

STATE OF SOUTH CAROLINA  
IN THE SUPREME COURT

---

Certiorari to Pickens County  
Honorable R. Scott Sprouse, Circuit Court Judge

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**RECEIVED**

**Feb 17 2023**

**S.C. SUPREME COURT**

AARON VAN HENDRIX,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO. 2022-001163

---

APPENDIX

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ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA    )  
                                           )  
 COUNTY OF PICKENS            )

COURT OF GENERAL SESSION

STATE OF SOUTH CAROLINA    )  
                                           )  
                                   vs.                    )  
                                           )  
 AARON VAN HENDRIX            )

Case No. 15-GS-39-0227 *et. al.*

- and -

STATE OF SOUTH CAROLINA    )  
                                           )  
                                   vs.                    )  
                                           )  
 STACY CAROL RIDEN            )

Case No. 15-GS-39-0223 *et. al.*

## TRANSCRIPT OF JURY TRIAL

The within Jury Trial in the above-captioned matter was held on January 25-28, 2016, before The Honorable Perry H. Gravely in Courtroom 4 of the Pickens County Courthouse, 214 East Main Street, Pickens, South Carolina; attended by counsel as follows:

### APPEARANCES:

Christopher Jones, Assistant Solicitor  
 13<sup>th</sup> CIRCUIT SOLICITOR'S OFFICE  
 ... Appearing for the State

Richard Warder, Esq.  
 ... Appearing for Defendant Aaron Hendrix

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PRETRIAL MOTIONS

10

1 JANUARY 25, 2016

2:30 p.m.

2  
3 (DEFENDANT HENDRIX PRESENT)

4 THE COURT: Let's go on the record.  
5 For the record, Mr. Warder, you're here for  
6 Mr. ---

7 MR. WARDER: Aaron Hendrix, Your Honor.

8 THE COURT: And, Ms. Horlbeck?

9 MS. HORLBECK: Stacy Riden, Your  
10 Honor.

11 THE COURT: All right.

12 SOLICITOR JONES: Yes, sir, Your Honor.  
13 The defendants are Stacy Riden and Aaron  
14 Hendrix.

15 They're both being tried for two counts  
16 of CSC first with a minor and one count of  
17 CSC with a minor third degree.

18 Ms. Riden also has an unlawful neglect  
19 charge as well.

20 THE COURT: All right. Is Ms.  
21 Riden here?

22 MS. HORLBECK: No, Judge. I  
23 don't see her here today.

24 THE COURT: Okay. All right.  
25 What are the nature of the Motions?

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1 SOLICITOR JONES: Your Honor, we  
2 have one Motion I received today from Ms.  
3 Horlbeck. It's a Motion for a continuance  
4 she'd like to take up.

5 The State needs to take up a Motion  
6 as to the admissibility of the child hearsay  
7 as to statute 17-23-175, Your Honor.

8 And I believe there are also some  
9 Motions to redact from the defense attorneys  
10 as to those, the videos of the forensic  
11 interviews, Your Honor.

12 THE COURT: I guess the Motion for  
13 a continuance needs to be heard first?

14 MS. HORLBECK: Yes, sir, Judge.  
15 You've already heard the charges that Ms.  
16 Riden faces.

17 THE COURT: Right.

18 MS. HORLBECK: Judge, shortly  
19 after I was appoint, I filed a discovery and  
20 Brady Motions on June the 5<sup>th</sup>, 2014, and those  
21 were served on the State on June the 12<sup>th</sup>,  
22 2014.

23 I received two responses to my  
24 Motions. One response was dated February the  
25 9<sup>th</sup>, 2015. And the second response was dated

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1 September the 2<sup>nd</sup>, 2015. In those packages, I  
2 didn't see any evidence of any oral  
3 statements that Ms. Riden had made to her  
4 father. She had made a statement to law  
5 enforcement.

6 On January the 20<sup>th</sup>, 2016, -- which  
7 was last Wednesday -- I received an e-mail  
8 from the State informing me that "Ms. Riden's  
9 father said Ms. Riden told him..." -- so my  
10 client would have told her father -- "I don't  
11 remember ever hurting my kids but if I did,  
12 it was because of the drugs."

13 Judge, I just realized the original  
14 Motion that was filed is downstairs. There's  
15 a copy of my Motion and I've shared that with  
16 the State -- (tenders copy to Court).

17 THE COURT: All right.

18 MS. HORLBECK: Judge, I'm  
19 concerned about that statement. I'll let  
20 Your Honor have a chance to review that  
21 before I go further.

22 THE COURT: All right. (Upon  
23 review), thank you.

24 MS. HORLBECK: Judge, just from  
25 my personal observations, Ms. Riden is

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1       extraordinarily difficult to get in touch  
2       with now. I have spoken to her several times  
3       about her case. When I have spoken to her,  
4       yes, she does seem to understand the nature  
5       of the charges. However, she is a terrible  
6       historian. Her ability to provide helpful  
7       information for the preparation of this case  
8       for trial has been poor, at best.

9               I filed a FOIA request with the  
10       Pickens County Law Enforcement Center, so  
11       that I could obtain a copy of all incident  
12       reports that ever mentioned or had anything  
13       to do with Ms. Riden. And found out that a  
14       couple of years after -- she had already  
15       given birth to two children, but a couple of  
16       years prior to these allegations, these  
17       alleged allegations, she had been pregnant  
18       with a four-month-old child. Didn't realize  
19       it, gave birth to the stillborn four-month-  
20       old child in the toilet and law enforcement  
21       had to be called. There were no charges that  
22       resulted.

23              However, I realize then I'm dealing  
24       -- and the nature of the statement that she  
25       made to her father, I'm concerned I am

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1 dealing with someone who has a real severe  
2 disconnect with things going on around her.  
3 I'm worried that her intoxication and drug  
4 use have led to a mental defect or some sort  
5 of mental injury that now call into question  
6 her competency to stand trial as well as her  
7 capacity to stand trial, and her  
8 understanding of the difference between right  
9 and wrong, and the ability to conform her  
10 actions to these charges.

11 Judge, I just -- I didn't find out  
12 about this statement until last Wednesday. I  
13 started to connect some of the dots. I just  
14 hate for this case to -- you know, we're  
15 going to do everything that we can to win.  
16 Sometimes it can be difficult to do that. I  
17 hate for this case to have to come back on  
18 PCR and then address these issues all over  
19 again at that point, Judge.

20 I would just respectfully request  
21 that the Court continue this case.

22 I believe I could probably go down  
23 to the public defender's office they will  
24 assist me -- I haven't checked with them yet  
25 -- in getting the necessary orders together.

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1       They can be signed today.

2               If my memory's correct, I believe  
3       what I've done with these types of  
4       evaluations in Greenville, I believe they can  
5       be scheduled and they have been scheduled  
6       within a month. I don't have any guarantee  
7       of that. But I think it's very likely this  
8       could be scheduled again on the next docket.

9               I'm just concerned about this  
10       statement. I think it calls that issue into  
11       question, Judge.

12              THE COURT:     Mr. Jones?

13              SOLICITOR JONES:   Your Honor, these  
14       defendants were arrested, I believe, in May  
15       of 2014.

16              I called this case to trial in  
17       September of last year. And a few weeks  
18       before that term of court, Ms. Horlbeck asked  
19       for a continuance so she could get funding  
20       for an expert. We had a hearing in front of  
21       Judge Hill in Greenville. He granted her  
22       continuance so she could get funding for an  
23       expert.

24              We didn't know at the time that Mr.  
25       Warder was protected for the entire month of

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1           October, so we couldn't try it that month.

2                       I had a conflict the month of  
3           November.

4                       We had some other stuff on the  
5           docket for December.

6                       This is the first time we've been  
7           able to call the case again for trial, Your  
8           Honor.

9                       As to the reasoning for her  
10          continuance, I don't know if it's -- I think  
11          it's based on the statement that I just gave  
12          Ms. Horlbeck. And she's also making a Motion  
13          for her client to be psychologically  
14          evaluated.

15                      But as to the statement, Your Honor,  
16          I don't think that was anything that I  
17          necessarily had to give over to the defense.  
18          I know it's a statement of the Defendant.  
19          But Rule 5 is -- Rule 5 says that I have to  
20          give over a written statement or recorded  
21          statement of the defendant or an oral  
22          statement made to a law enforcement officer.  
23          So this was an oral statement made to her  
24          father, that I was made aware of a week or  
25          two ago when I spoke with him about other

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1 things. I told her what the statement was  
2 out of an abundance of caution, Your Honor.  
3 So I don't think that was anything -- I don't  
4 think there was any type of discovery  
5 violation on the State's part.

6 So I don't think there's any merit  
7 to any type of discovery violation. I don't  
8 think there's any reason to grant a Motion  
9 for continuance. This case is extremely old.  
10 It's been called multiple -- it's been called  
11 at least one time since I've had it.

12 And in the two years Ms. Horlbeck  
13 has been representing Stacy Riden, I would  
14 think that there would be other times Ms.  
15 Horlbeck would question her sanity, her  
16 ability to help her prepare for trial and  
17 whether or not she's a poor historian. This  
18 should have come up before now, before two  
19 years into the case, Your Honor.

20 So I would ask that you deny the Motion  
21 for a continuance, Your Honor, and let this  
22 case go forward.

23 These children have been prepared  
24 twice for trial. That's two times I've  
25 brought them up here and questioned them.



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1 So, again, Your Honor, we would ask that you  
2 deny her Motion for continuance.

3 THE COURT: I didn't take it as  
4 much as discovery, other than that this  
5 triggered some evaluation of your case. I  
6 don't think you were -- I mean, that's what I  
7 thought the gist of your Motion was.

8 MS. HORLBECK: Judge, I don't  
9 know when the witness told him, he's telling  
10 me a week or two ago. I think it is  
11 discoverable under *Brady* because I think it's  
12 potentially exculpatory and it can be used as  
13 a defense; which is why I'm asking that she  
14 be evaluated.

15 A couple of things:

16 The expert that I hired at that  
17 point was simply to evaluate the forensic  
18 videos of the children to see if there was a  
19 potential defense in that.

20 So the expert I hired has never  
21 spoken to Ms. Riden and wouldn't have been  
22 qualified to evaluate her.

23 Judge, before the statement came up  
24 I had, you know, she'd never told me anything  
25 about not remembering what happened because

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1 of drug use. So that is why I did not make  
2 this request earlier. The other observations  
3 I've shared with you are simply things that,  
4 you know, alone may not rise to the level of  
5 the need for an evaluation. But I think with  
6 this statement, that changes everything,  
7 which is why I'm bringing it to the Court's  
8 attention.

9 SOLICITOR JONES: Well, Your Honor,  
10 there -- part of the allegations ---

11 THE COURT: That's fine. I mean,  
12 I've got it. I'm sorry. I mean, I under-  
13 stand where you're coming from -- I didn't  
14 mean to cut you off.

15 But, you know, I don't believe that  
16 it violates discovery. I think at this  
17 point, based on a statement there and as long  
18 as this case and as old as this case is, the  
19 fact that this hasn't been raised before  
20 about an evaluation -- I understand your  
21 concern, but I'm going to deny the Motion.  
22 Sorry to put you in that position but I think  
23 we need to go forward with it.

24 MR. WARDER: Your Honor, if it  
25 please the Court?

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1 THE COURT: It does.

2 MR. WARDER: There was a newly --  
3 at the same time that he made the information  
4 available to co-counsel, he sent me a  
5 statement, an oral statement that was also  
6 reported by the grandfather, allegedly made  
7 by my client.

8 I think that is a discovery  
9 violation and so at least on the record I  
10 want to have Your Honor note that we object  
11 to the failure to properly, timely disclose  
12 that.

13 It obviously was written down and  
14 recorded in the records of law enforcement  
15 anyway at some time or other. And just  
16 because that law enforcement is not the one  
17 that originally received it, doesn't take it  
18 out of the scope of discovery.

19 MS. HORLBECK: Can I? I just  
20 would join in that Motion, Judge, and make  
21 the same argument on behalf of Ms. Riden.  
22 The substance of my Motion was for the  
23 evaluation but I believe it's a *Brady*  
24 violation in addition to a discovery  
25 violation.

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1 THE COURT: All right. Anything  
2 else? Then I'll hear from Mr. Jones.

3 MR. WARDER: No, sir.

4 SOLICITOR JONES: Briefly, Your  
5 Honor. That statement was not written down,  
6 other than -- what he's talking about, the  
7 father also said the day he -- the grand-  
8 father. He said the day he found out about  
9 the abuse, he called Mr. Hendrix on the phone  
10 and said, 'I know what you did', something to  
11 that effect. And Mr. Hendrix told him,  
12 "Well, I was sick then. I was sick then."  
13 That's the extent of the information.

14 The grandfather never came in to  
15 talk with us in preparation for the trial  
16 because he wasn't -- he worked and he wasn't  
17 the primary caregiver of the children. So he  
18 wasn't someone that I talked with. So I was  
19 not aware of any type of statement he made.

20 I just want to be clear. No  
21 statement was written down or recorded.  
22 Both statements were oral statements to a  
23 non-law enforcement officer. And as to the  
24 *Brady* violations, *Brady* deals with  
25 exculpatory evidence. And these statements

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1 would be inculpatory. They would tend to  
2 prove that the defendants were guilty, not  
3 tend to prove that the defendants were  
4 innocent. So that's where the defense  
5 attorneys and I disagree on that. Thank you,  
6 Your Honor.

7 MS. HORLBECK: And my position,  
8 Judge, that they would be exculpatory if she  
9 is under the influence of drugs and then has  
10 some sort of associated mental defect or  
11 mental injury resulting from her long-term  
12 drug use. That would amount to a defense.  
13 Then she could present an insanity defense or  
14 a guilty-but-mentally-ill defense, Judge.  
15 And that is why I am asking for a court order  
16 that she be evaluated so that she would have  
17 the opportunity present that defense, you  
18 know, if it's ruled in.

19 She faces two count of CSC with a  
20 minor first degree today. And then just in  
21 other charges she faces, you know, a twenty-  
22 five to life sentence on each of those  
23 charges. I just would ask the Court, out of  
24 an abundance of caution, to continue this  
25 matter and allow her to be evaluated.

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1 THE COURT: All right.

2 MR. WARDER: Your Honor, I would  
3 take exception that *Brady* only requires  
4 exculpatory. *Brady* is broader than that.  
5 *Kyle* and the cases that interpret it clearly  
6 set forth the things that are necessary to  
7 prepare the defense.

8 In other words, if something comes  
9 in that could be beneficial to us or could  
10 lead us to beneficial other discovery, other  
11 things, or other witnesses, that in itself  
12 has to be disclosed.

13 And clearly, I think that this oral  
14 statement amounts to -- it's like kind of an  
15 attempt at what -- my client giving an  
16 explanation or indicating that he'd done  
17 that, coming just a few days before trial,  
18 certainly is prejudicial.

19 THE COURT: Well, I mean, I guess,  
20 I mean he has disclosed it. So, therefore --  
21 I mean, and I guess your objection is the  
22 timing of it. Should it be allowed into  
23 evidence or the matter be continued, you  
24 know. But if -- I'm not going to grant a  
25 continuance so, you know, if it looks like at

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1 the time that, you know, we get further into  
2 it and I find, you know, I still could say  
3 that it's not admissible; possibly, you know.

4 MR. WARDER: Yes, sir. We want to  
5 ---

6 THE COURT: But I'm not going to  
7 continue it. And that's all I'm considering  
8 at this point.

9 MR. WARDER: Okay.

10 THE COURT: And I'll let you renew  
11 that objection at the appropriate time after  
12 I've got more of the information about the  
13 case.

14 MR. WARDER: Yeah. I would ask  
15 that the -- and I understand -- the State at  
16 least let us know when they're going to try  
17 and elicit that so we can have arguments  
18 before. It might be blurted out before the  
19 jury.

20 THE COURT: All right. And I'll  
21 let you do that. Because I don't have enough  
22 information, other than -- I mean, the only  
23 thing I have is this Motion for continuance  
24 and I don't want to make a ruling on that  
25 particular issue without a little more

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1 information. All right. Next?

2 SOLICITOR JONES: Your Honor, I  
3 don't know how you want to handle the out-of-  
4 court statements of the children, the  
5 forensic interviews. There are three  
6 children. Two of the children were  
7 interviewed on two separate occasions. So  
8 there's a total of five forensic interviews  
9 that the State would be intending to  
10 introduce through the course of the trial.

11 And I don't know if you want us to  
12 wait until at that point in the trial and  
13 then have a hearing where you can listen to  
14 the videos and find that it meets all the  
15 factors of 17-23-175 or you want us to go  
16 ahead and play the videos today.

17 Ms. Shauna Galloway is here to  
18 testify as to her part, just to lay a  
19 foundation as to the admission of the  
20 forensic interviews, Your Honor.

21 THE COURT: I mean, have y'all  
22 discussed it? I mean, I guess are y'all  
23 objecting to all the forensic interviews?

24 MR. WARDER: Your Honor, on behalf  
25 of my client, I certainly would. You know, I



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1 think -- I would object to all of them.

2 THE COURT: All right.

3 MS. HORLBECK: On behalf of Ms.  
4 Riden, I would object to all of them as well.

5 THE COURT: All right. Well, I  
6 guess to avoid having the -- to draw a jury  
7 and then have the jury just sit there when  
8 we're reviewing them, we may as well just  
9 listen to them afternoon. Just, you know,  
10 let you proffer them this afternoon.

11 SOLICITOR JONES: Okay.

12 THE COURT: Is that all right with  
13 y'all?

14 MR. WARDER: Yes, sir.

15 MS. HORLBECK: (No verbal  
16 response).

17 SOLICITOR JONES: And, again, I've  
18 anticipated Ms. Shauna Galloway testifying  
19 and perhaps being cross-examined just as to  
20 whether or not -- and obviously, you can see  
21 in the video if she asks leading questions or  
22 anything of those things that would be  
23 incorrect. But she is here to testify just  
24 briefly as to the videos.

25 THE COURT: Well, let me ask you

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1       this. Are y'all objecting on the general  
2       grounds of them? Are there any -- I mean,  
3       is it just the admissibility of the whole  
4       interview itself or any particular part of  
5       it? I mean, I guess what I'm saying is do I  
6       need to review the whole thing or once I make  
7       a decision on whether the proper foundation  
8       has been laid or -- tell me exactly what your  
9       objection to it is.

10               MR. WARDER: Your Honor, when the  
11       videos are taken as a whole, they are leading  
12       and suggestive. The interviewer provides too  
13       much information in the question.

14               Now, I think there is a video of  
15       Minor 2 and she says at the end of it that  
16       she's unsure whether it's real or not,  
17       whether it really happened. I think that  
18       video in its entirety should be put out,  
19       withheld because the young child when  
20       questioned whether what she has told is real  
21       or not, she's unsure. She thinks it is.

22               THE COURT: I mean, wouldn't that  
23       be a factual issue for the jury?

24               MR. WARDER: Well, I think you  
25       can't put a witness up and let them testify

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1 to a set of facts and then have the witness  
2 say, 'I think it's true.' You know, it  
3 either happened or it didn't. It's either  
4 real or it didn't. And that's what the  
5 interviewer is saying, 'Are these real  
6 facts?' And she's saying, 'I think they  
7 are.'

8 SOLICITOR JONES: Your Honor, --  
9 one, I would take issue with the way he's  
10 describing that particular scene. I think  
11 you need to watch the whole thing.

12 She's actually asking about a  
13 particular situation. She'd just asked the  
14 child about if that particular incident was  
15 true or is she not sure.

16 But basically on 17-23-175, Section  
17 4, (reading): "the Court has to find in a  
18 hearing outside the presence of the jury in  
19 the totality of the circumstances surrounding  
20 the making of the statement provide the  
21 particularized guarantees of trustworthy-  
22 ness." So that would be the purpose of Your  
23 Honor watching these videos and then decide  
24 for yourself.

25 THE COURT: Well, let's go ahead

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1 and I'll allow you to proffer them and then  
2 y'all can make whatever objections?

3 SOLICITOR JONES: Okay.

4 THE COURT: And how long do you  
5 think all of them are?

6 SOLICITOR JONES: Altogether?

7 MR. WARDER: Five hours.

8 SOLICITOR JONES: I don't think  
9 they're all an hour apiece, but they're close  
10 to it. Probably forty-five minutes apiece.

11 THE COURT: Well, I may have to  
12 see part of them today and part of them  
13 tomorrow. Y'all are not going to make the  
14 court staff stay late for proffer testimony.

15 SOLICITOR JONES: And, Your Honor,  
16 let me just put this in. Let me step back  
17 for a second.

18 THE COURT: We could start at 7:00  
19 in the morning.

20 COURT REPORTER: Can we mark those  
21 as exhibits, counsel?

22 SOLICITOR JONES: Oh, yeah. I'm  
23 sorry.

24 And, Your Honor, I need to step  
25 back. Ms. Shauna Galloway is here.

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1 THE COURT: Okay.

2 SOLICITOR JONES: If the Defense  
3 would not like her to testify, doesn't think  
4 that to be necessary, I can excuse her. But,  
5 you know, I planned on her testifying as to  
6 -- just to lay the foundation for these  
7 videos.

8 MR. WARDER: Your Honor, on that  
9 particular point, I'd take the position that  
10 it's not necessary that this hearing because  
11 they are not coming into evidence.

12 THE COURT: Right. Based on my  
13 determination, I don't -- well, let's do  
14 this. I mean, you're planning on having her  
15 here tomorrow or whenever you're ---

16 SOLICITOR JONES: (Affirmative nod),  
17 whenever I plan to introduce these. And the  
18 reason I had her here is under subsection  
19 (b) (5) "there must be sworn testimony of any  
20 participant which may be determined necessary  
21 by the Court."

22 THE COURT: Well, that's not going  
23 to take long. I mean, it sounds like you're  
24 just laying a general background. I think --  
25 I mean, that could weigh into my decision on

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1 it.

2 SOLICITOR JONES: I'd like to just  
3 call her briefly and have her excused. How  
4 about that?

5 THE COURT: Okay.

6 (WITNESS TAKES STAND)

7 SHAUNA GALLOWAY-WILLIAMS, having been  
8 duly -to tell the truth, and nothing but the  
9 truth, testified as follows:

10 DIRECT EXAMINATION

11 BY SOLICITOR JONES:

12 Q. Ms. Galloway-Williams, where do you  
13 currently work?

14 A. Julie Valentine Center.

15 Q. And what's your position there?

16 A. I'm the executive director.

17 Q. And how long have you worked for the  
18 Julie Valentine Center?

19 A. I've been employed with the Julie  
20 Valentine Center since 2007, so almost five  
21 years.

22 Q. Okay. And what do you do at the  
23 Julie Valentine Center?

24 A. In addition to operating as the  
25 director with oversight over the financial

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1 responsibilities, the administrative side of  
2 the business, I also provide clinical  
3 services. So I still facilitate groups as  
4 well as do assessments or interviews with  
5 children.

6 Q. And tell the Court just briefly what  
7 your education background is.

8 A. I have a Master's degree in  
9 counseling. I have a Bachelor's degree in  
10 psychology. And I'm licensed as a  
11 professional counselor in South Carolina.

12 Q. And how long have you conducted  
13 forensic interviews?

14 A. I have been conducting forensic  
15 interviews for twelve years.

16 Q. And did you interview Minor 1 ,  
17 Minor 3 and Minor 2 .?

18 A. I did.

19 Q. And during those interviews did you  
20 get any statements by leading questions? Did  
21 you use leading questions when talking to the  
22 children?

23 A. No.

24 Q. Okay. And from your memory, did the  
25 account that the children gave you, was that

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1 a detailed account of the alleged offense?

2 A. Yes, they did provide details.

3 Q. And did the statement of the  
4 children, did it have internal coherence in  
5 that you could understand what they were  
6 saying?

7 A. Yes.

8 Q. And throughout the interview, did  
9 you ever comment on the credibility of the  
10 children or whether or not you believed the  
11 children?

12 A. No.

13 SOLICITOR JONES: Your Honor, that  
14 would be all of the questions I would have as  
15 to the admissibility of the videos.

16 THE COURT: All right. Any cross-  
17 examination on this line of questioning?

18 MR. WARDER: Your Honor, I'd have  
19 no questions at this time.

20 THE COURT: All right. Ms.  
21 Horlbeck?

22 MS. HORLBECK: Just briefly.

23 CROSS-EXAMINATION

24 BY MS. HORLBECK:

25 Q What training have you had



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1 specifically in conducting investigative  
2 interviews?

3 A. I have had over a hundred fifty  
4 hours of skill-based training in forensic  
5 interviewing.

6 I've attended two nationally recognized  
7 trainings.

8 I'm trained in both National Children's  
9 Advocacy Center model as well as Finding  
10 Words, which is now Child First.

11 I've attended numerous trainings annually  
12 and I also have provided training for  
13 professionals in forensic interviewing as  
14 well as child maltreatment in general.

15 I've been an adjunct faculty member at  
16 the Child Advocacy Studies Program at USC  
17 Upstate.

18 Q. Okay. You said there were a hundred  
19 fifty hours with what again?

20 A Of skills-based training.

21 Q. Okay.

22 A. Meaning it's not just lecture.  
23 There are actually where we do mock inter-  
24 views and it's real hands-on training.

25 Q. Okay. And you said there was a

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1 nationally recognized program you  
2 participated in. And which one was that?

3 A. National Children's Advocacy Center.

4 Q. Okay.

5 A. I've participated in both their  
6 general forensic interview training as well  
7 as extended forensic interview training. And  
8 I've done some of their additional forty-hour  
9 trainings.

10 I also have participated in Finding  
11 Words, which is now called Child First.

12 Q. Okay. When did it change and when  
13 did it start to be called Child First? Do  
14 you remember? You may not remember that.

15 A. I don't know. When I went through  
16 -- let me have just a second. I'm sorry, I  
17 can't seem to find it here.

18 Q. Okay.

19 A. Oh, (upon review of file), Finding  
20 Words. When I attended in 2007 it was still  
21 called Finding Words South Carolina. I  
22 really don't know when they changed their  
23 name to Child First.

24 Q. Okay?

25 A. It's the same, essentially the same

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1 training but just under a different name.

2 Q. Okay. Now, in the -- there were  
3 actually two interviews that were conducted  
4 on Minor 1 and I think Minor 3 ; is  
5 that correct?

6 A. Yes.

7 Q. All right. In the second inter-  
8 views, do you recall asking the children if  
9 they just talked about things that had really  
10 happened?

11 A. So, is the question did I ask them  
12 if they ---

13 Q. Yes? Do you recall asking them  
14 that?

15 A. If they only talk about things that  
16 really happened?

17 Q. Yes?

18 A. Yes.

19 Q. Okay. And those things -- since you  
20 videotaped those interviews then those  
21 questions where you asked the children if  
22 they only talked about things that really  
23 happened, those things would be on the  
24 interview; correct?

25 A. Yes.

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1 Q. Okay.

2 A. I either ask that or stated that we  
3 only talk about things that really happened.

4 Q. Okay. All right. And so the second  
5 interviews again, both of Minor 1 and Minor 3,  
6 were there times or occasions that you left  
7 the room and the children are on the videos  
8 drawing on the boards and -- do you remember  
9 that?

10 A. I do generally if there are  
11 observers present at the time of the inter-  
12 view, then I do leave the room and come back  
13 into the room.

14 Q. Okay.

15 A. I can't remember exactly if that  
16 happened in both interviews with both  
17 children or not.

18 Q. Okay. Is that unusual for children  
19 to color? Do you recall asking the children  
20 if they wanted to color on the board while  
21 you were gone?

22 A. If I leave the room, then I do allow  
23 them to draw or color on the board, to give  
24 them something to do while I'm out of the  
25 room.

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1 Q. Okay.

2 A. But the video camera is always  
3 rolling so someone can see what's going on  
4 in the room at all times.

5 Q. I understand.

6 A. And then we save all of the drawings  
7 and paper that's in the room when they're  
8 there.

9 Q. All right. So if there is video of  
10 Minor 1 and Minor 3 drawing on the board, then  
11 that would be captured on video; correct?

12 A. Yes.

13 Q. All right.

14 A. The entire interview, the entire  
15 time from the time I walk into the room until  
16 we exit the room together, is on video.

17 Q. All right. Now, on the videos of  
18 all three children, do they describe things  
19 that they believe they saw happening to the  
20 other two children?

21 A. Yes.

22 Q. Okay. All right. Do they also  
23 disclose -- at least Minor 1 . Do you recall  
24 whether or not she talked to you about any --  
25 seeing her mother and the codefendant slap

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1 and things like that? Do you recall whether  
2 that is on Minor 1 video?

3 A. Do I recall whether her mom and  
4 boyfriend slapped each other or slapped the  
5 children?

6 Q. Whether Minor 1 told you that she  
7 saw her mother and Mr. Hendrix slap one  
8 another. Do you recall that?

9 A. I don't know. We could refer -- I  
10 mean, the video would speak for itself.

11 Q. I understand. All right. Do you  
12 have an independent recollection of whether  
13 or not Minor 1 talked to you about her mother  
14 and her sister being arrested for other  
15 charges?

16 A. I don't know.

17 Q. Okay. When was the last time you  
18 took a look at the videos?

19 A. This morning.

20 Q. So you watched all five hours of  
21 them?

22 A. All five hours, (affirmative nod).

23 Q. Okay. And you don't recall that  
24 then in Minor 1 video?

25 A. I don't. And, again, you know, the

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1 videos really speak for themselves. I don't  
2 have a full transcript in front of me.

3 Q. All right. Do you recall asking the  
4 children if anyone told them to say these  
5 things?

6 A. I did ask them if anyone had told  
7 them what to say or not to say. That's a  
8 standard question that I ask the children.

9 Q. All right. And do you recall  
10 whether or not the children mentioned  
11 anything about pills and beer?

12 And in particular I'm talking about  
13 Minor 3. Do you recall whether he mentioned  
14 those things?

15 A. They did mention those things.

16 Q. Okay. That's all I have. Thank  
17 you.

18 THE COURT: Anything further from  
19 the State?

20 SOLICITOR JONES: Nothing further  
21 from the State, Your Honor.

22 THE COURT: You know, I realize  
23 that -- and it sounds like it is fairly close  
24 to five hours of stuff and I'm not sure we  
25 need to subject the entire courtroom to my



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1 reviewing of it, basically. I mean, it seems  
2 like it makes sense then for me to review the  
3 videos in-camera -- or in-office I mean. And  
4 I can -- did you introduce them as exhibits?  
5 Do you have extra copies? There's just one  
6 copy?

7 SOLICITOR JONES: Just one copy. We  
8 can make an extra copy. Of course, the  
9 Defense has a copy.

10 THE COURT: I mean, I can review  
11 each one and as I review it, I could e-mail  
12 y'all and say, 'I have reviewed this and this  
13 is my decision on this.' And then y'all  
14 could have any additional arguments possibly  
15 in the morning, based on my conditional  
16 ruling.

17 You also have -- there was also some  
18 issue about certain things that needed to be  
19 redacted.

20 SOLICITOR JONES: Your Honor, I  
21 asked each Defense attorney to send me a list  
22 of proposed redactions.

23 Ms. Horlbeck did send me a list.

24 Mr. Warder did not.

25 I responded to Ms. Horlbeck's



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1 proposed redactions. I think a couple of  
2 them I agreed would be redacted. But I would  
3 ask if you do want to watch these in camera,  
4 you just take the list that Ms. Horlbeck gave  
5 me. So that way as you watch the videos you  
6 can see -- and she put what time she  
7 proposed the redaction.

8 THE COURT: All right.

9 Do you have a list, Mr. Warder, of  
10 any possible redactions in the event that I  
11 should rule they are admissible.

12 MR. WARDER: Your Honor, we have no  
13 specific minutes on the redactions.

14 THE COURT: Okay. And like I  
15 said, I'll make sure that it -- it actually  
16 may be easier for me to review the whole  
17 thing. And like I said, what I can do is ---

18 MR. WARDER: I think my objection  
19 to them is when you take them all in context,  
20 it becomes evident that these are things that  
21 have been placed in the children's mind by  
22 the caregivers. I think it becomes obvious.  
23 In other words, there's an interview taken.  
24 There's a few days that pass. There's  
25 another interview when the children are kind

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1 of getting ready to go to Disney Land (sic),  
2 that's kind of a quick trip. Then they  
3 exaggerate or enhance the allegations. I  
4 think you have to see them both in sequence  
5 to see how logically the children begin to  
6 say worse and worse things in the interview  
7 when they're going to Disney Land.

8 THE COURT: Right. And I guess  
9 then -- I guess my determination is kind of a  
10 threshold level. And then, you know, if I  
11 allow them in then that's what you argue to  
12 the jury when it becomes a question of fact.

13 MR. WARDER: Well, I would hope it  
14 would be decided as a matter of law and we  
15 wouldn't have to argue it.

16 THE COURT: Well, I will look at  
17 it and make the decision accordingly. Like I  
18 say, I don't think it makes any sense for me  
19 to watch them for five hours from in here. I  
20 mean, I'll be glad to ---

21 Why don't you mark each of them as  
22 an exhibit?

23 SOLICITOR JONES: Yes, sir.

24 THE COURT: And, like I say, let  
25 me have everybody's e-mail address and if I

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1       have any other questions or issues or  
2       something, I could shoot y'all an e-mail and  
3       let you know kind of which way I'm leaning  
4       with what I decide, with the understanding  
5       that you can come back here in the morning  
6       and discuss it further if needed.

7               Is that all right with you, Mr.  
8       Warder?

9               MR. WARDER:    Yes, sir.

10              THE COURT:     Is that all right, Ms.  
11       Horlbeck?

12              MS. HORLBECK:       Judge I don't have  
13       any objection to an in-camera review of the  
14       videos.

15              THE COURT:     Okay.

16              MS. HORLBECK:       I did have a  
17       couple of other points I did want to put on  
18       the record.

19              THE COURT:     Okay.

20              MS. HORLBECK:       Just with regards  
21       to ---

22              THE COURT:     But as to the videos?

23              MS. HORLBECK:       Yes, sir.   Just  
24       some other reasons and I can make them now or  
25       I can ---

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1 THE COURT: No, that'd be fine.

2 I'd like to know what they are now.

3 MS. HORLBECK: All right. Judge,  
4 my position is that the statute we're talking  
5 about, 17-23-175, is unconstitutional. I  
6 believe it violates the Sixth Amendment of  
7 the Constitution, U.S. Constitution. The  
8 children are not under oath at the time of  
9 the interview. Neither myself nor Mr. Warder  
10 have had the opportunity to contemporaneously  
11 cross-examine these children when they are in  
12 the process of being interviewed.

13 Our position is, as well, the  
14 prejudice outweighs the probative value.

15 The videos -- and I think I've  
16 alluded to this a little bit, but the videos  
17 show playful interaction between the children  
18 in the interview, the beginning and the end  
19 of the interviews, Judge. In particular,  
20 there are shots of the children drawing on  
21 the board, writing "I love you Grandma."  
22 These types of interactions stir the emotion  
23 and that kind of just impermissible emotion.  
24 We would just ask that that all be removed.

25 Also, Judge, our position is that

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1 the videotapes are hearsay. The statements  
2 in the videotapes go beyond the time and  
3 place of the alleged assault. And that type,  
4 as you know, Rule 801 of the Rules of  
5 Evidence, 801(d)(1)(d) provide that hearsay  
6 testimony be limited to time and place.

7 Generally, a prior consistent  
8 statement such as these videos wouldn't be  
9 admissible unless the witness is charged with  
10 some kind of fabrication or improper motive  
11 or inference.

12 The statute prevents an improper  
13 corroboration or bolstering conflict with  
14 801(d)(1)(d). And we believe it violates the  
15 Sixth Amendment of the Constitution.

16 And, Judge -- in particular, Judge,  
17 the Minor2 interview, as you're looking  
18 at the factors and the totality of the  
19 circumstances surrounding the making of that  
20 statement, we just don't think that her  
21 statement in particular provides a  
22 particularized guarantee of trustworthiness.  
23 She states in the middle of the video,  
24 especially with respect to Ms. Riden, that  
25 she does not know, that the things she's

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1 disclosed about her mother are things she  
2 just thinks happened, but she doesn't know.  
3 And I think that for that reason alone, I  
4 think that Minor2 interview needs to be  
5 excluded, Judge. That's all I have.

6 THE COURT: All right. Any  
7 specific response?

8 SOLICITOR JONES: Just briefly, Your  
9 Honor. A lot of issues Ms. Horlbeck  
10 commented on have already been decided by the  
11 Supreme Court and the Court of Appeals.

12 I would point Your Honor and Ms.  
13 Horlbeck to *State v. Whitner* and to *State v.*  
14 *Perry*. I can give your law clerk the  
15 citations for those. The statute is an  
16 exception to the hearsay rule.

17 The Supreme Court in *State v.*  
18 *Whitner* said that that particular statute is  
19 a valid legislative enactment. They go on to  
20 say that that particular case is a standard  
21 of how the forensic interviewer should  
22 testify in Court, Your Honor.

23 And, as well, *State v. Perry* talks  
24 about the issue of bolstering. That goes to  
25 when the interviewer testifies in Court.

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1 THE COURT: Right. I am familiar  
2 with both of those cases.

3 SOLICITOR JONES: Okay, Your Honor.  
4 And so I think both of those cases would be  
5 on point as to the arguments Ms. Horlbeck's  
6 making, Your Honor.

7 THE COURT: I think before I rule  
8 on that -- mean, I guess it's a Motion *in*  
9 *limine*, so let me review those.

10 But I think those issues have been  
11 addressed by the Court of Appeals. Some  
12 cases that, you know, has carved out an  
13 exception to that. So I'll review your  
14 argument as I review the videos as well.

15 All right. Anything else? Do you  
16 want to just mark the ---

17 MS. HORLBECK: I ---

18 THE COURT: Yes, do you have  
19 something else?

20 MS. HORLBECK: I have a couple of  
21 things, Judge.

22 THE COURT: Okay.

23 MS. HORLBECK: Not on this  
24 subject matter, so I didn't know.

25 THE COURT: All right. Well,

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1 let's go ahead and get this and then you can  
2 get into the other one.

3 MS. HORLBECK: Yes, sir.

4 THE COURT: Is there any reason  
5 why the witness cannot be excused at this  
6 time?

7 SOLICITOR JONES: Nothing else from  
8 the State, Your Honor.

9 MS. HORLBECK: Nothing from us,  
10 Your Honor.

11 MR. WARDER: No, Your Honor.

12 THE COURT: All right. Y'all  
13 will have a crack at her later, looks like.  
14 It depends on how I rule.

15 MR. WARDER: Judge, I've just got a  
16 couple of -- I'm sorry.

17 THE COURT: Let's mark these just  
18 so we keep the record straight.

19 MS. HORLBECK: Oh, sure.

20 THE COURT: Are you marking them  
21 chronologically?

22 SOLICITOR JONES: Yes, Your Honor.  
23 I'm going to do them by child, chrono-  
24 logically.

25 THE COURT: Okay.



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1 SOLICITOR JONES: So Minor 1  
2 interview of February 19<sup>th</sup> of 2014 ---

3 COURT REPORTER: State's Exhibit 1,  
4 interview of Minor 1 .

5 COURT REPORTER: Number 2?

6 SOLICITOR JONES: Minor 1  
7 interview dated April 11<sup>th</sup> of 2014.

8 COURT REPORTER: State's Exhibit 2.

9 SOLICITOR JONES: State's 2. And  
10 then Minor 3 dated March 11<sup>th</sup> of 2014.

11 COURT REPORTER: State's Exhibit 3.

12 SOLICITOR JONES: And then Minor 3  
13 dated April 7<sup>th</sup> of 2014.

14 COURT REPORTER: State's Exhibit 4.

15 SOLICITOR JONES: And then Minor 2  
16 dated March 11<sup>th</sup> of 2014.

17 COURT REPORTER: State's Exhibit 5.

18 Your Honor, we have premarked State's  
19 Exhibits 1 through 5, for identification.

20 MR. WARDER: Your Honor, we won't  
21 be here, of course, when you view the videos.  
22 I just wanted the court to be aware that if  
23 we were, we'd try to make Your Honor aware of  
24 the fact that this incident happened in 2011.

25 THE COURT: Okay.

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1 MR. WARDER: The videos are in 2014  
2 some three years. So what you're seeing is a  
3 video two to three years later.

4 SOLICITOR JONES: And, Your Honor,  
5 again, I would take issue with that. The  
6 dates on the indictments of when the State is  
7 alleging this happened is beginning on  
8 December 25 of 2011 going to December 25<sup>th</sup> of  
9 2012. So really, after 2012.

10 THE COURT: All right. I mean, I  
11 have ---

12 SOLICITOR JONES: You have the  
13 indictments.

14 THE COURT: All right. I'll keep  
15 that in consideration. All right. Anything  
16 else regarding the videos? I have State's  
17 Exhibits 1 through 5.

18 MR. WARDER: No, sir.

19 THE COURT: Do y'all need to  
20 review these or ---

21 MS. HORLBECK: I have, Judge.

22 THE COURT: I mean, do y'all need  
23 to look at the actual ones that are marked as  
24 exhibits?

25 MS. HORLBECK: No, Judge.

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1 THE COURT: All right.

2 MS. HORLBECK: I don't have a  
3 problem with it. I trust him.

4 MR. WARDER: The youngest child was  
5 twenty-eight months old when this was  
6 supposed to have happened. When you look at  
7 the video, you're ---

8 THE COURT: Yeah. I'll be --  
9 yeah, I'm pretty good at subtracting.

10 All right. Anything else regarding  
11 the videos? (No verbal response). I will  
12 look at those and I will make sure that my  
13 law clerk has everybody's e-mail address.  
14 And like I say, if I make any -- that way  
15 y'all can know, you know, in case you're  
16 preparing tonight or -- it may be late  
17 tonight or something, at least you'd have  
18 that information as soon as possible.

19 All right. Ms. Horlbeck, you had  
20 some additional ---

21 MS. HORLBECK: Judge, I would  
22 just ask that the charges in Ms. Riden's case  
23 be severed. We've got three children here  
24 and they're all making very similar  
25 allegations. I can anticipate some of the

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1 State's arguments for why they would want to  
2 try all these charges together. But, you  
3 know, our position, Judge, would be that it  
4 all amounts to the propensity of the  
5 evidence. Then when you have similar charges  
6 that area all addressing similar facts, that  
7 kind of thing, the potential for prejudice is  
8 just enormously enhanced in this case. The  
9 potential for the jury to assume, 'Well, if  
10 it happened to one child then it must have  
11 happened to all three of the children. If  
12 all three of the children are saying these  
13 things happened, it must have happened.'  
14 It's just enormous, Judge.

15 You know, I believe that admission  
16 of this type evidence and trying all these  
17 charges together at the same time, I think it  
18 creates an exception to Rule 404, to Rule  
19 404's exclusion of propensity of the  
20 evidence.

21 So we just -- it also shifts the  
22 burden of proof and destroys Ms. Riden's  
23 presumption of innocence.

24 So we would ask that all these  
25 charges be severed and that Ms. Riden be

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1 given the chance to be tried separately on  
2 each charge regarding each child.

3 THE COURT: Mr. Jones?

4 SOLICITOR JONES: Your Honor, just  
5 briefly. There are obviously a lot of cases  
6 out there about consolidation and when  
7 severance is necessary or required.

8 To briefly go over some of the  
9 elements of joinder, in *State v. Anderson* the  
10 Court said you "can try charges together when  
11 they arise out of the single chain of  
12 circumstances, proved by the same evidence of  
13 the same general nature and no real right of  
14 the Defendant has been prejudiced."

15 I think it's obvious these arise out  
16 of the same circumstances, same facts.  
17 They're all proved by the same three  
18 children, the same law enforcement that  
19 investigated the cases, investigated both  
20 defendants obviously. So the real issue is  
21 there a real right of the defendant that has  
22 been prejudiced. I don't think Ms. Horlbeck  
23 articulated any real right of the defendant  
24 that has been prejudiced by -- that would be  
25 prejudiced these two codefendants who are

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1 accused of sexually abusing children at the  
2 same time. There's never an incidence where  
3 the children that say one person abused the  
4 child and the other person wasn't there.

5 The only difference would be Ms.  
6 Riden was the mother of the child and also  
7 has an unlawful neglect charge, Your Honor.

8 So I don't think Ms. Horlbeck has  
9 articulated any type of real prejudice to her  
10 client.

11 MS. HORLBECK: Now, on the first  
12 two videos involving Minor 1 and Minor 3, those  
13 children disclose that the abuse allegedly  
14 was done by Mr. Hendrix, that my client was  
15 simply present. So I would take exception to  
16 that argument, Judge.

17 THE COURT: Let me look at the  
18 case. I mean, I'm not inclined to sever, but  
19 I'll give you the benefit of reviewing that.  
20 So a conditional denial, but subject to  
21 change.

22 MS. HORLBECK: All right.  
23 Judge, also a Motion to -- I'm sorry. Did I  
24 interrupt? Go ahead, Mr. Warder. I didn't  
25 see you stand.

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1 MR. WARDER: Your Honor, I, of  
2 course, would join in all of counsel's  
3 Motions. Could I ask for a prospective  
4 ruling that I don't have to stand up every  
5 time that co-counsel makes an objection and  
6 say 'I join that'; that the Court would  
7 considered me joined in all Motions unless I  
8 stand up and say I'm not joining in. It just  
9 makes it simpler for the jury. They don't  
10 see me jumping up and joining in.

11 THE COURT: I guess you need to  
12 make sure that's -- I mean, does that  
13 preserve your rights?

14 MR. WARDER: On record, if you  
15 would make a finding.

16 THE COURT: No, I don't have a  
17 problem with that. Do you have any problem  
18 with that? It shouldn't matter to you.

19 SOLICITOR JONES: It might matter to  
20 his client. I don't know that it necessarily  
21 bothers me.

22 THE COURT: The other thing about  
23 that, -- I mean, that makes you be the bad  
24 person for having to object to everything.

25 MS. HORLBECK: Yeah. It does.

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1       Yeah. Thanks, Mr. Warder.

2               THE COURT:     That's like 'wow,' you  
3       know.

4               MR. WARDER:    Well, I'll have some  
5       of my own and she might want to join in some  
6       of them. I don't know.

7               MS. HORLBECK:   Well, I don't  
8       know. But that leads me to my next Motion.  
9       My Motion is to sever this case. I'd like to  
10      be tried separately from Mr. Hendrix, Judge.

11              Just in my discussions with Mr.  
12      Warder, you know, are there some similarities  
13      in the Defense? Yes. Do I anticipate that  
14      Mr. Warder is likely going to open the door  
15      to testimony that I believe is objectionable  
16      and hearsay corroborative? I think that's  
17      definitely true, Judge.

18              I think that our styles in what  
19      kind of testimony we wanted admitted into  
20      this case and the manner of presenting our  
21      respective defenses are just vastly  
22      different.

23              If Mr. Warder opens the door to some  
24      kind of testimony from a hearsay witness that  
25      I would not have opened the door to, then



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1       that really is going to trample all over Ms.  
2       Riden's rights to a fair trial. I would ask  
3       that the Court allow her to be tried  
4       separately.

5               MR. WARDER: Your Honor, I have no  
6       objection to that, just so they try her  
7       first. And the reason being, of course ---

8               THE COURT: And like the other,  
9       I will give you a conditional denial of your  
10      Motion, my preliminary view. But, again,  
11      I'll review that just out of an abundance of  
12      caution.

13              MS. HORLBECK: Judge, a couple  
14      more things.

15              THE COURT: You say that.

16              MS. HORLBECK: I know.

17              THE COURT: I'm just kidding you.

18              MS. HORLBECK: As part of the  
19      State's discovery package that they gave us,  
20      which didn't include Ms. Riden's statement,  
21      they've requested a notice of an alibi  
22      Motion. Judge, the time period contained in  
23      the indictments spans over a year. I just  
24      can't come -- you know, my client doesn't  
25      know. Without even knowing exact dates and

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1 exact times and exact locations of the  
2 alleged abuse, my client has no hope of being  
3 able to respond to requests for notice of  
4 alibi. So I would ask the Court, as the  
5 State or require the State to disclose a more  
6 definite time period and location.

7 THE COURT: Well, I mean, aren't  
8 you dealing with -- I mean, you're dealing  
9 with victims of this age, which are most of  
10 these type cases, I mean, that's the best --  
11 that's as good as you're going to get.

12 MS. HORLBECK: Well, Judge, it's  
13 just -- it just hinders her ability to  
14 respond to that request for notice of alibi.  
15 How is she supposed to say where she was the  
16 entire year? There's no question that these  
17 incidents didn't take an entire year. They  
18 didn't span over a twenty-four hour period,  
19 three hundred and sixty-five days. How is  
20 my client supposed to be able to adequately  
21 answer that request and protect her  
22 interests?

23 THE COURT: So what is your relief  
24 that you're asking for, aside from my  
25 granting this Motion?

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1 MS. HORLBECK: That would be  
2 wonderful, Judge. We'd ask, you know, in the  
3 alternative, Judge, we'd ask for the Court to  
4 order the State to narrow down the time  
5 period. You know, give us specific dates and  
6 times and places that I can review with my  
7 client.

8 THE COURT: Mr. Jones?

9 SOLICITOR JONES: Your Honor,  
10 briefly. I'd point Ms. Horlbeck and to Your  
11 Honor to *State v. Wade*, which is another  
12 child sexual abuse case where the Supreme  
13 Court said that a two-year timeframe on  
14 indictment was not overbroad. And that that  
15 was perfectly acceptable and they mentioned  
16 the same thing that you just did, about the  
17 cognitive abilities of victims of this  
18 particular age.

19 Just like the State's expert is  
20 going to testify to, they cannot tell you  
21 when something happened. Their concept of  
22 time is not as mature or as evolved as  
23 adults. So to require a child to tell them  
24 an exact date or an exact or specific time  
25 would be to never prosecute CSC with a minor

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1 cases. And, again, it's *State v. Wade*, Your  
2 Honor. I can give your law clerk the  
3 citations.

4 THE COURT: No, I'm familiar with  
5 that one too.

6 And your objection is also noted,  
7 Mr. Warder, on that particular issue.

8 MR. WARDER: Thank you, sir.

9 THE COURT: Okay. And I'm going  
10 to deny that. I think that's -- I think that  
11 that's appropriate under the case law.

12 MS. HORLBECK: Thank you, Your  
13 Honor. Judge, we just have one last Motion  
14 to reserve cross-examination. I don't know  
15 how the State plans to call their case,  
16 whether they plan to show the video or put  
17 the children up and then show the video.  
18 Judge, I just want to avoid a situation where  
19 I have got to recall the children to the  
20 stand in order to ask them things about what  
21 happened on the video and what was said on  
22 the video. So I would ask that the children  
23 be subject to recall for cross-examination if  
24 the State plays the videos for the jury. I  
25 don't know what their plans are. I assume

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1       they're planning on doing that but I don't  
2       know that for sure.

3               SOLICITOR JONES:   Your Honor, I  
4       would refer Ms. Horlbeck to *State v. Hill*  
5       where the Supreme Court -- or excuse me, the  
6       Court of Appeals -- said that "even though  
7       the video evidence was submitted after the  
8       child took the stand, the State's method and  
9       order of presentation of evidence did not  
10      violate the defendant's right to  
11      confrontation." So, in short, it's the  
12      State's case and I can present my evidence  
13      however I see fit.

14              THE COURT:       Well, I guess if we  
15      have a particular objection, I'll hear it at  
16      that time. I'm not sure there's anything I  
17      can address at this point. I understand your  
18      concern.

19              MS. HORLBECK:       All right, Judge.  
20      I'll bring it up at the appropriate time  
21      then.

22              THE COURT:       Okay. Well, you  
23      understand what I'm saying?

24              MS. HORLBECK:       Yes, sir.

25              THE COURT:       Yeah. All right.

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1 Anything else? Anything else from Ms.  
2 Horlbeck?

3 MS. HORLBECK: Let me just check,  
4 Judge.

5 THE COURT: All right.

6 MS. HORLBECK: I don't think so.

7 THE COURT: Okay.

8 MS. HORLBECK: Let me check.  
9 Oh, one more. Okay. Your Honor had issued  
10 an Order denying our requests to have the  
11 State disclose counseling records.

