

9 A Yes.

10 Q But you say he would give you money every day before  
11 school?

12 A Yes.

13 Q And how would you get to school every day?

14 A He'd take me.

15 Q Okay. And was B.E. in school yet?

16 A Yes.

17 Q Okay. And L.L. was obviously in school?

18 A Yes.

19 Q But who did they go to school with?

20 A My grandma and my mom would take them.

21 Q So grandma would take L.L. and B.E. , but Cliff would  
22 take you alone?

23 A Yes.

24 Q And he would give you money before school?

25 A Yes.

J.L. -Direct Examination

211

1 Q And you said you didn't need money because the lunch  
2 was free?

3 A Yeah, and he'd give me money every day and I had enough  
4 for the whole week.

5 Q Would you save up the money?

6 A The extras, yeah.

7 Q Did you tell your mom that he had been giving you  
8 money?

9 A Yeah. Like she'd like after -- right before dance  
10 after school we'd go get a snack from next door and I told  
11 her I got it, I have money, because I'd be happy that I have  
12 money. And she'd be like where did you get that from, and I  
13 said school lunch.

14 Q Okay. What about after school? What did -- did you  
15 call Cliff after school every day?

16 A Yes.

17 Q Why did you do that?

18 A He told me to.

19 Q Okay. As far as you know did L.L. have to call every  
20 day after school?

21 A No.

22 Q And did you tell me about the tracker on your phone?

23 A Yes.

24 Q What was that all about?

25 A It's just an app on my phone.

J.L. -Direct Examination

212

1 Q How did the app get on your phone?

2 A He put it on there.

3 Q Cliff put a tracker --

4 A He told me in case like I lost it.

5 Q Okay. That he could find -- find the phone?

6 A Yes.

7 Q Okay. Buying you things. What sort of things did he  
8 buy you?

9 A My fidget spinner. Just candy after he gets off of  
10 work.

11 Q And did he take you out shopping sometimes?

12 A No.

13 Q Did you all go to the mall or anything like that?

14 A We would go with everybody. Like everybody would go.

15 Q What is Snapchat?

16 A It's an app.

17 Q Tell the jury -- I suspect a lot of them know, but tell  
18 them what Snapchat does and how it works.

19 A It's like you can take pictures and you can have  
20 friends and take pictures of the stuff that you're doing and  
21 post it on your story where everybody can see, or you can  
22 just text people privately.

23 Q So if you have Snapchat and I do I could send you a  
24 message just to you --

25 A Yes.

J.L. -Direct Examination

213

1 Q -- where nobody else could see? And then what would  
2 happen after a certain amount of time?

3 A It'd go away.

4 Q It'd disappear?

5 A Yeah. Like after you open it up and then like close it  
6 the message would go away.

7 Q Okay. And did -- was he a Snapchat friend of yours?

8 A Yes.

9 Q And did he communicate with you with Snapchat?

10 A Yes.

11 Q Okay. Tell me about -- I mean, did it ever happen when  
12 you all were living -- you all were in the same house  
13 together at the same time and he would be Snapchating you?

14 A Yes. When -- me and my mom liked to watch like World  
15 of Dance or So You Think You Can Dance on TV, and our show  
16 was on, and I was sitting there with my mom and he text me  
17 and he said like why are you in there spending time with  
18 her. I'm like lonely in here, because he'd be in the  
19 bedroom watching his own TV show.

20 Q So he's just a couple rooms over and he's Snapchating  
21 you to come there and hang with him?

22 A Yes.

23 Q Did you do it?

24 A No.

25 Q Was that something that would happen a lot that he

J.L. -Direct Examination

214

1 would Snapchat you ---

2 A Yes.

3 Q --- messages while you're in the same house?

4 A Or while I was at school.

5 Q So he'd text you, too, or just Snapchat?

6 A He'd Snapchat. He wouldn't text.

7 Q And was that something that would happen where he would  
8 tell you you were spending too much time with your mother  
9 and you needed to spend more time with him?

10 A Yes.

11 Q So you said that was a conversation that was had in  
12 your house a lot, your mom and him talking about him  
13 spending a lot more time with you than other kids.

14 A Yes.

15 Q You remember that being like an issue in the house?

16 A Yes, unfairness.

17 Q Unfairness? What does that mean?

18 A Like him not being fair -- like equally showing  
19 attention to every child.

20 Q So you remember the time when you had to go to the  
21 Gilchrist Center, and you saw Ms. Kim up here just before  
22 you got up there talking?

23 A Yes.

24 Q You remember the first time you met with her?

25 A Yes.

J.L. -Direct Examination

215

1 Q Was there ever a time before meeting with her where you  
2 almost told somebody about this stuff?

3 A Yes.

4 Q Tell me about that.

5 A I was at another like counseling place. I don't  
6 remember the name of it or the person I was talking to  
7 because I was a lot younger and we'd just go there because  
8 like -- I had like anger problems kind of, and I could focus  
9 and that kind of stuff.

10 Q Well, another thing, weren't you seeing them because  
11 you weren't eating?

12 A Yes.

13 Q Why weren't you eating?

14 A Because I felt that maybe he wouldn't do these things  
15 to me because maybe he did them because of the way I looked  
16 and I didn't want to attract him and he wouldn't do it.

17 Q J.L. , I'm not trying to embarrass you, but you weren't  
18 taking your baths either for a long time either, were you?

19 A No, sir.

20 Q Why weren't you doing that?

21 A Because I felt that he wouldn't touch me if I was nasty  
22 or he couldn't look at me when I was in the shower.

23 Q Okay. So was getting in the shower sometimes kind of a  
24 nervous thing for you?

25 A Yes, sir.

J.L. -Direct Examination

216

1 Q And why was that?

2 A Because he'd like go in there, and he'd use like a  
3 bobby pin to unlock the door after I'd lock it and go in  
4 there and peek and act like he was getting something.

5 Q What would you do? You knew he was looking at you,  
6 didn't you?

7 A Yes.

8 Q And what would you do then?

9 A I'd like close the curtain more. Because like I don't  
10 close the curtain all the way because it gets like hot in  
11 the shower.

12 Q Would you just pretend he wasn't there?

13 A Yes.

14 Q But you were seeing a lady because you said you were  
15 having some anger issues. You weren't eating like you were  
16 supposed to. Were you having any other problems?

17 A No, sir.

18 Q And you said you almost told her. Tell me about how  
19 you almost told her?

20 A I told her how my living condition was at the house,  
21 and then she started asking me questions about them, and  
22 knew that like something was up. And at that time I didn't  
23 know her too well, and I didn't want to like tell her about  
24 myself because I didn't know her. So I just --

25 Q Decided not to?

J.L. -Direct Examination

217

- 1 A Yeah.
- 2 Q You were a little bit older at that time, weren't you?
- 3 A Yes.
- 4 Q And at that time did you know what you all were doing  
5 was wrong?
- 6 A Yes.
- 7 Q And were you afraid to tell her?
- 8 A Yes.
- 9 Q But then you go to see Ms. Kim, and she was L.L. 's  
10 counselor.
- 11 A Yes.
- 12 Q You had never seen her before?
- 13 A No.
- 14 Q That day you were called in there did you know why they  
15 were having you come in to talk with them?
- 16 A No, sir.
- 17 Q Okay. At what point did you kind of know that you  
18 needed to probably tell some of the things that had been  
19 happening to you for so long?
- 20 A Well, I only trusted her because my brother did, and I  
21 figured, you know, if he's friends with them then they're  
22 not bad. And so, I felt comfortable with telling, because  
23 she was like serious but she also like changed the subject  
24 kind of so I wouldn't get too upset.
- 25 Q Were you getting upset when you all started talking

J.L. -Direct Examination

218

1 about these things?

2 A Yes.

3 Q Why?

4 A Because I thought that he was like right here and I  
5 have to go home to him and he'd know that I tell them.

6 Q Do you feel like you've done something wrong?

7 A Not anymore.

8 Q Is that something you used to think that?

9 A Yes.

10 Q So you told Ms. Little about this. And do you remember  
11 the police coming?

12 A No. I was -- I was in the room talking.

13 Q With Ms. Kim?

14 A Yes.

15 Q At some point do you remember Investigator Hunnicutt  
16 coming to speak with you?

17 A Yes.

18 Q And do you remember telling him some things?

19 A I wrote it down on paper.

20 Q And did you tell him everything all at once or was this  
21 something that you kind of have been telling more and more  
22 as time goes by?

23 A More and more as time goes by.

24 Q Can you explain that? Why is it that, you know, you  
25 tell some and then you tell some more and more? Is it --

J.L. -Direct Examination

219

1 A Because like I don't -- I don't want to talk about the  
2 same thing. I just don't like talking about it.

3 Q Okay. That makes sense. You've been asked to talk  
4 about this a lot, haven't you?

5 A Yes.

6 Q And this has been going on a long time, hasn't it?

7 A Yes.

8 Q Because you had to tell Ms. Kim Little, and then you  
9 talked to Investigator Hunnicutt?

10 A Yes.

11 Q Do you remember Ms. Samantha?

12 A Yes.

13 Q And you remember going to see her?

14 A Yes.

15 Q And she -- who is Ms. Samantha Black?

16 A She's my therapist.

17 Q Okay. Do you remember how many sessions you had to go  
18 see her?

19 A Like every week.

20 Q For a long time?

21 A Yes, and I still do.

22 Q Okay. And how far away was her office from your house?

23 A It's in Greenville or Greenwood.

24 Q Greenwood?

25 A I don't know which one.

J.L. -Direct Examination

220

1 Q And you have to drive from Mountville all the way to  
2 Greenwood when you see her?

3 A Yes.

4 Q And do you remember how many -- or how long the  
5 sessions would last?

6 A About an hour.

7 Q And you all would have to talk about these same things?

8 A Yes.

9 Q Was that fun to do?

10 A No.

11 Q Right after you talked to Investigator Hunnicutt do you  
12 remember having to go see a doctor?

13 A Yes.

14 Q Was that Dr. Pritchard, or did you know her name?

15 A I didn't -- I don't remember.

16 Q Remember, everybody here's a grownup. We can talk  
17 about these things. But do you remember that exam she did  
18 on you?

19 A Yes.

20 Q Can you describe that?

21 A I had to put on like something that you put on at the  
22 hospital, one of them gowns, and I had to lay on the bed and  
23 she had the camera taking pictures of my body.

24 Q How close was the camera to you?

25 A Close.

J.L. -Direct Examination

221

- 1 Q Show me.
- 2 A Like -- like I'd be laying on the bed and I had to like
- 3 open my legs.
- 4 Q And then did she put a camera down there --
- 5 A Yes.
- 6 Q -- next to your girl part?
- 7 A (Nonverbal response).
- 8 Q Was that fun?
- 9 A No.
- 10 Q How did that make you feel?
- 11 A Uncomfortable.
- 12 Q And then you remember -- you remember the forensic
- 13 interview? You remember going to speak with a Ms. Heather
- 14 Bennett?
- 15 A Yes.
- 16 Q You do remember that?
- 17 A Yes.
- 18 Q And tell the jury about what that was all about?
- 19 A It was -- like at first she was talking about -- like
- 20 asking questions about my family and who I lived with and
- 21 what I liked to do, and then she started going on to like
- 22 asking questions about the people that I lived with, and
- 23 then the answers, and she'd ask specific questions about the
- 24 men in my family, and started leading to the things that
- 25 Cliff was doing. And she told me like what she is she told

J.L. -Direct Examination

222

1 me that there was cameras videotaping the session.

2 Q And then you had to talk about what?

3 A The things that happened.

4 Q These same things?

5 A Yes.

6 Q Was that fun?

7 A No.

8 Q I just want to -- she's going to talk later. But this  
9 is State's No. 8. Do you recognize what that is?

10 A Yes.

11 Q What is that?

12 A That's the forensic interview.

13 Q That was just a picture of you sitting in the room with  
14 Ms. Bennett talking?

15 A Yes.

16 MR. SCOTT: I'll move State No 8 for admission just to

17 --

18 MR. WISE: I don't know the relevance of that, to be  
19 frank with you. You can look at it, but I don't know why  
20 it's relevant.

21 MR. SCOTT: I'm going to have -- it's not. It's just  
22 I'm going to have Heather Bennett talk about what a forensic  
23 interview is and describe it. That's just the depiction of  
24 inside the room.

25 THE COURT: All right. It's in evidence.

J.L. -Direct Examination

223

1 (Whereupon, State's Exhibit No. 8 was admitted into  
2 evidence.)

3 Q Again, that's just you and Ms. Bennett sitting in a  
4 room talking about all this stuff?

5 A Yes.

6 Q And that looks like that was June 1st, so that was  
7 shortly after -- or the next month after you talked to Ms.  
8 Kim?

9 A Yes.

10 Q And then how many times have you met with me?

11 A A lot.

12 Q Yeah. We've had to talk about this stuff a lot,  
13 haven't we?

14 A Yes.

15 Q And are you just ready to kind of stop talking about  
16 it?

17 A Yes.

18 Q How does it feel sitting in here with all these people  
19 talking about this?

20 A It's kind of uncomfortable, and it's also kind of like  
21 a weight being lifted off my shoulders because I'm sitting  
22 in front of the person who did it talking about it.

23 MR. SCOTT: I beg the Court's indulgence one second.

24 Q The Beaver Dam Church Road house, where you live now,  
25 what county is that in?

J.L. -Direct Examination

224

1 A Mountville.

2 Q That's the town?

3 A Uh-huh. Laurens.

4 Q Laurens County? And that house is just right down the  
5 road from Old Teague Road home, isn't it?

6 A Yes.

7 Q Tell me how things changed since you told about what  
8 happened to you to Ms. Kim?

9 MR. WISE: I'm going to object to that. I don't think  
10 that's relevant, Your Honor.

11 (Whereupon, a sidebar was held.)

12 THE COURT: Solicitor, if you need to repeat the  
13 question, go ahead.

14 MR. SCOTT: Thank you, Your Honor.

15 Q I was asking you -- we were talking about you were  
16 seeing the counselor because you weren't eating.

17 A Yes, sir.

18 Q Has that changed since all this?

19 A Yes.

20 Q You've put on some weight in the last year?

21 A Yes, sir.

22 Q Do you know how much weight you've put on?

23 A Like -- I was like 78 and now I'm 98.

24 Q So you put on a good bit of weight. You're eating  
25 more?

J.L. -Direct Examination

225

1 A Yes.

2 Q What about the -- I'm going to call it hygiene thing.

3 You weren't taking showers. How has that changed?

4 A I take showers most very day.

5 Q Anything else change?

6 A My actions to my sisters or like not being scared to do  
7 anything.

8 Q You're not scared anymore?

9 A (Nonverbal response).

10 Q Your actions towards your sisters. What does that  
11 mean? You all used to fight about the favoritism thing?

12 A Yes.

13 Q What would you tell somebody that said you made --  
14 you're making all this up, J.L. ?

15 MR. WISE: Your Honor ---

16 A You don't know what I've been through.

17 MR. WISE: -- I object to that question.

18 THE COURT: Overruled. Go ahead.

19 Q All right. Ignore that. What would you say to  
20 somebody who's saying, J.L. , you're making all this up?

21 A I'd tell them you don't know what I've been through and  
22 you don't -- this probably hasn't happened to you and you  
23 can't tell me that I'm wrong, because I'm right.

24 Q Do you have any reason whatsoever to make this up?

25 A Why would I want to? I had everything that I wanted.

J.L. -Direct Examination

226

1 I had attention.

2 Q I'm going to ask you one more thing. Do you see the  
3 guy who did all these terrible things to you?

4 A Yes, sir.

5 Q Do you see Cliff Eubanks in here right now?

6 A Yes, sir.

7 Q Would you just point to him one time?

8 (Whereupon, the witness identified the Defendant)

9 Q Looking at this man right here smiling?

10 A Yes, sir.

11 MR. SCOTT: Thank you very much.

12 THE COURT: Mr. Wise, if you don't have any objection,  
13 we'll go ahead and take a brief break.

14 MR. WISE: I was going to suggest it.

15 THE COURT: I think it might be advisable. Ladies and  
16 gentlemen, we're going to go ahead and take a brief  
17 midmorning break for about 10, 15 minutes or so. So refresh  
18 yourself. If any of you smoke, I forgot to mention, the  
19 bailiff can take you outside to have a cigarette if you want  
20 one. Otherwise don't talk about the case yet. Of course,  
21 it's not time to. See you in a few moments. Okay? Adjourn  
22 to the back, please. You can leave your tablets on your  
23 chair.

24 (Whereupon, the jury exited the courtroom at 10:51  
25 a.m.)

J.L. -Cross Examination

227

1 THE COURT: And, ma'am, you can step down. Just don't  
2 talk about your testimony with anybody. Okay?

3 THE WITNESS: Yes, sir.

4 (Whereupon, the witness stepped down from the witness  
5 stand.)

6 THE COURT: We'll be at ease for a few moments, until  
7 about five after. Five after 11:00 or so. Okay?

8 (Whereupon, a recess was held from 10:51 a.m. to 11:13  
9 a.m.)

10 THE COURT: If we could go ahead and get the jury in,  
11 please.

12 (Whereupon, the jury entered the courtroom at 11:13  
13 a.m.)

14 THE COURT: The record will reflect that the jury is  
15 back. Ladies and gentlemen of the jury, we're still  
16 involved in the examination of this witness. Ma'am, of  
17 course you're still under oath. Mr. Wise, you're  
18 acknowledged for your cross, sir.

19 CROSS-EXAMINATION

20 BY MR. WISE:

21 Q J.L. , when you were seeing Samantha Black you wrote  
22 what was called a trauma narrative.

23 A Yes, sir.

24 Q Is that correct?

25 A Yes, sir.

J.L. -Cross Examination

228

1 Q And in that you made mention to the fact that before  
2 all this allegedly happened you were happy and never really  
3 worried about anything, correct?

4 A Sir?

5 Q You said in your trauma narrative -- well, let me back  
6 up. That was a bad question. You said in your trauma  
7 narrative that before all the alleged abuse you and Cliff  
8 did stuff together.

9 A Yes, sir.

10 Q And you had some good times.

11 A Yes, sir.

12 Q What were those good times?

13 A The good times to me were the stuff that he bought me  
14 and like -- like the family would go like to Frankie's Fun  
15 Park or the mall.

16 Q Go to the mall? I think you all went to the beach a  
17 lot?

18 A For dance competitions, yes.

19 Q Uh-huh. So the good times were going to Frankie's Fun  
20 Park?

21 A Yes, sir.

22 Q And what would you all do there?

23 A Just play games.

24 Q Play games? The whole family would go?

25 A Yes, sir.

J.L. -Cross Examination

229

1 Q Okay. And you and Cliff got along good that time?

2 A He would like do the fun things with me and then turn  
3 around and do the bad things.

4 Q I'm talking about before the bad things. You said --  
5 you said in your trauma narrative, "Before all the bad  
6 things I was happy. I never really worried about anything.  
7 I felt free. He and I always -- he and I always did stuff  
8 together." So you all did stuff together before all this  
9 allegedly started?

10 A When I was younger.

11 Q Okay. And you'd all did a lot of stuff afterwards. A  
12 lot of stuff over a period of time that he was living there?

13 A Sir?

14 Q Let me back up. That was a bad question. You were six  
15 when they -- when you -- when your mother and Cliff got  
16 married, roughly?

17 A Yes, sir.

18 Q They got married in 2010?

19 A I don't know.

20 Q You would have been six in 2010, correct?

21 A Yes, sir.

22 Q And your mother had divorced about a year earlier from

23 --

24 A Josh.

25 Q -- from Josh?

J.L. -Cross Examination

230

1 A Yes, sir.

2 Q Now, so you all didn't live in Cliff's house before you  
3 got married?

4 A We did.

5 Q Before they got married?

6 A Yes, sir.

7 Q How long did you all live there?

8 A I don't know.

9 Q You don't know?

10 A No, sir.

11 Q Was the fun things happening before they got married?

12 A Yes, sir.

13 Q And you all did a lot of things over the years?

14 A Yes, sir.

15 Q I think one of the things that L.L. mentioned was the  
16 Cry Baby Bridge?

17 A Yes, sir.

18 Q What is that?

19 A We went -- I can't remember where we were going. We  
20 were going home, I think, and I had a friend over. I had a  
21 friend over and we were going home from like the Waffle  
22 House, and he stopped by there and he stopped and we were  
23 all laughing and --

24 Q It's kind of a spooky place?

25 A Yes.

J.L. -Cross Examination

231

- 1 Q Supposedly anyway?
- 2 A Yes, sir.
- 3 Q And you all did things like at Halloween, too, didn't
- 4 you?
- 5 A We just went trick or treating.
- 6 Q I mean, did you all do any --
- 7 A We had a Spook trail also.
- 8 Q You had what?
- 9 A A trail.
- 10 Q Yeah, Spook trail.
- 11 A Yes.
- 12 Q At -- was that the house on Beaver Dam or Teague?
- 13 A Beaver. Beaver Dam.
- 14 Q Beaver Dam, all right. And what did the Spook trail
- 15 consist of?
- 16 A Just the haunted house and a maze.
- 17 Q And was that just for you all or would the neighbors
- 18 come by, too?
- 19 A It was like a thing that -- handed out posters and
- 20 stuff like that.
- 21 Q And you all would go bowling together?
- 22 A Yes, sir.
- 23 Q As a family?
- 24 A No, sir. Just me and L.L. and Cliff.
- 25 Q You and L.L. and Cliff?

J.L. -Cross Examination

232

1 A Yes.

2 Q Okay. So the three of you all would go bowling  
3 together?

4 A I didn't like L.L. to go.

5 Q Your mother didn't go?

6 A She couldn't.

7 Q That was after she was injured?

8 A After the wreck, yes.

9 Q So after she was injured she was home pretty much all  
10 the time, correct?

11 A Yes, sir.

12 Q Either in the bed or in the livingroom watching  
13 television?

14 A Yes, sir.

15 Q And you all did some late night trips to Waffle House?

16 A Yes, sir.

17 Q Those were fun times?

18 A Yes, sir.

19 Q And living in your house up until January of 2017 was  
20 also your grandfather?

21 A Yes, sir.

22 Q And he was elderly and he was there -- he was in the  
23 home pretty much all the time, too?

24 A Yes, sir.

25 Q Is that correct?

J.L. -Cross Examination

233

- 1 A Yes, sir.
- 2 Q And he would sit around and watch television?
- 3 A Yes, sir.
- 4 Q Primarily what he'd do?
- 5 A And ride on the tractor. Yes, sir.
- 6 Q Excuse me?
- 7 A And ride on the tractor, yes.
- 8 Q Ride on the tractor. So he was active enough to get
- 9 out and work in the yard a little bit before his death?
- 10 A Yes, sir.
- 11 Q And he was there from the time you all moved in. And
- 12 when again did you all move into the Beaver Dam Road house?
- 13 A April 1st, 2016.
- 14 Q April?
- 15 A 1st.
- 16 Q April 1st of 2000 --
- 17 A '16.
- 18 Q '16. So roughly a year before all these allegations
- 19 came out; is that correct?
- 20 A Yes, sir.
- 21 Q So your grandfather was there, too?
- 22 A Yes, sir.
- 23 Q All right. And your grandmother -- not your
- 24 grandfather, but your great-grandfather was there, too?
- 25 A No, sir.

J.L. -Cross Examination

234

1 Q He died in January?

2 A He passed when I was young.

3 Q In January of 2017?

4 A That was my grandfather.

5 Q That was your grandfather?

6 A Yes.

7 Q Excuse me. I thought it was your great --

8 great-grandfather.

9 A No, sir.

10 Q Okay. I apologize. And how old was he when he died,  
11 do you remember?

12 A No, sir.

13 Q So your great-grandmother lived in the house, too?

14 A Yes, sir.

15 Q And she was the one that was -- is 84 now? 83, 82 back  
16 in 2016, '17?

17 A Yes, sir.

18 Q And she wasn't working anywhere?

19 A No, sir.

20 Q So she was home pretty much all the time, too?

21 A Yes, sir.

22 Q Either in the house or in the yard?

23 A Yes, sir.

24 Q Okay. Now, you all also had a go-cart there that you  
25 rode?

J.L. -Cross Examination

235

1 A Yes, sir.

2 Q Was that a picture of it in the barn that we saw?

3 A Yes, sir.

4 Q And you got to drive that?

5 A Yes, sir.

6 Q And it's a pretty powerful -- I mean, it's a big  
7 go-cart?

8 A Yes, sir.

9 Q Not a little kids go-cart, is it?

10 A No, sir.

11 Q Okay. And you've played with that a lot? You and

12 B.E. , too?

13 A Yes, sir.

14 Q All right. Now, so you did a lot of things with Cliff  
15 that you seemed to enjoy?

16 A Yes, sir.

17 Q That we've discussed, correct?

18 A Yes, sir.

19 Q And you were interviewed by Heather Bennett. Do you  
20 remember that?

21 A Yes, sir.

22 Q And in that interview Heather Bennett asked you if  
23 you'd seen Cliff since this happened, or since this came  
24 out?

25 A No, sir.

J.L. -Cross Examination

236

1 Q You hadn't seen him, I know. But she asked you that  
2 question had you seen him. Do you remember that?

3 A Yes, sir.

4 Q Did you respond to her, when she asked you that  
5 question about have you seen him, "No, but you wished you  
6 could see him again"?

7 A Yes.

8 Q You told her in that interview you'd like to see Cliff  
9 again but your mother told you you couldn't do it until you  
10 were 18?

11 A Yes.

12 Q You remember that?

13 A Yes.

14 Q Okay. And isn't it also in -- do you remember when  
15 Cliff's birthday is?

16 A No, sir.

17 Q Month of -- is it in Month ?

18 A I don't remember.

19 Q Do you remember writing a -- sending a message to Cliff  
20 on his birthday on of 2016?

21 A No, sir.

22 Q Let me show you this and see if that refreshes your  
23 memory.

24 A Yes, sir.

25 Q Okay. Does that refresh your memory?

J.L. -Cross Examination

237

1 A Yes, sir.

2 Q Did you send that?

3 A Yes, sir.

4 Q And what did you tell him -- let me see that.

5 MR. WISE: I'd like to introduce this as Defendant's 1.

6 (Whereupon, Defendant's Exhibit No. 1 was marked for  
7 identification.)

8 (Whereupon, a sidebar was held.)

9 Q Was this sent through Instagram or Facebook?

10 A Instagram.

11 Q Instagram, okay.

12 THE COURT: No objection?

13 MR. SCOTT: No.

14 THE COURT: Defendant's 1 in evidence.

15 (Whereupon, Defendant's Exhibit No. 1 was admitted into  
16 evidence.)

17 Q And this was Month the Day of 2016; is that  
18 correct? Look at the date at the bottom.

19 A Yes, sir.

20 Q Is that correct?

21 A Yes, sir.

22 Q And what did you say in that? Can you read that to us?

23 A "I hope you have the greatest birthday ever. You are  
24 my whole world and it will always be like that. I love you  
25 to the moon and back. If something ever happens to you I

J.L. -Cross Examination

238

1 don't know what I would do. My whole life would be over  
2 with, and I'm proud to call you dad."

3 Q And you meant that when you wrote it?

4 A At the time.

5 Q You meant it at that time, correct?

6 A I just wanted a dad, so yeah.

7 Q All right. Now, you had a dog that went missing,  
8 correct?

9 A Yes, sir.

10 Q And you asked Cliff for a dog?

11 A Yes, sir.

12 Q And he didn't buy it for you; is that correct?

13 A Yes, sir.

14 Q All right. You've also mentioned in that interview  
15 that you had seen a video on Cliff's phone.

16 A Yes, sir.

17 Q And I believe you mentioned -- it actually had a name  
18 to it. A video called Birthday Sex.

19 A Yes, sir.

20 Q And it was allegedly a pornographic video?

21 A I didn't -- I saw it on his Youtube searches.

22 Q Excuse me?

23 A I saw it on his Youtube searches.

24 Q You saw it on Youtube. But was it a pornographic -- it  
25 was people with clothes off and all that?

J.L. -Cross Examination

239

- 1 A I didn't watch the video.
- 2 Q You didn't watch it?
- 3 A I saw where he typed it in and searched it.
- 4 Q You saw what?
- 5 A Where he typed it in and searched it.
- 6 Q Okay. Didn't you tell Ms. Bennett that you actually
- 7 went and told your mother that you'd seen basically a
- 8 pornographic video on Cliff's phone?
- 9 A I saw where he searched. Yes, sir.
- 10 Q And you went and told your mother?
- 11 A Yes, sir.
- 12 Q So you were free enough to tell your mother that you
- 13 had seen what you perceived to be -- let me back up. Do you
- 14 know what a pornographic film is?
- 15 A Yes, sir.
- 16 Q All right. You were free enough to go tell your momma
- 17 that you had seen a pornographic film on Cliff's phone,
- 18 correct?
- 19 A That's -- that's when I was younger. Yes, sir.
- 20 Q And that was about when?
- 21 A Around the time that it started happening.
- 22 Q About the time that it started happening? So when you
- 23 were six years old?
- 24 A Yes.
- 25 Q All right. So when you were six, seven years old this

J.L. -Cross Examination

240

1 would be in the Teague House, correct?

2 A Yes.

3 Q And in the Teague House -- and that would have been  
4 what year?

5 A If I was six.

6 Q So that would have been about 19 -- 2012? In 2012 you  
7 would have been eight, right?

8 A Yes, sir.

9 Q Let me back up. Let's go back and try it a simple way.  
10 All right? You're in the -- you say you saw this video in  
11 the Teague house?

12 A Yes, sir.

13 Q And you move from the Teague house in 2015 or 6 -- '15.

14 A 2016.

15 Q 20 what?

16 A I moved into the Beaver Dam 2016.

17 Q 2016. All right. And you say you saw this video  
18 shortly after you all -- Cliff and your mother -- Cliff and  
19 your father -- mother got married living in the Teague  
20 house?

21 A He showed me several videos on his phone.

22 Q He showed you on his phone?

23 A Yes.

24 Q Okay. And you went and told your mother?

25 A No.

J.L. -Cross Examination

241

1 Q Well, I thought you said you told Ms. Heather Bennett  
2 that you did tell your mother you had seen the film on the  
3 phone?

4 A I told her that I seen what he searched.

5 Q What he searched for?

6 A Yes.

7 Q Okay. And that was in -- early on?

8 A Yes.

9 Q And I believe you told Ms. Bennett that was in his  
10 iPhone?

11 A Yes.

12 Q Is that correct?

13 A Yes.

14 Q You're familiar with iPhone and non-iPhone, right?

15 A Yes, sir.

16 Q Did your mother take any action on that?

17 A No, sir.

18 Q She didn't, okay. Even though you told her he was  
19 doing some searches for some provocative stuff and you saw  
20 it, you didn't take any action?

21 A I just told her. I showed her -- I said look, because  
22 at the time I could read, and I already showed her because  
23 at school people talk about things, and she said okay. Yes.

24 Q And that was right after you all -- your parents --  
25 Cliff and your mother got married?

J.L. -Cross Examination

242

1 A Yes, sir.

2 Q What about the tape -- you mentioned also to Ms.

3 Bennett about watching a tape called step-dad having fun

4 with daughter?

5 A Yes, sir.

6 Q Did you actually see a movie like that?

7 A I saw a movie and videos on the phone, yes.

8 Q On the video. And did you find it yourself or did --

9 A He found it.

10 Q He found it. And did you tell your mother about that?

11 A No, sir.

12 Q Was that before or after the birthday sex video?

13 A After.

14 Q After. So you told your mother about the birthday sex  
15 video and you were comfortable doing that?

16 A Yes, sir.

17 Q Is that correct?

18 A Because that was at the time that I thought that it was  
19 wrong.

20 Q You told your mother about the birthday sex video on  
21 his phone?

22 A Yes.

23 Q And you were comfortable doing that?

24 A Yes.

25 Q You did not tell her about seeing another pornographic

J.L. -Cross Examination

243

1 video on the phone?

2 A No, sir. Because that's when he was doing the physical  
3 things.

4 Q Now, you went to counseling up in Greenville at a place  
5 called Gateway?

6 A Yes, sir.

7 Q All right. And that was -- the purpose of that  
8 counseling was you -- what did you perceive as the need for  
9 counseling in that case?

10 A I didn't know why I was going.

11 Q Excuse me?

12 A I didn't know why I was going.

13 Q You didn't know why you were going?

14 A Yeah. I thought it was just because.

15 Q So your mother asked you to go?

16 A Yes.

17 Q And you didn't know why you were going?

18 A No, sir.

19 Q She didn't tell you?

20 A No, sir.

21 Q All right. And you went to -- you recall you went to  
22 that counselor from November of 2014 to about April of 2015?

23 A I guess.

24 Q I mean, is that --

25 A I don't know the dates.

J.L. -Cross Examination

244

1 Q You don't know the dates. You would accept my  
2 representation on that, I assume.

3 A Yes, sir.

4 Q Now, part of what I see in that is that you were going  
5 there because you were -- you were concerned about the wreck  
6 your mother had been in?

7 A Yes.

8 Q So this was after the wreck?

9 A Yes.

10 Q And there was some other family issues there, wasn't  
11 it?

12 A Yes.

13 Q And among the family issues was you were being  
14 homeschooled at that time, or getting ready to be?

15 A I was homeschooled in the middle of fifth grade.

16 Q Excuse me?

17 A I was homeschooled in fifth grade, yes.

18 Q All right. And that was an issue also? Did you want  
19 to be homeschooled?

20 A Yes, sir.

21 Q But you eventually wanted to go back to regular school?

22 A Yes, sir.

23 Q And you were homeschooled for how long?

24 A Half of fifth grade.

25 Q Half -- half a year?

J.L. -Cross Examination

245

1 A Yes.

2 Q And among the other issues you discussed with the  
3 counselor there was concerns regarding your visit with  
4 paternal grandparents?

5 A sir?

6 Q Did you have -- let me just ask the question. Did you  
7 have concerns about visiting with your paternal  
8 grandparents? Your father's grandparents?

9 A No, sir.

10 Q You didn't?

11 A I visited them, yes.

12 Q Excuse me?

13 A I visited them, yes.

14 Q Not Cliff's parents, but your real father's parents?

15 A Yes.

16 Q Correct?

17 A Yes.

18 Q All right. So there weren't any concerns with that?

19 A No, sir.

20 Q And among the things they discussed there were how you  
21 get along with your family?

22 A Yes.

23 Q And you were having a problem with L.L. then?

24 A No, sir. Just like I was concerned with why he stayed  
25 in his room all the time.

J.L. -Cross Examination

246

1 Q You were concerned about what?

2 A Why he was in his room all the time.

3 Q L.L. ?

4 A Yes.

5 Q But you weren't going up there for any eating disorder?

6 A Not that I knew of because --

7 Q I mean, you were eating when you went to see her?

8 A I wasn't eating like I should be.

9 Q All right. But that wasn't discussed with the  
10 counselor?

11 A It was.

12 Q It was, okay. Was it discussed with the counselor  
13 about -- what do you recall was discussed with counsel?

14 A She was asking me questions of why I -- like why my  
15 grades were low, or why I can't focus, or --

16 Q Why what?

17 A I can't focus in school, or why I had nightmares, or  
18 not taking showers, or about how like I'm not gaining  
19 weight.