12 Judge, since it's in front of Your  
13 Honor again, we would just ask you to  
14 reconsider that order. In reviewing Minor 1

15 child maltreatment protocols, we  
16 realized that there had been some instances  
17 where the caregiver had disclosed that  
18 Minor 1 had lied to keep herself out of  
19 trouble, lied about family members and also  
20 some incidents of stealing. So on that  
21 basis, Judge, we believe that those  
22 counseling records should be disclosed.  
23 They're material to -- well, it's material  
24 for us to be able to look through so we can  
25 see if there are other instances of lying and

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1       dishonesty and stealing. And on that basis  
2       we would ask that Your Honor reconsider and  
3       order the State to obtain those counseling  
4       records and disclose them.

5               THE COURT:     And even if you did  
6       have numerous accounts of lying and stealing,  
7       I'm not sure that would -- one, I'm not sure  
8       how it would be admissible or would go to  
9       this. So, no, I'm not going to open that up.  
10      That's denied.

11             MS. HORLBECK:     I think that's all  
12      I have, Judge.

13             THE COURT:     Okay. Anything from  
14      Mr. Warder, other than what's already ---

15             MR. WARDER:     No, Your Honor.

16             THE COURT:     Okay, anything else  
17      from the State?

18             SOLICITOR JONES:   Nothing else from  
19      the State, Your Honor.

20             THE COURT:     All right. Well,  
21      we'll go ahead and I'll be reviewing these,  
22      the videos.

23             It's my understanding the jury's  
24      coming in at 9:00. Is that right? And we  
25      may have, based on whatever my rulings are,

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1 I'm sure we'll have a few other issues  
2 probably before we actually start the trial.

3 But my thought is to qualify the  
4 jury, go ahead and select a jury, release the  
5 rest of the panel, and then we can entertain  
6 any additional Motions we need to get back  
7 to. All right?

8 SOLICITOR JONES: Thank you, Your  
9 Honor.

10 THE COURT: Anything further from  
11 the State?

12 SOLICITOR JONES: Nothing from the  
13 State, Your Honor.

14 THE COURT: Mr. Warder?

15 MR. WARDER: No, Your Honor.

16 THE COURT: And Ms. Horlbeck?

17 MS. HORLBECK: Not at this time,  
18 Judge. You wanted our e-mail addresses?

19 THE COURT: Yeah. Just if I need  
20 to let you -- I mean, I will e-mail everybody  
21 just so that y'all will have it as soon as  
22 possible as far as any rulings on this case.  
23 I don't know that your preparation will be  
24 based on what I rule but, you know, -- as  
25 y'all well know you should assume, that



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1           you've got to prepare always.

2                       MR. WARDER:   Your Honor, I'm going  
3           to give you my paralegal's address too.

4                       THE COURT:    I figured I would be  
5           getting hers and not yours, Mr. Warder.

6                               (COURT IN RECESS)

7                               (TRANSCRIPT CONTINUED ON NEXT PAGE)

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1 JANUARY 26, 2016 9:00 A.M.

2

3

(DEFENDANT HENDRIX PRESENT)

4

(JURY PANEL IN @ 9:00 A.M.)

5

(ROLL CALL)

6

(JURY PANEL SWORN)

7

(STATUTORY QUALIFICATION)

8

THE COURT: All right. I am glad  
9 to inform the rest of y'all that y'all are  
10 duly qualified and ready to be selected for a  
11 jury. I really do appreciate you being here.  
12 You know, for us that are in this system, you  
13 know, we couldn't operate without people like  
14 you showing up for jury duty.

15

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20

At this time, though, we're going to  
have to determine what all's going to be  
involved in the first case. We're going to  
get our witness list together. And we have a  
few things, kind of housekeeping matters to  
go through.

21

22

23

24

25

So I'm going to ask that y'all take  
a break. Let's take about fifteen minutes.  
Why don't y'all -- you know, you can go to  
the bathroom. If anybody needs to go out and  
have a smoke -- I think the smoking porch is

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1 on the bottom porch, outside under the  
2 portico. But just be back -- be back in the  
3 hallway ready to come back in here at 10:30.  
4 So you've got a fifteen- minute break.

5 (JURY PANEL OUT @ 10:15 A.M.)

6 THE COURT: Make sure that the  
7 jury panel stays out there. Ms. Horlbeck,  
8 as I referenced earlier you're looking kind  
9 of lonely over there.

10 MS. HORLBECK: Yes, sir, I  
11 continue to be lonely. I have received a  
12 text message from my client. Let me just  
13 make sure I can pull it up so I can -- she's  
14 having some -- and I want to be delicate  
15 about it because I don't want to gross  
16 anybody out. But apparently, she's having  
17 some female issues. She said that she had to  
18 run to Walmart to get a new pair of pants.  
19 She said she would be back before the trial  
20 started. This was texted to me at 10:10 A.M.

21 I have called the number, which  
22 incidentally is the same number, the same new  
23 number that my secretary also received from  
24 her this morning. So this seems to be her  
25 best number. I left a message saying, "Call

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1 me. I've got to get back to the courtroom  
2 and you should here. Your trial is getting  
3 ready to start."

4 Someone from there called me back.  
5 I've got the speaker on mute though, so it  
6 won't ring in court; so I didn't answer. No  
7 one left a message. I called the number back  
8 and no one answered. I did go downstairs.  
9 This was about probably ten to fifteen  
10 minutes ago. I checked in the lobby. I  
11 check -- I looked outside. I did not go  
12 outside. I checked the bathroom downstairs,  
13 all the stalls were empty. I could not check  
14 the bathroom up here on the third floor  
15 because the jury was all in there and I just  
16 felt I didn't want to go in the bathroom and  
17 start screaming my clients name as if I were  
18 looking for her.

19 So I don't know what else I can do,  
20 Judge, except wait a few more minutes. I can  
21 continue calling. I think at this point I  
22 would ask that a bench warrant be issued and  
23 that my portion of the case be continued.

24 THE COURT: I'm going to deny your  
25 request for continuance because I'm not going

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1 to let her manipulate the court system.  
2 She may be having serious problems and we can  
3 address those when or if she shows up. But I  
4 am going to ---

5 MS. HORLBECK: If I could just  
6 add four more things that I've just now  
7 thought of.

8 THE COURT: Yes.

9 MS. HORLBECK: It's a little bit  
10 upsetting to have your client leave, so some  
11 of these things are just popping into my  
12 head.

13 THE COURT: No, I understand.

14 MS. HORLBECK: When she spoke to  
15 my secretary this morning, you know, -- and  
16 this is in keeping with the Motion that I  
17 brought before the Court yesterday for an  
18 evaluation -- she seemed utterly clueless of  
19 what was going to happen today. She was  
20 asking my secretary, 'What's going to happen?  
21 Do we just pick the jury?' And she had lost  
22 my phone number. And I've called her a lot.  
23 I called her yesterday at all the phone  
24 numbers I've got and left as many messages as  
25 I could. She should have letters with my

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1 phone number on it. There's just no way that  
2 she could have lost all contact information  
3 with me, Judge.

4 When I got her here today I had to  
5 explain to her, 'Yes, we are not only picking  
6 your jury and we are proceeding with your  
7 trial today. It's not going to be a  
8 situation where we pick the jury and then we  
9 don't go forward or we wait a couple of weeks  
10 to start your case. We're starting it  
11 today.'

12 So I just renew my Motion for an  
13 evaluation and just add that to my Motion for  
14 a continuance, Judge.

15 THE COURT: All right. I am going  
16 to -- since she was there and had no  
17 communication, I'm going to revoke her bond  
18 and have a bench warrant issued.

19 MS. HORLBECK: Thank you, sir.

20 THE COURT: All right. Are we  
21 ready to -- I've got witness lists from Mr.  
22 Warder, a witness list from the State and  
23 then ---

24 MR. WARDER: Your Honor, if your  
25 plans are to go ahead with the trial without

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1 the codefendant here, I'd move for a  
2 continuance. She's essential to my defense,  
3 her presence. I've subpoenaed her. I don't  
4 usually subpoena a codefendant. I had a  
5 subpoena served upon the codefendant, so that  
6 I could guarantee that if the cases were  
7 severed or anything, I had that witness.

8 If you now were to go forward, now  
9 that she's absconded and disregarded my  
10 subpoena, I would be more than substantially  
11 prejudiced, outside of our -- our whole  
12 defense has hinged around her being available  
13 to be examined as to the facts she knew.

14 THE COURT: Well, we've issued a  
15 bench warrant so maybe we'll have her picked  
16 up by the time your case gets around, but I'm  
17 not going to continue the case.

18 MR. WARDER: Okay.

19 THE COURT: We will go forward.  
20 I guess before we dismiss the jury -- yeah,  
21 I'm sorry. I don't mean to cut you off, Mr.  
22 Warder.

23 MR. WARDER: The other issue I  
24 guess I wanted to get straight in my mind was  
25 the order in which counsel was going to

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1 proceed. She was the first indicted and that  
2 usually governs how we go. I was indicted  
3 after her. I have higher indictment numbers.  
4 I assume we'll follow the usual procedure.  
5 You know, first indicted would be the first  
6 to examine, the first to argue.

7 THE COURT: I mean, that's what I  
8 usually do unless the parties come up with an  
9 agreement otherwise.

10 MR. WARDER: Okay.

11 THE COURT: That's up to y'all. I  
12 mean I will go by that indictment.

13 All right. Let me just kind of  
14 renew before we actually start the jury  
15 process. That, you know, I did review the  
16 videos.

17 Well, let's go ahead and select the  
18 jury and then we can discuss that.

19 MS. HORLBECK: As to that, Judge,  
20 I do have some proposed *voir dire* that I'd  
21 like to submit.

22 THE COURT: Yeah. Any other  
23 proposed *voir dire*? Do y'all have any *voir*  
24 *dire*?

25 MR. WARDER: Yes, sir, (tenders).



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1 THE COURT: All right. I'm trying  
2 to think, the witness list here. Is Mark  
3 Riden and Mark Lusk, those are two different  
4 people?

5 SOLICITOR JONES: Those are two  
6 separate people, Your Honor.

7 THE COURT: All right. It looks  
8 like then from the State's list the only  
9 additional one that Ms. Horlbeck adds -- she  
10 adds Amanda Frederick and Stacy Riden.

11 Mr. Warder, you add Jesse Riden,  
12 Jennifer Riden, Mark Lusk, Annie Queen and  
13 Hanna Hendrix. All right?

14 MS. HORLBECK: Yes, sir.

15 MR. WARDER: Yes, Your Honor.

16 THE COURT: And that will cover  
17 all of the witnesses. And I haven't had a  
18 chance to look at *voir dire* presented by Ms.  
19 Horlbeck. Any objection to any of those?

20 SOLICITOR JONES: Your Honor, I do  
21 have some objections but I'm still ---

22 THE COURT: All right. Yeah.  
23 Let's take a minute to look at these.

24 Do y'all have any *voir dire*, Mr.  
25 Warder?

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1 MR. WARDER: No, sir, no *voir dire*.

2 THE COURT: Any *voir dire* from  
3 you, Mr. Jones?

4 SOLICITOR JONES: No, Your Honor.

5 MR. WARDER: Your Honor, I've  
6 reviewed the *voir dire* proposals submitted by  
7 counsel and they all seem appropriate to me.

8 THE COURT: Okay.

9 MS. HORLBECK: (Upon review), I  
10 do have lot, Judge. I mean, look, I have no  
11 client. I've got to do everything I can at  
12 this point in time.

13 THE COURT: I'm sure you do.

14 MS. HORLBECK: All right. I  
15 understand. I just want my objections noted  
16 for the record.

17 THE COURT: All right. Any  
18 particular that you would object to?

19 SOLICITOR JONES: Your Honor, I  
20 would be fine with one, two, and three. In  
21 four through thirty-one, I think she is  
22 attempting to develop a personality profile.  
23 *State v. Smart*, I think says the judge has  
24 the discretion.

25 I think the standard *voir dire* is

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1 appropriate and does everything necessary, as  
2 far as keeping with the constitutional  
3 rights.

4 All of the other questions, again  
5 four through thirty-one on this proposed *voir*  
6 *dire*, I would object to, Your Honor.

7 MS. HORLBECK: And Judge in  
8 support of all of these questions I would  
9 just cite *Skilling v. United States* 561 US  
10 358.

11 THE COURT: All right. I don't  
12 have a problem with one, two, and three.

13 Four, that's a little broad. I  
14 mean, I wouldn't have a problem with four  
15 if it were more tailored to -- I mean, just  
16 reported an incident. I mean, are you  
17 talking about every parent to report to some  
18 type of incident. I don't think you have  
19 something specific enough in there.

20 MS. HORLBECK: Well, Judge, it  
21 can be more specific to a -- I mean -- if  
22 you'll give me a minute, I'll pull this up.

23 THE COURT: Okay.

24 MS. HORLBECK: I gave out all my  
25 copies. I apologize. And, Judge, by

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1 incident, of course -- I mean, since we're  
2 dealing with a sexual incident, I don't see  
3 why we can't put that in there. I agree that  
4 may be a little overbroad.

5 THE COURT: And I don't -- sexual  
6 or abuse.

7 SOLICITOR JONES: Say that again,  
8 Your Honor? You were saying? I didn't hear  
9 you.

10 THE COURT: I mean, I think you  
11 need to be -- not just any. I don't have a  
12 problem with asking if they've reported any  
13 sexual or abuse. I am concerned about school  
14 law enforcement incidents.

15 SOLICITOR JONES: So as to the  
16 question number four, it would be have you  
17 ever reported any sexual abuse ---

18 THE COURT: Yeah. Sexual or  
19 abuse.

20 SOLICITOR JONES: Okay.

21 THE COURT: Five, I'm going to  
22 deny.

23 (Six): "Do you have a net nanny or  
24 parental controls on your computer or on TV?"  
25 I'm going to deny.

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1 "Have you ever known a child to get  
2 past controls?" Seven, denied.

3 Eight -- I think if anybody answered  
4 eight differently, then they'd be telling a  
5 lie.

6 MS. HORLBECK: That's what I want  
7 to find out, Judge. These are things that I  
8 clearly need to know.

9 THE COURT: Eight and nine, I'm  
10 going to deny.

11 "Do you believe a young person  
12 accuses someone of sex then it must be true?"  
13 That's close, but I'm going to let you have  
14 ten.

15 Deny eleven.

16 Twelve.

17 Some of these are kind of getting  
18 into the basis of the -- I mean, I think  
19 you're getting too much with what the jury  
20 has to make a determination on.

21 Thirteen denied.

22 Fourteen denied.

23 SOLICITOR JONES: And you denied  
24 twelve, Your Honor?

25 THE COURT: Yes, I'm sorry.

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1 Twelve, denied.

2 Fifteen denied.

3 Sixteen denied.

4 I mean, a lot of these, again, a lot  
5 of these seem to be more closing argument-  
6 type stuff and I think that's what you're  
7 kind of getting into here.

8 Seventeen denied.

9 Eighteen denied.

10 Nineteen I think is kind of covered  
11 on my general *voir dire*.

12 Twenty denied.

13 Twenty-one denied.

14 Twenty-two denied. These are  
15 questions you need to maybe ask these  
16 experts.

17 Twenty-three. I'll give you twenty-  
18 three I think is okay.

19 Twenty-four is definitely -- that  
20 one's a burden-shifting type question.

21 Twenty-five.

22 Twenty-six through thirty-one I think  
23 are, again, personality type thing.

24 Thirty, I can ask it, "If you haven't  
25 stood..." -- just please stand for exercise

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1 purposes if that's the purpose of thirty.

2 MS. HORLBECK: No, I want to know  
3 why they haven't stood.

4 THE COURT: Well, you don't ask  
5 that, 'just please stand if you haven't  
6 stood.'

7 MS. HORLBECK: Well, that does  
8 ask them ---

9 THE COURT: So then my follow-up  
10 question, 'If you haven't stood, do you think  
11 you could still give a fair and impartial  
12 trial?'

13 MS. HORLBECK: Yes.

14 THE COURT: Thirty-one, denied.

15 SOLICITOR JONES: So just to be  
16 clear, Your Honor, on the second page ---

17 THE COURT: Nineteen and twenty-  
18 three. Nineteen's covered by my general.

19 SOLICITOR JONES: Right.

20 THE COURT: Twenty-three. And  
21 then on the front, one through four.

22 SOLICITOR JONES: Okay. With the  
23 modified four?

24 THE COURT: Right. Do you have --  
25 I've marked up my copy and put notes on them.

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1 Do you want to mark one for an Exhibit to put  
2 in?

3 MS. HORLBECK: I can print out a  
4 fresh copy and bring it to Your Honor if you  
5 want. I don't have another copy is what I'm  
6 trying to tell you.

7 THE COURT: Right.

8 MS. HORLBECK: But, yeah. I  
9 could do that later on in the process if  
10 that's okay?

11 THE COURT: Yeah. That'll be  
12 fine.

13 MS. HORLBECK: Thank you.

14 THE COURT: And that would be?

15 COURT REPORTER: Defendant Riden's  
16 Exhibit 1, ID Only.

17 (SO ENTERED AS DEFENDANT RIDEN'S

18 EXHIBIT 1 - ID Only)

19 MR. WARDER: Your Honor, for the  
20 purposes of the record, I would join in the  
21 Motion to allow all of the voir dire  
22 portions.

23 THE COURT: Okay. And those will  
24 be Defendant's Exhibit 1. And you're going  
25 to provide a copy of that.



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1 MS. HORLBECK: Yes, sir.

2 THE COURT: All right. Anything  
3 else?

4 SOLICITOR JONES: I want to make  
5 sure we're clear on the number of strikes,  
6 Your Honor.

7 THE COURT: Okay.

8 SOLICITOR JONES: I believe It's ten  
9 and ten, a total of twenty -- and I get ten?  
10 Am I reading that that right?

11 (OFF RECORD DISCUSSION)

12 THE COURT: How long do y'all  
13 expect this trial to last -- because we've  
14 got one lady we're protecting on Friday.

15 MR. WARDER: I don't think it will  
16 go Friday. I think two days will be a  
17 reasonable guesstimate.

18 SOLICITOR JONES: I think I'll  
19 probably leak into Thursday morning. But it  
20 also depends on how much of the video you  
21 redact. But in planning with my witnesses,  
22 I've got some planning on coming Wednesday  
23 afternoon into Thursday morning, but ---

24 THE COURT: Yeah. Let's protect  
25 that lady. We'll have enough without her.

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1 All right. Anything else before we  
2 bring the jury in?

3 SOLICITOR JONES: Nothing from the  
4 State, Your Honor.

5 THE COURT: Anything else? We've  
6 noted your objections, which will be  
7 Defendant's Exhibit 1.

8 MS. HORLBECK: Yes, Your Honor,  
9 as well as my objections to the Court's  
10 ruling on proposed *voir dire*. I have nothing  
11 else.

12 MR. WARDER: And make sure that I  
13 do have on the record, of course, a Motion  
14 for continuance that I think before the  
15 jury's in.

16 THE COURT: Right, that is notes.  
17 All right. Bring the jury panel in.

18 MR. WARDER: Your Honor, could we  
19 approach just for a minute?

20 THE COURT: Yes.

21 (OFF RECORD BENCH CONFERENCE)

22 (JURY PANEL IN @ 10:55 A.M.)

23 CLERK: The Judge wants me to do a  
24 roll call right quick and make sure  
25 everybody's here. So if you would just say

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1 "Here", as I call your name.

2 (JURY PANEL ROLL CALL)

3 THE COURT: And if the attorneys  
4 will approach up here next to the court  
5 reporter.

6 SIDEBAR:

7 THE COURT: In conference,  
8 Ms. Horlbeck made an objection about the  
9 failure to have the unlawful neglect on the  
10 roster. It is my understanding that the  
11 parties were notified of all indictments, but  
12 I wanted to give you a chance to elaborate on  
13 your objection.

14 MS. HORLBECK: The only  
15 charges on the roster are the criminal sexual  
16 conduct with a minor, two counts, and the CSC  
17 with a minor third degree. My objection is  
18 that if she faces a jury trial on the child  
19 neglect she has not been properly notified of  
20 that charge.

21 SOLICITOR: The State would  
22 content that the attorneys were notified of  
23 all charges and that the docket as printed is  
24 merely a clerical error.

25 THE COURT: We can elaborate

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1 on this further later.

2 (SIDEBAR CONCLUDED)

3 THE COURT: All right. Ladies and  
4 gentlemen, thank you for your patience. Our  
5 housekeeping matters took a little bit longer  
6 than necessary, but we appreciate your  
7 patience.

8 At this time we're going to start  
9 the trial of the State versus Aaron Van  
10 Hendrix and the State versus Stacy Carol  
11 Riden.

12 I'm going to read you just briefly  
13 what the charges are. And, again, I always  
14 preface this with saying these indictments or  
15 these charges are not to be considered by  
16 anyone as someone is guilty. The burden is  
17 going to be on the State to prove these  
18 charges, the charges that have been -- the  
19 indictments are merely documents to bring the  
20 person into the courtroom.

21 Stacy Carol Riden is charged with  
22 unlawful conduct towards a child in Pickens  
23 County between the dates of December 24, 2011  
24 and 2012; putting a child at unreasonable  
25 risk or harm affecting the child's life or

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1 unlawfully or maliciously causing or doing  
2 bodily harm to the child or willfully  
3 abandoning the child.

4 We have an indictment against Stacy  
5 Carol Riden for sexual conduct with a minor  
6 third degree; between the same date, December  
7 25<sup>th</sup>, 2011 through December 25<sup>th</sup>, 2012.

8 We have another indictment for  
9 criminal sexual conduct with a minor first  
10 degree during the same dates.

11 We have a fourth indictment for  
12 criminal sexual conduct with a minor first  
13 degree against Stacy Carol Riden for the same  
14 day.

15 And for Aaron Van Hendrix we have an  
16 indictment or criminal sexual conduct with a  
17 minor first degree during the same dates.

18 Criminal sexual conduct with a minor  
19 third degree during the same dates, all in  
20 Pickens County.

21 And then a third indictment for  
22 criminal sexual conduct with a minor first  
23 degree between the same dates as well.

24 Those are the indictments, the  
25 official documents, which bring the parties

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1 before this Court.

2 First of all, I want to remind you  
3 that you have been placed under oath  
4 previously during the qualification process.  
5 And it's very important that you listen to my  
6 questions and you understand my questions and  
7 you respond appropriately.

8 I realize that this is a very  
9 serious subject and it is important that the  
10 attorneys get the appropriate information  
11 they need before making a selection for the  
12 jury.

13 First of all, is anyone related by  
14 blood or marriage or close personal friends  
15 or have a social relationship with Stacy  
16 Carol Riden, R-i-d-e-n? If so, please stand.  
17 (No response). All right. No response.

18 Anyone related by blood or marriage  
19 or close personal friends or have a social  
20 relationship with Aaron Van Hendrix? That's  
21 Hendrix with an X, H-e-n-d-r-i-x. If so,  
22 please stand. (No response). All right.

23 The parties are being represented --  
24 first the State, the attorney for the State  
25 Mr. Chris Jones from the Thirteenth Circuit

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1 Solicitor's Officer here in Pickens County.

2 For Defendant Stacy Riden ---

3 You want to stand up and introduce  
4 yourself? I'm sorry.

5 MS. HORLBECK: I'm Caroline  
6 Horlbeck and I represent Stacy Riden in this  
7 case.

8 THE COURT: Mr. Warder?

9 MR. WARDER: I'm Richard Warder.  
10 And it's my privilege to be representing  
11 Aaron Hendrix in this case today. Thank you.

12 THE COURT: All right. First of  
13 all, is anyone related by blood or marriage  
14 or close personal friends with any of the  
15 attorneys involved in this case? If so,  
16 please stand? (No response).

17 Has anybody been previously  
18 represented by these attorneys or have you  
19 ever had a case where these attorneys were on  
20 the opposite sides of your case? If so,  
21 please stand. (No response). All right.  
22 No response.

23 Is anybody related by blood or  
24 marriage to anyone who is associated with the  
25 Thirteenth Circuit Solicitor's Office? If

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1 so, please stand? (No response).

2 All right. I'm going to list some  
3 witnesses here. And if you will just stand.  
4 I'm probably going to break it into two  
5 lists. If you'll stand -- and what we're  
6 looking for is if you're related by blood or  
7 marriage or a close personal or business  
8 relationship with any of these witnesses.

9 Then I will follow up. That  
10 doesn't mean it disqualifies you. You may  
11 know one of the witnesses. And then I'll  
12 follow up with the question of asking you  
13 the fact that you know this person or your  
14 relationship with this person, would it allow  
15 you to be fair and impartial in the trial of  
16 this case if these people are witnesses. So  
17 that's what I will be asking you. So listen  
18 carefully to the witness list:

19 Adam McJunkin, Pickens County  
20 Sheriff's Office

21 Marvin Nix, Pickens County Sheriff's  
22 Office

23 Art Taylor, Pickens County Sheriff's  
24 Office

25 Lee Crib, the Department of Social



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1 Services

2 Shauna Galloway-Williams

3 Mary Croswell

4 Christine Carlberg

5 Lisa Riden, or

6 Mark Riden.

7 If anybody is related by blood or  
8 marriage, knows any of the individuals  
9 socially or business relationship if so,  
10 please stand. (No response). All right.  
11 No response.

12 I'm going to -- the second half of  
13 the witness list:

14 Minor 1

15 Minor 3

16 Minor 2

17 Natasha Buckner

18 Jesse Riden

19 Jennifer Riden

20 Mark Lusk

21 Annie Queen, or

22 Hannah Hendrix.

23 Anyone know any of those witnesses?

24 Related by blood or marriage or have any  
25 social or personal or business relationship

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1 with any of those witnesses? If so, please  
2 stand. (No response). All right. No  
3 response.

4 Some of these questions here are  
5 extremely personal. I will be glad to  
6 entertain your response in a more closed  
7 setting up here. But, again, the attorneys  
8 will have to also hear the response. But I  
9 will extend a little bit more privacy for  
10 you.

11 Has anyone on the jury panel ever  
12 been a victim of a sexual assault? If so,  
13 please stand? (No response). All right,  
14 no response.

15 JUROR NUMBER 131: (Stands).

16 CLERK: You've got one.

17 THE COURT: All right. Do you  
18 want to tell me now or would you rather come  
19 up here?

20 JUROR NUMBER 131: I'm sorry?

21 THE COURT: Would you rather come  
22 up here for your response?

23 JUROR NUMBER 131: I'm fine.

24 THE COURT: And you have been a  
25 victim of a sexual assault?

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1 JUROR NUMBER 131: I have.

2 THE COURT: Okay. And when did  
3 that occur.

4 JUROR NUMBER 131: It occurred,  
5 started when I was about seven.

6 THE COURT: All right. And the  
7 fact that this may, that this involves an  
8 allegation of a sexual assault, do you think  
9 you could give a fair and impartial to both  
10 sides, the State and the Defendants in this  
11 matte?

12 JUROR NUMBER 131: I'm not sure  
13 that I can.

14 THE COURT: All right.

15 CLERK: What's her name and number?

16 JUROR NUMBER 131: Samantha Simpson,  
17 131.

18 THE COURT: I'm going to excuse  
19 you from the trial of this case. And thank  
20 you for responding.

21 (JUROR NUMBER 131 EXCUSED)

22 THE COURT: Anyone else?

23 JUROR NUMBER 45: (Stands).

24 THE COURT: Please stand up and  
25 give your name.

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1 JUROR NUMBER 45: Wanda Durham,  
2 Juror 45. It started in elementary school  
3 and went through all of elementary school.

4 THE COURT: Excuse me, ma'am, you  
5 need to just ---

6 JUROR NUMBER 181: Okay. So I do  
7 need to stay?

8 THE COURT: You're not excused  
9 from the whole panel. I'm sorry. Just hang  
10 on so you can get further instructions at the  
11 end of it.

12 I'm sorry, Ms. Durham. You are  
13 Number 45?

14 JUROR NUMBER 45: That's okay.

15 THE COURT: You're Wanda Durham?

16 JUROR NUMBER 45: Yes.

17 THE COURT: And the fact that this  
18 case involves allegations of sexual assault,  
19 do you believe you could give a fair and  
20 impartial trial to both the state and the  
21 defendants in this matter?

22 JUROR NUMBER 45: Absolutely not.

23 THE COURT: Well, I will excuse  
24 you from this. If you will just kind of  
25 remain with this so we can give you

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1 instructions about further in the week,  
2 should we need you.

3 (JUROR NUMBER 45 EXCUSED)

4 JUROR NUMBER 45: Okay.

5 THE COURT: Anyone else? (No  
6 response).

7 This question is kind of along the  
8 same line, has a close friend or family  
9 member ever been the victim of a sexual  
10 assault? If so, please stand? (No  
11 response). All right. No response.

12 Is anyone in the category of being  
13 a mandated reporter? If so, please stand?

14 JUROR NUMBER 4: (Stands)

15 THE COURT: And first of all, what  
16 is your name?

17 JUROR NUMBER 4: Kristin Ambrose.  
18 And I'm a reporter.

19 THE COURT: All right Ms. Ambrose.  
20 Are you a mandated reporter?

21 JUROR NUMBER 4: Yes, sir. I'm a  
22 teacher.

23 THE COURT: Okay. The fact that  
24 you're a mandated reporter, do you believe  
25 that you could still be fair and impartial

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1 to both the State and the defendants in this  
2 matter?

3 JUROR NUMBER 4: I would.

4 THE COURT: It's either yes or no?

5 JUROR NUMBER 4: Sorry. Yes.

6 THE COURT: Okay. You think you  
7 could be fair?

8 JUROR NUMBER 4: Yes, sir.

9 THE COURT: All right. I'm going  
10 to leave you on the panel and thank you.

11 Have you ever reported a sexual  
12 abuse incident that you were concerned about  
13 to a school law enforcement or the Department  
14 of Social Services? If so, please stand?

15 JUROR NUMBER 101: (Stands)

16 THE COURT: Yes, Your name and  
17 number?

18 JUROR NUMBER 101: Christina L.  
19 Morris, 101.

20 THE COURT: All right. Ms.  
21 Morris, how would you like to respond to that  
22 question?

23 JUROR NUMBER 101: Just as a  
24 teacher we had a student I had to -- I had  
25 this issue with a sexual assault with one of

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1 my students and contacted the police.

2 THE COURT: Okay. All right.

3 The fact that you were involved in that, you  
4 think you could still give a fair and  
5 impartial trial to both the State and the  
6 Defendants in this matter?

7 JUROR NUMBER 101: Yes.

8 THE COURT: All right. I'm going  
9 to -- I'm going to leave you on the panel and  
10 thank you for your response.

11 CLERK: One more.

12 THE COURT: Oh, I'm sorry.

13 JUROR NUMBER 113: (Stands)

14 THE COURT: Yes.

15 JUROR NUMBER 113: It happened to  
16 my daughter years ago.

17 THE COURT: I'm sorry? Well,  
18 first your name?

19 JUROR NUMBER 113: Denny Pilgrim.

20 THE COURT: Number 113. Okay.

21 JUROR NUMBER 113: It happened to  
22 my daughter years ago.

23 THE COURT: Do you believe that  
24 because of your response and your experience  
25 do you believe you could still give a fair

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1 and impartial trial to both the State and the  
2 Defendants in this case?

3 JUROR NUMBER 113: Yes, sir.

4 THE COURT: All right. All right.  
5 Thank you. I'm going to leave you on the  
6 panel.

7 All right. I realize you've been  
8 given limited information in this matter, but  
9 I need to know if any member of the jury  
10 panel has formed or expressed an opinion  
11 about any issue or matter involved in this  
12 case? If so, please stand? (No response).  
13 All right. No response.

14 Is any member of the jury panel  
15 aware of any bias or prejudice towards either  
16 the State or the Defendant that would keep  
17 you from being able to give a fair and  
18 impartial trial to both sides of this matter  
19 -- or all three sides, the State and both of  
20 the Defendants? If so, please stand? (No  
21 response). All right.

22 This is kind of general question  
23 here but is anyone related by -- let's start  
24 off with this, is anybody related by blood or  
25 marriage to a law enforcement agent? If so,



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1       please stand?

2                   JUROR NUMBER 45:       (Stands).

3                   THE COURT:     All right.  And I've  
4       excused you from this, Ms. Durham, so you're  
5       ---

6                   JUROR NUMBER 45:     Okay.

7                   JUROR NUMBER 98:       (Stands).

8                   THE COURT:     Let's start with you  
9       right here.  What's your name and number?

10                   JUROR NUMBER 98:       Gregory Mocko,  
11       Juror Number 98.

12                   THE COURT:     All right.

13                   JUROR NUMBER 98:     I'm not quite sure  
14       but my brother-in-law is a Connecticut State  
15       Trooper.

16                   THE COURT:     Okay.     And do you  
17       think that that fact would keep you from  
18       being able to give a fair and impartial trial  
19       to both the State and the Defendants in this  
20       matter?

21                   JUROR NUMBER 98:       No.

22                   THE COURT:     All right.  I'm going  
23       to keep you on the panel.

24                   JUROR NUMBER 143:       (Stands).

25                   THE COURT:     Yes.  Your name and

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1           number

2                   JUROR NUMBER 143:     143, Thompson.

3                   THE COURT:     Okay.   Mr. Thompson?

4                   JUROR NUMBER 143:     My brother-in-

5           law is the Georgia Law Enforcement

6           Coordinator for the Regional Organized Crime

7           Information Center.

8                   THE COURT:     All right.   Is that  
9           fact, would that keep you from being able to  
10          give a fair and impartial trial to the State  
11          and the defendants in this matter?

12                   JUROR NUMBER 143:     No, sir.

13                   THE COURT:     All right.   I'm going  
14          to keep you on the panel.   Thank you for your  
15          response.

16                   JUROR NUMBER 4:     (Stands)

17                   THE COURT:     Yes.

18                   JUROR NUMBER 4:     Kristin Ambrose,  
19          Number 4.   And my brother is a police officer  
20          with Pickens City and previously Pickens  
21          County.

22                   THE COURT:     All right.   The fact  
23          that your brother is a police officer, would  
24          that keep you from giving a fair and  
25          impartial trial to both the State and the

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1 defendants in this matter?

2 JUROR NUMBER 4: No, sir.

3 THE COURT: All right. Thank you.

4 JUROR NUMBER 75: (Stands)

5 THE COURT: And, -- yes?

6 JUROR NUMBER 75: Amanda Jones,

7 75.

8 THE COURT: Okay.

9 JUROR NUMBER 75: My husband is a  
10 deputy for Pickens County.

11 THE COURT: All right. I think,  
12 ma'am, I'm going to excuse you from this case  
13 on that fact. Thank you.

14 (JUROR NUMBER 75 EXCUSED)

15 THE COURT: All right. Anyone  
16 else? (No response)

17 Does anybody on the jury panel  
18 believe that police get wrongfully criticized  
19 in their jobs? If so, please stand? (No  
20 response). All right. No response.

21 Does any member of the jury panel  
22 know of any reason whatsoever that they could  
23 not give a fair and impartial trial to both  
24 the State and the defendants in this matter?  
25 If so, please stand? (No response)

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1 For any reason whatsoever? (No  
2 response). All right.

3 And I will give you -- and is there  
4 anyone on the jury panel who did not feel  
5 comfortable in responding to the previous  
6 questions and would like to respond up here  
7 at the bench? If so, please stand. (No  
8 response). All right. No response.

9 Any other questions from the State?

10 SOLICITOR JONES: Nothing else from  
11 the State, Your Honor.

12 THE COURT: Anything else on  
13 behalf of Ms. Riden?

14 MS. HORLBECK: No, Judge. Just  
15 subject to my previous objection.

16 THE COURT: All right. And your  
17 previous objection is noted.

18 Anything, any other questions on  
19 behalf of Mr. Hendrix?

20 MR. WARDER: No, Your Honor.

21 THE COURT: All right. All right.

22 At this point, ladies and gentlemen, except  
23 if I indicated otherwise, the jury has been  
24 qualified for this particular case.

25 At this time, the clerk's office

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1 will prepare a random sheet. And then we  
2 will begin the actual striking of the jury.

3 When your name is called, if you  
4 will just stand in your place where you are  
5 and then the parties will indicate their  
6 strikes.

7 If you are selected, then you'll  
8 need to come sit in the jury box. All right.  
9 We'll give you further instructions up there.  
10 All right.

11 CLERK: Juror Number 104,  
12 Christopher R. Nalley.

13 (JUROR, WHITE MALE, BEFORE COUNSEL)

14 CLERK: What says the State?

15 SOLICITOR JONES: Please present Mr.  
16 Nalley.

17 CLERK: And what says the defense?

18 MS. HORLBECK: Please accept the  
19 juror.

20 CLERK: What says Defendant  
21 Hendrix?

22 MR. WARDER: Seat the juror.

23 CLERK: If you would come forward,  
24 please, sir, and have a seat in the jury box.

25 (JUROR NUMBER 104 SEATED)

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1 CLERK: Juror Number 49, Timmy M.  
2 Ellison.  
3 (JUROR, WHITE MALE, BEFORE COUNSEL)  
4 CLERK: What says the State?  
5 SOLICITOR JONES: Please present Mr.  
6 Ellison.  
7 CLERK: And the defense?  
8 MS. HORLBECK: Please seat Mr.  
9 Ellison.  
10 CLERK: And Mr. Warder?  
11 MR. WARDER: Please swear the  
12 juror.  
13 CLERK: If you would come forward  
14 and have a seat in the jury box, sir.  
15 (JUROR NUMBER 49 SEATED)  
16 CLERK: Juror Number 120, Larry P.  
17 Raines.  
18 (JUROR, WHITE MALE, BEFORE COUNSEL)  
19 CLERK: What says the State?  
20 SOLICITOR JONES: Please present Mr.  
21 Raines.  
22 CLERK: And the Defense, Ms.  
23 Horlbeck?  
24 MS. HORLBECK: Please excuse Mr.  
25 Raines in the trial of this case.

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1 CLERK: Okay. You may return to  
2 your seat, sir.

3 (JUROR NUMBER 120 EXCUSED)

4 CLERK: Juror Number 74, Elizabeth  
5 N. James.

6 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

7 CLERK: What says the State?

8 SOLICITOR JONES: Please present  
9 Ms. James.

10 CLERK: And the Defense, Ms.  
11 Horlbeck?

12 MS. HORLBECK: Please swear Ms.  
13 James.

14 CLERK: And Mr. Warder?

15 MR. WARDER: Swear the juror,  
16 please?

17 CLERK: If you would come forward,  
18 please, ma'am, and have a seat in the jury  
19 box.

20 (JUROR NUMBER 74 SEATED)

21 CLERK: Juror Number 21, Jill A.  
22 Boone.

23 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

24 CLERK: What says the State?

25 SOLICITOR JONES: Please present Ms.

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1 Boone.

2 CLERK: And the Defense, Ms.

3 Horlbeck?

4 MS. HORLBECK: Please swear Ms.

5 Boone.

6 CLERK: Mr. Warder?

7 MR. WARDER: Please excuse the  
8 juror from the trial of this matter.

9 CLERK: If you would return to your  
10 seat, please, ma'am.

11 (JUROR NUMBER 21 EXCUSED)

12 CLERK: Juror Number 152, David M.  
13 Waddington.

14 (JUROR, WHITE MALE, BEFORE COUNSEL)

15 CLERK: What says the State?

16 SOLICITOR JONES: Please present  
17 Mr. Waddington.

18 CLERK: And the Defense, Ms.

19 Horlbeck?

20 MS. HORLBECK: Please excuse  
21 Mr. Waddington from the trial of this case.

22 CLERK: Okay. You may return to  
23 your seat please, sir.

24 (JUROR NUMBER 152 EXCUSED)

25 CLERK: Juror Number 7. I cannot



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1 get your name right.

2 JUROR NUMBER 7: Akilah.

3 CLERK: Akilah Anderson.

4 (JUROR, BLACK FEMALE, BEFORE COUNSEL)

5 CLERK: What says the State?

6 SOLICITOR JONES: Please present Ms.  
7 Anderson.

8 CLERK: And the Defense, Ms.  
9 Horlbeck?

10 MS. HORLBECK: Please swear Ms.  
11 Anderson.

12 CLERK: And Mr. Warder?

13 MR. WARDER: Please swear the  
14 juror.

15 CLERK: If you would come forward,  
16 please, ma'am, and have a seat in the jury  
17 box.

18 (JUROR NUMBER 7 SEATED)

19 CLERK: Juror Number 158, Zachary  
20 D. White.

21 (JUROR, WHITE MALE, BEFORE COUNSEL)

22 CLERK: What says the State?

23 SOLICITOR JONES: Please present Mr.  
24 White.

25 CLERK: And the Defense, Ms.

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1 Horlbeck?

2 MS. HORLBECK: Please swear Mr.  
3 White.

4 CLERK: And Mr. Warder?

5 MR. WARDER: Please seat the juror.

6 CLERK: All right. If you would  
7 come forward please, sir, and have a seat in  
8 the jury box.

9 (JUROR NUMBER 158 SEATED)

10 CLERK: Juror Number 101, Christina  
11 L. Morris.

12 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

13 CLERK: What says the State?

14 SOLICITOR JONES: Please present Ms.  
15 Morris.

16 CLERK: And the Defense, Ms.  
17 Horlbeck?

18 MS. HORLBECK: Please excuse Ms.  
19 Morris from the trial of this case.

20 CLERK: Okay. You can return to  
21 your seat please, ma'am.

22 (JUROR NUMBER 101 EXCUSED)

23 CLERK: Juror Number 36, Kimberly  
24 T. Childress.

25 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

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1 CLERK: What says the State?

2 SOLICITOR JONES: Please present Ms.  
3 Childress.

4 CLERK: And the Defense, Ms.  
5 Horlbeck?

6 MS. HORLBECK: Please swear Ms.  
7 Childress.

8 CLERK: And Mr. Warder?

9 MR. WARDER: Please excuse the  
10 juror from the trial of this matter.

11 CLERK: You may return to your seat  
12 please, ma'am.

13 (JUROR NUMBER 36 EXCUSED)

14 CLERK: Juror Number 23, Nikol M.  
15 Bratovich.

16 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

17 CLERK: What says the State?

18 SOLICITOR JONES: Please present Ms.  
19 Bratovich.

20 CLERK: And the Defense, Ms.  
21 Horlbeck?

22 MS. HORLBECK: Please excuse Ms.  
23 Bratovich from the trial of this case.

24 CLERK: You can return to your seat  
25 please, ma'am.

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1 (JUROR NUMBER 23 EXCUSED)

2 CLERK: Juror Number 24,  
3 Christopher J. Broom.

4 (JUROR, WHITE MALE, BEFORE COUNSEL)

5 CLERK: What says the State?

6 SOLICITOR JONES: Please present Mr.  
7 Broom.

8 CLERK: And the Defense, Ms.  
9 Horlbeck?

10 MS. HORLBECK: Please swear Mr.  
11 Broom.

12 CLERK: And Mr. Warder?

13 MR. WARDER: Please swear the  
14 juror.

15 CLERK: If you would come forward,  
16 please, sir, and have a seat in the jury box.

17 (JUROR NUMBER 24 SEATED)

18 CLERK: Juror Number 57, Randall J.  
19 Gillespie.

20 (JUROR, WHITE MALE, BEFORE COUNSEL)

21 CLERK: What says the State?

22 SOLICITOR JONES: Please excuse Mr.  
23 Gillespie.

24 CLERK: If you would return to your  
25 seat, please, sir.

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1

(JUROR NUMBER 57 EXCUSED)

2

CLERK: Juror Number 99, Timothy S.

3

Mode.

4

(JUROR, WHITE MALE, BEFORE COUNSEL)

5

CLERK: What says the State?

6

SOLICITOR JONES: Please present Mr.

7

Mode.

8

CLERK: And the Defense, Ms.

9

Horlbeck?

10

MS. HORLBECK: Please swear Mr.

11

Mode.

12

CLERK: And Mr. Warder?

13

MR. WARDER: Please swear the

14

juror.

15

CLERK: If you would come forward

16

please, sir, and have a seat in the jury box.

17

(JUROR NUMBER 99 SEATED)

18

CLERK: Juror Number 3, Joan B.

19

Alexander.

20

(JUROR, WHITE FEMALE, BEFORE COUNSEL)

21

CLERK: What says the State?

22

SOLICITOR JONES: Please present Ms.

23

Alexander.

24

CLERK: And the Defense, Ms.

25

Horlbeck?

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1 MS. HORLBECK: Please swear Ms.  
2 Alexander.

3 CLERK: And Mr. Warder?

4 MR. WARDER: Please swear the  
5 juror.

6 CLERK: If you would come forward  
7 please, ma'am, and have a seat in the jury  
8 box.

9 (JUROR NUMBER 3 SEATED)

10 CLERK: Juror Number 143, Hubert P.  
11 Thompson.

12 (JUROR, WHITE MALE, BEFORE COUNSEL)

13 CLERK: What says the State?

14 SOLICITOR JONES: Please present Mr.  
15 Thompson.

16 CLERK: And the Defense, Ms.  
17 Horlbeck?

18 MS. HORLBECK: Please excuse Mr.  
19 Thompson from the trial of this case.

20 CLERK: Okay. If you'd return to  
21 your seat please, sir.

22 (JUROR NUMBER 143 EXCUSED)

23 CLERK: Juror umber 149, Ashlynn  
24 M. Urdiales,

25 (JUROR, HISPANIC FEMALE, BEFORE COUNSEL)

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1 CLERK: What says the State?

2 SOLICITOR JONES: Please present Ms.  
3 Urdiales.

4 CLERK: And the Defense, Ms.  
5 Horlbeck?

6 MS. HORLBECK: Please swear Ms.  
7 Urdiales.

8 CLERK: And Mr. Warder?

9 MR. WARDER: Please swear the  
10 juror.

11 CLERK: If you would come forward  
12 please, ma'am, and have a seat in the jury  
13 box.

14 (JUROR JUMBER 149 SEATED)

15 CLERK: Juror Number 89, James D.  
16 Mantooth, Jr.

17 (JUROR, WHITE MALE, BEFORE COUNSEL)

18 CLERK: What says the State?

19 SOLICITOR JONES: Please present Mr.  
20 Mantooth.

21 CLERK: And the Defense, Ms.  
22 Horlbeck?

23 MS. HORLBECK: Please swear Mr.  
24 Mantooth.

25 CLERK: And Mr. Warder?

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1 MR. WARDER: Please excuse the  
2 juror from the trial of this matter.

3 CLERK: Okay. If you would return  
4 to your seat, please, sir.

5 (JUROR NUMBER 89 EXCUSED)

6 CLERK: Juror Number 138, Cris J.  
7 Stanton.

8 (JUROR, WHITE MALE, BEFORE COUNSEL)

9 CLERK: What says the State?

10 SOLICITOR JONES: Please excuse Mr.  
11 Stanton.

12 CLERK: If you would return to your  
13 seat, please, sir.

14 (JUROR NUMBER 138 EXCUSED)

15 CLERK: Juror Number 102, Jason L.  
16 Morris.

17 (JUROR, WHITE MALE, BEFORE COUNSEL)

18 CLERK: What says the State?

19 SOLICITOR JONES: Please present Mr.  
20 Morris.

21 CLERK: And the Defense, Ms.  
22 Horlbeck?

23 MS. HORLBECK: Please swear Mr.  
24 Morris.

25 CLERK: And Mr. Warder?



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1 MR. WARDER: Please swear the  
2 juror.

3 CLERK: If you would come forward  
4 please, sir, and have a seat in the jury box.

5 (JUROR NUMBER 102 SEATED)

6 CLERK: Juror Number 124, Daniel C.  
7 Reimer.

8 (JUROR, WHITE MALE, BEFORE COUNSEL)

9 CLERK: What says the State?

10 SOLICITOR JONES: Please excuse the  
11 juror.

12 CLERK: Okay. If you would return  
13 to your seat please, sir.

14 (JUROR NUMBER 124 EXCUSED)

15 CLERK: Juror Number 76, David R.  
16 Jones.

17 (JUROR, WHITE MALE, BEFORE COUNSEL)

18 CLERK: What says the State?

19 SOLICITOR JONES: Please excuse the  
20 juror.

21 CLERK: If you would return to your  
22 seat please, sir.

23 (JUROR NUMBER 76 EXCUSED)

24 CLERK: Juror Number 48, Monte L.  
25 Echols.

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1 (JUROR, WHITE MALE, BEFORE COUNSEL)

2 CLERK: What says the State?

3 SOLICITOR JONES: Please excuse the  
4 juror.

5 CLERK: Okay. You can return to  
6 your seat please, sir.

7 (JUROR NUMBER 48 EXCUSED)

8 CLERK: Juror Number 52, Paul V.  
9 Fisk.

10 (JUROR, WHITE MALE, BEFORE COUNSEL)

11 CLERK: What says the State?

12 SOLICITOR JONES: Please present Mr.  
13 Fisk.

14 CLERK: And the Defense, Ms.  
15 Horlbeck?

16 MS. HORLBECK: Please swear Mr.  
17 Fisk.

18 CLERK: And Mr. Warder?

19 MR. WARDER: Please excuse the  
20 juror from the trial.

21 CLERK: If you would return to your  
22 seat, please, sir.

23 (JUROR NUMBER 42 EXCUSED)

24 CLERK: Juror Number 12, Judy L.  
25 Barnette.

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1 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

2 CLERK: What says the State?

3 SOLICITOR JONES: Please excuse the  
4 juror.

5 CLERK: Okay. If you would return  
6 to your seat please, ma'am.

7 (JUROR NUMBER 12 EXCUSED)

8 CLERK: Juror Number 56, Savannah  
9 L. George.

10 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

11 CLERK: What says the State?

12 SOLICITOR JONES: Please present Ms.  
13 George.

14 CLERK: And the Defense, Ms.  
15 Horlbeck?

16 MS. HORLBECK: Please excuse Ms.  
17 George from the trial of this case.

18 CLERK: If you would return to your  
19 seat please.

20 (JUROR NUMBER 56 EXCUSED)

21 CLERK: Juror Number 27, Stacy M.  
22 Bullard.

23 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

24 CLERK: What says the State?

25 SOLICITOR JONES: Please present Ms.

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1 Bullard?

2 CLERK: And the Defense, Ms.

3 Horlbeck?

4 MS. HORLBECK: Please swear Ms.

5 Bullard.

6 CLERK: And Mr. Warder?

7 MR. WARDER: Please excuse the  
8 juror.

9 CLERK: Okay. If you would return  
10 to your seat please, ma'am.

11 (JUROR NUMBER 27 EXCUSED)

12 CLERK: Juror Number 4, Krstin  
13 Ambrose.

14 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

15 CLERK: What says the State?

16 SOLICITOR JONES: Please present Ms.  
17 Ambrose.

18 CLERK: And the Defense, Ms.

19 Horlbeck?

20 MS. HORLBECK: Please excuse  
21 Ms. Ambrose from the trial of this case.

22 CLERK: If you would return to your  
23 seat.

24 (JUROR NUMBER 4 EXCUSED)

25 CLERK: Juror Number 113, Danny R.

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1 Pilgrim.

2 (JUROR, WHITE MALE, BEFORE COUNSEL)

3 CLERK: What says the State?

4 SOLICITOR JONES: Please present

5 Mr. Pilgrim.

6 CLERK: And the Defense, Ms.

7 Horlbeck?

8 MS. HORLBECK: Please swear Mr.

9 Pilgrim.

10 CLERK: And Mr. Warder?

11 MR. WARDER: Please swear the

12 juror.

13 CLERK: If you would come forward  
14 please, sir, and have a seat in the jury box.

15 (JUROR NUMBER 113 SEATED)

16 CLERK: Juror Number 33, Emily A.

17 Carlton.

18 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

19 CLERK: What says the State?

20 SOLICITOR JONES: Please present Ms.

21 Carlton.

22 CLERK: And the Defense, Ms.

23 Horlbeck?

24 MS. HORLBECK: Please swear Ms.

25 Carlton.

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1 CLERK: And Mr. Warder?

2 MR. WARDER: Please swear the  
3 juror.

4 CLERK: If you would have a seat in  
5 the jury box please, ma'am.

6 (JUROR NUMBER 33 SEATED)

7 THE COURT: All Right. We're  
8 going to have two alternates. Each side is  
9 going to get two, two and two and cut off.