20 Q Go ahead.

21 A That's it.

22 Q So those were the things that you recall discussing  
23 with this counselor?

24 A Yes, sir.

25 Q Now, in your trauma narrative also you talk about what

J.L. -Cross Examination

247

1 you describe as the worst time.

2 A Yes, sir.

3 Q And that's the time you talked about -- in your direct  
4 testimony about B.E. being in the bathtub, right?

5 A Yes, sir.

6 Q And your mother being at L.L. 's band competition?

7 A Yes, sir.

8 Q And you would have been home with B.E. , Cliff and your  
9 grandfather?

10 A Great-grandmother.

11 Q Great-grandmother?

12 A Yes.

13 Q What about your grandfather?

14 A My grandfather wasn't -- I don't know if he was alive  
15 during that time. I can't remember.

16 Q You can't remember. So you don't know if that incident  
17 occurred either before January or after?

18 A It was probably after, because it was during like the  
19 heat.

20 Q It was what?

21 A Because I went to some of L.L. 's band competitions and  
22 it was in the heat, so it was somewhere after.

23 Q All right. So this time with B.E. in the bathtub  
24 would have been after your grandfather passed?

25 A Yes, sir.

J.L. -Cross Examination

248

1 Q And your grandmother was there?

2 A Great grandmother, yes.

3 Q Great-grandmother. Excuse me. And your  
4 great-grandmother is -- is she much of a night owl, or what  
5 does she do?

6 A She's a morning person.

7 Q She's what?

8 A A morning person

9 Q Morning person. But she's still up and down a lot at  
10 night?

11 A No, sir.

12 Q So the time you describe with B.E. , it was B.E. ,  
13 Cliff, you and your great-grandmother at the house?

14 A Yes, sir.

15 Q And everybody else had gone to band practice?

16 A Yes, sir.

17 Q And you said that he told -- how old was B.E. at this  
18 time?

19 A I don't know.

20 Q You don't know?

21 A No, sir.

22 Q And you also describe in your trauma narrative what you  
23 refer to as the last time, right?

24 A Yes, sir.

25 Q And in there you don't really say you know what

J.L. -Cross Examination

249

1 happened, if anything happened?

2 A No, sir.

3 Q And that was a time that you say he put a big piece of  
4 wood behind B.E. 's dollhouse that he hid behind so no one  
5 could see what he was doing?

6 A Yes, sir.

7 Q And then you said you fell asleep and then you woke up,  
8 he was pulling off my pants.

9 A And his.

10 Q So you don't know if anything happened that day?

11 A No, sir. But afterwards I felt different from what I  
12 did before.

13 Q But afterwards you felt different?

14 A Yes, sir.

15 Q When afterwards did you feel different?

16 A Like I was walking back to the house.

17 Q Okay. But when you did your trauma narrative you  
18 didn't say that you felt different later. I mean, in your  
19 trauma narrative you said, "I was worried that he did  
20 something to me. I was wondering if he put his boy part on  
21 my girl part." I mean, you never said then that you thought  
22 something happened.

23 A But I say it when I talked to Dale.

24 Q Excuse me?

25 A I say it when I talk to Dale.

J.L. -Cross Examination

250

1 Q You talk to Dale?

2 A Yes.

3 Q That's when you remembered it?

4 A Yes, sir. I only remember bits and pieces, and I don't  
5 like to talk about the same thing.

6 Q What do you mean bits and pieces?

7 A Like I don't remember the parts -- like I don't like to  
8 think about it too much, so I don't remember it. It takes  
9 time to remember it.

10 Q It takes time to remember it?

11 A Yes, sir

12 Q And sometimes people have to encourage you to remember  
13 it?

14 A No, sir.

15 Q But you've gone over this with -- the arresting officer  
16 discussed it with you?

17 A Yes, sir.

18 Q All right. And then I assume you've discussed this to  
19 some extent with your mother?

20 A What do you mean?

21 Q Excuse me?

22 A After I told her?

23 Q After you told her, yes.

24 A Yes, sir.

25 Q And you discussed it with -- did you discuss it with

J.L. -Cross Examination

251

1 your step-mother?

2 A No.

3 Q So you've discussed this with -- and then you went to  
4 therapy?

5 A Yes, sir.

6 Q And in the therapy you discussed it literally just  
7 about every time you went?

8 A Yes, sir.

9 Q Now, you also are aware that Cliff had a safe in the  
10 barn?

11 A Yes, sir.

12 Q And there was money in the safe?

13 A Yes, sir.

14 Q And it was money that he had put in the safe?

15 A Yes, sir.

16 Q And were you aware of where that money came from?

17 A No, sir.

18 Q And I believe you all went out to the barn and got that  
19 -- some money out of that safe before you all went to the  
20 beach?

21 A The only thing I remember is him telling me the  
22 combination.

23 Q And when did he tell you the combination?

24 A When we went down there.

25 Q To get money out to go to the beach?

J.L. -Cross Examination

252

1 A I don't know if he got money out.

2 Q You don't know if he got money out?

3 A No, sir.

4 Q Did you ever use the combination?

5 A No, sir. I forgot it.

6 Q Now, you also mentioned to your therapist but not to  
7 Ms. Heather Bennett an incident, for lack of a better word,  
8 some children playing or whatever with A.E. ?

9 A Sir?

10 Q You also mentioned to Ms. Bennett in your trauma  
11 narrative about an incident with A.E. when you all were a  
12 couple years younger?

13 A Yes, sir.

14 Q Now, actually your mother had caught you and A.E.  
15 together in a closet?

16 A Sir?

17 Q Had your mother known about that before?

18 A Yes, sir.

19 Q Because she caught you?

20 A Yes, sir.

21 Q Caught you and A.E. acting out?

22 A Yes, sir.

23 Q All kids do it. Don't worry about it. All right? But  
24 she caught you all acting out?

25 A Yes, sir.

J.L. -Cross Examination

253

1 Q And got on you about it?

2 A Yes, sir.

3 Q And you didn't initially tell Heather Bennett about  
4 that?

5 A No, sir. Because I didn't remember too well and I  
6 didn't want --

7 Q Do what?

8 A I didn't remember too well and I didn't want to just  
9 talk out.

10 Q Okay. Even though Ms. Bennett had encouraged you to be  
11 truthful with her?

12 A Yes, sir.

13 Q And even though Ms. Bennett asked you specifically if  
14 you'd touched any -- anybody else had ever touched you?

15 A Yes, sir.

16 Q You did not tell Ms. Bennett that?

17 A I didn't.

18 Q So you withheld that to Ms. Bennett?

19 A Yes, sir, because I didn't feel comfortable.

20 Q I understand. So the wreck occurred -- when did your  
21 mother's wreck occur?

22 A I don't know.

23 Q It was before you moved to Beaver Dam?

24 A Yes, sir.

25 Q Because she was not able to work and that created some

J.L. -Cross Examination

254

1 financial problems?

2 A Yes, sir.

3 Q All right. So your mother was at home pretty much  
4 full-time from the time of her wreck. And I assume the  
5 wreck had to have been before November 13th of 2014. So  
6 your mother had been home pretty much full-time since the  
7 time of her wreck?

8 A Yes, sir, or out with my grandmother.

9 Q Excuse me?

10 A Yes, sir, or out with my grandmother.

11 Q Or out with your grandmother. So you made reference --  
12 in reference to Mr. Scott's questions that his happened  
13 almost on a daily basis.

14 A Yes, sir.

15 Q From the time that your mother had her wreck up until  
16 May of 2017?

17 A Yes, sir.

18 Q Notwithstanding the fact that your mother was in the  
19 house pretty much full-time?

20 A Yes, sir.

21 Q You also made reference to a time when B.E. was on a  
22 top bunk and you were on a bottom bunk.

23 A A.E. .

24 Q A.E. , excuse me, was on the top bunk and you were on  
25 the bottom bunk.

J.L. -Cross Examination

255

- 1 A Yes, sir.
- 2 Q And you didn't cry out to A.E. or anything like that?
- 3 A No, sir.
- 4 Q I mean, you could have.
- 5 A I didn't feel --
- 6 Q And you could have said something out loud and A.E.  
7 would have heard you?
- 8 A I didn't feel like I had a choice.
- 9 Q Okay. And you said Cliff said that basically you were  
10 too young to have a boyfriend back with your boyfriend --  
11 what's his name, Tom?
- 12 A Collin. Collin.
- 13 Q Collin, excuse me. He said you were too young to have  
14 a boyfriend?
- 15 A Yes, sir.
- 16 Q And you were how old then?
- 17 A Nine.
- 18 Q Huh?
- 19 A Nine.
- 20 Q Nine?
- 21 A Yes.
- 22 Q And he would also get on you about some of the clothes  
23 you wore?
- 24 A Yes, sir.
- 25 Q Thinking they were too provocative?

J.L. -Cross Examination

256

1 A Too showy.

2 Q Too showy, is that what he would say?

3 A Yes, sir.

4 Q And I assume you disagreed with him?

5 A Yes, sir.

6 Q And I believe you said that these things would  
7 allegedly happen when your mother was outside smoking a  
8 cigarette?

9 A Yes, sir.

10 Q And he would pick you up in the early morning and you  
11 would be asleep. Well, let me back up. On some occasions  
12 your mother -- you said your mother would be outside smoking  
13 a cigarette?

14 A Yes, sir.

15 Q And then on some occasions you'd say he'd pick you up  
16 in the early morning?

17 A Yes, sir.

18 Q And bring you out of your room into the livingroom?

19 A Yes, sir.

20 Q And you'd be asleep?

21 A Yes, sir.

22 Q And he'd carry you back?

23 A Yes, sir.

24 Q And that was true both in the Teague house and the  
25 Beaver Dam Road house?

J.L. -Cross Examination

257

1 A Just the Teague.

2 Q Just the Teague house. And that Teague house was you,

3 B.E. and your mother?

4 A And L.L. .

5 Q And L.L. . Excuse me. And L.L. had a separate bedroom?

6 A Yes, sir.

7 Q And this was during the school year? I mean, assuming  
8 since you said it happened practically every day it happened  
9 during the school year?

10 A Yes, sir.

11 Q All right. Now, when -- when was that chair destroyed?  
12 Do you remember when?

13 A A couple -- maybe a week after I told Ms. Kim.

14 Q A week after?

15 A Possibly.

16 Q I'm sorry. A week after what?

17 A I told my counselor.

18 Q So it would have been -- if you told in April -- excuse  
19 me, if you told in May it would have been destroyed by the  
20 first of June?

21 A But I'm not too certain about that, because people had  
22 to come in and look at it.

23 Q Huh?

24 A I'm not too certain about my answer, because people had  
25 to come in and look at it and stuff.

J.L. -Cross Examination

258

- 1 Q Correct. So when do you think it really was destroyed?
- 2 A I don't know.
- 3 Q You don't know. Excuse me?
- 4 A I didn't say anything.
- 5 Q Okay. I'm sorry.
- 6 MR. WISE: Give me one moment.
- 7 Q And the tracker app was put on your phone by Cliff?
- 8 A Yes, sir.
- 9 Q And I believe it was also put on L.L. 's phone?
- 10 A Yes, sir.
- 11 Q Which kind of is a good idea, isn't it?
- 12 A If I lost my phone, yes.
- 13 Q Right. And if you got lost or something happened to
- 14 you?
- 15 A Yes, sir.
- 16 Q You knew it was on there?
- 17 A Yes, sir.
- 18 Q And you knew that Cliff and your mother could track you
- 19 at any time, any place?
- 20 A My mother couldn't. Only Cliff could.
- 21 Q She didn't have a phone to do it with?
- 22 A She didn't -- she had a phone. She just didn't have
- 23 the app.
- 24 Q She didn't have the app on her phone?
- 25 A No, sir.

J.L. -Cross Examination

259

1 Q She could have put it on there though?

2 A She didn't know about it.

3 Q And Cliff did a lot of work around the Beaver Dam house  
4 for your grandfather?

5 A Yes, sir.

6 Q Working on equipment and stuff for him?

7 A Yes, sir.

8 Q And he did that on a pretty regular basis?

9 A Only when my papa needed it.

10 Q Well, that's probably more accurate. Whenever your  
11 father -- your grandfather needed it he would be willing to  
12 come over and help out?

13 A Yes, sir.

14 Q So on the incident of B.E. , when B.E. was in the tub,  
15 and it's referred to as one of the incidents you describe in  
16 your narrative, he went to put B.E. to bed -- I mean, the  
17 tub?

18 A Yes, sir.

19 Q And then he came and what?

20 A He came back to the bedroom.

21 Q Came back to what?

22 A The bedroom.

23 Q The bedroom. And did what?

24 A He pulled down my pants.

25 Q And what happened to B.E. ?

J.L. -Cross Examination

260

1 A She was in the bath.

2 Q By herself?

3 A Yes, sir.

4 Q Now, when you were doing the forensic interview with  
5 Ms. Heather Bennett and you told her that you would like to  
6 see him again --

7 A Yes, sir

8 Q -- but you couldn't do it until you were 18.

9 A Because I didn't understand that it was -- I didn't  
10 understand that what he was doing was bad and I missed the  
11 good memories.

12 Q So after you -- after you finish your interview with  
13 Ms. Heather Bennett you didn't understand what had happened  
14 was bad?

15 A Like during it. After my therapy sessions I did.

16 Q After you had talked with Ms. Heather Bennett you  
17 didn't understand what happened was bad?

18 A No, sir.

19 Q So if you didn't understand it was bad then it never  
20 really bothered you, did it?

21 A It did, but like it caught me wondering.

22 Q If you didn't understand it was bad, it can't bother  
23 you, can it?

24 A It can.

25 Q It can? So you had some understanding that it was bad?

J.L. -Redirect Examination

261

1 A The only thing that I missed was the good memories and  
2 that's it.

3 Q The good memories?

4 A Yes.

5 MR. WISE: Okay. Thank you.

6 THE COURT: Redirect?

7 REDIRECT EXAMINATION

8 BY MR. SCOTT:

9 Q Explain that a little bit more. I mean, what were the  
10 good memories that you missed?

11 A Like the things that we did as a family. And, of  
12 course, I missed the things that I got.

13 Q Okay. You thought it was nice getting gifts that  
14 A.E. wouldn't get --

15 A Yes, sir.

16 Q -- and it was nice being taken places that P.E.  
17 didn't get to go?

18 A Yes, sir.

19 Q And did you enjoy getting money before school? Because  
20 L.L. never did.

21 A Yes, sir.

22 Q Is it safe to say that, you know --

23 MR. WISE: "It is safe to say" is a leading question by  
24 definition.

25 THE COURT: I'll sustain that. If you want to go about

J.L. -Redirect Examination

262

1 it a different way, Solicitor, go ahead.

2 Q Did you like the attention?

3 A Yes, sir.

4 Q In your experience do kids like being the center of  
5 attention?

6 A Yes, sir.

7 Q And did Cliff make you feel like you were the center of  
8 attention?

9 A Yes, sir.

10 Q Let me ask you this. Is that part of the reason maybe  
11 you didn't tell earlier?

12 A Yes, sir.

13 Q And then this Instagram post. Would you like it if you  
14 could go back in time and your dad was in your life?

15 A Yes, sir.

16 Q If you could go back to being a kid and things would  
17 have been different and Josh would have been the dad like he  
18 should have been, and he would have been there for you on  
19 your birthdays, and he would have lived in the house with  
20 you, would you have liked that?

21 A Yes, sir.

22 Q Did you -- did you want a dad in your life?

23 A Yes, sir.

24 Q Was that important to you?

25 A Yes, sir.

J.L. -Redirect Examination

263

1 Q And did you want to think about Cliff that way, that he  
2 was going to be the dad that you didn't have?

3 A Yes, sir.

4 Q Did he let you down?

5 A Yes, sir.

6 Q J.L. , did you mean these things when you said that you  
7 wanted him to be your dad?

8 A I only said it because I wanted a dad. I wanted  
9 somebody to say that to.

10 Q So when this lawyer gets up here and asks you about  
11 this, you did want a dad, didn't you?

12 A Yes, sir.

13 Q But you didn't want him touching you that way, did you?

14 A Yes, sir.

15 Q You didn't want him to touch you and to take your pants  
16 off --

17 MR. WISE: Your Honor, he's leading the witness.

18 THE COURT: Rephrase the question.

19 Q And he wants to ask you about your trauma narrative.  
20 Do you remember writing that trauma narrative or talking  
21 about the trauma narrative with Ms. Samantha?

22 A Yes, sir.

23 Q You remember that? And when were you asked to write  
24 that trauma narrative? Was that early on in the meetings or  
25 was that later on?

J.L. -Redirect Examination

264

1 A Later.

2 Q And he was just showing you little parts of it, wasn't  
3 he?

4 MR. WISE: Your Honor, he's leading the witness and I  
5 object to the leading questions.

6 THE COURT: If you want to show her the entire  
7 narrative --

8 MR. SCOTT: I do, Your Honor. I'm going to have it  
9 marked first.

10 THE COURT: Mr. Wise, you may have taken some of the  
11 exhibits back to your counsel table.

12 MR. WISE: Some of what?

13 THE COURT: You may have taken a few of the exhibits  
14 back to the counsel table. There were a few from the State.  
15 Just double check.

16 MR. WISE: No.

17 THE COURT: Okay. I maybe misstating. I just didn't  
18 want to lose any exhibits.

19 (Whereupon, State's Exhibit No. 10 marked for  
20 identification.)

21 Q You all right, J.L. ?

22 A Yes, sir.

23 Q Do you see State's No. 10 there?

24 A Sir?

25 Q Do you see what I'm showing you, State's No 10?

J.L. -Redirect Examination

265

- 1 A Yes, sir.
- 2 Q That sticker right there. I'm going to call it State's
- 3 10. But what is State's No. 10?
- 4 A Just my story about what I told Samantha.
- 5 Q That's the trauma narrative?
- 6 A Yes, sir.
- 7 Q And that's what the lawyer was asking you about?
- 8 A Yes, sir.
- 9 Q And is that the whole trauma narrative?
- 10 A No, sir.
- 11 Q What is it missing?
- 12 A Well, this is only the parts that I -- where like stood
- 13 out to me the most.
- 14 Q I understand. So what you're saying is you didn't tell
- 15 Samantha to write down every single time he did something to
- 16 you?
- 17 A No, sir.
- 18 Q But Mr. Wise was asking you about what you wrote in
- 19 there about the first time, and then the worst time, and the
- 20 last time. Those kinds of things. You put those in there?
- 21 A Yes, sir.
- 22 Q And that just tells about some of the times he touched
- 23 you is what you're saying?
- 24 A Yes, sir.
- 25 Q But have you read that before?

J.L. -Redirect Examination

266

1 A Yes, sir.

2 MR. SCOTT: Your Honor, the State -- I'm going to offer  
3 the whole thing. State's No. 10 is the trauma narrative,  
4 for admission into evidence.

5 THE COURT: Any objection?

6 MR. WISE: I don't think it's admissible, Your Honor.

7 MR. SCOTT: He was asking her about bits and pieces.

8 MR. WISE: I understand.

9 MR. SCOTT: For rule of completeness I would just  
10 introduce the whole thing.

11 MR. WISE: Well, it's got some other stuff in it that I  
12 think --

13 THE COURT: All right. Let's do -- let's handle it  
14 this way. The objection is noted. The motion is made. Let  
15 me look at the full narrative, and if there's any issues we  
16 can address those at a later point in time. But we'll just  
17 put a pin in that and move on.

18 MR. WISE: All right.

19 THE COURT: Go ahead, Solicitor.

20 MR. SCOTT: Thank you, Your Honor.

21 Q And he was asking you about some videos, pornographic  
22 videos. Was that something you saw Cliff doing on more than  
23 one occasion, looking at dirty videos?

24 A Yes, sir.

25 Q And you were talking about in the narrative a Google

J.L. -Redirect Examination

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1 search or Youtube search that you found.

2 A Yes, sir.

3 Q Told your mother about. And then there was another  
4 time he was looking up a video. Those were times when he  
5 was looking at them by himself or was he asking you to watch  
6 them?

7 A He was looking at them by himself.

8 Q Were there ever times when he asked you to watch videos  
9 or showed you videos?

10 A He'd lay down beside me and put them on.

11 Q There's a TV in that barn. Did he ever show you videos  
12 in there?

13 A He showed videos to me on the TV in the house.

14 Q The TV in the house?

15 A Yes.

16 Q Which TV?

17 A In his bedroom.

18 Q Where was your mother those times?

19 A I don't know.

20 Q Did you ever know where he kept all his pornographic  
21 videos?

22 A Yes, sir.

23 Q Where did he keep them?

24 A In his storage building.

25 Q Was there a little bit or a lot of them?

1 A A lot.

2 MR. WISE: Your Honor, I have an objection.

3 THE COURT: All right. Ladies and gentlemen of the  
4 jury, I'm going to take a brief issue of law with the  
5 attorneys here. If you would, adjourn to the back. We'll  
6 be back on the record probably in about 10 or 15 minutes, so  
7 don't get too comfortable back there. Okay? But use the  
8 facilities if you need to. Don't talk about the case.  
9 Thanks.

10 (Whereupon, the jury exited the courtroom at 12:06  
11 p.m.)

12

13 THE COURT: The jury's out. Your objection, Mr. Wise?

14 MR. WISE: Asking the witness about a statement she  
15 made about seeing a video on the cell phone hardly opens the  
16 door to what he considers a box of pornographic material. I  
17 understand that stuff they found is on Teague Road, not  
18 Beaver Dam Creek Road anyway.

19 THE COURT: Solicitor?

20 MR. SCOTT: Judge, he was asking about videos, which  
21 was not even covered in direct. We talked about it in  
22 pretrial. I was going to stay away from that. That was my  
23 understanding, we were not going to even cover it. When he  
24 begins asking that I think it opens the door to all the  
25 times he's showing her pornographic videos. He elicited

1 testimony from her about cell phone searches. I think that  
2 opens the door to other pornographic imagery he's showing or  
3 being shown in front of her. It was my understanding in  
4 pretrial we were going to stay away from it. That's why I  
5 didn't even go into that in my direct. I think he's made it  
6 relevant at this point. He spent a great deal of his  
7 cross-examination talking about pornography. And at this  
8 point I think I'm going to show other times he's exposed her  
9 to pornography.

10 MR. WISE: One, you know, I was, as the Court knows,  
11 showing something on the cell phone which could be verified  
12 is one thing, or possibly could be verified if all the  
13 problems we had. Bringing in a whole set of pornography on  
14 something else is -- I think is not the same thing at all.  
15 It was for purposes of showing that she could talk to her  
16 mother about one thing and did, but then wouldn't talk about  
17 the other. And that, I think, is a door that I don't think  
18 even came close to open.

19 THE COURT: All right. I mean, here's my perspective  
20 on this. Porn is porn is porn, whether it's a video,  
21 whether it's a magazine, whether it's a DVD, whether it's a  
22 VHS tape, for that matter, whether it's a beta max tape.  
23 How do you -- or what do you anticipate this witness'  
24 response being? Have you talked to her about this in  
25 pretrial?

1 MR. SCOTT: Yes. I anticipate her knowing where this  
2 enormous tub of pornography was, because he showed her, and  
3 I anticipate her saying that he had played some videos for  
4 her to watch. I anticipate him showing her --

5 THE COURT: From the -- from the bath of porn?

6 MR. SCOTT: Yes. Yes, sir. Not digital imagery -- or  
7 whether, not on a cell phone, but rather actual discs and  
8 magazines and whatnot that we've recovered. Because she  
9 told us where it was. Her mother didn't know about where it  
10 was. Her brother didn't know about where it was. She led  
11 law enforcement to it because she knew where it was, because  
12 he showed her. I think that's relevant at this point. And  
13 I don't plan on spending a lot of time on it, but I feel  
14 compelled now to discuss it just because of the  
15 cross-examination and the road they went down.

16 MR. WISE: Let me --

17 THE COURT: Go ahead, please.

18 MR. WISE: Give me just one minute.

19 THE COURT: Sure.

20 MR. WISE: I still object, Your Honor. I think it's  
21 more prejudicial than probative, because there's no way of  
22 proving any of that if -- what she's even talking about.

23 THE COURT: The law enforcement, I assume, did, in  
24 fact, recover some items of --

25 MR. SCOTT: Yes.

1 THE COURT: -- illicit material?

2 MR. SCOTT: Yes, sir. An enormous amount of  
3 pornography.

4 THE COURT: She was the one that took them there?

5 MR. SCOTT: Yes. Well, she's the one who told her  
6 mother where it was. Her mother showed law enforcement  
7 where it was. Her mother will testify she had no knowledge  
8 whatsoever. It was kept in an outbuilding on the property.  
9 Her mother will testify she had no idea of its existence.

10 THE COURT: The objection is noted. You've got a  
11 contemporaneous objection, Mr. Wise, you don't need to renew  
12 it when the testimony is elicited from this witness and  
13 potentially from the witness' mother. I find that the State  
14 was staying away from the question of the cell phone  
15 pornography. You asked her questions. The implication in  
16 the questions was that the Defendant never actually really  
17 showed it to her. I think that this is appropriate reply  
18 testimony. I appreciate your position, but you're --

19 MR. WISE: And my cross-examination was limited to the  
20 cell phone.

21 THE COURT: I understand. But again, back to my  
22 original point. Porn, is porn, is porn. So this is an  
23 appropriate reply testimony. One who would show someone a  
24 video on a cell phone is just as likely to show them illicit  
25 magazines or DVDs, in my opinion. So this is proper reply.



J.L. -Redirect Examination

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1 A Yes, sir.

2 Q And the other lawyer was asking you about stuff that  
3 Cliff would look at on his phone that involved pornography,  
4 right? Remember that?

5 A Yes, sir.

6 Q And -- but do you remember other times where he would  
7 watch pornography when you were around?

8 A Yes, sir.

9 Q Okay. And I want to show you State's No. 9. Do you  
10 recognize what that is?

11 A Yes, sir.

12 Q Where was the last time you remember seeing that?

13 A In the building.

14 Q The building? Not the barn?

15 A No.

16 Q Okay. Wait a minute. Let me show you this. This is  
17 State's 3, I think, 3? We showed you this earlier, J.L. .  
18 You identified that was your house?

19 A Yes, sir.

20 Q And this is the barn?

21 A Yes, sir.

22 Q What is this building over here?

23 A That's where my uncle and cousin lives.

24 Q Okay. Did they live there when all this was happening?

25 A No, sir.

J.L. -Redirect Examination

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1 Q Was that building right there when all this was  
2 happening?

3 A No, sir.

4 Q Where was that building?

5 A It was -- the little trees.

6 Q Right here?

7 A Yes, sir.

8 Q Okay. And you said that picture, that thing in State's  
9 No. 9, that was in that building?

10 A Yes, sir.

11 Q And how did you know it was there?

12 A When we were putting stuff in there he told me to move  
13 back, like push it back to the corner.

14 Q Did he show you what was in it?

15 A Yes, sir.

16 Q And how did -- how did police find out about it?

17 A I told them.

18 Q Okay. That you knew where it was because he showed  
19 you?

20 A Yes, sir.

21 Q And tell us where it was inside that building.

22 A It was when you walk in this way there's two, it was on  
23 the top right.

24 Q It was on --

25 A All the way in the corner.

J.L. -Redirect Examination

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- 1 Q Say again?
- 2 A All the way up on the corner on the top.
- 3 Q It's like in a top loft thing or something?
- 4 A Yes.
- 5 Q How would you get up there to get to it?
- 6 A A ladder, or like a chair.
- 7 Q Do you know why he would send you up there to push it
- 8 back or whatever?
- 9 A I was the smallest.
- 10 Q Okay. So you had to be small to fit back there?
- 11 A Not really.
- 12 Q Could he have gotten it himself and done stuff with it
- 13 himself?
- 14 A If he could have got up there.
- 15 Q Well, did you ever see him go up there?
- 16 A No.
- 17 Q Did he ever ask you to pull it out?
- 18 A No.
- 19 Q Did you ever see him looking at the material that was
- 20 in there?
- 21 A Not when we moved to this house.
- 22 Q Okay. This was just at Teague Road that he was looking
- 23 at it?
- 24 A Yes.
- 25 Q And was there ever times that he would show it to you

J.L. -Redirect Examination

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1 or he'd watch it in front of you?

2 A No, sir.

3 Q But that was -- that box was something that he let you  
4 know where it was, what was inside of it, but you were the  
5 one who told police about it?

6 A Yes, sir.

7 Q And the iPhone stuff. You're not saying he ever  
8 filmed you or anything, are you?

9 A Not that I know of.

10 Q But you just saw him looking for stuff on the phone?

11 A I saw him watching the videos, yes.

12 Q And then the iPhone -- or the Youtube search, was that  
13 on his phone or on the computer?

14 A That was on -- just on the phone that he had. It  
15 wasn't an iPhone.

16 Q What did he have before the iPhone?

17 A I don't -- I don't know what you call it.

18 Q The iPhone he had, was it smashed when you saw it? Did  
19 it have a broken screen?

20 A Yes.

21 Q Was it -- but could you still work it back then?

22 A Yes.

23 Q So the lawyer, he was asking you about why you were  
24 seeing a counselor and you said I couldn't focus, my grades  
25 were poor, couldn't gain weight and you weren't showering

J.L. -Redirect Examination

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1 like you should. Tell me what were your grades this last  
2 year in school?

3 A Great.

4 Q What were they?

5 A As and Bs.

6 Q Okay. You made the A/B honor roll?

7 A At Montessori they don't have that, but yes.

8 Q But you made As and Bs?

9 A Yes.

10 Q Why would he have told you the combination of that  
11 safe? Did he tell you why he was telling you about that?

12 A No.

13 Q The boyfriend Collin, tell me -- you're nine years old.  
14 What do you -- does it mean to have a boyfriend?

15 A Like -- like you're cool because you have a boyfriend.

16 Q Would you all hold hands?

17 A No.

18 Q You wouldn't even hold hands?

19 A No.

20 Q And you said you wouldn't kiss him or anything.

21 A No.

22 Q So was he kind of just a friend that happened to be a  
23 boy?

24 A Yeah.

25 Q And it's your testimony though that Cliff was jealous

J.L. -Redirect Examination

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1 of Collin?

2 A Yes.

3 Q So he never bought you a dog. That was question he  
4 asked you about. I've been to your house, hadn't I?

5 A Yes.

6 Q What are all those dogs you've got there?

7 A My mother's dog. My mother's dog and my grandmother's  
8 dog.

9 Q Well, let me ask you this in case it comes up. Are you  
10 making this whole thing up because he wouldn't buy you a dog  
11 one time?

12 A No, sir.

13 Q What was it -- and he asked you about your mother  
14 catching you and A.E. acting out. What was that about?

15 A That was like a game that she told me.

16 Q Did she talk about that in your trauma narrative?

17 A Yes.

18 Q And that's something A.E. taught you?

19 A Yes.

20 Q Did she say where she learned that behavior?

21 A Her friend Kay Kay.

22 Q And was it kind of -- were you all acting maybe  
23 inappropriately?

24 A I mean, we'd like kiss, but --

25 Q Okay.

J.L. -Redirect Examination

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1 MR. SCOTT: Beg the Court's indulgence just one second.

2 THE COURT: Yes.

3 Q All right. I just want to -- and the lawyer's asked  
4 you about the time when you were in the barn. I think he  
5 talked about the trauma narrative, and you started to  
6 discuss earlier he's rubbing your back, you say, and then  
7 you felt like you just went to sleep?

8 A Yes.

9 Q And then explain what you were trying to tell him. You  
10 woke up. Your pants were down.

11 A Yes.

12 Q Go on.

13 A He was -- he was in the middle of pulling them up and  
14 pulled his up.

15 Q And that -- on that occasion you're kind of unsure of  
16 what exactly happened because you feel like you went to  
17 sleep or you were not conscious for some time; is that  
18 correct?

19 A Yes, sir.

20 Q But was that the only time anything happened in the  
21 barn?

22 A No, sir.

23 Q Are there other times that you remember very clearly?

24 A Yes, sir.

25 Q And did some of those times include bad touches?

J.L. -Redirect Examination

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1 A Yes, sir.

2 Q And I think you talk about other times --

3 MR. WISE: Your Honor, he's leading the witness.

4 Q I just want to be -- tell me a time you remember,

5 because that's in your trauma narrative. That's why he's

6 asking you about it. Tell me a time you remember the things

7 you happen because you were awake the whole time.

8 A We were like listening to music and he was like -- like

9 this and he was sitting down and he told me to sit down in

10 my lap and I did, and then he started rubbing me again and

11 started to pull down my pants and -- yeah.

12 Q That's the time you remember?

13 A Yes.

14 Q When he pulled down your pants and then what happened?

15 A And then he pulled down his.

16 Q And then what did he do?

17 A But his boy part in my butt.

18 Q And was that one of the times it went in?

19 A Yes.

20 Q Do you ever remember a time he kept his pants on and

21 you just jiggled in his lap until he -- the white stuff came

22 out?

23 A No.

24 Q Well, do you remember times when he kept -- pulled his

25 pants off and that happened?

J.L. -Recross Examination

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1 A No.

2 Q Okay. Well, do you remember times when his pants were  
3 down and asked you to sit in his lap with your pants down?

4 A No.

5 Q Were there times though when both of you all had your  
6 clothes off in the barn and something happened?

7 A No.

8 Q Well, let me ask you. You just described a time, I  
9 thought, where he pulled your pants down and his pants were  
10 down, too.

11 A Like what do you mean?

12 Q I'm sorry. We've covered a lot. I know. Were there  
13 times when you were in the barn where he took his pants off,  
14 either he took yours off or made you take yours off, and he  
15 touched his boy part onto your girl part?

16 A Yes.

17 Q Or he touched his boy part onto your butt?

18 A Yes.

19 Q Or he touched his mouth on your girl part?

20 A Yes.

21 Q There were those times that you remember?

22 A Yes.

23 MR. SCOTT: All right. Thank you, J.L. . Answer any  
24 questions that Mr. Wise has.

25 MR. WISE: Just a couple of questions.

J.L. -Recross Examination

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1 RECCROSS-EXAMINATION

2 Q You said that you wished Josh had been a father like he  
3 should have been?

4 A Yes.

5 Q Did he come to live with you all shortly after Cliff  
6 left for a brief period of time?

7 A After Cliff left?

8 Q Yes.

9 A No. Well, yes. He stayed nights a couple of nights.

10 Q He stayed a week or two?

11 A No, not a week.

12 Q Not a week. But he came back and stayed for a while?

13 A Right. Maybe three days.

14 Q And the point is that you only -- you told Ms. Heather  
15 Bennett that the only pornography, or what could be called  
16 pornography you ever saw was on his iPhone; is that correct?

17 A Yes, and on TV.

18 Q And I believe you described it as an iPhone 5.

19 A Yes.

20 Q Okay. And that's the only place you ever saw it?

21 A On the TV. On the TV.

22 Q On the TV?

23 A Yes.

24 Q You didn't tell Ms. Bennett about that?

25 A No.

J.L. -Recross Examination

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1 Q She asked, didn't she?

2 A I don't remember.

3 Q Well, she asked if you'd see any naked -- pictures of  
4 naked people, correct?

5 A I don't remember.

6 Q You were asked -- she asked you about have you seen any  
7 pictures of naked people and you described -- started  
8 describing the iPhone.