10 CLERK: Juror Number 47, Mary F.  
11 Earnhardt.

12 (JUROR, WHITE FEMALE, BEFORE COUNSEL)

13 CLERK: What says the State?

14 SOLICITOR JONES: Please present Ms.  
15 Earnhardt.

16 CLERK: And the Defense, Ms.  
17 Horlbeck?

18 MS. HORLBECK: Please swear Ms.  
19 Earnhardt.

20 CLERK: And Mr. Warder?

21 MR. WARDER: Please swear the  
22 juror.

23 CLERK: If you would come forward  
24 please, ma'am, and have a seat in the jury  
25 box.

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1 (JUROR NUMBER 47 SEATED)

2 THE COURT: All right. Second  
3 alternate. And the same: two, two and two.

4 CLERK: Juror Number 83, Damaris  
5 A. Leos.

6 (JUROR, HISPANIC FEMALE, BEFORE COUNSEL)

7 CLERK: What says the State?

8 SOLICITOR JONES: Please present Ms.  
9 Leos.

10 CLERK: And the Defense, Ms.  
11 Horlbeck?

12 MS. HORLBECK: Please swear Ms.  
13 Leos.

14 CLERK: And Mr. Warder?

15 MR. WARDER: Please swear the  
16 juror.

17 CLERK: If you would come forward  
18 please, and have a seat in the jury box.

19 (JUROR NUMBER 83 SEATED)

20 CLERK: That's it.

21 THE COURT: All right. Any  
22 objection to the selection process on behalf  
23 of the State?

24 SOLICITOR JONES: I beg the Court's  
25 indulgence -- (reviewing notes).

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1 THE COURT: All right.

2 SOLICITOR JONES: Your Honor, I  
3 would take issue with some of the strikes of  
4 the Defense, Your Honor.

5 THE COURT: All right. Well, I  
6 guess then -- this jury panel I'm going to  
7 ask you to go back to the jury.

8 I will give you some instructions,  
9 including that you're not to talk about  
10 anything that has to do with the case, and  
11 I'll give you some instructions on that  
12 later.

13 Right now, go back to your jury  
14 room.

15 (JURY OUT @ 12:00 NOON)

16 THE COURT: I'll ask the remaining  
17 part of the jury panel to go out into the  
18 lobby until -- we'll call you back in in just  
19 a few minutes.

20 (JURY PANEL OUT @ 12:00 NOON)

21 THE COURT: All right. The  
22 courtroom is clear of both juries. All  
23 right. Why?

24 SOLICITOR JONES: Your Honor, the  
25 Defense counsel struck seven of ten white



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1 females, Your Honor. And I don't see --  
2 well, as far as I'm concerned, the way *Batson*  
3 works, if I make an objection, which I've  
4 done as to the seven of the ten white females  
5 that were struck. It's now on the Defense to  
6 explain, give some race- or gender-neutral  
7 reason as to why they struck those particular  
8 jurors.

9 THE COURT: All right. So you  
10 want a different jury than that one you got?  
11 Okay. Okay. If I granted it, I think you'd  
12 be sorry, but -- do y'all have any response?  
13 Any response?

14 MS. HORLBECK: I don't know --  
15 which jurors is he referring to? I don't  
16 know whether -- who struck them.

17 SOLICITOR JONES: Juror 21, struck  
18 by Mr. Warder.

19 And I didn't really know if this was  
20 a basis for an objection either, Your Honor.  
21 But it appeared that both Defense counsels  
22 were colluding as to who should strike what  
23 particular member. But I don't know if  
24 that's necessarily an objection that I could  
25 raise. But ---

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1 MR. WARDER: Your Honor, in our  
2 preemptory challenges, we can do anything we  
3 want with them. I can talk to other counsel,  
4 we can ---

5 THE COURT: I agree. If that's  
6 your basis -- show me which -- okay. Let's  
7 hear from you which ones that you object to?

8 SOLICITOR JONES: Okay:  
9 Juror 21 struck by Mr. Warder  
10 Juror 101 struck by Ms. Horlbeck  
11 Juror 36 struck by Mr. Warder  
12 Juror 23 struck by Ms. Horlbeck  
13 Juror 56 struck by Ms. Horlbeck  
14 Juror 27 struck by Mr. Warder and  
15 Juror 4 struck by Ms. Horlbeck.

16 THE COURT: I guess we need to go  
17 through these individually then. All right.  
18 We're going to start off with -- all right.  
19 Let's start off with the first one, number  
20 21.

21 MR. WARDER: Your Honor, Juror 21  
22 had five children. I thought that that might  
23 weigh.

24 THE COURT: All right. That's  
25 sufficient. Back to you.

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1 SOLICITOR JONES: Your Honor, I  
2 would say I don't think classifying her or  
3 just excluding someone based on their  
4 position as a mother would not be sufficient,  
5 Your Honor. But if that's your ruling, then  
6 I'd withdraw that.

7 THE COURT: That's my ruling. All  
8 right next. Okay?

9 SOLICITOR JONES: Juror 101.

10 MS. HORLBECK: Judge, I believe  
11 that was me that excluded that particular  
12 juror. And let me just put this one up. My  
13 notes show that I was concerned because that  
14 particular juror was a teacher.

15 Also we had had one of the teachers  
16 stand up and say that as a teacher, she was a  
17 mandated reporter. I don't recall whether  
18 101 stood up and said that she was a mandated  
19 reporter. But I kind of consider them all  
20 mandated reporters at this point.

21 So those were the reasons why I  
22 struck her.

23 SOLICITOR JONES: That's sufficient,  
24 Your Honor.

25 THE COURT: All right. The next

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1 one?

2 SOLICITOR JONES: Juror 36.

3 THE COURT: Okay. Mr. Warder?

4 MR. WARDER: Your Honor, we have  
5 down that her husband worked for Pickens  
6 County.

7 THE COURT: All right.

8 SOLICITOR JONES: Your Honor, Juror  
9 36, her husband works at BB&T.

10 COURT REPORTER: Previously BB&T.

11 THE COURT: I'm going to take  
12 their word for it. That's what they had, the  
13 information. Next one?

14 SOLICITOR JONES: Juror 23?

15 MS. HORLBECK: Your Honor, I  
16 believe that was mine. I was concerned about  
17 Ms. Bartovich because she had been a stay-at-  
18 home mom for the past six years.

19 SOLICITOR JONES: Again, Your Honor,  
20 I think that's a generalization about an  
21 entire group. I don't think that's a  
22 sufficient reason to strike a juror, Your  
23 Honor.

24 THE COURT: All right.

25 SOLICITOR JONES: And that's based

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1 on *Peyton v. Course*.

2 THE COURT: All right. Denied.  
3 Next one?

4 SOLICITOR JONES: Juror 56, struck  
5 by Ms. Horlbeck.

6 MS. HORLBECK: Judge, I struck  
7 Juror 56 because she was a nurse and her  
8 spouse is a nurse, not just an LPN but both  
9 were RNs is what my notes reflect.

10 SOLICITOR JONES: Again, Your Honor,  
11 I think these are generalizations about  
12 entire groups. And I think the Supreme Court  
13 case, *Peyton v. Course*, was clear that that  
14 is an insufficient reason to strike a juror.

15 THE COURT: Well, and I'm going to  
16 deny it. I mean, again, looking too, Ms.  
17 Horlbeck did not strike all, you know, white  
18 females. I'll put that in the record as  
19 well.

20 SOLICITOR JONES: And, Your Honor,  
21 it's our position that it appears they struck  
22 all females that they had reason to believe  
23 had children. I believe that would be the  
24 generalization.

25 THE COURT: She has given a

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1 gender-neutral on the juror, so I'm going to  
2 deny that one.

3 SOLICITOR JONES: Yes, sir, Your  
4 Honor. And next number, Juror number 27?

5 THE COURT: Okay.

6 SOLICITOR JONES: Struck by Mr.  
7 Warder.

8 MR. WARDER: Your Honor, she worked  
9 for the school district, a teacher and a  
10 mandated reporter.

11 And I think then, you know,  
12 sometimes in addition to all those reasons,  
13 you can look at jurors and you can tell  
14 whether you think that they'll identify with  
15 you. I oftentimes look at the jurors and if  
16 I can read a facial expression, you know,  
17 this is one of those that that also applies.

18 THE COURT: All right.

19 SOLICITOR JONES: Again, Your Honor,  
20 I understand your ruling, but I believe that  
21 would also be a generalization, Your Honor.

22 THE COURT: All right. I'm going  
23 to deny that.

24 SOLICITOR JONES: Juror Number 4,  
25 I believe is the last one.

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1 THE COURT: Okay.

2 MS. HORLBECK: Judge, Juror  
3 Number 4 is a -- she actually -- she was the  
4 one that stood up and said that she was a  
5 mandated reporter. She also said she was  
6 related to a law enforcement officer. Those  
7 were the reasons that I struck her.

8 THE COURT: Okay.

9 SOLICITOR JONES: Okay. I under-  
10 stand your ruling.

11 THE COURT: All right. Anything  
12 else?

13 SOLICITOR JONES: Nothing else from  
14 the State, Your Honor.

15 THE COURT: Okay. Anything about  
16 the selection process from the -- on behalf  
17 of Defendant Riden?

18 MS. HORLBECK: No, Your Honor.

19 THE COURT: Anything on behalf of  
20 Defendant Hendrix?

21 MR. WARDER: No, Your Honor.

22 THE COURT: All right. Okay.  
23 We'll bring this jury panel, bring the people  
24 out from the hall. We'll allow this jury to  
25 stand.

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1 SOLICITOR JONES: Yes, Your Honor.  
2 And Your Honor, should we wait to swear the  
3 jury in?

4 THE COURT: Yeah. I'm going to  
5 send them to lunch. I'm going to give them  
6 some additional instructions.

7 SOLICITOR JONES: Yes, sir.

8 THE COURT: Bring them back in  
9 here.

10 (JURY PANEL IN @ 12:10 P.M)

11 THE COURT: You don't have to get  
12 too comfortable, we're going to let you go.  
13 Will the attorneys approach?

14 (OFF RECORD BENCH CONFERENCE)

15 THE COURT: All right. All right.  
16 Ladies and gentlemen, I appreciate your  
17 patience with us. What we will do now is I'm  
18 going to release y'all for the day.

19 We're starting this trial this  
20 afternoon. We're not sure how long it will  
21 take.

22 So what you've got to do is call  
23 back after 6:00 tonight, okay? Everybody  
24 should have the phone number to call. If  
25 anybody does not have that number, please see



THE COURT: I don't know how long

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1 redacting takes. If we let the jury come  
2 back at 2:00 that should give us time.

3 SOLICITOR JONES: Well, are we going  
4 to argue about the redactions are you just  
5 going to make your ruling on ---

6 THE COURT: Well, I mean, I've got  
7 -- we can do some arguing. I mean, I think  
8 they're pretty -- I mean, I didn't see any  
9 that were not pretty cut and dry.

10 SOLICITOR JONES: Okay.

11 THE COURT: But I mean, there  
12 won't be any long argument.

13 SOLICITOR JONES: Okay.

14 THE COURT: So Let's say 2:15.  
15 That'll give us a little bit more time.

16 SOLICITOR JONES: Yes, sir. That'd  
17 be fine.

18 THE COURT: All right. Okay. If  
19 you'll bring that jury back in?

20 BAILIFF: Yes, sir.

21 (JURY IN @ 12:12 P.M.)

22 THE COURT: All right. Ladies and  
23 gentlemen, y'all have been selected for this  
24 next jury. But again, there are some  
25 additional housekeeping matters that we need

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1 to go over. And the purpose of it so that  
2 that can make it more efficient so we don't  
3 waste a lot of your time sitting back in the  
4 jury room when we're trying to, you know, get  
5 some things prepared to present to you. So  
6 I'm going to go ahead and I'm going to give  
7 you kind of an extended lunch and then come  
8 back in and we'll start the trial of this  
9 case. I'm going to give y'all until 2:15.  
10 That gives you two hours just because we've  
11 got a good bit of work to do here.

12 Now, I'm going to give you -- every  
13 time you take a break, every time you leave  
14 you're going to hear a couple of things from  
15 me until you get tired of them, but there are  
16 things I have to tell you:

17 One, and I realize you don't have a  
18 lot of information, but you are not to  
19 discuss this case in any shape, form, or  
20 fashion, at all. You're not to discuss the  
21 parties, not to discuss what the charges are,  
22 not discuss anything. That's not appropriate  
23 for you to have any kind of discussions until  
24 I've given you the signal. And that is after  
25 all the evidence is in and I've instructed

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1       you on the law.

2               You also are not to do any  
3       independent research. I know in today's time  
4       it's so easy to hit *Google* and do some  
5       additional research on the law or maybe the  
6       parties involved or something like that.  
7       That is not appropriate at all. The only  
8       evidence and the only thing that you're to  
9       consider about this case are what you hear in  
10      this courtroom that I have determined is  
11      admissible and proper evidence. And that is  
12      a very important part of your service.

13             Also, kind of finally, you should  
14      not be contacted in any way about this case  
15      from anybody. I don't expect that. But if  
16      you should get contacted by anybody, please  
17      get their name and any information you can  
18      about that and report that to the bailiff.  
19      If you have any questions or any comments,  
20      you just feel free to talk to the bailiff,  
21      the gentleman in the sports coat in the back,  
22      okay?

23             And finally, I'm not sure but I  
24      don't expect, at least for now, for there to  
25      be any media coverage of this case. But if

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1       there should be and you see something about  
2       this in the media, social network, TV,  
3       newspaper, please disregard it. Do not  
4       review that. You're not to consider that at  
5       all, You're only to consider -- when you  
6       ultimately begin deliberations, you're only  
7       to consider the evidence and the testimony  
8       that's been properly put before you.

9               So with those four kind of warnings  
10       and preliminary information, I'm going to let  
11       y'all go to lunch. And, again, be back in  
12       your jury room -- is that what you want them  
13       to do?

14              CLERK:     Yes, sir.

15              THE COURT:     -- at 2:15. All right  
16       I hope y'all have a good lunch. Thank you.

17                      (JURY OUT @ 12:20 P.M.)

18              THE COURT:     I'm going to take a  
19       five-minute break and then we'll come back in  
20       and cover what we need to cover. Okay?

21              SOLICITOR JONES:     Yes, sir, Your  
22       Honor.

23              THE COURT:     And on Ms. Riden, I am  
24       going to revoke the bond.

25              MS. HORLBECK:     Yes, sir.

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1 (BRIEF RECESS)

2 (DEFENDANT HENDRIX PRESENT)

3 THE COURT: All right. I guess  
4 the first housekeeping is, Ms. Horlbeck, on  
5 Ms. Riden you've made an objection to the  
6 additional charge, the fact that it is not  
7 listed on the roster submitted by the  
8 solicitor's office. Do you want to add  
9 anything else to that?

10 MS. HORLBECK: No, Judge, just  
11 that the particular charge of unlawful  
12 conduct towards a child, and I think I said  
13 negligent misconduct at the sidebar. It's  
14 just that charge was not listed on the roster  
15 and it would be my position that she has not  
16 been notified that she was going to proceed  
17 to trial on that particular charge. We'd ask  
18 that the State be prohibited from trying her  
19 on that particular charge in this case.

20 THE COURT: Let me just -- it's my  
21 understanding that everybody thought that we  
22 were going to go forward. I know there was  
23 an argument yesterday about ---

24 MS. HORLBECK: We sent her a copy  
25 of this document, so I imagine that she

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1 thinks that she is on trial for the three  
2 charges stated. I've not been able to -- I  
3 am not telling the court that I didn't know  
4 that she was indicted for unlawful conduct, I  
5 knew that charge was hanging out there as  
6 well. I was certainly hopeful that the State  
7 had changed their mind and was not going to  
8 proceed on that charge. I wouldn't say that  
9 I was not on notice about that charge and  
10 that's not why I am making this Motion. I am  
11 not trying to pull anybody's leg, it's just  
12 that it's not on the docket, I don't believe  
13 that she has had notice. So I would object  
14 to the State going forward on that charge.

15 THE COURT: I did notice on your  
16 Motion -- on the notice, that there was child  
17 neglect, so I find that there was proper  
18 notice and I will allow it to go forward on  
19 that charge. I do understand your position.

20 Have you had a chance to print your  
21 *voir dire* questions?

22 MS. HORLBECK: Judge, if you could  
23 give me until after lunch. I can e-mail them  
24 to the Public Defender's Office here and see  
25 if they will print that for me.

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1 THE COURT: Or you are e-mail it  
2 to my law clerk. I just want to make sure we  
3 have that in the record.

4 MS. HORLBECK: Thank you.

5 THE COURT: We had a couple of  
6 Motions made to sever, yesterday, a Motion to  
7 sever the charges and also one to sever the  
8 defendants. I believe that both of those  
9 Motions were made yesterday.

10 MS. HORLBECK: (Affirmative nod),  
11 yes, sir.

12 THE COURT: I additionally deny  
13 those. I did some additional research and I  
14 believe that it is appropriate to deny both  
15 as to the charges and as to the defendants,  
16 so that is denied. So is there anything  
17 else before we get to the video?

18 SOLICITOR JONES: Nothing else from  
19 the State, Your Honor.

20 THE COURT: Anything else from the  
21 defendant(s) before we get to the video?

22 MR. WARDER: Your Honor, I made a  
23 Motion for a continuance this morning, which  
24 I still think that Motion is meritorious and  
25 should be granted. This is a case where



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1       there are three there are three minor  
2       children who allege they were sexually abused  
3       by my client and the codefendant, Stacy.  
4       Stacy Riden was here this morning. She left,  
5       apparently with the intention of not  
6       returning -- or has she failed to return,  
7       after a short morning break. I had that  
8       witness under subpoena also and she's an  
9       integral part of my defense. She is another  
10      adult that was there at all times, the  
11      children allege that they were all present,  
12      all three of them, and that the mother and  
13      the father -- or my client -- were present  
14      when my client did anything.

15               And there has been some discussion  
16      that the father of the children were present.  
17      He is under subpoena by the codefendant, and  
18      I don't believe that he's here this morning  
19      either.

20               THE COURT:     He is. I believe he  
21      is, in the back. He's standing.

22               MR. WARDER:    Okay. Well, we've had  
23      a difficult time reaching him, although we  
24      had put some notices out there that -- and he  
25      is under subpoena also.

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1                   Stacy's absence makes my defense  
2                   greatly different than I planned it, and is  
3                   of great prejudice to my client. I would ask  
4                   for a continuance. I honestly believe that  
5                   no better than her flight was pre-arranged  
6                   that she will be back in custody -- I would  
7                   be surprised if law enforcement cannot have  
8                   her in custody by tonight.

9                   THE COURT: I appreciate where you  
10                  are coming from and your situation but I  
11                  don't believe that is a basis for a  
12                  continuance, so I am going to deny your  
13                  Motion.

14                 MS. HORLBECK: And I just want to  
15                 be on the record as joining that Motion.

16                 THE COURT: All right.

17                 MS. HORLBECK: She certainly --  
18                 Ms. Riden is certainly integral to her  
19                 defense.

20                 THE COURT: Well, she is the one  
21                 who contrived ---

22                 MS. HORLBECK: I understand, and I  
23                 think that we are both saying the same thing.

24                 THE COURT: I understand.

25                 MS. HORLBECK: It's just that I

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1 am the one that has to try to defend all this  
2 and it's going to be extremely difficult when  
3 I have an empty chair.

4 THE COURT: I understand. Okay.  
5 Anything else before we actually talk about  
6 the video? (No response)

7 All right, I have reviewed every  
8 minute of every video. It's not quite five  
9 hours but it's close. Those were reviewed by  
10 me, and I believe that they meet the criteria  
11 of South Carolina. Code 17-23-175.

12 I find the two videos of Minor 1  
13 , State's Exhibits 1 and 2, I think that  
14 they do meet the criteria of 17-23-175.

15 On Minor 3 , which are Exhibits 3  
16 and 4, I'd indicated in my e-mail last night  
17 that I had not reviewed but a portion of it.  
18 I did go through the rest and find that they  
19 meet the criteria of 17-23-175. That's in  
20 conjunction with the testimony of Shauna  
21 Galloway-Williams, also with that.

22 Minor 2 interview, which is  
23 State's Exhibit 5, I have some serious  
24 questions whether they falls within the  
25 statute. Basically -- one, is the coherence

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1 of the story is not quite there. Then at the  
2 very end, as Mr. Warder, argued yesterday,  
3 she indicates that she doesn't know if it was  
4 real or not. I think the time difference and  
5 the ability to recall is more significant at  
6 her than it is the other two, who are older.  
7 I look at that and I also look at that -- I  
8 just don't think the video is detrimental to  
9 the State's case. It is almost cumulative,  
10 based on the other two statements. I mean,  
11 I will be glad to hear from you but -- but,  
12 my initial ruling is that I will not allow  
13 the video of Minor 2, which is State's  
14 Exhibit 5.

15 SOLICITOR JONES: Your Honor,  
16 briefly, I understand your initial ruling,  
17 what you're saying, but I'd point out that it  
18 was not elicited by leading question. All  
19 other facts of subsection (b) are met.

20 Your problem with internal  
21 coherence, I would argue that given the  
22 manner of questioning by Ms. Galloway that  
23 it's clear what she's talking about. If you  
24 take Ms. Galloway's question with the way  
25 that Minor 2 answers those questions, that

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1 would give, taking the video as whole, the  
2 internal coherence that the statute requires.

3 THE COURT: I don't have any  
4 problem with the question and all. The  
5 statute requires a particularized guarantee  
6 and I'm just saying that because of her age  
7 and the way that she responds that I have  
8 some serious questions and issues about that.

9 SOLICITOR JONES: Yes, sir. So  
10 Minor 2 video cannot be admitted and cannot  
11 be alluded to throughout the trial?

12 THE COURT: That's correct.

13 SOLICITOR JONES: So I would ask  
14 that the defendants be precluded from cross-  
15 examining Minor 2 based on that particular  
16 video?

17 THE COURT: Right. I'll be glad  
18 to hear from you on the other four videos. I  
19 do find that they fall within the criteria.

20 MS. HORLBECK: Judge, I  
21 understand the Court's ruling on the Minor 1  
22 videos and also the Minor 3 videos.  
23 I'm trying to remember myself.

24 THE COURT: Yeah. Its ---

25 MS. HORLBECK: And, Judge, I

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1 didn't know if the Court had had a chance to  
2 look at some of the proposed redactions.

3 THE COURT: I have. I'd guess  
4 that'd be the phase two of that; right?

5 MS. HORLBECK: That'd be the next  
6 step, yes, sir.

7 THE COURT: As far as the general,  
8 overall. If you have any I'll be glad to  
9 hear from you on the actual findings as to  
10 the videos themselves.

11 MS. HORLBECK: And Judge, I would  
12 just say, you know, that on behalf of Ms.  
13 Riden, I would say that all of the video, the  
14 other four videos that you deem do meet the  
15 criteria, I just would renew my objection and  
16 say that they don't meet the criteria.

17 THE COURT: Okay.

18 MS. HORLBECK: I think they lack  
19 the particularized guarantees of trust-  
20 worthiness and also internal coherence. And  
21 on that basis, I would ask that they be kept  
22 out. Also the fact that I think that they  
23 are -- I continue -- I understand there's a  
24 statute, you know, but we also have a rule of  
25 evidence. And I continue to think that the

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1 rule of evidence is in conflict with the  
2 statute. I just think that allowing these  
3 videos in before the children have even been  
4 attacked for reliability or lack of reli-  
5 ability, it's just improperly corroborative.  
6 I would just object on that basis again.

7 THE COURT: And, again, I think  
8 the -- and I understand your position. I  
9 think the Court of Appeals and the Supreme  
10 Court of our state have addressed those  
11 issues. And so I think that I'm going to  
12 allow them in based on those case law.

13 Mr. Warder, would you like to add  
14 anything to that?

15 MR. WARDER: No, Your Honor. Just  
16 that we join in that.

17 THE COURT: Okay. All right. So  
18 those will be -- all right. Now, the  
19 redaction -- and I guess we'll mark -- do you  
20 want to mark your letter as an exhibit or --  
21 the one that you gave me yesterday about the  
22 redactions?

23 MS. HORLBECK: I can, Judge. I  
24 can. I think that -- I don't know if it can  
25 be made a court's exhibit or if it would have

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1       been a defense Exhibit.

2               COURT REPORTER:     Court's.

3               THE COURT:     Let's just do it as a  
4       court's exhibit then.

5               MS. HORLBECK:     I think ---

6               COURT REPORTER:     Court's Exhibit 1.

7               (SO ENTERED AS COURT'S EXHIBIT 1)

8               MS. HORLBECK:     I understand the  
9       Court's ruling. I think I put a number of  
10      other objections on the record. And I just  
11      renew those objections.

12              THE COURT:     Okay. That's fine.  
13      All right. And looking at -- let's just kind  
14      of go through this. Looking at the first.  
15      This would be State's Exhibit 1, Minor 1  
16              , the 2/19/14.

17              The first one, your item one. You  
18      know, I don't think that you need to get in a  
19      lot of stuff about what mama used to do and  
20      all that kind of stuff. But I think though  
21      that it's appropriate to have the  
22      introductory type language about that --  
23      because I think the jury needs to be  
24      introduced to what's going on here.

25              I didn't mark it particularly, and how



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1 Aaron's introduced.

2 But there's a lot of stuff in there  
3 that I think that would not be proper about  
4 what mama used to do and some things like  
5 that.

6 SOLICITOR JONES: Well, Your Honor,  
7 -- one, I would agree that some of the  
8 introductory questions that Ms. Galloway  
9 asked would be important because we are  
10 talking about the children. Although  
11 witnesses are competent until deemed  
12 otherwise, because they're children these  
13 preliminary questions are important so that  
14 a jury knows that they can articulate  
15 themselves and that that they, again, have  
16 some sort of internal coherence to what  
17 they're talking about.

18 Now, when the children talk about  
19 what the mother used to do and how the mother  
20 used to act, I would argue that goes towards  
21 the unlawful neglect charge, Your Honor.  
22 She's charged with unlawful neglect of all  
23 these children. And when a child says 'mama  
24 used to slap me' and 'mama used to wash my  
25 mouth out with soap', I think that is very

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1 relevant to what the charge is.

2 So it's very probative, Your Honor.  
3 Although it might be prejudicial, that  
4 prejudicial effect does not outweigh the  
5 probative value.

6 THE COURT: All right.

7 MS. HORLBECK: Judge, I think  
8 that the introductory matters, you know, I  
9 don't -- I object to them coming in. I just,  
10 I don't think that they're relevant. I think  
11 if there's internal -- I think the Court's  
12 already ruled on internal coherence. So the  
13 jury does not need to make a decision as to  
14 internal coherence. So I would object.

15 So I would say that the start of the  
16 video up to 10:26 needs to be -- and I'm  
17 talking about the Minor 1 interview of  
18 2/19/14. I would say that that needs to be  
19 redacted.

20 I would also redact from 15:50  
21 because I don't -- to me it wasn't clear that  
22 the children were being slapped. It talks  
23 about because 'they were slapping and stuff.'  
24 And 'they used to slap each other.' And it  
25 seems to me like more of a domestic violence

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1 thing. And I don't -- I'm not here to talk  
2 about domestic violence. And I don't think  
3 domestic plays into an unlawful conduct with  
4 a child charge. I think that's prejudicial.

5 SOLICITOR JONES: And I'm sorry,  
6 Your Honor. I might have missed it. But did  
7 you make a ruling on ---

8 THE COURT: I think we've kind of  
9 grouped them together.

10 SOLICITOR JONES: Number one, from  
11 the start of the video up until 10:26?

12 THE COURT: Let me read the  
13 indictment. (Upon review), I'm going to  
14 redact anything about -- I mean, I don't  
15 think that quite fits within your unlawful  
16 conduct towards a child.

17 I'm just talking about number one.  
18 Anything mama used to do about the soap and  
19 all of that. So I'll let you put the  
20 introductory language in, but anything about  
21 things mama used to do, I don't think quite  
22 fits within the charges here.

23 SOLICITOR JONES: So does defense  
24 counsel have an exact number ---

25 THE COURT: I mean, I don't have a

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1 number there. I'm not going to do y'all's  
2 work for you.

3 SOLICITOR JONES: I understand.

4 THE COURT: Y'all need to figure  
5 that. I'll give you time to look at that.

6 SOLICITOR JONES: Okay. If Defense  
7 doesn't have the numbers, then I'm going to  
8 have to listen, listen to all of it again.

9 THE COURT: All right. Then the  
10 second one, my question here was it was -- I  
11 think it was difficult to determine whether  
12 it was other folks doing this or not. But I  
13 believe that falls within the unlawful  
14 neglect. If she was there, letting other  
15 people do this to her children. So I'm going  
16 to rule that that -- I'm not going to redact  
17 your item two.

18 Number three, y'all agreed to  
19 redact, I believe. Is that correct?

20 SOLICITOR JONES: Yes, that's  
21 correct.

22 THE COURT: Okay. On number four,  
23 I do -- I believe it's appropriate to redact  
24 not all of that but the portions where it  
25 talks about DSS said this and the police said

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1       that. That's at 40.28.

2               Anything that DSS said or anything  
3       the police said needs to be redacted. But  
4       the general portion of that can stay in.

5               SOLICITOR JONES: Hold on. I'm  
6       sorry, Your Honor. I'm trying to write it  
7       down.

8               THE COURT: All right. Yeah.

9               SOLICITOR JONES: That's number  
10       four, so redact anything where the children  
11       said DSS said this or the police said that?

12              THE COURT: Right. There's two  
13       little incidences when they come in that the  
14       cops said something and then 'DSS said mama  
15       couldn't have us anymore' or something to  
16       that effect.

17              SOLICITOR JONES: Okay.

18              THE COURT: As to five and six,  
19       and I know, Ms. Horlbeck, that you have  
20       indicated that on each of the videos. I  
21       think that I'm going to allow anything in the  
22       video that talks about what they observed  
23       with the other children. I'm going to allow  
24       that in there. So I'm going to deny your  
25       request for redacting five and six on this

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1 one and the other ones too. But particular  
2 five and six on the Minor 1 interview.

3 And I will, for the record, you have  
4 -- we've marked this as State's Exhibit --  
5 I'm sorry. How did we ---

6 COURT REPORTER: It was marked as  
7 Court's Exhibit 1.

8 THE COURT: Court's Exhibit 1.  
9 So that will be -- your objection will be  
10 preserved and you don't have to keep  
11 objecting each time.

12 MS. HORLBECK: Thank you, Judge.

13 THE COURT: Okay. Now we're  
14 moving on to the Minor 1 interview of  
15 4/11/14. The State has agreed to redact one  
16 through four?

17 SOLICITOR JONES: That's correct.

18 THE COURT: Number five, what is  
19 your objection to that Ms. Horlbeck?

20 MS. HORLBECK: Well, Judge, the  
21 statute and also case law states that -- and  
22 if you can give me a second I can find the  
23 cases I am talking about -- prohibits ---

24 THE COURT: I think it's State v.  
25 Anderson.

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1 MS. HORLBECK: Yes, sir. That  
2 sounds right. It prohibits the interviewer  
3 from testifying about any questions or things  
4 that the interviewer said to the children  
5 regarding truth telling abilities or remind-  
6 ing the children to tell the truth. So I  
7 just, on that basis I feel like if the inter-  
8 viewer can't testify about it, I don't think  
9 it's proper to give that information to the  
10 jury via the interview.

11 THE COURT: All right. And I  
12 looked at that in view of *Anderson v.*  
13 *Anderson*. It was talking about trying to  
14 infer truthfulness by the interviewer and  
15 stuff and even whether you should ask, you  
16 know, the difference between telling the  
17 truth and not, like that, you know. But I  
18 believe that's a little different. And  
19 that's just saying is everything you're  
20 telling me real? I don't think that that  
21 kind of falls in that category so I'm going  
22 to allow it in. Okay.

23 And, Mr. Warder, I am -- just for  
24 your purposes. My understanding is you  
25 continue the objection with them. If you

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1 have any additional objections you'll let us  
2 know. All right?

3 MR. WARDER: (Affirmative  
4 response).

5 THE COURT: Six y'all have agreed  
6 to. Okay.

7 Seven, I'm going to deny but I'll be  
8 glad to hear from you.

9 MS. HORLBECK: Judge, it's the  
10 same basis on State versus -- and I'm citing  
11 -- I'm talking about *State v. Anderson*. I  
12 think if the interview is not allowed to  
13 testify about the truth telling ability of  
14 the child or any questions that the inter-  
15 viewer ask the child about are you telling  
16 the truth or asking the child if they know  
17 the difference between truth and a lie, then  
18 I would think that the same thing would be  
19 prohibited in the video, that that should not  
20 be put in front of the jury.

21 THE COURT: All right. And I'm  
22 going to deny that request.

23 Eight and nine are also denied based  
24 on my previous analysis.

25 So now we go to the Minor 3



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1 interview of 3/11/14. All right. The first  
2 portion there, what is -- specifically, what  
3 are you objecting to. We're on Minor 3  
4 interview, which would be State's Exhibit 3.  
5 And this is item number one, Ms. Horlbeck.

6 MS. HORLBECK: The interview of  
7 3/11/14?

8 THE COURT: Yes.

9 MS. HORLBECK: Okay. Judge,  
10 again, there's a preliminary, just sort of a  
11 -- the video starts with the interviewer  
12 getting to know the child, that kind of  
13 thing. And it's not relevant. I don't think  
14 that it -- again, the jury is not tasked with  
15 the duty of trying to determine internal  
16 coherence on the video. That's already been  
17 determined.

18 So I think all the preliminary  
19 questions and all the 'what's your name,  
20 what's your favorite thing and what did you  
21 do this weekend', I don't think it's relevant  
22 in this case. And I would ask that it be  
23 stricken.

24 The part that I also wanted to keep  
25 out, talks about the pets. The pets all ran

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1 away and I think the dog got run over and it  
2 just -- you know, that just has nothing to do  
3 with this case.

4 THE COURT: Now, I don't think  
5 it's either way, really, on that. So I'm not  
6 going to -- what's your position on that?

7 SOLICITOR JONES: Your Honor, I  
8 would oppose the Motion. I think again the  
9 initial general question and discussion  
10 between Ms. Galloway and the children allows  
11 the jury to see that these children are  
12 intelligent enough to articulate themselves.  
13 And the jury is tasked with determining the  
14 credibility of witnesses. And seeing that  
15 the child can carry on a conversation, can  
16 remember things from their past, can remember  
17 having pets, can remember the pet running  
18 away.

19 THE COURT: I'm going to allow  
20 that.

21 MS. HORLBECK: And, Your Honor,  
22 I don't know if we could -- if your plan is  
23 to allow all of that, I wonder if we could at  
24 least redact the portion that talks about the  
25 pets running away, the dog getting run over.

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1 I don't know why that's relevant at all in  
2 this case.

3 THE COURT: All right. I'm going  
4 to make you redact the pet running ---

5 SOLICITOR JONES: I'm not going to  
6 base any argument off that, Your Honor, but  
7 I'll redact it, Your Honor.

8 THE COURT: Number two?

9 SOLICITOR JONES: Yes, sir.

10 THE COURT: My problem there is if  
11 you actually watch the video, it does, Ms.  
12 Galloway-Williams kind of -- it's like she's  
13 leading because of the previous information  
14 she had on those, is what I feel on that one,  
15 on that particular question.

16 SOLICITOR JONES: As to Minor 3  
17 interview 3/11?

18 THE COURT: Yes.

19 SOLICITOR JONES: She would be  
20 leading because of the information she had?

21 THE COURT: Right. And taking the  
22 pills to eat, when she has to eat.

23 SOLICITOR JONES: All right. Is  
24 your reasoning based on ---

25 THE COURT: Because she'd already

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1 had -- actually, that's what Minor 1 said.

2 SOLICITOR JONES: Right. Well, I  
3 think the forensic interview is they have a  
4 basic understanding of what the allegations  
5 are, Your Honor. So I think they do ask them  
6 about specific instances that are alleged.  
7 And in this case unlawful neglect would be  
8 using drugs in front of the children. So I  
9 think asking the children about pills and  
10 about if they ever took the pills would be  
11 relevant to the charge of unlawful neglect,  
12 Your Honor.

13 THE COURT: All right. Any other  
14 response from you?

15 MS. HORLBECK: It's just very --  
16 talk about lack of internal coherence. I  
17 don't think that that portion of this tape  
18 really shows internal coherence about the  
19 children being given pills and being around  
20 it. I mean, it just -- I would ask that it  
21 be redacted.

22 THE COURT: All right. I'm going  
23 to allow that portion in.

24 Okay. Three and four I'm going to  
25 allow to be redacted because that's talking

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1 more about what daddy did. And it's not a  
2 clear indication that it was, you know, with  
3 mommy being involved with it. So I'm going  
4 to allow them to redact three and four.

5 SOLICITOR JONES: Yes, sir, Your  
6 Honor.

7 THE COURT: Five, I'm going to  
8 deny. That's the "I'm not real."

9 And then six and eight. You have six  
10 and eight there.

11 There's no seven?

12 MS. HORLBECK: It's mis-numbered,  
13 sorry.

14 THE COURT: That's fine. My  
15 previous analysis on those.

16 And then finally the Minor 3  
17 interview of 4/11/14. You're fine up to  
18 32:00 through 39:00. Okay.

19 Number one. The problem with that  
20 is it's just all blank space with him sitting  
21 in there fidgeting.

22 SOLICITOR JONES: Let's see. I'm  
23 sorry.

24 THE COURT: Okay. This is State's  
25 Exhibit 4, which will be Minor 3 interview

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1 of 4/11, her item one.

2 SOLICITOR JONES: Okay. So when she  
3 says redact 32:00 through 39:00 ---

4 THE COURT: That whole thing is  
5 when he's sitting in there by himself waiting  
6 for her to go and she's on a break.

7 SOLICITOR JONES: I'm sorry. I  
8 meant to -- I believe I agreed to redact  
9 that.

10 THE COURT: Okay.

11 SOLICITOR JONES: I'm sorry if I  
12 didn't indicate that. So redact number one.

13 THE COURT: Number two, there's  
14 some -- I have some issue with the  
15 information about dad and what dad's doing.  
16 And, you know, I didn't mark down the  
17 particular numbers but there's a lot about  
18 what dad's doing in that little portion of --  
19 probably about 42:00 to about 52:00. And I  
20 don't believe that that would be appropriate  
21 in this. Again, I didn't mark down the  
22 numbers.

23 SOLICITOR JONES: Okay. And I'm  
24 looking -- are you talking about number two  
25 where she says redact 49:25 to end of Minor 3



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1 describing the drawings?

2 THE COURT: Yeah.

3 SOLICITOR JONES: So you want me to  
4 redact all of that?

5 THE COURT: No. Redact anything  
6 that talks about things that dad has --  
7 there's some discussions about what dad's  
8 doing and some info in there that kind of  
9 gets into his discussion.

10 MS. HORLBECK: And can we also --  
11 you know, if we're going to redact the actual  
12 drawing portion, can we redact the  
13 description of the drawing?

14 THE COURT: No, I'm not redacting  
15 the drawings. I'm just talking discussions  
16 about dad. It's also in there. Now, I'm  
17 trying to think. Now, is this the  
18 description of the drawings?

19 MS. HORLBECK: Yeah. She asked  
20 him 'what did you draw?' And he stated Ninja  
21 Turtles and just all that stuff.

22 THE COURT: Oh, okay.

23 MS. HORLBECK: We'd agreed to  
24 redact all the drawings.

25 THE COURT: Yeah. I did. Let's

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1 go ahead and redact. I misread my notes  
2 here.

3 SOLICITOR JONES: So, I'm sorry,  
4 Your Honor. Just to be sure so I'll know  
5 what to redact.

6 THE COURT: All right. Two -- I'm  
7 granting their request for two.

8 SOLICITOR JONES: Okay. And was  
9 there anything that you saw that you're  
10 telling me to redact before the 49:00 minute  
11 mark?

12 THE COURT: No. Well, and you  
13 agreed on the ---

14 MS. HORLBECK: The drawings.

15 SOLICITOR JONES: Yeah. Yeah.

16 THE COURT: And you agreed on one.

17 SOLICITOR JONES: On number one I  
18 agree. I'm sorry.

19 THE COURT: All right then three,  
20 I didn't make any notes but I put the denied  
21 on that. I'm not sure what your issue was o  
22 that one.

23 SOLICITOR JONES: Ms. Williams asked  
24 the child, 'Has anyone told you what to say?'

25 THE COURT: Is that one on three?



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1 Okay. All right. Well, I think that's what  
2 that is.

3 MS. HORLBECK: I believe that's  
4 what that is, Judge.

5 THE COURT: All right. I'm going  
6 to deny that.

7 Number four, I'm going to grant a  
8 redaction for some of that, not all of it.  
9 I don't think there's any problem with some  
10 kind of ending-type language, 'oh, we're  
11 going to Disney World.'

12 But I do not think it's appropriate  
13 -- at some point in there he testifies that  
14 grandmother said this wasn't right. I think  
15 they're kind of touching their private areas  
16 is what he says. He goes, "Well grandmother  
17 said that wasn't right." I don't think  
18 that's -- I mean, I'm going to have that  
19 redacted because that's something grandmother  
20 said. So you need to redact anything about  
21 what grandmother said.

22 SOLICITOR JONES: Okay.

23 THE COURT: And then five and six,  
24 that's the previous analysis about what he  
25 observed being done to his siblings.

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1 All right. Anything else on the  
2 videos?

3 SOLICITOR JONES: Your Honor,  
4 Minor 1 at the end of her April 11<sup>th</sup>  
5 interview, the second interview of Minor 1  
6 , she also discusses her father. Would  
7 you like -- or I guess I would make a Motion  
8 that that portion be redacted as well, since  
9 we're redacting other areas where they  
10 discuss their father.

11 THE COURT: I don't remember.  
12 Well, but was that some of the -- see some of  
13 the stuff talked about the father -- mother  
14 was in the room. And then I think that went  
15 to that unlawful neglect in my mind. But  
16 other parts were ---

17 SOLICITOR JONES: I believe she says  
18 that her father was there and Shauna asked  
19 has your father ever touched you and she  
20 says, yes.

21 THE COURT: Oh, okay. Yeah. I  
22 think that would be appropriate to redact  
23 that.

24 MR. WARDER: Your Honor, part of  
25 what you're redacting about the father it

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1       seems to me is relevant to my defense. And I  
2       guess when they ask is the father there, you  
3       know, the child says the father is there.  
4       The father is going to testify he was not  
5       there.

6               THE COURT:     Well, I'm going to  
7       allow anything to where the children said  
8       when something was going on father was there  
9       and mother was there because I think that  
10      goes to the unlawful neglect claim of the  
11      mother, because she didn't, you know, when he  
12      was doing things.

13             But as far as just general stuff  
14      about the father, I don't think that would be  
15      appropriate on these videos.

16             All right. Anything further on the  
17      videos?

18             MS. HORLBECK:     No, Judge. I just  
19      would renew all the objections and reasons  
20      that I gave in our pretrial hearing  
21      yesterday.

22             THE COURT:     You know, if y'all get  
23      into it too and y'all need to get clarifica-  
24      tion, that's no problem.

25             SOLICITOR JONES:   And, Your Honor,

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1 we have an IT specialist that's going to help  
2 me out with this so hopefully it will go a  
3 little bit smoother. But, again, if I have  
4 any questions, I'll ---

5 THE COURT: All right.

6 MS. HORLBECK: No, Judge.

7 THE COURT: And if y'all need a  
8 little bit more time with the jury, we'll  
9 just -- because I know that's important to  
10 get that right.

11 All right. Well we'll be adjourned  
12 until 2:15.

13 (LUNCH RECESS)

14 (DEFENDANT HENDRIX PRESENT)

15 THE COURT: Are we ready?

16 SOLICITOR JONES: Your Honor,  
17 basically I was going back through the videos  
18 so I could get a start time and end time of  
19 each edit ---

20 THE COURT: Yeah.

21 SOLICITOR JONES: --- each thing  
22 that would need to be removed so I could give  
23 the IT person. So I was really just -- there  
24 were several portions that were fifteen  
25 minutes long that Your Honor said to redact

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1 anytime DSS says something or police say  
2 something. So I felt like I had to listen to  
3 that whole portion to determine what to take  
4 out of that. So anyway, I got through three  
5 of the four videos, Your Honor. I have  
6 Minor 3 second interview to do, which  
7 shouldn't take me too much longer.

8 THE COURT: Okay. And I'm going  
9 to give you sufficient time to go through  
10 that tomorrow morning so y'all can get it in.

11 SOLICITOR JONES: And, Your Honor,  
12 really for several of the portions that were  
13 to be removed or edited, I would feel more  
14 comfortable if we played that for Your Honor  
15 and for defense counsel so that everyone knew  
16 what parts I removed and what parts I didn't.  
17 Because I did the best I could to ---

18 THE COURT: Well, I think y'all  
19 can really because y'all -- y'all can look at  
20 it. I mean, if y'all have any issues then  
21 y'all can bring them up.

22 SOLICITOR JONES: Yes, sir.

23 THE COURT: I'll work with you on  
24 time.

25 SOLICITOR JONES: Yes, sir.

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1 THE COURT: I won't make you come  
2 in at 6:30. I'll let you just stay until  
3 7:00 and then maybe come in tomorrow at 7:00.  
4 All right?

5 SOLICITOR JONES: Yes, sir.

6 MS. HORLBECK: Right.

7 THE COURT: All right. Are we  
8 ready to proceed with bringing the jury in.  
9 Anything before we bring them in?

10 MS. HORLBECK: Yes, Judge. Just  
11 briefly. I would ask if Your Honor would  
12 consider giving the jury just an instruction  
13 that they're to draw no inference from Ms.  
14 Riden's absence. I don't know if you  
15 routinely do that.

16 THE COURT: No, I don't have a  
17 problem with that.

18 SOLICITOR JONES: I don't either,  
19 Your Honor.

20 THE COURT: And I meant to ask  
21 you. Now, your office needs to get a bench  
22 warrant on her?

23 SOLICITOR JONES: Yes, Your Honor.  
24 I was going to ask you if you'd signed  
25 anything or if you need us to do anything?

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1 THE COURT: Maybe somebody from  
2 your office can draft a bench warrant?

3 SOLICITOR JONES: Sure. Yes, sir,  
4 Your Honor. Your Honor, I would ask that all  
5 the witnesses besides our victim and our  
6 investigating officer be sequestered.

7 THE COURT: All right. Any  
8 objection?

9 MS. HORLBECK: I don't object.

10 THE COURT: All right.

11 MR. WARDER: Are you asking just to  
12 sequester just the witnesses or to keep  
13 people out from the courtroom?

14 THE COURT: I think just the  
15 witnesses, yeah.

16 MR. WARDER: That's fine, yeah.

17 THE COURT: So any witnesses that  
18 y'all plan to call.

19 I guess if you are a witness or a  
20 potential witness in this case then I would  
21 ask that you go out into the foyer/waiting  
22 room, whatever they call it out there.

23 SOLICITOR JONES: So any potential  
24 witnesses would leave the courtroom. And,  
25 Your Honor, when I do call the children to

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1 testify, I would ask that the courtroom be  
2 cleared besides the defendant obviously and  
3 defense counsel.

4 MR. WARDER: I don't know and it's  
5 really not my thing -- one of the people here  
6 is the father, the natural father of the  
7 victims. He probably would have a right to  
8 be in here.

9 THE COURT: If you can find  
10 something and show me that, then I'll  
11 entertain it. But I don't know of any right  
12 that he has -- especially since from what I  
13 understand, he has no custody. He may be the  
14 natural father, but ---

15 MR. WARDER: I thought under the  
16 victims' rights that he would be entitled.

17 THE COURT: I think that probably  
18 is cut off when he loses custody and care of  
19 his children. And DSS, it's my understanding  
20 when looking at the videos there's some -- I  
21 mean, that's just what I gleaned from looking  
22 at the videos.

23 SOLICITOR JONES: That's correct,  
24 Your Honor.

25 MR. WARDER: So I'm fine.



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1 THE COURT: I think so at some  
2 point that victim right gets cuts off.

3 MR. WARDER: I have no problem with  
4 that, Your Honor.

5 THE COURT: All right. Are we  
6 ready to bring the jury in?

7 Anything from the State before we  
8 bring the jury in?

9 SOLICITOR JONES: Nothing else from  
10 the State.

11 THE COURT: Anything else from the  
12 Defendants?

13 MS. HORLBECK: I didn't know if  
14 the ruling on the witnesses, that applies to  
15 State witnesses as well?

16 THE COURT: Yes.

17 MS. HORLBECK: I didn't know ---

18 SOLICITOR JONES: Except for the --  
19 the grandparents have custody of the  
20 children. Can they stay in as the victims  
21 and remain in the courtroom, Your Honor.

22 THE COURT: Are they planning on  
23 testifying?

24 SOLICITOR JONES: They are on the --  
25 I think they're on both witness lists, mine

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1 and defense counsel's.

2 MS. HORLBECK: I don't have them  
3 on ---

4 THE COURT: And I don't know ---

5 MS. HORLBECK: They are not on my  
6 witness list. I don't know about Mr.  
7 Warder's.

8 THE COURT: I think it would be --  
9 I'm going to allow them to be sequestered.

10 SOLICITOR JONES: Okay. So the  
11 grandparents do need to leave the courtroom.

12 MR. WARDER: Yeah.

13 THE COURT: I'm going to reserve  
14 my right as far as when the children are  
15 testifying. Are those going to be the first?

16 SOLICITOR JONES: Yes, Your Honor.

17 THE COURT: Okay.

18 SOLICITOR JONES: So my position  
19 would be the grandparents have custody of the  
20 children, so they're the guardians of the  
21 children. So normally the parent or guardian  
22 of a child victim would be able to remain in  
23 the courtroom.

24 THE COURT: I'm going to let  
25 whoever has -- and let's have one of them.

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1 SOLICITOR JONES: One. Yes, sir.

2 THE COURT: I'll let one of them

3 SOLICITOR JONES: All right. Thank  
4 you, Your Honor.

5 THE COURT: All right. Anything  
6 else before we bring the jury in?

7 MR. WARDER: No, sir.

8 MS. HORLBECK: (No verbal  
9 response).

10 THE COURT: All right. Bring the  
11 jury in.

12 (JURY IN @ 2:35 P.M.)

13 THE COURT: All right. Ladies and  
14 gentlemen, I appreciate your patience and  
15 everything. We're ready to finally begin the  
16 trial of this case. I would you know at the  
17 beginning of a matter -- well before I do  
18 that, let me ask the clerk of court if he  
19 will go ahead and swear you in at this point.

20 (WHEREUPON JURY SWORN)

21 THE COURT: All right. Ladies and  
22 gentlemen, I'm going to give you some  
23 preliminary charge at this point, to kind of  
24 give you a framework of kind of some ground  
25 rules before we begin this case.

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1 First of all, I've previously told  
2 you this the case of State versus Stacy Carol  
3 Riden and Aaron Van Hendrix. You've been  
4 previously introduced to Mr. Hendrix.

5 And you are not to take any  
6 inference whatsoever to the fact that the  
7 other defendant is not present at this time.  
8 That does not change the burden that the  
9 State has in this matter whatsoever.

10 Still, the State -- as I will go  
11 into more detail, the State in this case has  
12 the burden of proof. You will hear different  
13 types of proof -- but the burden of proof,  
14 the burden that the State has is they must  
15 prove each element of the charges that  
16 they're bring beyond a reasonable doubt. And  
17 again, I'll give you more information on that  
18 as we -- at the conclusion of the trial.

19 Yours is a very important duty as  
20 a jury. It's very important that you pay  
21 careful attention to all of the evidence  
22 being presented and keep an open mind.

23 That's why I'll keep telling you  
24 that you're not to make any decisions. That  
25 you're not to make, begin any deliberations

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1 or any discussion until you've heard all of  
2 the evidence, which is testimony and the  
3 exhibits. And at that point, I will charge  
4 you the law. Until that point you don't have  
5 all of the elements, all of the recipe to  
6 actually begin the deliberations.

7 So that's why, when you take breaks,  
8 you don't begin any discussions or anything.  
9 And, again, it's stuff that you hear just in  
10 this courtroom.

11 It's an important responsibility.  
12 Your responsibility as a jury though is to  
13 decide the facts of this case.

14 My role as a judge is totally  
15 different. I'm the judge of the law to tell  
16 you what the law. I'm going to rule on the  
17 admissibility of evidence.

18 Occasionally there may be objections  
19 between the parties and that's a routine  
20 thing where I have to make a decision on  
21 evidence. It is not that any party's  
22 necessarily trying to play games, it's  
23 there's certain elements that a party must  
24 meet before certain evidence is accepted by  
25 the Court. And that's why objections.