9 A Yes.

10 Q Do you remember that?

11 A Yes.

12 Q And that's what prompted the discussion. Do you  
13 remember that?

14 A Yes.

15 Q And you described seeing it on the iPhone 5, correct?

16 A Yes.

17 Q And that's all you mentioned?

18 A Yes.

19 MR. WISE: Thank you.

20 THE COURT: All right, ma'am. Thank you very much.  
21 You can step down.

22 (Whereupon, the witness stepped down from the witness  
23 stand.)

24 THE COURT: Solicitor, do you have a witness that will  
25 be through in about 20 minutes?

1 MR. SCOTT: Yes.

2 THE COURT: Go ahead and call them, please.

3 MS. KEENEY: State calls Heather Bennett.

4 MR. WISE: Your Honor, please may I approach for a  
5 minute?

6 THE COURT: Come on up. Hold on one second before you  
7 swear her.

8 (Whereupon, a sidebar was held.)

9 THE COURT: Ladies and gentlemen of the jury, I'm going  
10 to go ahead and let you take your lunch break. If you would  
11 be back here at two o'clock. Just so that you know, my  
12 intention is to go to perhaps six o'clock tonight to try and  
13 catch up a little bit and make sure that we get this case to  
14 you all promptly and we don't have to worry about going into  
15 the weekend or next week. I don't think that would happen  
16 even if we don't go to six o'clock. But out of an abundance  
17 of caution we will be going probably a little bit later than  
18 we normally would tonight. Enjoy your lunch, be back in the  
19 jury room, please, at two o'clock and don't talk about the  
20 case.

21 (Whereupon, the jury exited the courtroom at 12:46  
22 p.m.)

23 THE COURT: All right. The jury is out. Why don't we  
24 go ahead and hash this out. At the --

25 MR. WISE: I would propose let's come back in about an

1 hour and let me do a little research.

2 THE COURT: Okay. Well, let me just put on the record  
3 at the very least where things stand. The State, my  
4 understanding was, was calling Ms. Bennett, the witness who  
5 was just called, as a time or place witness. Apparently she  
6 is a forensic interviewer. It was the State's intention,  
7 and correct me if I'm wrong, Solicitors, but it's the  
8 State's intention simply use this witness as a time or place  
9 witness. It was not the intention for the -- are you  
10 planning on playing the forensic interview?

11 MR. SCOTT: No, absolutely not. And she would  
12 beforehand just describe generally what a forensic interview  
13 is, because we've been talking about forensic interviews.  
14 The average person does not understand what that is.

15 THE COURT: Right.

16 MR. SCOTT: And then she'll testify to time and place  
17 and that was it. That's why we thought she'd be such a  
18 short witness.

19 THE COURT: Mr. Wise interposed an objection saying  
20 that the time or witness -- witness -- time or place witness  
21 rather would need to be the first witness that this was  
22 reported to. I'll let you do some research on that, Mr.  
23 Wise. If that is the law, you're citing something I'm not  
24 familiar with, but I'll let you do some research.

25 MR. WISE: Is State's 3 in? If it is, I missed it.

1 THE COURT: State's three I do not believe is in yet,  
2 no. We have to deal with State's 10 --

3 MR. WISE: Right.

4 THE COURT: -- as well which is the trauma narrative.  
5 I assumed that when you objected there were some matters  
6 that you felt should be redacted from that.

7 MR. WISE: Towards the end.

8 THE COURT: Towards the end?

9 MR. WISE: Yes.

10 THE COURT: All right. I haven't seen it. I haven't  
11 looked at it. You all may be able to agree on what's  
12 objectionable and what's not. If you're able to agree on  
13 what should be redacted then let's do that by consent as  
14 opposed to fighting about it. It may be more expeditious.  
15 We'll be at ease until -- we'll go ahead and take our lunch  
16 break. See you guys back. If you could, be back maybe 10  
17 minutes early and we'll hash out the situation involving Ms.  
18 Bennett. So about an hour from now if you all could be back  
19 that will be perfect. We're at ease.

20 (Whereupon, a recess was held from 12:51 p.m. to 2:00  
21 p.m.)

22 (Whereupon, the jury entered the courtroom at 2:01  
23 p.m.)

24 THE COURT: The record will reflect that the jury is  
25 back and seated. At this point, Solicitor, if you'll call

1 your next witness, please.

2 MS. KEENEY: State calls Heather Bennett.

3 HEATHER BENNETT, having first been  
4 duly sworn, testifies as follows:

5 DIRECT EXAMINATION

6 BY MS. KEENEY:

7 Q Ms. Bennett, where do you work?

8 A At Beyond Abuse.

9 Q What's Beyond Abuse?

10 A It is -- it is a child advocacy center paired with a  
11 counseling center.

12 Q Where are they located?

13 A In Greenwood.

14 Q Did they just open a Laurens office or something?

15 A Yes.

16 Q How long have you worked at Beyond Abuse?

17 A Since 2011.

18 Q And what's your position at Beyond Abuse?

19 A A forensic interviewer.

20 Q And you say forensic interviewer. What's a forensic  
21 interviewer?

22 A A forensic interview is an opportunity for a child to  
23 say if anything has happened to them.

24 Q What other -- you said that Beyond Abuse offers  
25 forensic interviews and counseling, correct?

1 A Yes.

2 Q So I guess you are the person that interviews the  
3 child?

4 A Yes.

5 Q And on June 1st, 2017 did you have an opportunity to  
6 interview J.L. ?

7 A Yes.

8 Q Okay. That was the date of her interview. You see  
9 State's Exhibit 8 on this board. It's a screenshot. Is  
10 that you with J.L. ?

11 A That's me, shorter hair.

12 Q And this is what the room looks like?

13 A Yes.

14 Q And you have a little board where you layout who the  
15 family members are?

16 A Uh-huh.

17 Q And I guess there's camera somewhere in here and that's  
18 how we got the --

19 A Yes. It is in the corner. Like back behind me.

20 Q And that's J.L. ?

21 A That's J.L. .

22 Q So on June 1st, 2017 when you interviewed J.L. do you  
23 remember how old she was at the time of the interview?

24 A Twelve.

25 Q And don't tell us any details of what she said, but did

## Heather Bennett-Cross Examination

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1 she tell you when something happened to her?

2 A Yes, from when she was six years old until she was 12.

3 Q And did she say where this something happened?

4 A Yes. At two addresses. One on Teague Road and one on  
5 Beaver Dam Church Road.

6 MS. KEENEY: Nothing further for this witness.

7 CROSS-EXAMINATION

8 BY MR. WISE:

9 Q Just a few questions. As a forensic interviewer part  
10 of your training is not to ask leading questions?

11 A Yes, sir.

12 Q And the reason you don't ask leading questions is it  
13 can implant an idea into the child's head?

14 A It could.

15 Q Isn't that correct?

16 A It could.

17 Q That's the theory behind it?

18 A That's right, uh-huh.

19 Q All right. So you try and avoid very carefully asking  
20 any leading questions?

21 A Yes, sir. I'm just gathering information.

22 Q But you don't unfortunately know what questions to ask  
23 of a child before you see the child?

24 A No.

25 Q So if leading -- improper leading questions were asked

1 before you see the child, with the best of intentions or the  
2 worst of intentions, you wouldn't know it?

3 A I don't.

4 MR. WISE: Thank you.

5 MS. KEENEY: Very briefly.

6 REDIRECT EXAMINATION

7 BY MS. KEENEY:

8 Q How long does a typical forensic interview last?

9 A It can last, you know, before -- between 30 minutes or  
10 an hour and a half. Average is about 45 minutes.

11 Q And do you remember how long J.L. 's lasted?

12 A I do not.

13 MS. KEENEY: Thank you.

14 THE COURT: All right, ma'am. Thank you. You can step  
15 down.

16 THE WITNESS: Thank you.

17 (Whereupon, the witness stepped down from the witness  
18 stand.)

19 THE COURT: You're free to go. Solicitor, call your  
20 next witness.

21 MS. KEENEY: The State calls Samantha Black.

22 SAMANTHA BLACK, having first been  
23 duly sworn, testified as follows:

24 DIRECT EXAMINATION

25 RESUME BY MS. KEENEY:

- 1 Q Ms. Black, where do you work?
- 2 A Beyond Abuse.
- 3 Q Where did you work in June of 2017?
- 4 A Beyond Abuse.
- 5 Q Did you ever work for Beckman?
- 6 A Yes. I was the Beckman therapist at Beyond Abuse.
- 7 Q So you had like a connection for --
- 8 A Yes.
- 9 Q -- both organizations?
- 10 A Uh-huh.
- 11 Q And what was your position at Beckman?
- 12 A I'm a therapist.
- 13 Q And what were your duties as a therapist?
- 14 A Did assessments and therapy with children that have
- 15 been abused.
- 16 Q And where did you work prior to Beckman and Beyond
- 17 Abuse?
- 18 A I was in private practice two years before that, and
- 19 then before that I did in-home counseling with children that
- 20 had been abused.
- 21 Q And what kind of education and background do you have?
- 22 A I have a Master's in marriage and family therapy, and
- 23 --
- 24 Q Do you hold any licenses?
- 25 A Oh, yes. I'm licensed in -- licensed professional

1 counseling, and then I am certified and rostered in trauma  
2 focused cognitive behavioral therapy.

3 Q And on June 14th of 2017 did you make initial contact  
4 with J.L. ?

5 A Yes.

6 Q And where was that at?

7 A That was at Beyond Abuse.

8 Q Was that at Beckman?

9 A No, Beyond Abuse.

10 Q So that's where you first met her?

11 A Yeah.

12 Q And what did you do during that first meeting?

13 A I got her background, history, family, abuse  
14 allegations, symptoms, and then we did assessment measures.

15 Q So without saying what you assessed her for or what  
16 your impression was, but you did an assessment?

17 A Yes.

18 Q And based on that assessment you figured out what type  
19 of treatment to give her?

20 A Yes.

21 Q And what type of therapy did you provide her based on  
22 that assessment?

23 A Trauma focused cognitive behavior therapy.

24 Q And so, what is trauma-based cognitive therapy?

25 MR. WISE: Your Honor, I'm going to object to this.

1 Let me approach.

2 THE COURT: Sure.

3 (Whereupon, a sidebar was held.)

4 THE COURT: Ladies and gentlemen of the jury, I have an  
5 issue of law that I have to take up with the attorneys.

6 This will take no more than 10 minutes or so. Adjourn to  
7 the back, please. Don't discuss the case. I'll get you  
8 back out here ASAP. Thank.

9 (Whereupon, the jury exited the courtroom at 2:11 p.m.)

10 THE COURT: Jury is out. We may go ahead and cross  
11 this bridge at this point in time. And, ma'am, you can step  
12 down if you want to. Okay?

13 (Whereupon, the witness stepped down from the witness  
14 stand.)

15 THE COURT: The Defense is objecting. The nature of  
16 the objection with this witness is concerns -- or are  
17 concerns that we're getting into Kromah vouching type  
18 testimony with this witness. Mr. Wise made the argument at  
19 the bench that by this witness testifying as to treatment  
20 that she received for the psychological ramifications of the  
21 abuse, that constitutes vouching for the witness as  
22 prohibited by Kromah.

23 Mr. Wise, you want to put that -- put a little bit more  
24 shine on that?

25 MR. WISE: That is correct. I really don't know what

1 the probative value of this witness' testimony is frankly  
2 going to be if it is not to say I treated this child for  
3 whatever she determined to be the problem, which is in  
4 essence of saying I determined there to be a problem because  
5 she was, in fact, abused.

6 THE COURT: All right. The State indicated at the  
7 bench that the next witness, or some witness this afternoon,  
8 will be testifying about the post-traumatic stress disorder  
9 that the child was diagnosed with. And so, I figured it  
10 would best -- it would be best -- and that witness'  
11 testimony is going to piggyback on the current witness'  
12 testimony. Ms. Black's testimony. So I figured it would be  
13 best to go ahead and cross the PTSD bridge. Mr. Wise  
14 objected to any testimony about post-traumatic stress  
15 disorder. He indicated that he was going to object to that  
16 in chambers. And so, I think we better hash that out now  
17 before we proceed with Ms. Black's testimony.

18 MR. WISE: Let me add this to the record, too. I was  
19 provided, pursuant to a court order, copies of Samantha  
20 Black's notes from the counseling sessions. And frankly, I  
21 looked at them again last night very carefully, and the  
22 phrase "post-traumatic stress disorder" does not appear in  
23 any of these documents.

24 THE COURT: I don't think that --

25 MR. WISE: Unless I missed it.

1 THE COURT: Right. My understanding is that they're  
2 not offering Ms. Black to offer a diagnosis of PTSD. I'm  
3 assuming that Ms. Black is going to testify about the  
4 traumatic-based cognitive therapy that she offered the  
5 minor, and then some other witness is going to testify as  
6 about -- as to the actual diagnosis of PTSD. Am I correct,  
7 Solicitor?

8 MR. SCOTT: Yes, sir.

9 THE COURT: So let's -- let's go ahead -- because I see  
10 that this witness' testimony is kind of intertwined with the  
11 PTSD question, or the PTSD issue. Let's go ahead and hash  
12 that out. Mr. Wise, your -- the nature of your objection as  
13 to that testimony --

14 MR. WISE: The nature of my objection is post-traumatic  
15 stress disorder is -- the person that they listed as a  
16 witness for that has never examined the child.

17 MR. SCOTT: Yes -- well, she has. And so, what we're  
18 going to do --

19 MR. WISE: Well, I haven't gotten those notes.

20 MR. SCOTT: You do. We talked about it yesterday.  
21 It's Eman Sharawy and she did one counseling session and she  
22 reviewed Ms. Black's notes and she diagnosed her with PTSD.

23 MR. WISE: I should -- I've gotten a lot of them, I  
24 know. I may have missed it easily. I apologize.

25 THE COURT: Mr. Wise, you acknowledge that you did

1 receive that?

2 MR. WISE: Right, and it's a two-page document. Yeah,  
3 she saw her just one time. And I do have an objection to  
4 it. The diagnosis is post-traumatic disorder secondary to  
5 child abuse.

6 MR. SCOTT: And what we're going to do, Your Honor, I  
7 instructed the expert. We're not going to talk about she  
8 can't say PTSD is due to this, due to that, due to anything.  
9 Simply what PTSD is, the symptoms she demonstrated and the  
10 fact that in her expert opinion she was suffering PTSD. I  
11 instructed her, and she was very well aware of this already,  
12 you're not to link this to anything specific. Okay? The  
13 child sexual abuse link that he's talking about in her  
14 diagnosis, her clinical diagnosis, we're going to stay away  
15 from that, because I've explained to her this is a legal  
16 proceeding, not a clinical proceeding. So she did make that  
17 notation; however, her testimony will not touch on the fact  
18 PTSD was linked to the child's sexual abuse.

19 I just -- I've got a number of cases, Your Honor, that  
20 this testimony is allowed. It is not considered bolstering.  
21 We've already talked about all the different counseling  
22 sessions she's gone to. And I think that is -- you've heard  
23 me argue this before in these cases. I think it's relevant,  
24 because if the Defense argument is she just came up with  
25 this out of thin air, the argument that always comes up in

1 my mind is why would any child -- why would any human put  
2 themselves through all these rigors leading up to today if  
3 it was just a fancy. Just an idea they came up with on the  
4 top of their head and no reason to do it. It makes no  
5 sense. And so, I think -- I think the jury deserves to hear  
6 that and I think I should be able to present that evidence  
7 because I think it's highly relevant if that is the argument  
8 that she's concocted the whole thing.

9 Furthermore, they heard about these counseling sessions  
10 already in the Defense's opening, in my opening, through  
11 other witnesses. I think we should be given some leeway to  
12 explain kind of what these counseling sessions were all  
13 about.

14 THE COURT: Solicitor, aside from *Schumpert*,  
15 S-c-h-u-m-p-e-r-t, what cases are you relying on?

16 MR. SCOTT: Okay. I think one that is on point does  
17 reference *Schumpert*. *Schumpert* is '93. I've got *State v.*  
18 *Morgan*, which is 1997. They kind of go over the procedural  
19 history of *Schumpert* overrule -- and *Morgan's*  
20 interpretation of *Schumpert* and allowing expert testimony,  
21 the kind we intend to offer. I've got a -- I've got a 2017  
22 case, too, Your Honor. It's *State v. Barrett*. The *Morgan*,  
23 Your Honor, the citation is 326 S.C. 503. You're going to  
24 see negative treatment on that but not -- not to the  
25 bolstering issue, to be to a unrelated issue than what we're

1 dealing with. *State vs. Barrett*, B-a-r-r-e-t-t, is a 2017  
2 case. The reference, that's at 416 S.C. 124.

3 THE COURT: Let me look at the first case. Hold on a  
4 moment, please.

5 MR. SCOTT: Yes, sir.

6 THE COURT: I've looked at the most recent *Barrett*  
7 case, B-a-r-r-e-t-t, which seems to support admission. They  
8 cite *State v. White* from 2004, they cite *Schumpert*. The  
9 examiner's expert testimony as a mental health professional  
10 was in line with our current jurisprudence citing *Schumbert*  
11 and citing *White*. The blurb they take from *White* is,  
12 "Expert testimony on rape trauma may be more crucial in  
13 situations where children are victims. The inexperience and  
14 impressionability of children often render them unable to  
15 effectively articulate the events giving rise to criminal  
16 sexual behavior." The Court still, of course, has to engage  
17 in a probative value prejudicial effect 403 type of  
18 analysis.

19 Mr. Wise, do you want to put anything else on the  
20 record on this issue?

21 MR. WISE: I think in essence, you know, to have an  
22 expert come in and testify the child is suffering from post-  
23 traumatic stress disorder I think is doing nothing but  
24 vouching for the credibility of everything she's said. And  
25 I think it is terribly more prejudicial than probative. I

1 mean, if he says she can't go into child sexual abuse, what  
2 is the real value of it?

3 THE COURT: Well, even in Kromah they indicated there  
4 are times when a sex abuse therapist can testify as to  
5 certain things so long as they don't step over the line and  
6 say that based upon their expert opinion they think that the  
7 child is being truthful. Kromah, to summarize the holding,  
8 I think really said we can't have people coming in  
9 pretending to be human lie detectors. And so long as these  
10 witnesses stay away from any sort of vouching or statement  
11 about the veracity of the victim in this case, I do see the  
12 State's point that the probative value in this case would  
13 outweigh any prejudicial effect. I'm hearing that the State  
14 is going to stay away from any causation type testimony that  
15 while clearly because the child was molested by her  
16 stepfather, she began suffering from PTSD. I'm assuming  
17 that you're not going to be -- you're saying that you're not  
18 going to be eliciting that kind of testimony, correct?

19 MR. SCOTT: That's correct. And I will note that the  
20 doctor, the expert, who will ultimately testify to this is  
21 in the courtroom. She's heard the Judge's instructions.  
22 She's heard me on the record saying we're going to stay away  
23 from that. Furthermore, outside of Court we talked at  
24 length about that. In fact, we're not going to link the  
25 PTSD to anything in particular, just the fact that she

1 diagnosed it, what PTSD is generally to inform the jury who  
2 may not know, and then what some of the symptoms are that  
3 the victim was explaining that lead her to this analysis.

4 THE COURT: All right.

5 MR. WISE: Then we get back to the question of Samantha  
6 Black. What is the purpose of her testimony.

7 THE COURT: All right. The purpose, I believe, of her  
8 testimony, what was being proffered a few moments ago, was  
9 --

10 MR. SCOTT: She does the initial assessment. She  
11 suspects the child suffered from PTSD. We're not going to  
12 have her testify to that, but that was her initial  
13 assessment. The reason that's important, because that kind  
14 of guides the treatments going forward. That's how she kind  
15 of figures out what sort of treatment the child will qualify  
16 for and are appropriate. Ultimately Dr. Sharawy reviews  
17 Samantha Black's notes, her records, meets with the child  
18 herself and then ultimately makes that diagnosis. And then  
19 furthermore, Samantha is going to talk about how many  
20 meetings they had.

21 MR. WISE: And treatment going forward is nothing but  
22 to me saying we believe the child -- she's telling the  
23 truth. I don't know what -- how treatment going forward is  
24 probative of an issue in this case.

25 THE COURT: Mr. Wise, respectfully, I liken this

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1 somewhat to a situation where perhaps an emergency room  
2 doctor -- let's get away from the mental health aspect of it  
3 and just deal with the sister field ER medicine. Somebody  
4 comes in the ER. They suffered a gunshot wound to their  
5 torso. The State calls that witness to prove in a ABHAN  
6 type of a prosecution under the current law under the old  
7 ABHAN, the current ABHAN, that there was severe serious  
8 bodily injury to the person and they could have died. The  
9 doctor's not testifying that perhaps the Defendant was  
10 acting in self-defense, they're not testifying that the  
11 gunshot victim was or was not the primary aggressor.  
12 They're testifying as to certain symptoms that are  
13 consistent with an element of the crime, certain symptoms  
14 that are consistent with someone being shot. I really don't  
15 see this as being much different even though it's in the  
16 behavioral sciences realm.

17 MR. WISE: I can see it very different. I mean,  
18 proving the seriousness of the injury is an element the  
19 State has to prove. What will Samantha Black testify to  
20 that addresses an element that the State has to prove?

21 THE COURT: Again, I appreciate your objection. I do  
22 believe that this is relevant for the reasons stated by the  
23 Solicitor. It is circumstantial evidence that explains some  
24 of the behavioral characteristics that we heard the victim  
25 testify to earlier. So long as we don't wind up in a

1 vouching situation, and presumably the next witness will be  
2 qualified as an expert in this particular field. Again, the  
3 Court finds that the probative value of this evidence  
4 outweighs any prejudicial effect so long as we stay away  
5 from the vouching that was so troublesome in Kromah.  
6 That'll be my ruling. Let's have the jury, please.

7 MR. WISE: I assume the record will note my objection?

8 THE COURT: The record notes the objection going  
9 forward with regard to this witness, as well as the next  
10 witness who is going to testify. The doctor. Okay?

11 MR. WISE: Thank you.

12 THE COURT: You do not have to object contemporaneously  
13 when they testify.

14 Now, Mr. Wise, I would ask this. If you feel like  
15 they're getting into vouching evidence, like I believe the  
16 child, I need to hear from you. Okay?

17 MR. WISE: I understand.

18 THE COURT: That last witness, will she --

19 (Whereupon, the witness returned to the witness stand.)

20 (Whereupon, the jury entered the courtroom at 2:37  
21 p.m.)

22 THE COURT: The jury is back and is seated. You may  
23 continue, ma'am.

24 MS. KEENEY: Thank you.

25 Q Samantha, when we left off we were talking about how

1 you did the trauma focused cognitive behavioral therapy,  
2 correct?

3 A Yes.

4 Q And when you're doing these therapy sessions with J.L.  
5 you said the initial impression was in Laurens office,  
6 correct? Or was that Beyond Abuse?

7 A No, that was Beyond Abuse for all their sessions.

8 Q All their sessions were Beyond Abuse.

9 A Uh-huh.

10 Q But this would be the Greenwood location?

11 A Yes.

12 Q And where does J.L. , do you remember?

13 A J.L. lives in Laurens.

14 Q In Laurens. So it's about a 45 minute drive --

15 A Yes.

16 Q -- to get there? And so, your first session was June  
17 21st, 2017, correct?

18 A Yes.

19 Q What's the process of trauma-focused cognitive  
20 behavioral therapy? What are the goals?

21 A The goals, to learn coping skills, to change any  
22 thought distortions that they have, and to complete a trauma  
23 narrative.

24 Q And when we talk about a trauma narrative you -- what  
25 -- we've seen it. We've talked about it already. You

1 weren't here. But it goes the first, the worst, the last,  
2 correct?

3 A Uh-huh, yes.

4 Q And is it supposed to be every single incident of --

5 A No.

6 Q -- anything bad that happened to them?

7 A No. So we always do three -- just three incidents, the  
8 first time, the worst time and the last time, and that  
9 covers -- takes care of the symptoms the way that the  
10 therapy is researched.

11 Q And how many sessions did J.L. go to?

12 A Fifteen.

13 Q She had 15 sessions. How long is each session?

14 A About an hour.

15 Q So she came 15 times to Greenwood for about an hour  
16 from -- it looks like it ended in November.

17 A Uh-huh.

18 Q Was that in November?

19 A Uh-huh.

20 Q So June to November she came to you 15 times?

21 A Yes.

22 MS. KEENEY: Beg the Court's indulgence.

23 Q What's the purpose of a trauma narrative?

24 A To -- it focuses on their thoughts. So what are they  
25 thinking as a result of the trauma to get rid of any

1 distortions that they have. So thinking that it's their  
2 fault, things like that.

3 Q Okay. And so, the purpose really isn't for Court?

4 A No. It's not investigative at all. It's purely  
5 therapeutic and it's just to help them move on with their  
6 life to get past the trauma.

7 Q Just to talk about it?

8 A Uh-huh.

9 Q And be open and talk about it?

10 A Yes.

11 MS. KEENEY: Thank you. No further questions.

12 THE COURT: Mr. Wise.

13 CROSS-EXAMINATION

14 BY MR. WISE:

15 Q Did you weigh Ms. J.L. when you met with her?

16 A No.

17 Q You don't do any physical examination?

18 A No.

19 Q Okay. And you basically asked her to write down the  
20 first, worst and last?

21 A Uh-huh.

22 Q And worst being probably more difficult?

23 A Uh-huh.

24 THE COURT: Yes.

25 Q You have to say yes or no.

1 A Yes.

2 Q And that's because it's so bad?

3 A Yes.

4 Q All right. And it takes longer to get the worst out  
5 than probably the first or the last, generally?

6 A Typically. Generally, yeah.

7 Q Generally speaking?

8 A Yes.

9 Q All right. And do you discuss with her what is  
10 worrying her or what's her basically frame of mind at the  
11 time you interview her?

12 A I don't interview her. I do therapy with her.

13 Q Excuse me?

14 A I don't interview her. I do therapy with her.

15 Q Well, that's true. There's a big difference. In the  
16 therapy do you try to get to what her concerns are --

17 A Yes.

18 Q -- and what the problems are in her life?

19 A Yes.

20 Q And do you put all those in your notes?

21 A Generally.

22 Q I mean --

23 A Yes.

24 Q -- do you adhere to the old adage in the medical  
25 profession, if it's not written down it wasn't done?

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1 A Yes.

2 Q Okay. So you try to get most -- major ones anyway?

3 A Uh-huh.

4 Q Could get all of them, I'm sure.

5 A Uh-huh.

6 THE COURT: That's a yes?

7 Q Is that correct?

8 A Yes.

9 Q All right. I've looked through your therapy notes in  
10 there. You don't list anything in there about her not  
11 eating. Is that something she didn't tell you about?

12 A We discussed it but it wasn't a focus of therapy.

13 Q It wasn't a focus?

14 A Uh-huh.

15 Q You didn't mention in there about any weight loss  
16 either?

17 A No, that wasn't a focus of ours.

18 Q That wasn't a focus either. Okay. You didn't mention  
19 in there about any poor grades?

20 A I believe it was on her -- in her diagnostic.  
21 Diagnostic assessment.

22 Q I may not have that. All I have is, I believe, the  
23 clinical service notes.

24 A Okay. It would have been listed in her diagnostic  
25 assessment.

1 Q Have you got -- have you got that with you?

2 A No.

3 Q You didn't bring that today?

4 A I don't really work for Beckman, so I don't have those  
5 records.

6 MR. WISE: Thank you. That's all I have.

7 THE COURT: Ma'am, thank you very much for coming. You  
8 are free to go. Solicitor, call your next witness, please.

9 MR. SCOTT: I call Dr. Eman Sharawy.

10 DR. EMAN SHARAWY, having first been  
11 duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. SCOTT:

14 Q Dr. Sharawy, remind me how to pronounce your name again

15 A Dr. Sharawy.

16 Q Sharawy.

17 A Uh-huh.

18 Q Dr. Sharawy, you currently work where?

19 A I work for the Beckman Mental Health Center, Greenwood,  
20 South Carolina.

21 Q And you are the medical director of Beckman Center?

22 A I am the medical director.

23 Q How long have you been with the Beckman Center?

24 A I've been with the Beckman Center for 20 years.

25 Q And what is your -- what does the Beckman Center do?

1 A The Beckman Center is a mental health center. It's one  
2 of 17 centers in the state of South Carolina. We cover  
3 seven counties in the upstate area. I can name the counties  
4 if you like. But we provide mental health services to  
5 adults and children and families.

6 Q Well, since we're in Laurens, that's one of the  
7 counties?

8 A Laurens is one of the counties.

9 Q And tell me -- your title is medical director. Tell  
10 me, how do you become the medical director of the Beckman  
11 Center?

12 A I started out as one of the staff psychiatrists there  
13 and six, seven years ago I was promoted to medical director  
14 by the choosing of the current medical director -- or the  
15 director at the time.

16 Q And what is a day -- tell me what an average day in the  
17 life of a medical director at the Beckman Center would be  
18 like.

19 A Okay. Well, I see patients face-to-face, adults as  
20 well as children, adolescents and their families. I do  
21 initial diagnostic assessments, psychiatric assessments on  
22 patients, as well as prescribe medication and see patients  
23 for medication followup. I also work with the therapists  
24 and supervise the treatment teams.

25 Q Okay. And do you have a lot of people below you?

1 A (Nonverbal response.)

2 Q Is that a yes?

3 A Yes.

4 Q Including people like Samantha Black who just  
5 testified?

6 A That's right. Samantha was part of our treatment team  
7 at the time.

8 Q Okay. And is part of your job reviewing some of their  
9 cases?

10 A Yes. Yes.

11 Q And the only reason you got to say yes or no because  
12 she's the court reporter. She's got to take down your  
13 answers. What was your undergrad education? Where did you  
14 go to school and what was your degree?

15 A So I went -- undergraduate was at the University of  
16 Georgia and I was a pre-medical microbiology major. But  
17 medical school at the Medical College of Georgia, and I did  
18 my psychiatric residency in child and adolescent fellowship  
19 at the Medical University of South Carolina.

20 Q And what is your -- what is -- what's the word I'm  
21 looking for? You are a board --

22 A Board certified child and adolescent psychiatrist and  
23 adult psychiatrist.

24 Q And what do you have to do annually to hold that  
25 license?

1 A So for my medical license I have to obtain 50 hours of  
2 continuing medical education credit every two years. I've  
3 taken my boards three times in the last 10 years. It's a 10  
4 year certification three different times. I graduated in  
5 1997.

6 Q Okay. Twenty years, okay. What else do I want to ask?  
7 About how many times have you -- what is PTSD?

8 A So PTSD stands for posttraumatic stress disorder and  
9 it's a disorder that people experience after having come in  
10 contact with significant trauma in their lives. It -- there  
11 are four categories of symptoms. So the first category  
12 would be re-experiencing symptoms where people re-experience  
13 the trauma in different ways. They have recurrent thoughts,  
14 memories, nightmares, flashbacks, intrusive thoughts that  
15 just pop into your mind during the day during normal routine  
16 activity. Secondly, they can have avoiding behavior where  
17 people avoid things that remind them of the trauma that  
18 might trigger some of the symptoms and responses. Next is  
19 hypervigilance where a person is very on the edge all the  
20 time, very anxious, jumpy. Anxiety is a big component of  
21 that. And lastly people have mood problems and cognitive  
22 distortions. Mood problems consisting of depression, sleep  
23 and appetite disturbance, anxiety, poor concentration,  
24 irritability.

25 Q Poor concentration, sleep and appetite. What was that,

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1 sleep and appetite --

2 A Sleep and appetite changes, irritability, energy  
3 changes, anxiety.

4 Q And as part of your job do you -- during your  
5 assessments and interviews of patients is part of your job  
6 sometimes to diagnose them with PTSD if they display  
7 symptoms?

8 A Yes.

9 Q Over 20 years you've been with the Beckman Center do  
10 you have any clue about how many people you've diagnosed  
11 with PTSD?

12 A I would say 70 to 80 percent of our patients that come  
13 seeking psychiatric treatment have experienced some sort of  
14 trauma, and probably a large -- I can't give you an exact  
15 number, but a large percentage of people carry the diagnosis  
16 of posttraumatic stress disorder.

17 Q Okay. Well, over the 20 years do you have a ballpark  
18 range of how many children or adolescents you were able to  
19 interview and diagnose?

20 A Uh-huh. I'd say thousands.

21 Q Thousands?

22 A Uh-huh.

23 MR. SCOTT: Judge, I think at this time we're going to  
24 have Dr. Sharawy qualified an expert in child and adolescent  
25 psychiatry.

1           THE COURT: I understand you have a -- you've got an  
2           objection that was put on the record a moment ago. Do you  
3           have any voir dire or any objections to her qualifications?

4           MR. WISE: I have no voir dire. We'll stipulate that  
5           she's qualified.

6           THE COURT: Very good. Ladies and gentlemen, in this  
7           case the parties agree that Dr. Sharawy is an expert in the  
8           field of child and adolescent psychiatry. What that means  
9           is that on the stand normally a witness can only testify  
10          about something they observed, something they heard, smelled  
11          tasted, something they observed on their five senses. But  
12          an expert witness isn't limited to that. Okay? They're  
13          allowed to give opinion testimony that you can use as you  
14          deem appropriate, so they're not limited to simply things  
15          they observed or heard or saw or smelled. They can also  
16          offer opinion testimony. Because the parties agree Dr.  
17          Sharawy is an expert in the field of child and adolescent  
18          psychiatry, she can therefore give opinions in that area  
19          that you can use as you deem appropriate.

20          Solicitor, you can continue.

21          Q     Okay. Doctor, do you remember the name J.L.           ?

22          A     Yes.

23          Q     Did you have an opportunity to meet with her?

24          A     Yes.

25          Q     August 31st, 2017, does that sound right when you met

1 with her?

2 A That is correct.

3 Q And the testimony just now was that Samantha Black met  
4 with her between June 21st, 2017 and November 22nd, 2017,  
5 and you met with her somewhere midway there in August?

6 A That's correct.

7 Q Okay. And she was asked if she took the girl's weight  
8 or anything like that. Would that have been something you  
9 would have done?

10 A Our ancillary staff do, uh-huh.

11 Q Okay. Do you have your notes?

12 A I do.

13 Q Do you want me to get them for you?

14 A Well, yeah. They're -- my purse is over --

15 Q Well, I've got -- if this would refresh your memory.

16 A That's what I have, uh-huh.

17 Q Are those your notes?

18 A Yes.

19 Q And August 31st, 2017 how tall was J.L. ?

20 A Let's see. Let's see. I think in here -- oh, here we  
21 go. I need my glasses. But she was four-eleven and 84.2  
22 pounds.

23 Q Okay. She was just shy of five feet tall and she was  
24 80 what?

25 A 84.2 pounds.

1 Q And you met with her -- how long was your meeting with  
2 her?

3 A One hour.

4 Q And did you also review Samantha Black's notes and her  
5 records?

6 A I do typically review all records prior to the patient  
7 coming in, uh-huh.

8 Q And after reviewing Samantha Black's notes and records,  
9 after interviewing with J.L. , did you come up with a  
10 diagnosis for J.L. ?

11 A I did.

12 Q Just specifically with regards to what we were talking  
13 about PTSD, did you -- were you able to find a diagnosis of  
14 PTSD?

15 A I did find a diagnosis of posttraumatic stress  
16 disorder, PTSD.

17 Q And that was your expert opinion that she was suffering  
18 from posttraumatic stress disorder?

19 A Yes.

20 Q Are you able to -- you talked about re-experience,  
21 avoidance, hypervigilance, mood problems. Are you able to  
22 talk about some of the symptoms she displayed that in your  
23 professional opinion were indicative of posttraumatic stress  
24 disorder?