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1                   Occasionally, there may be some  
2                   times where, just so that we can kind of hash  
3                   some things out and make sure everything's  
4                   appropriately before you, we may send you out  
5                   from time to time so we can discuss that, so  
6                   that the record will be clean.

7                   As far as breaks, now normally I try  
8                   to take breaks every hour to hour and a half.  
9                   That's just kind of a general rule. A lot of  
10                  that is dictated about where witness  
11                  particularly are. I mean we don't want to  
12                  stop in the middle of a witness or something  
13                  like that or if somebody has a short witness.  
14                  So that's our general rule, okay?

15                 But I want to make sure -- I mean,  
16                 I realize this is an inconvenience to you.  
17                 I want to make sure you're as comfortable as  
18                 possible. If at any point you need to take a  
19                 break, just indicate to the bailiff or  
20                 indicate to me you need to take a break.

21                 You know, don't do like the last  
22                 trial I had where somebody just bolted out of  
23                 the room, you know. At least give us some  
24                 notice. Let us know if you do need to take a  
25                 break, then we'll stop.

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1 Normally, again, there's no set  
2 rules on times. We generally try to start  
3 the trial between, you know, 9:00 to 9:30.  
4 It kind of depends on how the case is going.  
5 And we try to end somewhere 5:00 to 5:30. A  
6 lot of that depends on where the witnesses  
7 are, if there's certain matters that we have  
8 to take up outside the presence of the jury.

9 If it looks like for whatever reason  
10 we have to go beyond, you know, the normal  
11 hour like 5:30, we'll give you plenty of  
12 notice if you need to make some arrangements  
13 for that so that you can. Again, y'all will  
14 have plenty of notice on that.

15 The procedure of the trial is we'll  
16 start off with opening statements of the  
17 attorneys. Now, this is not to be considered  
18 evidence. This is just their opening  
19 statement, kind of a summary of what they  
20 expect the trial to show.

21 Then we get to the evidentiary  
22 state, which is where the attorneys present  
23 any evidence or testimony that they deem  
24 appropriate.

25 Then after all of the evidence is

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1 in, then we will have closing arguments by  
2 the attorneys. And then we'll have the  
3 charge on the law. And only after all of  
4 that it is done do you begin discussing the  
5 case and deliberating on the case.

6 There's two types of evidence that  
7 you'll see. You will see live testimony from  
8 witnesses from the stand. And there will  
9 also be other types of evidence, which will  
10 be the documents or videos or things like  
11 that. If they are ruled admissible, then  
12 those are, you know, matters to be considered  
13 by y'all when y'all begin your deliberations.

14 If at any point I rule that  
15 something is admissible or if I say that that  
16 should be stricken, then I will advise you of  
17 that. And, again, that's something that  
18 you're not to -- even though it may be  
19 something you've heard, when you begin  
20 deliberations it's something that you're not  
21 to discuss. So I will let you know when/if  
22 that happens.

23 It's important that, again as I  
24 said, that you did not do any independent  
25 investigation, that you not pay attention to



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1       any media reports, any social media, anything  
2       whatsoever. If you do see anything like  
3       that, please disregard it, turn away, because  
4       if it is not here we don't have a record of  
5       that. So that's real important there.

6               One of the things that you'll need  
7       to determine is the credibility and  
8       believability of witnesses. And that's  
9       something that you just have to take from  
10      your own experiences, and your own, you know,  
11      your day-to-day events and then determine  
12      what you feel as to which witness is credible  
13      and believable. And that's something that  
14      you will have to possibly consider in your  
15      deliberations when you get to that point.

16             At the next break I will have y'all  
17      select a foreperson and basically the  
18      original twelve are eligible for that. The  
19      alternates are not eligible for that. It  
20      doesn't mean you get paid anymore. It just  
21      means that you're kind of the -- you'll be in  
22      charge of kind of the deliberation when you  
23      begin the discussion. And if you need to  
24             have any communication with the bailiff,  
25      the foreperson is there. And also the

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1 foreperson needs to make sure that there is  
2 no discussion about the case or anything  
3 before the time comes.

4 The alternates play a very important  
5 in the event that someone gets sick or not  
6 able to continue for any reason, then it is  
7 important for the alternates to be here and  
8 be available.

9 So with nothing further at this  
10 point, we will begin with opening statements.

11 Solicitor, you may proceed.

12 SOLICITOR JONES: Thank you, Your  
13 Honor, may it please the court.

14 OPENING STATEMENT

15 BY SOLICITOR JONES:

16 Stacy Riden sexually abused and  
17 neglected her own children.

18 Aaron Hendrix, her live-in boyfriend  
19 also sexually abused those children.

20 What does sexually abuse and neglect  
21 actually mean? In this instance it means  
22 they did drugs in front of those children,  
23 they had sex in front of those children, they  
24 touched the children's genitals and they  
25 forced those children to perform oral sex on

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1       them.

2               Stacy Riden and Aaron Hendrix are  
3 both charged with criminal sexual conduct  
4 with a minor first degree, two counts of  
5 that, and one count of criminal sexual  
6 conduct with a minor, third degree.

7               Just Stacy Riden is charged with  
8 unlawful neglect.

9               I'm going to briefly go over the  
10 elements of all of those offenses, because  
11 those elements are what I have to prove to  
12 you throughout the trial.

13              At the end of the case, the Judge is  
14 going to go over those elements in detail.  
15 So if anything I say contradicts what the  
16 Judge says, go with what he tells you on the  
17 law.

18              And forgive me, I'm going to read  
19 form my notes just briefly as to the  
20 elements, because I want to make sure I get  
21 it right. And they are kind of complicated.  
22 But for criminal sexual conduct with a minor  
23 first degree, I have to show that the actor  
24 engaged in sexual battery with the victim and  
25 the victim was less than eleven years of age.

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1           The statute defines "sexual battery"  
2       as sexual battery as sexual intercourse, oral  
3       sex, anal sex, or any intrusion however  
4       slight into the genital or anal openings of  
5       another person.

6           So that's the criminal sexual  
7       conduct with a minor, first degree.

8           Criminal sexual conduct with a minor  
9       third degree is the actor or the defendant is  
10      over fourteen years of age and the victim is  
11      under sixteen years of age. And the actor  
12      willfully and lewdly commits a lewd or  
13      lascivious act with the intent of arousing or  
14      gratifying the lust, passions or sexual  
15      desires of the actor or the child.

16          And what that means, criminal sexual  
17      conduct with a minor third degree, is  
18      essentially touching someone under the age of  
19      sixteen with the intent of arousing your  
20      sexual desire, your sexual passions. It's  
21      more of a touching with the intent of  
22      gratifying your sexual desires.

23          And Stacy Riden is charged with  
24      unlawful neglect. And the elements of  
25      unlawful neglect are:

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1                   1) that the defendant is a parent or  
2                   guardian. And that parent or guardian  
3                   places the child at unreasonable risk of  
4                   harm, affecting the child's life or the  
5                   child's physical or mental health or  
6                   safety; or that parent or guardian causes  
7                   bodily harm to the child so that the life  
8                   or the health of the child is in danger;  
9                   or

10                  2) the parent willfully abandons the  
11                  child.

12                  So those are the elements to keep in  
13                  mind as I present my case.

14                  The three children I've been talking  
15                  about are Minor 3, Minor 1 and Minor 2. Minor 3  
16                  and Minor 1 are twins and they're currently  
17                  nine years old. Minor 2 is their youngest  
18                  sister. She's currently five years old.

19                  Until March of 2013 the children  
20                  lived with the mother, Stacey Riden, in  
21                  Easley. In March of 2013, all three children  
22                  went to live with their grandparents. They  
23                  lived with their grandparents for about eight  
24                  or nine months. And in December of 2013,  
25                  those children told their grandmother what

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1 happened to them. They told their grand-  
2 mother about the sexual abuse.

3 Now, throughout the trial, I'm going  
4 to call several witnesses.

5 You're going to hear from several  
6 law enforcement officers who responded to the  
7 scene initially, an investigator who put the  
8 case together and investigated the case.

9 You're also going to hear from a  
10 doctor who performed a physical examination  
11 of the children.

12 You're also going to hear from a  
13 child abuse expert. And that child abuse  
14 expert did not talk to these children or read  
15 any documents as to this particular case, but  
16 she will discuss important topics with you  
17 relating to child abuse that will help you in  
18 your decision.

19 I'm also going to call the children:  
20 Minor 3, Minor 1 and Minor 2. They're going to  
21 come into this courtroom, they're going to  
22 sit on that stand and they're going to tell  
23 you what happened.

24 A very important aspect of this case  
25 is credibility; who has it, who does not

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1 have it. And that's completely up to you.

2 So as you listen to the witnesses  
3 ask yourself why would this person lie?  
4 What do they have to lose?

5 And well as the testimony from the  
6 children in court, I'm going to play videos  
7 of Minor3 and Minor1 . They were interviewed  
8 previously and those videos will be played  
9 for you here. In those interviews, they give  
10 you a detailed account of what happened. And  
11 I want you to listen to the children in those  
12 videos and listen to the details that they  
13 give you about this abuse.

14 Listen as Minor3 tells you how  
15 blood was running down his sister's legs.

16 Listen to Minor1 when she tells you  
17 about her hair being pulled by her own  
18 mother.

19 Listen to the description they give  
20 you about oral sex. As you listen to those  
21 details, ask yourself why would a child tell  
22 someone they performed oral sex on their own  
23 mother? Why would someone say that? Because  
24 it's the truth. Thank you.

25 THE COURT: Ms. Horlbeck.

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OPENING STATEMENT BY MS. HORLBECK FOR DEFENDANT RIDEN

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1 MS. HORLBECK: May it please the  
2 Court, Mr. Warder, Mr. Jones.

3 OPENING STATEMENT

4 BY MS. HORLBECK:

5 Good afternoon, ladies and gentle-  
6 men, over the holidays my husband I had to  
7 travel to England for a very unfortunate  
8 event that he had had happen in his family.  
9 You see he's British, so we went over there  
10 for a funeral. His grandmother had passed  
11 away.

12 I've been involved with this family  
13 for the past six years but when we touched  
14 down and we were able to talk with other  
15 family members, I realized that there was a  
16 split in his family and that this split had  
17 gone back for quite some time and the family  
18 was actually divided into the part of the  
19 family that saw eye-to-eye with his deceased  
20 grandmother and the part of the family that  
21 did not see eye-to-eye with his deceased  
22 grandmother.

23 I just found it amazing that some-  
24 thing that had happened so long ago had grown  
25 into this, this major split. And that an



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1       acorn had grown into this enormous oak tree.

2               And that's what's happening in this  
3 case, that's what this case is about today.

4               I have the privilege of representing  
5 the innocent Stacy Riden today. She's pled  
6 not guilty to these charges because she did  
7 not do any of the things that the State has  
8 just accused her of doing.

9               You all are strangers to each other  
10 and you've heard the allegations of the  
11 State. You are strangers to each other.  
12 Many of you are strangers to this courtroom  
13 and likely strangers to the criminal justice  
14 system. Just the words themselves -- sex,  
15 child abuse -- just those very words alone  
16 can conjure up fears and terrible images in  
17 your mind. Those fears and terrible images  
18 can cause your mind to freeze and shut down.  
19 I'm asking you not to do that today. Don't  
20 shut your mind. Don't let your mind freeze.  
21 As Judge Gravely explained to you, listen to  
22 all of the evidence in the case. It is  
23 vitally, vitally important in this case.

24               Now, as I said to you earlier, I  
25 have the privilege of representing the

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1 innocent Stacy Riden. And you may well be  
2 asking yourselves, 'How she innocent? Didn't  
3 I just hear Judge Gravely explain to me that  
4 she'd been indicted and that there were  
5 warrants that had actually been issued for  
6 her arrest? Didn't we just hear that from  
7 the Judge?' And, yes, you're right.

8 But you're to draw no inference from  
9 those things. They're not evidence of guilt.  
10 The only things that the warrants and the  
11 indictments are used for are to bring this  
12 case into this courtroom. The warrants and  
13 the indictments are not worth the paper that  
14 they're printed on. And you may ask  
15 yourselves how can I say that.

16 Well, the Judge has shared with you  
17 some very, very fundamental principles. And  
18 I think they're so important that I'm going  
19 to just review them briefly with you.

20 One of them is the presumption of  
21 innocence is a fundamental principal.  
22 Everyone who stands trial is presumed  
23 innocent. It is as if you were on trial, you  
24 are covered with a cloak of innocence. And  
25 the only thing that removes that cloak of

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1 innocence is proof of guilt beyond a  
2 reasonable doubt. The presumption of  
3 innocence does not end when you all leave the  
4 courtroom. It doesn't end when you go home.  
5 It doesn't end when you go to lunch. It  
6 doesn't end if we have sidebars where we take  
7 up issues with the Judge. The only thing  
8 that removes the presumption of innocence is  
9 proof of guilt beyond a reasonable doubt.

10 And, indeed, that is the State's  
11 burden to prove guilt beyond a reasonable  
12 doubt. It is not Ms. Riden's burden. She  
13 does not have any burden at all in this case  
14 and she has no burden to even take the stand  
15 and testify whatsoever.

16 Keep an open mind. Keep these very,  
17 very fundamental principals in mind today as  
18 you listen to all of the evidence. And  
19 consider all the evidence that comes in  
20 during this trial. And we believe at the  
21 close of this case you will return the  
22 appropriate verdict of not guilty for Stacy  
23 Riden. Thank you.

24 THE COURT: Mr. Warder?

25 MR. WARDER: Thank you, Your Honor.

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1 OPENING STATEMENT

2 BY MR. WARDER:

3 Good afternoon. I greatly  
4 appreciate your spending of your morning  
5 waiting for us to get started so you could  
6 hear about this case.

7 What you've heard are not the facts.  
8 What you've heard is the Solicitor's opinion  
9 of what the facts are.

10 This is a case, I believe, though  
11 of evil, unspeakable evil almost. Because  
12 the children have obviously been talked to  
13 and I think coached, the evidence will show,  
14 by somebody that wants to gain their custody.  
15 This is an action that, in fact, is the  
16 easiest way to get custody changed, to accuse  
17 somebody of sexual abuse.

18 Let me tell you how the parties  
19 interact. My client, Aaron, moved in with  
20 Stacy. He moved in with Stacy Riden in  
21 December of 2011, and he stayed until  
22 Christmas Eve 2012. Stacy had three  
23 children, one of them two and a half and the  
24 others six.

25 On Christmas Eve of 2012, Stacy and

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1 Aaron split up and he moved on.

2 Stacy became involved with somebody  
3 and her lot went down. The children's father  
4 called Stacy's father and asked him to come  
5 take, help take care of the children because  
6 things had went downhill in Stacy's house.

7 My client gets a job at Lowe's, it  
8 is a living. And in 2013 -- I'm sorry, in  
9 2014 he was arrested, they're saying he did  
10 something wrong to the children back when he  
11 lived with Stacy. Now, the allegation that  
12 was made was not that he secreted the child  
13 away, hid and did something bad. The  
14 allegation is that he, at a time the two  
15 other children were present, and the time  
16 that Stacy was present, and at a time that  
17 the child's father was present, he  
18 inappropriately touched the child.

19 They further make an allegation that  
20 while this group was together, all of them,  
21 the children performed oral sex on mother and  
22 him with the father standing there laughing.  
23 My client, along with everybody named, will  
24 deny those events ever happened.

25 The children's father will tell you

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1       that he would kill somebody that touched his  
2       child.

3               This case makes no sense in the  
4       world of reality. But when you're getting  
5       children to tell something that's not true,  
6       they will follow scripts if they can get them  
7       started with the idea.

8               And for these children when they  
9       were taken by Stacy's father, their lot in  
10      life improved a lot. They went from a house  
11      that had little in it to a situation that has  
12      a lot: a front yard full of toys, trips to  
13      Disneyland. I believe that the grandparents  
14      have fallen in love with the grandchildren.  
15      The grandmother is not really grandmother.  
16      She's just a step-grandmother, the wife of  
17      the grandfather, second wife. But I believe  
18      the evidence will show that they wanted, that  
19      they love and want the genuine love and  
20      affection of these children.

21              But this action, because they named  
22      it -- because everybody's come out, would  
23      effectively take the rights away of everybody  
24      that had a claim to the children, except  
25      them. Like we're saying that this happened

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1 as being cheered on by the natural father, in  
2 the presence, participated in by the mother,  
3 will guarantee them -- if they can get a  
4 conviction -- that there'll be no parents  
5 around, they'll be the closest to the  
6 children and they will have them. And that's  
7 what we believe the motivation is.

8 Listen to the testimony. It makes  
9 no sense. He describes the way people really  
10 would never act.

11 The idea that there's some kind of  
12 conspiracy between the natural father and a  
13 man that lived with the children's mother to  
14 sexually abuse the children, when you hear  
15 these people and their testimony, it makes no  
16 sense.

17 I ask you to listen carefully to all  
18 of the witnesses. I ask you to use your  
19 everyday common sense. Use your experiences,  
20 what you've learned by living upon this good  
21 earth. Filter this evidence through your  
22 brain.

23 Say, does this fit? Does this make  
24 sense? This is the way people act.

25 At the end of this case and you'll

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1 conclude that these children have been  
2 coached by some adult and that a step-  
3 grandmother and grandfather will be the  
4 beneficiary of this if you believe them.  
5 Thank you very much.

6 THE COURT: Mr. Jones.

7 SOLICITOR JONES: Your Honor, the  
8 State calls Minor 3 . And, Your Honor,  
9 before Minor 3 comes into the courtroom, we  
10 would ask that everyone exit the courtroom.

11 THE COURT: All right.

12 SOLICITOR JONES: Non-parties.

13 THE COURT: Yeah, all non-parties  
14 you're going to ask y'all to please step out  
15 of the courtroom.

16 (INDIVIDUALS EXIT COURTROOM)

17 (WITNESS TAKES STAND)

18 Minor 3 , having been duly sworn to  
19 tell the truth and nothing but the truth,  
20 testified as follows:

21 DIRECT EXAMINATION

22 BY SOLICITOR JONES:

23 Q. Hey, Minor 3 How are you?

24 A. Good.

25 Q. Good?



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TESTIMONY OF Minor 3 - EXAMINATION BY SOLICITOR

1 A. (Affirmative nod).

2 Q. Can you speak into the microphone  
3 and tell everybody what your name is?

4 A. My name is Minor 3 .

5 Q. Minor 3 . And tell us how old you  
6 are.

7 A. Nine (9).

8 Q. And what grade are you in in school?

9 A. Third (3<sup>rd</sup>).

10 Q. Third grade?

11 A. (Affirmative nod).

12 Q. Minor 3 I'm going to ask you a couple  
13 of questions. Do you know the difference  
14 between a lie and the truth?

15 A. Yes.

16 Q. So if I told you that my tie is  
17 black, would that be a lie or the truth?

18 A. A lie.

19 Q. And if I told you that my hair is  
20 purple, would that be a truth or a lie?

21 A. A lie.

22 Q. If I told you that your name is  
23 Minor 3, would that be the truth or a lie?

24 A. The truth.

25 Q. You said you're nine years old?

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1 A. (Affirmative nod).

2 Q. Where do you go to school?

3 A. Dacusville Elementary.

4 Q. Minor 3, who do you currently live  
5 with?

6 A. My grandma.

7 Q. Your grandmother?

8 A. (Affirmative nod)

9 Q. And who else lives with you?

10 A. My papa, my aunt and my two sisters.

11 Q. Two sisters?

12 A. (Affirmative nod).

13 Q. What are your sisters' names?

14 A. Minor 2 and Minor 1 .

15 Q. Minor 2 and Minor 1

16 A. (Affirmative nod).

17 Q. What do you call your grandparents?

18 What are their names, do you know?

19 A. Lisa, Mark and Amanda.

20 Q. Who is Amanda?

21 A. My aunt.

22 Q. That is your aunt?

23 A. (Affirmative nod).

24 Q. Okay.

25 Q. She lives with y'all now?

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TESTIMONY OF Minor 3 - EXAMINATION BY SOLICITOR

1 A. Yeah.

2 Q. Who did you live with before you  
3 went to live with your grandparents?

4 A. Stacy and Aaron.

5 Q. Are you related to Stacy?

6 A. (Affirmative nod) -- um-humm

7 Q. Is Stacy your mother?

8 A. Yes.

9 Q. So Stacy is your mother?

10 A. (Affirmative nod).

11 Q. Did Aaron Hendrix live with you when  
12 you lived with your mother?

13 A. Yes.

14 Q. Do you remember telling your grand-  
15 mother about someone touching your privates?

16 A. Yes.

17 Q. Did Aaron Hendricks ever touch your  
18 privates?

19 A. Yes.

20 Q. Did that happen one time or more  
21 than one time?

22 A. More than once.

23 Q. Did Stacy Riden, your mother, did  
24 she ever touch your privates?

25 A. Yes.

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1 Q. Did that happen once or more than  
2 once?

3 A. More than once.

4 Q. Did you ever see Aaron Hendrix touch  
5 either of your sisters?

6 A. Yes.

7 Q. And did he touch them on their  
8 privates?

9 A. Yes.

10 Q. Did you ever see Stacy Riden touch  
11 your sisters on their privates?

12 A. Yes.

13 Q. Do you remember your mother, Stacy  
14 Riden, pulling Minor 1 hair at any point in  
15 time?

16 A. Yes.

17 Q. Did Stacy Riden pull her hair as  
18 Aaron Hendrix was touching Minor 1  
19 privates?

20 A. Yes.

21 Q. Did Aaron make you put your mouth on  
22 his privates?

23 A. Yes.

24 Q. What about Stacy, did she make you  
25 put your mouth on her privates?

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TESTIMONY OF Minor 3 - EXAMINATION BY SOLICITOR

1 A. Yes.

2 Q. Can you tell us what Stacy or Aaron  
3 did when they made you put your mouth on  
4 their privates?

5 A. They, like, -- like they hold me  
6 still, making my head go near it.

7 MR. WARDER: Your Honor if it  
8 please the court, the solicitor stands so  
9 that witness's responses are facing directly  
10 away. I am going to ask if they can move the  
11 microphone so that the witness can turn to  
12 face more directly.

13 THE COURT: (Microphone position  
14 was adjusted).

15 DIRECT EXAMINATION CONTINUED

16 BY MR. JONES:

17 Q. You are doing great, Minor 3. Just  
18 when you answer my questions, just -- you  
19 don't have to lean up to it, you're doing  
20 fine. Okay.

21 Sorry we interrupted you there. I just  
22 asked you if you remember what Aaron or Stacy  
23 did when they made you put your mouth on  
24 their privates? Can you tell the jury again  
25 what you just said?



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- 1           A.           They hold me -- ummm, they hold  
2           me still so I couldn't do anything.
- 3           Q.       Did they touch your head?
- 4           A.       Yes.
- 5           Q.       Can you tell the jury what they did?
- 6           A.       They like touched -- they put their  
7           hand on my head and leaned me near it.
- 8           Q.       And were they standing up when this  
9           happened, laying down or ---
- 10          A.       Standing up.
- 11          Q.       Where you standing or lying down?
- 12          A.       I was standing.
- 13          Q.       Do you remember what you saw when  
14          they made you put your head on their  
15          privates?
- 16          A.       I saw their privates.
- 17          Q.       Have you ever seen your sisters  
18          bleed from their privates?
- 19          A.       Yes.
- 20          Q.       When was that?
- 21          A.       Humm -- in the bedroom.
- 22          Q.       Was that after Stacy and Aaron  
23          touched their privates or was that another  
24          time
- 25          A.       That was another time.

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TESTIMONY OF Minor 3 - EXAMINATION BY SOLICITOR

1 Q. So what happened to your sisters to  
2 make them bleed from their privates, do you  
3 know?

4 A. They were touching their privates  
5 and pulling on it.

6 Q Who was touching their privates?

7 A. Aaron and Stacy.

8 Q. When you lived with your mother,  
9 Stacy, did you ever see a needle?

10 A. Yes.

11 Q. What did it look like? Did it have  
12 anything on it?

13 A. It had blood on it.

14 MR. WARDER: Your Honor, it's part  
15 of my old age and my old ears, but I can't  
16 hear. The solicitor keeps moving farther  
17 into the corner, which keeps moving the  
18 witness further away fro me.

19 THE COURT: Well, maybe you can  
20 move closer if you need to.

21 DIRECT EXAMINATION CONTINUED

22 BY SOLICITOR

23 Q. You are doing good, Minor 3. You said  
24 that you saw needles and it had blood on it?

25 A. Yes.

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TESTIMONY OF Minor 3 - EXAMINATION BY SOLICITOR

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1 Q. Did you ever see Aaron or your  
2 mother with needles?

3 A. Yes.

4 Q. What did they do with the needles?

5 A. They stabbed it.

6 Q. They stabbed what?

7 A. The needles.

8 Q. Did they Stab themselves?

9 A. Yes.

10 Q. Do you remember where they stabbed  
11 themselves with the needles?

12 A. In the arm.

13 Q. In the arm?

14 A. (Affirmative nod).

15 Q. Do you remember what part of the  
16 arm?

17 A. No.

18 Q. No?

19 A. (Negative gesture).

20 Q. Were you ever scared to tell  
21 somebody about Aaron and Stacy touching you?

22 A. Yes.

23 Q. Why were you scared?

24 A. Because they threatened me.

25 Q. They threatened you?



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TESTIMONY OF Minor 3 - CROSS EXAM BY MS. HORLBECK

1 A. (Affirmative nod).

2 Q. How did they threaten you, what did  
3 they say?

4 A. They said if I told, that they would  
5 kill me.

6 Q. And did you ever not want to tell  
7 people about your mother making you put your  
8 mouth on her privates?

9 A. Yes.

10 Q. Why didn't you want to tell people  
11 about that?

12 A. Because I was scared to tell.

13 Q. Because you were scared?

14 A. (Affirmative nod)

15 SOLICITOR JONES: No further  
16 questions, Your Honor.

17 CROSS EXAMINATION

18 BY MS. HORLBECK:

19 Q Minor 3, I am going to ask you to  
20 turn just a little bit and face me as best  
21 you can. Okay. Tell me how old you are --  
22 and let me introduce myself. My name is Ms.  
23 Horlbeck and I represent your mom. Okay?

24 A. (No response).

25 Q. I am going to ask you some

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1 questions, if that is all right. Is it okay  
2 with you if I ask you a few questions?

3 A. (Affirmative nod).

4 Q. Tell me again how old you are.

5 A. Nine (9).

6 Q. And when is your birthday?

7 A. April 2nd.

8 MS. HORLBECK: Judge, do you mind  
9 if I just push -- (microphone adjusted).

10 CROSS EXAMINATION CONTINUED

11 BY MS. HORLBECK:

12 Q. Is that better? Is that microphone  
13 too close to you.

14 A. (No verbal response).

15 Q. I don't want the microphone to be  
16 shoved up in your Mouth. Is that okay?

17 A. (Affirmative nod)

18 Q. So you will be ten in April?

19 A. Yes.

20 Q. All right. Thank you. What school  
21 do you go to?

22 A. Dacusville Elementary.

23 Q. What grade are you in?

24 A. Third (3<sup>rd</sup>).

25 Q. Do you have a favorite teacher or

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TESTIMONY OF Minor 3 - CROSS EXAM BY MS. HORLBECK

1 anything like that?

2 A. No.

3 Q. No favorite teacher?

4 A. (No verbal response).

5 Q. Is there anything at school that you  
6 like to do better than anything else?

7 A. Science.

8 Q. You like science?

9 A. (Affirmative nod).

10 Q. Okay. What do you like about  
11 science?

12 A. It's cool.

13 Q. Do you get good grades in school?

14 A. Yes.

15 Q. What kind of grades do you get?

16 A. A's B's and sometimes C.

17 Q. All right. Do you play any sports?

18 A. Yes.

19 Q. You do. What sports do you play?

20 A. Baseball.

21 Q. What position do you play?

22 A. In the field.

23 Q. I don't know much about baseball, so  
24 you are going to have to explain a little  
25 bit. Tell me that position again.

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1 A. In the field.

2 Q. What do you do in the field?

3 A. In case the ball goes in the field,  
4 I get it.

5 Q. And if you get the ball, what do you  
6 do with it next?

7 A. I throw it to the person that is  
8 standing near me.

9 Q. Are you on a team?

10 A. Yes.

11 Q. Are you on a team at school or  
12 outside the school?

13 A. Outside the school.

14 Q. Do you think you're one of the best  
15 people on your team?

16 A. No.

17 Q. No?

18 A. (Negative gesture).

19 Q. No. All right. Let me ask you some  
20 questions about your papa and your grandma.  
21 Do you remember when you moved in with your  
22 grandma and your papa?

23 A. Yes.

24 Q. When did that happen?

25 A. That happened after I told what

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TESTIMONY OF Minor 3 - CROSS EXAM BY MS. HORLBECK

1       happened to me.

2               Q.    Do you remember what year that was  
3       that you moved in with your grandparents?

4               A.    No.

5               Q.    Do you remember how old you might  
6       have been when you moved in with your grand-  
7       parents?

8               A.    I think about seven.

9               Q.    And do you -- was there a special  
10       event that happened on the day that you moved  
11       in with your grandparents or maybe the day  
12       before?

13              A.    No, I don't remember.

14              Q.    All right. You said that you have  
15       -- you have obviously other people in your  
16       house that you live with; right?

17              A.    Yes.

18              Q.    Do you live with your grandmother  
19       and your grandfather?

20              A.    Yes.

21              Q.    And your two sisters?

22              A.    Yes.

23              Q.    Do you have any pets?

24              A.    Yes.

25              Q.    What pets do you have?



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- 1 A. I have a dog.
- 2 Q. Does your dog have a name?
- 3 A. Yes, ma'am. His name is Max.
- 4 Q. Do you know how old Max is?
- 5 A. Five.
- 6 Q. Before you moved in with
- 7 grandparents, who did you live with?
- 8 A. Stacy and Aaron.
- 9 Q. Is Stacy your mother?
- 10 A. Yes.
- 11 Q. When did you first start calling
- 12 your mother Stacy instead of mom?
- 13 A. When I moved in with my grandma.
- 14 Q. Okay. All right And -- what --
- 15 before you moved in with your grandma, what
- 16 did you call your mother: Did you call her
- 17 mama, did you call her mommy or ---
- 18 A. Can you say that again?
- 19 Q. Let me see if I can make that into a
- 20 simpler question, because I did kinda make it
- 21 confusing. Before you started calling your
- 22 mom "Stacy", what did you call Stacy?
- 23 A. Mom.
- 24 Q. And that changed when you moved in
- 25 with your grandparents?

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TESTIMONY OF Minor 3 - CROSS EXAM BY MS. HORLBECK

1 A. Yes.

2 Q. When you lived with mom, what kind  
3 of house did you live in? Do you remember?

4 A. It was a long house.

5 Q. Was it a house or a trailer?

6 A. It was a house.

7 Q. Do you remember how many bedrooms  
8 that the house had in it?

9 A. Three.

10 Q. Where did everybody sleep in the  
11 house?

12 A. I slept on the couch, my sisters did  
13 too.

14 Q. Did your sisters have their own  
15 bedroom?

16 A. Yes.

17 Q. Did they sleep in their bedroom?

18 A. Uh-uh, (negative gesture)

19 Q. They slept on the couch with you?

20 A. Yeah.

21 Q. Did your mom have a bedroom?

22 A. Yes.

23 Q. Do you remember what kind of bed was  
24 in her bedroom?

25 A. No.

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1 Q. Was the house small or do you think  
2 the house was big or something else?

3 A. It was small but it was long too.

4 Q. Were there any bathrooms in your  
5 house?

6 A. Yes.

7 Q. How many?

8 A. Two.

9 Q. Did any of the bathrooms have  
10 bathtubs?

11 A. No. Just one did.

12 Q. Was the bathtub normal size, big or  
13 something else?

14 A. Normal.

15 Q. You testified that your mom said  
16 some things to you that made you afraid; is  
17 that right?

18 A. Yes.

19 Q. When did you first become afraid of  
20 your mom?

21 A. When she told me that if I told what  
22 happened that she would kill me.

23 Q. Do you remember when that was?

24 A. No.

25 Q. Do you remember what year that was?



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TESTIMONY OF Minor 3 - CROSS EXAM BY MS. HORLBECK

1 A. No.

2 Q. Do you remember how old you might  
3 have been?

4 A. Probably about like six or seven.

5 Q. Do you remember going to the Julie  
6 Valentine Center and talking to someone?

7 A. Yes.

8 Q. You do?

9 A. (Affirmative nod).

10 Q. All right. All right. And, you  
11 said that your sisters -- you talked about a  
12 time when your sisters had bled. Do you  
13 remember if your sisters had to go to doctor?

14 A. No.

15 Q. Do you remember -- yes or no?

16 A. I don't remember.

17 Q. All right. Minor 3, just give me a  
18 moment to look at my notes to see if there is  
19 anything that I wanted to ask you. All  
20 right, so you said that you do -- you do  
21 remember going to the Julie Valentine Center?

22 A. Yes.

23 Q. Do you remember who you talked to?

24 A. Yes.

25 Q. Do you remember if it was a man or a

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1 woman?

2 A. A woman.

3 Q. Did you tell her -- did you talk to  
4 her about the things that you said happened?

5 A. Yes.

6 Q. Did you tell her that these things  
7 happened once or do you remember?

8 A. I said the things happened more than  
9 once.

10 Q. All right. And do you remember what  
11 year these things happened?

12 A. No.

13 Q. You said that you saw your mom do  
14 some things to your sisters, do you remember  
15 when those things happened?

16 A. Yes.

17 Q. When I ask that question, what I am  
18 asking you is do you remember what year those  
19 things happened.

20 A. No.

21 Q. I'm sorry, I just I didn't hear you.

22 A. No.

23 Q. All right. And you've said your  
24 head was pushed down so that it was near  
25 private areas; is that what you said?

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TESTIMONY OF Minor 3 - CROSS EXAMINATION BY MR. WARDER

1 A. Yes.

2 Q. Do you remember seeing anything come  
3 out of anyone's private areas?

4 A. Yes.

5 Q. Out of the adult's private areas?

6 A. No.

7 Q. All right

8 MS. HORLBECK: I beg the Court's  
9 indulgence.

10 CROSS EXAMINATION CONTINUED

11 BY MS. HORLBECK:

12 Q. Just a few more questions, Minor 3 .  
13 Do you remember what the adults were wearing  
14 ---

15 A. No.

16 Q. Do you remember what the adults were  
17 wearing when you say these things happened?

18 A. No, I don't remember.

19 Q. Okay, all right, that's all that I  
20 have. Thank you, Minor 3. I appreciate you  
21 answering my questions.

22 CROSS EXAMINATION

23 BY MR. WARDER:

24 Q. Minor 3, Is the house you live in now  
25 a lot nicer than the one you lived with your

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TESTIMONY OF Minor 3 - CROSS EXAMINATION BY MR. WARDER

- 1 mother at?
- 2 A. Yes.
- 3 Q. Pardon?
- 4 A. It is nicer.
- 5 Q. Is it a lot nicer?
- 6 A. Yes.
- 7 Q How about the things that you have
- 8 to play with? Have you got a lot more toys
- 9 now?
- 10 A. Yes.
- 11 Q. What kind of toys do you have?
- 12 A. I have got Spyman (phonetic) and
- 13 I've remote control things.
- 14 Q. Remote control things?
- 15 A. (Affirmative nod).
- 16 Q. What kind of remote control things
- 17 do you have?
- 18 A. Cars.
- 19 Q. Do you have anything that flies?
- 20 A. Yes.
- 21 Q. What is that?
- 22 A. It is a helicopter.
- 23 Q. Is it remote controlled, too?
- 24 A. (Affirmative nod).
- 25 Q. Do you have an iPad, a cellphone,

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TESTIMONY OF Minor 3 - CROSS EXAMINATION BY MR. WARDER

1 computer?

2 A. A tablet and a DS.

3 Q. What kind of tablet do you have?

4 A. I don't know.

5 Q. Is it an Apple?

6 A. No.

7 Q. No?

8 A. (Negative gesture).

9 Q. How about going places and having a  
10 good time, do you get to go a lot of places?

11 A. Yes.

12 Q. You got to go to Disneyland as a  
13 reward for going to the Julie Valentine  
14 Center; is that right?

15 A. No, I don't think so.

16 Q. You got to go to Disneyland, didn't  
17 you?

18 A. Yeah.

19 Q. It was a day or two after going to  
20 the Julie Valentine Center?

21 A. I think so. I'm not sure.

22 Q. You are not sure how long it was  
23 between those two?

24 A. No.

25 Q. Do you know that you talked about it

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TESTIMONY OF Minor 3 - CROSS EXAMINATION BY MR. WARDER

1 at the Julie Valentine Center?

2 A. Yes.

3 Q. Have you watched those tapes of  
4 yourself at the Julie Valentine Center?

5 A. No.

6 Q. No one showed them to you?

7 A. No.

8 Q. Have you been here in the courtroom  
9 before today?

10 A. No. I haven't today.

11 Q. You what?

12 A. I haven't today.

13 Q. You haven't been here before?

14 A. Yeah, I have.

15 Q. When did you come here before?

16 A. With Chris.

17 Q. And did you sit down in the witness  
18 chair before?

19 A. (Affirmative nod).

20 Q. Did they tell you what questions  
21 they were going to ask you when you got in  
22 the witness chair?

23 A. No.

24 Q. Didn't tell you what the questions  
25 were?



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TESTIMONY OF Minor 3 - CROSS EXAMINATION BY MR. WARDER

1 A. He did, but in a different room.

2 Q. Why did you tell me at first that he  
3 didn't tell you what questions would be asked  
4 and then later admit that they did. Why  
5 would you tell me that?

6 A. (Negative gesture -- emotional).

7 Q. You don't know?

8 A. (No verbal response).

9 Q. I want to talk to you a little bit  
10 about the sexual abuse you told us about.  
11 This always occurred with your sisters  
12 present, is that right?

13 A. (inaudible response)

14 COURT REPORTER: Was that a yes or  
15 no?

16 WITNESS: Can you say that  
17 again?

18 CROSS EXAMINATION CONTINUED

19 BY MR. WARDER:

20 Q. When these sexual acts took place,  
21 your sisters were always present?

22 A. Yes, they were there.

23 Q. You said yes?

24 A. Yes.

25 Q. Who else was present?

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TESTIMONY OF Minor 3 - CROSS EXAMINATION BY MR. WARDER

1 A. My sisters were there and Aaron and  
2 Stacy was there.

3 Q. Aaron and Stacy were there?

4 A. (Affirmative nod).

5 Q. Was your dad ever there?

6 A. Yes, they were over there.

7 Q. Pardon?

8 A. They were over there sometimes.

9 Q. Was that when these things were  
10 taking place?

11 A. I don't think so.

12 Q. You don't think so.

13 A. (No verbal response).

14 Q. He didn't wasn't there laughing,  
15 huh?

16 A. No.

17 Q. Was your dad there laughing when it  
18 happened?

19 A. No.

20 Q. Was anybody laughing?

21 A. Stacy and Aaron was.

22 Q. Stacy and Aaron were laughing?

23 Q. (Affirmative nod).

24 Q. How many times did this happen?

25 A. A bunch.



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TESTIMONY OF Minor 3 - CROSS EXAMINATION BY MR. WARDER

1 Q. Would there be a regular interval in  
2 between, Mondays, Wednesday?

3 A. Pretty much -- ummm, I don't know  
4 what day it was on.

5 Q. When -- do you remember when Aaron  
6 moved out?

7 A. No.

8 Q. Who moved in after Aaron?

9 A. Nobody.

10 Q. Nobody lived with you and your  
11 mother?

12 A. Yes, Aaron did.

13 Q. Pardon?

14 A. Aaron did.

15 Q I beg your pardon, I can't under-  
16 stand you.

17 A. Aaron did.

18 Q. Did your mom have another man move  
19 in?

20 A. I don't remember.

21 Q. You can't remember that?

22 A. No.

23 Q. Thank you.

24 REDIRECT EXAMINATION

25 BY SOLICITOR JONES:

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TESTIMONY OF Minor 3 - CROSS EXAMINATION BY MR. WARDER

1 Q. Minor 3, you are almost finished,  
2 buddy. Did anybody tell you what to say  
3 today?

4 A. No.

5 Q. Did your grandmother ever tell you  
6 what to say?

7 A. No.

8 Q. Did your grandfather ever tell you  
9 what to say?

10 A. No.

11 Q. Why are you saying all of these  
12 things about Aaron and Stacy?

13 A. Because it happened.

14 Q. Thank you.

15 BY SOLICITOR JONES: No further  
16 questions.

17 (WITNESS STEPS DOWN)

18 SOLICITOR JONES: The State is  
19 calling Minor 1 next.

20 (WITNESS TAKES STAND)

21 Minor 1 , having been sworn to tell  
22 the truth, and nothing but the truth,  
23 testified as follows:

24 DIRECT EXAMINATION

25 BY SOLICITOR JONES:

1 Q. Hey, Minor 1 . I am going to stand  
2 right here and question you. Okay?

3 A. (Affirmative nod).

4 Q. Okay. Can you tell us your name  
5 again?

6 A. Minor 1 .

7 Q. How old are you?

8 A. Nine.

9 Q. What grade are you in?

10 A. Third.

11 Q. Third grade. Do you know what  
12 elementary school that you go to?

13 A. Dacusville.

14 Q. Dacusville Elementary?

15 A. Um-humm, (affirmative nod).

16 Q. I am going to ask you a few  
17 questions before we get started. Do you know  
18 the difference between the truth and a lie?

19 A. Yes.

20 Q. If I were to tell you that this tie  
21 is white, would that be a truth or a lie?

22 A. A lie.

23 Q. If I were to tell you that my hair  
24 is purple, would that be a truth or a lie?

25 A. A lie.

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1 Q. If I were to tell you that your name  
2 is Minor 1 would that be a truth or a lie?

3 A. A truth.

4 Q. Good job. Minor 1, who do you live  
5 with?

6 A. My grandma Papa, Amanda, Minor 2 and  
7 Minor 3.

8 Q. Minor 2 and Minor 3?

9 A. (Affirmative nod).

10 Q. And who is Amanda, is that your  
11 aunt?

12 A. Um-humm, (affirmative nod).

13 Q. Who did you live with before you  
14 lived with your grandparents?

15 A. Stacy, Aaron and the three of us.

16 Q. When you say the three of us, do you  
17 mean Stacy, Aaron, Minor 2 and Minor 3?

18 A. Yeah, and me.

19 Q. And when you lived with Stacy and  
20 Aaron, did they ever touch your privates?

21 A. Yes, they did.

22 Q. Did they make you touch their  
23 privates?

24 A. Yes, they did.

25 Q. Do you remember, did they make you

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TESTIMONY OF Minor 1 - DIRECT EXAM BY SOLICITOR

1 put your mouth on their privates?

2 A. Yes, they did.

3 Q. Can you tell me and the jury what  
4 they did when they made you put your mouth on  
5 their privates?

6 A. They bent my head down and made me  
7 lick it and stuff, and suck on it.

8 Q. And suck on it?

9 A. (Affirmative nod).

10 Q. Did they do anything with their  
11 hands when they made you put your mouth on  
12 their privates?

13 A. No.

14 Q. Do you remember seeing Stacy and  
15 Aaron touching Minor3 or Minor2 on their  
16 privates?

17 A. Yes, I did.

18 Q. You did see that?

19 A. Um-humm; (affirmative nod).

20 Q. Do you remember what Aaron was doing  
21 when he touched your privates?

22 A. Stacy was holding down my hair and  
23 he was touching my privates.

24 Q. Stacy held down your hair?

25 A. Um-humm.

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1 Q. And when they touched your privates,  
2 did that happen one time or more than one  
3 time?

4 A. More than one time.

5 Q. More than one time?

6 A. (Affirmative nod).

7 Q. And you said one time Stacy pulled  
8 your hair when Aaron touched your privates?

9 A. Yes.

10 Q. Why did she pull your hair?

11 A. So I couldn't get away.

12 Q. So you wouldn't get away?

13 A. (Affirmative nod).

14 Q. So where you standing up or laying  
15 down or something else?

16 A. I was laying down.

17 Q. Do you remember if that was in a  
18 bedroom or another room?

19 A. In the living room.

20 Q. It was in the living room?

21 A. (Affirmative nod).

22 Q. When they made you put your mouth on  
23 their privates, do you remember what you saw?

24 A. I saw their privates when I was sucking  
25 their privates. Didn't notice anything



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TESTIMONY OF Minor 1

- DIRECT EXAM BY SOLICITOR

1       else.

2           Q.   Okay.  Do you remember seeing a  
3       needle?

4           A.   Yes.

5           Q.   What did it look like, do you  
6       remember?

7           A.   Sometimes it had a string and some  
8       times it didn't.

9           Q.   It didn't?

10          A.   (No verbal response).

11          Q.   Did it have anything on it?

12          A.   Sometimes -- I think one time that  
13       it had blood on it.

14          Q    What did you think when you saw the  
15       blood?

16          A.   At first I thought 'what is this'  
17       and then I realized that it was blood.

18          Q.   Did you ever take a shower with  
19       Aaron or Stacy?

20          A.   Yes.

21          Q.   With just one or both of them  
22       together?

23          A.   Both of them together.

24          Q.   And what did they do in the shower?

25          A.   They were kissing.

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TESTIMONY OF Minor 1 - DIRECT EXAM BY SOLICITOR

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1 Q. Have you ever seen Aaron and Stacy  
2 in the bed together?

3 A. Yes, I have.

4 Q. What were they doing in the bed?

5 A. They were undressed and they were  
6 kissing each other.

7 Q. Were you ever afraid to tell anybody  
8 what Aaron and Stacy did to you?

9 A. Yes.

10 Q. Why were you afraid?

11 A. They threatened us and I was scared  
12 that they would go to jail.

13 Q. You were scared that they would go  
14 to jail?

15 A. Yes, and I was scared because they  
16 were threatening us.

17 Q. Did you not want them to go to jail?

18 A. No.

19 Q. And why didn't you want them to go  
20 to jail?

21 A. Because I was scared where I was  
22 going to go.

23 Q. Did your grandmother ever tell you  
24 to say all these things?

25 A. No, she didn't.



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TESTIMONY OF Minor 1 - CROSS EXAM BY MS. HORLBECK

1 Q. Did your grandfather ever tell you  
2 to say all these things?

3 A. No.

4 Q. So why are you telling everybody  
5 what happened?

6 A. Because -- I didn't want to tell  
7 anybody else, just them.

8 Q. Why are you telling us today about  
9 all this stuff?

10 A. Because I told grandmom and stuff  
11 and they told the cops and everything.

12 SOLICITOR: No further questions,  
13 Your Honor.

14 CROSS EXAMINATION

15 BY MS. HORLBECK:

16 Q. All right, Minor 1 , may I call you  
17 Minor 1 ? Is that all right?

18 A. Yes

19 Q. I am going to ask you to speak up.  
20 You might want to turn the -- (microphone  
21 adjusted) -- Minor 1 , how old are you today?

22 A. I am nine.

23 Q. When will you be ten?

24 A. April 2nd.

25 Q. Is that also your brother's

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TESTIMONY OF Minor 1

- CROSS EXAM BY MS. HORLBECK

1 birthday?

2 A. Yes.

3 Q. Are you guys twins?

4 A. Yes, we are.

5 Q. What school do you go to?

6 A. Dacusville Elementary.

7 Q. Are you in the same grade as your  
8 brother?

9 A. Yes, I am.

10 Q. What grade is that?

11 A. Third.

12 Q Are you and your bother in the same  
13 class?

14 A. No.

15 Q. Do you have a favorite subject?

16 A. My favorite subject is math.

17 Q. Okay, are you getting good grades?

18 A. Yes, I am getting good grades.

19 Q. Do you do any sports?

20 A. I do cheerleading.

21 Q. Who do you cheerlead for?

22 A. Travelers Rest.

23 Q. What is the name of the team that  
24 you cheerlead for?

25 A. Devil Dogs.

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TESTIMONY OF Minor 1 - CROSS EXAM BY MS. HORLBECK

1 Q. I am Ms. Horlbeck, I represent your  
2 mother and I want to ask you about a few of  
3 the things that you've told today. All  
4 right?

5 A. Okay.

6 Q. Is this the first time you've been  
7 to the courthouse?

8 A. I've been here before because they  
9 were showing me what it looks like in here.

10 Q. Have you been to this courtroom  
11 before?

12 A. I don't think so.

13 Q. Have you ever been to a court-  
14 room before?

15 A. No.

16 Q. Have you ever sat in the witness  
17 chair before?

18 A. No, I haven't.

19 Q. Is this the first time you've met  
20 Mr. Jones?

21 A. Uh -- yes.

22 Q. Today is the first time you have  
23 ever seen him?

24 A. Yes.

25 Q. And did you testify that right now

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TESTIMONY OF Minor 1 - CROSS EXAM BY MS. HORLBECK

1 you live with grandmother and your  
2 grandfather; right?

3 A. Yes.

4 Q. And I think you said that you call  
5 your grandfather "Papa"?

6 A. Um-humm, I do.

7 Q. Who else do you live with in your  
8 house?

9 A. My grandma, my aunt and my brother  
10 and sister.

11 Q How long have you lived at your  
12 grandparents?

13 A. About three years.

14 Q. Do you remember when you moved to  
15 your grandparents?

16 A. I think it was sometime in March.

17 Q. Do you know what year?

18 A. No, I don't.

19 Q. Before you moved in with your  
20 grandparents, where did you live?

21 A. I lived with Stacy and Aaron.

22 Q Who is Stacy?

23 A. My mother.

24 Q. When was the first time you started  
25 to call your mother Stacy?

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TESTIMONY OF Minor 1

- CROSS EXAM BY MS. HORLBECK

1 A. A few -- a few times ago, before I  
2 told -- after I told what happened.

3 Q. After you told what happened, were  
4 you living with your grandparents?

5 A. Yes, I was.

6 Q. All right. When you moved in with  
7 your grandparents, did you ever see Stacy  
8 again?

9 A. Can you say that again?

10 Q. Yes. Did you ever see Stacy again?  
11 After you moved in with your grandparents,  
12 did you ever get to visit Stacy again?

13 A. Once -- a few times.

14 Q. Do you remember when those were?

15 A. No.

16 Q. Did you talk to Stacy on the phone?

17 A. Yes, ma'am.

18 Q. All right. Now you said that there  
19 were some times that you were afraid of some  
20 things that your mom would do if you told?

21 A. (Affirmative nod).

22 Q. Do you remember when the first time  
23 was that you became afraid of your mom?

24 A. No, ma'am, I don't.

25 Q. And you said Aaron lived with you

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TESTIMONY OF Minor 1 - CROSS EXAM BY MS. HORLBECK

1 and your mom; is that right?

2 A. Yes, ma'am.

3 Q. Okay. All right. Do you remember  
4 ever watching some movies with your mom?

5 A. Yes, ma'am.

6 Q. Do you remember watching things like  
7 My Little Pony?

8 A. No, ma'am.

9 Q. You don't remember any of that?

10 A. No, ma'am.

11 Q. Are you also afraid of Aaron?

12 A. Yes.

13 Q. Do you know when you first became  
14 afraid of him?

15 A. No, ma'am.

16 Q. Do you remember drawing some things  
17 for Mr. Hendricks, or Aaron?

18 A. I don't remember.

19 Q. Did you ever draw him anything that  
20 said, "You're my best friend."?

21 A. No, ma'am, I didn't.

22 Q. You don't think you did that?

23 A. No, ma'am, I didn't.

24 Q. Do you remember playing computer  
25 games with Aaron?



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TESTIMONY OF Minor 1 - CROSS EXAM BY MS. HORLBECK

1 A. Yes, ma'am.

2 Q. Do you remember a camping trip that  
3 you took with Aaron and your mom?

4 A. No.

5 Q. You don't remember that -- in 2012?

6 A. No, ma'am.

7 Q. Do you remember ever playing darts  
8 with Aaron?

9 A. No.

10 Q. Do you remember talking to anyone at  
11 the Julie Valentine Center?

12 A. Yes, ma'am.

13 Q. You remember that?

14 A. (Affirmative nod).

15 Q. Do you remember if you talked to a  
16 man or a woman?

17 A. It was a woman.

18 Q. Before you talked to the lady, did  
19 you get to play with any toys?

20 A. What do you mean?

21 Q. Before you talked to the lady at the  
22 Julie Valentine Center, were there any toys  
23 at the Julie Valentine Center?

24 A. There was.

25 Q. Who did you play with -- I mean,

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TESTIMONY OF Minor 1 - CROSS EXAM BY MS. HORLBECK

1 what did you play with?

2 A. Like little kids stuff and a kitchen  
3 center.

4 Q. After you played with the little  
5 kitchen center, is that when you talked to  
6 the lady?

7 A. Yes, ma'am.

8 Q. All right. Tell me about the house  
9 that you lived in with Stacy and Aaron.

10 A. It was long and it was white.

11 Q. Was it a house or was it a trailer  
12 or an apartment or something else?

13 A. It was like a house.

14 Q. All right. Was it small or big?

15 A. Small.

16 Q. Do you remember how many bedrooms  
17 the house had?

18 A. I think there were two.

19 Q. Did Stacy have a bedroom?

20 A. Yes, ma'am.

21 Q. Do you remember what kind of bed  
22 Stacy had?

23 A. No.

24 Q. Do you remember the size of the bed?

25 A. It was kinda --- it was pretty big.



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TESTIMONY OF Minor 1

- CROSS EXAM BY MS. HORLBECK

1 Q. Was it a normal size bed, though?

2 A. Yes, it was a normal size bed.

3 Q. Were there any bathrooms in the  
4 house?

5 A. There were two.

6 Q. How many bathtubs?

7 A. Two.

8 Q So two tubs?

9 A. Yes, two tubs. One in each bath-  
10 room.

11 Q. Were the tubs big, small or just  
12 average?

13 A. Average.

14 Q. Do you remember -- did y'all have  
15 Barbie's at your grandmother's house?

16 A. Yes, We did.

17 Q. Do you remember arranging those  
18 Barbies and playing with those Barbies?

19 A. Yes. With my sister.

20 Q. Do you remember your grandmother  
21 arranging the male Barbie so that he was  
22 lying down?

23 A. No.

24 Q. You don't remember that?

25 A. No, she never did that.

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TESTIMONY OF Minor 1 - CROSS EXAM BY MS. HORLBECK

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1 Q. She never did that? She never  
2 arranged the Barbies?

3 A. No.

4 Q. You said some things -- that Aaron  
5 and Stacy did some things to you. Do you  
6 remember when they happened?

7 A. I don't remember when they happened.

8 Q. Do you remember telling the lady at  
9 the Julie Valentine Center that they only  
10 happened one time?

11 A. They happened a few times.

12 Q. Let me rephrase. Do you remember  
13 talking to the lady at the Julie Valentine  
14 Center?

15 A. Yes.

16 Q. When you talked to her, do you  
17 remember telling her that the things that you  
18 said happened only happened one time?

19 A. More than once.

20 Q. And you said that when you had to put  
21 your mouth on private areas, what room were  
22 you in?

23 A. I think it was in the living room.

24 Q. And what did you see when you had to  
25 do that?

1 A. I just saw the private areas. I  
2 didn't see anything else.

3 Q. Did you see anything come out of the  
4 private areas?

5 A. No, ma'am.

6 Q. Do you remember what the adults  
7 wore?

8 A. No, ma'am.

9 Q. All right. But you remember that  
10 nothing was done with their hands.

11 A. They did touch our privates with  
12 their hands.

13 Q. When did you first learn about jail?

14 A. They used to talk about it at the  
15 house.

16 Q. Do you remember when?

17 A. No, I don't.

18 Q. Do you remember how old you were?

19 A. No, I don't remember how old I was.

20 Q. Let me just check my notes and see  
21 if there is anything else? Beg the Court's  
22 indulgence -- thank you, Minor 1 for  
23 answering my questions. I appreciate it.

24 A. You're welcome.

25

CROSS EXAMINATION

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TESTIMONY OF Minor 1 - CROSS EXAM BY MR. WARDER

237

1 BY MR. WARDER:

2 Q. Who was present when this touching  
3 took place?

4 A. Could you repeat that, please?

5 Q. Who was present when this sexual  
6 touching took place?

7 A. Stacy and Aaron.

8 Q. Was your dad ever there?

9 A. He was but he didn't see this ever  
10 happen.

11 Q. He was there but didn't see what was  
12 happening?

13 A. No. He would usually just sometimes  
14 spend the night.

15 Q. Your dad would spend the night with  
16 Aaron and your mother?

17 A. Yes.

18 Q. Would they sleep in the same bed?

19 A. He usually slept in the bunk beds.

20 Q. When he wasn't there, who slept in  
21 that bunk bed?

22 A. My brother.

23 Q. And how many people would usually  
24 spent the night? Were there usually people  
25 besides your brother, sister, Stacy and Aaron

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TESTIMONY OF Minor 1

- REDIRECT EXAM BY SOLICITOR

1           that were there?

2           A.    (No verbal response) .

3           Q.    Did your father have a girlfriend,  
4           too?

5           A.    Yes.

6           Q.    Did he bring his girlfriend with  
7           him?

8           A.    No, he didn't.

9           Q.    How long did your father live with  
10          you there?

11          A.    He usually didn't, like, live with  
12          us. He'd usually go to his girlfriend's  
13          house sometimes and he used to come to  
14          Stacy's house.

15          Q.    Thank you.

16                               REDIRECT EXAMINATION

17                   BY SOLICITOR JONES:

18          Q.    Hi, Minor 1 .

19          A.    Hi.

20          Q.    Minor 1 , do you know what my name  
21          is?

22          A.    Chris.

23          Q.    Did you know my name is also Mr.  
24          Jones?

25          A.    No.



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TESTIMONY OF Minor 1 - REDIRECT EXAM BY SOLICITOR

1 Q. Have you and I ever talked before  
2 today?

3 A. Yes.

4 Q. You said that your dad would  
5 sometimes sleep on the bunk bed and sometimes  
6 your brother would sleep on the bunk bed?

7 A. Yes.

8 Q. Did y'all ever sleep on the couch?

9 A. Yes, we did one time.

10 SOLICITOR JONES: No further  
11 questions. Your Honor, may we approach?

12 THE COURT: Yes.

13 (OFF RECORD BENCH CONFERENCE)

14 THE COURT: Ladies and gentlemen,  
15 we need to take up something outside of your  
16 presence, so we will take a break.

17 Also, and I forgot to remind you of  
18 this last time, y'all need to pick a fore-  
19 person if you did not do so last time.  
20 Decide who is going to be the foreperson and  
21 just tell the bailiff who you've selected.  
22 It can't be one of the alternates.

23 Again, do not talk about the case.

24 (JURY OUT @ 4:05 P.M.)

25 THE COURT: All right. Y'all are

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PROFFER TESTIMONY OF Minor 2

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1 ready to have your next witness viewed in  
2 camera?

3 SOLICITOR JONES: Yes, Your Honor.

4 (WITNESS TAKES STAND)

5 Minor 2 , having been sworn to tell the  
6 truth, and nothing but the truth, testified  
7 as follows:

8 DIRECT EXAMINATION

9 BY SOLICITOR JONES:

10 Q. Hey, Minor 2.

11 A. Hey.

12 Q. Can you tell everybody what your  
13 name is?

14 A. Minor 2.

15 Q. What is your last name?

16 A.

17 Q. Minor 2

18 A. (No verbal response).

19 Q. How old are you, Minor 2?

20 A. Five.

21 Q. Five?

22 A. (Affirmative nod).

23 Q. Who do you live with right now,  
24 Minor 2?

25 A. Mama.

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PROFFER TESTIMONY OF Minor 2

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1 Q. Who is mama?

2 A. Lisa.

3 Q. Okay. Who else lives with you?

4 A. Amanda.

5 Q. And who else?

6 A. Papa.

7 Q. Does anybody else live with you?

8 A. (Affirmative nod), Minor 1 and

9 Minor 3.

10 Q. And are Minor 1 and Minor 3 your  
11 brother and sister?

12 A. Um-humm, (affirmative nod).

13 Q. Are they older or younger than you?

14 A. Older.

15 Q. Do you know the difference between a  
16 truth and a lie?

17 A. (Affirmative nod).

18 Q. You do?

19 A. (Affirmative nod).

20 Q. If I told you that this tie was  
21 white, would that be a truth or a lie?

22 A. A lie.

23 Q. And what if I told you that my hair  
24 was purple, would that be a truth or a lie?

25 A. A lie.



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PROFFER TESTIMONY OF Minor 2

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1 Q. And what if I told you that your  
2 name is Minor 2 is that the truth or a lie?

3 A. Truth.

4 SOLICITOR JONES: Your Honor, do  
5 you have any questions that you would like to  
6 ask?

7 THE COURT: I know you're nervous  
8 but do you think that you could answer some  
9 questions like Chris asked you?

10 Minor 2 : (Affirmative nod).

11 THE COURT: You know what he's  
12 saying -- I'm Judge Gravely. You don't need  
13 to be scared of me. A lot of people are, but  
14 they shouldn't be.

15 Do y'all have any particular  
16 questions that you want to ask her?

17 MR. WARDER: I have no *voir dire*.

18 THE COURT: All right.

19 MS. HORLBECK: (No verbal  
20 response).

21 THE COURT: I think she sounds  
22 like she understands what is going on. I am  
23 going to let her testify.

24 SOLICITOR JONES: Yes, sir, Your  
25 Honor.

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PROFFER TESTIMONY OF Minor 2

243

1 THE COURT: Ms. Horlbeck?

2 MS. HORLBECK: I guess I still  
3 have some concerns about whether she is able  
4 to express herself in a coherent manner, but  
5 I -- you know, I don't know that I can tell  
6 that right now. At this point I don't have  
7 any other questions, or anything else to say.

8 THE COURT: All right. I am going  
9 to let her testify.

10 SOLICITOR JONES: Your Honor, do you  
11 want her to remain on the stand or exit and  
12 come back in.

13 THE COURT: Do you want to just  
14 sit there while these other people come in,  
15 or would you like to come back up here?

16 Minor 2 : Come back up here.

17 THE COURT: Okay. You may step  
18 down. We'll get you back up here in just a  
19 few minutes after the jury comes in. Okay?

20 (WITNESS STEPS DOWN)

21 THE COURT: Minor 2 wait just a  
22 minute, I want to ask you a couple more  
23 questions. Do you mind coming back up here?

24 (WITNESS TAKES STAND)

25 THE COURT: I just want to ask you

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1 a couple more questions. Do you mind?

2 Minor 2 : (Negative gesture).

3 THE COURT: Do you know the  
4 difference between telling the truth and not  
5 telling the truth. Mr. Chris asked you some  
6 questions about it, so you understand the  
7 difference?

8 Minor 2 : (Affirmative nod).

9 THE COURT: All right. And you  
10 think -- what happens if you don't tell the  
11 truth, sometimes?

12 Minor 2 : You get in trouble.

13 THE COURT: You get in trouble.

14 Minor 2 : (Affirmative nod).

15 THE COURT: Do you always tell the  
16 truth?

17 Minor 2 : (No verbal response).

18 THE COURT: Have you ever gotten  
19 in trouble for not telling the truth?

20 Minor 2 : (Negative gesture).

21 THE COURT: So you always tell the  
22 truth?

23 Minor 2 : (Affirmative nod).

24 THE COURT: You know the  
25 difference in what is real and what is make

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PROFFER TESTIMONY OF Minor 2

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1 believe? Sometimes you watch movies, like  
2 cartoons, what is that?

3 Minor 2 : (No verbal response).

4 THE COURT: Are cartoons real?

5 Minor 2 : (Negative gesture).

6 THE COURT: That is make believe,  
7 isn't it?

8 Minor 2 : (Affirmative nod).

9 THE COURT: Do you know what is  
10 real?

11 Minor 2 : (Affirmative nod).

12 THE COURT: Do you understand the  
13 difference between those two?

14 Minor 2 : (Affirmative nod).

15 THE COURT: So when Mr. Chris or  
16 any of these other folks ask you questions,  
17 are you going to be able to tell them the  
18 truth?

19 Minor 2 : (Affirmative nod).

20 THE COURT: See if you can answer  
21 yes or no.

22 Minor 2 : Yes.

23 THE COURT: Okay. I know you're  
24 nervous and that's fine. You know what?  
25 Even though you're young and you're small,

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PROFFER TESTIMONY OF Minor 2

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1 big people and old people get nervous too.  
2 That's normal. I have that dog (stuffed toy  
3 Minor 2 is holding), by the way. My dogs don't  
4 like it. I have a real dog. Do you have a  
5 dog?

6 Minor 2 : (Affirmative nod).

7 THE COURT: Does your dog like  
8 that dog?

9 Minor 2 : (Affirmative nod).

10 THE COURT: Okay. Why don't you  
11 just stay right there -- well, I'll ask you  
12 to step down. Miss Brittany will take you.

13 (WITNESS STEPS DOWN)

14 THE COURT: Based on what I -- I  
15 think she is qualified to testify. I assume  
16 you are going to be pretty limited in ---

17 SOLICITOR JONES: Yes, sir.

18 THE COURT: Are we ready for the  
19 jury? State ready?

20 SOLICITOR JONES: State is ready,  
21 Your Honor.

22 THE COURT: Anything else from the  
23 defense? (No verbal response). Bring in the  
24 jury.

25 (JURY IN @ 4:20 P.M.)



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TESTIMONY OF Minor 2 - DIRECT EXAM BY SOLICITOR

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1 THE COURT: All right, I understand  
2 that Jacob Broom has been selected as the  
3 foreperson. Thank you. Solicitor, you may  
4 proceed.

5 SOLICITOR JONES: The State calls  
6 Minor 2 .

7 (WITNESS TAKES STAND)

8 Minor 2 , having been sworn to tell the  
9 truth, and nothing but the truth, testified  
10 as follows:

11 DIRECT EXAMINATION

12 SOLICITOR JONES:

13 Q. Hey Minor 2, how are you --- you can  
14 look at me and answer my questions. Can you  
15 tell us again what your name is?

16 A. Minor 2.

17 Q. Minor 2?

18 A. (Affirmative nod).

19 Q. What is your last name?

20 A

21 Q How old are you Minor 2?

22 A. Five.

23 Q. Five years old?

24 A. (Affirmative nod).

25 Q. Do you have any brothers and

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TESTIMONY OF Minor 2 - DIRECT EXAM BY SOLICITOR

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1 sisters?

2 A. Um-humm.

3 Q. What are their names?

4 A. Minor 1 and Minor 3.

5 Q. Minor 1 and Minor 3?

6 A. (Affirmative nod).

7 Q. Are they twins?

8 A. (Affirmative nod).

9 Q. Minor 2, do you know the difference  
10 between a truth and a lie?

11 A. Yes.

12 Q. Is I told you that this tie was  
13 white, is that a truth or a lie?

14 A. Lie.

15 Q. And what if I told you that my hair  
16 was purple, would that be a truth or a lie?

17 A. A lie.

18 Q. What is I told you that your name is  
19 Minor 2, would that be a truth or a lie?

20 A. True.

21 Q. True.

22 A. (Affirmative nod).

23 Q. Minor 2, did you used to live with  
24 Stacy and Aaron Hendrix?

25 A. Yes.

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TESTIMONY OF Minor 2 - DIRECT EXAM BY SOLICITOR

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- 1 Q. Who is Stacy to you?
- 2 A. Hummm.
- 3 Q. Is Stacy Riden your mother?
- 4 A. (Negative gesture).
- 5 Q. No?
- 6 A. (Negative gesture).
- 7 Q. Did you used to live with Stacy and
- 8 Aaron?
- 9 A. Um-humm, (affirmative nod).
- 10 Q. When you lived with them, did
- 11 Minor 1 and Minor 3 live with you too?
- 12 A. Um-humm, (affirmative nod).
- 13 Q. Do you remember if Stacy and Aaron
- 14 ever touched you in a bad place?
- 15 A. (Affirmative nod).
- 16 Q. They did?
- 17 A. (Affirmative nod).
- 18 Q. Who did you tell about that?
- 19 A. Mama.
- 20 Q. Your mama?
- 21 A. (Affirmative nod).
- 22 Q. Who do you call mama?
- 23 A. Lisa.
- 24 Q. Lisa. Have you ever talked with
- 25 anybody else about that?



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TESTIMONY OF Minor 2 - DIRECT EXAM BY SOLICITOR

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1 A. Amanda.

2 Q. Amanda?

3 A. (Affirmative nod).

4 Q. Do you remember going to the Julie  
5 Valentine Center and talking with Ms.  
6 Galloway about that -- Ms. Galloway-Williams?

7 A (Negative gesture).

8 Q. What about Miss Shauna, do you  
9 remember talking with her about that?

10 A. (Negative gesture).

11 Q. No?

12 A. (Negative gesture).

13 Q All right. But you used to live  
14 with Stacy and Aaron, right?

15 A. Um-humm, (affirmative nod).

16 Q. And Minor 1 and Minor 3 lived with you  
17 there?

18 A. Um-humm.

19 Q. I asked you this earlier but I am  
20 going to ask you again. Did Aaron Hendrix  
21 touch you on a bad place?

22 A. (Affirmative nod).

23 Q. Did Stacy Riden touch you on a bad  
24 place?

25 A. (Affirmative nod).

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TESTIMONY OF Minor 2 - CROSS EXAM BY MR. WARDER

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1 SOLICITOR JONES: No further questions

2 CROSS EXAMINATION

3 CARLOLINA HORLBECK:

4 Q. May I call you Minor2, is that okay?

5 A. (Affirmative nod).

6 Q. We are going to put the microphone  
7 in front of you so that hopefully we can hear  
8 you. Is that okay -- (microphone adjusted).  
9 Can you answer out loud? Say yes or no?

10 A. (Affirmative nod).

11 Q. Okay. How about this? Tell me your  
12 name again.

13 A. Minor2.

14 Q. Your last name?

15 A.

16 Q. How old are you, Minor2?

17 A. Five.

18 Q. Are you in school?

19 A. Yes.

20 Q. What school do you go to?

21 A. Dacusville.

22 Q. You said that you are five. Are you  
23 in kindergarten?

24 A. (Affirmative nod).

25 Q. Do you know what level of kinder-

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TESTIMONY OF Minor 2 - CROSS EXAM BY MR. WARDER

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1 garten you are in?

2 A. (Negative gesture).

3 Q. No? Who is your teacher?

4 A. Ms. Gravely.

5 Q. I see that you have a toy with you  
6 today.

7 A. (Affirmative nod).

8 Q. Can you hold your toy up?

9 A (Complies).

10 Q Oh, you've got two. What are their  
11 names?

12 A. I don't know what this one's name  
13 is, but I named this one "mama."

14 Q. Tell me the pink one's name?

15 A. Mama.

16 Q. How long have you had those toys, do  
17 you know?

18 A. This one I just got today and this  
19 one I have had for a long, long time.

20 Q. Okay. And you brought them to court  
21 with you today. Yeah?

22 A. (Affirmative nod).

23 Q. Okay. Can you answer out loud?

24 A. Um-humm, (affirmative nod).

25 Q. Is this your first time in court?

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TESTIMONY OF Minor 2 - CROSS EXAM BY MR. WARDER

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1 A. Um-humm, (affirmative nod).

2 Q. Have you ever been to this courtroom  
3 before?

4 A. Yes.

5 Q. Have you ever sat in that chair  
6 before?

7 A. No.

8 Q. Have you met -- I'm going to call  
9 him Mr. Chris. Have you met Mr. Chris  
10 before?

11 A. Uh-huh, (affirmative nod).

12 Q. All right. Minor 2 do you have any  
13 favorite movies?

14 A. Arial.

15 Q. Say that again?

16 A. Arial.

17 Q. Do you know what movie -- is she a  
18 mermaid, is Arial a mermaid?

19 A. (Affirmative nod).

20 Q. All right, Minor 2. So I am going to  
21 ask you a few more questions. Who is Stacy  
22 to you?

23 A. (No verbal response).

24 Q. Do you remember when you lived with  
25 Stacy?

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TESTIMONY OF Minor 2 - CROSS EXAM BY MR. WARDER

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1 A. (Affirmative nod).

2 Q. How old were you?

3 A. Two.

4 Q. Do you remember moving to your  
5 grandma's?

6 A. (Affirmative nod).

7 Q. Do you remember how old you were  
8 when you moved to your grandparents?

9 A. Three.

10 Q. Was there a special occasion that  
11 happened near the time when you moved in with  
12 your grandparents?

13 A. No.

14 Q. You said just a few minutes ago that  
15 Stacy was not your mom. Is Stacy your mom or  
16 not?

17 A. She is.

18 Q. She is?

19 A. (Affirmative nod).

20 Q. All right. You don't remember going  
21 to the Julie Valentine Center, do you?

22 A. I don't.

23 Q. Okay. That's all right. When you  
24 lived with Stacy, do you remember what kind  
25 of house that you lived in?

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TESTIMONY OF Minor 2 - CROSS EXAM BY MR. WARDER

255

1 A. (Negative gesture).

2 Q. Do you know if it was a big house or  
3 a little house?

4 A. (Negative gesture).

5 Q. Okay. Do you remember how many  
6 rooms there were in the house?

7 A. Zero.

8 Q. Sorry, I couldn't hear you.

9 A. Zero.

10 Q. Zero rooms in the house? Did I hear  
11 you right?

12 A. (Affirmative nod).

13 Q. Did the house have any bathrooms?

14 A. (Negative gesture).

15 Q. No bathrooms?

16 A. (Negative gesture).

17 Q. Okay. Was there a tub?

18 A. (No verbal response).

19 Q All right. Now, you said that Stacy  
20 and Aaron did some things. Do you remember  
21 when those things happened?

22 A. (Negative gesture).

23 Q. Okay. Do you know how old you were  
24 when those things supposedly happened?

25 A. Two.



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TESTIMONY OF Minor 2      CROSS EXAM BY MR. WARDER

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1            Q.    Was there a special event or a  
2            holiday that happened around the time that  
3            you're saying those things happened?

4            A.    (Negative gesture).

5            Q.    Do you know how you know that those  
6            things happened when you were two?

7            A.    (No verbal response).

8            Q.    How do remember that those things  
9            happened when you were two?

10          A.    (No verbal response).

11          Q.    Don't know?

12          A.    (Negative gesture).

13          Q.    All right.

14                    MS. HORLBECK:      Beg the court's  
15                    indulgence.    All right, Minor 2, thank you so  
16                    much for answering my questions.

17                    CROSS EXAMINATION

18                    BY MR. WARDEN:

19            Q    Hello.    Do you remember when you  
20            were real little, living with Stacy?

21            A.    (Affirmative nod).

22            Q.    Can you give me an answer verbally,  
23            yes or no?

24            A.    Yes.

25            Q.    Did she do and help you with most of

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1 the things that little children need help  
2 with?

3 A. No.

4 Q. Did she help you learn to brush your  
5 teeth?

6 A. No.

7 Q. What is the first thing you remember  
8 her doing for you, if anything?

9 A. Uh, nothing.

10 Q. You don't remember anything that she  
11 done to help you?

12 A. (No verbal response).

13 Q. Did she get you bath water and stuff  
14 to take a bath?

15 A. (No verbal response).

16 Q. Did she wash -- get you out clothes  
17 so that you could put on clean clothes?

18 A. (Negative gesture).

19 Q. Did she help you get dressed?

20 A. (Negative gesture).

21 Q. Was she the only one that looked  
22 after you until you went to live with your  
23 grandma?

24 A. (Negative gesture).

25 Q. Who looked after you? Washed your



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1 clothes and all that stuff?

2 A. No one.

3 Q. No one?

4 A. (Affirmative nod).

5 Q. Did you ever need new clothes in the  
6 first two and a half, three years of your  
7 life?

8 A. (Affirmative nod).

9 Q. Did mom get them?

10 A. (Negative gesture).

11 Q. Who cooked for you?

12 A. No one.

13 Q. No one?

14 A. (Affirmative nod).

15 MR. WARDEN: Thank you.

16 THE COURT: Thank you.

17 SOLICITOR JONES: Nothing further,  
18 Your Honor.

19 THE COURT: Minor 2, you can step  
20 down.

21 (WITNESS STEPS DOWN)

22 THE COURT: Solicitor, call your  
23 next witness.

24 SOLICITOR JONES: State calls Adam  
25 McJunkin.

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(WITNESS TAKES STAND)

ADAMS MCJUNKIN, having been sworn to  
tell the truth, and nothing but the truth,  
testified as follows:

DIRECT EXAMINATION

BY SOLICITOR JONES:

Q. Mr. McJunkin, can you tell us where  
you work, please, sir?

A. Pickens County Sheriff's Office.

Q. And what's your position?

A. Deputy Sheriff with uniform patrol.

Q. Okay. And how long you been doing  
that?

A. Five years on road patrol, nine  
total at the sheriff's office.

Q. In your current position, what are  
some of your responsibilities?

A. My assignments are to respond mainly  
to calls for service generated by the public.  
So basically any time somebody calls and  
requests a deputy, road patrol responds.

Q. And on December 30<sup>th</sup>, 2013, did you  
respond to [REDACTED] Thornberry Ridge in Easley?

A. I did. I think the address or the  
actual date was the 29<sup>th</sup>.

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1 Q. The 29<sup>th</sup>?

2 A. But I did respond to that address.

3 Q. Okay. And who did you talk to when  
4 you got on scene?

5 A. Lisa Riden.

6 Q. All right. Did you know what the  
7 call was regarding?

8 A. She -- it was regarding a sexual  
9 abuse case.

10 Q. Okay. And do you know the relation  
11 of Lisa Riden, who you spoke with, with the  
12 sexual abuse?

13 A. She was the -- she's the grandmother  
14 of the victims.

15 Q. Okay. Do you know who all lived  
16 with Lisa Riden at the time?

17 A. It was Lisa, her husband, the three  
18 -- Lisa's three grandchildren and I believe  
19 her teenaged daughter.

20 Q. And did anyone or did you learn  
21 anything as to the time and place of the  
22 sexual abuse?

23 A. I was advised that it happened at  
24 their children's mother's residence.

25 Q. And was that the residence that you

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1 were called to?

2 A. It's a separate address.

3 Originally, I was advised it was [REDACTED]  
4 Ridgefield Circle. I believe later on in the  
5 investigation it was determined it was at [REDACTED]  
6 Ridgefield Circle. That's in Easley, South  
7 Carolina.

8 Q. Okay. And were you made aware of  
9 any dates or the time when it occurred or did  
10 you not get that far?

11 A. She advised me that the abuse  
12 occurred between, I believe it was December  
13 of 2011 ---

14 MR. WARDER: Your Honor, I object  
15 to this. It's hearsay.

16 SOLICITOR JONES: Your Honor,  
17 there's a time and place exception for sexual  
18 abuse that they can say, that he can say when  
19 the sexual abuse occurred.

20 THE COURT: I think that falls  
21 within the exception. I mean, it's plain  
22 under the Rules. So I'm going to let him.  
23 And it's limited to time and place.

24 DIRECT EXAMINATION CONTINUED

25 BY SOLICITOR JONES:

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1           A.    It was December 2011 between then  
2           and December 2012.

3           Q.    Okay.  And after that conversation  
4           with Ms. Riden, Lisa Riden, what did you do  
5           after that?

6           A.    I completed an incident report.  I  
7           forwarded that to the detective division for  
8           further investigation.

9           Q.    Did you do any follow-up  
10          investigation or anything?

11          A.    I did not.

12          Q.    And is that standard protocol in  
13          your position?

14          A.    It is.  Normally, with a case that  
15          requires more time, further investigation, we  
16          forward it to the detective's division.

17                SOLICITOR JONES:  No further  
18          questions, Your Honor.

19                THE COURT:     Ms. Horlbeck?

20                MS. HORLBECK:     Just briefly.

21                        CROSS-EXAMINATION

22                BY MS. HORLBECK:

23                Q.    Is it Officer McJunkin?  Am I using  
24          the correct terminology?

25          A.    Yes, ma'am.  Deputy but I'm ---

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1 Q. Deputy?

2 A. Yes, ma'am.

3 Q. All right. Sorry about that. All  
4 right. Deputy when -- the residence you  
5 responded to, was it [REDACTED] Thornberry?

6 A. Yes, ma'am.

7 Q. All right. And that residence  
8 belonged to the grandparents?

9 A. Yes, ma'am.

10 Q. And the children were living with  
11 the grandparents at the time that you  
12 responded?

13 A. That is correct.

14 Q. All right.

15 MS. HORLBECK: That's all I have.

16 THE COURT: Mr. Warder?

17 MR. WARDER: If it pleases the  
18 Court, I'd have no questions of this witness.

19 THE COURT: All right.

20 Any redirect?

21 SOLICITOR JONES: Nothing further,  
22 Your Honor.

23 THE COURT: All right. Thank you.

24 SOLICITOR JONES: Your Honor, may we  
25 approach briefly?

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1 (OFF RECORD BENCH CONFERENCE)

2 THE COURT: Another one of those  
3 little breaks. Since it's twenty 'til 5:00.  
4 And, of course, we're not taking the same  
5 breaks y'all are. I don't want you to think  
6 we're just lollygagging out of here while  
7 y'all are on break. But I really have --  
8 there are some other things we have to go  
9 over outside your presence. So we're just  
10 going to -- I'm going to go ahead and let  
11 y'all go this afternoon. Is 9:00 okay for  
12 everybody? That's not too early for  
13 everybody?

14 FOREMAN: That's fine.

15 THE COURT: All right. I'm going  
16 to have y'all come back to your jury room at  
17 9:00. And here's my little warnings here:

18 Do not talk about the case among  
19 yourself or your spouse or your friends or  
20 family. When you get home if somebody ask  
21 you what you did today, say you are on jury  
22 duty but you can't talk about the case. I  
23 know that's very difficult to do. But you've  
24 taken an oath that you will not discuss the  
25 case.

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1                   Also, again, do not do any  
2                   independent investigation, go by the scenes  
3                   of anything, Google anything.

4                   And if there is any media coverage  
5                   through TV, radio, or the newspaper, do not  
6                   pay any attention to it. Please disregard.  
7                   It's real important that you only get  
8                   information here in the courtroom.

9                   Also if you are contacted by  
10                  anybody, get their names and provide that to  
11                  the bailiff.

12                  Other than that, I hope that y'all  
13                  have a pleasant evening and I will see you at  
14                  9:00 in the morning. Thank you.

15                               (JURY OUT @ 4:35 P.M.)

16                  THE COURT:     All right. Do y'all  
17                  need to chat about that first?

18                  SOLICITOR JONES:   The statements of  
19                  the defendant's, Your Honor? I haven't  
20                  received any proposed, again any proposed  
21                  redactions as ---

22                  THE COURT:     Well, I'm sure there's  
23                  some. Y'all talk a few minutes before I -- I  
24                  mean, I'm going to step back here.

25                  SOLICITOR JONES:   Yes, sir, Your



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1 Honor.

2 THE COURT: I'm trying to let  
3 y'all make my job easier.

4 (COURT IN RECESS)

5 (TRANSCRIPT CONTINUED NEXT PAGE)

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1 JANUARY 27, 2016 9:00 A.M.

2

3

(DEFENDANT HENDRIX PRESENT)

4

5

THE COURT: Ms. Horlbeck, did you  
get your *voir dire* questions?

6

MS. HORLBECK: Yes, sir, I did.

7

8

THE COURT: All right. That's  
what I wanted to ---

9

10

11

MS. HORLBECK: Yes, sir. Thank  
you for reminding me. Shall I just hand it  
up to you.

12

13

14

THE COURT: Ms. Horlbeck has  
marked an exhibit her *voir dire* questions --  
as an exhibit from yesterday.

15

MR. WARDER: Okay.

16

17

18

THE COURT: If she objected, I  
didn't ask. I just wanted to put that in  
there.

19

20

21

22

23

Also, before we get going, I know we  
kind of -- we went over everything yesterday  
about the Defendant (Riden) not being here.  
But I wanted to make sure we were clear and  
we're protecting the record.

24

25

First of all, I assume -- Ms.  
Horlbeck, am I understanding you have not had

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1 any communications with Ms. Riden?

2 MS. HORLBECK: No, sir. She has  
3 not contacted me. I did check the Pickens  
4 County Jail to see if anything had happened  
5 overnight or if she'd been found. And she's,  
6 at least not to my knowledge, when I checked  
7 probably about an hour, hour and a half ago,  
8 she was not there. And actually I would take  
9 that back. I had my secretary check about  
10 8:45 and she wasn't at the jail.

11 SOLICITOR JONES: Your Honor, I'm  
12 sorry to interrupt.

13 MS. HORLBECK: Sure.

14 SOLICITOR JONES: I just got some  
15 breaking news from the sheriff's office.  
16 They just picked her up.

17 MS. HORLBECK: Okay.

18 SOLICITOR JONES: In Spartanburg.

19 MS. HORLBECK: All right. Then.  
20 Well, that answers that.

21 THE COURT: So what do we want to  
22 do?

23 MS. HORLBECK: Well, what's her  
24 next stop?

25 SOLICITOR JONES: I can make a phone

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1 call.

2 THE COURT: All right. Find that  
3 out.

4 MS. HORLBECK: We'll need to, I  
5 guess we get her her ---

6 THE COURT: This case has more  
7 twists and turns than that dragon tail road  
8 up to Tennessee.

9 MS. HORLBECK: If we can get her  
10 up here. We may not be able to do anything  
11 until she gets here, Judge.

12 THE COURT: Well, I'm sure --  
13 sounds like she may have a ride.

14 MS. HORLBECK: She might.

15 THE COURT: Well, let's talk about  
16 the statement and just confirm what we did  
17 yesterday.

18 It is my understanding from every-  
19 thing that the Defendant had received notice,  
20 a bond card. And I think Ms. Horlbeck  
21 indicated that she had sent the trial docket  
22 to her. So there's no issue that she -- in  
23 fact, she was here yesterday morning. So  
24 there's no question she had notice of her  
25 right to be here.

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1 I just want to go on record and say  
2 that, you know, we did proceed with the trial  
3 in her absence and she did -- she had receive  
4 notice and was aware the trial was going  
5 forward. The fact that she vacated herself  
6 without a good cause, that was her waiver to  
7 be present at the trial. And so we did  
8 proceed forward over your objection; and  
9 your request for a continuance, which had  
10 been denied.

11 I think we may have said that on the  
12 record, but I just wanted to make sure that  
13 was covered.

14 When we, you know, find out where  
15 she is we'll address how to proceed.

16 As to the statements, I've looked at  
17 the case law, looked back at the Rules of  
18 Evidence. I will let y'all renew your  
19 objection, but I think the -- generally, the  
20 statements are going to be admissible, both  
21 as to Mr. Hendrix and to Ms. Riden.

22 I know there are specific issues  
23 with those statements and you wanted some  
24 portions redacted?

25 SOLICITOR JONES: Your Honor, as

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1 to Mr. Hendrix's statement, I spoke with Ms.  
2 Horlbeck and I agreed to stop the video at  
3 39:00:00 minutes.

4 After that they talk about polygraph  
5 and Ms. Riden getting arrested on the  
6 charges, other things I agree would be  
7 inadmissible.

8 There's one thing Mr. Hendrix stated  
9 that I would like to play that Ms. Horlbeck  
10 and I disagree on. Mr. Hendrix says that --  
11 the discussion is about whether the  
12 biological father, Mr. Mark Lusk, stayed over  
13 there. He indicated that he did. And Mr.  
14 Hendrix stated that he didn't know if  
15 anything happened, meaning sexually, with Ms.  
16 Riden and Mr. Lusk on Mother's Day because he  
17 was not there. Ms. Horlbeck had an objection  
18 to that. That was the one issue that she and  
19 I could not resolve.

20 MS. HORLBECK: Judge, just for  
21 the record, I would object to the admission  
22 of that.

23 THE COURT: Right. I understand  
24 that.

25 MS. HORLBECK: I just wanted to

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1 put it -- I had not had the opportunity to  
2 put that on the record. And, yes, I do  
3 object to the admission of the entire Hendrix  
4 video. And we did talk about possible  
5 redactions if, in the event the Court elected  
6 to admit the video anyway. We have agreed on  
7 the portion that Mr. Jones just talked about.

8 THE COURT: I realize -- and that  
9 agreement to play that portion does not waive  
10 your objection to the video overall. I under  
11 stand that.

12 MS. HORLBECK: Thank you. And  
13 then regarding the portion about Mother's  
14 Day, I would ask that that portion be -- that  
15 the portion I'm talking about is from 29:35  
16 to 30:52. Actually I had stated that to Mr.  
17 Jones. And I'll provide ---

18 SOLICITOR JONES: You said 30:52?

19 MS. HORLBECK: 29:35 to 30:52.

20 SOLICITOR JONES: Thank you.

21 MS. HORLBECK: Your Honor, I can  
22 provide the Court a copy of ---

23 THE COURT: Does it say when it  
24 just ---

25 MS. HORLBECK: No, sir. I didn't

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1 put the times.

2 THE COURT: What is your objection  
3 to it?

4 MS. HORLBECK: It talks about --  
5 Mr. Hendrix says, starts off that portion  
6 saying, "I'm not saying something funny  
7 didn't happy on Mother's Day." And he  
8 proceeds to discuss that Minor 1 told Aaron  
9 that after Aaron left the house the day after  
10 Mother's Day, Mark Lusk went into Stacy  
11 Riden's bedroom. That's the part I object  
12 to. He doesn't say -- nobody says what  
13 happens. It just has Mark going into the  
14 bedroom. Mr. Mark Lusk is not a defendant in  
15 this case. I don't believe he's ever even  
16 been charged in this case. I just don't  
17 think that portion's relevant.

18 SOLICITOR JONES: Your Honor, the  
19 way I understand it, Mr. Hendrix states that  
20 -- Marvin Nix, the investigator asked Mr.  
21 Hendrix, 'Was Mr. Lusk ever over there. Did  
22 they ever have sex, to your knowledge?'

23 And Aaron says no. And then he  
24 says, 'Well, I'm not going to say nothing  
25 happened over Mother's Day because I know he



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1 stayed over there over Mother's Day.'

2 THE COURT: I'm not going to -- I  
3 think that's -- I mean, you're talking about  
4 a person that's not a defendant here. I'm  
5 going to rule that to be excluded.

6 SOLICITOR JONES: Okay. Yes, sir,  
7 Your Honor.

8 MR. WARDER: That is also our  
9 objection and that's the same objection  
10 that's going to be to every question, is that  
11 the detective asked something that's not  
12 relevant or not in evidence.

13 THE COURT: But I think here  
14 you're talking about a person that's not --  
15 and, one, there's no direct knowledge.  
16 There's no -- they're talking about a person  
17 who is not even a defendant or party and  
18 that's my basis for that. I mean, I under-  
19 stand your objection there.

20 MR. WARDER: For the record, can I  
21 have that objection continue throughout the  
22 playing without standing up and objecting  
23 every time the officer asks a question?

24 THE COURT: If ---

25 MR. WARDER: Or do you want me to

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1 make an objection every time the officer asks  
2 a question?

3 THE COURT: You're objecting to  
4 the entire video. I mean, you don't -- I  
5 mean ---

6 MR. WARDER: But I object to it  
7 because of the questions.

8 THE COURT: Right.

9 MR. WARDER: I won't make an  
10 identical objection to all the questions.

11 THE COURT: No. Well, it's not  
12 like a testimony from here. So you're  
13 preserved from objecting to the entire video  
14 on that ground. You don't need to stand up  
15 each ---

16 MR. WARDER: I don't need to  
17 individually object to each one?

18 THE COURT: Right. I mean, I  
19 don't think that would be ---

20 MR. WARDER: Thank you, Your Honor.  
21 That will make it at least smoother.

22 THE COURT: Yeah.

23 SOLICITOR JONES: Your Honor, to go  
24 back to Ms. Horlbeck, I want to make sure I  
25 have the correct time. 29:30 to 30:52?

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1 MS. HORLBECK: Yes.

2 THE COURT: Assuming those times  
3 haven't changed.

4 SOLICITOR JONES: What's that?

5 MS. HORLBECK: Yes.

6 THE COURT: Assuming that those  
7 times haven't changed.

8 SOLICITOR JONES: Right. As to --  
9 again, as to Mr. Hendrix's record, I had  
10 spoke with Mr. Warder previously and he  
11 indicated, as far as I could tell, that he  
12 would not give me specific times that he  
13 wanted to be redacted. That he would object  
14 as they came in on the video.

15 So I am going to redact the things  
16 that I thought were inadmissible. A state-  
17 ment as to how many times he's been locked up  
18 and statements about prior drug use. And  
19 then other than that -- and statements about  
20 a polygraph taking. But other than that, I  
21 really didn't see anything.

22 THE COURT: And I assume you're  
23 also going to object -- I mean, I know you  
24 made your objection -- kinda of a Motion *in*  
25 *limine* now, but I assume you also are going

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1 to be objecting like when it gets introduced?

2 MR. WARDER: (No verbal response).

3 THE COURT: I mean, you don't have  
4 to do it each time. But I mean ---

5 MR. WARDER: Yes, sir.

6 THE COURT: Right.

7 MR. WARDER: Yes, sir. Every  
8 individual question, I object to the same  
9 stuff as Ms. Horlbeck.

10 THE COURT: Right. But I think  
11 you need -- but you're going say that when  
12 he introduces the video itself as well?

13 MR. WARDER: Yes, sir. On this  
14 particular video, (affirmative nod).

15 THE COURT: All right. That's  
16 just to make sure.

17 All right. Will you tell him to go  
18 ahead and talk to your ---

19 SOLICITOR JONES: (Sidebar with  
20 staff) -- Your Honor, they estimate they can  
21 get her here in an hour. And honestly, Your  
22 Honor, in that time, I could give these  
23 videos of the children that I have redacted  
24 now to the defense and see if they like it.

25 MS. HORLBECK: Yeah. Judge, I

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1 don't think we can do anything until she gets  
2 here. I really don't.

3 THE COURT: I'm sorry?

4 MS. HORLBECK: I don't think we  
5 can proceed with the trial until she gets  
6 here.

7 THE COURT: No. I agree. I'm not  
8 -- that's ---

9 MS. HORLBECK: Sorry.

10 THE COURT: No, listen. It's not  
11 you.

12 MS. HORLBECK: It's not me.

13 THE COURT: But I agree. I don't  
14 think -- and since she's on her way, I think  
15 we definitely need to wait.

16 Here's another issue. You know, I'm  
17 not sure what kind of condition she may be in  
18 when she gets here. That's something maybe  
19 you need to figure out too. I mean, she's  
20 been on the run. I mean, I just ---

21 MS. HORLBECK: Yeah. No, I  
22 agree. I'll talk to her. I'll talk with her  
23 and we'll assess the situation.

24 THE COURT: I suppose we could let  
25 them go and then come back after lunch.

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1 SOLICITOR JONES: The jury?

2 THE COURT: Yes.

3 SOLICITOR JONES: Whatever you want,  
4 Your Honor. If you do ---

5 THE COURT: I'm just trying to  
6 think here.

7 SOLICITOR JONES: I can call some of  
8 my witnesses and ---

9 MS. HORLBECK: We can't.

10 THE COURT: I don't want anything  
11 here with her on the way.

12 SOLICITOR JONES: I meant -- some of  
13 my witnesses are coming here at 10:30, 11:00  
14 and I can call them and tell them to come  
15 after lunch. Perhaps they could take an  
16 early lunch and we could then begin back at  
17 like 12:30 or something like that.

18 THE COURT: That's what I'm kind  
19 of thinking. Mr. Warder?

20 MR. WARDER: I was going to say if  
21 we said we'd start at 11:00 that might solve  
22 it. But maybe ---

23 THE COURT: Well, I think she may  
24 need some time to -- let's do an early lunch  
25 and -- see if the jury is okay. And I would

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1 just say there's been some developments that  
2 we've got to deal with and it make take us a  
3 while. And we'd say can y'all come back at  
4 12:30. Maybe make sure you've eaten lunch by  
5 that point. And we'll just work around that.  
6 I think that's the only way we can do it.

7 SOLICITOR JONES: Yes, sir, Your  
8 Honor.

9 THE COURT: All right. I'm going  
10 to bring -- anything before we bring the jury  
11 in? And that's all I'm going to tell them.  
12 And then we'll go from there.

13 MS. HORLBECK: And then we can  
14 address Ms. Riden.

15 THE COURT: And we can deal with  
16 that at that point. Bring the jury in,  
17 please?

18 BAILIFF: Yes, sir.

19 (JURY IN @ 9:50 A.M.)

20 THE COURT: All right. Ladies and  
21 gentlemen, I hope everybody had a pleasant  
22 evening. I don't know and I don't really  
23 want to know, I know one of you had car  
24 trouble, but we used that. We used you  
25 because we actually had some things that we

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1 had to deal with. So that turned out all  
2 right so you don't need to feel like we  
3 really were waiting on you because we used  
4 the fact that you were going to be late to  
5 take care of some matters.

6 But there has been a little bit of a  
7 development that -- even though I'm the Judge  
8 I don't have control over as much as I think  
9 I do in the scheduling of some things  
10 sometimes.

11 There's been a development that we  
12 just have to deal with. And we have to deal  
13 with it outside your presence. And it may  
14 take longer than we thought. The only way --  
15 what I'm thinking about is having y'all --  
16 and I do apologize that this has been kind of  
17 jumbled. There was nothing we could do about  
18 it. And really the only way that we can deal  
19 with this efficiently is maybe allow y'all to  
20 go have an early lunch and be back here at  
21 12:30.

22 Does that create any major issues  
23 with anyone? And that way we can, you know  
24 -- so what I'm going to ask you to do is to  
25 -- you know, take the morning off, at least



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1       what's left of it. Be back here at 12:30 and  
2       go ahead and get lunch, you know, get  
3       something to eat because we would try to go  
4       straight through from that point. Of course,  
5       we'll take breaks.

6               We to accommodate y'all but we do  
7       need to keep the case moving as efficiently  
8       and quickly as possible.

9               So once again I tell you do not talk  
10      about the case in any way, among yourselves  
11      or with anybody else.

12              Don't do any independent research.  
13      Don't Google it.

14              Don't pay any attention to any news  
15      items on this case.

16              And, lastly, if somebody should  
17      contact you, then get that information and  
18      let us know.

19              I'm sorry we have to do it this way  
20      but we didn't know this and so -- anyway,  
21      take a break. We will see you back in your  
22      jury room at 12:30. Thank you.

23                      (JURY OUT @ 9:52 A.M.)

24                      (OFF RECORD DISCUSSION)

25              THE COURT: All right. Do y'all

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1           need to take a few minutes then? I mean, I  
2           think I've ruled on everything y'all needed  
3           from me, didn't I?

4                   MS. HORLBECK:           I don't think we  
5           addressed Ms. Riden's video.

6                   THE COURT:       Oh, I'm going to -- I  
7           mean, I thought we did.

8                   MS. HORLBECK:           Did you want to  
9           wait.

10                  THE COURT:       I said both videos are  
11           admissible. I thought ---

12                  MS. HORLBECK:           Yes, sir.

13                  THE COURT:       I understood you  
14           objected and you had, y'all had kind of  
15           agreed, subject to your objection what you  
16           were going to play.

17                  MS. HORLBECK:           Right. That was  
18           on the Hendrix video. I just wanted to go on  
19           the record with ---

20                  THE COURT:       I thought you said  
21           Riden as well?

22                  SOLICITOR JONES:   On the Riden  
23           video, I intend to play about a thirty-second  
24           clip.

25                  THE COURT:       Oh, okay.

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1 SOLICITOR JONES: I'm sorry.

2 THE COURT: Well, I misunderstood.

3 I was thinking you were talking about the  
4 Riden.

5 MS. HORLBECK: Well, I mean, I  
6 object to him playing any of that. I think,  
7 though, under the rule of completeness then  
8 the remainder of the video needs to be  
9 played.

10 However, there are portions -- I  
11 would ask that everything that Officer Nix  
12 says in his questions be redacted, and I do  
13 have a list of those. And the reason I want  
14 Officer Nix's statements redacted ---

15 SOLICITOR JONES: Well, Your Honor.

16 MS. HORLBECK: --- I'll let you,  
17 you know, know when I'm done.

18 SOLICITOR JONES: Okay.

19 MS. HORLBECK: What he's doing is  
20 he's going over all the allegations of the  
21 children and getting my client's response.  
22 And he's just repeating the allegations. So  
23 I think it's hearsay. I think it's, you  
24 know, prejudicial. I think it's  
25 impermissible corroboration.

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1                   THE COURT:     He's playing thirty  
2                   seconds, which I'm allowing.  If you want  
3                   completeness then you figure out how to  
4                   redact anything.  I mean, I'm not going to go  
5                   through it.  We're not going to do -- that's  
6                   going to be another day's worth of redacting.  
7                   But if you want to -- he's wanting thirty  
8                   seconds.  If you want more of it then -- and  
9                   part of that's the questions.  I mean, it  
10                  doesn't make any sense to have it without  
11                  questions.  So I guess denied.

12                 MS. HORLBECK:     All right.

13                 THE COURT:     Thank you, Your Honor.

14                 MR. WARDER:       And part of her  
15                  objection is the same objection I'm making.  
16                  That, you know, he just goes on with all the  
17                  facts and stuff that's not in evidence.

18                 THE COURT:     So I guess what you  
19                  need to do is decide what portion of the  
20                  video you want played, subject to your  
21                  objection.  Do you want the whole thing?

22                 MS. HORLBECK:     If I'm under-  
23                  standing, though, the Court's denied my  
24                  Motion to redact; correct?

25                 THE COURT:     Right.  I mean just

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1 because of the questions. But if there are  
2 specific things like, 'oh, have you been  
3 convicted of this before?' I mean, things  
4 like that. If there are legitimate issues,  
5 which I think probably Mr. Jones when -- he  
6 discussed, those were redacted anyway. But  
7 those are the kind of issues we can deal.

8 But just as a blanket redaction,  
9 just as a question because they repeat the  
10 allegations, I'm not going to.

11 MS. HORLBECK: Okay. Let me just  
12 look at my notes. And I'll talk to Mr. Jones  
13 if there's anything other than those.

14 THE COURT: All right.

15 SOLICITOR JONES: Your Honor, do  
16 you want me to give the redacted disk of the  
17 children to Defense counsel to review to make  
18 sure that they're acceptable to them?

19 THE COURT: Have you reviewed them  
20 to make sure they did what you wanted them to  
21 do?

22 SOLICITOR JONES: I haven't reviewed  
23 them on the disk, but I did review them on  
24 the -- I reviewed the first one on the  
25 computer and it was acceptable to me. But,

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1       again, the defense counsel is making the  
2       objections and they wanted these redactions,  
3       so I think -- and I think they're going to be  
4       the ones making the objections if something  
5       comes in that they don't want.

6               THE COURT:     At 12:30 I want this  
7       matter to go to the jury, so ever how y'all  
8       to do that.

9               SOLICITOR JONES:   Yes, sir.

10              THE COURT:     Y'all do it.

11              MR. WARDER:    Your Honor, just for  
12       one thing. I don't mean to be beating a dead  
13       horse. I apologize. But it's not the  
14       objection that the officer's repeating what's  
15       in evidence or been said. The officer's  
16       adding new things to it. So each question  
17       comes with new information that's not here  
18       and wouldn't be there. And our clients are  
19       required or my client's required to respond  
20       to it. And because the question is a  
21       question that the testimony would not come in  
22       if it was not in this tape and he keeps -- he  
23       couldn't testify to it on the stand  
24       personally.

25              THE COURT:     Well, I mean, I think

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1 your objection is noted.

2 MR. WARDER: Okay. Thank you, sir.  
3 I apologize.

4 THE COURT: No, that's fine. You  
5 don't need to apologize. I don't mind. I  
6 want to make sure the record's complete. So  
7 y'all feel free to object.

8 All right. Well, if y'all need me,  
9 I'll be in my office.

10 SOLICITOR JONES: Thank you, Your  
11 Honor.

12 (COURT IN RECESS)

13 (IN CHAMBERS CONFERENCE)

14 (DEFENDANT RIDEN PRESENT)

15 (DEFENDANT HENDRIX PRESENT)

16 THE COURT: Okay, we need to get  
17 going. Ms. Riden, so nice that you could  
18 join us today. Are we ready to bring the  
19 jury in?

20 SOLICITOR JONES: Yes, sir.

21 THE COURT: Bring in the jury.

22 (JURY IN @ 12:35 P.M.)

23 THE COURT: All right. Ladies and  
24 gentlemen, we accomplished a lot and I  
25 appreciate your patience. I hope everybody

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1        was able to get an early lunch. It was kind  
2        of like a kindergarten lunch; 11:30 is a  
3        kindergarten lunch. So I appreciate your  
4        patience for that. And, again, if anybody  
5        needs to take a break at any point, just let  
6        us know. So at this point we will continue  
7        with the State's case.