25 A Yes.

1 Q Tell me some of those.

2 A Okay. J.L. came in and she was very anxious, very  
3 avoidant, even the discussion related to, you know, the  
4 history that she was providing. I remember that she was  
5 really guarded and withdrawn, looking down. She reported  
6 nightmares, bad dreams. She reported intrusive thoughts and  
7 recollections of the traumatic event. She was having  
8 depressive symptoms, low mood, anxiety, avoidant type  
9 behaviors, erratic -- erratic appetite, poor sleep, poor  
10 concentration.

11 Q And so, all those taken together in her interview, your  
12 personal observations, Samantha Black's notes, you were able  
13 to come up with a diagnosis of PTSD?

14 A Yes.

15 Q And then after that diagnosis would that help craft  
16 some of her therapy from there on out?

17 A Yes. And I did prescribe medication for her, as well  
18 as order that she continue in the trauma focused cognitive  
19 behavioral therapy treatment track that she was already  
20 involved in.

21 Q Well, just so in case it's asked later. What  
22 medication was she prescribed?

23 A She was prescribed Remeron, which is --

24 Q What is that?

25 A Remeron is an antidepressant which helps with sleep,

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1     appetite, mood and anxiety.

2             MR. SCOTT: Thank you, Doctor. Please answer any

3     questions Mr. Wise has.

4                                     CROSS-EXAMINATION

5     BY MR. WISE:

6     Q     Dr. Sharawy, post-traumatic stress disorder deals with  
7     stress in a person's life?

8     A     Not just stress in a person's life. It has to be a  
9     significant traumatic event.

10    Q     But stress in a person's life also affects their  
11    behavior?

12    A     I would say so.

13    Q     If there's enough stress?

14    A     Uh-huh.

15    Q     And it can be literally a simple thing. If a person is  
16    lying they can have a stressful reaction to it?

17    A     They can have a stressful reaction, but not  
18    posttraumatic stress disorder.

19    Q     I understand.

20    A     Okay.

21    Q     But they can have a stressful reaction?

22    A     Yes.

23    Q     So they can be -- have difficulty sleeping, for  
24    example?

25    A     Yes.

1 Q And they can have -- be anxious, correct?

2 A Correct.

3 Q And they can have weight loss, correct?

4 A Correct.

5 Q And they can have a host of other things that you  
6 named?

7 A Yes.

8 Q Because those -- when people that are basically honest  
9 tell something that's not true it affects their life,  
10 correct? It affects their stress?

11 A Hard to say, but yes.

12 Q Generally speaking?

13 A Generally, uh-huh.

14 Q All right. Now, in your report you listed -- when you  
15 said review of symptoms you listed two symptoms. You listed  
16 appetite, erratic, slash, variable. What did that mean?

17 A So that meant that her appetite pattern was a departure  
18 from her normal appetite in that she was experiencing  
19 decreased appetite at times, sometimes normal, sometimes  
20 increased. But that is part.

21 Q You did not put in there the onset of that trait  
22 though.

23 A So the review of symptoms is generally in the recent --  
24 in the recent weeks.

25 Q Recent weeks?

- 1 A Yes.
- 2 Q Not something six months or a year ago?
- 3 A No. No.
- 4 Q So when you talk about difficulty falling asleep,  
5 you're not talking about difficulty falling asleep six  
6 months or a year ago?
- 7 A I'm talking about a current time.
- 8 Q At that time?
- 9 A At the time that I interviewed her.
- 10 Q Okay. And when you talk about depression, anxiety and  
11 all that, again, you're talking about at that time? Not  
12 something that's been ongoing for six months to a year?
- 13 A No. That can be more of a chronic, gradual.
- 14 Q And did you find it -- did you make any finding of that  
15 in this case?
- 16 A I'll have to read my note again.
- 17 Q Read it real quick. No problem.
- 18 A Yeah. Yeah. So my timeline didn't necessarily specify  
19 in my note exactly the onset of the depressive anxiety  
20 symptoms. It's very common when a person has experienced  
21 trauma that they don't express their symptoms to anybody and  
22 they're not evident. So --
- 23 Q So whether they existed six months or a year ago, one  
24 way or another you wouldn't know?
- 25 A I would not know.

1 Q You're not in a position to say one way or the other?

2 A Right.

3 Q Now, you also have an interesting note in there. It  
4 says eye contact avoidant. What does that mean?

5 A That means instead of -- as we are talking now and  
6 looking at you, she would be looking down.

7 Q She wouldn't look at you?

8 A Uh-uh, which is very common in people that are anxious.

9 Q And very common people don't want to look at you eye to  
10 eye, correct?

11 A That was not my impression though.

12 Q I understand.

13 A Uh-huh.

14 Q This is an impression, not a --

15 A Right.

16 Q -- scientific deal?

17 A Right.

18 Q It's more of an art than science?

19 A Yes.

20 Q Correct?

21 A That's right.

22 Q So it would be conceivable that another expert could  
23 interpret the eye contact in a different manner?

24 A Sure.

25 MR. WISE: Thank you very much.

1 THE COURT: Doctor, thank you very much for coming. I  
2 know you were in Charleston at a conference.

3 THE WITNESS: That's okay.

4 THE COURT: Sorry to inconvenience you. Thank you for  
5 being here. Go on back down to Charleston. Take care.

6 (Whereupon, the witness stepped down from the witness  
7 stand.)

8 THE COURT: Solicitor, call your next witness.

9 MR. SCOTT: Your Honor, the State calls Jared  
10 Hunnicutt.

11 JARED HUNNICUTT, having first been  
12 duly sworn, testified as follows:

13 DIRECT EXAMINATION

14 BY MR. SCOTT:

15 Q Investigator Hunnicutt, you're with the sheriff's  
16 department here in Laurens?

17 A That's correct.

18 Q And you recently came to the sheriff's office fairly  
19 recent. You were with the police department before?

20 A That's correct. I've been with the sheriff's office  
21 for about 18 months now.

22 Q Talking about this case being recorded at the Gilchrist  
23 Center on May 16th. You weren't involved that particular  
24 day though, were you?

25 A That's correct. I got it the next day.

1 Q So Richie, who we've already heard from, he goes up to  
2 Gilchrist Center, takes a report and then transfers it to  
3 you as an investigator?

4 A Right. when I come in the next morning I had an email  
5 saying I was assigned to this case.

6 Q And then what's the first thing you do after looking  
7 and seeing there's a new case involving a J.L. and a  
8 Cliff Eubanks? What's your --

9 A Typically after reading over the facts I call the  
10 victim just to touch base with them and advise them that I'm  
11 the investigator on the case.

12 Q And so, the victim in this case is who?

13 A J.L. .

14 Q Did you call her, did you call her mother, or who?

15 A I called her mother, basically just to advise who I  
16 was, what the purpose of the call was and that I would be  
17 the investigator handling their case.

18 Q And did you have them come up to the sheriff's  
19 department?

20 A I did that day, yes.

21 Q And then did you speak with J.L. personally?

22 A I spoke with both J.L. and her mother. I advised -- I  
23 asked her if she would feel comfortable talking to me. She  
24 said she didn't feel comfortable, which is understandable,  
25 and I told her would you feel comfortable writing it down,

1 and she did. So that's what we did.

2 Q So she kind of put in her words some of the allegations  
3 she was complaining of?

4 A That's correct.

5 Q And you get a case like this and you hear from the  
6 victim first of all and you meet with them and everything,  
7 what's the next thing you do?

8 A Typically I form a game plan and I call the suspect.  
9 Make contact with them the same way I do the victim.

10 Q Because you're wanting to hear his side of the story?

11 A That's correct.

12 Q You don't just, you know, hear allegations, you don't  
13 just go lock somebody up, I hope?

14 A Correct.

15 Q So you give them an opportunity to tell their side of  
16 the story?

17 A Absolutely.

18 Q Did you call -- who did you call then? Who was the  
19 suspect in this case?

20 A Michael Cliff Eubanks.

21 Q And so, did you call him?

22 A I did.

23 Q And what did you guys talk about?

24 A I asked if he wouldn't mind coming to the sheriff's  
25 office for an interview in reference to allegations that

1 were made against him.

2 Q And that was -- was that the same day that you got the  
3 case, May 17th?

4 A Correct.

5 Q And was he agreeable to that?

6 A Absolutely, yeah.

7 Q And to your recollection, did he arrive with anyone or  
8 was he by himself, or what do you remember?

9 A When he arrived I believe he was by himself.

10 Q Okay. And then where do you two go?

11 A To my office upstairs.

12 Q I say you two. Was it just you and he?

13 A That's correct.

14 Q You take him into your office?

15 A Uh-huh.

16 Q Was he in handcuffs?

17 A No.

18 Q What would you have done if he walked up the steps, got  
19 in your office and said you know what, I don't want to talk  
20 to you after all?

21 A I would have sat down and he would have left.

22 Q Okay. You really wouldn't have had any way to stop  
23 him, would you?

24 A No, sir.

25 Q But he was agreeable to speak with you?

1 A Yes, sir.

2 Q Did you tell him some of the allegations?

3 A I did.

4 Q What was his response? What did he tell you?

5 A I'll basically refer to my notes. He -- I advised him  
6 of the allegations and he said that he was not sure if  
7 anything had happened. If it did, it was when he -- he and  
8 the victim were asleep in the bed together. He advised that  
9 he had caught her masturbating and receiving explicit  
10 pictures from some unknown boys on her phone and that these  
11 pictures had -- he had confronted her about it, and that she  
12 was a very flirtatious young lady.

13 Q So you tell him kind of these general allegations.  
14 What did you tell him the allegations were?

15 A Basically what she told me. That he had touched her on  
16 her chest and kissed her on her neck and things like that.  
17 Pretty much what she wrote down in her statement, and put  
18 her hands -- his hands down her pants. Excuse me.

19 Q So those were some of the allegations that when you  
20 tell him these allegations he said, oh, I caught her  
21 masturbating?

22 A Yes.

23 Q He says she's very flirtatious?

24 A Correct.

25 Q And then he said what about -- he doesn't know what

1 happens when he goes to sleep?

2 A He advised that he didn't know if anything did happen,  
3 but if it did, it happened when he was laying in the bed  
4 with the victim, Ms. J.L. , while they were asleep.

5 Q So did you take that as an outright denial?

6 A No, I did not.

7 MR. WISE: Objection, Your Honor.

8 THE COURT: Sustained.

9 Q Did he give examples of J.L. being flirtatious with  
10 him?

11 A He said that she would give him provocative looks.

12 Q Okay. And how did -- what did he do about her giving  
13 him these provocative looks?

14 A He told -- he said he told her to stop.

15 Q And did he name the person she would get these explicit  
16 text messages from?

17 A Not to my knowledge. He just said some boys.

18 Q Did he show you any of these explicit text messages?

19 A He did not.

20 Q At some point did you ask him if he would document his  
21 version of the story?

22 A I did.

23 Q I show you State's No. 1. And do you recognize that?

24 A Yes.

25 Q And what is that?

1 A It's a voluntary statement form.

2 Q Is that something that you would have -- what  
3 instructions did you give him when you passed him the  
4 voluntary statement form?

5 A Typically what I do is I ask if they would like to give  
6 me a voluntary statement. If they say yes, then up here at  
7 the top there's a form -- part of the form that you fill out  
8 with their name, address, date of birth, Social, phone  
9 number, the last grade they completed in school, whether  
10 they can or cannot read and write. And then I flip the form  
11 around like so and I slid it to the suspect and then tell  
12 them to read the paragraph and then write what they want to  
13 write down in the blank form and then sign it at the bottom  
14 when they're finished.

15 Q So you tell them to read the paragraph, and he already  
16 indicated he could read and write?

17 A Yes, sir.

18 Q He said he completed twelfth grade?

19 A That's correct.

20 Q Did he seem to be under the influence of anything while  
21 he was there?

22 A He did not.

23 Q Did you intimidate him?

24 A No.

25 Q You didn't scare him or anything?

1 A Spoke to him just like I'm speaking to you.

2 Q The paragraph you told him to read, what is this  
3 paragraph?

4 A The paragraph that I advised him to read is a Miranda  
5 warning.

6 Q And without you having to read the whole thing, it's  
7 you have a right to a lawyer?

8 A Correct.

9 Q You have a right to cease this conversation whenever  
10 you want to. You don't have to talk to me, is kind of the  
11 gist of it --

12 A Correct.

13 Q -- is that correct?

14 A That's correct.

15 Q And did he seem to understand that paragraph?

16 A He did.

17 Q Did he ask any questions after reading?

18 A He did not.

19 Q And at that point, is that his handwriting under that  
20 paragraph?

21 A Yes. I watched him fill the statement out.

22 Q Okay. And then what time did that statement begin?  
23 What time did he come in that morning?

24 A I believe he got there a little bit before 10:20.

25 Q A.m.?

1 A Yes, sir.

2 Q And then what time did he complete the statement?

3 A According to this it says 10:45 a.m.

4 Q After he completed the statement did you arrest him?

5 A No.

6 Q Was he free to leave at that point?

7 A He left on his own volition.

8 MR. SCOTT: Your Honor, the State does offer State's  
9 No. 1 for admission.

10 THE COURT: Subject to yesterday's objections and  
11 rulings, the State's No. 1 is in evidence.

12 (Whereupon, State's Exhibit No. 1 was admitted into  
13 evidence.)

14 Q And that what you see there is sort of what you  
15 described. The top part, did you -- I understand was you  
16 handwrote this top portion after he gave you the  
17 information?

18 A Correct.

19 Q And then this is his handwriting down here?

20 A That's correct.

21 Q And this is a little -- I'm going to publish it now.  
22 It's kind of hard to read. "Came in to speak with Hunnicutt  
23 about the allegations my daughter, J.L. , said towards  
24 me. She says I have kissed her neck, rubbed my arms across  
25 her chest, touched her butt and put my hand down her pants.

1 As far as I can remember, I have not touched her in any way  
2 that I can remember to make her feel this way. She has fell  
3 asleep at times with me and my daughter, B.E. , in the bed,  
4 but I have also picked her up and took her to her bed. And  
5 I have also fell asleep in my bed watching TV with me waking  
6 up with her next to me. I have no clue what goes on when I  
7 sleep. And I'm not saying that I did or didn't while I was  
8 asleep." Was that your understanding of the statement that  
9 day?

10 A Yes, sir.

11 Q Okay. And you let him go at that point?

12 A Yes.

13 Q Okay. Was that the last time you heard from Michael  
14 Cliff Eubanks on the day of May 17th, 2017?

15 A No. After this initial statement I went to Ms. Lyons'  
16 home -- or, excuse me, I contacted Ms. Lyons and advised her  
17 of -- based on what was -- or, Ms. Eubanks, excuse me, of  
18 what was said, and she had mentioned a --

19 MR. WISE: Objection to what she mentioned. It would  
20 be hearsay.

21 THE COURT: All right. This is the -- it's not offered  
22 for the truth of the matter asserted though -

23 MR. SCOTT: No, sir.

24 THE COURT: -- is that correct?

25 MR. SCOTT: Yes, sir.

1 THE COURT: There was never actually any Baby Cam?

2 MR. SCOTT: No, there was not.

3 THE COURT: Okay, overruled.

4 Q So you -- after this -- tell me -- hold on.

5 THE COURT: Back him up.

6 MR. SCOTT: Yeah, I'm trying to -- trying to think.

7 THE COURT: You lost your train.

8 Q I see. So you get his statement, send him home. After  
9 receiving his statement was the case closed?

10 A No.

11 Q You were still going to work up the case to see what  
12 else -- did -- did you feel like there was more to be  
13 gotten from Mr. Eubanks after that statement?

14 A I did.

15 Q So my recollection just now, you said you tried to form  
16 a game plan and you met back up with Deanie Eubanks?

17 A Correct.

18 Q And that is the victim's mother?

19 A Correct.

20 Q And you're getting more information from her?

21 A Correct.

22 Q At some point did she mention something about nanny  
23 cams?

24 A She did. Somewhere in the conversation she had  
25 mentioned that she had told Cliff that there was a nanny cam

1 in the home or barn area.

2 Q But that was just a joke? There was never any nanny  
3 cams?

4 A Correct.

5 Q Is that your understanding?

6 A Correct.

7 Q And correct me if I'm wrong, a nanny cam is just a  
8 camera?

9 A A hidden camera.

10 Q A hidden camera?

11 A Yeah.

12 Q But there were no -- never any hidden cameras at the  
13 house, were there?

14 A Correct.

15 Q By the way, did you -- after speaking with the victim  
16 and the mother did you determine the locations where the  
17 abuse apparently happened?

18 A Correct.

19 Q And what were those -- what were the two locations?

20 A The home and the -- what they call the barn, which is a  
21 building on the site as well.

22 Q Now, you're talking about the Beaver Dam Church Road  
23 home?

24 A Correct.

25 Q What county is that?

1 A Laurens County.

2 Q Were you aware at that point about the Teague Road  
3 home?

4 A No. I believe that came out later.

5 Q Just so we go ahead and get it out. That Teague Road  
6 is in what county?

7 A Laurens County as well.

8 Q So you hear about these nanny cam things. Did that  
9 kind of give you an idea?

10 A Yes.

11 Q All right. And did you call Mr. Eubanks in later on  
12 that afternoon?

13 A I did on the 7th. Finished with Ms. Eubanks and I  
14 called Mr. Eubanks and I advised him that some more  
15 information had come out and asked him if he would come back  
16 to the sheriff's office and speak with me again and he said  
17 yes.

18 Q So about what time was that?

19 A I believe I called him around 3:00, 3:30 and he showed  
20 up closer to 5:00.

21 Q So Mr. Eubanks, will you mind coming back up here.  
22 We've got some more information we need to ask you about.

23 A Correct.

24 Q And he comes on up, doesn't he?

25 A Uh-huh.

1 Q And is he by himself this time?

2 A No, sir. I believe he had his family with him at the  
3 time.

4 Q Were you by yourself at this time?

5 A No, sir.

6 Q You had -- who sat with you?

7 A I asked my supervisor Lieutenant Ben Blackmon to sit in  
8 on it, and also Investigator Polson sat in on it as well.

9 Q And Ben Blackmon, he was able to witness the statement  
10 that was given at that point?

11 A Correct.

12 Q Where did this particular meeting take place? The  
13 first one was in your office.

14 A That's correct.

15 Q Where was the second one?

16 A The second one was in the interview room that we were  
17 furnishing at the time.

18 Q You were doing what, now?

19 A Furnishing at the time.

20 Q What does that mean?

21 A They were trying to install cameras and sound recording  
22 devices in it.

23 Q There were no video system set up at that time though?

24 A Not at that time. We were in transition.

25 Q Okay. He comes up. Is it the same kind of thing? Is

1 it, all right, here's another form.

2 A Same form. Yes, sir.

3 Q But before the form did you reference these nanny cams?

4 A I believe so, yes.

5 Q Tell us how that came relevant. Tell us what you told

6 him about the nanny cams and how this whole thing went.

7 A Once we got some more information from Ms. Lyons we

8 decided to approach it in a different manner. When she

9 mentioned the nanny cam, that gave me the idea to insinuate

10 that we had a DVD of footage of such and to pass that

11 information along to Cliff and see how that affected him.

12 Q Well, tell us how this worked. He's in here. All

13 right, Investigator Hunnicutt, tell me about the new

14 information we're here to talk about.

15 A Correct.

16 Q And then you do what?

17 A Basically I told him that we had new information come

18 up and that I needed him to be completely honest with me,

19 and according to my notes here I advised him that his

20 stepdaughter said that inside the barn property was where

21 this -- these allegations occurred. I slipped the DVD

22 across the table to him and insinuated that I had footage of

23 the act.

24 Q How did you insinuate to him that you had footage of

25 him doing something in the barn?

1 A By telling him that I had footage of him doing so on  
2 the DVD.

3 Q Was there ever anything on that DVD you were showing  
4 him?

5 A No. It was a blank DVD.

6 Q What was his reaction when you insinuated that you had  
7 footage of him doing stuff in the barn?

8 A His -- he looked upset and kind of nervous.

9 Q Okay. At that point did he kind of change his  
10 statement from statement number one to a new statement?

11 A Correct.

12 Q So the first thing was, hey, stuff happens when you're  
13 asleep. I don't know what happens when I'm asleep. I can't  
14 say what did or didn't happen.

15 A More or less, yes.

16 Q And then the second statement what is it?

17 A The second statement he pretty much wrote that he had  
18 went to --

19 Q Wait. Before he puts pen to paper you all have kind of  
20 a conversation; is that right?

21 A That's correct.

22 Q Don't skip that.

23 A Basically he had said that he and J.L. were down --

24 J.L. were down at the barn and they were tearing apart  
25 pallets. He said at some point the victim had sat on his

1 lap in a chair that was down there and that she had started  
2 grinding her buttocks into his leg and penis and that it  
3 lasted for a few minutes and -- until he ejaculated into his  
4 pants. He said that he knew it was wrong, but after it  
5 happened he was scared and he kind of panicked and didn't  
6 know what to do or say. He was telling me this was the only  
7 time this has ever happened.

8 Q How old was Mr. Cliff Eubanks at that point?

9 A I believe he was 31.

10 Q You got his birth date?

11 A DOB .

12 Q Thirty what?

13 A I believe he was 31 at the time. He's 32 now.

14 Q And J.L. was 12 at that point?

15 A I believe so.

16 Q You just heard she was like 80 pounds. Did he look  
17 about like he does now?

18 A Yes. He just had a little bit more facial hair.

19 Q And his testimony was this 85 pound girl was in his lap  
20 and he can't get her out and she's grinding on him --

21 MR. WISE: Objection, Your Honor. He's leading the  
22 witness and he's testifying.

23 THE COURT: Sustained as to the leading.

24 Q Okay. Will you describe what he was saying, please?

25 A He did say at some point that he tried to push her off

1 of him but that she would not get off of him and then that's  
2 when he ejaculated.

3 Q You see that very often in your line of work?

4 A Not a lot.

5 Q A lot?

6 A Not a lot.

7 Q Have you ever heard about a little girl just forcing  
8 herself on a grown man and him being unable to stop it?

9 A I've heard of it. It's usually from suspects telling  
10 me that, but I've never found it to be true.

11 Q Have you ever seen anything like that in your life?

12 A No.

13 Q So after hearing that do you say, well, Mr. Eubanks,  
14 will you write it down?

15 A Yes.

16 Q And did he do it?

17 A Yes, he did.

18 Q Is that how we get State's No. 2?

19 A That is correct.

20 MR. SCOTT: The State does offer State's No. 2 for  
21 admission into evidence.

22 THE COURT: Subject to the same objection and rulings  
23 from yesterday's pretrial hearing, you may publish, and it's  
24 in evidence.

25 (Whereupon, State's Exhibit No. 2 was admitted into

1 evidence.)

2 MR. SCOTT: All right. I'm going to publish it, Your  
3 Honor.

4 Q This is State's No. 2. Talked with Hunnicutt, and as  
5 far as what went on in the barn was that myself and J.L. was  
6 working tearing apart pallets and cleaning up. I went to  
7 sit down and J.L. came up to me and sat in my lap and  
8 started wiggling on my leg and moving around. I knew it  
9 wasn't right, but I tried to push her away but she still did  
10 it to arouse me and I ended up ejaculating in my pants.  
11 What did you do after that statement?

12 A At that point, once he finished the statement and  
13 signed it, and I had Lieutenant Blackmon witness it, myself  
14 and Lieutenant Blackmon stepped out and we consulted on  
15 whether or not we had enough to go ahead and charge Mr.  
16 Eubanks with criminal sexual conduct with a minor third  
17 degree at the time.

18 Q Okay. Was it at that point that you went ahead and  
19 arrested him?

20 A Yes.

21 Q Were you responsible for -- were you responsible for  
22 scheduling that forensic interview?

23 A Yes.

24 Q Did you review it later?

25 A I did.

1 Q And did you attempt to collect evidence at the barn?

2 A I did.

3 Q Were you told of the rag or the paper towel?

4 A Yes. I was told that there was a paper towel that was  
5 used to clean up the semen.

6 Q Do you know the exact date that the last incident in  
7 the barn took place? Were you told of an exact date?

8 A No, I do not know the exact date of it.

9 Q Well, regardless, did you go into the barn and try and  
10 find some physical evidence?

11 A I did.

12 Q You did find some kind of rag, didn't you?

13 A Found a paper towel crumbled up into a trash can, so we  
14 took that and sent it off to SLED for analysis.

15 Q Were you -- did you know whether or not that was a rag  
16 that you might find anything out of?

17 A I had no idea.

18 Q But did you test it anyway?

19 A Yes.

20 Q And it didn't have anything on it?

21 A Correct.

22 Q Did you take some pictures of the barn, and those are  
23 the pictures we saw earlier?

24 A Yes.

25 Q We were talking about -- we were talking about a big

1 container of pornography. State's No. 9 --

2 MR. WISE: Your Honor, this is subject to my previous  
3 objection to 403 issue.

4 THE COURT: Subject to 403 analysis issue -- or subject  
5 to Rule 403 objection?

6 MR. WISE: Yes.

7 THE COURT: Okay. Before we go there. Ladies and  
8 gentlemen, I'm going to revisit this at this point in time.  
9 Go to the back. Don't discuss the case, and I'll have you  
10 back out here as soon as possible. Okay? Thank you very  
11 much.

12 (Whereupon, the jury exited the courtroom at 3:23 p.m.)

13 THE COURT: And you can step down. We're going to take  
14 a brief five minute break while they're out. Okay?

15 (Whereupon, the witness stepped down from the witness  
16 stand.)

17 THE COURT: The jury is out. I think -- one thing that  
18 kind of bothered me a little bit. When the victim was  
19 testifying earlier it was my understanding, based on  
20 representations by the State, that she was going to say that  
21 the Defendant showed her these items, reviewed these items  
22 with her. I think her testimony, correct me if I'm wrong,  
23 was actually that he never actively showed her any of the  
24 material contained in the Rubbermaid -- green Rubbermaid box  
25 that the State has brought out. Candidly, I'm not terribly

1 anxious to go leaping through what's in the Rubbermaid box  
2 for obvious reasons. I mean, are you looking to introduce  
3 this material or --

4 MR. SCOTT: No. No, sir. That's why we have the  
5 picture. But the picture doesn't do it justice. I just  
6 want -- you know, this thing weighs about -- oh, I don't  
7 know, 40 pounds of porn, and it's DVDs -- just filled. I'm  
8 not going to show them all these things. But I do think  
9 they need to see just the vast -- and this was J.L. . He's  
10 getting her to go up there and he's showing her what's in  
11 it. It's not appropriate in any form or fashion for a  
12 12-year-old girl to be going up there. Slide this to the  
13 back, J.L. . And my recollection, I know it was on cross,  
14 because Rauch kept missing it. But she said he showed it on  
15 TV. He said, oh, the iPhone, and she said TV. He said,  
16 pardon? TV.

17 THE COURT: Right. But we're dealing with magazines  
18 and DVDs apparently in the Rubbermaid box.

19 MR. SCOTT: Yeah, that's right. These are -- these are  
20 pornographic DVDs that were played on the TV.

21 MR. WISE: But none of these were testified were played  
22 on the TV.

23 MR. SCOTT: I can't get her to say what the title of  
24 the movie was. I know that.

25 THE COURT: I understand that.

1           MR. SCOTT: But she testified to knowing where this  
2 was. Her mom's going to say I didn't know about this thing.  
3 She's going to say she knew about it because Cliff would  
4 send her up there, tell her what was in it and get her to  
5 maneuver it around.

6           THE COURT: I remember her testifying that he told her  
7 what was in it. That he told her to climb -- she had to  
8 climb up a chair and push it back further on the shelf.

9           MR. SCOTT: Yes, sir.

10          THE COURT: I do not recall her ever saying that he  
11 actively got her to either go into that box or that he went  
12 into -- the Defendant went into the box and retrieved items  
13 and showed those items to her.

14          MR. SCOTT: Okay. I don't recall that either. My  
15 argument would be there is no -- there's no rational reason  
16 that a 31-year-old man should be getting a 12-year-old girl  
17 sexualized to the extent that he's showing her what's in  
18 this box.

19          THE COURT: My recollection is he never showed her what  
20 was in the box.

21          MR. SCOTT: She said he told her what was in the box.  
22 Showed her what was in the box. Got her to move what was in  
23 the box.

24          THE COURT: Told her and showed her are two different  
25 things.

1           MR. SCOTT: My recollection was she knew what was in  
2 the box. How in the world could she have told her mom  
3 there's a box full of porn up there unless he had showed her  
4 what was in it? I don't know. I mean, did she just guess?  
5 It was on the top of a ledge. She talked about it. He  
6 would get her to climb up there and move --

7           THE COURT: Is here anything in there that indicates  
8 child porn?

9           MR. WISE: No.

10          MR. SCOTT: Here's the Finally Legal. This is the top  
11 magazine in this box of porn. I mean, if that doesn't show  
12 his mindset. I'm not going to -- listen, I don't want to  
13 show this to the jury.

14          THE COURT: I agree that that's probably the  
15 prejudicial effect of the magazine Finally Legal is probably  
16 outweighed by prejudice.

17          MR. SCOTT: I'm not pursuing that. My point, he's  
18 exposed her to it in sexualizing this girl. And we're going  
19 to talk about grooming. We're going to talk about -- her  
20 testimony was I didn't know this was abnormal. I mean,  
21 because she's being exposed to this day in and day out.  
22 That's grooming, textbook. And he's sexualizing a preteen  
23 child. That is highly abnormal.

24          THE COURT: I understand the theory. Let me go back to  
25 my notes from her testimony if I may, please. Just one

1 second. You started covering this on redirect, didn't you?  
2 I'm looking in the wrong direction.

3 MR. SCOTT: Yes, sir. Yes, sir.

4 THE COURT: When we were talking about State's 9 I have  
5 here where you indicated that the porn stash was on the side  
6 of the building -- or told me that showed -- that the  
7 Defendant showed the witness what was in it and that the  
8 witness told the police about it. Witness resumed  
9 testifying in front of the jury. She testified it was all  
10 the way up in a corner. She had to step on a chair to get  
11 up there to it. That the Defendant wouldn't show it to her  
12 and didn't watch it with her. She then testified she saw  
13 him watching videos. One video was on an older iPhone. And  
14 then you started talking about her grades last semester  
15 being As, Bs. She replied there's no Honor Roll in Laurens.  
16 And then on recross Mr. Wise brings out that she didn't give  
17 any indication that -- or that she did not tell about the  
18 porn on the television. She didn't tell the police about  
19 that. You want to say anything else?

20 MR. WISE: I think that's accurate as I can recall.  
21 She never testified that he sat down with her and went over  
22 it with her or anything like that.

23 THE COURT: I think the testimony is that she told --  
24 he told her what was in there and that it was pornography,  
25 but -- and I may be mistaken. And I'll take a break and

1 I'll think about it, but -- because I need a break anyway.

2 But that was my recollection and that's what my notes

3 reflect, Solicitor, because I was kind of surprised when --

4 when her testimony differed from what your initial

5 representation --

6 MR. SCOTT: Well, you know me. I don't ever intend to

7 make any misrepresentations to the Court.

8 THE COURT: I understand.

9 MR. SCOTT: I will say, you know, what happens when we

10 talk in Court -- I've had so many interviews with this girl

11 and her family.

12 THE COURT: I'm not suggesting --

13 MR. SCOTT: So I might be thinking about a past

14 conversation. But what I will say, let's just -- let's

15 assume that she didn't say he showed her movies that are in

16 that box. At bare minimum she said she knew what was in the

17 box and he had asked her to manipulate the box, move the box

18 around. Why would he ever -- what reason would he possibly

19 have for telling her what was in that box and asking her to

20 move it around?

21 THE COURT: And I agree. And if you -- so long as

22 we're not introducing this box --

23 MR. SCOTT: I'm not.

24 THE COURT: -- because the box has been referred to

25 previously. So long as we're not removing or otherwise

1 publishing the contents of that box for the jury I think  
2 that we're okay. But, you know, if you want the witness to  
3 say -- or to say what's in there and he wants to reply  
4 general pornography, or however he wants to characterize it,  
5 that's fine. But I really believe that that was what the  
6 testimony was, Solicitor, which renders obviously  
7 introduction of this item, publishing of any of its  
8 contents, etcetera, superfluous. I realize your argument,  
9 and I think you can make that argument. But we're dealing  
10 with --

11 MR. SCOTT: That's all I want.

12 THE COURT: Okay. We're dealing with a 403 and that's  
13 -- I didn't want, when you brought this thing out there, for  
14 you to spill the contents all over that table without me  
15 knowing what the contents were. Okay? That was part of my  
16 concern. Let's take five minutes. I think we know where we  
17 stand. Be back on the record in a minute. Okay? Five or  
18 10.

19 (Whereupon, a recess was held from 3:34 p.m. to 3:50  
20 p.m.)

21 THE COURT: Go ahead and get them -- go ahead and get  
22 the jury moving, please.

23 (Whereupon, the jury entered the courtroom at 3:50  
24 p.m.)

25 THE COURT: All right. The jury is back and seated.

1 We're still involved in the -- involved in the testimony of  
2 Investigator Hunnicutt. So at this point in time,  
3 Solicitor, if you'll continue, please.

4 MR. SCOTT: Thank you, Your Honor.

5 Q Jared, you said -- or Investigator Hunnicutt, at some  
6 point you were told about this?

7 A Correct.

8 Q And did you go to retrieve this?

9 A I did.

10 Q And where did you find it?

11 A It was on the property on Beaver Dam Church Road. It  
12 was in a outbuilding. Not in the barn or the residence, but  
13 another separate outbuilding on the property.

14 Q All right. And who showed it to you?

15 A Ms. Eubanks.

16 Q Deanie Eubanks did?

17 A Yes.

18 Q And where was it in the shed, or the outbuilding?

19 A It was up in a loft area. When you walk in it's up to  
20 your right. The second portion.

21 Q And how did you get up to retrieve it?

22 A Step ladder.

23 Q Okay. Tell me -- just describe -- what is this?

24 What's in it?

25 MR. WISE: I don't think I got a ruling from the Court

1 on my previous objection.

2 THE COURT: As far as introduction 403 we're not  
3 introducing it. But the witness can just generally state  
4 the contents of the box without going into specifics as far  
5 as titles, publications, etcetera. So go ahead.

6 Q All right. Stand up.

7 (Whereupon, the witness stands.)

8 Q What's in there?

9 A Pornography. DVDs and magazines.

10 Q A little bit, a lot? Describe what's in there. Don't  
11 tell me the titles, but just what's in there.

12 A Quite a few DVDs and magazines. It's about 30, 40  
13 pounds.

14 Q All right. Thirty of 40 pounds worth of pornography?

15 A Correct.

16 Q And you retrieved it in the outbuilding?

17 A Correct.

18 Q You described to be to the right up on a loft and you  
19 had to get a step ladder to get up there and get it?

20 A Correct.

21 Q I just want to cover -- earlier I didn't ask you about  
22 that, but the statement at the end. Whose signature is  
23 that?

24 A Cliff Eubanks.

25 Q So you got him to sign at the bottom of the statement,

1 both the first and the second, State's 1 and 2?

2 A Correct. I advised him once he was finished giving his  
3 statements to sign at the bottom where it says signature of  
4 person giving voluntary statement.

5 Q And then he did?

6 A Correct.

7 Q Do you see Cliff Eubanks in the Court right now?

8 A I do.

9 Q Where is he?

10 A Sitting at the Defense table.

11 Q Right beside the lawyer?

12 A Correct.

13 (Whereupon, the witness identified the Defendant.)

14 MR. SCOTT: Thank you. Answer any questions Mr. Wise  
15 has for you.

16 CROSS-EXAMINATION

17 BY MR. WISE:

18 Q. Investigator Hunnicutt, when you and got the green box  
19 there was a lid on it?

20 A No, sir.

21 Q Was there not?

22 A No, sir.

23 Q Did you take a picture of it?

24 A No, sir.

25 Q Did you have your phone with you?

1 A I did.

2 Q You could have taken a picture?

3 A I could have.

4 Q Could have taken a picture of it in place?

5 A The way -- I couldn't if I had -- there was no lighting  
6 up there. It was pushed back on the second --

7 Q You could have pulled it out and taken a picture?

8 A That would have been moving it and taking a picture,  
9 yes.

10 Q But you didn't -- you didn't photograph it at all?

11 A No, sir.

12 Q Okay. Now, when you interviewed Mr. Eubanks the first  
13 time -- the first time you had a county issued phone with  
14 you?

15 A Correct.

16 Q And you could have recorded his conversation or  
17 videotaped it with your county issued phone?

18 A That's not really -- we don't do that.

19 Q I didn't ask if you did it or don't do it. You were  
20 physically possible to videotape it or record it with your  
21 county issued phone?

22 A It's usually something we don't do because the reason  
23 we hold the interview is to get the truth of the situation.  
24 Usually the reason for our interview is to get the truth  
25 from someone, and typically if you put a phone in someone's

1 face and video record them that's very intrusive, in my  
2 opinion.

3 Q So you all had completely renovated a room in order to  
4 inhibit getting the truth?

5 A No. Those are not all up in your face like a cell  
6 phone camera would be.

7 Q But you tell them it's recorded?

8 A Correct. But it's a little bit different in my  
9 opinion.

10 Q And what study have you got that says you don't get the  
11 truth when you have a cell phone in front of them?

12 A Fourteen years of experience.

13 Q Just your experience?

14 A Uh-huh.

15 Q And -- but you were capable of doing that?

16 A Yes. I could have physically put the phone in his  
17 face.

18 Q And when he came back the second time, of course, you  
19 lied to him?

20 A I insinuated.

21 Q Excuse me?

22 A I insinuated I had a DVD.

23 Q You insinuated by saying you had a DVD?

24 A That's correct.

25 Q That's a lie to him?

- 1 A Correct.
- 2 Q And again, you could have recorded that interview?
- 3 A Same way.
- 4 Q And you did not?
- 5 A I could have put a phone in his face, but I chose not  
6 to.
- 7 Q And when you told him you had a DVD showing what  
8 happened in that barn he told you that J.L. came over to  
9 him, correct?
- 10 A Correct.
- 11 Q He didn't say he went and got her and brought her over  
12 to him?
- 13 A That's correct.
- 14 Q And he said he was embarrassed by it?
- 15 A At the end of the -- yes, he said he was --
- 16 Q Correct?
- 17 A -- his exact words, I believe, were he was panicking.
- 18 Q Scared and panicking?
- 19 A Yeah.
- 20 Q All right. And I would assume had you had a DVD that  
21 would have shown on it?
- 22 A Correct. I would assume. I had a DVD. I just didn't  
23 have --
- 24 Q I understand. You didn't have a DVD with this on it?
- 25 A Correct.

1 Q Now, you're the chief investigator in this case?

2 A Yes.

3 Q You later learned through the forensic interview that

4 J.L. had mentioned that she had seen some stuff on

5 Cliff's iPhone?

6 A Correct.

7 Q Did you contact Mr. Eubanks or his lawyer about looking

8 at the iPhone?

9 A I did not.

10 Q Did you go and get a search warrant for the iPhone?

11 A I did not.

12 Q Based upon the statement from the -- J.L. do you  
13 believe you could have obtained a search warrant?

14 A Possibly. She gave us -- excuse me. Ms. Eubanks gave  
15 us some items, phones, that were possibly -- we didn't know  
16 if they were possibly Cliff's, so we sent those off to be  
17 analyzed.

18 Q But they were not iPhones?

19 A No, sir.

20 Q Correct?

21 A Correct.

22 Q Did you go and ask to look at J.L. 's phone to see if  
23 there were any pictures that Mr. Eubanks had mentioned?

24 A No. She didn't mention that anything was taken with  
25 her phone.

1 Q I understand she didn't mention it. But he mentioned  
2 there was some pictures of her boyfriend on there.

3 A He mentioned, I believe, that he had caught her  
4 masturbating and receiving explicit pictures from unknown  
5 boys.

6 Q Correct.

7 A I didn't find it relevant to the investigation of Mr.  
8 Eubanks' actions.

9 Q So if, in fact, there were -- so it didn't matter to  
10 you whether there were pictures of this boyfriend on the  
11 phone or not?

12 A I wouldn't say it didn't matter. I said it wasn't  
13 relevant to his actions. It wouldn't have changed what he  
14 did or didn't do.

15 Q It would confirm what he had told you was true if you'd  
16 seen them?

17 A Possibly.

18 Q Well, not possibly. It would definitely have confirmed  
19 it was true if they were there.

20 A I had no reason to doubt what he was telling me.

21 Q Now, later were you aware that Mr. Eubanks did, in  
22 fact, turn in his iPhone?

23 A I believe so, several weeks ago to the Solicitor's  
24 office.

25 Q And due to the damaged screen it couldn't be tested?

1 A Correct.

2 Q Because it had gotten -- I guess screens, once they're  
3 damaged, get more damaged?

4 A That's my understanding, yes.

5 Q I think J.L. testified that the screen she looked  
6 at was damaged.

7 A Yes. Cracked, I believe.

8 Q Cracked. Were you interested in determining whether or  
9 not you could confirm or deny what J.L. had said  
10 about what she saw on his iPhone?

11 A Was I interested in learning whether or not --

12 Q Yes.

13 A I mean, it was one facet of the investigation, yes.

14 Q I understand that. Was it something that you would  
15 have been interested in?

16 A Yes. Had I know that he had the phone still on him or  
17 access to it. We didn't -- like I said, we didn't know  
18 where the phone was at the time.

19 Q When you arrested him the second time, I believe, in  
20 July, or June, I think --

21 A Okay.

22 Q -- did you ask him about the iPhone then?

23 A I did not.

24 Q But at that point you knew about what she said about  
25 seeing something on the iPhone?

1 A On the phone, I believe, yes.

2 Q Is that correct?

3 A Yes.

4 Q But you didn't bother asking him if he could bring his  
5 iPhone in?

6 A No, sir. I believe at that point at that point he had  
7 obtained counsel, to my knowledge anyway.

8 Q Did you write his lawyer and ask?

9 A No, I did not.

10 MR. WISE: Thank you.

11 REDIRECT EXAMINATION

12 BY MR. SCOTT:

13 Q So the iPhone though, have you seen it?

14 A I have, yesterday actually.

15 Q You did see it?

16 A Yes.

17 Q Describe that iPhone.

18 A It's an iPhone SE, I believe, which is the 5, and it's  
19 got a large crack where the screen is splintered very bad.

20 Q Do you know how that screen got smashed like that?

21 A I believe he said it was dropped fishing is what I was  
22 told.

23 Q Does it work?

24 A Not to my knowledge. When I saw the video of -- I've  
25 been trying to actually get it to turn on. It was just

1 constantly stuck.

2 Q Do you know what Cliff Eubanks has done with that phone  
3 in the last year?

4 A I do not.

5 Q Do you know where Cliff Eubanks has kept that phone in  
6 the last year?

7 A I do not.

8 Q Are you aware that he produced it five days before his  
9 trial was to begin?

10 A That was my understanding, yes.

11 Q Do you know how long it has not worked?

12 A I do not.

13 Q Did he tell you, or did his lawyer tell you why they  
14 thought that bringing it in five days before trial, what  
15 that strategy was all about?

16 A No. And I didn't even know if that was the same iPhone  
17 that she was alluding to actually, so no.

18 Q She mentioned the iPhone. And did he have it on him  
19 when he was arrested?

20 A I don't believe so.

21 Q Well, if he had it on him wouldn't you all have  
22 collected it at the jail?

23 A I didn't transport him to the jail, so I don't know.

24 Q Let me ask you. How long you been a cop?

25 A Going on 15 years now.

1 Q How many interviews have you done?

2 A Hundreds.

3 Q In your professional experience, what is the affect of  
4 doing something like this. All right, I'm going to record  
5 you and I want you to tell me about molesting a kid.

6 A That would usually shut a suspect down.

7 Q Does your doctor do that to you when you go to get an  
8 exam? Does he hold an iPhone up to your face?

9 A None that I've been to.

10 Q When you're interviewing somebody accused of a serious  
11 crime --

12 A Right.

13 Q -- do you want them to feel intimidated?

14 A No, not in any way.

15 Q Okay. I mean, isn't that kind of the purpose, not to  
16 intimidate them --

17 A Correct.

18 Q -- because you don't want to -- have you ever  
19 interviewed somebody while taking notes and holding an  
20 iPhone up to them to film them?

21 A I have not.

22 Q He calls it a lie. I call it good investigation with  
23 the nanny cam.

24 A Correct.

25 Q Do you feel like he would have given you that second

1 story had you not told him about these nanny cams?

2 A Probably not, considering he didn't do it the first  
3 time I interviewed him.

4 Q Okay. He'd been given an opportunity before to tell  
5 the truth, had he not?

6 A Yes.

7 Q And it was only after you told him we might have more  
8 information than you think --

9 A Right.

10 Q -- that he tells you about ejaculating in his pants on  
11 a 12-year-old girl?

12 A Correct.

13 MR. SCOTT: Thank you.

14 RECROSS-EXAMINATION

15 BY MR. WISE:

16 Q Mr. Hunnicutt.

17 A Yes, sir.

18 Q With your new system you tell a person you're being  
19 recorded and videotaped?

20 A Yes, sir.

21 Q And you point out the camera?

22 A Yes, sir. You can.

23 Q And that doesn't intimidate people, does it?

24 A It's different, I think, than what you're asking me.

25 Q And if you just put -- and if you just put your phone

1 down and push the record button, that wouldn't be  
2 intimidating either, would it?

3 A Typically the camera wouldn't be able to work that way  
4 if you laid the phone -- just laid the phone down on the  
5 table. You have to prop it up and put it towards them where  
6 it's pointing at them.

7 Q But if you prop it up and put it away from them like  
8 that, it would still record, wouldn't it, it just wouldn't  
9 video?

10 A It would video like that, I believe.

11 Q I understand. But when it videos it also does the  
12 sound.

13 A That's correct.

14 Q Correct?

15 A Yeah.

16 Q And that's not intimidating, is it?

17 A Not as intimidating as what you're trying to say. I  
18 think with the thing we have now is not as intrusive as  
19 propping up a phone next to them.

20 Q You were not interested in trying to record your  
21 conversation?

22 A It's not that I wasn't interested. We just didn't have  
23 the capability that we do now.

24 Q You were not interested in finding a way to record  
25 those conversations?

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1 A That's not correct.

2 MR. WISE: Thank you.

3 REDIRECT EXAMINATION

4 BY MR. SCOTT:

5 Q But it was recorded, was it not --

6 A Yes.

7 Q -- in his handwriting?

8 A Yes, sir.

9 Q So just to say it wasn't recorded, that's not accurate.

10 Cliff Eubanks recorded it himself, did he not?

11 A That's correct, twice.

12 MR. SCOTT: Thank you.

13 THE COURT: All right. Mr. Hunnicutt, thank you. You

14 can step down and you're free to go, free to stay.

15 (Whereupon, the witness stepped down from the witness  
16 stand.)

17 THE COURT: Call your next witness, Solicitor.

18 MR. SCOTT: Dr. Lyle Pritchard.

19 DR. LYLE PRITCHARD, having first  
20 been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. SCOTT:

23 Q Good afternoon, Dr. Pritchard.

24 A Hi.

25 Q So you're employed with the Montgomery Center?

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1 A I'm no longer employed with the Montgomery Center. I'm  
2 currently employed at Greenville Health Systems.

3 Q Okay. And what is your title at Greenville Health  
4 Systems?

5 A I'm a member of the Child Abuse Medical Provider  
6 Physician's Group.

7 Q And you are a doctor, correct?

8 A I am.

9 Q This case -- I spoke with you briefly on the phone.  
10 I'm Dale Scott, by way of introduction. We spoke on the  
11 phone last week.

12 A Yes.

13 Q In this case, J.L. , did you have an opportunity  
14 to examine her?

15 A I did.

16 Q Was that June 8th of last year?

17 A Yes.

18 Q You have your dates in front of you?

19 A I do.

20 Q And the purpose of you meeting with her to examine her  
21 was what?

22 A I saw her for a medical consultation.

23 Q Okay. And that was, I think -- the Children's Advocacy  
24 Medical Response System is on the top of your report, and  
25 was the purpose -- what kind of exam was it that you were

1 performing?

2 A So I'm a member of the Children's -- South Carolina  
3 Children's Advocacy Medical Response System, and what that  
4 provides is some physicians in the state of South Carolina  
5 who provide exams for children when there are concerns of  
6 abuse and neglect.

7 Q So you can't say whether it happened or didn't happen,  
8 but the purpose of your examination were allegations of  
9 potential abuse, is that safe to say, on J.L. ?

10 A Yes. She was referred there by law enforcement and I  
11 did her medical evaluation.

12 Q And so, if someone comes to you for this type of exam,  
13 tell us the procedure. Tell us how you examine a patient.

14 A So I'm provided with information about the allegations  
15 and then I interview the child's caretaker, in this case,  
16 the mother. I interview the child, and then we do a  
17 complete medical exam, including an exam of the genitals of  
18 the child.

19 Q Tell me about that. How do you exam the genitals of a  
20 child?

21 A So we use forensic imaging, meaning we have a special  
22 camera that makes everything larger, provides extra  
23 lighting, looks for any evidence of any sort of injuries or  
24 scars that may have occurred, and then additional -- in  
25 addition we do lab testing.

1 Q Give us the imagery. If a child comes in to see you  
2 are they -- of course, they're fully clothed when they come  
3 in. Are they able to keep their clothes on?

4 A No. They get into a medical gown. A medical exam  
5 gown.

6 Q Their naked except for a hospital gown?

7 A Correct.

8 Q And do they lay on a table? Do they -- what do they  
9 do?

10 A Yes. We have a medical exam table, and I do a full  
11 exam starting with the head and neck, eyes, ears, nose,  
12 throat, heart, lungs, all their skin, abdomen, genitals.  
13 When I look at their genitals I use the forensic imaging  
14 camera that makes everything look bigger and brighter.

15 Q So you put a camera in their crotch?

16 A Basically, yes.

17 Q And how close does the camera get to them, their body?

18 A It gets relatively close. A couple of feet. But I  
19 have the digital imagining that allows the images to be  
20 enlarged.

21 Q And do you need bright lights to get the photographs of  
22 the genitalia?

23 A Yes, and it has a light attached to it.

24 Q Are the legs kept together or are they made to spread  
25 their legs open?

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1 A They spread their legs apart.

2 Q Let me ask you. Is this -- that's just how these exams  
3 are done though; is that correct?

4 A Yes.

5 Q And what are you looking for? If it's allegations of  
6 sexual abuse are you looking for signs of trauma?

7 A That's correct. So with allegations of sexual abuse,  
8 if the child is examined within the first couple of days of  
9 the assault then the classic exam includes forensic evidence  
10 collection, meaning what people, you know, typically think  
11 of as a rape kit where they look for evidence of DNA from  
12 the alleged perpetrator. But this is not an acute exam,  
13 meaning this does -- did not happen immediately after the  
14 assault. It happened at a period of time after the assault.  
15 So there's not an attempt to collect DNA. It's more of an  
16 attempt to examine a child, see if there are any injuries or  
17 scars. Also give information to the family afterwards about  
18 if they have concerns about any kind of injury that might  
19 have happened to the child and how the child's genitals will  
20 be affected long-term.

21 Q Did you find any signs of trauma?

22 A I did not. It was a normal exam.

23 Q Let me ask you, what, if any, effect would it have --  
24 we know the date of disclosure, when the child first brings  
25 up any allegation, and we know that date to be May 16th of

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1 2017. What effect, if any, that your evaluation was nearly  
2 a month later, June 8th, 2017? Let's just assume that there  
3 was trauma during the last sexual encounter and it had been  
4 three weeks before. What effect would that passage of time  
5 have in you having any findings?

6 A So over 95 percent of exams in cases like you described  
7 the exam findings are normal.

8 Q So if you knew medically speaking that a child had been  
9 involved with sexual intercourse, or some -- any kind of  
10 insertion into their body openings the day before and you  
11 examine the very next day, would you always have a finding  
12 of trauma?

13 A No.

14 Q Okay. So what about other, the hymen? If the hymen is  
15 intact what does that tell you, if anything?

16 A So the hymen is the tissue that surrounds the opening  
17 into the vagina, and there is always an opening in normal  
18 genital in the middle of that hymen. And so, it's a bit of  
19 a myth that the hymen is actually penetrated. The hole is  
20 already there. Now, the hymen, of course, could be  
21 stretched or injured when something is forced into that  
22 vaginal opening, but the way I explain it is the tissue that  
23 makes up the hymen is mucosal tissue, which is the same  
24 tissue that lines the inside of the mouth. And just like if  
25 you had a scratch or a bite or a sore on the inside of your

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1 mouth, it heals up smoothly and you wouldn't know it was  
2 there days later. The hymen is the same type of tissue. So  
3 even if there is some kind of trauma acutely to the hymen it  
4 will heal quickly. And so, that's why over 95 percent of  
5 exams of children who have had some sort of sexual assault  
6 are normal.

7 Q So you're not always going to find signs of trauma?

8 A Correct.

9 Q Were there any other complaints that the child came to  
10 you with?

11 A Not -- no.

12 Q Do you have page 4 of 8?

13 A Yes.

14 Q I'm looking at the top. Comorbid conditions of  
15 diagnosis present. Are those your -- are those your notes?

16 A Yes. So those -- that's basically the child's past  
17 medical history. And so, that information is gathered from  
18 the parent.

19 Q The information you were working on is possible weight  
20 loss, having difficulty sleeping, quiet, withdrawn and angry  
21 outbursts?

22 A Yes.

23 Q Those were your notes. And then let me go to page 5 of  
24 8. The physical examination. What height did you attribute  
25 to J.L. on that date?

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1 A I'm sorry. I missed what your question is.

2 Q I'm sorry. Five of eight.

3 A Right.

4 Q In your physical examination what were your findings as  
5 far as her height, weight?

6 A Her height? Her height is four feet 10 inches and her  
7 weight was 81 pounds.

8 Q Eighty-one pounds at the time. And then going to the  
9 top of that page what are those findings?

10 A So that's again part of the review of systems. Those  
11 were symptoms that the mother reported to me, that she had a  
12 change of appetite, frequent --

13 MR. WISE: Objection, Your Honor. The symptoms the  
14 mother reported would be hearsay obviously.

15 THE COURT: I note you haven't been qualified as a  
16 witness in pediatrics or child sexual assault which -- I  
17 mean, she's allowed to use hearsay to make diagnoses.  
18 Otherwise though I would sustain the objection. You want to  
19 --

20 MR. SCOTT: No, sir. I don't -- and the only reason I  
21 didn't is I'm not looking for any opinion. These are just  
22 her notes and her evaluation that day in treating the  
23 patient.

24 THE COURT: You anticipate the mother testifying?

25 MR. SCOTT: Yeah, she will, Your Honor.

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1 THE COURT: You can address it when the mom testifies.

2 Go ahead, Solicitor.

3 MR. SCOTT: I'm sorry. The ruling was what, now,

4 Judge?

5 THE COURT: Overruled. Overruled.

6 MR. SCOTT: Overruled, okay.

7 Q So the issues presented to you were what? I'm sorry.

8 The top of page 5 of 8.

9 A So the symptoms that the mom reported to me were change  
10 in appetite, frequent stomachaches. Also on page frequency,  
11 that -- the preceding page, those were also dysuria, which  
12 means pain on urination. She had two urinary tract  
13 infections in the past and she sometimes complained of  
14 genital pain. These were all symptoms the mom reported that  
15 the patient had complained of.

16 Q Let me ask you, about how long did -- how long did the  
17 evaluation take? How long was she in there?

18 A The full evaluation, including talking to the family,  
19 talking to the patient, doing the exam, takes a little over  
20 an hour. Now, the physical exam itself doesn't take over an  
21 hour.

22 Q Page 7 of 8, overall medical assessment. Under  
23 specify, what was it that you -- was it that you observed as  
24 far as under overall medical assessment?

25 A So the overall medical assessment was that she had

1 disclosed a sexual assault --

2 MR. WISE: I will object to that, Your Honor.

3 MR. SCOTT: I'm sorry.

4 THE COURT: Sustained. Sustained.

5 Q What I'm looking for specifically, page 7 of 8.

6 A Uh-huh.

7 Q Overall medical assessment.

8 A Uh-huh.

9 Q You didn't find any STD?

10 A Correct. And I did full testing for sexually  
11 transmitted infections and those were all negative.

12 Q But then you observed her to be underweight?

13 A Correct.

14 Q For her age and her height?

15 A Correct.

16 Q And you recommended that she should see a physician for  
17 a possible eating disorder?

18 A Correct.

19 MR. SCOTT: Thank you, Dr. Pritchard. Answer any  
20 questions Mr. Wise has for you.

21 CROSS-EXAMINATION

22 BY MR. WISE:

23 Q Did you know that this child was very active in dance?

24 A Yes, I did have a history.

25 Q Did a lot of dancing?

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1 A Yes.

2 Q And dancers tend to be on the smaller side of the  
3 scale, so to speak?

4 A Not all dancers are, but some dancers are.

5 Q But some of them are definitely, right?

6 A Yes.

7 Q So your testimony is you did a physical examination on  
8 J.L. , correct?

9 A Correct.

10 Q You saw nothing unusual?

11 A She had a normal exam.

12 Q A normal exam. And a normal exam is consistent with no  
13 abuse of having occurred.

14 A It's not definitive that there was abuse or not abuse.

15 Q So you -- it doesn't prove anything about whether or  
16 not any abuse occurred?

17 A My physical exam does not.

18 MR. WISE: Thank you. Oh, excuse me. One other  
19 question.

20 Q If there had been repeated penetration over a period of  
21 years would you have expected to see some abnormality?

22 A No. Still in those children 95 percent of exams are  
23 normal.

24 MR. WISE: Okay. Thank you.

25 THE COURT: Doctor, thank so much for coming. Good to

1 see you again. Take care. You're free to go. Call your  
2 next witness.

3 MS. KEENEY: State calls Shauna Galloway-Williams.

4 SHAUNA GALLOWAY-WILLIAMS, having  
5 first been duly sworn, testified as follows:

6 MS. KEENEY: May it please the Court.

7 DIRECT EXAMINATION

8 BY MS. KEENEY:

9 Q Where do you work?

10 A I am the executive director of the Julie Valentine  
11 Center.

12 Q And what's the Julie Valentine Center?

13 A It's a trauma abuse and sexual assault recovery center  
14 that serves Greenville and Pickens County.

15 Q And have you ever heard of Beyond Abuse before?

16 A I have.

17 Q So is that kind of like the Beyond Abuse of Greenville  
18 and Pickens?

19 A Yes. We provide very similar services.

20 Q Can you tell the Court about your educational  
21 background?

22 A Sure. I have a Bachelor's degree in psychology from  
23 Winthrop University and a Master's degree in counseling from  
24 Clemson. I'm also a licensed professional counselor in the  
25 state of South Carolina.

1 Q And what's your employment history? I know you work  
2 for Julie Valentine Center, but what did you do before that?

3 A Sure. So I've been employed at Julie Valentine Center  
4 since -- since 2009? Sorry. I don't remember when I was  
5 there. I've been executive director for nine years with the  
6 Julie Valentine Center. Prior to that I worked as the  
7 clinical director there. But prior to that I worked as a  
8 forensic interviewer and therapist. I worked for 10 years  
9 for the State Department of mental health as a mental health  
10 counselor in their outpatient child and adolescent unit, as  
11 well as in the adult rehabilitation unit. So in total I've  
12 been providing services, mental health services for over 20  
13 years, and specifically related to the area of child abuse  
14 and sexual assault.

15 Q And you weren't here earlier, but we heard from a  
16 forensic interviewer from Beyond Abuse. Basically you just  
17 interview children of potential assault, child abuse or  
18 neglect, and you're trained on how to interview them,  
19 correct?

20 A That's correct.

21 Q And then you also provide counseling services for them?  
22 At one point in time you did?

23 A I did, yes. Yes.

24 Q Do you have any special continuing education  
25 requirements that you have to do to hold your license?

1 A I do. We are required to obtain, I think it's 22 hours  
2 of continuing education each year to maintain our license.  
3 Most of my training has been specifically in the area of  
4 child abuse, child maltreatment and sexual assault. Every  
5 year I attend trainings regularly, as well as provide  
6 training locally, statewide and nationally specifically in  
7 these areas.

8 Q So when you say provide training you train people  
9 yourself, correct?

10 A That's correct. So I'm on the faculty of USC Upstate  
11 in their child abuse studies program. So I teach one course  
12 -- undergraduate course in child maltreatment, as well as an  
13 undergraduate course in gender violence in society. I'm  
14 also on the children's law center faculty for South Carolina  
15 Child First which is the training program that South  
16 Carolina uses to train forensic interviewers.

17 Q In all the clients that you had can you roughly  
18 estimate how many you've counseled?

19 A I don't have an exact number. I would say, you know,  
20 at least 1,500, 2,000 individuals that I've worked with.

21 Q A lot?

22 A A lot.

23 Q Have you ever been qualified as an expert in South  
24 Carolina courts?

25 A I have.

- 1 Q Do you remember how many times?
- 2 A Over 35 times I've been qualified as an expert.
- 3 Q Have you ever met this girl sitting right there on the
- 4 first row, second, J.L. ?
- 5 A I haven't.
- 6 Q You have no clue who she is?
- 7 A I don't.
- 8 Q Do you have any idea of what this case is about?
- 9 A I don't.
- 10 Q It's a CSC charge, or criminal sexual conduct.
- 11 A That's correct. That's all I know.
- 12 Q And you don't know who the Defendant over here is?
- 13 A I don't.
- 14 Q And you don't know, you haven't read any reports from
- 15 this case?
- 16 A I haven't.
- 17 Q And I really haven't told you anything about this case?
- 18 A No. Not at all.
- 19 Q So today you're here just to testify simply about
- 20 general -- general terms as to child abuse dynamics?
- 21 A That's correct.
- 22 Q Let's talk about the field of child abuse dynamics. Is
- 23 it evidence-based research?
- 24 A Yes.
- 25 Q And is it peer reviewed?

1 A Yes.

2 Q Let's see. What literature do you rely upon?

3 A Well, so, you know, my experience and training is  
4 primarily what I rely on. But my training and education is  
5 based on research that is peer reviewed and published and  
6 recognized journals and other publications. The topics that  
7 I will be testifying to today are based on research that has  
8 been repeated and studied for well over 20 years. The areas  
9 that I'll be talking about specifically today have been well  
10 documented in our literature.

11 Q And then Child Maltreatment, that's a book that you use  
12 at USC Upstate, correct?

13 A It is.

14 Q It's written by Stephanie King?

15 A Yes.

16 Q So you rely upon that, too?

17 A I do. Yeah, that's the text that I use to teach my  
18 course.

19 MS. KEENEY: Your Honor, at this time I move to have  
20 this witness qualified as a blind expert in the field of  
21 child abuse dynamics.

22 THE COURT: Child abuse dynamics?

23 MR. WISE: No objection, Your Honor.

24 THE COURT: Again, ladies and gentlemen, in this case  
25 the witness is certified, or the parties agree that she's an

1 expert in the field of child abuse dynamics, so she's not  
2 limited to simply things that she observed with any of her  
3 sensory perception. She can give opinion testimony in that  
4 field that you can use as you deem appropriate. Okay? Go  
5 ahead, Ms. Keeney.

6 Q In sexual assault cases, what does it mean by the word  
7 when you say disclosure, or child disclosed something?

8 A Disclosure is what we refer to as the statement or when  
9 someone actually tells about an abuse scenario.

10 Q So it's like the first time they tell what's happened?

11 A Yes. Yes.

12 Q Is this an event, like something that just happens, or  
13 is there more of a process?

14 A So we refer to disclosure as a process, meaning that we  
15 would expect that a child or an adult is going to tell every  
16 single detail or every single event that they've experienced  
17 related to child abuse at one time. There may be factors  
18 that influence when they initially disclose and factors that  
19 influence what they tell throughout that entire process.

20 Q Can you give examples of what those factors might be?

21 A Sure. You know, initially the -- when we talk about  
22 disclosure being a process we talk about different types of  
23 disclosure occurring. So some disclosures are purposeful,  
24 meaning that a child or an adult makes a purposeful and  
25 intentional effort to tell someone. So they decided

1 themselves that they want to tell someone what's happened.  
2 Other disclosures are accidental, meaning that the child may  
3 not have intended to tell someone what happened. The  
4 disclosure may have been discovered through a letter, a  
5 diary, a statement that they made to someone that was  
6 overheard that led adults to question them about that. In  
7 other words, it wasn't something that the child, again,  
8 intentionally meant to happen. And then, you know, in  
9 addition to that we have disclosures that are tentative,  
10 which is where most children's disclosures fall, where they  
11 share some pieces of information but not all of it. And  
12 then factors that influence how they respond or what  
13 additional information they share. One of the main  
14 influences is how others respond when that disclosure comes  
15 out. So, in other words, whether that's a positive or a  
16 negative response from those who have heard or seen the  
17 disclosure.

18 Q Does frequency of abuse play a factor? What I mean by  
19 that is if someone's abused one time versus numerous times,  
20 does that play a factor in the disclosure process?

21 A In some ways it does because if someone has been -- if  
22 there's a recurring abuse or there have been multiple events  
23 of abuse the first disclosure or some of the information is  
24 shared may be more of some descriptive memory. Meaning,  
25 that if something has happened to someone over time they may

1 talk about things in more general terms. So to give an  
2 example, our script memory is about things that happened to  
3 us over and over and over again. So for example, if I go to  
4 the grocery store, I go every Sunday, I park in about the  
5 same parking spot every time. I go down the same aisles. I  
6 buy pretty much the same things. So that's what I do when I  
7 go to the grocery. But an episodic, or a one time episode  
8 might be different if I tell you about the time that I  
9 parked in the parking lot and someone's buggy hit my car and  
10 it delayed me going in to get my groceries. So in terms of  
11 how children remember events and how they're reporting those  
12 things, if they have been repeatedly abused, they may tell  
13 us in general what happened and then later tell us about  
14 specific episodes. So --

15 Q So you might get more detail the more they have to tell  
16 the story?

17 A The more that they -- like the more that they talk  
18 about it the more -- the different people they talk to about  
19 it and the types of questions that are asked of them. So  
20 sometimes the information that's shared may be different  
21 based on the person that's asking them the questions. The  
22 type of questions that a parent might ask them might be  
23 different than those of a forensic interviewer versus the  
24 investigator from law enforcement, versus you as the  
25 prosecutor.

1 Q Right. So it might play a factor in like how  
2 comfortable they feel with whoever's asking the questions?

3 A It could be a comfort level, and it also can be the  
4 type of questions that they're asking. So, you know, the  
5 type of information that, again, the parent might be seeking  
6 from a child may be different than that of a law enforcement  
7 investigator. And so, they may be asking the child  
8 different questions, and therefore the child may be hearing  
9 or recalling different pieces of that information.

10 Q So in your experience you expect a child to report  
11 every single detail of his or her abuse in one interview?

12 A No, I do not.

13 Q Does the victim's age at the time of the disclosure  
14 factor into the disclosure process?

15 A It can. So the age of the child at the time of the  
16 abuse and at the time of the disclosure may impact that, you  
17 know, if for no other reason, the words that a child -- you  
18 know there are times where when as language develops their  
19 ability to share information develops. And so, the older  
20 they are the more information they may be able to share.  
21 But again, they're sharing information based on, you know,  
22 the age that they were when it happened. They may be using  
23 words that are available to them at the time that they're  
24 disclosing, if that makes sense.

25 Q Yes. So like, for example, a child who is like four

1 might not call a certain body part like a penis or  
2 something, but then they might call like a -- like a  
3 nickname for it, and then when they get older they might say  
4 the technical term; is that right?

5 A Correct, yes. So -- yes. So as a child gets older  
6 they have a more sexual knowledge, they have more anatomy  
7 information and knowledge, the words may change over time.

8 Q So we talked about what a disclosure is, about how it's  
9 when someone tells that something's been happening to them  
10 or something happened to them, and it's a process. So what  
11 is delayed disclosure? What does that mean?

12 A So delayed disclosure refers to when and why -- or it  
13 refers to the process of someone not telling immediately  
14 about an abuse incident. Delaying telling someone. Not  
15 telling right after the incident occurs.

16 Q Why would someone, say a child, delay in disclosing?

17 A So one of the most common reasons that children delay  
18 disclosure is fear. Fear of consequences themselves, fear  
19 of consequences of the person that's done this to them, fear  
20 of the impact that this might have on their family, fear  
21 that something that, you know, has been told will happen to  
22 them they may be threatened. Those fears are very powerful  
23 for children. The other -- one of the other most common  
24 reasons that children delay disclosure is because of a  
25 relationship to the offender. Most often children are

1     abused by someone that they know, they love and they trust.  
2     That person is usually someone that's known, loved and  
3     trusted by their family. It could be someone that's known  
4     and loved and trusted by the community, and that  
5     relationship can have a powerful effect on whether a child  
6     tells. You know, relationships are complex and a child can  
7     dislike something that's happened to them and yet still have  
8     positive feelings about the person that's doing it. So, you  
9     know, a lot of times it is a challenge for children to tell.  
10    Other reasons would be, like I said, threats. Sometimes  
11    children are told that if they tell something happened to  
12    them or their family they may -- threats can be direct or  
13    indirect. So a direct threat will be telling a child if you  
14    do this then this will happen to you, and an indirect threat  
15    would be if a child has seen the person that is offending  
16    them be violent or aggressive to others they may internalize  
17    that that may happen to them if they tell. So that would be  
18    an indirect threat.

19    Q     And you said just a minute ago that most of the time  
20    it's someone either in the house or someone close they're  
21    close to that's abusing the child, correct?

22    A     That's correct.

23    Q     So this idea that someone's in a white truck giving out  
24    candy to kids, that those are all the child molesters,  
25    that's not true, is it?

1 A Yeah. I mean, statistically about 90 percent of the  
2 time children are abused by someone that's known to them,  
3 whether that be a family member, a coach, a teacher, someone  
4 that is known, loved and trusted by them, their family and  
5 oftentimes the community.