8                        SOLICITOR JONES: Thank you, Your  
9        Honor. The State calls Marvin Nix to the  
10       stand.

11                        (WITNESS TAKES STAND)

12                        MARVIN NIX, having been duly sworn to  
13        tell the truth, and nothing but the truth,  
14        testified as follows:

15                        DIRECT EXAMINATION

16                        BY SOLICITOR JONES:

17                        Q. Mr. Nix, where do you currently  
18        work?

19                        A. Pickens County Sheriff's Office.

20                        Q. And what's your position out at the  
21        sheriff's office?

22                        A. Currently, I'm captain over judicial  
23        services.

24                        Q. Tell the jury what are some of your  
25        basic responsibilities in that position?



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1           A. Right now, I basically manage the  
2 jail, the courthouse, the warrant division  
3 and civil process.

4           Q. Okay. And what was your position  
5 prior to that?

6           A. Prior to that I worked with the  
7 detective division and I was assigned to  
8 special victims unit.

9           Q. Okay. And in that detective  
10 division, tell the jury some of your basic  
11 responsibilities?

12          A. As far as the special victims unit  
13 we investigate crimes in relations to  
14 children, sexual abuse, neglect, child  
15 fatalities, that sort of stuff.

16          Q. In December of 2013 were you  
17 assigned to investigate a sexual abuse?

18          A. Yes. I received a follow-up case  
19 from Deputy Adam McJunkin that took the  
20 original report. I followed up. I got it  
21 a couple of days later for follow-up.

22          Q. And who were the alleged victims in  
23 that follow-up investigation?

24          A. The victims were Minor 1 , Minor 2  
25 and Minor 3

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1           Q.   And do you remember the first thing  
2           you did when you got assigned? Or first tell  
3           the jury what's the process of you getting  
4           assigned. After you indicated Mr. McJunkin  
5           responded to the scene, how does the case  
6           then get to you?

7           A.   It's routed to us through our  
8           detective division. We get the case.  
9           Normally on these type of cases we make  
10          contact with the contact person for the  
11          children, which in this case it was Lisa  
12          Riden. And I made contact with her.

13          Q.   Okay. And from your understanding  
14          from the investigation, how is Lisa Riden  
15          related to the children?

16          A.   She's their step-grandmother.

17          Q.   Did you learn anything as to the  
18          time and place of the alleged sexual abuse  
19          from your initial investigation?

20          A.   Yeah. From talking to Lisa Riden  
21          the timeframe was when the children lived  
22          with their mother along with Aaron Hendrix.  
23          The timeframe that we could come up with was  
24          between December 2011 through December 2012.

25          Q.   You said at the house their mother

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1 lived in. Did you know an address or just a  
2 street?

3 A. The address we had was [REDACTED] Ridge-  
4 field Circle, which is in Easley, South  
5 Carolina.

6 Q. Okay. And is that in Pickens  
7 County?

8 A. Yes.

9 Q. And did you develop any suspects  
10 initially?

11 A. Yes, Stacy Riden and Aaron Hendrix.

12 Q. Okay. And how is Stacy Riden  
13 related to these children?

14 A. She's their mother.

15 Q. And what about Aaron Hendrix, is he  
16 related to the children?

17 A. No. He was a live-in boyfriend that  
18 lived with them at that residence.

19 Q. After you talked with Lisa Riden,  
20 what was your next step? What did you do?

21 A. Normally, in those type of cases,  
22 due to the nature of them it's basically a  
23 practice within our office that we refer the  
24 children ---

25 MR. WARDER: Object to the office

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1 practice, Your Honor.

2 THE COURT: I think that's  
3 appropriate. I'll allow it. Overruled.

4 DIRECT EXAMINATION CONTINUED

5 BY SOLICITOR JONES:

6 A. Normally, in those situations we  
7 contact the Julie Valentine Center and  
8 schedule forensic interviews for those type  
9 victims.

10 Q. Okay. And in this particular case,  
11 what did you do?

12 A. I contacted the Julie Valentine  
13 Center to set up a forensic interview for  
14 those children.

15 Q. Okay. And after you talked with  
16 Lisa Riden, did you make an attempt to find  
17 Stacy Riden?

18 A. I did. I went to the address I had.  
19 I went to [REDACTED] Ridgefield, looked for her  
20 there. She was no longer living there.

21 Q. Did you talk to anybody at [REDACTED]  
22 Ridgefield?

23 A. I did. I talked to the tenant that  
24 was living there then and she didn't know  
25 her, knew that she'd lived there but she'd

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1 moved out.

2 Q. Okay. So what other steps did you  
3 take to contact Stacy Riden?

4 A. I went to a couple of addresses that  
5 I heard she may have been staying and left my  
6 business card with notes saying to contact  
7 me, call me. But I never received a call.

8 Q. Are you aware if anyone else from  
9 the sheriff's office made contact with Stacy  
10 Riden before you did?

11 A. Yes.

12 Q. Do you know who that was?

13 A. Detective Art Taylor.

14 Q. Okay. Now, when was the first time  
15 that you actually talked with Stacy about the  
16 allegation?

17 A. I talked to her several -- well,  
18 actually, I met with her several times. But  
19 when I actually talked to, interviewed her  
20 was April 10<sup>th</sup>, 2014.

21 Q. Okay. And was there -- you say you  
22 talked to her a few times on that occasion.  
23 Do you remember the first time you actually  
24 talked to Stacy? Wasn't it in January?

25 A. No, it was not.

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1 Q. Okay.

2 A. As I recall the first time I talked  
3 to her was on March 14<sup>th</sup>.

4 Q. Okay.

5 A. 2014.

6 Q. And you mentioned Art Taylor,  
7 another officer with the sheriff's office,  
8 had made contact with her earlier. Did you  
9 go back to the place that that officer found  
10 Ms. Riden?

11 A. Yes.

12 Q. And was she there?

13 A. No.

14 Q. And when you questioned Ms. Riden  
15 was there anybody else present?

16 A. I think Lee Cribb with DSS.

17 Q. Okay. Did it appear Ms. Riden was  
18 under the influence of any alcohol or drugs  
19 at that time?

20 A. No. No.

21 Q. Did she appear to have any mental or  
22 physical disability affecting what she was  
23 telling you?

24 A. No.

25 Q. Can you just briefly describe the

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1 room that you were in when you were talking  
2 with her?

3 A. It's probably an eight by ten  
4 office, maybe. Regular office furniture,  
5 computer, telephone, that sort of stuff.

6 Q. Do you know about how long the  
7 questioning lasted?

8 A. Half an hour maybe.

9 Q. Did you ever deny her any food or  
10 drink or to go to the bathroom, anything like  
11 that?

12 A. No.

13 Q. Did you threaten her or promise her  
14 anything?

15 A. No.

16 Q. And in the general conversations  
17 with Stacy did you tell her about the  
18 allegations?

19 A. I did.

20 Q. And what was her response?

21 A. She denied it.

22 MS. HORLBECK: I object to any  
23 sort of hearsay.

24 THE COURT: Overruled.

25 DIRECT EXAMINATION CONTINUED

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1 BY SOLICITOR JONES:

2 Q. And what was Ms. Riden's response?

3 A. She denied any of the allegations.  
4 Basically, she didn't know where they were  
5 coming from.

6 Q. Did she indicate whether or not she  
7 was the mother of the children or not?

8 A. Yeah. She's the mother of the  
9 children.

10 Q. Okay. Did she tell you who Aaron  
11 Hendrix was?

12 A. She did.

13 Q. And how did she describe their  
14 relationship?

15 A. Well, she was -- at one time  
16 boyfriend and girlfriend and lived together  
17 at the residence that we talked about, [REDACTED].

18 Q. Okay. Did she tell you whether the  
19 children lived there or not while Mr. Hendrix  
20 was living there?

21 A. Yeah. The children were there.

22 Q. And during your conversation, did  
23 Mark Lusk ever come up?

24 A. Yes.

25 Q. And who was Mark Lusk?



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1 A. Mark is the children's natural  
2 father.

3 Q. Okay. And did she indicate if he  
4 stayed at their house at all while Aaron was  
5 living there?

6 A. It was hard to tell. Maybe he would  
7 stay a night or so, but he didn't live there.  
8 Mark did not live there.

9 MR. WARDER: Objection on  
10 speculation. If it's hard to tell, Your  
11 Honor, I object to it. It's speculation.

12 THE COURT: What was the question  
13 again?

14 DIRECT EXAMINATION CONITINUED

15 BY SOLICITOR JONES:.

16 Q. In your conversation with Ms. Riden,  
17 did she ever indicate that Mr. Lusk, the  
18 biological father, had ever stayed at that  
19 residence with her and the children and Mr.  
20 Hendrix?

21 A. Yeah. He had stayed there.

22 Q. And did you ever talk to Aaron  
23 Hendrix about the allegations?

24 A. I did.

25 Q. Do you remember how many times you

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1       talked to him?

2             A.    Once.

3             Q.    And you mentioned the steps you took  
4       to find Ms. Riden. Can you briefly talk  
5       about the steps you took to find Mr. Hendrix  
6       and to talk to Mr. Hendrix?

7             A.    Yeah. I really didn't have any good  
8       addresses. Of course, he wasn't at the [REDACTED]  
9       Ridgefield any longer.

10            I had an address that was on his, you  
11       know, DMV driver's license. I went to that  
12       address, didn't locate an actual home. So  
13       I'm not sure if there was a mobile home there  
14       at one time or whatever.

15            But, you know, I was able to make contact  
16       with him. Eventually, I believe I got a  
17       phone number when we made contact with him.

18            Q.    In the conversation with Mr.  
19       Hendrix, generally, what was the conversation  
20       about? What did Mr. Hendrix tell you?

21            A.    When he came in for the interview?

22            Q.    Right?

23            A.    That -- I mean, he admitted that he  
24       knew Stacy, that at one point in time they  
25       both lived together at the residence on [REDACTED]

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1 Ridgefield Circle. He believed he lived with  
2 her between December 2011 and moved out  
3 sometime around December 2012.

4 Q. Did he know specifically about any  
5 date that he definitely moved out?

6 A. Toward Christmas.

7 Q. Okay. And when he moved in, did he  
8 give you any reasoning as to how he remember  
9 it was about when he moved in?

10 A. I'm not sure.

11 Q. Okay. But Mr. Hendrix gave you the  
12 dates ---

13 A. Yes.

14 Q. --- of when he lived there,  
15 approximately?

16 A. Yes.

17 Q. Did you discuss with Mr. Hendrix if  
18 Mr. Lusk ever lived at that particular  
19 residence or stayed at that particular  
20 residence while he was there?

21 A. Yes.

22 Q. And what was his response?

23 A. "Yes."

24 Q. He affirmed that Mr. Lusk did stay  
25 at that residence?

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1 A. That he had stayed there, yes.

2 Q. And did you ask him about the  
3 defendant's sisters, about if they had ever  
4 come to the residence and spent the night or  
5 spent time?

6 A. Yes.

7 Q. Did you ask Mr. Hendrix anything  
8 about the sisters bringing males over to the  
9 house?

10 A. Yes.

11 Q. Bringing guys over to the house?

12 A. Yes.

13 Q. And what did he tell you about that?

14 A. He did say that her sister brought  
15 guys over to the house.

16 Q. Did Mr. Hendrix tell you anything  
17 about anyone taking their clothes off at any  
18 time?

19 A. (No verbal response).

20 Q. Anybody in particular?

21 A. One of the sisters.

22 Q. Okay. And did Mr. Hendrix tell you  
23 anything about wearing a particular type of  
24 clothing?

25 A. That Mr. Hendrix wore?

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1 Q. Right.

2 A. Yeah. There was some discussion  
3 about wearing Stacy's clothing.

4 Q. And what did Mr. Hendrix tell you  
5 about that?

6 A. Yes. That on one occasion he did  
7 put on Stacy's clothes.

8 Q. Did he go into detail about that,  
9 why he was doing that or did he put anything  
10 on a particular part of his body?

11 A. That he put on her clothes, playing  
12 around.

13 Q. Okay. Okay. Did he indicate to you  
14 that Ms. Riden knew that he did that or was  
15 present when he did that?

16 A. Yeah. She knew he did that.

17 Q. At the end of your investigation,  
18 what did you do?

19 A. At the end of my investigation, I  
20 charged or made a charge on both Stacy Riden  
21 and Aaron Hendrix of criminal sexual conduct  
22 first degree.

23 Q. How many of those charges did you  
24 make?

25 A. Two on both of them.

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1 Q. Okay. And why did you make the  
2 charges of criminal sexual conduct with a  
3 minor in the first degree, two charges?

4 A. After reviewing the evidence in the  
5 case, statements made by the children allege  
6 that both Stacy and Aaron performed oral sex  
7 on the children and had the children perform  
8 oral sex on them.

9 Q. Okay. And as to the charge of  
10 criminal sexual conduct with a minor in the  
11 third degree, why did you make that  
12 particular charge?

13 A. In reference to the youngest  
14 daughter, Minor 2, there were statements  
15 made by the children that they had touched  
16 her inappropriately in her private areas.

17 Q. Okay.

18 A. I also made a charge against Stacy  
19 Riden for unlawful conduct towards a child.

20 Q. Okay. And why did you make that  
21 charge of unlawful neglect?

22 A. During statements from the children  
23 they all described witnessing drug use,  
24 adults having sex ---

25 MR. WARDER: Objection to this,

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1 Your Honor. May I be heard?

2 THE COURT: All right.

3 MR. WARDER: I have an objection,  
4 Your Honor. I ask the last question be  
5 stricken.

6 THE COURT: I'm going to sustain  
7 that and ask that it be stricken.

8 (LINES 19 THROUGH 23 ON PAGE 302 STRUCK)

9 THE COURT: Ladies and gentlemen, when  
10 I grant a Motion to strike something, that  
11 means you are to disregard that and not  
12 consider that in your deliberations.

13 MR. WARDER: Your Honor, I ---

14 SOLICITOR JONES: And what question,  
15 just to be clear.

16 MR. WARDER: I have one more Motion  
17 on that. I'm going to move for a mistrial.

18 THE COURT: All right. Let's send  
19 the jury out then.

20 (JURY OUT @ 12:55 P.M.)

21 MR. WARDER: Your Honor, there's  
22 been no charge of drug abuse, that these  
23 people were taking drugs and using drugs.  
24 There's some testimony of one child where she  
25 saw a needle. And I submit to you there's no

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1 testimony that anybody got high, that there  
2 was any drugs in any needle at any time, that  
3 these people were under the influence of  
4 drugs.

5 This is an attempt to categorize it  
6 into something it wasn't, as a drug-crazed  
7 place where people were engaging in sexual  
8 contact and other -- and drugs adds a whole  
9 new element that's not in this case.

10 THE COURT: Well, I've reviewed  
11 the video, forensic videos, and I tend to  
12 differ because they're full of drugs. And  
13 the reason I sustained the objection is  
14 because that information has not gotten in  
15 yet.

16 SOLICITOR JONES: Yes, sir.

17 THE COURT: But, no. The forensic  
18 interviews talk about use of needles and the  
19 kid testified yesterday that he saw mama  
20 stick the needle in his arm or Aaron, I can't  
21 remember which one. But it's clearly a  
22 serious part of this case, Mr. Warder.

23 MR. WARDER: Your Honor, --  
24 certainly if you rule, I don't want to argue  
25 against you. But the needle in the arm, that



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1       may be true. All of that be true, there's no  
2       evidence that it was drugs. I mean, there's  
3       all kinds of lawful things that you could  
4       give injections for.

5               THE COURT:     You know, I've  
6       sustained your objection and ask that it be  
7       stricken. But like I said, the forensic  
8       videos, you know, that changes your argument  
9       totally when those come in. Because they're  
10      full of drug use and the kids taking drugs  
11      and all of that. But we haven't gotten to  
12      that point. So I've asked that that be  
13      stricken as far as this now but it is  
14      definitely a not a ground for a mistrial and  
15      I deny your Motion on that.

16             MS. HORLBECK:     Judge, I just want  
17      to let the record reflect that I join in his  
18      Motion for a mistrial at this time.

19             THE COURT:     Okay. All right. I  
20      would remind that if any party -- if any  
21      potential witnesses that are in here, that  
22      we do have a sequestration order ---

23             All right. Are we ready for the  
24      jury to come back in?

25             SOLICITOR JONES:   Yes, sir, Your

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1 Honor.

2 (JURY IN @ 12:58 P.M.)

3 THE COURT: All right. Ladies and  
4 gentlemen, we will proceed. As I said, some-  
5 times we have to take things outside your  
6 presence, but we're going to continue with by  
7 the State.

8 SOLICITOR JONES: Thank you, Your  
9 Honor.

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR JONES:

12 Q. And just briefly, one follow-up  
13 question. The dates that Aaron Hendrix told  
14 you that he was living with Stacy Riden, what  
15 were those dates again, approximately?

16 A. Approximately December 2011 through  
17 December 2012.

18 SOLICITOR JONES: Thank you, Your  
19 Honor. No further questions.

20 THE COURT: Ms. Horlbeck.

21 CROSS-EXAMINATION

22 BY MS. HORLBECK:

23 Q. Investigator, that's the correct  
24 term for you?

25 A. Sure.

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## TESTIMONY OF MARVIN NIX - CROSS EXAM BY MS. HORLBECK

1 Q. All right. Investigator Nix, you're  
2 the, I guess, kind of the lead fellow on  
3 this case?

4 A. Yes.

5 Q. And through your investigation you  
6 learned that the children had been living  
7 with the maternal grandfather and also the  
8 step-grandmother; is that correct?

9 A. Yes.

10 Q. All right. Do you know how long  
11 those children had been living with the  
12 grandparents prior to your investigation  
13 beginning?

14 A. Eight months or so, maybe just a  
15 little longer.

16 Q. All right. Through your  
17 investigation did you also learn that the  
18 grandparents did not have court-Ordered  
19 custody?

20 A. They did not.

21 Q. And did you advise that they needed  
22 to contact DSS about that and also an  
23 attorney?

24 A. Yes.

25 Q. All right. And you also indicated

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1 that you were able to speak to the tenant who  
2 lived at the -- and I can't remember the  
3 address?

4 A. [REDACTED] Ridgefield.

5 Q. [REDACTED] Ridgeville?

6 A. Ridgefield.

7 Q. Ridgefield, okay?

8 A. Yes. Ridgefield Drive.

9 Q. All right. You spoke to that  
10 current tenant; is that right?

11 A. Yes. Yes.

12 Q. Were you able to go inside the  
13 residence?

14 A. They would not let me in.

15 Q. All right. And so then you weren't  
16 able to, I guess, look at the bathtub, look  
17 at the doors and see if there were any locks  
18 on the doors, that kind of thing?

19 A. No. I tried but they just wouldn't  
20 let me in.

21 Q. All right. Did you obtain a search  
22 warrant?

23 A. I'd have to have a warrant and I had  
24 no -- during the timeframe I could not have  
25 gotten a search warrant for that residence.

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1 Q. All right. You don't think you  
2 could have gotten a search warrant for that  
3 residence?

4 A. Not based on the time period from  
5 when Stacy had actually lived there, no.

6 Q. Okay. All right. So based on the  
7 feeling that you didn't think you could apply  
8 for a search warrant for that time period,  
9 you did not apply for one; is that correct?

10 A. Right. Right.

11 Q. Okay. All right. So, again, you  
12 got no --- you were not able to go in and get  
13 measurements of the bathtub; were you?

14 A. No, ma'am.

15 Q. All right.. Were you -- and I don't  
16 suppose you have any idea what the physical  
17 layout of the residence was?

18 A. I do not. Like I say, they would  
19 not let me in.

20 Q. Okay. All right. I don't suppose  
21 you have any photographs of the bathtub  
22 either, do you?

23 A. No, ma'am.

24 Q. Okay. All right. Since you weren't  
25 able to go into the residence or look at the

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1 residence, the inside of the residence during  
2 the time period from December 2011 to  
3 December 2012, you don't have any evidence of  
4 any videos that were in either Mr. Hendrix  
5 possession or Ms. Riden's possession; is that  
6 correct?

7 A. That's correct.

8 Q. Okay. All right. And you don't  
9 have any evidence of the children, any of the  
10 three children testing positive for illegal  
11 substances; do you?

12 A. No, ma'am.

13 Q. All right. And you, again, didn't  
14 find any sex videos in the possession of  
15 either Ms. Riden or Mr. Hendrix; is that  
16 correct?

17 A. That's correct.

18 Q. All right. And the only people that  
19 were arrested and charged with these matters  
20 were Mr. Hendrix and Ms. Riden; is that  
21 correct?

22 A. Yes.

23 Q. Neither sister, neither of the Riden  
24 sisters were ever arrested and charged?

25 A. No, ma'am.

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TESTIMONY OF MARVIN NIX - CROSS EXAM BY MS. HORLBECK

1 Q. All right. And the natural father  
2 Mark Lusk was never arrested and charged?

3 A. No, ma'am.

4 Q. All right.

5 MS. HORLBECK: Beg the Court's  
6 indulgence. I just want to check my notes.

7 THE COURT: Okay.

8 CROSS-EXAMINATION CONTINUED

9 BY MS. HORLBECK:

10 Q. And you actually contacted the Julie  
11 Valentine Center to schedule the interviews?

12 A. Yes.

13 Q. Okay. Through your conversation,  
14 I believe it was Mr. Hendrix, you learned  
15 that Mark Lusk had stayed at the residence  
16 on Ridgefield; is that correct?

17 A. Yes.

18 Q. And to your knowledge -- you  
19 testified just a minute ago about Mr. Hendrix  
20 dressing up. From your investigation, was  
21 that dress-up just done to amuse the  
22 children?

23 A. Yes, ma'am. That's what he said, to  
24 amuse the children.

25 Q. All right. Thank you.

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1 MS. HORLBECK: I've got nothing  
2 further.

3 THE COURT: Mr. Warder?

4 MR. WARDER: Thank you, Your Honor.

5 CROSS-EXAMINATION

6 BY MR. WARDER:

7 Q. Sir, tell us the physical description of the outside of the residence of [REDACTED]  
8 Ridgefield?  
9

10 A. It's a mobile home. There's -- I  
11 wouldn't say -- it's probably your older  
12 mobile home. It's long, narrow. I couldn't  
13 tell you the dimensions.

14 Q. Would it what they call a single-  
15 wide as opposed to what's been called double-  
16 wides?

17 A. Yeah. It would possibly be a  
18 single-wide that may have had an add-on.

19 Q. Did it show signs of repair from the  
20 outside, different colors?

21 A. No, not that I could tell.

22 Q. Okay. How about the underpinning?  
23 Was it underpinned and have that ---

24 A. I don't remember.

25 Q. Did you go up on the porch or did



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1 you stand on kind of an open step?

2 A. As I recall, it was a small porch  
3 that I stepped up.

4 Q. Thank you.

5 THE COURT: Any redirect?

6 SOLICITOR JONES: Just briefly, Your  
7 Honor.

8 REDIRECT EXAMINATION

9 BY SOLICITOR JONES:

10 Q. Mr. Nix, when you went to [REDACTED]  
11 Ridgefield, what was the purpose of going  
12 there?

13 A. Basically just to see if, maybe what  
14 the residence looked like. Actually, I  
15 talked to the tenant to see if she knew Ms.  
16 Riden and maybe possibly know where I could  
17 find her.

18 Q. So was one of the purposes to find  
19 Ms. Riden?

20 A. Yes.

21 MR. WARDER: Objection. Leading,  
22 suggestive.

23 THE COURT: Overruled.

24 REDIRECT EXAMINATION CONTINUED

25 BY SOLICITOR JONES:

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1 Q. And what month of the year was it  
2 that you went out there, if you can remember?

3 A. It was -- it would have been early  
4 January.

5 Q. Of what year?

6 A. 2014.

7 Q. 2014?

8 A. Yeah. It would have been early  
9 January 2014.

10 Q. And since this was brought up, have  
11 you ever gotten a search warrant before?

12 A. Yes.

13 Q. And in our experience, what would  
14 have been the problem with requesting a  
15 search warrant to go inside that home?

16 A. The timeframe of the allegations was  
17 a couple of years between the time of the  
18 2011 to 2012. And there's not a judge that's  
19 going to give me a search warrant for a  
20 residence eight months, nine months later.

21 SOLICITOR JONES: Thank you, Your  
22 Honor. No further questions.

23 THE COURT: All right. You may  
24 step down.

25 (WITNESS STEPS DOWN)

26

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TESTIMONY OF ART TAYLOR - DIRECT BY SOLICITOR

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1 SOLICITOR JONES: The State calls Art  
2 Taylor to the stand. ##

3 (WITNESS TAKES STAND)

4 ART TAYLOR, having been duly sworn to  
5 tell the truth, and nothing but the truth,  
6 testified as follows:

7 DIRECT EXAMINATION

8 BY SOLICITOR JONES:

9 Q. Now, Mr. Taylor, where do you  
10 currently work?

11 A. Pickens County Sheriff's Office.

12 Q. And what's your position there?

13 A. I'm a detective.

14 Q. A detective. How long have you been  
15 a detective?

16 A. I've been detective for six years  
17 now.

18 Q. Okay. And what are some of your  
19 responsibilities in that role of a detective?

20 A. To investigate property crimes,  
21 homicides, assaults and so forth.

22 Q. And on January 30<sup>th</sup> of 2014, did you  
23 come into contact with Stacy Riden?

24 A. I'm sorry. What day was that again?

25 Q. January 30<sup>th</sup> of 2014.

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1 A. Yes, I did.

2 Q. And were you specifically looking  
3 for Stacy Riden?

4 A. I had had knowledge that Captain Nix  
5 was looking for her.

6 Q. Okay. Do you know where you came  
7 into contact with her?

8 A. It was on Ridgefield Circle at 116  
9 Ridgefield Circle in Easley.

10 Q. Okay. Okay. And in talking with  
11 her, what was your purpose to talk with Ms.  
12 Riden. Not why were you at that particular  
13 address, but what did your conversation  
14 entail with Ms. Riden?

15 A. Well, when I found that she was  
16 there, I called Captain Nix and advised him  
17 that I had found her because he had, like I  
18 stated, had been looking for her. And at  
19 that time, he asked if I could take a  
20 statement from her.

21 Q. And do you remember, what was the  
22 purpose of that statement; do you remember?

23 A. So he could do a forensic interview  
24 with him.

25 Q. Okay. So what specifically ---

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1 A. With her kids. I'm sorry.

2 Q. With her kids?

3 A. Yes.

4 Q. So what specifically did she tell  
5 you or give you or tell you?

6 A. She wrote out a statement giving me  
7 permission ---

8 THE COURT: Hold on.

9 MS. HORLBECK: Could you just  
10 restate your question again, please?

11 SOLICITOR JONES: Sure.

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR JONES:

14 Q. Mr. Taylor, what, specifically when  
15 you spoke with Ms. Riden, did she tell you  
16 anything about this particular case?

17 A. No.

18 Q. Okay. And the purpose of your  
19 meeting with her, what was the purpose?

20 A. So we could get permission to have  
21 an interview conducted. And we took the  
22 children to ---

23 Q. So she gave you permission to have  
24 a forensic interview?

25 A. She did.

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1 Q. Okay.

2 SOLICITOR JONES: No further  
3 questions, Your Honor.

4 THE COURT: Ms. Horlbeck?

5 MS. HORLBECK: No questions.

6 THE COURT: Mr. Warder?

7 MR. WARDER: No questions, Your  
8 Honor.

9 THE COURT: All right. Thank you.  
10 You may step down.

11 (WITNESS STEPS DOWN)

12 SOLICITOR JONES: Your Honor, next  
13 the State would call Natasha  
14 Glover.

15 THE COURT: All right.

16 (WITNESS NOT PRESENT)

17 (OFF RECORD BENCH CONFERENCE)

18 THE COURT: Ladies and Gentlemen,  
19 I'm going to let you go to your jury room for  
20 just a few minutes.

21 Remember, you do not discuss the  
22 case. We will be with you shortly.

23 (JURY OUT @ 1:10 P.M.)

24 (BRIEF RECESS)

25 (DEFENDANT HENDRIX PRESENT)

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1 (DEFENDANT RIDEN PRESENT)

2 THE COURT: Okay. Anything else  
3 before we bring the jury from the State?

4 SOLICITOR JONES: Nothing from the  
5 State?

6 THE COURT: Anything from the  
7 Defendants?

8 MS. HORLBECK: Nothing from Ms.  
9 Riden.

10 MR. WARDER: No, Your Honor.

11 THE COURT: All right. Bring them  
12 in.

13 BAILIFF: Yes, sir.

14 THE COURT: Thank you.

15 (JURY IN @ 1:27 P.M.)

16 THE COURT: All right. I think  
17 with our kindergarten lunch that we lost one  
18 of our witnesses after lunch. But we are  
19 ready to proceed now. So thank you for your  
20 patience.

21 SOLICITOR JONES: Thank you, Your  
22 Honor. The State calls Dr. Mary Croswell to  
23 the stand.

24 (WITNESS TAKES STAND)

25 MARY CROSWELL, having been duly sworn to

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1 tell the truth, and nothing but the truth,  
2 testified as follows:

3 DIRECT EXAMINATION

4 BY SOLICITOR JONES:

5 Q. Dr. Croswell, tell the jury where  
6 you currently work?

7 A. I am employed by the Greenville  
8 Health Systems in the division of forensic  
9 pediatrics, child abuse and neglect.

10 Q. And how long have you been in that  
11 position?

12 A. Since 2006.

13 Q. 2006. And tell the jury a little  
14 bit about your education, please?

15 A. I received my undergraduate degree  
16 from Wake Forest University. I received my  
17 medical degree from the University of  
18 Louisville, School of Medicine. I completed  
19 a pediatric residency at the Greenville  
20 Health System.

21 Q. So how long have you been a doctor?

22 A. I've been a doctor since 2003.  
23 Well, actually, since I graduated from  
24 medical school in 1999.

25 Q. And do you have any specialized



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1 training or specialized certifications?

2 A. Yes. I am board certified to  
3 practice in the field of general pediatrics  
4 as well as additional board certification for  
5 child abuse pediatrics.

6 Q. And have you ever testified in court  
7 before?

8 A. Yes, I have.

9 Q. Have you ever been qualified as an  
10 expert in the field of child abuse  
11 pediatrics?

12 A. Yes, I have.

13 Q. And about how many times?

14 A. I would estimate about twenty-five  
15 times.

16 SOLICITOR JONES: Your Honor, at  
17 this time I would ask that Dr. Croswell be  
18 qualified as an expert in the field of child  
19 abuse pediatrics.

20 THE COURT: All right. Any  
21 questions? Any voir dire questions, Ms.  
22 Horlbeck?

23 MS. HORLBECK: Not at this time,  
24 Judge.

25 THE COURT: Mr. Warder?

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1 MR. WARDER: No, Your Honor.

2 THE COURT: All right. Ladies and  
3 gentlemen, therefore, I will qualify her an  
4 expert in child abuse pediatrics. Is that  
5 what you said?

6 SOLICITOR JONES: Yes, Your Honor.  
7 Child abuse pediatrics.

8 THE COURT: All right. Ladies and  
9 gentlemen, normally a person is not allowed  
10 to testify about certain opinions or an  
11 expert area unless they're qualified as an  
12 expert. In this case, she has been qualified  
13 as an expert. But then you still -- and I  
14 will discuss this further with you in my  
15 charge. You still give it the same weight  
16 that you deem appropriate.

17 SOLICITOR JONES: Thank you, Your Honor.

18 DIRECT EXAMINATION CONTINUED

19 BY SOLICITOR JONES:

20 Q. Now, tell the jury what it is that  
21 you do in an examination regarding an alleged  
22 child sexual abuse?

23 A. So when a child is referred for an  
24 outpatient evaluation of sexual abuse they  
25 are initially met in the waiting room by a

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1 child life specialist, who is a medical  
2 personnel, who helps children understand  
3 medical procedures in a developmentally  
4 appropriate way.

5 She brings them back to the exam room and  
6 goes through the entire examination, allowing  
7 the child to use the various pieces of  
8 equipment that I use on an anatomically  
9 correct doll.

10 Next, I will take the caregiver, who has  
11 brought the child to the appointment, to get  
12 a medical history about the child.

13 Then if the child is old enough I take a  
14 history directly from the patient that I will  
15 be examining.

16 After that, I complete a physical  
17 examination and determine any appropriate  
18 laboratory testing that may need to be done.  
19 At that point, I'll make any recommendations  
20 for the treatment of the child.

21 Q. And you mentioned the medical  
22 history of the victim. Why is that  
23 important?

24 A. It's important to understand any  
25 underlying medical conditions that the child

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1       may have that may contribute to any findings  
2       that I might see. It's important to know  
3       history of any accidental injuries that the  
4       child might have experienced. It's important  
5       to have a broad knowledge of other contribut-  
6       ing factors to the child's evaluation.

7               Q. And are there any special tools or  
8       instruments that you use during a child abuse  
9       exam?

10              A. Yes. So the examination entails the  
11       normal pediatric exam from head to toe. So  
12       using, you know, the pieces of equipment to  
13       look in the eyes, the ears, the mouth, the  
14       nose.

15              I also use a colposcope to do the genital  
16       examination. A colposcope is a piece of  
17       medical equipment that has a magnification  
18       system, a bright light as well as a camera to  
19       photo document any findings that I might see  
20       in that area.

21              Q. Okay. How often are there physical  
22       findings in child sexual abuse?

23              A. It's actually quite rare that we  
24       have findings that are specific for child  
25       sexual abuse. Some of the more recent

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1 studies are showing that less three percent  
2 of the cases actually have very specific  
3 findings that indicate sexual abuse.

4 Q. And can you say that statistic  
5 again, if you would?

6 A. The more recent studies have said  
7 that less than three percent of the time  
8 there are actual physical findings that are  
9 specific and diagnostic of child sexual  
10 abuse.

11 Q. Is that three percent in confirmed  
12 sexual abuse cases or ---

13 MS. HORLBECK: I object to that,  
14 Judge. I don't know what he means by  
15 confirmed cases..

16 SOLICITOR JONES: Well, I'm asking  
17 her to explain that. What she means by three  
18 percent.

19 THE COURT: All right. I'm going  
20 to let him. I think it -- based on his  
21 request for explanation and she has been  
22 qualified as an expert.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR JONES:

25 A. So there are multiple studies

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1 looking at this topic. There is one study  
2 that looked at children whose perpetrators  
3 had a criminal conviction. And they looked  
4 at those cases, had there been any findings.  
5 In those cases less than twenty percent had  
6 specific findings of child sexual abuse.

7 So the more recent studies that just look  
8 in general at children who are being  
9 evaluated for sexual abuse that don't  
10 necessarily have that criminal conviction  
11 component, less than three percent have those  
12 specific findings.

13 Q. And why would it be rare to find, to  
14 have physical findings in a sex abuse case?

15 A. Many times, first of all, in the  
16 nature of child sexual abuse, there's not an  
17 injury caused to the child.

18 If there is an injury, oftentimes times  
19 it healed rapidly without leaving any signs  
20 or scarring behind that are visible to the  
21 eye.

22 Q. And is there something in particular  
23 with sex abuse and an injury healing quickly  
24 that is particular to sexual abuse?

25 A. Well, the type of tissue in the

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1 genital area is what we call mucosal tissue.  
2 It is different from other skin on your body.  
3 Mucosal tissue has a large vascular or blood  
4 supply to it. Any injury to it can heal very  
5 quickly, within a matter of days without  
6 leaving any scars behind.

7 Q. Is the type of tissue in the genital  
8 area, can you compare that to any other type  
9 of tissue on the body?

10 A. One example I often use is mucosal  
11 tissue is also the tissue in your mouth. So  
12 when you get an injury to your mouth and you  
13 bite the side of your cheek it can heal  
14 rapidly, within a couple of days, without  
15 leaving any scars on it..

16 Q. And could a normal exam, meaning no  
17 findings of abnormalities or signs of sexual  
18 abuse, could a normal exam be consistent with  
19 abuse?

20 A. Yes, it can.

21 Q. And in your experience in evaluating  
22 a child that's been sexually abused by  
23 performing oral sex, is it typical or  
24 atypical to find an injury to the child?

25 A. It would be atypical for me to find

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1 an injury or finding to the child when a  
2 history is that they have been sexually  
3 abused involving oral to genital contact.

4 Q. And when we say atypical, what do we  
5 mean by that?

6 A. It would be uncommon or rare to see  
7 a physical finding as a result of that type  
8 of abuse.

9 Q. What about physical evidence of anal  
10 penetration?

11 A. Some of the more recent studies say  
12 that less than one percent of child sexual  
13 abuse exams have any anal findings.

14 Again, this is involving mucosal tissue  
15 that can heal very rapidly due to the  
16 vascularity or the blood supply. Also, the  
17 anal area is, by nature designed to allow  
18 objects to pass. And so it is composed of a  
19 muscle that relaxes to allow those objects to  
20 pass. And that can also occur in child  
21 sexual abuse.

22 Q. And what about physical evidence as  
23 to digital penetration? Would it be common  
24 or uncommon to find evidence of sexual abuse  
25 when digital penetration occurred?



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1           A.   It's typically -- it's not common to  
2           find physical findings related to digital  
3           penetration of either the vaginal area or the  
4           anal area. And would be more common if a  
5           child had a history of bleeding at the time  
6           of the incident.

7           Q.   Would the time lapse from the  
8           alleged abuse from your physical exam, is  
9           that important as to whether you would find  
10          any type of evidence of sexual abuse?

11          A.   Yes. When a physical exam is  
12          delayed past several days to several weeks,  
13          it's very uncommon to find physical findings  
14          specific for child sexual abuse.

15          Q.   Well, what about a year?

16          A.   Even less common to find physical  
17          findings.

18          Q.   Tell the jury what the hymen is?

19          A.   So the female anatomy is actually  
20          complicated. It's composed of several layers  
21          of tissue. And on the outermost layer there  
22          are two, what we call fatty layers of tissue.  
23          They're called the labia majora. When those  
24          are separated there's two layers of tissue  
25          under it called the labia minora, which are

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1 thinner. And then deep to that is the  
2 vaginal opening the hymen is a thin layer of  
3 tissue that partially covers that opening.

4 Q. Can you briefly discuss some myths  
5 or misconceptions about the hymen?

6 A. A lot of parents and I think a lot  
7 of people expect that when a child has been  
8 abused, that the hymen will have some type of  
9 evidence that the abuse has happened.

10 The hymen itself, even if there is an  
11 injury, can heal without leaving any signs  
12 that the injury was there previously.

13 Q. So close to the date of abuse, there  
14 could be signs of abuse. But then as time  
15 goes on, that evidence would heal and no  
16 longer be visible to you during the  
17 examination?

18 A. It can. It can at different --  
19 depending on the patient, there are  
20 definitely cases where it heals without any  
21 evidence of any injury at all.

22 Q. Did you have the opportunity to  
23 examine Minor 3 Minor 1 and Minor 2

24 ?

25 A. Yes, I did.

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1 Q. And do you know the date of those  
2 exams?

3 A. Yes. It was performed on March 26<sup>th</sup>,  
4 2014.

5 Q. So you performed an examination on  
6 all three children on the same day?

7 A. Yes, I did.

8 Q. Do you know where that examination  
9 took place?

10 A. It occurred at the Julie Valentine  
11 Center in Greenville.

12 Q. And as to Minor 3 , what was the  
13 type of exam performed and the purpose of  
14 that exam?

15 A. So he was referred for evaluation of  
16 sexual abuse. And the purpose of the exam is  
17 to one, do a full pediatric evaluation, full  
18 medical exam. Two, to assess whether there  
19 are any physical findings as a result of the  
20 allegation that have been made. And three,  
21 to assess for any possible sexually  
22 transmitted infections.

23 Q. You may have mentioned this, but how  
24 did you perform the exam?

25 A. The exam with a boy is, again, start

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1 with a typical head to toe pediatric  
2 examination. Examine the genitalia and then  
3 use the colposcope for the anal examination.

4 Q. And what areas of his body, his  
5 anatomy did you evaluate?

6 A. I evaluated all, his entire body for  
7 the allegations. And for the child sexual  
8 abuse evaluated his penis and his anal area.

9 Q. Okay. And as to Minor 3 what were  
10 your specific findings?

11 A. He had a normal examination.

12 Q. Okay. And as to Minor 1 , the  
13 same questions. What was the type of exam  
14 and the purpose of that exam?

15 A. So, again, it's a normal pediatric  
16 exam to assess her physical wellbeing.  
17 Included in that is assessment for any  
18 physical injuries as a result of the  
19 allegation and to assess for any sexually  
20 transmitted infections.

21 Q. Okay. And what specific findings  
22 did you have as to Minor 1 .?

23 A. She had a normal examination.

24 Q. Okay. And then moving on to Minor 2  
25 , and again the type and purpose of that

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1 exam?

2 A. Again, it's a pediatric exam of her  
3 overall wellbeing and how -- the ability to  
4 document any physical findings as well as to  
5 evaluate for any potentially sexually  
6 transmitted infections.

7 Q. And what were your findings as to  
8 Minor 2?

9 A. The abnormality that she had on her  
10 exam was that she had dental caries, which  
11 are evidence of cavities of her teeth.

12 Q. And let me stop you there for a  
13 second. You're not a dentist; right?

14 A. I'm not a dentist.

15 Q. Okay. But you do -- describe just  
16 briefly what you do when you're looking at  
17 the teeth and why you do that on these type  
18 of exams.

19 MS. HORLBECK: And I'm going to  
20 object, Judge. She's not a dentist. I  
21 object to any -- she's not qualified as a  
22 dentist and I just object to all of that  
23 testimony.

24 THE COURT: Is this related in  
25 some way?

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1 SOLICITOR JONES: It is related,  
2 Your Honor.

3 THE COURT: I'm going to give him  
4 a little -- she's not a dentist. I'm not  
5 sure she's gotten into any -- you know, I'm  
6 not going to let her get into any kind of  
7 dental expertise.

8 SOLICITOR JONES: All right. And  
9 all she's going to testify to is what's in  
10 the what ---

11 THE COURT: Yeah.

12 DIRECT EXAMINATION CONTINUED

13 BY SOLICITOR JONES:

14 Q. Again, from your report, from your  
15 findings of Kylie as to her teeth. You  
16 indicated on your report that -- or you  
17 indicated here in testimony that she had  
18 dental caries; is that what you called them?

19 A. Correct.

20 Q. And tell the Court or tell the jury  
21 why you look at the teeth and what that  
22 means?

23 A. Well, you know, again, I'm a  
24 pediatrician and so I'm doing a full  
25 evaluation of the body, which includes



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1 evaluation of oral or mouth health.

2 And in looking at her teeth, there was  
3 breakdown of her teeth from what should be  
4 normal for her age. And so as a result of  
5 that, I made a recommendation that she be  
6 evaluated by a dentist for further assessment  
7 of that.

8 Q. And I hate to ask you to do math on  
9 the spot, but how old was Minor2 at the time  
10 of your exam?

11 A. Minor2 was four.

12 Q. And back to the findings of Minor2  
13 was there anything else besides the dental  
14 issue?

15 A. Yes. On her genital exam, she had  
16 something we called labial adhesions. Going  
17 back to the genital anatomy that I described  
18 earlier, when you pull the labia majora,  
19 which are the fatty tissue, aside and you see  
20 the thinner layer of tissue that are called  
21 the labia minora, there was a partial fusion  
22 of those tissues. And so I was not able to  
23 photo document her vaginal area because I had  
24 to kind of peak kind of up and over and the  
25 camera was not able to see that area.

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1 Q. Okay. And describe what that type  
2 of finding, what that means?

3 A. Sure. So Minor2 was in that pre-  
4 school age group. Labial adhesions occur not  
5 infrequently in that age group due to two  
6 different factors that we see.

7 One is that they don't have estrogen or  
8 a female hormone circulating in their body  
9 that thickens that tissue up in that area.

10 And then usually, it's preceded by some  
11 form of inflammation or swelling. So, again,  
12 it's a nonspecific finding. It can be from  
13 poor toileting hygiene or not wiping well.  
14 It can be from infection in that area. It  
15 can also be from trauma, accidental or non-  
16 accidental trauma to the area.

17 Q. I know you may say accidental or  
18 non-accidental, could you give us some  
19 possibilities, some examples of what trauma  
20 could cause that type of ---

21 A. So if you think about accidental  
22 mechanisms. You know, straddle injury to the  
23 genital area on a bicycle, falling on a bed  
24 railing in that area.

25 Again, non-accidental trauma would be



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1           some sort of sexual abuse to the area.

2           Q.   Again as to normal examinations, are  
3           there any studies concerning a normal  
4           examination being normal in sexual abuse?

5           A.   There are multiple studies and the  
6           title of one of the studies that I reference  
7           is called "It's normal to be normal in  
8           reference to child sexual abuse."

9           Q.   And can you elaborate what that  
10          study showed?

11          A.   That study showed that there were,  
12          that only fourteen percent of -- this was the  
13          study that looked at children where the  
14          perpetrators had been criminally convicted.  
15          In that study, fourteen percent of the  
16          findings were specific for sexual abuse.

17          Ninety percent were suspicious.

18          So approximately eighty percent were, you  
19          know, completely normal.

20                SOLICITOR JONES:   Thank you, Your  
21          Honor.  No further questions.

22                THE COURT:       Ms. Horlbeck.

23                       CROSS-EXAMINATION

24                BY MS. HORLBECK:

25          Q.   Dr. Croswell, you described a little

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1 bit about the hymen just a few minutes ago;  
2 is that correct?

3 A. Yes, it is.

4 Q. Okay. All right. And some of the  
5 things that you could find in a situation of  
6 abuse, is it possible that you could find  
7 tearing of the hymen?

8 A. Certainly it is possible.

9 Q. All right. And is it possible that  
10 you might also find an abrasion of the hymen  
11 or swelling of the hymen in a situation of  
12 abuse?

13 A. Yes, it is possible.

14 Q. All right. That's obviously  
15 specific to a girl.

16 A. Right.

17 Q. And a boy in a situation of abuse,  
18 is it possible you might find also swelling,  
19 bruises, lacerations?

20 A. Yes.

21 Q. Lacerations, is that a medical term  
22 for cut or scratch; is that correct?

23 A. Yes.

24 Q. All right. Okay. All right. And  
25 you also indicated that an injury to your

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1 genital area or the hymen area, it can heal.

2 But it doesn't always heal; is that correct?

3 A. That's correct.

4 Q. Okay. All right. And you stated on  
5 direct examination that you performed your  
6 examinations of these children on March the  
7 14<sup>th</sup>, 2014?

8 A. March 26<sup>th</sup>.

9 Q. March the 26<sup>th</sup>. Okay. But it was  
10 2014?

11 A. Yes.

12 Q. All right. And the exam was  
13 performed on all three children?

14 A. Yes.

15 Q. All right. And you said that as  
16 part of the procedure you follow, you inter-  
17 view the caregiver; correct?

18 A. Correct.

19 Q. And the caregiver you interviewed --  
20 do you remember who interviewed? Was it the  
21 grandmother?

22 A. It was the maternal step-  
23 grandmother.

24 Q. Okay. All right. Thank you. And  
25 when you examined the children, did you use

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1 the colposcope piece of equipment on all  
2 three children?

3 A. Yes, I did.

4 Q. And the colposcope, correct me if  
5 I'm wrong, but it magnifies the area that  
6 you're examining?

7 A. It's has lenses like a microscope  
8 that you look in ---

9 Q. Okay.

10 A. --- so it does magnify it. It also  
11 has a bright light and a camera attached.

12 Q. All right. Do you know how much it  
13 magnifies the area?

14 A. It depends on what setting I have.

15 Q. Okay. Do you recall what setting  
16 you had it on?

17 A. I typically do to the maximum.

18 Q. Okay.

19 A. I don't know it off the top of my  
20 head.

21 Q. All right. That's fine. But you do  
22 it up to the maximum so you can see anything,  
23 if it's ---

24 A. Correct.

25 Q. --- if there's any injuries there;

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1 correct?

2 A. Correct.

3 Q. All right. And was it necessary for  
4 you to take any pictures when you utilized  
5 the colposcope on the children?

6 A. I typically take pictures. I took  
7 photos on Minor 1 . I took photos on Minor 3  
8 And I took photos on Minor 2.

9 Q. All right. And did the photos that  
10 you took, did they show any injuries to any  
11 of the three children?

12 A. No.

13 Q. All right. All right. And you  
14 indicated, and I may have misheard you, but  
15 did you also say on direct examination that  
16 it may be more like to find an injury if  
17 there had been a history of bleeding from an  
18 injury?

19 A. That's correct. I would be more  
20 likely to find, expect to find scarring.

21 Q. Okay. All right. And on Minor 2 :  
22 exam, and the date of that exam was March the  
23 26, 2014?

24 A. Yes.

25 Q. You said that you thought that you

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1 found evidence of some dental cavities?

2 A. The medical term is dental caries.

3 Q. Okay. All right. Is that just  
4 because she's a child or is caries -- what is  
5 a caries?

6 A. A caries is basically a medical term  
7 for cavities.

8 Q. And it's caries?

9 A. Caries.

10 Q. Okay. All right, then. All right.  
11 And you also discovered some labial adhesion  
12 in Minor 2; is that correct?

13 A. That's correct.

14 Q. And you said that that was not  
15 infrequent in a child of her age?

16 A. That's correct.

17 Q. All right. And that that was caused  
18 by the lack of estrogen; is that correct?

19 A. The lack of estrogen along with some  
20 inflammatory component.

21 Q. Okay. And you said that inflamma-  
22 tion could be cause by something as simple as  
23 not wiping or poor toilet hygiene?

24 A. That's correct.

25 Q. Or some sort of accidental trauma?

1 A. That's correct.

2 Q. And non-accidental trauma, I think  
3 you said?

4 A. That's correct.

5 Q. All right. Now, so all of the  
6 children's examinations were normal; is that  
7 correct?

8 A. That is correct, with the exceptions  
9 of what we went over ---

10 Q. Right. On Minor 2. Okay. And people  
11 who have had -- and just correct me if I'm  
12 wrong. People who've had lots of sex, is it  
13 also possible for that type of person to have  
14 a completely normal genital exam?

15 A. When you say people are you talking  
16 about children or adults?

17 Q. No, because I know children aren't  
18 doing that. But is it possible that you  
19 would have a normal genital exam of the type  
20 that you perform on these children if you're  
21 just a normal, sexually active person?

22 A. Yeah. There have been studies on  
23 pregnant teenage girls that have a normal  
24 genital exam.

25 Q. All right. And people who haven't

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1 had sex at all, they have normal exams as  
2 well; is that correct?

3 A. I would expect so unless there's  
4 something ---

5 Q. Right. But they can also have non-  
6 normal exams; is that true?

7 A. Yes.

8 Q. Okay. All right. So really a  
9 normal exam of this type can be indicative  
10 of lots of things.

11 A. That's correct.

12 Q. So it could be of indicative of  
13 abuse; right?

14 A. It could be -- I'm sorry?

15 Q. Indicative of abuse yes, and non-  
16 abuse?

17 A. It could consistent with, not  
18 indicative of.

19 Q. Okay. And also consistent with just  
20 normal sexual activity?

21 A. I'm not following that question.

22 Q. A normal exam, can it also be  
23 consistent with normal sexual activity?

24 A. No.

25 Q. In normal human -- not a child?



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1 A. Oh, okay. Yeah.

2 Q. Not a child?

3 A. Yes.

4 Q. All right. And a normal exam such  
5 as the type you performed or found on these  
6 children. That can also be consistent with  
7 no abuse at all; is that correct?

8 A. A normal exam is consistent -- I  
9 mean, ---

10 Q. It can be consistent from no abuse  
11 to having ---

12 A. That's correct. That's correct.

13 Q. All right. Thank you.

14 MS. HORLBECK: I've got no  
15 further questions..

16 THE COURT: Mr. Warder?

17 MR. WARDER: I have no questions.

18 THE COURT: All right. Any  
19 redirect?

20 SOLICITOR JONES: Just a few follow-  
21 ups, Your Honor.

## REDIRECT EXAMINATION

22 BY SOLICITOR JONES:

23 Q. As to the labial adhesions -- am I  
24 saying that correctly?  
25

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1 A. That's correct.

2 Q. Ms. Horlbeck asked you a few  
3 questions about those. Discuss again as to  
4 labial adhesions. You mentioned the lack of  
5 estrogen plus something else. If there was  
6 just a lack of estrogen, would that cause a  
7 labial adhesions?