6 Q Let's talk about grooming. What is that?

7 A Grooming is a term that we use to refer to developing a  
8 trusting relationship with a child in order to gain access  
9 to them in order to essentially abuse them. So it's  
10 developing a relationship with them and developing trust.  
11 And there are certain ways that that happens. One of those  
12 ways might be by giving a child special attention or special  
13 favors, giving them extra time on their video games,  
14 allowing them to stay up later at night, watch movies, do  
15 things that like. It may involve giving a child actual  
16 tangible items. Buying them a cell phone, giving them  
17 money, things like that. Grooming might be just giving them  
18 special attention. And it could include introducing  
19 children to sexual behavior. Normalizing sexual behavior  
20 with them. So that can involve introducing them to sexual  
21 jokes, sexual pictures, you know, perhaps showing them nude  
22 pictures and talking to them about that. Making it as if  
23 it's something that's normal and okay because it's  
24 introduced by a trusting adult, and then gradually using  
25 those things to gain access to the child.

1 Q When a child's young they don't necessarily know what's  
2 happening to them, correct?

3 A Right. And so, one of the things that I meant to say  
4 earlier is that, you know, the younger the child is, that  
5 may also impact their ability to disclose or talk about  
6 what's happening to them. And young children often don't  
7 have sexual knowledge at all. They may not have the words  
8 -- literally have the words to describe what's happening to  
9 them, and they just realize that something feels  
10 uncomfortable or -- and they just don't have the ability to  
11 tell. And so, that may impact as well.

12 Q What are some of the emotional and/or behavior  
13 characteristics of a child that's been abused?

14 A So there's not really a check list that you can go  
15 through that you could say the child's exhibiting this,  
16 this, this and this and they've been abused. We don't look  
17 at it that way. But there are things that a child might  
18 experience -- you might have a child that experiences no  
19 symptoms at all. On one end of the spectrum you can have a  
20 child that experiences no mood changes and they internalize  
21 the trauma that they've experienced and you see nothing on  
22 the outside. You may also have a child who experiences  
23 depression, anxiety. You may see behavior changes that  
24 include things like grades, changes in their grades at  
25 school, changes in their socialization. A child who

1 previously was very social and interactive, becoming more  
2 isolated, you may have children that exhibit symptoms like  
3 bed wetting, nightmares, bad dreams. You could have a  
4 combination of those things. One or two of those things, or  
5 you could have nothing at all.

6 Q Can you think of any other like physical changes that  
7 you might see?

8 A Physical changes in the child?

9 Q Yeah.

10 A Well, I mean, you know, in terms of -- you know,  
11 sometimes children physically harm themselves. I mean they  
12 may self-harm themselves. They may, you know, do things to  
13 change their behavior. Sometimes abuse victims will do  
14 things to make themselves appear less attractive believing  
15 that that is a way of protecting themselves. There's a  
16 direct connection to sexual abuse victims and obesity, where  
17 sometimes victims will do things like that to change their  
18 appearance. In that same time there could also be, you  
19 know, total internalization and someone may appear not to  
20 have changed at all based on what's happened to them.

21 Q What about the other kind of side of obesity? What  
22 about starving themselves?

23 A Oh, yes. I mean, so anything to really -- you know,  
24 when victims are doing these types of things, when they are  
25 trying to manage their trauma and using these unhealthy

1 coping skills, either obsessive eating or not eating at all,  
2 using substances, those are ways that victims are trying to  
3 gain control. When someone's been traumatized, and that is  
4 what happens when someone is sexually abused, they might do  
5 things to get control of their life in that way. And so,  
6 eating disorders, which would be the obesity or the anorexia  
7 or starving themselves would be more of -- could be seen  
8 with someone who's been sexually abused.

9 MS. KEENEY: Beg the Court's indulgence.

10 THE COURT: Yes, ma'am.

11 Q So just to be clear, you've never met or spoken with

12 J.L. ?

13 A No.

14 Q And just to be clear, when you came here today, or any  
15 time this week -- well, today's the first day you came here,  
16 but didn't sit in the back of the courtroom?

17 A No.

18 Q I made you stay out there, correct?

19 A Yes. I sat in a separate room.

20 Q You sat in a separate room. And you didn't hear any  
21 testimony that happened in this courtroom?

22 A I haven't heard any testimony and I haven't reviewed  
23 any reports. I have spoken with any other witnesses about  
24 the case. In fact, I received a subpoena from you, but  
25 that's the only information that I had about this case,

1 other than the date and time to be here.

2 Q Yeah. So I pretty much just emailed you and asked you  
3 to come?

4 A That's correct. And you sent me a subpoena.

5 MS. KEENEY: Thank you. No further questions.

6 THE COURT: Cross?

7 CROSS-EXAMINATION

8 BY MR. WISE:

9 Q Dr. Galloway-Williams, so assuming some children who  
10 are, in fact, sexual abused show no symptoms?

11 A That's correct. You may see no external symptoms from  
12 someone who's been abused.

13 Q Whatsoever, right? And some people who are sexually  
14 abused may have excessive eating?

15 A Yes.

16 Q And some people who are not sexually abused may have  
17 excessive eating?

18 A That's correct.

19 Q And some children who are abused may not eat properly?

20 A Correct.

21 Q Anorexia I think you mentioned.

22 A Yes, correct. Yes.

23 Q And some people who are not sexually abused also suffer  
24 from anorexia?

25 A That's correct.

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1 Q And some people -- some children who are abused will be  
2 a bed wetter?

3 A Yes. Bed wetting may be a symptom.

4 Q And some children who are not abused also wet the bed?

5 A That's correct.

6 Q And some people who are abused may have nightmares?

7 A That's correct.

8 Q And some children who are not abused may also have  
9 nightmares?

10 A That's correct.

11 Q So basically the symptoms you list are consistent with  
12 not being abused as well as being abused?

13 A Yes. And as I stated before we went through the list  
14 of symptoms, there's not a checklist that you can check  
15 through and say if a child has this symptom, this symptom  
16 and this symptom then they've been abused. So it's not  
17 really -- to look at the behaviors or the after-effects that  
18 you may see or not see is not diagnostic of sexual abuse.

19 Q So, and all these symptoms are -- can be found in  
20 people -- in children who are not abused?

21 A They could be, yes.

22 Q Because of different things going on in their life?

23 They could be under extreme parental pressure to do

24 something, whatever, and that would cause them to have these  
25 same symptoms?

1 A Right. As I said, the symptoms themselves are not a  
2 diagnostic --

3 Q Right.

4 A -- predictor of whether someone's been abused or not.  
5 You have to look at all the other pieces of information that  
6 are presented to you, including the child's statement or  
7 disclosure.

8 Q You would have to also, you would agree, that there are  
9 parents unfortunately that, what I call -- not overly  
10 protective, but want their children to exceed too much?  
11 Pushing them into sports or pushing them into different  
12 activities, correct?

13 A Can you ask the question from the beginning? I just --

14 Q Let me -- I can --

15 A Thank you.

16 THE COURT: Hyperparenting is what you're looking for.

17 Q Hyperparenting, yes. The Judge gave it to me.  
18 Hyperparenting can also cause these symptoms in children?

19 A There are lots of things that can lead to a child bed  
20 wetting, being depressed or anxious. There are lots of  
21 things that lead to eating disorders. However, sexual abuse  
22 and trauma is one of those things.

23 Q What study have you got that -- well, we know -- let me  
24 back up. Back up. Hyperparenting you said can cause this?

25 A There are lots of things that can lead to the symptoms

- 1 that we've talked about --
- 2 Q Right.
- 3 A -- in terms of -- I think you listed bed wetting. What
- 4 were the other ones?
- 5 Q Bed wetting --
- 6 A Anorexia --
- 7 Q Nightmares.
- 8 A -- bulimia, nightmares.
- 9 Q Yeah.
- 10 A Yes. There are lots of things that can lead to that.
- 11 Q Other than being abused?
- 12 A Yes.
- 13 Q Now, let's go back a moment to grooming. Grooming is
- 14 something that occurs before the actual sex abuse occurs?
- 15 A It's part of the whole process really. Developing that
- 16 trusting relationship in a child and also with the family at
- 17 times.
- 18 Q Right. But that's something that generally -- the
- 19 grooming starts before the alleged abuse starts?
- 20 A We refer to it as part of the whole process itself.
- 21 Q I understand. But most grooming occurs before any sex
- 22 abuse occurs?
- 23 A Again, I consider it a part of it. Really the grooming
- 24 itself -- so let's say -- if we're talking about grooming a
- 25 child by introducing them to sexual jokes and pictures and

1 developing a trusting relationship with the intent of  
2 abusing the child, that's part of the entire process itself.  
3 So that developing that relationship and the impact of that  
4 relationship on that child is part of the entire traumatic  
5 experience that the child goes through.

6 Q And the delay of the disclosure, the disclosure is not  
7 disclosed for how long?

8 A There's no specific time. But essentially it means the  
9 first available opportunity that a victim has to -- or that  
10 a child or an adult has to make an outcry right after the  
11 event has occurred.

12 Q And counseling is one of those opportunities?

13 A So the first available opportunity would mean the first  
14 opportunity that a child was not -- that they could tell  
15 someone after the abuse has happened. So, you know, if the  
16 abusive incident happened at seven o'clock in the evening  
17 and the child saw another trusted adult that they could have  
18 shared that information with and they didn't, then that  
19 would be the delay in disclosure. And delays can be days,  
20 weeks, years. There are many adults that are still delaying  
21 their disclosure today.

22 Q And you would agree that counselors are generally  
23 trained to make inquiries about sex abuse?

24 A I would hope that many counselors do that; however,  
25 what I know is that not all counselors inquire about that.

1 And what I also know from my experience in working with  
2 victims is that not all victims disclose to every counselor  
3 that they've ever seen. We work with many adults in my  
4 center who have been in counseling for much of their lives  
5 and have not told all the details or have never told about  
6 what's happened to them.

7 Q You have to build up a rapport with a counselor first  
8 and it varies from counselor to counselor?

9 A It varies on the counselor's philosophy, training, the  
10 interaction with the client, the client's ability to tell.  
11 It ultimately is -- is on the victim themselves and when  
12 they're ready to tell.

13 MR. WISE: All right. Thank you.

14 REDIRECT EXAMINATION

15 BY MS. KEENEY:

16 Q When we were talking about the common behavioral  
17 characteristics, the bed wetting, nightmares, eating  
18 disorders, you said you had to look at that stuff -- that  
19 those are common for children that are abused, but with  
20 everything? The victim's statement, everything involved  
21 right?

22 A Correct, yes. So when you are assessing these types of  
23 situations you won't look at just one piece. It's really an  
24 entire puzzle. You know, you want to look at the behaviors,  
25 the information that's shared from the child, information

1 that's shared from the family. You know, if you have these  
2 behaviors and these concerns. If a child is demonstrating  
3 any of these behaviors that we've talked about it's  
4 important to try to figure out where the source of those may  
5 have come from, and sometimes it takes time to figure out  
6 where  
7 -- what's causing that. And sometimes children, in spite  
8 being in counseling and being asked questions still aren't  
9 ready to tell.

10 Q And then when we're talking about grooming he was  
11 saying doesn't the grooming start before any sexual  
12 encounter and you said no, it's more of a process.

13 A Yes.

14 Q That means someone could groom during the middle of,  
15 you know, someone could sexually abuse a child, you know, in  
16 2004, for example, and still be grooming them for a year?

17 A Correct, yeah. It's part of developing a relationship.  
18 It's not -- grooming is not a one time occurrence either.  
19 In somebody that processes a disclosure, grooming is that as  
20 well, and it occurs throughout the process of that. It's  
21 developing a relationship, a trusting relationship to try  
22 gaining that child's trust, and really to try to keep them  
23 from telling about what's happening.

24 Q Is it common for sexual abuse to progress with a child,  
25 like something more mild going to something more extreme,

1 like actual penetration?

2 A It might. It might. And that may be part of that  
3 process of grooming, particularly if it's introducing a  
4 child to behaviors or materials of a sexual nature and then  
5 getting them more comfortable with that over time. Really  
6 it's normalizing a child to sexual behavior, and as a  
7 trusted adult engaging them in that behavior.

8 Q Is it common for someone to do something inappropriate  
9 with a child with other people in the home?

10 A So is it common for offenders to offend while others  
11 are present in the home? Yes.

12 MS. KEENEY: Thank you.

13 THE COURT: Thank you very much for coming. Appreciate  
14 you coming down here. Safe travels back. You're free to  
15 go.

16 THE WITNESS: Thank you.

17 (Whereupon, the witness stepped down from the witness  
18 stand.)

19 THE COURT: Ladies and gentlemen, I'm going to take a  
20 10 minute break. Judge Hocker has sent me a message they  
21 need to speak with me briefly before he leaves for the day.  
22 So we're still planning on going to around six o'clock or  
23 so. Okay? We need a break so we can be sure we can finish  
24 at an appropriate time on this case. So adjourn to the back  
25 for a few moments. Refresh yourselves. Don't talk about

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1 the case. We'll be back on direct in about 10 minutes.

2 Okay? Thank you.

3 (Whereupon, the jury exited the courtroom at 4:54.)

4 THE COURT: Everyone will be at ease for about 10  
5 minutes. Okay?

6 (Whereupon, a recess was held from 4:54 p.m. to 5:09  
7 p.m.)

8 (Whereupon, the jury entered the courtroom at 5:09  
9 p.m.)

10 THE COURT: All jurors are present and accounted for.  
11 The Defendant is present with counsel. There is a request  
12 from the jury, Solicitors, that you use your outside voice.  
13 So try and speak up just a little bit more loudly.

14 MR. SCOTT: Me or her?

15 THE COURT: Both of you. Speak up a little if you  
16 could. Thank you. Call your next witness, please.

17 MS. KEENEY: The State calls A.E. .

18 A.E. , having first  
19 been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. KEENEY:

22 Q Can you tell the jury your name?

23 A A.E. .

24 Q Do you go by A.E. ?

25 A (Non-verbal response)

A.E.

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- 1 Q You have to say, "Yes".
- 2 A Yes.
- 3 Q So, we can call you A.E. . Who is your mom?
- 4 A Jennifer.
- 5 Q Is she the lady in the green shirt right here?
- 6 A Yes, ma'am.
- 7 Q Who is your dad?
- 8 A Cliff Eubanks.
- 9 Q Where is he sitting?
- 10 A At the table.
- 11 Q Do you have any brothers and sisters?
- 12 A I have one real sister.
- 13 Q Who is your real sister?
- 14 A P.E. .
- 15 Q Is that her back there raising her hand?
- 16 A Yes, ma'am.
- 17 Q Okay. You said you have one real sister. Do you have
- 18 any half sisters?
- 19 A B.E. .
- 20 Q B.E. is not in here today, is she?
- 21 A No, ma'am.
- 22 Q B.E. is pretty young?
- 23 A Yes, ma'am.
- 24 Q Do you have any step-brothers or step-sisters?
- 25 A Yes, ma'am.

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1 Q Who are they?

2 A L.L. and J.L. .

3 Q L.L. is in the blue and J.L. is obviously right there.

4 A Yes, ma'am.

5 Q Do you remember when J.L. and L.L. first came into your  
6 life?

7 A When I was five years old.

8 Q When you were five. And how did they come into your  
9 life? Who started dating who?

10 A I guess my biological father started dating my step-  
11 mother.

12 Q That would be Deanie?

13 A Yes, ma'am.

14 Q So who do you stay with -- back then, who did you stay  
15 with mainly? Your mom?

16 A My mom.

17 Q How often did you go visit your dad?

18 A Every other weekend.

19 Q When you would visit them, did you visit them at the  
20 Teague Road house that's been talked about?

21 A Yes, ma'am.

22 Q And did you visit them -- him at the Beaver Dam Church  
23 Road?

24 A Yes, ma'am.

25 Q Okay. So, when you are visiting with your dad on the

A.E.

-Direct Examination

399

1 weekends I guess P.E. would come too?

2 A Yes, ma'am.

3 Q How did your biological dad, Cliff Eubanks, treat you  
4 and P.E. versus how he treated J.L. ?

5 A He would treat us like we weren't his real daughters.

6 Q Can you explain what you mean by that? Can you give  
7 examples?

8 A Like, he would make me stay in the car when P.E. was  
9 little and he would make -- he would let J.L. go anywhere  
10 she wanted.

11 Q Can you think of any other examples of what he would do  
12 with J.L. and not with you?

13 A He would take her to the mall shopping and I would stay  
14 at home with my step-mother.

15 Q Did you see some of the things that he would buy her?

16 A It was on her Snapchat story.

17 Q So, J.L. talked about Snapchat, which is where you can  
18 send photos, right?

19 A Yes, ma'am.

20 Q You can chat with people?

21 A Yes, ma'am.

22 Q So she would put stories of what the Defendant would  
23 buy her?

24 A Yes, ma'am.

25 Q Do you remember what exactly he would buy her from the

A.E. -Direct Examination

400

1 Snapchat stories?

2 A Clothes, shoes, perfume.

3 Q Did you get those things?

4 A No, ma'am.

5 Q Did P.E. get those things?

6 A No, ma'am.

7 Q What about -- what is the thing that y'all call a  
8 hammerhead?

9 A It's like a go-cart, but it's really fast.

10 Q Where did they keep the hammerhead at? Which house?

11 A Beaver Dam house first.

12 Q So the Beaver Dam house. Would you get to ride on the  
13 hammerhead with your dad?

14 A Yes, ma'am.

15 Q Would J.L. ?

16 A Yes, ma'am.

17 Q Who would he do that more with?

18 A He would do it more with J.L. .

19 Q Even when you were there?

20 A Yes, ma'am.

21 Q Obviously, he would do it more with her because she  
22 stayed there full time, but even when you were there on the  
23 weekend would he spend more time with J.L. or more time with  
24 you?

25 A More time with J.L. .

A.E.

## -Direct Examination

401

- 1 Q What about the thing that was called a barn at the  
2 Beaver Dam house? Do you know what I'm talking about where  
3 we call the barn? It's kind of like a shed and they keep  
4 stuff at. Is that where they kept the hammerhead?
- 5 A Yes, ma'am.
- 6 Q Did you go to the barn frequently with your dad?
- 7 A Not really.
- 8 Q Would you ever be invited to go down there by your dad?
- 9 A Not really.
- 10 Q What about J.L. ? Did she get invited to go down there?
- 11 A Yes, ma'am.
- 12 Q So you come only every other weekend to spend time with  
13 your father, and he's just spending time with J.L. pretty  
14 much?
- 15 A Yes, ma'am.
- 16 Q He did fun stuff with you though, right?
- 17 A Yes, ma'am.
- 18 Q Y'all would go some places. You're not trying to say  
19 he never took you anywhere, right?
- 20 A (Non-verbal response)
- 21 Q You would go some places, but J.L. was normally with  
22 you?
- 23 A Yes, ma'am.
- 24 Q Did you notice any weird touching between J.L. and  
25 Cliff?

A.E.

-Direct Examination

402

- 1 A Yes, ma'am.
- 2 Q Can you describe to the jury what you saw?
- 3 A I saw him touching her butt.
- 4 Q Where did you see him touching her butt?
- 5 A When we were laying on the couch. In the bedroom.
- 6 Q Do you remember which house that was at? Teague?
- 7 A The Teague Road.
- 8 Q Okay, so y'all were laying on the couch one time and  
9 you saw him touching her butt. Can you describe what  
10 you saw?
- 11 A What do you mean?
- 12 Q Like, how was he touching her butt? How were they?  
13 Where were they sitting? Where were you sitting?
- 14 A We were -- they were on the couch. Yeah, they were  
15 sitting on the couch and I was sitting on the floor  
16 watching a movie.
- 17 Q Would he touch your butt like that?
- 18 A No, ma'am.
- 19 Q You said -- did you say something -- you saw him touch  
20 her butt in J.L. 's room?
- 21 A Yes, ma'am.
- 22 Q That was the room -- was this at Beaver Dam or Teague?
- 23 A Teague and Beaver Dam.
- 24 Q Teague and Beaver Dam? So, let's talk about the Teague  
25 house. J.L. -- she had a room there, and so you saw --

A.E.

-Direct Examination

403

- 1 y'all were all in that room on that occasion?
- 2 A Yes, ma'am.
- 3 Q Where was everybody at in the Teague house, like, in  
4 the room? What kind of beds were there?
- 5 A They were bunk beds.
- 6 Q Okay, so where were you on the bunk bed or where was  
7 J.L. ?
- 8 A J.L. would be on the bottom bunk.
- 9 Q And where would you be?
- 10 A I would be on the top.
- 11 Q And where would Cliff be?
- 12 A He would be on the bottom with J.L. .
- 13 Q And how could you see them if you were on the top?
- 14 A 'Cause I would get down and go to the restroom and I  
15 would look at them when I come back to get back up on  
16 my bed.
- 17 Q And what would you see on the bunk bed with Cliff and  
18 J.L. ?
- 19 A I would see them up under the covers with each other.
- 20 Q What were they doing? Were they, like, cuddling?
- 21 A Yes, ma'am.
- 22 Q Would he do that with you?
- 23 A No, ma'am.
- 24 Q Did you have a tracker on your phone?
- 25 A No, ma'am.

A.E.

-Direct Examination

404

1 Q The Defendant never put a tracker on your phone?

2 A No, ma'am.

3 Q Did you ever see J.L. and Cliff go to the barn alone?

4 A Yes, ma'am.

5 Q We were talking about Snapchat. I guess you have  
6 Snapchat too since you said you saw J.L. 's story about  
7 him buying her clothes on Snapchat, right?

8 A Yes, ma'am.

9 Q So on Snapchat did your dad communicate with you via  
10 Snapchat?

11 A Yes, ma'am.

12 Q How many times?

13 A Not a lot.

14 Q Just a handful of times?

15 A Yes, ma'am.

16 Q He wouldn't regularly message you when you were in  
17 school on Snapchat?

18 A No, ma'am.

19 Q Who would you say you had a better relationship with;  
20 Cliff or Deanie?

21 A My step-mother, Deanie.

22 Q So when you were visiting your real dad at these homes  
23 on Beaver Dam and Teague Road, who would you spend most  
24 of your time with?

25 A My step-mother.

A.E.

-Direct Examination

405

- 1 Q Who would the Defendant -- who would Cliff be spending  
2 time with?
- 3 A J.L. .
- 4 Q Did you have to call your dad every day after school?
- 5 A No, ma'am.
- 6 Q Did your dad give you money before school?
- 7 A No, ma'am.
- 8 Q When you saw your dad touching J.L. on the butt those  
9 times, how did -- what did you think about that?
- 10 A I was confused.
- 11 Q Did you know what was going on?
- 12 A No, ma'am.
- 13 Q Do you understand what was happening?
- 14 A No, ma'am.
- 15 Q That wasn't happening to you at that time, right?
- 16 A No, ma'am.
- 17 Q You said they were cuddling on the bunk, that time when  
18 you saw him touch her butt?
- 19 A Yes, ma'am.
- 20 Q Or, you saw them cuddling on the bunk bed and then you  
21 saw them on the couch and he touched her butt, right?
- 22 A Yes, ma'am.
- 23 Q And do you remember how they were laying on the couch?
- 24 A They were laying sideways.
- 25 Q Do you remember -- were they kind of -- do you know

A.E.

-Cross Examination

406

1           what spooning means?

2    A       (No verbal response.)

3    Q       That might not be a good word, but who was on the back  
4           part of the couch?

5    A       Cliff.

6    Q       I guess J.L. was in front of him?

7    A       Yes, ma'am.

8    Q       They were on their sides?

9    A       Yes, ma'am.

10   Q       I guess he had his arms around her?

11   A       Yes, ma'am.

12   Q       And I guess you saw his hands go towards her rear --  
13           her butt?

14   A       (Non-verbal response.)

15   Q       You've got to say "yes" or "no".

16   A       Yes, ma'am.

17           MS. KEENEY: Nothing further.

18                           CROSS EXAMINATION

19   BY MR. WISE:

20   Q       Now, A.E. , you're actually on Snapchat?

21   A       Yes, sir.

22   Q       Correct?

23   A       Yes, sir.

24   Q       And you keep up with it today?

25   A       Sir?

A.E.

-Cross Examination

407

- 1 Q You keep up with Snapchat today?
- 2 A Yes, sir.
- 3 Q Did you go to Crybaby Bridge with everybody? There's
- 4 been some conversation about it.
- 5 A No, sir.
- 6 Q Excuse me?
- 7 A No, sir.
- 8 Q You didn't go?
- 9 A No, sir.
- 10 Q That was another group?
- 11 A I think so.
- 12 Q What would be some of the fun things that you would do
- 13 with Cliff?
- 14 A We would watch movies together, make popcorn together.
- 15 Q Watch movies there at the house?
- 16 A Yes, sir.
- 17 Q And go get popcorn and everything?
- 18 A Yes, sir.
- 19 Q And all the family would sit down and watch it.
- 20 A Yes, sir.
- 21 Q And that's what y'all did on a lot of the weekends that
- 22 you came over?
- 23 A Yes, sir.
- 24 Q Isn't it true that since May 16, 2017 that you have
- 25 followed Cliff on Snapchat?

A.E.

-Cross Examination

408

1 A Yes, sir.

2 Q You did? And this is what this picture illustrates,  
3 isn't it?

4 A I'm not sure.

5 Q Just that you had followed him.

6 A I had him on Snapchat. I didn't know he had Instagram.

7 Q You what?

8 A I added him on Snapchat.

9 Q You added him on Snapchat.

10 A Yeah. I didn't know he had Instagram.

11 Q You didn't know he --

12 A I didn't know he had a Instagram until my step-mother  
13 said block him.

14 Q So you had him on Instagram.

15 A No.

16 Q On Snapchat.

17 A Yeah.

18 Q Snapchat. Instagram is a different one. I don't do  
19 either, so... That's all right. So, you followed him  
20 on Snapchat. When was that? Sometime late last year?  
21 Do you remember exactly?

22 A Late last year.

23 Q Late last year? Some time after the beginning of the  
24 fall?

25 A Yes, sir.

A.E.

-Cross Examination

409

- 1 Q And you follow people on Snapchat for what purpose?
- 2 A It's actually just my friends.
- 3 Q Just your friends?
- 4 A Yes, sir.
- 5 Q When -- I do Facebook, all right? I don't do Snapchat,
- 6 all right? So, when you're following somebody on
- 7 Snapchat, if they post something you see it?
- 8 A Yes, sir.
- 9 Q So you can keep up with somebody that way.
- 10 A Yes, sir.
- 11 Q It's very similar to Facebook. I guess. I don't know.
- 12 A I don't have Facebook, so I don't know.
- 13 Q You don't have Facebook. All right. Now, you said
- 14 that when you saw Cliff on the bunk with J.L. you
- 15 thought it was weird.
- 16 A Yes, sir.
- 17 Q And you thought it was strange.
- 18 A Yes, sir.
- 19 Q Something you really hadn't seen before.
- 20 A Well, I have a couple of times.
- 21 Q Well, this was different.
- 22 A Yes, sir.
- 23 Q And so did you say something to Deanie about that?
- 24 A No, sir.
- 25 Q Did you say something to your mother about that?

A.E.

-Cross Examination

410

1 A No, sir.

2 Q So it wasn't strange enough or weird enough to speak to  
3 either one of them?

4 A No, sir.

5 Q That's correct?

6 A Yes, sir.

7 Q All right. You don't have any of those Snapchat  
8 pictures of any clothes that you say Cliff bought for  
9 J.L. , do you?

10 A No.

11 Q You and J.L. also would ride gocarts at Cliff's house.

12 A Yes, sir.

13 Q Correct?

14 A Yes.

15 Q I've seen a picture of it. It's a pretty good sized  
16 gocart.

17 A Yes, sir.

18 Q Would y'all ride it together?

19 A Yes, sir.

20 Q And that was kept out at the barn?

21 A It was mostly in the barn.

22 Q Excuse me?

23 A It was mostly in the barn when we weren't riding it.

24 Q Right. When you got through riding it you kept it in  
25 the barn.

A.E.

-Cross Examination

411

- 1 A Yes, sir.
- 2 Q Cliff did a lot of work in the barn?
- 3 A Yes, sir.
- 4 Q Are you familiar with the grandfather who lived at the  
5 house who died in January?
- 6 A Yes, sir.
- 7 Q You knew him; correct?
- 8 A (No verbal response.)
- 9 Q Oh, I'm sorry. I'm sorry.
- 10 (Whereupon, there was a brief pause in the  
11 examination.)
- 12 Q He was apparently a good man.
- 13 A Yes, sir.
- 14 THE COURT: A.E. , if you need a moment, don't be shy to  
15 ask for it. Are you okay?
- 16 WITNESS: I'm good.
- 17 MR. WISE: I apologize. I truly was not aware. It  
18 speaks a lot about him.
- 19 Q And Cliff used to help him out a lot around the house?
- 20 A Yes, sir.
- 21 Q Repairing stuff for him.
- 22 A Yes, sir.
- 23 Q Were they pretty tight?
- 24 A You could say that.
- 25 Q You could say that? I mean, they got along well?

A.E. -Redirect Examination

412

1 A Yes, sir.

2 MR. WISE: I would like to mark this just for  
3 examination.

4 MR. SCOTT: I haven't seen it yet.

5 MR. WISE: Excuse me.

6 (Whereupon, marked Defense Exhibit number 2 for  
7 identification.)

8 THE COURT: It's marked as 2, not in evidence.

9 Q So you enjoyed going over to the Beaver Dam Road house?

10 A Yes, sir.

11 Q You had some good times over there.

12 A Yes, sir.

13 Q You went just about every other weekend?

14 A Yes, sir.

15 MR. WISE: Thank you very much.

16 MS. KEENEY: Very briefly.

17 REDIRECT EXAMINATION

18 BY MS. KEENEY:

19 Q A.E. , he asked you when you saw your dad touch J.L. 's  
20 butt you didn't tell Deanie, did you?

21 A No, sir. I mean, no, ma'am.

22 Q It's fine. One of the reasons is that you were  
23 confused; correct?

24 A Yes, ma'am.

25 Q And you just didn't know what was going on.

1 MR. WISE: Your Honor, objection. Leading the witness.

2 Q Why were you confused?

3 A Because I didn't know what was going on. I didn't know  
4 why he was doing it.

5 MS. KEENEY: Thank you. Nothing further.

6 THE COURT: You can step down. Call your next witness,  
7 please.

8 MR. SCOTT: The State calls Deanie Eubanks.

9 MR. WISE: Your Honor, may we approach?

10 (Whereupon, a sidebar was held in the presence of, but  
11 out of the hearing of the jury.)

12 THE COURT: Ladies and gentlemen, after talking to the  
13 attorneys, the next witness may take a little bit. We're  
14 going to go ahead and break for the evening and this may be  
15 the best time to do that so we're not here until 7:00 or  
16 7:30. So, we're going to take a break for the evening. I'm  
17 going to ask -- I've got a hearing out of Aiken County that  
18 was assigned to me and that's supposed to be heard at 9:00.  
19 I anticipate that that matter will take 15 or 30 minutes.  
20 The attorney involved in that case is an out-of-state  
21 attorney who is coming from New York and it's been planned  
22 for weeks in advance. I have got to get this case resolved.  
23 So, y'all be back in the jury room at 9:30 and at that point  
24 we'll resume the trial of this case. Do have a pleasant  
25 evening. I keep hearing it raining outside and that's going

1 to continue. Rain makes things grow. Stay dry and have a  
2 good pleasant evening.

3 (Whereupon, the jury exited the courtroom at 5:33 p.m.

4 THE COURT: We'll be off the record in this case. At  
5 this point, Mr. Eubanks, you can stay out tonight. We'll  
6 resume with this case around 9:30. I'm sure Mr. Wise may  
7 want you here a little bit earlier than that. So, whatever  
8 time he wants you here just be here.

9 TRIAL DAY 3 August 2, 2018

10 THE COURT: We'll go back on the record in the State vs  
11 Mr. Eubanks. The Defendant is present with counsel and,  
12 Solicitor, you're ready with your final witness?

13 MR. SCOTT: Yes, sir.

14 THE COURT: Let's go ahead --

15 MR. WISE: Your Honor -

16 THE COURT: Yes, sir.

17 MR. WISE: One minute. When my client was here earlier  
18 this morning, he observed a juror trying to go into the  
19 advocacy office and it was one of the men. He was not  
20 admitted, but it just was suspicious looking. He doesn't  
21 know the name, but he could recognize him.

22 THE COURT: All right.

23 MR. WISE: And we can address it later, honestly.

24 MADAM CLERK: They come in from the back. I don't see  
25 how that would be possible. They go straight to the jury

1 room.

2 THE COURT: I am told that they now come in through the  
3 back. They no longer come in through the front entrance, so  
4 they technically go straight to the jury room. So they --

5 MR. WISE: We'll --

6 THE COURT: -- should not be --

7 MR. WISE: We'll address it if he can recognize him and  
8 he may be mistaken. I mean, I've been mistaken before.

9 THE COURT: Right.

10 MR. WISE: Secondly -- and this is something we can  
11 probably address later, too. But I was informed by Mr.  
12 Bentley yesterday -- and he was kind enough to give me a CD,  
13 but I never could find it, that there's some -- and then, to  
14 be honest, the State didn't know this until either yesterday  
15 or the day before. But there's something on one of these  
16 cell phones that allegedly is Mr. Eubanks' that they want to  
17 cross-examine about and I don't know if it's admissible in  
18 dealing with some web searches on a cell phone. I think Mr.  
19 Bentley's trying to print out a copy of what he's talking  
20 about, but I have not been able to find it on the CD.

21 THE COURT: All right. Let's handle it this way. Mr.  
22 Bentley is currently assisting Judge Hocker and is  
23 experiencing some computer problems. I don't think this  
24 testimony would be elicited -- I assume it would be elicited  
25 through the next witness. Maybe it's something that the

1 State intends to cross the Defendant on.

2 MR. SCOTT: Correct.

3 THE COURT: Let's move forward, if we could, with the  
4 trial and as a preliminary matter, Mr. Bailiff, would you  
5 ask -- did you help get everybody in this morning in terms  
6 of the jury?

7 BAILIFF: No. I have another Bailiff in the back.

8 THE COURT: Okay. If you could, ask that Bailiff just  
9 to step out before we bring the jury in. Okay?

10 MR. WISE: We can address that before he testifies. I  
11 just want to advise the Court of it.

12 THE COURT: Sure. I just want to make sure that all 13  
13 jurors were escorted to the jury room like they should have  
14 been and that hopefully will take care of the issue. Good  
15 morning.

16 BAILIFF: Good morning.

17 THE COURT: I had a quick question for you. When the  
18 jury arrived this morning -- and just for -- just for the  
19 record, could you give us your name again, please?

20 BAILIFF: Thomas Reames, Sr.

21 THE COURT: All right. When the jury arrived today,  
22 did all 13 go straight to the jury room?

23 BAILIFF: There was one that had a paper that they  
24 needed to turn in to the front office.

25 THE COURT: Okay. To the front office at the clerk's

1 office?

2 BAILIFF: Clerk's office. Right.

3 THE COURT: All right. And so, that gentlemen -- it  
4 was a male?

5 BAILIFF: He came back and straight into the jury room.

6 THE COURT: Okay. So he turned in the paper, and then  
7 he came back?

8 BAILIFF: Right.

9 THE COURT: Do you know what -- do you know what the  
10 paper was?

11 BAILIFF: No. I didn't examine the paper.

12 THE COURT: All right. Okay. Very good. Go ahead  
13 and, if you would, ask the jury to come in with us, please.

14 BAILIFF: All right.

15 THE COURT: It sounds like a juror may have gotten  
16 lost.

17 MR. WISE: That sounds like the problem. He took a left  
18 instead of a right.

19 THE COURT: It can be a maze back there to get out,  
20 so...

21 (Whereupon, the jury entered the courtroom at 10:15  
22 a.m.)