8 A. Uh ---

9 Q. Go ahead.

10 A. You know, as far as we know or  
11 understand about labial adhesions, they are  
12 usually secondary to some form of  
13 inflammation.

14 Q. Okay.

15 A. Inflammation meaning swelling or  
16 irritation to that area.

17 Q. So in seeing the labial adhesions  
18 that tells you what about Kylie Lusk?

19 MS. HORLBECK: I just object,  
20 Judge. That's calling for a conclusion.

21 THE COURT: Yeah. Rephrase your  
22 question.

23 SOLICITOR JONES: Okay.

24 REDIRECT EXAMINATION CONTINUED

25 BY SOLICITOR JONES:

## TESTIMONY OF MARY CROSWELL - REDIRECT EXAMINATION

1           Q.   You say labial adhesions are  
2           indicative of what?

3           A.   Labial adhesions are indicative of:  
4           one, she doesn't have any estrogen or very  
5           low levels of estrogen in her body; and, two,  
6           that she has experienced some type of  
7           inflammation in that area at some point.

8           Q.   And you gave several examples  
9           earlier, but those are all equally possible?

10          A.   Correct. Based on my physical exam  
11          I wouldn't be able to tell you what that  
12          inflammation was without knowing the etiology  
13          of the inflammation.

14          Q.   Okay. And is it possible for a part  
15          of the -- speaking of the female genitalia, a  
16          part of female genitalia to bleed at one  
17          point from trauma or abuse and then over a  
18          year later would you still be able to see  
19          evidence of that?

20          A.   (No verbal response).

21          Q.   Can you give an answer of an  
22          absolutely yes or absolutely no?

23          A.   Could you repeat the question just  
24          make sure I understand correctly.

25          Q.   With regard to female genitalia and

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1 sexual abuse, if there was evidence of  
2 bleeding would you be able to a year later  
3 from the sexual abuse, can you say one way or  
4 another if you would definitely be able to  
5 see evidence of that abuse or definitely not  
6 be able to see evidence of that abuse?

7 MS. HORLBECK: I would object to  
8 that question.

9 THE COURT: And I think -- I mean,  
10 y'all have gone over that.

11 SOLICITOR JONES: Gone over that.  
12 Yes, sir, Your Honor. No further questions,  
13 Your Honor.

14 THE COURT: All right. Thank you.

15 (WITNESS STEPS DOWN)

16 SOLICITOR JONES: Thank you, Your  
17 Honor. The State calls Shauna Galloway  
18 Williams to the stand.

19 THE COURT: All right.

20 (WITNESS TAKES STAND)

21 SHAUNA-GALLOWAY WILLIAMS, having been  
22 duly sworn to tell the truth, and nothing but  
23 the truth, testified as follows:

24 DIRECT EXAMINATION

25 BY SOLICITOR JONES:

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1 Q. Ms. Galloway Williams, how are you?

2 A. I'm doing fine. Thank you.

3 Q. Can you tell the jury please, what's  
4 your occupation?

5 A. I am the Executive Director of Julie  
6 Valentine Center, which is the child abuse  
7 and sexual assault recovery center that  
8 serves Greenville and Pickens County. As  
9 executive director, I am responsible for  
10 oversight of the entire center and its  
11 operations. In addition to that, I still  
12 provide clinical services, which means that I  
13 still do assessments or interviews with  
14 children as well as co-facilitating groups  
15 for caregivers of children who may have been  
16 abused.

17 Q. And tell the jury just briefly about  
18 your education or specific training to your  
19 employment?

20 A. I have a Bachelor's Degree in  
21 Psychology, a Master's Degree in Counseling  
22 and I'm licensed as a Professional Counselor  
23 in South Carolina.

24 Q. And how long have you been in the  
25 position -- you might have already said this,

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1 but how long have you been in the position  
2 you're currently in?

3 A. I've been executive director now for  
4 seven years. I've worked at the Julie  
5 Valentine Center for nine years.

6 Prior to that, I worked for the Depart-  
7 ment of Mental Health; the South Carolina  
8 State Department of Mental Health.

9 Q. So tell the jury what it is that you  
10 do on a regular basis?

11 A. Well, like I said, I provide over-  
12 sight, administrative support to the agency.  
13 I do a lot of public speaking, education,  
14 training.

15 I also do clinical work. So I work with  
16 children and families who've been impacted by  
17 child maltreatment.

18 I also serve as an adjunct faculty member  
19 at USC Upstate in their Child Advocacy  
20 Studies Program.

21 Q. And can you tell the jury, what is a  
22 forensic interview?

23 A. They're investigative interviews  
24 that are conducted for the purpose of  
25 gathering information or statements from

## TESTIMONY OF SHAUNA GALLOWAY - DIRECT EXAMINATION

1 children when there are allegations of abuse  
2 or neglect.

3 Q. And have you ever performed a  
4 forensic interview?

5 A. I have.

6 Q. How long have you been performing  
7 forensic interviews?

8 A. I've been providing forensic inter-  
9 views for twelve years.

10 Q. And what's the purpose of a forensic  
11 interview?

12 A. They are investigative in nature.  
13 The purpose of them is to gather information  
14 without leading or suggesting children,  
15 giving them an opportunity to share  
16 information about a report of abuse and  
17 neglect.

18 Q. And do you do anything to ensure  
19 that the child's answers are not influenced  
20 by your questions?

21 A. Yes. Our training and the protocol  
22 that we follow requires that we use non-  
23 leading, non-suggestive questions.

24 Q. Okay. And did you perform a  
25 forensic interview on Minor 3 and Minor 1

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1 Lusk?

2 A. I did.

3 Q. Do you know who referred the  
4 children to you for a forensic interview or  
5 what agency?

6 A. I believe it was the Pickens County  
7 Sheriff's Office. (Upon review of file) --  
8 yes, Marvin Nix with the Pickens County  
9 Sheriff's Office.

10 Q. Okay. And as to Minor 3 and Minor 1 ,  
11 do you remember the dates of the interviews?

12 A. If I can refer to my notes?

13 Q. Sure?

14 A. I interviewed both children on two  
15 separate occasions. My first interview with  
16 Minor 1 was on February 19<sup>th</sup>, 2014. My second  
17 interview with her was on April 11<sup>th</sup>, 2014.

18 Minor 3, I saw for the first time on March  
19 3<sup>rd</sup>, 2014. And I saw him for the second time  
20 in April 7<sup>th</sup>, 2014.

21 Q. Okay. And were those forensic  
22 interviews recorded?

23 A. Yes, they were.

24 SOLICITOR JONES: I beg the Court's  
25 indulgence, Your Honor.



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1 THE COURT: Okay.

2 (SO MARKED AS STATE'S EXHIBIT 1)

3 (SO MARKED AS STATE'S EXHIBIT 2)

4 (SO MARKED AS STATE'S EXHIBIT 3)

5 (SO MARKED AS STATE'S EXHIBIT 4)

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR JONES:

8 Q. Ms. Galloway Williams, I'm going to  
9 hand you what's been marked State's Exhibits  
10 1, 2, 3, and 4. Will you take a look at  
11 those for me, please, ma'am?

12 A. Yes.

13 Q. Do you recognize those disks?

14 A. (Upon review), I do.

15 Q. And can you tell the jury what they  
16 are?

17 A. They are DVDs that contain the  
18 forensic interviews of Minor 1 and Minor 3

19 .

20 Q. And if you wouldn't mind if you can  
21 tell by the date, State's Exhibit 1 is what?

22 A. Oh. State's Exhibit 1 is the  
23 interview of Minor 1 from February 19<sup>th</sup>,  
24 2014.

25 State's Exhibit 2 is the interview of

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1 Minor 1 from April 11<sup>th</sup>, 2014.

2 State's Exhibit 3 is the interview of  
3 Minor 3 from March 11<sup>th</sup>, 2014.

4 State's Exhibit 4 is the interview of  
5 Minor 3 from April 7<sup>th</sup>, 2014.

6 Q. Okay. And Ms. Galloway-Williams,  
7 are those true and accurate copies of the  
8 interviews that you performed that day?

9 A. Yes.

10 SOLICITOR JONES: Your Honor, at  
11 this time I would ask that State's Exhibits  
12 1, 2, 3, and 4 be moved into evidence.

13 THE COURT: All right. Ms.  
14 Horlbeck.

15 MS. HORLBECK: Judge, subject to  
16 my previous objections.

17 THE COURT: All right. Mr.  
18 Warder?

19 MR. WARDER: Subject to our  
20 previous objection.

21 THE COURT: All right. I'm going  
22 to allow them in with subject to previous  
23 objections.

24 SOLICITOR JONES: Thank you, Your  
25 Honor.

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1 (SO ENTERED AS STATE'S EXHIBIT 1)

2 (SO ENTERED AS STATE'S EXHIBIT 2)

3 (SO ENTERED AS STATE'S EXHIBIT 3)

4 (SO ENTERED AS STATE'S EXHIBIT 4)

5 SOLICITOR JONES: Thank you, Your  
6 Honor. At this time I would like to begin  
7 playing the forensic interview of Minor 1  
8 of February 19<sup>th</sup>, 2014, State's Exhibit  
9 1.

10 THE COURT: All right.

11 MS. HORLBECK: Judge, I know that  
12 we had some witnesses and out of order and I  
13 thought we were going to take a little break  
14 so we could talk about the ---

15 THE COURT: I thought we did have  
16 a break.

17 MS. HORLBECK: We never took a  
18 break. Oh, we did. I'm sorry.

19 THE COURT: That's all right.

20 MS. HORLBECK: That's my fault.  
21 You can blame me. I'm ready. I mean, I've  
22 got what I want.

23 THE COURT: All right. Well, then  
24 do y'all need to decide what ---

25 MS. HORLBECK: If you could just

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1 give us a ---

2 SOLICITOR JONES: Your Honor, I have  
3 the redactions from the ---

4 MS. HORLBECK: I'm sorry.

5 SOLICITOR JONES: I have them ready  
6 to go and ready to play. If she has any new  
7 things that we haven't talked about?

8 MS. HORLBECK: It's nothing new.  
9 It's just times have changed based on  
10 something with your redaction process.

11 THE COURT: All right. This will  
12 be brief, I promise. I mean, just so we can  
13 make sure. And it's very important that you  
14 receive only the information that should be  
15 properly before you.

16 So we're going to take a very brief  
17 break. And again, I know you're getting  
18 tired of hearing me say it but do not talk  
19 about the case at this time amongst  
20 yourselves. We'll be right back and get you  
21 out.

22 (JURY OUT @ 2:05 P.M.)

23 (OFF RECORD DISCUSSION BETWEEN COUNSEL)

24 (JURY IN @ 2:10 P.M.)

25 THE COURT: The video is going to

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1 be played. And it's real important that you  
2 can see and hear the video at all times. So,  
3 if for any reason we have to maybe move  
4 around a little bit or something, just let  
5 us, you know; let us know you can't hear or  
6 see anything. You should be able to see  
7 they'll turn the lights down. But if you  
8 have problems hearing anything, please let us  
9 know. All right.

10 With that, you may proceed Mr.  
11 Jones.

12 SOLICITOR JONES: Thank you, Your  
13 Honor. May I approach the witness?

14 THE COURT: Yeah. Can every one  
15 see the -- (affirmative response by jurors).

16 THE COURT: Okay.

17 (STATE'S EXHIBIT NUMBER 1 PUBLISHED)

18 THE COURT: If everyone wants to -  
19 for a minute, you can.

20 MS. HORLBECK: Judge, I would  
21 just renew my prior objections.

22 MR. WARDER: Your Honor, ---

23 THE COURT: Yes, the same  
24 objections from both defendants is noted.

25 MS. HORLBECK: Thank you, Judge.

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1 (STATE'S EXHIBIT NUMBER 2 PUBLISHED)

2 DIRECT EXAMINATION CONTINUED

3 BY SOLICITOR JONES:

4 Q. Just a few more questions, Ms.  
5 Galloway Williams. Are you aware or do you  
6 know why the children, why each Minor3 and  
7 Minor1 had two interviews apiece?

8 A. Yes.

9 Q. Can you tell the Court?

10 A. In between the first interview when  
11 I saw them, the children disclosed additional  
12 information and a second interview was  
13 requested because they had made additional  
14 disclosures following the first interview.

15 SOLICITOR JONES: Thank you, Your  
16 Honor. No further questions.

17 THE COURT: Ms. Horlbeck?

18 MS. HORLBECK: I don't believe I  
19 have any questions of Ms. Galloway-Williams.

20 THE COURT: All right. Mr.  
21 Warder?

22 MR. WARDER: No questions, Your  
23 Honor.

24 THE COURT: All right. You may  
25 step down.

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1 (WITNESS STEPS DOWN)

2 THE COURT: All right. Ladies and  
3 gentlemen, that concludes the testimony for  
4 the day. I'm going to let you go for the  
5 day.

6 Don't discuss the case among  
7 yourself of with anybody. Still, that's not  
8 appropriate.

9 Do not do any independent research.  
10 Don't be *Googling* the law or anything like  
11 that or the authorities or anything in way  
12 that relates to this case.

13 If there should be any media  
14 coverage on the radio, on the TV, social  
15 media, newspaper, please do not watch that.  
16 Turn away and try not to consume that in any  
17 way.

18 And, lastly, if you are contacted by  
19 anyone regarding this case or your jury  
20 service, please get that person's name or as  
21 much information as you can and report that  
22 when you return to the courthouse.

23 Is 9:00 all right with y'all for the  
24 morning?

25 FOREMAN: Yes, sir.

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1 THE COURT: All right. We'll start at  
2 9:00. Thank you and have a good evening.

3 (JURY OUT @ 5:30 P.M.)

4 THE COURT: That definitely was  
5 not forty-five minutes.

6 SOLICITOR JONES: I'm sorry, Your  
7 Honor. I was talking about forty-five  
8 minutes per video.

9 THE COURT: No, that's what I  
10 said. I knew it was going to be an hour and  
11 a half.

12 All right. Anything before we --  
13 will y'all be ready to go at 9:00. Just for  
14 planning purposes are you looking at?

15 SOLICITOR JONES: Your Honor, I have  
16 one, possibly two more witnesses.

17 THE COURT: All right. So you  
18 should be able to -- all right. We'll start  
19 right at 9:00 okay?

20 SOLICITOR JONES: Yes, sir.

21 THE COURT: And then y'all be  
22 ready to roll at that point or whatever you  
23 need to do. All right. We'll see everybody  
24 tomorrow.

25 MS. HORLBECK: Your Honor, ---



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1 THE COURT: Okay. Do you have ---

2 MS. HORLBECK: I have just a  
3 couple things, Judge.

4 THE COURT: Okay.

5 MS. HORLBECK: I believe there  
6 was a redaction that didn't get redacted.  
7 There was a portion of the very end of the  
8 last Minor 3 interview. In the portion  
9 where the grandmother said it was 'not right'  
10 -- some things faded in and by the time I  
11 realized it, it was just already out. So on  
12 that basis, I would just ask for a mistrial  
13 or to strike that testimony or perhaps some  
14 instruction that the Court can give to the  
15 jury to disregard.

16 THE COURT: Yeah. I'll give some  
17 curative instruction. But about the only  
18 thing that she said was grandmother said  
19 that's not right. And, you know, I can't  
20 imagine how that'd be prejudicial because I'm  
21 sure everybody would agree that that's not  
22 right. So, from what they were saying so I'm  
23 not sure that that can have any basis  
24 whatsoever on the outcome of the jury. But I  
25 will mention that.

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1 MS. HORLBECK: The other thing I  
2 wanted to ask the Court about, I just can't  
3 recall. I did not know if we agreed to  
4 redact a portion regarding some horror  
5 movies, what I consider horror movies that  
6 Minor3 had seen. And this is also in the  
7 second interview. I didn't recall ---

8 THE COURT: My notes ---

9 MS. HORLBECK: --- that was  
10 redacted. I didn't think we were going to  
11 redact that.

12 THE COURT: Well, I guess then you  
13 can play it on redirect or cross. I mean --  
14 so you're saying it was supposed to be played  
15 but was not.

16 MS. HORLBECK: I'm not sure.  
17 That's what ---

18 THE COURT: Yeah, I mean, I think  
19 heard that on ---

20 MS. HORLBECK: You did? Okay.

21 THE COURT: You said you did hear  
22 it or did you ---

23 MS. HORLBECK: No.

24 THE COURT: It was redacted?

25 SOLICITOR JONES: It was redacted.

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1                   THE COURT:     Well, I guess what we  
2                   can do is play that -- and, again, if you  
3                   really want to play that we can play that  
4                   portion or something tomorrow. I mean, I  
5                   don't think we need Ms. Galloway-Williams  
6                   here for that.

7                   MS. HORLBECK:        I don't think so  
8                   either, no.

9                   THE COURT:     And we can just --  
10                  I'll give them some curative instructions,  
11                  that this was something that was supposed to  
12                  have been played yesterday and we didn't  
13                  realize it until afterwards.

14                  MS. HORLBECK:        All right.

15                  SOLICITOR JONES:   And, Your Honor,  
16                  as to that, I would ask that you give the  
17                  jury instruction that although I was playing  
18                  the video, you made the determination as to  
19                  what was relevant and what was irrelevant.  
20                  And that the State was only playing the  
21                  relevant matters, so that way it wouldn't  
22                  appear that I was attempting to hide anything  
23                  from the jury.

24                  THE COURT:     I'm not letting you  
25                  out that easy.

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1                   And I'm sure, Ms. Riden, your  
2                   counsel has instructed you that your bond has  
3                   been revoked.

4                   DEFENDANT RIDEN:   (Affirmative nod).

5                   THE COURT:     All right.  Anything  
6                   further before we break for the day?

7                   SOLICITOR JONES:  Nothing from the  
8                   State.

9                   THE COURT:     We don't have any  
10                  evidence to look at so y'all should be ready  
11                  to go at 9:00.  I will see everybody at 9:00.

12                  (COURT IN RECESS)

13                  (TRANSCRIPT CONTINUED NEXT PAGE)

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1 JANUARY 28, 2016

9:00 A.M.

2  
3 (DEFENDANT RIDEN PRESENT)

4 (DEFENDANT HENDRIX PRESENT)

5 THE COURT: We talked last evening  
6 about the redactions. You want me to tell  
7 the jury that was redacted because it was  
8 hearsay, that anything that was in the videos  
9 that somebody else said that they're to  
10 disregard that. I thought that may be, would  
11 cover that.

12 I was going to also say that since  
13 this was Plan B as far as our redaction, that  
14 we were going to do it another way and that  
15 you were having to do it by stopping where  
16 we'd agreed to.

17 And that's the portion we're just  
18 going to -- how long is the portion we're  
19 going to show?

20 SOLICITOR JONES: It looks like it's  
21 a minute and ---

22 THE COURT: All right. I want to  
23 be able to tell the jury that so that they  
24 don't think we're suckering them into another  
25 thirty minutes or something.

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1 MS. HORLBECK: No, it's very  
2 short. Thank you, Judge. That's fine.

3 THE COURT: All right.

4 MS. HORLBECK: All of that sounds  
5 good.

6 THE COURT: All right. Is that  
7 okay with you, Mr. Warder?

8 MR. WARDER: It is, Your Honor.

9 THE COURT: Okay. Subject to all  
10 your previous objections about the video,  
11 State's Exhibits 2 and 4.

12 MS. HORLBECK: Yes, Your Honor.

13 THE COURT: Okay. Well what I'm  
14 going to do is I'll bring the jury in and  
15 I'll give them that instruction, then y'all  
16 can play the video. And then you'll be able  
17 to call your next witness; is that correct?

18 SOLICITOR JONES: That's correct,  
19 Your Honor.

20 THE COURT: All right. Bring them  
21 in.

22 (JURY IN @ 9:10 A.M.)

23 THE COURT: Good morning, ladies  
24 and gentlemen. I hope everybody had a  
25 pleasant evening. We're ready to continue

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1 with the trial.

2 All right. A couple of things about  
3 the video yesterday. During our break, one  
4 of the breaks yesterday morning, we were  
5 trying to come up with the technological way  
6 of redacting things, but that didn't -- we  
7 had to go to plan B. And that was why the  
8 Solicitor was up there having to stop and  
9 start the video. It was a lot of the  
10 editing. You've heard various objections as  
11 to hearsay. Anything that anybody else said  
12 is not admissible under certain  
13 circumstances.

14 There was one instance where it did  
15 not get edited. So I'm telling you that  
16 anything on the video where it was mentioned  
17 that 'someone else said', then you are to  
18 disregard that in your deliberations.

19 But also they realized after they  
20 got through there was a part that was  
21 supposed to be heard. I will tell you it was  
22 on about a minute, minute and a half. Both  
23 sides agreed that it was to be heard, but it  
24 just got skipped in the process. We need to  
25 hear that part, so that's what we're going to

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1 do first thing.

2 Any exceptions on that from the  
3 State?

4 SOLICITOR JONES: Nothing from the  
5 State?

6 THE COURT: Any exceptions from  
7 the defendants?

8 MS. HORLBECK: None, Your Honor.

9 MR. WARDER: No, Your Honor.

10 THE COURT: All right. So that's  
11 what we're going to start off and then we'll  
12 go into another witness after this very brief  
13 portion of the video.

14 So if y'all want to proceed with the  
15 video.

16 SOLICITOR JONES: Thank you, Your  
17 Honor.

18 (PORTION OF STATE'S EXHIBIT 4 PUBLISHED)

19 COURT REPORTER: This is State's  
20 Exhibit Number?

21 SOLICITOR JONES: I'm sorry, this is  
22 State's Exhibit Number 4.

23 COURT REPORTER: Thank you.

24 MS. HORLBECK: Judge, I really  
25 didn't hear it.



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1 THE COURT: Yeah. I had trouble hearing it as  
2 well.

3 SOLICITOR JONES: Yes, sir, Your  
4 Honor.

5 (PORTION OF STATE'S EXHIBIT 4 REPLAYED)

6 THE COURT: All right. Solicitor,  
7 you can call your next witness.

8 SOLICITOR JONES: Thank you, Your  
9 Honor. The State calls Ms. Christine  
10 Carlberg, please.

11 (WITNESS TAKES STAND)

12 CHRISTINE CARLBERG, having been duly  
13 sworn to tell the truth, and nothing but the  
14 truth, testified as follows:

15 DIRECT EXAMINATION

16 BY SOLICITOR JONES:

17 Q. Ms. Carlberg, tell the jury where  
18 you work, please, ma'am?

19 A. I am employed by the Greenville  
20 Department of Mental Health and I'm  
21 contracted to work at the Julie Valentine  
22 Center.

23 Q. And what do you do at the Julie  
24 Valentine Center?

25 A. I conduct interviews of children or

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1 sometimes delayed adults who have allegations  
2 of abuse.

3 Q. And describe a little bit what are  
4 your duties in that position?

5 A. I meet with children -- well,  
6 usually we first meet with -- a child is  
7 first referred to us, usually by law  
8 enforcement or DSS who have made an  
9 allegation of abuse. Then once they're  
10 scheduled, I usually meet with their  
11 caretaker or their DSS worker, whoever  
12 brought them in to just kind of to gather  
13 some background information about the case  
14 and about the child. And then I meet with  
15 the child. And then after that, that  
16 information is passed along to the detective  
17 who is investigating the case.

18 Q. Okay. Can you tell me some of your  
19 educational background, please, ma'am?

20 A. Yes. I have a Bachelor's of Science  
21 in Rehabilitation Services Education with a  
22 minor in Psychology from the Pennsylvania  
23 State University.

24 I have a Master's of Arts in Marriage and  
25 Family Therapy from the Reformed Theological

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1 Seminary in Jackson, Mississippi.

2 Q. Do you have any specialized training  
3 beyond that specific education?

4 A. Yes. I've been through two  
5 nationally-accepted programs for forensic  
6 interviewing. One, which was in -- which was  
7 called Corner House, which was in  
8 Minneapolis. And in which was called Finding  
9 Words in Mississippi. Then I've been through  
10 various conferences over the last fifteen  
11 years across the nation.

12 Q. And how long have you been in your  
13 current position?

14 A. Almost nine years.

15 Q. How long have you been in this  
16 particular field?

17 A. I've been working with children  
18 since 1998. I've been interviewing children  
19 for about fifteen and a half years.

20 Q. Would you be able to give an  
21 estimate of how many children you've  
22 interviewed for the purposes of child sexual  
23 abuse or just child abuse allegations?

24 A. I've interviewed two thousand eight  
25 hundred and twenty-six children.

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1 Q. How do you know that?

2 A. I keep track of how many children I  
3 see.

4 Q. Okay. Do you teach or train other  
5 counselors or students? Do you do any  
6 training or teaching?

7 A. I do. Whenever we have new hires or  
8 new forensic interviewers come on staff at my  
9 old children's advocacy center in Mississippi  
10 and this current one, I've helped to train  
11 them. I've also participated in Finding  
12 Words, which is a training program for  
13 forensic interviewers in Mississippi when  
14 they were learning how to be forensic  
15 interviewers.

16 Q. Have you ever been qualified as an  
17 expert before?

18 A. Yes, sir.

19 Q. How many times have you been  
20 qualified as an expert?

21 A. About twenty-five times.

22 Q. And what circumstance was it when  
23 you were qualified as an expert? What  
24 particular court or ---

25 A. I've been qualified in both criminal

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1 and family courts.

2 SOLICITOR JONES: Your Honor, at  
3 this time, I would request that Ms. Carlberg  
4 qualify as an expert in the field of child  
5 sexual abuse dynamics and disclosure.

6 THE COURT: All right. Any  
7 additional questions from ---

8 MS. HORLBECK: Just briefly,  
9 Judge.

10 VOIR DIRE CROSS-EXAMINATION

11 BY MS. HORLBECK:

12 Q. Ms. Carlberg, that's your name?

13 A. Yes.

14 Q. Sometimes I get names wrong so I  
15 just wanted to check with you. You said you  
16 are employed by the Department of Mental  
17 Health?

18 A. Yes, ma'am.

19 Q. And is that within South Carolina?

20 A. Yes, ma'am.

21 Q. Okay. All right. And you -- and  
22 I'm just going to kind of go over a little  
23 bit of your qualifications. You said them  
24 kind of fast. So sometimes I can't write  
25 them down fast enough. You said you had a BA

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1 in ---

2 A. A BS.

3 Q. A BS, okay. In what?

4 A. In`rehabilitation services education  
5 with a minor in psychology.

6 Q. Okay. All right. And are you --  
7 you are not a psychiatrist; are you?

8 A. No, ma'am.

9 Q. You're not a psychologist?

10 A. No, ma'am.

11 Q. All right. And so are you a ---

12 A. I'm a licensed professional  
13 counselor.

14 Q. Okay. All right. Do you -- you  
15 have your license in South Carolina?

16 A. No, ma'am.

17 Q. You don't? Where is your license?

18 A. In Mississippi.

19 Q. Okay. All right. And have you --  
20 how many hours of supervised clinical  
21 experience in the practice of professional  
22 counseling, how many hours have you  
23 completed?

24 A. Well, for my license I had -- it's  
25 been so long ago. I think I had to have two

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1       hundred hours of supervised -- a hundred of  
2       which could be group hours. I think that's  
3       right.

4               Q.    Okay. So you think it's two hundred  
5       hours?

6               A.    Of supervised.

7               Q.    Okay?

8               A.    Yes.

9               Q.    All right. And do you know what  
10       period of time you performed those hours,  
11       those two hundred hours?

12              A.    I graduated in August of 1998 and  
13       I got my license in 2001 or -- yeah, 2001.  
14       So between those years is when I was being  
15       supervised for my license.

16              Q.    Okay.

17              A.    Now, I've always had a supervisor at  
18       work.

19              Q.    Okay. All right.

20              MS. HORLBECK:       I don't have any  
21       further questions but I would like to be  
22       heard on the -- I don't know if Mr. Warder  
23       has any.

24              THE COURT:       Right.

25              Any questions, Mr. Warder?

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1 VOIR DIRE CROSS-EXAMINATION

2 BY MR. WARDER;

3 Q. Have you been published? Have you  
4 written articles?

5 A. No, sir.

6 Q. Have you written any peer-reviewed  
7 articles?

8 A. No, sir.

9 Q. And you said you had two hundred  
10 hours. I guess that would be about five  
11 forty-hour weeks; is that right?

12 A. Yeah. It's about two years of  
13 supervision.

14 Q. Okay. And you're an expert in what  
15 field? What's the exact field that you  
16 purport to be an expert in?

17 A. Child abuse dynamics.

18 Q. Child abuse dynamics?

19 A. Yes, sir.

20 Q. Do you have any courses entitled  
21 that or any -- how do you come to be  
22 recognized in child abuse dynamics?

23 A. Well, the trainings that I've been  
24 through for interviewing, plus all the other  
25 trainings that I've been through throughout



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1       these fifteen years have taught me about the  
2       different dynamics that come along with child  
3       abuse.

4               Q.    Okay.  So you've just taken your  
5       experience and you've kind of decided what  
6       was, what the dynamics were.

7               A.    Well, I didn't take them as what  
8       they were because -- they were taught to me  
9       about what child abuse dynamics were.

10              Q.    Okay.  So other people told you what  
11       child abuse dynamics were and then you  
12       listened to them; is that what ---

13              A.    Yes.

14              Q.    And this wasn't a part of a regular  
15       classroom or educational program?

16              A.    Well, it was education when I  
17       attended several conferences to further my  
18       knowledge for my job.

19              Q.    Well, when you go to a conference,  
20       those conferences are just -- you go listen  
21       to a lecture where somebody else gives  
22       opinions and stuff; is that right?

23              A.    Or they're talking about the current  
24       research that has occurred.

25              Q.    Well, have you been involved in the

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1 current research?

2 A. No, sir.

3 Q. So you haven't -- you don't run  
4 experiments or collected data, you just  
5 listen to other people tell about it?

6 A. And read about it, yes, sir.

7 Q. Did somebody give you a particular  
8 program to read books and articles in or you  
9 just kind of find the ones you want to read  
10 and read them?

11 A. Well, the conferences that I go to  
12 tell us what the current literature is and  
13 the current research that's going on.

14 Q. Okay. So other people tell you  
15 about the current research and stuff. You  
16 don't actually read it?

17 A. Well, I read it; yes, sir.

18 Q. Do they give you books and stuff to  
19 read it in?

20 A. Or articles.

21 Q. Somebody Xeroxes an article and  
22 passes it out; is that what we're talking  
23 about?

24 A. Sometimes, yes, sir.

25 MR. WARDER: Thank you.

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1 THE COURT: All right. Any  
2 further questions from the defendants and --  
3 your position is whether -- you move to  
4 qualify her as an expert in child abuse  
5 dynamics?

6 SOLICITOR JONES: Yes, Your Honor.

7 MS. HORLBECK: I don't have any  
8 further questions, Judge. I would say that  
9 she's not qualified. But I'd also -- I'm  
10 also concerned. She doesn't seem to be  
11 licensed in South Carolina. And I think  
12 there's a minimum of two thousand hours of  
13 supervised clinical experience in the  
14 practice of professional counseling that have  
15 to be picked up, performed over a minimum  
16 two-year period in South Carolina. So I  
17 don't think that she qualifies.

18 THE COURT: All right.

19 MR. WARDER: Your Honor, I have  
20 serious questions about whether this is a  
21 field that expert witnesses can testify in.

22 THE COURT: Well, I think -- I  
23 mean, under *State v. Brown* I think that's  
24 been cleared, they've cleared that hurdle as  
25 appropriate expertise. I understand. I

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1 think that if you can go into some more  
2 detail on that.

3 And I think that based on what her  
4 training and -- I mean, whether she's  
5 licensed or not is not necessarily a  
6 requirement for her serving as an expert.  
7 But I'm going to find that she can qualify as  
8 an expert in the field of child abuse  
9 dynamics and y'all can ask her additional  
10 questions on cross-examination.

11 Ladies and gentlemen, let me -- this  
12 is kind of like I told you yesterday.  
13 Normally, a person, a layperson cannot give  
14 opinion testimony. And because they have to  
15 testify on stuff that they observed, they  
16 saw, they smelled, stuff like that, in direct  
17 testimony. However, there is an exception  
18 when someone qualifies as an expert. They  
19 can give opinion in certain fields in which  
20 they're qualified as an expert based on their  
21 experience and their education. And in this  
22 field, this witness has been qualified as an  
23 expert in child abuse dynamics.

24 Now, as I told you yesterday, this  
25 is like any other evidence that you'll be

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1 hearing. It's still up to you to determine  
2 what weight that you need to give it when you  
3 begin your deliberations.

4 With that, Mr. Jones, you can  
5 continue.

6 SOLICITOR JONES: Thank you, Your  
7 Honor. Briefly, to address a few of those  
8 things Ms. Horlbeck and Mr. Warder brought  
9 up.

10 DIRECT EXAMINATION CONTINUED

11 BY SOLICITOR JONES:

12 Q. I believe you responded as to your  
13 training. To get a certain level of training  
14 or get a certificate you had to go through  
15 two hundred hours of supervised ---

16 A. Yeah. I think I misspoke about  
17 that. I was thinking the actual number of  
18 hours that I had of supervision. I had two  
19 years of clinical work, of forty hours a week  
20 of work. So that probably equals that two  
21 thousand hours of actual work that was  
22 supervised.

23 Q. Since then in your fifteen years  
24 experience, you testified you keep track of  
25 how many forensic interviews you've

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1 conducted. And you've done what? What was  
2 the number?

3 A. Two thousand eight hundred twenty-  
4 six (2,826).

5 Q. So how many hours would that be  
6 then?

7 A. Each one of those probably takes two  
8 to three hours of actual face-to-face time  
9 with the caregiver plus the child. And then  
10 additional phone calls and paperwork in-house  
11 that goes along with it.

12 Q. And, again, you've testified you've  
13 been qualified as an expert before?

14 A. Yes, sir.

15 Q. How is your current position funded?

16 A. I am a salaried State employee.

17 Q. So is your salary contingent upon  
18 what you say here today?

19 A. No, sir.

20 Q. Have you had any contact with the  
21 victims in this case, Minor 3 , Minor 1  
22 or Minor 2 ?

23 A. No, sir.

24 Q. Have you seen any videos or read any  
25 statements attributed to those three

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1 children?

2 A. No, sir.

3 Q. Tell the jury what delayed  
4 disclosure?

5 A. Delayed disclosure is exactly what  
6 it sounds like. It's a delay from the time  
7 an incident occurs until the child actually  
8 tells about it. And that could be a matter  
9 of hours. It could be tens of years down the  
10 road before someone decides to talk about  
11 what might have happened to them.

12 Q. How common is delayed disclosure in  
13 child abuse or child sex abuse cases?

14 A. Delayed disclosure is very common.  
15 There has been some, like surveys taken or  
16 some research done with adults. And only a  
17 third of them said that they disclosed when  
18 they were ---

19 MS. HORLBECK: I would object to  
20 any research regarding adults, Judge.

21 THE COURT: I think it's  
22 appropriate because -- I'm going to allow it.

23 DIRECT EXAMINATION CONTINUED

24 BY SOLICITOR JONES:

25 Q. Go ahead.

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1           A.   Only a third of those adults said  
2           that they disclosed during their childhood.  
3           So a delay in time is very common.

4           Q.   Are there any statistics that you  
5           area aware of as to the rate at which abused  
6           children delay disclosure?

7           A.   I'm not sure that a -- I'm sorry.  
8           Can you repeat that question?

9           Q.   Are you aware of any statistics  
10          regarding the frequency that abused children  
11          delay disclosure?

12          A.   A lot of times ---

13               MR. WARDER:   Your Honor, I object  
14               to what literature says or -- it's hearsay to  
15               begin with, the testimony. And if you don't  
16               participate somehow in the experiments that  
17               the literature gives, you have no knowledge  
18               for the basis of which the expert's basing  
19               its opinion.

20               THE COURT:    I mean, you can ask  
21               about her literature that she's reviewed, but  
22               I think that's proper under her being  
23               qualified as an expert.

24                       DIRECT EXAMINATION CONTINUED

25                       BY SOLICITOR JONES:



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1 Q. Ms. Carlberg, go on about the  
2 literature in sex abuse cases.

3 A. A majority of children at first  
4 might deny that something has happened to  
5 them. There's about like over seventy  
6 percent of children actually first deny, even  
7 when they are asked if something has happened  
8 to them. But then a majority of those  
9 children will actually go on to say what had  
10 occurred.

11 Q. Are you aware of any reason why  
12 victims of child abuse would delay  
13 disclosure?

14 A. Well, each child is different and so  
15 each child might have their own reason for  
16 not talking about what happened.

17 A very common reason is that children are  
18 -- the majority of children are abused by  
19 someone that they know. It can be a family  
20 member. It could be a close family friend.  
21 It could be someone in their community that  
22 they're close to, a teacher, a pastor or a  
23 coach. So they usually have a very close,  
24 loving, trusting relationship with that  
25 person. And they don't want to get that

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1 person in trouble. They don't want to tell  
2 about what happened.

3 Kids also -- like, as adults, we look at  
4 it like oh, something inappropriate might be  
5 happening or something bad might be  
6 happening. And so we think -- well, kids  
7 won't want to have any contact with that  
8 person or will be afraid or be fearful. But  
9 kids aren't often like that. They can kind  
10 of know that this thing is going on that they  
11 don't like, but there's a lot of positives  
12 still with that person. So they do have that  
13 loyalty to that person and might not want to  
14 tell about what happened.

15 Other reasons they might delay disclosure  
16 is a lot of times when kids are abused they  
17 think that they did something wrong, that  
18 they're at fault, that they caused this this  
19 to happen. So they don't want to tell and  
20 get themselves in trouble.

21 Kids who have an understanding of what  
22 happened, like if they have been sexually  
23 abused and they understand that that was kind  
24 of an inappropriate touch, they might feel  
25 embarrassment or shame and they don't want to

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1 talk about it then.

2 Another reason is kids might think that  
3 they're not going to be believed or they  
4 won't be protected if they tell.

5 Younger kids might not even know that  
6 something wrong happened. If no one ever  
7 taught them what inappropriate versus  
8 appropriate touches are, they just might not  
9 understand that there's something there to  
10 tell.

11 Q. And you mention the perpetrator or  
12 the person that did the abusing might be  
13 someone they're close with.

14 A. Right.

15 Q. Can you elaborate on that, how that  
16 would affect whether the child disclosed?

17 A. Well, like I said, usually the  
18 majority of children are abused by someone  
19 that they know and trust. So they usually  
20 have a great sense of loyalty to that person.

21 Say, for example, if someone in their  
22 family they might understand 'well, if daddy  
23 leaves mommy's not going to be able to pay  
24 the bills and we would lose our house' or  
25 whatever it is. And there is that loyalty,

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1       there is that trust there that they feel very  
2       protective of that person.

3               Q.   And then you mentioned loyalty and  
4       trust. Is there another feeling that the  
5       child might have for someone, a family member  
6       that would prevent them from disclosing?

7               A.   I think just love and that close  
8       relationship that they normally would have.

9               Q.   What's meant by the process of  
10      disclosure?

11              A.   Disclosure usually isn't just a one-  
12      time event. A child or not even an adult  
13      doesn't just sit down and disclose everything  
14      that's happened to them. It's usually over a  
15      process or over a period of time.

16              And like I said, a lot of kids initially  
17      start with denial. There might be some kind  
18      of thought there or suspicion that this kid's  
19      been abused and someone might ask them. And  
20      they might just first deny that the abuse  
21      happened.

22              Then they might move into what's called a  
23      tentative stage of disclosure. And that's  
24      characterized by children, like kind of  
25      piecemeal talking about something that

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1       happened. They might say well, I think it  
2       happened or maybe it happened or it happened  
3       to my friend. Or they might be able to talk  
4       about like maybe the physical abuse part of  
5       versus the sexual abuse part of it. Or they  
6       might minimize what happened. Like it  
7       happened one time when in reality it happened  
8       multiple times. So they're using just kind  
9       of this tentative language when they're first  
10      talking about it. And that's mainly just  
11      kind of to test the waters a little bit.  
12      Like if they're telling somebody is that  
13      person going to believe them? Is that person  
14      going to protect them? So they're just kind  
15      of like, kind of feeling how it's going to  
16      go.

17             And then a lot of those children move  
18      from that tentative stage into an active  
19      stage of disclosure. During that active  
20      stage of disclosure, that's when they're  
21      giving you the who, the what, the where, the  
22      how, depending on their age kind of a when  
23      and how it happened. They're also giving you  
24      a lot of sensory details, how did things  
25      taste? How did they feel? How did they

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1       smell? And then they're giving you what's  
2       called contextual details, too, like were  
3       their clothes on or off or were they standing  
4       or sitting? Were there other people in the  
5       house when it happened? So they're just kind  
6       of giving you all the details that might have  
7       occurred during their incidents.

8               Then some kids move from that into a  
9       recantation phase, which they might start to  
10      take back what happened. And that's mainly  
11      because there are consequences for what  
12      happened to them. Maybe they got removed  
13      from the home. Maybe their siblings got  
14      removed or they didn't realize they were  
15      going to have to talk to law enforcement or  
16      talk to the department of social services or  
17      have a medical exam or come to court or  
18      whatever it is. So some kids move into just  
19      that stage where they might be taking it  
20      back.

21              But a lot of those kids who move into  
22      that stage eventually come back to the active  
23      stage where they're retelling about what  
24      happened.

25              Q. And is that process the same for all

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1 children who are sexually abused or abused?

2 A. No, not all children. Some kids  
3 just go right into what happened. Some kids  
4 never recant. Some kids deny their whole  
5 lives that anything has happened to them.  
6 So, no, it's not the same for every child.

7 Q. Why would a child recant, even if  
8 they were actually abused?

9 A. Well, like I said there are -- of  
10 course, every child's going to have their own  
11 reason for that.

12 But, again, just sometimes there's  
13 consequences.

14 Sometimes that person that they love or  
15 that person who offended against them goes to  
16 jail. Sometimes they're removed from the  
17 home. Sometimes they're placed not just with  
18 another family member but in foster care.  
19 Sometimes they're the ones that are removed  
20 and their siblings stay at home some they  
21 start to worry that. 'well, maybe something's  
22 going to start happening to my siblings.'

23 And then, again, they just didn't realize  
24 things were going to go so far. I didn't  
25 realize I was going to have to talk to police

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1 or go to court or all these other things that  
2 sometimes come along with making an  
3 allegation.

4 Q. Can you tell the jury about  
5 grooming?

6 A. Grooming is a process that an  
7 offender or alleged perpetrator uses to kind  
8 of get that trust of a child. Like I said,  
9 it's usually someone that the child knows.  
10 So a lot of times, they have that loyalty.  
11 But they also want to just gain that trust of  
12 the child because they don't want the child  
13 to tell. So they do what they can to keep  
14 that relationship with that child.

15 Grooming can look like a lot of things.  
16 It can be gift-giving. It can just be  
17 special privileges, like you gets to stay up  
18 later than everyone else. Or just talking to  
19 them about sexual things or whatever's going  
20 on. So it can look like a lot of things.

21 Q. Why would talking to the children  
22 about sexual things be considered grooming?

23 A. Sometimes talking about it, some-  
24 times having sexual relationships with other  
25 people in front of children is a form of



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1 grooming because they're just trying to get  
2 those kids normalized to that behavior. Like  
3 this is what people do. This is regular.  
4 It's nothing that we need to tell about.  
5 This is just what happens in families. So  
6 it's just kind of getting that normalized  
7 behavior and those thoughts going on in the  
8 child.

9 Q. Is there anything else that would  
10 normalize sex in front of children besides  
11 talking with them or having sex in front of  
12 the children?

13 A. Maybe showing pornography or  
14 something like that. Just, you know, just  
15 getting that kind of sexual environment out  
16 there.

17 Q. Are there any factors that you're  
18 aware of that would make children more  
19 vulnerable to child abuse?

20 A. Some of the things that make  
21 children more vulnerable to abuse is if fear  
22 is one form of maltreatment going on in the  
23 home, such as some kind of neglect or  
24 domestic violence or drug use, educational  
25 neglect, abuse to animals. If one of those

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1 kinds of victimization is happening, there is  
2 a higher risk that another form is going on,  
3 Like if one of those things is happening,  
4 there's a higher risk that physical or sexual  
5 abuse is happening. So when there is one  
6 form of maltreatment, it puts the child at  
7 higher risk for other forms of maltreatment.

8 Also, what can put a child at risk is a  
9 child that's living in the -- like has a  
10 single parent. If that single parent has a  
11 partner in the home, that child is more at  
12 risk to be sexually abused.

13 Q. Is there any other aspect of being a  
14 single parent that -- you mentioned being a  
15 single parent and having a partner living in  
16 the home?

17 A. Uh-huh.

18 Q. Is there any other aspect of being a  
19 single parent that would make the children  
20 more vulnerable to abuse?

21 A. They're just more vulnerable to  
22 abuse if they're not living with the  
23 biological parents or if the parents like  
24 have partner after partner come in. That  
25 might put them more at risk.

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1 Q. And, again, are you aware of any --  
2 what about parents who leave children with  
3 third parties. Are you aware how that  
4 affects the possibility of abuse?

5 A. Well, I mean, again, it just -- I  
6 think it depends on -- obviously, the parent  
7 would have to know who they're leaving their  
8 child with. If they're just leaving them  
9 with strangers or if they're leaving them  
10 with people that -- let's say, for example,  
11 they're involved in just a drug scene or  
12 another kind of scene, and they're leaving  
13 their children with other people who are  
14 involved in that same type of thing, that  
15 does put the child more at-risk.

16 Q. Are you aware of any -- how more  
17 likely is it for a child to be abused if they  
18 have a single parent with a live-in partner?  
19 Any statistic for that?

20 MS. HORLBECK: Your Honor, I'm  
21 going to object. I'm going to object to  
22 those. It's purely speculation.

23 THE COURT: I'm going to sustain  
24 that.

25 SOLICITOR JONES: Well, Your Honor,

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1 I believe there is actual literature or  
2 studies that point to a number of how more  
3 likely a ---

4 THE COURT: All right. I think  
5 she's testified to some extent of that. I'm  
6 going to sustain the objection.

7 SOLICITOR JONES: Yes, sir. Your  
8 Honor.

9 DIRECT EXAMINATION CONTINUED

10 BY SOLICITOR JONES:

11 Q. Can you talk to the jury a little  
12 bit about evidence of coaching and what  
13 someone in your role would look to for  
14 evidence of coaching and what is coaching?

15 A. Well, coaching is you're telling a  
16 child or another person what to say. So you  
17 might be telling them whatever you want,  
18 whatever allegation you wanted them to make.

19 What we look for -- what can you look for  
20 is a lot of times children are just asked  
21 'did anybody tell you what to say today?' Or  
22 you know, you might say, 'well, what does  
23 mommy say about daddy or what does daddy say  
24 about mommy or what were you told to -- what  
25 did people to say to you' if they're like on

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1       their way to part of their investigation.

2               Q.   In your experience do children tell  
3       the interviewer if someone told them what to  
4       say?

5               A.   Yes.  In my experience I have had  
6       children say that so-and-so told them what to  
7       say today.  But we have to -- one of the  
8       things we have to remember is if you have  
9       been to a Christmas pageant or a child's  
10      play, it's very hard for kids to keep up  
11      their lines.

12              And it's very hard to keep up a lie in  
13      such great detail.  And in order to keep up a  
14      lie, a detail not just one time but over a  
15      period of time, you kind of have to take the  
16      perspective of the other person.  Like I have  
17      to know what you want from me, to order to  
18      convince him to lie about something.

19              I also have to know the subject matter  
20      that I'm lying about.  Like, for example, I  
21      could sit here all day long and tell you that  
22      I'm an attorney or I went to law school.  But  
23      as soon as an attorney starts to question me,  
24      they're going to learn pretty fast that I  
25      don't have any idea what I'm talking about.

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1 So you have to know what you're talking about  
2 in order to convincible lie,

3 And so when you're looking at a child's  
4 statement or you're looking for evidence for  
5 coaching, you want to look at, is that child  
6 being consistent over time?

7 Are there core details like who did it?  
8 What happened? Where it happened? Are those  
9 the same when DSS talked to them, law  
10 enforcement talked to them?

11 If they had a medical exam, are those  
12 things consistent.

13 You also want to look at can they give  
14 you those details that we had talked about  
15 before. Like can they give you how things  
16 tasted? How things felt? How things  
17 smelled? How clothes were, all those kinds  
18 of details.

19 It would be very hard for someone  
20 coaching a child to give them all that kind  
21 of information that a child can repeat during  
22 that investigation process.

23 Q. And just briefly, can you go over  
24 how you can tie the -- when you're looking  
25 for coaching, you try to look for -- to

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1       ensure that there are core details that are  
2       similar or remain consistent.

3             Can you tie that back to what we talk  
4       about with delayed disclosure or the process  
5       of disclosure as a child is tentative at  
6       first and then goes to a more accurate stage.  
7       Does that question make sense? I know it's  
8       kind of elaborate.

9             A. Usually those core kind of details,  
10       who did it. What happened? Maybe where it  
11       happened? Maybe some time of when it  
12       happened or how it happened, those kind of  
13       core details will stay the same. The other  
14       kind of details how clothes were, maybe some  
15       statements made, those things might cannot as  
16       the process of disclosure go along or get  
17       into the active stage, they might start to  
18       tell me more about those things.

19            Q. And could the severity of the abuse  
20       change because of the process of disclosure  
21       but still be core and consistent?

22            A. Yeah. They might ---

23                   MS. HORLBECK: I think that's  
24       asking for an ultimate conclusion, which is  
25       the jury's responsibility.

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1 THE COURT: Yeah. That's getting  
2 kind of -- I'm going to sustain the  
3 objection.

4 SOLICITOR JONES: Yes, sir, Your  
5 Honor.

6 DIRECT EXAMINATION CONTINUED

7 BY SOLICITOR JONES:

8 Q. Back to the -- as to evidence of  
9 coaching, you look for the core and  
10 consistent details. Is there anything about  
11 a victims' age and their ability that you  
12 look for during a forensic interview?

13 Their ability to articulate certain  
14 things, how does that effect evidence of  
15 coaching or what you do during a forensic  
16 interview?

17 A. Well, the younger a child is the  
18 less detail you are expecting to get. Like  
19 when a three-year-old is interviewed, you can  
20 expect them to give who did it and what  
21 happened. A lot of those other kind of  
22 details that you're looking for, a really  
23 young child usually can't give.

24 But as the child gets older and older,  
25 they're able to give you more of those



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1 details. They're able to give you more of  
2 the how things happened, some type of when  
3 things happened.

4 So, yeah, the details that a child can  
5 give usually increases as they age.

6 Q. What are some things that, say a  
7 six- or seven-year-old would not be able to  
8 accurately discuss in a forensic interview?

9 MS. HORLBECK: And Judge, I'm  
10 going to object to that. I think that's  
11 speculative.

12 THE COURT: If you'll repeat the  
13 question.

14 SOLICITOR JONES: Some things that a  
15 child would not be able to accurately discuss  
16 during an interview?

17 THE COURT: I think that's okay.  
18 Overruled.

19 DIRECT EXAMINATION CONTINUED

20 BY SOLICITOR JONES:

21 Q. Go ahead.

22 A. A six- and seven-year-old would  
23 still have a hard time with when something  
24 happened. They might be able to tell you  
25 like it happened one time or more than one

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1 time. But exact when of how it happened, is  
2 difficult for a six or seven-year-old.

3 Q. And can you discuss a little further  
4 what you mean by core and contextual details  
5 in relation to what a child would say versus  
6 what we would expect an adult?

7 MS. HORLBECK: That's asked and  
8 answered, Judge.

9 THE COURT: Yeah. I think you  
10 need to move along.

11 SOLICITOR JONES: Yes, sir, Your  
12 Honor.

13 DIRECT EXAMINATION CONTNUED

14 BY SOLICITOR JONES:

15 Q. Is there anything as to the, the  
16 length or the type of questions that you ask  
17 a child that would help the forensic  
18 interviewer detect any type of coaching?

19 MS. HORLBECK: I'm going to  
20 object to that, Judge. I think that's  
21 speculative. I don't see how she would be  
22 able to answer that without being the person  
23 that interviewed the children.

24 THE COURT: I mean, if she's got  
25 some basis for that, I'll allow it.

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1 DIRECT EXAMINATION CONTINUED

2 BY SOLICITOR JONES:

3 Q Is there anything specifically as to  
4 how forensic interviews are conducted that  
5 would help the forensic interviewer detect  
6 coaching?