23 THE COURT: Ladies and gentlemen, thank you for being  
24 here this morning. I know some of you all were getting here  
25 about 9:05. When I rolled in, I saw you all. I apologize

Denise Eubanks-Direct Examination

418

1 for the delay in getting you out here at the hearing, but I  
2 anticipated taking only 30 minutes. It took a little bit  
3 longer. Again, that was a matter out of Aiken County. It  
4 was a re-sentencing matter from a case that arose in 1997  
5 and for obvious reasons, it was very, very important to get  
6 that matter done. It was assigned to me and I wanted to get  
7 that off of my plate. And so, it is now off my plate. It  
8 is done and it took about 30 minutes longer than I was  
9 expecting. Okay? So sorry about that and sorry about  
10 keeping you all waiting. You're still involved in the case  
11 of the State vs. Mr. Eubanks. We are still in the State's  
12 case in chief. So, Solicitor, if you would, call your next  
13 witness, please.

14 MR. SCOTT: Thank you, Your Honor. The State calls  
15 Denise Eubanks.

16 DENISE EUBANKS, having first been  
17 duly sworn, testifies as follows:

18 DIRECT EXAMINATION

19 BY MR. SCOTT:

20 Q Okay. Denise. Do you go by Denise or Deanie? Is that  
21 --

22 A I go by Deanie.

23 Q Okay. And, Deanie, we have gone through this, but your  
24 biological children are J.L. , L.L. and B.E. ; is that --

25 A Correct.

## Denise Eubanks-Direct Examination

419

- 1 Q And J.L. and L.L. have the same father?
- 2 A Correct.
- 3 Q And he is Josh Lyons?
- 4 A Yes, sir.
- 5 Q And then, you had a child with Cliff Eubanks and that
- 6 was B.E. ; is that right?
- 7 A Yes, sir.
- 8 Q And your step-daughters are A.E. , and then --
- 9 A Yes, sir.
- 10 Q -- her younger sister P.E. and those are the family
- 11 dynamics, right?
- 12 A Yes, sir.
- 13 Q Tell us about -- you know, we've talked about him and
- 14 he's not in court, but tell us about Josh Lyons. That is
- 15 J.L. and L.L. 's biological father.
- 16 A Josh Lyons hasn't been in the kids' lives. He's had
- 17 substance abuse issues. I don't really talk about it in
- 18 front of the kids. I don't to involve them in adult things.
- 19 But he's just not been around too much in their lives and
- 20 they've struggled with that through the years.
- 21 Q Okay. About how old was J.L. when Josh kind of hit the
- 22 road?
- 23 A When I was seven months pregnant with J.L. .
- 24 Q So she's really -- never really had him for any
- 25 extended period in her life?

## Denise Eubanks-Direct Examination

420

1 A No, sir.

2 Q Well, who was the father figure in their life, at  
3 least, before meeting Mr. Eubanks?

4 A My mother and Roger Lowe.

5 Q Who's Roger?

6 A Their grandfather and Josh's daddy.

7 Q Okay. So, at least, Josh's father kind of stepped up  
8 and he was there for them and your father is Papa?

9 A Yes, sir.

10 Q Okay. That's the one that -- even A.E. was close  
11 with Papa. We saw that yesterday.

12 A Yes, sir.

13 Q That's wouldn't necessarily be her blood grandfather,  
14 but she had formed a relationship with him, as well?

15 A Yes, sir.

16 Q And so, that was pretty -- how old was he when he  
17 passed?

18 A Seventy-something. I'm not exactly sure on his exact  
19 age.

20 Q Okay. But an older man? At least, old enough to be  
21 their grandfather?

22 A Yes, sir.

23 Q And tell us about the time in your life when you met  
24 Cliff Eubanks. You had been single for some time, I  
25 suppose?

## Denise Eubanks-Direct Examination

421

- 1 A Yes, sir.
- 2 Q The children had been without Josh in their lives?
- 3 A Yes, sir.
- 4 Q So tell us about that.
- 5 A We were doing a fundraiser to raise money for kids at  
6 dance and we would put on a spook trail. So at the time,  
7 Myspace was really popular and I put a post on Myspace  
8 stating that we were looking for volunteers to help set up  
9 to run the spook trail that coming October and he asked if  
10 he could help. He said he was going through a difficult  
11 time in his life and that he would like to help with the  
12 spook trail and I told him that that would be nice and I  
13 appreciated that and he started coming over and helping.
- 14 Q Okay. This is a Halloween thing?
- 15 A Yes, sir.
- 16 Q And --
- 17 A But it started months prior to that.
- 18 Q Setting it up and everything?
- 19 A Yes, sir.
- 20 Q And is it -- did you all do it at the Beaver Dam Church  
21 Road property?
- 22 A Yes, sir.
- 23 Q Okay. Were you living there at the time?
- 24 A I was.
- 25 Q And that property is owned by who?

1 A Paula and Jamie Wilson. My parents.

2 Q Okay. So the Beaver Dam Church Road property we're  
3 talking about is a family property? Your side of the  
4 family?

5 A Yes, sir.

6 Q And I was out there. It's got the corn fields and  
7 stuff. Is that where you all set up the spook trail?

8 A We set it up down in the woods past the barn.

9 Q Okay. And Cliff helped out with it?

10 A He did.

11 Q And you all sort of hit it off at the time?

12 A We began as friends, just talking. Neither one of us  
13 were ready in the beginning for a relationship, but over  
14 time, it did turn into a relationship.

15 Q Okay. Had he separated from Jennifer at the time?

16 A He had.

17 Q Okay. And -- well, let's get this out of the way. The  
18 lawyer called you a rebound. Did you consider yourself a  
19 rebound spouse for him?

20 A No, sir.

21 Q Okay. I guess, he considered you were just a rebound  
22 spouse there. That's what the --

23 A I suppose so.

24 Q But having not known that, that you were a rebound, you  
25 all did get married, I guess?

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- 1 A A year later.
- 2 Q Okay. Did you all move in before you all got married?
- 3 A Yes, sir. The children and I did.
- 4 Q Okay. And were the kids -- you and the kids were
- 5 living with him --
- 6 A Yes, sir.
- 7 Q -- on the Teague Road property, right?
- 8 A The next road over. Yes, sir. On Teague Road.
- 9 Q And that was his home before you guys got married; is
- 10 that right?
- 11 A That is correct.
- 12 Q Okay. And then, you all got married when?
- 13 A On September the 14th of 2010.
- 14 Q Okay. J.L. was born DOB ?
- 15 A Yes, sir.
- 16 Q So she was six, I guess, at that point?
- 17 A Yes, sir.
- 18 Q And you all moved into the Teague Road property. Tell
- 19 me about those early years of marriage with you, L.L. , Cliff
- 20 and J.L. .
- 21 A Well, me, Cliff, L.L. , and J.L. , and then A.E. and
- 22 P.E. would come over every other weekend.
- 23 Q Okay. Well, tell me about those earlier years. Was --
- 24 did the children have the father they were looking for, at
- 25 least, in your --

1 A I thought everything was perfect. Yes, sir. He took  
2 up time with them. I was working a lot and he had every  
3 weekend off. I worked off. So it was three on, two off,  
4 two off, three on. And he was always spending time with the  
5 kids, helping us taking them back and forth to dance, didn't  
6 complain, acted like he was excited to be a part of our  
7 lives and the kids' lives.

8 Q And so, having been a single mother, was it a big help  
9 having him?

10 A Extremely.

11 Q Because you were able to work and not worry about who's  
12 watching the kids or who's taking the kids here and there,  
13 and you talk about dance. Is it safe to say dance was a big  
14 part of your children's lives?

15 A Yes, sir.

16 Q We talked about J.L. , but L.L. , he was involved with  
17 dance, too, at the dance studio?

18 A L.L. started when he was one and J.L. started when she  
19 was one.

20 Q Okay. So that's all they've ever really known was the  
21 dance studio?

22 A Yes, sir.

23 Q Who paid for the dance studio?

24 A My mother, my father and my grandmother.

25 Q Okay. Did you ever ask Cliff, you know, I need you to

1 pay for dance studio?

2 A No, sir. And we didn't have to pay for tuition.

3 Tuition was free because I taught at the dance for over --  
4 at the dance shop for over 20 years.

5 Q Okay.

6 A So we never had to pay tuition for dance.

7 Q Tell us about this dance studio. What kind of dances  
8 did they teach?

9 A They teach tap, jazz, ballet, clogging, point,  
10 tumbling. Every variety of dance other than partner dancing  
11 like Latin or salsa. They don't teach any of that.

12 Q Do they teach strip tease?

13 A No. No, sir.

14 Q All right.

15 A Sorry.

16 Q So what about grinding in somebody's lap? Do they  
17 teach that?

18 A No, sir.

19 Q All right. But, anyway, that was a big part of her  
20 life. And tell me, at the time, physically, as far as  
21 development with J.L. , describe her as a little girl. Did  
22 she develop quicker than other girls?

23 A No, sir. As a matter of fact, J.L. could wear P.E. 's  
24 clothes. J.L. wore a size seven at 12-years-old --

25 Q Okay.

1 A -- because she only weighed 81 pounds.

2 Q All right. And -- okay. Do you recall her dressing  
3 provocatively or anything? Did you put her in provocative  
4 clothes?

5 A No, sir.

6 Q Okay. Let me ask you. At what point, in your  
7 recollection, do you teach the kids to bathe independently?

8 A About the age of five or six.

9 Q Okay. And when did you stop bathing J.L. ?

10 A J.L. was about five. She was -- she's always been a  
11 very smart young lady and as soon as she learned how to  
12 start rinsing the shampoo and conditioner out of her hair on  
13 her own, she was about five.

14 Q Okay. And so -- well, I guess that was before you even  
15 moved in with --

16 A Yes.

17 Q All right. So did you ever ask Cliff, I need you to  
18 monitor her while she bathes?

19 A Never.

20 Q Okay. Would there have been a reason to do that in  
21 your mind? To ask Cliff to be in the bathroom with her  
22 while she undressed and bathed.

23 A No, sir.

24 Q Okay. Well, tell me about your observations. All  
25 right? So now, he went from having the two girls to

1 suddenly, he's got four children.

2 A Right.

3 Q He's got three girls and a boy. You know,  
4 attention-wise, did he give them all equal attention in your  
5 mind?

6 A No, sir. We argued about that.

7 Q Well, when did -- I don't know if you can pinpoint the  
8 time, but when did it start that the balance kind of shifted  
9 as far as like equal attention with all the kids?

10 A Probably about the age of six or seven it started. We  
11 started arguing about that.

12 Q So early on? Because you said she was six when you all  
13 moved in together at the Teague Road place.

14 A Right.

15 Q So early on you --

16 A Early on. He would say that it's because she wanted to  
17 be around him, she liked to play the same games he did, that  
18 A.E. and P.E. were gone, he wanted to bond with his  
19 daughter and he wanted to be a father and J.L. wanted a  
20 father.

21 Q Okay. And so, on some level, was that good for you to  
22 hear as a mother?

23 A It was. She's never had that.

24 Q Yeah. And so, was it good to hear that he was wanting  
25 to spend time with her and shower her with his attention?

1 A With attention. Yes, sir.

2 Q You said that was an argument. Was that an on-going  
3 thing in your household?

4 A Yes, sir.

5 Q Okay. Even going into the Beaver Dam Church Road  
6 years?

7 A Yes, sir.

8 Q How long -- let's see. You all moved in --

9 A April the 1st.

10 Q Say again?

11 A I'm sorry. We moved in Beaver Dam on April the 1st.

12 Q Of what year?

13 A Of 2016.

14 Q Okay. So you lived at Teague Road about six years?

15 A Yes, sir.

16 Q And then, on April 1st of 2016, you moved into Beaver  
17 Dam Church Road. And what was the reason that you all left  
18 the Teague Road home and moved to -- in with your parents?

19 A Financial issues where I had a broken my neck and was  
20 unable to work and he had quit his job at Box USA for about  
21 six months or so. So we were in a little bit of a financial  
22 bind and we had to move in with my parents.

23 Q Okay. With the attention though, tell me the gist of  
24 those arguments.

25 A The gist of the arguments. The only thing we were

1     arguing about was attention or money, but I always said that  
2     each child deserves the same amount of attention and that no  
3     child should feel left out. So I'd always tell him, I  
4     understand you say that J.L. is here more, but that doesn't  
5     excuse the others. They need to feel the same amount of  
6     love as J.L. does.

7     Q     Did he acknowledge that he felt like, yeah, I am  
8     spending more time with J.L. or that --

9     A     No. He said I was making it up, that was not what he  
10    was doing, that I was seeing things that weren't there.

11    Q     Okay. And then, what did you say when he said it's  
12    just in your mind Deanie? What did you say?

13    A     I said, fine then. I said, I'll set up a camera, I'll  
14    show you and it became a joke and he'd say, I'm not spending  
15    more time with one child than I am with the other and I'd  
16    said, okay, I'll pull it out and I'll show you.

17    Q     So that -- and that's where the nanny-cam thing comes  
18    in?

19    A     Yes, sir.

20    Q     But what you're saying is it was always just a joke?

21    A     It was a running joke. He'd say he didn't do anything  
22    and I'd say, all right then, I'll go get it and I'll show  
23    you.

24    Q     Okay. And so, the joke or the gist of your joke was  
25    I'm going to set up nanny cams and I'm going to show you

1 that you are spending more time with J.L. than the other  
2 kids?

3 A Yes, sir.

4 Q But you were never serious about it?

5 A No, sir.

6 Q Can I ask you some personal questions?

7 A Sure.

8 Q Tell me about your sex life with this man.

9 A We had a great sex life until I broke my neck --

10 Q Okay.

11 A -- and then everything changed.

12 Q So he had no trouble achieving an erection?

13 A Before my wreck, no, sir.

14 Q Okay. And you had, in your mind, a healthy sexual  
15 relationship?

16 A Yes.

17 Q Okay. When was this wreck, because that was a big -- I  
18 mean, it was a serious wreck, was it not?

19 A It was in November of 2013.

20 Q Okay. Up to that point, you were working at the  
21 detention center?

22 A Yes, sir.

23 Q And tell us about the wreck.

24 A When I was rear-ended, they said that he was going  
25 about 55 miles an hour and never put on the brakes. It felt

1     like I was hit by three different cars and it broke my neck  
2     from C3 to C7.

3     Q     Okay. And tell us, what does one go through when they  
4     break their neck and they're in a wreck like that?

5     A     I didn't know that I broke it at the time. I went to  
6     the hospital that night and they told me that I had extreme  
7     whiplash. So at the beginning, I thought that it was just  
8     whiplash and I would try to take the medicine that they gave  
9     me, even tried to work, and it was very hard. Then on  
10    December the 27th, I couldn't move the left side of my body  
11    at all. I thought that I'd had a stroke. I didn't know  
12    what was going on. I was hurting so bad. I had no control  
13    over my left arm. I went to the ER and they told me that it  
14    must just be from the wreck. They didn't know. I ended up  
15    being sent to do an MRI and the gentleman that did the MRI  
16    told me to go home and lay down and wait for a surgeon to  
17    call me, that I had actually broke my neck and severed the  
18    nerves on the left side of my body.

19    Q     What were the treatments that you had to undergo for  
20    the broken neck?

21    A     Because of my insurance, they made me do a shot in the  
22    neck first. Usually, you have to wait two weeks after doing  
23    the spinal injection before they'll do surgery. The doctor  
24    called me the next day and said, did the surgery -- I mean,  
25    did the shot help and I said, no, sir, and he said, okay,

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1 we're going to do your surgery tomorrow. So we went in and  
2 they went into the front of my neck and put plates on the  
3 left side of my spine and tried to hold my spine back  
4 together.

5 Q Okay. How did this effect your life having spinal  
6 surgery and plates put in your neck?

7 A It was really hard. I couldn't hold a fork real good  
8 to feed myself, it was hard to walk, I was in a lot of pain.

9 B.E. was only one at the time. I couldn't hold her. I  
10 just went from being very active and working two jobs,  
11 teaching dance and working in a jail, to being in the bed.  
12 I couldn't do anything.

13 Q So you were bedridden for some extent of time?

14 A Yes, sir.

15 Q How long?

16 A Off and on for about two and a half years.

17 Q Okay. And so, if this happened in 2013, this was still  
18 at the Teague Road house?

19 A Yes, sir.

20 Q And so, did you have to rely even more on Cliff at that  
21 time?

22 A I did. Yes, sir.

23 Q Did you find him to be supportive and helpful?

24 A In the beginning. I'd say maybe in the first month or  
25 so, and then it seemed to make him angry that he had to do

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1 more. He didn't mind helping with J.L. , but if he had to go  
2 pick up L.L. or if he had to take B.E. somewhere for me,  
3 then it caused an argument.

4 Q Well, to be fair, I mean, that was a lot of  
5 responsibility that suddenly got lumped on him.

6 A Yes, sir.

7 Q But after a while, he resented that is what you're  
8 saying?

9 A Yes, sir.

10 Q Except for when it came to J.L. ?

11 A Yes, sir.

12 Q Give me examples. Well, we all want examples of --  
13 what did he do?

14 A Well, I guess, L.L. had a band practice after school or  
15 whatever because he's always been involved in band or dance  
16 or something like that and my mom couldn't go pick him up  
17 because I couldn't drive anymore -- they wouldn't let me  
18 drive, obviously, but my mom would have to go get him and on  
19 some days, she was just tired because she has fibromyalgia  
20 and rheumatoid arthritis. So I would ask him to go pick up  
21 L.L. and bring him home and he didn't want to do that. He  
22 got angry. Or if B.E. was still at the dance shop and L.L.  
23 and J.L. were there also, but her classes were over, I'd ask  
24 him to come by and pick up B.E. and go ahead and bring her  
25 home because he'd be going home to cook dinner anyway. So

1 I'd say, just come get B.E. and get her out of -- you know,  
2 from jumping up and down like a jungle gym and bring her  
3 home and cook dinner and he'd get frustrated with that. He  
4 didn't want to do that.

5 Q Okay. But you're saying that was not the case when it  
6 came to J.L. and asking him --

7 A No.

8 Q -- to do things for J.L. ?

9 A Not at all. He would do whatever was needed for J.L. .  
10 If he was going somewhere, she was going with him and he  
11 invited her to come.

12 Q Okay. Now, at the time, was this suspicious to you or  
13 -- and I know I'm asking you to go back and think about,  
14 Deanie, from two and three and four years ago, but how did  
15 you rectify that in your mind? How did you justify him  
16 spending -- or never complaining about doing things with  
17 J.L. and giving and wanting and doing things with J.L. ?

18 A He explained it so well. He would say that he never  
19 had a relationship with A.E. and P.E. . J.L. liked  
20 football, J.L. liked working with her hands and working on  
21 lawnmowers or weed eaters or helping put the deck together  
22 and I thought that it was things that she really enjoyed  
23 doing. So I never thought another way and plus, I didn't  
24 think that he could get an erection, so I never thought that  
25 it was sexual.

1 Q Okay. Well, tell us about that because we just talked  
2 about, before the wreck, he could get an erection and you  
3 all would have sex regularly --

4 A Yes.

5 Q -- early on in the relationship --

6 A Yes.

7 Q -- and now, you're saying he couldn't get an erection.  
8 Why did you come to believe that?

9 A Because he started having high blood pressure issues.

10 Q Okay.

11 A One of his testicles had separated --

12 Q Okay.

13 A -- and whenever -- if anybody's been to Dr. Bradley's  
14 office, whenever a patient goes back, only the patient can  
15 go back. She won't let the family go back with them. So  
16 whenever he would go to Dr. Bradley's office to see her, he  
17 would say that he did blood work and that his testosterone  
18 level came back at zero and that he couldn't get an erection  
19 and I'd say, well, I don't care, I love you. You know, I'd  
20 say, it's really okay, you know, and I could live the rest  
21 of my life without sex as long as we're together, you know,  
22 as long as we love each other and this is what we both want.  
23 And then, he would say, well, we're going to work on that,  
24 but I've got to get my blood pressure down before I could  
25 have any medications given to me for my sex drive, which

1 made sense to me. Plus I went to Faith Christian and our  
2 sex ed. was Song of Solomon. So I didn't really have much  
3 to refer that to.

4 Q I want to get back to that, but --

5 A Okay.

6 Q So did he ever show you any medical charts or anything  
7 showing that he had a zero testosterone level?

8 A He never brought home any paperwork and I had no reason  
9 to question him. I never saw any type of erection during  
10 that time anyway. So I had no reason to believe that what  
11 he was telling me wasn't true.

12 Q Well, what was that? Was it because you all were not  
13 being physical with one another?

14 A Not at all.

15 Q Okay. When did that stop?

16 A January the 1st of 2013 was the last time that we had  
17 intercourse.

18 Q How do you know that?

19 A Because it kind of became a joke with us. Like we'd  
20 say we're going to have sex at midnight because if you're  
21 having sex at midnight, then you'll have a good sex life the  
22 entire year, so...

23 Q Okay. So January 1st, New Years Day, of 2013. That's  
24 how you remember it because --

25 A Yes, sir. It was -- I'd had my wreck, but it was a

1 tradition of ours.

2 Q Okay. So it was after your wreck or pretty much around  
3 the time of your wreck, but he just came up with the I have  
4 zero testosterone story for you?

5 A High blood pressure and his testicle had separated.

6 Q How did his testicle separate?

7 A I don't know much about that, but it just separated in  
8 the sack.

9 Q You were talking about -- and we've talked before, have  
10 we not?

11 A Yes, sir.

12 Q And you mentioned just a minute ago, you've mentioned  
13 it before, your sex education is reading the Song of  
14 Solomon?

15 A Yes, sir.

16 Q Okay. And who was it -- was it your parents that said  
17 this is all you need to learn sex ed?

18 A Ms. Noals at Faith Christian School.

19 Q Okay. But did your parents have that conversation with  
20 you when you were younger?

21 A They would try, but I would giggle and walk away.

22 Q And then, with your own children, how did you teach  
23 them the birds and the bees.

24 A Abstinence.

25 Q Okay. Well, what I mean is, at what age --

1 A I told them the same thing. Read Song of Solomon.

2 Q Well, at what age did you tell your kids you need to  
3 read the Song of Solomon? How old was J.L. of age when you  
4 began telling her about sex?

5 A She's never really asked any questions. Probably, this  
6 year. Since everything's came out, she's started asking a  
7 little bit more and confused about some things.

8 Q Now, did you -- let me ask you. Did you find that you  
9 and Cliff would argue a lot?

10 A I didn't think it was excessive. We would argue some,  
11 but before my wreck, no. After my wreck is when we had  
12 started arguing, but I didn't think it was bad.

13 Q Would you say a normal amount of arguing, at least --

14 A Yes. I mean, we were still telling each other every  
15 day that we loved each other, that we missed each other,  
16 sending each other songs. I mean, we talked several times  
17 throughout the day. I thought we were just a normal married  
18 couple that had disagreements.

19 Q Okay. So -- well, on the day everything comes to  
20 light.

21 A Yes.

22 Q The day before, were you contemplating separating from  
23 -- what's his name?

24 A Cliff.

25 Q Cliff. Were you talking about separating from him?

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1 A No, sir. I still have all the text messages and  
2 everything.

3 Q I'm going to get to that. But if they get up here and  
4 say you all were arguing, you had it out for him, you wanted  
5 him out of your life, was that the case?

6 A No, sir.

7 Q Okay. So when you talk about arguing, is it like a  
8 normal married couple or were you all just arguing everyday,  
9 all day?

10 A No. It was like a normal married couple. We didn't  
11 really argue about anything of any substance. I mean, we  
12 had money issues. What marriage doesn't? And then, I  
13 fussed about spending the same amount of attention with each  
14 child, but that was it.

15 Q And then -- well, tell -- you actually got a little bit  
16 of a windfall from your wreck, didn't you?

17 A Yes.

18 Q You got some money?

19 A I did.

20 Q And was it an insurance payout from the other driver?

21 A It was.

22 Q Okay. So you got money from that. Of course, you had  
23 medical bills, I guess?

24 A Yes, sir. But it was taken out of the money that I was  
25 given --

1 Q Okay.

2 A -- which was 98,000, was after everything had been  
3 taken out.

4 Q So really, what actually were the money problems if  
5 you're living with your parents? Were you all paying a  
6 mortgage there?

7 A No, sir.

8 Q Did he sell the Teague Road home?

9 A He did, but I never saw any of the money.

10 Q Okay. Well, that's -- he doesn't have to worry about  
11 that. He's not making a payment on that house. You're  
12 living with your parents, no mortgage, right?

13 A Yes.

14 Q Now, I understand you're not working, but he's working,  
15 right?

16 A Correct.

17 Q And then, you've got \$98,000?

18 A Correct.

19 Q So what were the money issues?

20 A I didn't think there were any.

21 Q Well, you said you all argued about money. What were  
22 the arguments?

23 A If I went to the gas station and bought the kids  
24 snacks, he would get an alert on his cell phone and he call,  
25 why did you spend \$15 at Hotspot, you need to watch the

1 money more closely. I was like, the kids needed snacks  
2 before dance and they just got out of school. So that's the  
3 kind of things that we would fuss about.

4 Q Okay. Well, that doesn't sound like a big argument.

5 A No, sir.

6 Q He was concerned about money, I guess, even though it  
7 was fairly minor expenditures like that, he was still  
8 concerned about it?

9 A Yes, sir.

10 Q Were you going out and blowing a bunch of money on  
11 extravagant gifts or anything?

12 A It was right around Christmas time, we had both made  
13 decisions together on what to get the kids. But other than  
14 that, no, sir. I never made a decision on money without  
15 him.

16 Q I want to cover everything I've heard the Defense  
17 mention. They talked about a dog. Do you remember J.L.  
18 wanting a dog and him saying no?

19 A J.L. did want a dog, but it wasn't him that was saying  
20 no, it was me that was saying no because I knew that with my  
21 neck and everything, that I couldn't take on another  
22 responsibility at that time.

23 Q So you're saying the dog was kind of a co-parenting  
24 decision?

25 A Correct.

1 Q You and he said no dog? We don't --

2 A He wanted a dog, as well, to be honest. He had kind of  
3 pressured me some on that, but there was no way that I could  
4 take on another animal at that time.

5 Q What about -- did you know that he was giving J.L.  
6 money every day before school?

7 A No, sir.

8 Q Did she need money at school?

9 A No, sir. She had a free lunch.

10 Q Okay. Tell us about the driving to kids to school  
11 situation. You can't drive. I can understand that.

12 A Right.

13 Q How did B.E. and L.L. get to school?

14 A My mom would take them.

15 Q Okay. How would J.L. get to school?

16 A Cliff would take her in her sixth grade year.

17 Q How did that decision come to be that these two kids  
18 are going to ride with grandma --

19 A Right.

20 Q -- and J.L. was going to ride with Cliff?

21 A There was a time she was fighting and not really  
22 wanting to go to school. She'd cry everyday and make it  
23 really hard to get out of the car. Plus, J.L. is not a  
24 morning person. She was terrible and still is terrible to  
25 get up in the mornings. So it kind of took some of the

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1 weight off of my shoulders. He would -- he offered to take  
2 her to school and I agreed --

3 Q Did he say --

4 A -- and said that would be fine.

5 Q Okay. Did he say I'm going to take L.L. , too, while  
6 I'm at it?

7 A No. He told me that the reason he didn't take L.L. was  
8 because L.L. didn't have to be at the high school until  
9 later and there was no point in taking him that early. He  
10 had no friends to hang out with that early at the high  
11 school.

12 Q Even -- like look. Even that -- that excuse, did that  
13 set off any red flags to you at the time?

14 A No. It didn't.

15 Q Okay. Where's great-grandma this week?

16 A She's at home. She's 85.

17 Q Okay. Tell us about great-grandma because on Beaver  
18 Dam Church Road great-grandma, your mom, Cliff, J.L. , L.L.  
19 and you all lived under one roof?

20 A And my father.

21 Q And your father while he was alive?

22 A Yes, sir.

23 Q Great-grandma, we've heard about her sitting in the  
24 livingroom and watching TV. She cuts the volume up. Is she  
25 hard of hearing?

1 A She is. She has a hearing-aid, but she doesn't always  
2 remember to turn it on.

3 Q Okay. But she's not here today; why?

4 A She has health issues. Her feet swell really bad,  
5 asthma issues. She usually sits around the nebulizer doing  
6 breathing treatments.

7 Q Does she move all around the house very often?

8 A No. Her feet swell so bad and she has problems with  
9 her knees, so she sits at her recliner, watching TV.

10 Q Tell us about church on Sundays. Your sex ed. was the  
11 Song of Solomon. Did you go to church on Sundays?

12 A Yes, sir. We went to Beaver Dam Baptist Church.

13 Q Okay. Well, you can almost ride a bike up there, can't  
14 you?

15 A Yes, sir.

16 Q All right. So I assume it would have been you, L.L. ,  
17 Cliff and J.L. on any given Sunday?

18 A No, sir.

19 Q Why not?

20 A Because he would be doing -- he said he worked all  
21 during the week and he was tired and exhausted and on  
22 Saturdays and Sundays, he wanted to be around the house  
23 doing odds and end jobs. He was always outside working on  
24 anything and everything. So he said J.L. liked to build  
25 things and L.L. was lazy and didn't want to do anything, so

1 he told me that he needed J.L. to stay and help outside  
2 while we went to church.

3 Q Okay. Did that excuse -- did that reasoning set off  
4 any red flags at the time to you?

5 A Not at all. And J.L. , like I said, was not a morning  
6 person and I'm not either, to be honest, so it kind of made  
7 it easier not having to fight with her to get up in the  
8 mornings.

9 Q Did you know of any large tupperware containers holding  
10 pornography?

11 A No, sir. I didn't.

12 Q Okay. You had no knowledge of that?

13 A No, sir.

14 Q Where was -- where was Cliff working last year?

15 A At Blue Eagle Rental in Simpsonville off of 385.

16 Q Okay. And what did he do there? It's a rental  
17 company?

18 A It's a rental company. He would lease out or rent out  
19 large equipment, I guess, like tractors and big forklift  
20 industrial things for big jobs.

21 Q He make good money?

22 A He made really good money.

23 Q Okay. All right. Around this time -- I'm talking --  
24 we're in Beaver Dam now and you've had your wreck. What's  
25 going on with J.L. , physically speaking? Are you noticing

1 anything, any kind of changes in J.L. ?

2 A She wasn't wanting to eat, she would complain with  
3 headaches a lot and belly aches and I had problems with her  
4 not wanting to take a shower. I didn't understand why, so I  
5 would fuss at her and tell her little girls need to wash, we  
6 have to, especially after dance all day and school. She  
7 would come home after dancing all day and want to go lay  
8 straight in her bed and go to sleep. She wouldn't want to  
9 talk.

10 Q Did you seek treatment for her?

11 A I did. I brought her to the doctor several times about  
12 that.

13 Q Okay. Well, tell us about the bathing. I mean, is it  
14 just she missed one night maybe?

15 A She would go a week without taking a bath and trying to  
16 explain little girls need to take a bath if not every day,  
17 every other day, but with her dance schedule and school and  
18 how active she was, I tried to tell her you don't want  
19 people to think that you stink or that you're dirty.

20 Q And then, the stomach aches --

21 A And she wouldn't want to brush her teeth either.

22 Q Not brushing her teeth? And then, the stomach aches  
23 and she was tired?

24 A Yes, she was exhausted. Just black bags underneath her  
25 eyes.

1 Q Well, what was going on that she wasn't sleeping well?

2 Did she complain about not sleeping?

3 A She just said that she had head aches and couldn't

4 sleep good or her tummy was aching and I thought maybe she

5 was getting close to her menstrual cycle and that's why she

6 was having tummy aches.

7 Q Did that set off any red flags at the time?

8 A No. I still didn't think he could do anything

9 sex-wise.

10 Q Did you put her in counseling?

11 A Yes. Well, I put her in counseling one time. Like in

12 counseling, but, yes, sir.

13 Q Were you trying to get to the bottom of what's going on  
14 here?

15 A Yeah. Just trying to figure out. I had threatened to  
16 take dance away, the doctor had threatened to enter her into  
17 the hospital and run a tube up her nose and she didn't --

18 MR. WISE: Objection, Your Honor. That would be  
19 hearsay.

20 MR. SCOTT: It's the medical treatment. It's not going  
21 into any truth of the matter asserted.

22 THE COURT: All right. Overruled.

23 Q The doctor said he's going to put a tube up her nose if  
24 she didn't start eating?

25 A Yes.

1 Q You made her see a counselor. What about a  
2 pediatrician? Did you take her to a pediatrician?

3 A She had gone to the pediatrician several times.

4 Q What about, did you ask her, J.L. , what's going on?

5 A Several times. I tried to make things that I knew that  
6 she liked like macaroni and cheese or grilled cheese.  
7 Anything just so she would try to eat. I'm sorry.

8 Q Deanie, how could you not have known? You're the mom.  
9 How could you not have known this was going on in your  
10 house? I'm going to ask it because he's going to ask it.  
11 How did you not know? That's what he's saying. It didn't  
12 happen because you didn't see it.

13 A I feel so bad every day. We have one job in life as  
14 parents, we have to keep our babies safe and I've done the  
15 whole counseling thing where they tell you it's not your  
16 fault, but how could I not have known? After listening to  
17 that lawyer yesterday, she explained my daughter to a tee  
18 and now I know this happened, but if you're not looking and  
19 you don't think that the person that you love and that you  
20 think loves you and loves your babies could ever hurt them.  
21 How could you see? How could you know? I'm sorry.

22 Q Now, I want to ask you. At the same time, L.L. was  
23 having issues, too, was he not?

24 A He was.

25 Q All right. And we heard testimony. A lot of deaths in

## Denise Eubanks-Direct Examination

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- 1 the family --
- 2 A Yes, sir.
- 3 Q -- including your father?
- 4 A Yes, sir.
- 5 Q Did that hit everybody hard?
- 6 A Really hard. My dad was my rock.
- 7 Q And so, do you remember the day at Gilchrist -- May
- 8 16th, do you remember taking L.L. up there?
- 9 A I do. Actually, his appointment was the week prior.
- 10 We went on May the 16th because she asked to talk to me.
- 11 Q Okay. And you remember L.L. talking about his issues
- 12 that he was dealing with, and then J.L. 's name came up is
- 13 what we heard?
- 14 A Yes, sir.
- 15 Q At the time -- at the time, was J.L. somebody that you
- 16 thought her name would come up in a conversation about L.L. ?
- 17 A Not at all. She asked if I could come in, that L.L.
- 18 was worried that I wasn't handling the death of my dad too
- 19 good, so I'd agreed. Mom had to drop me off because, you
- 20 know, I can't drive and she was going to pick up J.L. and
- 21 come back and get me. So I talked with Ms. Kim for a second
- 22 and she asked if J.L. was there and I thought, why do you
- 23 need J.L. , and she said, well, L.L. brought up some things
- 24 in Counseling and I'd just like to speak with her a minute
- 25 if you don't mind, and I was like, well, maybe she's

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1 struggling about my dad, too, because she was really close  
2 to him. So I said, yeah, they're probably out in the  
3 parking lot, I can run out there and get her right quick if  
4 you'd like, and she asked me to, so I went out there and got  
5 J.L. . Then, I came in and I said, this is my friend Kim,  
6 we've been talking about some stuff and she'd like to ask  
7 you some questions.

8 Q Are you --

9 A Sorry.

10 Q Do you know what road you all are about to go down at  
11 that point?

12 A I had no clue.

13 Q And that day, J.L. was actually scheduled to be at a  
14 dance recital?

15 A Well, it's been called a recital several times, but  
16 it's a tumbling expo at the dance shop. It's just where the  
17 kids show their parents and friends everything they've  
18 learned throughout the year and they get a little medal for  
19 it.

20 Q Okay. And so, you had to take her away from that to go  
21 talk with Ms. Kim?

22 A It wasn't time for that yet. We still had a little  
23 while for that to start up. So we were --

24 Q Okay. And was Cliff and his mom supposed to be at the  
25 tumbling expo?

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1 A Yes.

2 Q His mother or anybody in his family, had they  
3 expressed, you know, to you that Cliff is spending a lot of  
4 time with J.L. ?

5 A His mother, Elizabeth, had told me, well, why does he  
6 spend so much time with J.L. and not the rest of the kids?

7 Q Because J.L. 's not really -- I guess, that's just her  
8 step-grandchild?

9 A Yes. But she was really close with L.L. and J.L. .

10 Q Okay. She -- you know, A.E. and P.E. are her --

11 A Her --

12 Q -- granddaughters?

13 A Yes. And B.E. .

14 Q And so, rightfully, if she's thinking, you know, why is  
15 --

16 MR. WISE: Objection, Your Honor. He's leading the  
17 witness.

18 THE COURT: Why don't you rephrase, if you could,  
19 please.

20 Q Do you have anything else to say about your  
21 conversation with Ms. Eubanks?

22 A She had just said that she didn't understand why he  
23 spent so much time with J.L. and not the rest of the kids.  
24 She always doted on L.L. and how good of a kid he was and,  
25 you know, they could get outside and work on things together

1 and she used to talk about how good I was to him and would  
2 say, if I was you, I'd just leave him, he's not treating you  
3 the way you need to be treated.

4 Q His mom told you that?

5 A Yes.

6 Q But you weren't wanting to leave him, were you?

7 A No.

8 Q As a matter of fact, the day of the counseling trip  
9 with Ms. Kim Little, was Cliff -- were you and Cliff texting  
10 one another?

11 A Before that, yes, sir.

12 Q Did --

13 A All day, every day. We always did.

14 Q And what were the texts that you all would sent each  
15 other?

16 A I love you, I miss you, we sent the song H.O.L.Y to  
17 each other and talked about that we could see each other  
18 later on that day and, I mean, just everyday, all day,  
19 that's the kind of things that we would send to each other.

20 Q So you all were doing that every day after seven years  
21 of marriage?

22 A We both wanted -- or I thought, to stay committed to  
23 the marriage and we wanted to make it work. We didn't want  
24 to break up our home.

25 Q That's your cell phone?

- 1 A Yes, sir. It is.
- 2 Q Do you still got the texts from that day between you  
3 and Cliff?
- 4 A Yes, sir. I do.
- 5 Q So what did you tell him? Just the last few before --
- 6 A Okay. I put turn on Whistle 100, and then I sent him  
7 that song H.O.L.Y by Florida Georgia Line. He said --
- 8 Q I don't know the song. What's that song?
- 9 A It talks about holy, holy, holy I'm high off loving  
10 you, just a heart-felt love song.
- 11 Q That's a sweet thing to send to your husband.
- 12 A Yes, sir.
- 13 Q And then, what did you say?
- 14 A He said, I love that song with a smiley face and I  
15 said, I was trying to be sweet and romantic, but laugh out  
16 loud. He said, what, I said I know you was, I didn't mean  
17 to sound rude, laugh out loud, I just said I love that song  
18 and I love you.
- 19 Q He said that?
- 20 A Yes, sir.
- 21 Q You all sound like a sweet couple.
- 22 A I thought we were.
- 23 Q It doesn't sound like you all were having any major  
24 strife.
- 25 A No, sir.

1 Q And what day was that?

2 A THat was May the 16th --

3 Q When was that --

4 A -- at four o'clock in the afternoon -- no, I'm sorry.

5 Estimated, it started around 12 o'clock -- at 12:45 p.m. I

6 believe that's when we starting sending each other.

7 Q You sound like a loving couple. Now, you all are in

8 there with Ms. Kim and J.L. makes this disclosure. Tell me

9 your reaction when he -- she starts talking about some of

10 these things.

11 A When she first starting talking and starting saying

12 that he was touching her and things, I never said anything,

13 but I was sitting there, why is she saying this, why is she

14 lying. And I know that sounds terrible and I'm sorry, but I

15 was thinking, how could you say that about him after

16 everything he does for you. And then, she started talking

17 about what he would do to her, kissing her on her neck and

18 her ear, and then playing with her breasts, and then going

19 down and there's certain things between a husband and wife

20 that only a wife would know.

21 Q What do you mean by that? Was that his MO? Did he do

22 those things? Is that kind of foreplay for him with you?

23 A Every single time.

24 Q So put us in a Cliff Eubanks sexual situation. All

25 right? He's ready to have sex. What is his kind of step by

1 step process?

2 A He started off by kissing --

3 MR. WISE: Your Honor, I don't know if this is really  
4 admissible because, basically, it's kind of basic.

5 MR. SCOTT: Basically, it's basic. That is not an  
6 objection that I understand at all.

7 MR. WISE: I mean, it doesn't -- it doesn't -- what I'm  
8 saying is it doesn't show unique habit.

9 THE COURT: All right.

10 MR. SCOTT: It shows an MO.

11 THE COURT: All right. Overruled. Go ahead.

12 Q All right. So Cliff is getting ready, you know, he's  
13 feeling it. What does he usually do with you whenever he  
14 was having sex with you before your wreck?

15 A Right.

16 Q Tell me how he'd go about it.

17 A He'd kiss me on my neck or on my ear, and then he'd  
18 always play with my breasts or rub on my breasts, and then  
19 he would use his hand and go down --

20 Q Okay.

21 A -- and play with things -- play with my vagina.

22 Q Okay. And so, you're hearing J.L. describe these  
23 things and what is the reaction? What reaction do you have  
24 at that point?

25 A I'm thinking, that's things that no kid would ever know

Denise Eubanks-Direct Examination

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1 that a grown man --

2 MR. WISE: Objection, Your Honor. This conclusion is  
3 totally improper.

4 THE COURT: All right. Sustained. Ladies and  
5 gentlemen of the jury, please disregard that last answer.

6 Q Now, do you remember Kim Little calling law  
7 enforcement?

8 A I do.

9 Q And do you remember law enforcement showing up?

10 A I do.

11 Q Do you remember Cliff Eubanks showing up?

12 A I never saw him.

13 Q Okay. Did you know that he showed up?

14 A Ms. Kim had told me that he had shown up on site.

15 Q Did you have a tracker on J.L. 's phone?

16 A No, sir.

17 Q Okay.

18 A I didn't even know there was a such thing.

19 Q Okay. So you didn't know that he was tracking your  
20 daughter?

21 A No, sir.

22 Q Do you remember going to the interview -- first of all,  
23 let me ask you this. How was J.L. after disclosing all this  
24 stuff? Was she smiling and happy or what was she -- what  
25 was her --

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1 A She was -- she was crying. She said she felt

2 disgusting and she was telling me that she was --

3 MR. WISE: Objection, Your Honor. That would be

4 hearsay.

5 MR. SCOTT: Okay. Yeah.

6 Q Don't -- let's not talk about what she said

7 necessarily, but what was her demeanor?

8 A Sad.

9 Q And then, do you remember going to interview with Jared  
10 Hunnicutt?

11 A I do.

12 Q And what happened? I guess, he asked what happened and  
13 she had to give her version of the story again?

14 A Yes, sir.

15 Q Okay. And who all's in the room? Do you remember?

16 A It was Mr. Hunnicutt, he had come on the back porch. It  
17 was J.L. , myself, and Mr. Hunnicutt on that -- where we  
18 talked to her at that point. He asked her if she was  
19 willing to tell him what happened --

20 Q Okay.

21 A -- and she wrote it.

22 Q She wrote it. Was that a fun time? Was that a  
23 pleasant experience?

24 A No.

25 Q Okay. And about how long did that last? Do you

## Denise Eubanks-Direct Examination

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1 remember how -- and you all were at the Sheriff's

2 Department?

3 A No. He came out to our home --

4 Q Okay.

5 A -- on Beaver Dam Church Road.

6 Q And then, had she ever met Jared Hunnicutt before?

7 A No.

8 Q Okay. And then, she had to tell these things to him?

9 A Yes.

10 Q And then, do you remember the forensic interview --

11 A Can I explain -- I just remembered and I wanted to  
12 explain. J.L. had a friend named friend , I can't remember  
13 her last name, that was -- that was Hunnicutt's  
14 step-daughter. She had gone over there once before, but as  
15 far as talking to him, they stayed up in friend 's room and  
16 she ended up calling and asking that I come pick her up  
17 because she didn't like being away from home.

18 MR. WISE: Objection. She has no clue of knowing of  
19 what went on in a house she wasn't in.

20 MR. SCOTT: I think it's fairly irrelevant.

21 Q Well, what I was asking you was, Mr. Hunnicutt came  
22 over to your house?

23 A Yes.

24 Q A male --

25 A Correct.

## Denise Eubanks-Direct Examination

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- 1 Q -- in uniform --
- 2 A Correct.
- 3 Q -- and she's having to talk about sexual abuse and her  
4 private parts and stuff like that?
- 5 A Correct.
- 6 Q Was that a fun time?
- 7 A It made her very uncomfortable and upset.
- 8 Q Now, you remember the forensic interview with Heather  
9 Bennett. Do you remember --
- 10 A Yes, sir.
- 11 Q Where was that?
- 12 A It was at Greenwood Beyond Abuse.
- 13 Q Okay. Do you remember taking her and do you remember  
14 about how long that lasted?
- 15 A It seemed like forever. I'm sure it was about an hour,  
16 an hour and a half or so.
- 17 Q Okay. Do you remember taking her to see Dr. Pritchard?
- 18 A I do.
- 19 Q Did you know what that exam entailed?
- 20 A They had pre-warned me that it would be very hard on  
21 J.L. , but they said they would try to be as quick as  
22 possible with all the stuff.
- 23 Q When she came out, did she talk how fun it was or  
24 anything like that?
- 25 A No. She came out crying.

Denise Eubanks-Direct Examination

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1 Q Samantha Black. Do you remember when she testified  
2 yesterday?

3 A Yes, sir.

4 Q Do you remember the, she said, 15 sessions she had with  
5 J.L. ?

6 A You're right.

7 Q Okay. And where would they meet?

8 A At Greenwood Beyond Abuse.

9 Q Okay. And how far away is that? What kind of drive  
10 was that for you guys from Beaver Dam Church --

11 A It was terrible. It's about an hour drive. It's about  
12 -- I think it's about 25 miles or so and it was just  
13 difficult on the kids.

14 Q How long were the sessions?

15 A About an hour per session.

16 Q Okay. So 15 of those. Do you recall if that's  
17 something you all looked forward to doing?

18 A No, sir. I'd have to get the kids up. Sometimes  
19 they'd fuss and grovel and not want to go, so I'd let them  
20 go in their pajamas and I wouldn't make them brush their  
21 hair just to try and make it a little bit easier to get them  
22 to go.

23 Q And how many times have I had to meet with J.L. ?

24 A Several.

25 Q All right. You all have had to come up here, I've had

## Denise Eubanks-Direct Examination

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1 to go to your house?

2 A Yes, sir.

3 Q How has she been after I leave?

4 A It's hard for her. She doesn't -- she doesn't like  
5 talking about it period, but it's difficult to talk in front  
6 of males.

7 Q Has she been having fun this weekend?

8 A No. I've been having to fight with her every morning  
9 to -- this one is a child that just doesn't want to get up  
10 in the morning is another thing. When you see their heart  
11 breaking --

12 Q All right. I want to ask you -- we discussed it a  
13 little bit. Tell me some of the changes you've seen in J.L.  
14 over the last year.

15 A J.L. 's put on about 25 to 30 pounds, she takes showers  
16 almost every day and I have to fuss with her about brushing  
17 her teeth, she went from having to do summer school several  
18 years and failing school to straight A's and B's, she smiles  
19 so much.

20 Q After -- after Cliff left the home, did you find some  
21 stuff in her room?

22 A I did.

23 Q Were they things you knew about?

24 A I had no clue about them.

25 Q What were they?

1 A A jacket and a gold necklace and several bottles of  
2 like lotion and perfumes, clothes that I didn't even know  
3 she had.

4 Q Cash?

5 A Yes. She had a lot of cash.

6 Q And did she say why she had hidden it?

7 A She said he told her not to tell anybody.

8 Q Did you -- did you give law enforcement, when they came  
9 and they were looking for things, did you give them some  
10 phones?

11 A Yes, I did.

12 Q And whose phones were they?

13 A They were Cliff's.

14 Q And you gave them to SLED --

15 A Yes, sir.

16 Q -- to see if they could find anything? Did you know  
17 where a lot of them were?

18 A No, sir.

19 Q Who helped you find all those things?

20 A He had given one for her to play with and a phone J.L.  
21 had.

22 Q Okay. I'm going to ask you about this one. State's  
23 No. 11. Do you recognize that?

24 A Yes, sir.

25 Q And what is that?

1 A That is Cliff's one. His cell phone. One of them.

2 Q He had multiple phones?

3 A Yes, sir. He had -- he had broken a lot of them, I  
4 guess, from working. So that was one of them he had  
5 replaced it with.

6 Q So State's No. 11 you identify as one of Cliff's  
7 phones, and you would have given that to who?

8 A I gave it to -- it was... It was an investigator.

9 MR. SCOTT: State offers No. 11 for admission into  
10 evidence.

11 MR. WISE: May we see it? We'll agree that's the phone  
12 that she gave to Officer Hunnicutt.

13 THE COURT: Say again?

14 MR. WISE: It's admissible because it's -- we'll agree  
15 she gave to Officer Hunnicutt.

16 THE COURT: I thought you said you didn't agree. My  
17 mistake. So, no objection, State's 11 is into evidence.

18 (Whereupon, State's Exhibit Number 11 was admitted into  
19 evidence.)

20 Q It's one you turned it over to law enforcement?

21 A Yes, sir.

22 Q And he had an iPhone, too. Were you aware of the  
23 iPhone?

24 A Yes, sir.

25 Q When did you find out about the bucket of porn? The

Denise Eubanks-Direct Examination

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1 Tupperware thing?

2 A After everything had come out I was talking to J.L. and

3 J.L. had said, well, he made me push a --

4 MR. WISE: Objection, Your Honor, hearsay.

5 MR. SCOTT: Well, it has been previously testified to.

6 THE COURT: She already testified -- the victim already

7 -- the alleged victim already testified to it. Do you want

8 to -- we know what she said. Is there something relevant

9 that happens after?

10 MR. SCOTT: No.

11 Q Just that who showed you where the bucket was?

12 A J.L. .

13 Q And then did you tell law enforcement?

14 A I did.

15 Q Did Cliff ever tell you about catching J.L.

16 masturbating?

17 A Never.

18 Q Did he ever tell you about her dancing on his lap?

19 A Never.

20 Q And jigging in his lap?

21 A Never.

22 Q Did he ever tell you about her giving him provocative

23 looks?

24 A Never.

25 Q Did he say, Deanie, we've got a problem. That 10, 11,

## Denise Eubanks-Direct Examination

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1 12-year-old is flirting with me?

2 A He never once said that.

3 Q Did he tell you about ejaculating in his pants when he  
4 was with J.L. ?

5 A No.

6 (Whereupon, State's Exhibit No. 12 was marked for  
7 identification.)

8 THE COURT: And I think it's clear, Tara, that State's  
9 11's in.

10 MR. WISE: No objection.

11 MR. SCOTT: And State calls for No. 12 for admission as  
12 well.

13 THE COURT: Any objection?

14 MR. WISE: No objection.

15 THE COURT: State's 12 is in evidence.

16 (Whereupon, State's Exhibit No. 12 was admitted into  
17 evidence.)

18 Q Did you tell your daughter to make this up?

19 A No, sir. I did not.

20 Q Did you tell L.L. to say those things?

21 A No, sir. I did not.

22 Q You sure?

23 A Yes, sir.

24 Q What about A.E. ? Did you tell her to say those  
25 things?

1 A No, sir.

2 Q So you're not making this whole thing up on ole Cliff?

3 A Why would I want to put my children through this? I  
4 never want to make anything up. This is their story.

5 MR. SCOTT: All right. Mr. Wise is going to have some  
6 questions for you. Answer them truthfully.

7 THE COURT: Mr. Wise, if you're going to be a little  
8 while --

9 MR. WISE: Yeah.

10 THE COURT: -- we might want to take a break here? I  
11 think we've been at it for about an hour and five minutes  
12 with this witness, so why don't we go ahead and do that, if  
13 that's okay.

14 Ladies and gentlemen, we'll go ahead and take about a  
15 10 minute break. We'll be back on the record shortly.  
16 Don't discuss the case yet. Adjourn to the back, refresh  
17 yourselves. If you need a cigarette, let them know.  
18 They'll take you outside. Thank you. See you in a moment.

19 (Whereupon, the jury exited the courtroom at 11:18  
20 a.m.)

21 THE COURT: We'll be at ease for -- yes, sir.

22 MR. WISE: It's a good thing we broke.

23 THE COURT: Very good. Yes, I do agree. All right.  
24 See you all in about 10 minutes. We'll be at ease for a few  
25 minutes.



## Denise Eubanks-Cross Examination

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1 A That's correct.

2 Q So you all -- he put his regular paycheck into a joint  
3 checking account that you had as much access to as he did?

4 A That is correct.

5 Q So you could have easily known how much he made and all  
6 that?

7 A I could have. Yes, sir.

8 Q All right. Now, let's go back to when you and Cliff  
9 met. It was actually -- the first time you all met was  
10 actually in a bar in Greenville when he was married to  
11 Jennifer?

12 A He said he saw me there. I didn't know he was there.

13 Q You didn't talk to him that night?

14 A No, sir.

15 Q And you were with whom?

16 A To be honest, I'm not certain. Maybe Michael Lyons.

17 Q Michael Lyons?

18 A Possibly.

19 Q That's who you were dating at that time.

20 A Possibly, yes.

21 Q And you and Mr. Lyons later broke up?

22 A That's correct.

23 Q Because you found out Mr. Lyons had an affair with  
24 Jennifer?

25 A That's what Cliff Eubanks said, yes.

## Denise Eubanks-Cross Examination

469

1 Q Now, so you got a text message sometime in October  
2 about meeting for the Spook trail?

3 A It was actually before October. The Spook trail  
4 started in October, but we were setting up, building things,  
5 props and things for the Spook trail months prior.

6 Q Let's go back a little bit further. I apologize. I  
7 jumped around a little bit. You married Josh Lyons when?

8 A December the 8th of 2000.

9 Q And he was your second husband?

10 A My first.

11 Q Your first. And what year was it that Cliff asked --  
12 volunteered to help out for the Spook trail?

13 A I believe around 2009.

14 Q So September of 2009?

15 A It was before September. I estimate close to around  
16 that time. I want to say more around August.

17 Q So August of 2009 you all first started talking?

18 A We weren't talking at that time, such as a  
19 relationship. We were just friends.

20 Q You may have given a different meaning to the word than  
21 I intended. All right?

22 A Sorry.

23 Q So in August of 2009 there was an exchange of emails  
24 about helping with the Spook trail?

25 A Yes, sir.

1 Q And as a result of that he came over and started  
2 helping with the Spook trail?

3 A Correct.

4 Q And you got to know him better?

5 A Yes, sir.

6 Q Having possibly met him earlier?

7 A I remember meeting him there. Yes, sir.

8 Q Earlier?

9 A Not earlier. During that time.

10 Q So you all started just telling -- a friendship in  
11 August or September of 2009?

12 A Yes, sir.

13 Q And when did you all start getting serious?

14 A Around October 2009.

15 Q So a couple months later?

16 A Yes, sir.

17 Q Now, didn't your father actually tell you and Cliff  
18 that you couldn't move in there, or couldn't live with him?

19 A I'd been living there for about a year and my father  
20 said that if I was going to live someone that I needed to  
21 get married.

22 Q So you'd been living with Cliff for about year?

23 A Yes, sir.

24 Q And your father said if you're going to live there get  
25 married?

## Denise Eubanks-Cross Examination

471

- 1 A Yes, sir.
- 2 Q So he moved in right away?
- 3 A Almost. Yes, sir.
- 4 Q Well, you got married in September.
- 5 A Of the following year. Yes, sir.
- 6 Q Right. So he moved in before the Spook trail?
- 7 A Whenever it started, yes.
- 8 Q And how many kids move in? All of them?
- 9 A There were two. Sorry. At that time B.E. wasn't  
10 born.
- 11 Q So two kids moved in?
- 12 A Yes, sir.
- 13 Q And that was on King Road?
- 14 A That's correct.
- 15 Q So you're saying you lived there a good 10 to 12 months  
16 before you all got married?
- 17 A Yes, sir.
- 18 Q And you were working at that time in the dispatch?
- 19 A I had been working at Belton, and then I transferred  
20 from Belton over to the Detention Center.
- 21 Q And Cliff at that time was working --
- 22 A At International Paper.
- 23 Q So the income between the two of you was pretty decent?
- 24 A Yes, sir.
- 25 Q Weren't having any trouble financially?

1 A No. Of course we had every normal day bills, but  
2 nothing bad. We had enough to provide for us.

3 Q Now, you said that you never made a decision on money  
4 without him?

5 A No, sir.

6 Q But you were able to charge things to that joint  
7 account through a debit card which you would do on a regular  
8 basis without actually asking him?

9 A Small amounts.

10 Q What do you mean a small amount?

11 A Anything under \$40.

12 Q Anything under \$100 for sure then?

13 A We talked if it was over 50.

14 Q Now, you mentioned that Cliff said that J.L. like to do  
15 things with weedeaters and working the yard and stuff like  
16 that?

17 A Yes, sir.

18 Q Is that a correct statement?

19 A That's what he told me. Yes, sir.

20 Q I understand. Is that a correct statement of what you  
21 observed J.L. liked to do?

22 A I didn't go outside and observe a lot, to be honest.

23 Q Excuse me?

24 A I didn't go outside and observe a lot, to be honest. I  
25 had an injury.

## Denise Eubanks-Cross Examination

473

1 Q Before your injury?

2 A Before my injury?

3 Q Yes.

4 A Sometimes I would see her out, but the majority of the  
5 time I was working.

6 Q So you were working on two off three?

7 A Yes, sir.

8 Q So roughly with that schedule about half the time you  
9 were home?

10 A True. If I wasn't at the dance shop with all of or  
11 some of the kids, yes, sir. Plus they had dance  
12 competitions and things like that.

13 Q Right. But you were on two off three, on three off  
14 two?

15 A Correct.

16 Q So out of a week you were there about half the time?

17 A Yes, sir.

18 Q And L.L. , you admit, is kind of quiet? He keeps to --  
19 let me rephrase it. He keeps to himself a little bit more  
20 than J.L. ?

21 A He likes to be involved in things. He's not as  
22 reserved. He will go to his room from time to time, but he  
23 likes to spend time with his family as well.

24 Q And living in the house -- we'll get to that in a  
25 minute. And then you had your wreck in November of 2013?

1 A Yes, sir.

2 Q And at that point Cliff's salary wasn't sufficient to  
3 keep up with all the bills?

4 A We struggled. Yes, sir.

5 Q And struggled until about, I think, April or so of  
6 2016?

7 A I was still getting some income through the Detention  
8 Center. That was helping as well.

9 Q But not as much?

10 A No, sir.

11 Q And Cliff got behind on -- the house Cliff owned?

12 A Correct.

13 Q And he got behind on those payments?

14 A In the last couple of months that we were there, yes.

15 Q Right. As you said, because you were struggling with a  
16 diminished income?

17 A Yes.

18 Q And then you all made the decision to move to Beaver  
19 Dam Road?

20 A That is correct.

21 Q And when did that occur?

22 A April the 1st of 2016.

23 Q And that's the -- Beaver Dam Road is the picture we saw  
24 -- aerial photograph of a house we've seen?

25 A That's correct.

## Denise Eubanks-Cross Examination

475

1 Q Who all lived -- when you moved in in April 1 of 2016  
2 who all lived at Beaver Dam Road?

3 A My brother, Paul Wilson, my father, Johnny Wilson, my  
4 grandmother, Minnie Hix, myself, Cliff, L.L. , J.L. , B.E. ,  
5 and every other weekend it A.E. and P.E. .

6 Q So even during the normal week there's a lot of people  
7 in that house?

8 A Yes, sir.

9 Q And you said your great-grandmother didn't get out?

10 A Correct.

11 Q She would hang around the house?

12 A Yes, sir.

13 Q And primarily sit in the livingroom and watch  
14 television?

15 A Yes, sir.

16 Q And what about your father?

17 A He would sit in the livingroom also. He had a lot of  
18 health issues.

19 Q But he could get out in the yard?

20 A With a walker, and you'd have to assist him walking.  
21 But once he made it to the lawn mower he was able to drive  
22 the lawn mower.

23 Q If someone helped him get there?

24 A Yes, sir.

25 Q So he was in the house along with the grandmother --

1 well, your grandmother would be J.L. 's great-grandmother,  
2 just from April '16 on.

3 A That's correct.

4 Q And who slept where?

5 A My grandmother slept in the diningroom. We set up a  
6 bed in there. Then the girls slept in one bedroom. We had  
7 two sets of bunk beds. B.E. was supposed to sleep in  
8 there, but most of the time she didn't. And then another  
9 bedroom. B.E. and I slept in one bed and Cliff slept in a  
10 rollaway bed. And then in the other bedroom my mother and  
11 father slept in there, and their room is fairly large and  
12 sectioned off and my son had his separate room inside of  
13 there.

14 Q It just had a partition in there?

15 A Yes, sir.

16 Q And so, L.L. stayed in there with them?

17 A Yes, sir.

18 Q And that's where Cliff's stuff was?

19 A His game. Yes, sir.

20 Q So the diningroom that was turned into a bedroom is  
21 located where?

22 A Next to the kitchen away from the bedrooms.

23 Q Where's it located in relation to the livingroom?

24 A As you come in the kitchen is on the front part of the  
25 entryway that we used. The main entryway.

## Denise Eubanks-Cross Examination

477

- 1 Q Excuse me. I didn't --
- 2 A As you come in the house, the kitchen is --
- 3 Q Oh, the front door.
- 4 A -- well, it's not the front door. It's the main
- 5 entryway that we use, and it's right there. We have a large
- 6 livingroom that was there, and then the dining room was
- 7 here, then we have like a sectioned off area where a bed is.
- 8 Q You said the dining room is here, which I'm sure you
- 9 know --
- 10 A Right.
- 11 Q -- what you're talking about. I didn't.
- 12 A Right.
- 13 Q You're in the living room. Therefore the dining room
- 14 is where in relation to the living room?
- 15 A It's up front closer to the kitchen.
- 16 Q Up front closer to the kitchen. Did it also adjoin the
- 17 living room?
- 18 A Yes, sir.
- 19 Q Most dining rooms do.
- 20 A Right.
- 21 Q And so, great-grandmama was either basically in the
- 22 dining room, slash, bedroom or the living room?
- 23 A Correct.
- 24 Q Most of the time?
- 25 A Yes, sir.

1 Q She didn't get out to travel with you all much?

2 A Not very often. She has asthma, and so it was hard.

3 Q What kind of special occasion would it take for her to  
4 get out?

5 A If the kids had a dance recital then she would try to  
6 go to that, or a dance competition or a band competition.

7 Q Now, you mentioned that you and Cliff had a decent sex  
8 life up until your wreck?

9 A Yes, sir.

10 Q And, of course, you were really pretty much housebound  
11 for a couple of months, if not longer?

12 A Longer. Yes, sir.

13 Q And housebound meaning you didn't go anywhere?

14 A I would go to certain things. Like the kids would get  
15 upset if I didn't go to a dance competition, or every once  
16 in a while to the Dance Shop with them. But the majority of  
17 the time I was home.

18 Q Let me rephrase it then. About the only way you'd get  
19 out of the house is to go to an event for the kids?

20 A Correct.

21 Q You weren't going out socializing or just visiting  
22 friends or stuff like that?

23 A No, sir.

24 Q But if the kids had something really special, you'd  
25 make the effort to go to it?

## Denise Eubanks-Cross Examination

479

1 A Yes, sir.

2 Q And how long did that last?

3 A About -- I still struggle with it today. My injuries  
4 and things. So, I guess, it's not as bad as it used to be.

5 Q How long was it before you would leave the house to  
6 just visit with friends?

7 A I still don't.

8 Q You still don't?

9 A No, sir.

10 Q So you're pretty well limited today to going to events  
11 for the kids?

12 A Yes.

13 Q So you're still pretty much --

14 A Stay at home.

15 Q -- staying at home?

16 A Yes, sir.

17 Q So from April of 2016 to May of 2017 you were, for all  
18 practical purposes, except when the kids had an event, at  
19 the house?

20 A For the most part. Yes, sir.

21 Q Doctors' appointments, things like that?

22 A Right.

23 Q Now, J.L. was in the Beaver Dam church Easter play last  
24 year?

25 A Easter -- I remember the Christmas play. She was

1 involved in a lot, so that's a possibility.

2 Q So involved in a lot with the church?

3 A Yes, sir.

4 Q Now, they have plays periodically that she participates  
5 in?

6 A Yes, sir. She would if she could. If her schedule  
7 allowed.

8 Q So in addition to the dancing she's also into acting?

9 A She tried to do as much as possible.

10 Q Did you go see the Easter play?

11 A Like I said, I don't remember her being in it, but I  
12 would assume that I would be there. I'm not really -- I'm  
13 sorry.

14 Q And when the Easter -- when you have a play at the  
15 church, of course there's a lot of practice for it?

16 A Correct.

17 Q But you have to go rehearse once or twice a week, or  
18 something like that?

19 A Usually once a week --

20 Q Once a week.

21 A -- when they do have plays.

22 Q Now, let's go back to the money that you all got. The  
23 \$89,000. Okay?

24 A Yes, sir.

25 Q That stayed in the checking account for a couple of

## Denise Eubanks-Cross Examination

481

1 months or so?

2 A To be honest, I never checked it. Cliff handled --

3 Q You never checked it? Well, you and Cliff had a  
4 discussion about his taking a lot out in cash, didn't he,  
5 and putting it in a safe?

6 A I didn't know that he had taken a lot out and put it in  
7 a safe until -- I don't remember it until all this came  
8 forward and I went by the bank like my attorney -- divorce  
9 attorney had told me to.

10 Q You went to the beach together, right?

11 A That's correct.

12 Q Sometime in May of 2017?

13 A Yes, sir.

14 Q The whole -- the whole family?

15 A Yes, sir.

16 Q And before you went to the beach Cliff went to the safe  
17 and pulled some cash out?

18 A I wasn't present for that.

19 Q You weren't present for that?

20 A No, sir.

21 Q Did you move the safe after May 16th of 2017?

22 A J.L. had said something about the safe and we had gone  
23 to try and find the safe, but we didn't find the safe. I  
24 assumed that he had took it.

25 Q Do what?

## Denise Eubanks-Cross Examination

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1 A I thought that he had taken it.

2 Q So you're saying you never found the safe?

3 A I don't have the safe.

4 Q Now, is the reason Cliff told you that he took cash out  
5 and put it in the safe is because you were spending too much  
6 from the joint checking account?

7 A He never told me that.

8 Q Never told you that?

9 A No, sir.

10 Q You all never had that discussion?

11 A No, sir.

12 Q And you mentioned also the doctor threatened to put  
13 J.L. in the hospital?

14 A Yes, sir.

15 Q What doctor was that?

16 A I believe her name is Dr. Christina Neeley. She saw  
17 Dr. Christina Neeley and Dr. Gentry. So it was one of the  
18 two.

19 Q And about when was that?

20 A She had said it to her more than once. But on the last  
21 occasion, maybe November, December of maybe '15. I'm not  
22 really certain.

23 Q Before you all moved to Beaver Dam Road?

24 A Yes, sir. But like I said, they said it a couple of  
25 times.

## Denise Eubanks-Cross Examination

483

1 Q Now, Cliff used to go over to his parents house pretty  
2 regular on the weekends, at least for a while?

3 A I would go with him when I could.

4 Q I understand you couldn't go every time. But he would  
5 go over there virtually at least for part of the day on  
6 every Saturday or Sunday just about?

7 A Yes, sir.

8 Q And he would usually take J.L. and B.E. with him, and  
9 sometimes L.L. ?

10 A L.L. enjoyed going over there, so he tried to go every  
11 time he could also.

12 Q And visit with Cliff's family?

13 A Yes, their Nana and Papa.

14 Q And they would spend several hours over there?

15 A Yes, sir.

16 Q And sometimes, I guess, particularly after you got to  
17 Beaver Dam Road after your wreck, you kind of enjoyed the  
18 piece and quiet?

19 A As a mother sometimes we do enjoy the peace and quiet a  
20 little bit.

21 Q I understand.

22 A But I tried to go every chance I could.

23 Q Right. But sometimes it was easier on you to stay home  
24 and rest in the bed and knowing you didn't have to do  
25 anything?

1 A Right, but the majority of the time I did go.

2 Q Now, J.L. has been in dancing since what age?

3 A Since the age of one, shortly after she started  
4 walking.

5 Q Age of one?

6 A Yes, sir.

7 Q And it's in the same dance group?

8 A At the same dance studio?

9 Q Right.

10 A Yes, sir.

11 Q And they do different types of dancing, you said?

12 A Yes, sir.

13 Q I ask you to see this picture. Is this an example of  
14 the dancing they did?

15 A Yes, sir.

16 MR. WISE: I'd like to introduce this as Defendant's --

17 MR. SCOTT: I haven't seen it. Your Honor, I'd object  
18 to this picture. It's -- nobody involved in this case is in  
19 these pictures.

20 MR. WISE: She said this is an example of the dances  
21 done.

22 THE COURT: Defendant's 3 is in evidence.

23 (Whereupon, Defendant's Exhibit No. 3 was marked and  
24 admitted into evidence.)

25 Q And this is an example of dancing that was done in

1 J.L. 's class?

2 A This isn't J.L. 's class.

3 Q I understand. That's an example of dancing that's done  
4 in J.L. 's class?

5 A The style of dance? Yes, sir.

6 Q And this is young children also?

7 A They're older. But yes, sir.

8 Q Okay. Is this the type of dancing that you approve?

9 A I don't see anything wrong with it. It shows  
10 flexibility.

11 MR. WISE: I'd like to post this to the jury, Your  
12 Honor.

13 THE COURT: You may.

14 Q So Defendant's Exhibit 3 to you is not provocative  
15 dancing?

16 A No, sir.

17 Q Now, were you with Cliff when he bought that safe?

18 A No, sir.

19 Q You sure?

20 A I don't remember being there.

21 Q Sometime in January of 2017 didn't you go with him to  
22 help buy the -- not necessarily to help the safe, but with  
23 him when he bought the safe?

24 A I don't remember. About that time my father passed  
25 away during that same month, and I was in the hospital with