7 A. Well, like I said, a lot of time  
8 kids are just asked 'what did they tell you  
9 about coming here today?' Or what does -- or  
10 'what did mom say about coming her today' or  
11 'what did dad say about coming here today.'  
12 Or does anybody -- 'did anyone tell you to  
13 say those things?'

14 A lot of times you want to ask kids like  
15 how do they know something. How did they  
16 know it happened? Did they see it or did  
17 someone tell them about it. You can ask --  
18 that's called source monitoring. How do they  
19 know the source of their information?

20 SOLICITOR JONES: No further  
21 questions, Your Honor.

22 THE COURT: Ms. Horlbeck.

23 CROSS-EXAMINATION

24 BY MS. HORLBECK:

25 Q. Ms. Carlberg, you've testified a lot

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1 about delayed disclosure. That's actually, I  
2 guess, a characteristic that Ronald Summit  
3 came up with; correct?

4 A. Summit talked about -- he did talk  
5 about delayed disclosure. So did Sorenson  
6 study talked it.

7 Q. Okay. And you're aware that Ronald  
8 Summit wrote his paper that included, talked  
9 about delayed disclosure, none of that was  
10 scrutinized by scientific method; was it?

11 A. What he said it's not a diagnostic  
12 tool.

13 Q. Right?

14 A. That's correct.

15 Q. So none of it -- you and I are  
16 saying the same things. None of what he  
17 said, including delayed disclosure, has  
18 actually been scrutinized by the scientific  
19 method; has it?

20 A. Well, Brock did some studies on  
21 Summit's -- because that's something they  
22 talked about. So they did do some scientific  
23 studies on this.

24 Q. Let me back you up, though. I'm  
25 just talking about Ronald Summit. In coming

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1 up with delayed disclosure he did not expose  
2 delayed disclosure to any sort of scientific  
3 analysis; did he?

4 A. I think that can come with his  
5 experience.

6 Q. And you've got a BS correct, a  
7 bachelor of science?

8 A. Yes, ma'am.

9 Q. So you know what the scientific  
10 method is; don't you?

11 A. Yes, ma'am.

12 Q. You know it includes defining the  
13 question, gathering information and  
14 resources; isn't that correct?

15 A. Yes, ma'am.

16 Q. Forming a hypothesis?

17 A. Yes, ma'am.

18 Q. Performing experiments and collect-  
19 ing data?

20 A. Yes, ma'am.

21 Q. All right. Analyzing that data,  
22 interpreting and publishing results; isn't  
23 that correct?

24 A. Yes, ma'am.

25 Q. And Ronald Summit did not do any of

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1       that when he came up with delayed disclosure.

2           A.   He also said that it wasn't a ---

3           Q.   That's right.  You and I are saying  
4       the same thing.  It is not a diagnostic tool.

5           A.   It's not a diagnostic tool.

6           Q.   All right.  So it's not a tool that  
7       we can use to diagnose that anybody's been  
8       abused, is it?

9           A.   No.  No, ma'am.

10          Q.   Okay.  All right.  I just wanted to  
11       clear that up.  So it's only a theory.  It's  
12       something -- you cannot use it for diagnosis?

13          A.   Right.

14          Q.   Are you aware that there's a 1996  
15       study conducted by Bradley and Wood that said  
16       that "at present research findings regarding  
17       disclosure of sexual abuse are scanty and  
18       inconsistent."  Are you aware of that study?

19          A.   That said what?

20          Q.   That said at present research  
21       findings regarding disclosure of sexual abuse  
22       are scanty and inconsistent?

23          A.   From 1996?

24          Q.   Yes.

25               SOLICITOR JONES:  Your Honor, I

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1 would object and ask that she be given the  
2 opportunity to read that study if she's going  
3 to be -- Ms. Horlbeck's ---

4 MS. HORLBECK: Judge ---

5 THE COURT: She's just been ask if  
6 she's aware of the study. Overruled.

7 CROSS-EXAMINATION CONTINUED

8 BY MS. HORLBECK:

9 A. I'm not sure that I read that study,  
10 no, ma'am.

11 Q. Okay. All right. So you don't know  
12 anything about that study? All right. And  
13 you're supposed to be the expert in this;  
14 correct?

15 A. Yes, ma'am.

16 Q. Okay. All right. Are you aware of  
17 a study or a compilation by Kamila London  
18 regarding disclosure? It's called *Disclosure*  
19 *of Child Abuse*. What does the research tell  
20 us about the ways that children tell?

21 A. Yes, ma'am.

22 Q. All right. And he looked at a  
23 number of studies; didn't he?

24 A. Yes, ma'am.

25 Q. And when he surveyed those studies

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1 the actual rates of disclosure ranged from  
2 thirty-one percent to eighty-seven percent;  
3 didn't they?

4 A. Yes.

5 Q. All right. And a lot of these  
6 studies have different ages that the  
7 disclosure can occur at; isn't that true?

8 A. Disclosure can occur at any age.

9 Q. And some of these studies use  
10 completely different definitions of abuse.  
11 Some of these studies use broad definitions,  
12 some of the studies use very narrow  
13 definitions; isn't that correct?

14 A. Yes.

15 Q. Okay. And you talked about a study,  
16 about a third of adult, that only a third of  
17 adults disclose. That study was performed on  
18 adults; wasn't it, ma'am?

19 A. Well, they were asking if they  
20 disclosed as children.

21 Q. The study was performed on adults;  
22 correct?

23 A. Yes, ma'am.

24 Q. The questions were asked to adults  
25 not children?



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1 A. Yes, ma'am.

2 Q. We're talking about children in this  
3 case not adults.

4 A. Well, that was in response to a  
5 delayed disclosure. So they were proving  
6 that they delayed their disclosure.

7 Q. Ma'am, you say they're proving they  
8 were delaying the disclosure. Do you know  
9 anything about the rates, the conviction  
10 rates in these cases?

11 Do you know how many of these adults --  
12 do you know how many of the perpetrators were  
13 actually convicted?

14 A. I'm not sure what their disclosure  
15 has to do with their conviction rates.

16 Q. I'm saying how many of those cases  
17 that we're talking about, how many cases were  
18 cases of actual abuse?

19 Do you even know that when you testify  
20 that thirty percent of adults don't even  
21 disclose until adulthood?

22 A. I'm sorry. If they have been  
23 actually abused or not?

24 Q. Yes, do you know?

25 A. No, I don't know that.

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1 Q. Okay. All right. And, again, back  
2 to my question, the questioned study was  
3 performed on adults; correct?

4 A. Yes. For delayed disclosure.

5 Q. All right. The people in this case  
6 are children?

7 A. Yes.

8 Q. All right. And you don't have any  
9 statistics about that. Your statistics are  
10 about adults?

11 A. Well, that study that I cited, the  
12 Sorenson and Smith study, they did talk about  
13 children.

14 There's been also studies of children who  
15 have known to have been sexually abused, such  
16 as they've been diagnosed with a sexually  
17 transmitted infection, who had a delayed or  
18 completely denied being abused.

19 So there are a lot of -- there are  
20 several studies that are dealing with just  
21 children.

22 Q. Okay. But you told us about a study  
23 where only a third of adults disclosed;  
24 correct?

25 A. Yes, ma'am.

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1 Q. All right. That's the study you  
2 brought us today; correct? That's the  
3 statistic you just brought us when you  
4 testified on direct?

5 A. For delayed disclosure, yes.

6 Q. Okay. And that study -- let me back  
7 you up again. That study was performed on  
8 adults; wasn't it?

9 A. Yes, ma'am.

10 Q. Not children?

11 A. Yes, ma'am.

12 Q. Okay. Do you even know the number  
13 of adults that were surveyed?

14 A. I do not off the top of my head.

15 Q. And you don't know the conviction  
16 rate in the cases of those adults who were  
17 surveyed; do you?

18 A. Well, now, a lot of times people  
19 disclose that aren't -- that they're ---

20 Q. But you don't know the rates? Do  
21 you know the statistic? Do you know how many  
22 ---

23 A. They're just asking if people have  
24 been abused and if they disclosed as  
25 children?

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1 Q. But do you know how many of those  
2 cases where the adults waited until they were  
3 adults to disclose, how many of those cases  
4 were cases of actual abuse; do you know?

5 A. I don't know.

6 Q. Okay. You're not licensed in South  
7 Carolina; is that right?

8 A. Right, ma'am.

9 Q. And you said that you thought you  
10 had worked forty hours or performed forty  
11 hours a week for approximately a two-year  
12 period; is that right?

13 A. In that licensure period.

14 Q. You said you thought that would  
15 equal two thousand hours?

16 A. Yes.

17 Q. Do you have documentation?

18 A. I do.

19 Q. Do you have it with you?

20 A. No, I don't.

21 Q. Okay. All right. So no documenta-  
22 tion with you today about those hours. And  
23 in this case you haven't talked to the  
24 children, have you?

25 A. No, ma'am.

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1 Q. And you haven't talked to my client  
2 Ms. Riden; have you?

3 A. No ma'am.

4 Q. And you haven't talked to Mr.  
5 Hendrix?

6 A. No, ma'am.

7 Q. So you don't even know if coaching  
8 or delayed disclosure or -- what was the  
9 other one you listed -- grooming even  
10 happened in this case?

11 A. No, ma'am.

12 Q. Thank you.

13 MS. HORLBECK: I've got no  
14 further questions.

15 THE COURT: Mr. Warder.

16 CROSS-EXAMINATION

17 BY MR. WARDER:

18 Q. You haven't talked to our clients  
19 but you have talked about the facts in this  
20 particular case; haven't you?

21 A. Not any details about the facts of  
22 the case.

23 Q. You and the Solicitor -- you talked  
24 to him in the hall yesterday; didn't you?  
25 Right out here?

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1           A.    I talked to the Solicitor, yes.

2           Q.    About the facts of this case?

3           A.    No, sir.

4           Q.    You told us that coaching can occur.

5           You have seen cases that coaching has

6           occurred in?

7           A.    Yes, sir.

8           Q.    And you said it'd be hard to keep up

9           with over a long time?

10          A.    Yes, sir.

11          Q.    But it could be kept up twice;

12          couldn't it, on two occasions?

13          A.    I don't think -- well, depending --

14          I mean, if it's a young child, no, I don't

15          think with all the details, a consistent

16          detail, no.

17          Q.    If before the child went in to view

18          the anatomical correct dolls, if somebody

19          took Barbie dolls and showed them what they

20          were going to be asked and what the question

21          should be, would that be a form of coaching?

22          A.    Well, I don't -- first of all, I

23          don't know what questions were asked. And

24          Barbie dolls are not like anatomical dolls.

25          Q.    Well, could you show people what you

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1 wanted them to say by an anatomical doll, a  
2 doll that didn't have a mouth or a genitalia.  
3 And say 'this is what happened, go tell them  
4 about what happened'?

5 A. Well, I don't think a person who's  
6 coaching them is going to ask the same kind  
7 of questions or in the same way that is going  
8 to happen during an interview.

9 Q. So if you knew that the children had  
10 just been instructed on what to say with  
11 Barbie dolls, you wouldn't think that was a  
12 form of coaching; is that right?

13 A. No, I think it would be a form of  
14 coaching but dolls in an interview are not  
15 brought out until there's been a full verbal  
16 disclosure.

17 Q. How about if somebody was  
18 experienced enough to know that the dolls  
19 were going to be and so they coached the  
20 children before.

21 A. Well, dolls aren't used in every  
22 interview, so ---

23 Q. Was that the question I asked? How  
24 about if in this particular case somebody did  
25 that? Would that be a form of coaching if

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1 before the interview they took the Barbie  
2 dolls out and said, 'This is what happened to  
3 you. This is what's going to be asked  
4 about?'

5 A. Yes. If someone such suggestive  
6 questions or suggestive information, saying  
7 show this, then, yes, that would be -- if  
8 someone actually said 'show this', that  
9 happened or show this particular thing.

10 Q. Can you think of why somebody might  
11 take Barbie dolls and demonstrate if it  
12 wasn't to show them what happened?

13 SOLICITOR JONES: Objection, Your  
14 Honor. That's not in her field of expertise.  
15 That's speculation.

16 THE COURT: I think under her  
17 qualifications, I'll allow it.

18 MR. WARDER: Thank you.

19 THE COURT: All right. Any  
20 redirect?

21 SOLICITOR JONES: I beg the Court's  
22 indulgence. Nothing further, Your Honor.

23 THE COURT: All right. Thank you.

24 (WITNESS STEPS DOWN)

25 SOLICITOR JONES: Your Honor, at



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1           this time the State would rest.

2           THE COURT:     Ladies and gentlemen,  
3           at this time we've got some of those matters  
4           that we have to take up outside of your  
5           presence.

6           So if you'll go back to your room again.  
7           This is not the time to begin any discussion  
8           or do any deliberation about the case. So go  
9           back to your jury room and we'll you back out  
10          shortly. Thank you.

11                         (JURY OUT @ 10:14 P.M.)

12          THE COURT:     All right. The State  
13          has rested. Anything from the Defendants?

14          MS. HORLBECK:     Your Honor, at  
15          this time I would just renew all my prior  
16          Motions and everything that I said, all  
17          objections as well.

18                 I would ask the Court grant a  
19          directed verdict. In the light most favor-  
20          able to the State, I don't think there's any  
21          direct or any substantial circumstantial  
22          evidence reasonably tending to prove the  
23          guilt of Ms. Riden. And I would just ask  
24          that the Court grant the directed verdict in  
25          her favor.

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1 THE COURT: All right. And I  
2 believe that taking the evidence in the light  
3 most favorable to the State, there has been  
4 direct and circumstantial evidence, at least  
5 to overcome this stage. So I deny your  
6 Motion.

7 MS. HORLBECK: Yes, sir.

8 THE COURT: Mr. Warder?

9 MR. WARDER: Your Honor, we also  
10 would move -- and we also renew our previous  
11 agreement, Judge. And we would move for a  
12 directed verdict on the ground of  
13 insufficient evidence for the case to go  
14 forward, taken in the light most favorable to  
15 the State.

16 THE COURT: And as indicated, it's  
17 not up to the Court, as you know, to weigh  
18 the evidence. But there is evidence that  
19 would allow it to get, I think, past the  
20 stage of directed verdict only. I think both  
21 direct and circumstance evidence. So based  
22 on that, I'm going to deny your Motion.

23 MR. WARDER: Thank you, Your Honor.

24 THE COURT: All right. Just for  
25 planning purposes, I'll give y'all a chance

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1 to talk if -- does anybody wants to disclose  
2 whether they're going to be putting up  
3 information at this time. Or do y'all want  
4 me to just ask you that later? I mean, just  
5 so we can make some plans as far as we need  
6 to start getting verdicts and charges  
7 together. Do y'all have any charges?

8 MR. WARDER: I don't have any  
9 specific charges. I have general charges.

10 THE COURT: Any charges for ---

11 MS. HORLBECK: No specific  
12 charges.

13 THE COURT: All right. We'll give  
14 everybody a few minutes and then I'll get the  
15 charges. Do you have any charges?

16 SOLICITOR JONES: No, but I would  
17 like to have a copy of yours before ---

18 THE COURT: All right. What I do  
19 is, I usually do them on computer ---

20 SOLICITOR JONES: Yes, sir.

21 THE COURT: And I can e-mail -- do  
22 y'all have a way to receive them? Do you  
23 have something that you can get them?

24 MS. HORLBECK: I'm not hooked up  
25 to the internet. Can I hook up to the

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1 internet here?

2 THE COURT: I don't think in this  
3 courtroom you can. We can print a copy.

4 MS. HORLBECK: I appreciate it.  
5 Thank you, Judge.

6 SOLICITOR JONES: And, Judge, I'm  
7 sorry. But if they do put up a case -- I  
8 have their witness list. But I've asked them  
9 for the dates of birth for the witnesses to  
10 get any possible rap sheets, Your Honor. I'd  
11 just ask that they give me those dates of  
12 birth before they move forward.

13 MR. WARDER: We were kind of left  
14 to our own device to find out any -- you  
15 know, we had no access to their rap sheets.

16 SOLICITOR JONES: Well ---

17 THE COURT: We will cross that  
18 bridge if we need to. How about that?

19 SOLICITOR JONES: Sure, Your Honor.

20 (BRIEF RECESS)

21 (DEFENDANT RIDEN PRESENT)

22 (DEFENDANT HENDRIX PRESENT)

23 (OFF RECORD BENCH CONFERENCE)

24 THE COURT: All right. Are we  
25 ready to proceed? It's my understanding

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1       there's going to be some testimony from both  
2       defendants.

3               All right. Do we need to go through  
4       -- is there, as far as testimony of the  
5       Defendants? Are we going to go through that  
6       process now? Might as well.

7               Ms. Horlbeck, is your -- are you  
8       going to be putting your client up or do you  
9       want me to discuss with her the right to  
10      testify and the right to remain silent?

11              MS. HORLBECK:       Yes, sir. I am  
12      planning on putting her on the stand. And I  
13      don't have any objection if the Court wishes  
14      to advise her of her right.

15              THE COURT:       Okay. How about you,  
16      Mr. Warder?

17              MR. WARDER:    Your Honor, I'm going  
18      to reserve that decision until I've heard  
19      exactly what is said ---

20              THE COURT:       All right. Well, let  
21      me just kind of go through this process then  
22      and make sure they understand it.

23              I ask both of you to stand up.

24              DEFENDANT RIDEN:   (Complies).

25              DEFENDANT HENDRIX:   (Complies).

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1 (DEFENDANT RIDEN DULY SWORN)

2 (DEFENDANT HENDRIX DULY SWORN)

3 THE COURT: All right. Okay. Ms.  
4 Riden and Mr. Hendrix, I'm going to talk to  
5 you a little bit about your constitutional  
6 rights; all right?

7 Basically I want to make sure you  
8 understand this so that when you do take the  
9 stand or you decide not to take the stand, is  
10 that you're fully aware of your rights and  
11 you understand those.

12 First, we've reached the stage in  
13 the trial where the State has completed their  
14 case. And now, as your attorneys have told  
15 you, that it's the time -- it's time for you  
16 to determine whether you're going to be  
17 presenting any testimony or witnesses and  
18 evidence. Part of that is you have to make a  
19 decision whether you're going to testify on  
20 behalf of your case.

21 As your attorneys have probably told  
22 you, you're not required to testify. Part of  
23 the constitution says that no person shall be  
24 compelled in any criminal case to be a  
25 witness against him or herself. And this

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1 means that you cannot be required to testify.

2 You have a right to testify but you  
3 also have a right not to testify. And no one  
4 can make you testify. This is ultimately a  
5 personal decision on your behalf. I mean,  
6 you can talk with your attorneys. You can  
7 talk with your family members or friends.  
8 But ultimately it's not your attorney's  
9 decision to testify. It's your decision.

10 And if you do testify, then you're  
11 under the same rules of evidence that any  
12 witnesses is under. And that means that --  
13 if there is a possible criminal record that  
14 you have, that it's determined to be  
15 qualified and admissible, then you could be  
16 cross-examined on that criminal record.

17 Do we have criminal records on --  
18 what criminal records are on these two; do  
19 you know?

20 SOLICITOR JONES: I did have those,  
21 Your Honor.

22 THE COURT: And while he's looking  
23 for those, are any crimes that are of  
24 dishonesty, fraud or anything at this point  
25 and you would have served more than one year

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1 in jail. So while he's looking for that, I  
2 can go over some other information with you.

3 First of all, I need to make sure  
4 that you understand your rights and that  
5 you're making your decision as knowingly,  
6 intelligently, and voluntary made. And you  
7 will -- we haven't gotten to the actual point  
8 where both of you would testify and you will  
9 have additional time.

10 But Ms. Riden, do you understand  
11 each of these rights as I've discussed them  
12 with you.

13 DEFENDANT RIDEN: Yes, sir.

14 THE COURT: Do you understand you  
15 have a right to testify but you also have a  
16 right not to testify?

17 DEFENDANT RIDEN: Yes, sir.

18 THE COURT: And you've had  
19 sufficient time to talk with your attorney  
20 about this right?

21 DEFENDANT RIDEN: Yes, sir.

22 THE COURT: Based on what your  
23 attorney has indicated -- at the present time  
24 you indicate that you, in fact, will be  
25 testifying?



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1 DEFENDANT RIDEN: Yes, sir.

2 THE COURT: All right. Did you  
3 find their criminal records?

4 SOLICITOR JONES: Your Honor. I  
5 apologize. The records that I have here are  
6 from when they were arrested. I'm get a  
7 criminal record from today, from downstairs.  
8 One of our paralegals just ran down to get  
9 it. I apologize.

10 THE COURT: Well, do you have  
11 anything against Ms. Riden as of the date ---

12 SOLICITOR JONES: As of the date of  
13 the arrest, Your Honor, I do not have her --  
14 I only have Mr. Hendrix's rap sheet with me  
15 right now.

16 THE COURT: Ms. Horlbeck, are you  
17 aware of any record that she could be cross-  
18 examined on?

19 MS. HORLBECK: Yes. She does  
20 have a prior criminal history. I'm not quite  
21 sure what exactly it is.

22 THE COURT: Well, I wouldn't admit  
23 it either since they don't know.

24 MS. HORLBECK: I just don't know.

25 THE COURT: But in light of that,

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1 do you totally understand your rights and  
2 your decision to testify or not to testify is  
3 being made voluntarily and intelligently?

4 DEFENDANT RIDEN: (Affirmative nod).

5 THE COURT: Do you understand your  
6 rights?

7 DEFENDANT RIDEN: Yes, sir.

8 THE COURT: All right. Well, I  
9 find that her decision, whichever she decides  
10 to do will be knowingly, intelligently and  
11 voluntarily made at the appropriate time.

12 And Mr. Hendrix, the same with you.  
13 Do you understand each of these rights I've  
14 discussed with you?

15 DEFENDANT HENDRIX: Yes, Your  
16 Honor.

17 THE COURT: Have you had  
18 sufficient time to talk with your attorney  
19 about the decision whether you're going to  
20 testify or not?

21 DEFENDANT HENDRIX: Yes, Your  
22 Honor.

23 THE COURT: And have you had  
24 sufficient time to talk with your attorney  
25 about the decision whether you're going to

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1           testify or not?

2                       DEFENDANT HENDRIX:       Yes, Your  
3           Honor.

4                       THE COURT:       And since you're going  
5           to delay your decision, what you're doing, I  
6           may just follow up briefly with some  
7           discussions at that time.

8                       But do you need more time to talk  
9           with your attorney about that? I know y'all  
10          probably talk after they present their case.  
11          But you realize you will have sufficient time  
12          to talk with him before making your final  
13          decision?

14                      DEFENDANT HENDRIX:       Yes, Your  
15          Honor.

16                      THE COURT:       Okay. And based on  
17          the fact that you do understand what I've  
18          explained to you about your rights, then I  
19          find that whatever your decision is, it's  
20          been knowingly, intelligently and voluntarily  
21          -- nobody's promised you anything or  
22          threatened you to make your decision whether  
23          to testify or not; have they?

24                      DEFENDANT HENDRIX:       No, Your  
25          Honor.

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1 THE COURT: Well, I find that  
2 whatever your decision is will be knowingly,  
3 intelligently and voluntarily made with the  
4 advice of your counsel. And, again, I'll  
5 touch base briefly before your case is  
6 presented just to make sure. All right.  
7 Thank you.

8 Ms. Riden, let me just ask you one  
9 other question. Nobody has promised you  
10 anything or threatened you or forcing you to  
11 make your decision?

12 DEFENDANT RIDEN: No, sir.

13 THE COURT: This decision has been  
14 made freely and voluntarily?

15 DEFENDANT RIDEN: Yes, sir.

16 THE COURT: All right. Any other  
17 questions from counsel that they want me to  
18 go over with their clients? Mr. Warder?

19 MR. WARDER: No, Your Honor.

20 THE COURT: Anything else you want  
21 me to go over with Ms. Riden?

22 MS. HORLBECK: No, Your Honor.

23 THE COURT: Okay. Are you ready  
24 to proceed?

25 MS. HORLBECK: Yes, sir.

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1 SOLICITOR JONES: Your Honor, I'd  
2 ask that we wait for my paralegal to return  
3 with the ---

4 MS. HORLBECK: That's a good  
5 idea. I support that.

6 THE COURT: Okay.

7 (PARALEGAL INTO COURTROOM)

8 SOLICITOR JONES: Your Honor, I see  
9 nothing on either defendant that I could use.

10 THE COURT: Okay.

11 MS. HORLBECK: I'm sorry? I  
12 missed that.

13 THE COURT: No, he indicated there  
14 was nothing on the criminal record that could  
15 be used against either defendant.

16 MS. HORLBECK: Okay.

17 THE COURT: All right. Are you  
18 ready to bring the jury in? (No response).

19 Anything else from the State before  
20 we bring the jury in?

21 SOLICITOR JONES: Nothing from the  
22 State, Your Honor.

23 THE COURT: Anything from Ms.  
24 Riden?

25 MS. HORLBECK: No, Your Honor.

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1 THE COURT: Anything from ---

2 MR. WARDER: No, Your Honor.

3 THE COURT: All right. If they're  
4 ready bring them, please.

5 BAILIFF: Yes, sir.

6 (JURY IN AT 10:50 A.M.)

7 THE COURT: All right. Ladies and  
8 gentlemen, we are now at the stage where the  
9 State has rested and the defendants have an  
10 opportunity to put up any testimony or  
11 evidence that they feel appropriate at this  
12 time. Ms. Horlbeck?

13 MS. HORLBECK: Your Honor, we  
14 would call Stacy Riden to the stand.

15 THE COURT: All right.

16 (WITNESS TAKES STAND)

17 STACY RIDEN, having been duly sworn to  
18 tell the truth, and nothing but the truth,  
19 testified as follows:

20 DIRECT EXAMINATION

21 BY MS. HORLBECK:

22 Q. Okay. Ms. Riden, I'm trying to  
23 figure out where the best place for me to  
24 stand. All right. Ms. Riden, you've heard  
25 your children testify about a lot of things

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1       that they're saying have happened?

2             A.    Yes, I have.

3             Q.    And you've heard them testify about  
4       that you've touched them, molested them, all  
5       kinds of things; all right?

6             A.    Uh-huh.

7             Q.    So let's just start with those.

8             A.    Okay.

9             Q.    Have you ever touched or rubbed your  
10       children's genitals?

11            A.    No.

12            Q.    In any kind of inappropriate manner?

13            A.    Never.

14                   SOLICITOR JONES:   Your Honor, I  
15       object to the leading question.

16                   THE COURT:       All right.  Rephrase  
17       your question.

18                   MS. HORLBECK:       All right.

19                               DIRECT EXAMINATION CONTINUED

20                   BY MS. HORLBECK:

21            Q.    Well, you have heard about the  
22       allegations.

23            A.    (Affirmative nod).

24            Q.    Do you agree with them or do you  
25       deny them?

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1           A.    I deny them, deny that I ever  
2           touched my kids in any inappropriate way  
3           whatever.

4           Q.    All right.  How would you handle  
5           your children?  How would you deal with your  
6           children?

7           A.    (No verbal response).

8           Q.    When you parented your children, how  
9           would you deal with them?  How would you  
10          touch them?

11          A.    Definitely not in an inappropriate  
12          way.  I mean, just like, you know, normal  
13          parent -- I mean, I don't understand but

14          Q.    Well, describe what kind of normal  
15          touching went on and what kind of touching  
16          went on in your house.

17          A.    It was nothing out of the ordinary,  
18          you know.

19          Q.    Okay.

20          A.    When they had baths or whatever, it  
21          was the girls and then my son.  It was always  
22          separated.  Nothing, you know, nothing like  
23          all the kids together or anything like that.

24          Q.    Okay.  Did you touch -- you heard  
25          the allegations about touching their



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1       genitals. Did you touch the genitals in that  
2       manner?

3             A. No. Never.

4             Q. Okay.

5             A. They would wash themselves and I  
6       would help them was, you know ---

7             Q. Right.

8             A. --- but with a towel/rag ---

9             Q. Okay.

10            A. But I never touched them. Never.

11            Q. All right. There were also  
12       allegations that you rubbed the children's  
13       genitals and used -- you put your fingers in  
14       them?

15            A. No, ma'am.

16            Q. What is your position on that?

17            A. (Emotional) -- I would never do  
18       that.

19            Q. There were allegations that you  
20       performed oral---

21                    SOLICITOR JONES: Your Honor, these  
22       are all leading questions.

23                    MS. HORLBECK: I'm just telling  
24       her about the allegations and asking her what  
25       her position is. I think the allegations are

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1 pretty well on the record.

2 THE COURT: I'm going to allow it.

3 DIRECT EXAMINATION CONTINUED

4 BY MS. HORLBECK:

5 Q. There are also allegations that you  
6 made the children perform oral sex on you.  
7 And that you performed oral sex on them.

8 A. Yes. I would never do that, ever.

9 Q. Okay. All right.

10 A. I don't even know where any of this  
11 is coming from. I still don't understand it.

12 Q. Was there any inappropriate touching  
13 from anyone else that lived with you?

14 A. No.

15 Q. All right. Let's kind of back up to  
16 that time. From 2011, Christmas 2011 to  
17 Christmas 2012, where did you live?

18 A. [REDACTED] Ridgefield Circle.

19 Q. All right. Who lived with you?

20 A. Randy Gibbs and Aaron did.

21 Q. Okay. All right. Tell me a little  
22 bit about Aaron. How long have you know  
23 Aaron?

24 A. I'd know him for five years prior to  
25 that and more.

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1 Q. What's Aaron's last name?

2 A. Hendrix.

3 Q. How did you meet Aaron Hendrix?

4 A. Through my sister. He was good  
5 friends with my sister, Jennifer Riden.

6 Q. Okay. And how would you describe  
7 your relationship with Aaron when you first  
8 met him?

9 A. We were just friends.

10 Q. Okay. And did that develop into  
11 more, that friendship?

12 A. It did.

13 Q. Okay. And tell me a little bit  
14 about that. Tell the Court a little bit  
15 about how that friendship developed.

16 A. We just started hanging out. You  
17 know, he would come over and we'd take the  
18 kids to the lake or to the park or to a movie  
19 or whatever and it just progressed from  
20 there.

21 Q. Okay. All right. When Aaron first  
22 began to visit with you and the children, how  
23 often would he come over?

24 A. Twice a week, three times a week.

25 Q. Would he come over by himself or was

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1 he with anybody else?

2 A. He was always by hisself.

3 Q. Okay. And when Aaron came over to  
4 visit you and the children, what kind of  
5 things would y'all do?

6 A. Watched movies and played videos,  
7 played video with the kids or we'd all go  
8 outside and play with the kids.

9 Q. All right. When you said you would  
10 all go outside, what kind of things would you  
11 all do outside?

12 A. They had a little battery-operated  
13 cars. We'd play with them out in the yard  
14 with those. And had a little swing set. We  
15 always played with them on that.

16 Q. Okay. And was there a time that  
17 Aaron moved in with you?

18 A. Uh-huh. Well, he went from staying  
19 like two or three nights a week to five or  
20 six. Every now and then, he'd stay at his  
21 mom. But usually, he was always there with  
22 us.

23 Q. All right. Did you see anything  
24 inappropriate about the way Aaron interacted  
25 with your children?

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1 A. Never, no.

2 Q. How did you feel about leaving the  
3 children -- well, let me ask you this. Did  
4 you ever leave the children with Aaron?

5 A. Uh-huh. He watched them some when I  
6 would have to work late-night so that I  
7 wouldn't have to get up the next morning. He  
8 knows I would have to get them from the  
9 babysitter late. And they could go to school  
10 and not have to be in and out in the middle  
11 of the night.

12 Q. All right.

13 A. Because I'd have never left them  
14 there, left the kids with him if I thought he  
15 would do anything like that. Never.

16 Q. Okay. All right. So how did you  
17 feel about leaving the children with Aaron?

18 A. I felt comfortable leaving them with  
19 him. He was always good to the kids. He was  
20 never mean to them, never yelled at them or  
21 anything.

22 Q. All right. Describe punishment of  
23 the children at your house?

24 A. They would get time out or not be  
25 able to play, you know, Nintendo or not be

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1       able to watch TV or you know, something like  
2       that.

3               Q.   All right.  Describe physical  
4       punishment, if any, at your house of the  
5       children?

6               A.   If any physical, I popped them.  Not  
7       Aaron, ever.

8               Q.   All right.  The allegations  
9       involving the physical abuse of the children.  
10      What's your position on those?

11              A.   Never.  I mean, I would have popped  
12      them on their hand or their bottom but that  
13      was it.

14              Q.   Uh-huh.

15              A.   Nowhere else.

16              Q.   All right.  And if -- what if  
17      anything would you have done if you had seen  
18      someone else living in your home abusing  
19      these children?

20              A.   They would have had to leave and I  
21      would have called the police.

22              Q.   Okay.

23              A.   I would never let anybody hurt my  
24      kids, me knowing it.  It would have never  
25      happened.

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1 Q. Okay. You mentioned that you worked  
2 during that time period.

3 A. (Emotional).

4 Q. Do you need a cup of water or  
5 anything?

6 A. No.

7 Q. All right. Tell the Court a little  
8 bit about where you worked.

9 A. I worked at McDonald's for nine  
10 years, from 2004 to 2013.

11 Q. What was your position at  
12 McDonald's?

13 A. When I started I was a crew member.  
14 And when I left, I was department manager.

15 Q. All right. How long were you the  
16 department manager at McDonald's?

17 A. A little over two years.

18 Q. How many hours a week approximately  
19 did you work?

20 A. Forty, fifty, sometimes more. It  
21 just depended.

22 Q. All right. And did you have a set  
23 schedule that you would go to work?

24 A. No. No, it was always different. I  
25 mean, I'd be in the mornings until --

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1 sometimes it' be 5:00 in the morning that I'd  
2 have to be there. Sometimes it would be 4:00  
3 p.m. It just depended really.

4 Q. Okay.

5 A. Or when they needed me.

6 Q. How many hours a day on average  
7 would you work?

8 A. Eight to ten hours a day.

9 Q. Was it five days a week or more?

10 A. Five days.

11 Q. Did you have -- did you get weekends  
12 off?

13 A. We got a weekend like once a month,  
14 once every six weeks, something like that.

15 Q. Okay. So during a typical work  
16 week, what days would you not be working?

17 A. It could be Tuesday/Wednesday,  
18 Thursday/Friday. It just -- it varied. It  
19 always varied.

20 Q. And was your schedule the same or  
21 did it change?

22 A. It always changed.

23 Q. Okay. All right. And you said that  
24 there were -- were there occasions where you  
25 might have to work late at night?



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1 A. Uh-huh.

2 Q. Tell the Court a little bit about  
3 those occasions and why?

4 A. Once a week I had to close, to do a  
5 weekly inventory of the store.

6 Q. Uh-huh.

7 A. So that night I would always get off  
8 about 1:00 or 2:00 in the morning.

9 Q. All right. When you were working,  
10 tell me about your childcare arrangements?

11 A. Sometimes Aaron would watch them for  
12 me. Sometimes I had their Aunt Diane would  
13 keep them. Sometimes their dad would be  
14 available when he could keep them or some-  
15 times my step-mom would keep them. It just  
16 -- whoever was available, you know, it was  
17 kind of like on a day-to-day schedule we had.  
18 I never had it, you know, where I had one  
19 solid person to watch them whole week because  
20 it was hard to ask somebody to watch three  
21 kids the whole week.

22 Q. Okay. Who is Aunt Diane?

23 A. Diane Stamey. She used to watch  
24 them -- she watched them for me when me and  
25 Mark were together. When we split up, it was

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1 hard for me to pay forty dollars (\$40) a day  
2 for all three of them by myself and pay the  
3 bills. So she would do it sometimes for me.

4 Q. All right. And you mentioned Mark.  
5 Who is Mark?

6 A. Their father, Mark Lusk.

7 Q. Okay. All right. And that's their  
8 biological father, the children's?

9 A. It is.

10 Q. Okay. All right. So just back up a  
11 little bit. Who would watch the children?  
12 You had a list of some people that you ---

13 A. Yes. Their Aunt Diane; their dad,  
14 Mark. Sometimes my step-mom and my dad would  
15 get them. And sometimes Aaron would keep  
16 them.

17 Q. Okay. All right. Do you have any  
18 idea why the children would have, would be  
19 saying these things have been done, have  
20 happened and that you did them?

21 A. No. I really don't. I don't know.  
22 You know, I don't know why someone would --  
23 (crying). It kills me to hear them say these  
24 things because I know they're not true.

25 Q. Did any of these things happen?

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1 A. No, ma'am.

2 Q. Was there a time when the children  
3 went to stay, went to live with their grand-  
4 parents?

5 A. They did.

6 Q. When was that?

7 A. It was around March or April of  
8 2013.

9 Q. Were you still working at that time?

10 A. Yes.

11 Q. All right. Tell us a little bit  
12 about your finances at that point?

13 A. I was struggling by myself to pay  
14 the bills and take care of the kids. So my  
15 dad helped me. You know, they took them in  
16 to help take care of them.

17 Q. At that point, who else -- was there  
18 another adult living in your house with you?

19 A. No.

20 Q. At that point, describe your  
21 relationship status with Mr. Hendrix?

22 A. We had split up by then. We split  
23 up in -- the end of November or the beginning  
24 of December in 2012.

25 Q. All right. And when the children

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1       went to live with their grandparents what, if  
2       anything, did they call you, the children?

3             A.    What do you mean?

4             Q.    What did they normally call you?

5             A.    Mom.

6             Q.    Okay. Did they all three call you  
7       mom?

8             A.    Mommy, mom.

9             Q.    Okay.

10            A.    Mom, mama, but -- Minor 1 usually  
11       said 'mom.'

12            Q.    Okay. All right. When the children  
13       went to live their grandparents, you said you  
14       were having some financial difficulties.  
15       Were you living by yourself or with somebody  
16       else?

17            A.    Yeah. Just me and the kids.

18            Q.    Just you? Okay. All right. Was  
19       there ever a time where there was not enough  
20       food in the house?

21            A.    No. I mean, you know, sometimes  
22       there wouldn't be as much. You know, maybe I  
23       couldn't provide for them like my dad and  
24       them does. They have a lot more money than I  
25       do. But they never went without eating

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1 anything, you know. If it was the day before  
2 payday or a couple days before payday -- I  
3 knew that my dad would help and he always let  
4 me borrow whatever I needed to borrow to make  
5 sure that I was going to have food. They  
6 never went without eating. And they love  
7 McDonald's, so I'd always bring that home  
8 almost every single day, you know, if they  
9 wanted it. They never went without eating,  
10 though.

11 Q. How were you able to bring home food  
12 from McDonald's?

13 A. It's discounted at work.

14 Q. Why is that?

15 A. Because I was a manager.

16 Q. All right. When would you go grocery  
17 shopping?

18 A. On Monday's when got paid. I got  
19 paid every other Monday.

20 Q. All right. What's a typical grocery  
21 bill for you?

22 A. Usually around two hundred.

23 Q. Okay. All right. You heard the  
24 allegations about the lack of food in the  
25 house. What's your position on that?

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1           A.    There was always food.  I mean, it  
2           might not have been -- by the next grocery  
3           day there might not have been a whole bunch  
4           of stuff to decide from -- no more Debbie  
5           cakes this time or chips or snack cakes or  
6           something, but there was always food in the  
7           house.

8           Q.    Okay.  Do you know why these  
9           allegations arose?

10          A.    (Negative gesture).

11          Q.    Do you have any idea at all?

12          A.    No.  No, I don't.

13          Q.    Have you been able to visit with  
14          your children since they moved over to their  
15          grandparents?

16          A.    I was.  Whenever they first started  
17          staying there, I was going to the house to  
18          see them.  And then it was where my dad would  
19          -- I'd have to meet my dad at McDonald's or  
20          he would come get me with the kids and go to  
21          McDonald's and take them to eat or play with  
22          them.

23          Q.    Which McDonald's?  Is this the  
24          McDonald's that you worked at?

25          A.    We'd go usually over to the one in

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1 Easley.

2 Q. Okay. All right. Do you think the  
3 children have been coached or anything?

4 A. I would like to think not, but I  
5 don't know. There's no other. There's no  
6 other option because I know I didn't do this.  
7 And I'd have never allowed him to.

8 Q. If you'd found out Mr. Hendrix was  
9 doing these things to your children, what  
10 would you have done?

11 A. Honestly?

12 Q. Yes.

13 A. I would have killed him. I would  
14 never let anybody hurt my kids.

15 Q. Tell me a little bit about the  
16 residence that you lived in with the children  
17 and Mr. Hendrix?

18 A. It was a single-wide trailer, three  
19 bedrooms, two bathrooms. It was big enough  
20 for us. You know, I would have loved  
21 something bigger but it worked for us.

22 Q. All right. And was there a lot of  
23 guest traffic in and out of your residence?

24 A. My sister would come over some time  
25 with her friend, you know, or something like

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1       that. She'd come see the kids and bring my  
2       niece over and they'd play with the kids. I  
3       mean, it was nothing excessive.

4               Q. Were there a lot of people spending  
5       the night over at your residence when the  
6       children were living there?

7               A. Uh-huh. My sister would whenever  
8       she was fighting with her boyfriend sometime  
9       and she had nowhere else to stay, I'd let her  
10      stay there. But other than that, no.

11              Q. But no one else?

12              A. There was a couple of the times  
13      their dad had to spend the night. Him and  
14      his girlfriend would be arguing or whatever  
15      and he'd need somewhere to stay. I'd need  
16      for him to watch the kids the next day. And  
17      that was kind of like my only option, you  
18      know. We would let him stay there so he  
19      would be there in the morning to watch the  
20      kids.

21              Q. All right. When you had overnight  
22      guests, what would the sleeping arrangements  
23      be?

24              A. They would sleep in the living room.

25              Q. Who would?



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1           A.    The guest, whoever was the guest.  
2           Or they'd sleep in my room and I'd sleep in  
3           the living room and the kids would be in  
4           their rooms.

5           Q.    Okay.  What were the normal sleeping  
6           arrangements for the children?

7           A.    Minor 1    and Minor 2 slept -- a lot of  
8           times whenever there was nobody else there,  
9           they all slept on the couch together.  They  
10          would always like to sleep, you know, all  
11          three of them together on the couch.  Or  
12          they'd make a little pallet with their little  
13          bed, you know, their little cushion beds and  
14          sleep together.  And they'd always wind up  
15          sleeping together, all of them.

16          Q.    Okay.  All right.  Would any of the  
17          guests, would any of them stay in your bed  
18          with you and Aaron?

19          A.    Not with me and him, no.

20          Q.    All right.  What about the  
21          children's father, would he?

22          A.    No.  No.

23          Q.    If he stayed there, he stayed in the  
24          living room with the kids.  You know, Mark  
25          would sleep on the couch and the kids would

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1 be in the living room with him. But if it  
2 was like my sister, she'd stay in one of  
3 their rooms and they'd all stay in the  
4 living, you know, something like that. But  
5 nobody ever slept in the bed with us, no.

6 Q. All right. Would anything inappro-  
7 priate happen between you and your sister.

8 A. No.

9 Q. We've heard about your sister  
10 Jennifer too. Would she ever come and stay?

11 A. She came over. She never stayed the  
12 night ever.

13 Q. All right. You've heard the  
14 allegations that the children made regarding  
15 you and your sisters and things that y'all  
16 allegedly would do. What's your position on  
17 that?

18 A. That never happened. I don't know  
19 where they come up with stuff like that. Do  
20 I look like I'm going to be sitting in bed  
21 with a bathing suit on with my sister, no.  
22 I mean, it's just -- I don't know it's just  
23 -- all of it is just absurd. I don't know  
24 where they would get any of that stuff from.  
25 I mean, my sister might would come in there

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1 and talk with me like once I got out of the  
2 shower, while I was getting dressed or  
3 something. It was just me and one of my  
4 sisters talking or something like sisters  
5 would or whatever, you know. Nothing,  
6 nothing out of the ordinary.

7 Q. Okay.

8 MS. HORLBECK: Beg the Court's  
9 indulgence.

10 DIRECT EXAMINATION CONTINUED

11 BY MS. HORLBECK:

12 Q. How do you and your sister's express  
13 affection with one another? I know that's a  
14 weird way to put it?

15 A. We hug when we see each other.  
16 Jennifer's a little bit more obnoxious with  
17 it. Jennifer will try to kiss anybody, you  
18 know, on the face or whatever. Not like  
19 weird kiss, but she's just -- I don't know.

20 Minor2 would always say she hated Aunt Jen  
21 Jen's kisses because Jennifer's just  
22 Jennifer. It's hard to explain, but it's  
23 like ---

24 Q. Well, what is a weird kiss to you?

25 A. A weird kiss to me would be kissing

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1 my sister on the mouth. I've never kissed my  
2 sisters on the mouth. You know, pop a kiss  
3 on the cheek or something but, other than  
4 that, no.

5 Q. Right. When you hug your sisters,  
6 describe how that happens? Describe what  
7 happens if y'all even hug. I don't know.

8 A. If we hug we just put our arms  
9 around each other and that's it.

10 Q. All right. You weren't around for  
11 the first day of this trial. What happened?

12 A. It kills me to hear kids say these  
13 things when I know I would never do those  
14 things to my kids -- (crying). I know I  
15 shouldn't left but I did because I couldn't  
16 deal with it. It kills me.

17 Q. Okay. Stacy, please answer any  
18 questions that the Solicitor may have for  
19 you.

20 A. Okay.

21 CROSS-EXAMINATION

22 BY SOLICITOR JONES:

23 Q. Ms. Riden, what kind of drugs are  
24 used with needles?

25 MS. HORLBECK: I object to that.

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1 THE COURT: Overruled.

2 CROSS-EXAMINATION

3 BY SOLICITOR JONES:

4 Q. What kind of drugs are used with  
5 needles?

6 A. I don't know what kind of drugs are  
7 used with needles.

8 Q. You have no idea what kind of drugs  
9 are used with needles?

10 A. No.

11 Q. Have you ever heard of drugs being  
12 used with needles?

13 A. I have heard of drugs being used  
14 with needles.

15 Q. What kind of drugs have you heard  
16 being used with needles?

17 A. Drugs, all kinds of drugs. You can  
18 use pills with needles. Heroine needles,  
19 meth needles. I mean, anything can be used  
20 with needles.

21 Q. Well, then why did you first say you  
22 didn't know what kind of drugs could be used  
23 with needles?

24 A. I mean, you know, I know what kind  
25 of drugs can be used with needles. I know

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1       that I don't use drugs with needles.

2               Q.    I didn't ask you that.

3               A.    I understand that.

4               Q.    Has anyone ever found a needle at  
5       your house or in your car?

6               A.    No.

7               Q.    No?

8               A.    No.

9               Q.    In March of 2013 your children  
10       stopped living with you; didn't they?

11              A.    In March or April, yes.

12              Q.    March or April. And the biological  
13       father of these children is Mark -- what's  
14       his last name?

15              A.    Mark Lusk.

16              Q.    Lusk?

17              A.    Yes.

18              Q.    And you said that he came over to  
19       your house from time to time?

20              A.    Uh-huh.

21              Q.    An active role in their life, off  
22       and on?

23              A.    Uh-huh.

24                   COURT REPORTER:    Is that a yes?

25                   STACY RIDEN:        Yes.

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1

CROSS-EXAMINATION CONTINUED

2

BY SOLICITOR JONES:

3

Q. Did you call your father to come get those children?

4

5

A. Did I call my father to come get them? I asked him if they could stay with him, yes.

6

7

8

Q. You called your father to come get those children that day?

9

10

A. No, Mark called him. Mark Lusk called my father to come get them.

11

12

Q. And you weren't there when Mark Lusk called your father, were you?

13

14

A. I wasn't with Mark when he called, no.

15

16

Q. Where were you?

17

A. I don't remember where I was. I don't know if I was at work or where I was.

18

19

Q. You didn't tell Mark Lusk to call your father and get those children, did you?

20

21

A. No, I did not ask him to get them. But when my dad got the kids -- my dad called me and asked me if he thought that I needed his help with the kids and I told him, yes, that I needed his help with the kids.

22

23

24

25

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1 Q. So your father called you the day he  
2 got those children and you talked to him?

3 A. Yes.

4 Q. Isn't it true that on the day Mark  
5 Lusk called your father you went to get a  
6 birthday cake for the children and you didn't  
7 come back?

8 A. No, that's not true. I don't  
9 remember that.

10 Q. You don't remember leaving your  
11 children on that day?

12 A. No. And not coming back, no.

13 Q. You weren't at the house when your  
14 father came, were you?

15 A. No.

16 Q. Were you there when Lisa Riden  
17 helped them gather their things?

18 A. No.

19 Q. You testified earlier that it was  
20 hard to get somebody to watch your kids on a  
21 daily basis, didn't you?

22 A. Yes. To have a stable, one stable  
23 person do it. Because Diane -- I had to pay  
24 Diane forty dollars a day and I couldn't  
25 afford to. And sometimes my dad and my



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1 stepmom weren't able to.

2 Q. And yet magically in March of 2013,  
3 your father and your stepmother could take  
4 care of the children 24/7.

5 A. Yeah, but when I would ask them  
6 before, they wouldn't be able to. She would  
7 have something going on or he would have  
8 something going on. And they never could  
9 always have them. And then whenever Mark  
10 calls them, then they're able to.

11 Q. So just because Mark ---

12 A. Not because -- I'm not saying that's  
13 why that they did. But, I mean, it went from  
14 yes sometimes they could to sometimes they  
15 couldn't to now all of a sudden they want to  
16 keep them all of the time. You know, that  
17 they were able to help me and take them in.

18 Q. And you have two sisters, don't you?  
19 What are their names?

20 A. I have four sisters.

21 Q. Four sisters?

22 A. Yes.

23 Q. What are their names?

24 A. Jennifer, Jessie, Katie, Courtney.

25 Q. And of those four, which ones has

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1 spent the night at your house at [REDACTED]

2 Ridgefield Circle?

3 A. Jennifer and Jessie has.

4 Q. Jennifer?

5 A. Uh-huh. But I lived there for six  
6 or seven years.

7 Q. Uh-huh. You said Aaron Hendrix  
8 moved in on what date, around what time?

9 A. It was -- it's hard to remember  
10 around what time. I know it was ---

11 Q. But it was December of 2011, wasn't  
12 it?

13 A. I think it was around January or  
14 February of 2012, I think, when he was  
15 staying more than just spending the night  
16 some.

17 Q. Okay. And then he moved out around  
18 Christmas of 2012?

19 A. Before Christmas of 2012; yes.

20 Q. And you started dating him in  
21 November of 2011, didn't you?

22 A. I don't remember exactly when we  
23 started dating. But I think it was 2012,  
24 January/February.

25 Q. So you started dating in January and

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1 February of 2012?

2 A. (Affirmative nod).

3 Q. And then he moved in January or  
4 February of 2012?

5 A. He didn't move in then. He'd stay  
6 the night some with us. And then it  
7 progressed to him moving in or staying. He  
8 would still always -- the whole time we were  
9 together he would stay with his mom once or  
10 twice a week. But other than that, yes, he  
11 did live with us.

12 Q. And you knew that Aaron Hendrix  
13 would dress in your clothes in front of the  
14 children?

15 A. No. The only time Aaron ever wore  
16 -- he put a shirt of mine on when I was at  
17 work. And hair bows in his hair. And him  
18 and the kids -- he was playing with the kids,  
19 like trying to make them laugh. They were  
20 playing dress up. And they called me at work  
21 that day. The girls were laughing and were  
22 saying that 'Aaron let us put makeup on him.  
23 Aaron let us dress him up.' I mean, and he  
24 took pictures on the phone of him wearing a  
25 pink shirt with hair bows in his hair. And

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1 that was the only time that he ever put  
2 anything of mine on that I knew of. And they  
3 sent me a picture of it while I was at work.  
4 But it was nothing that -- other than him  
5 playing with the kids and them laughing at  
6 him because he was letting them play dress up  
7 with him.

8 Q. When did you Mark Lusk split up,  
9 stop living together?

10 A. I don't know. Me and Mark were on  
11 and off so much. I guess December 2011,  
12 maybe -- maybe was the time that he lived,  
13 lived there, the beginning of December. But  
14 me and him would break up and, you know.  
15 We'd break up and get back together because  
16 of the kids.

17 Q. Uh-huh.

18 A. Because I didn't want them to come  
19 from a broken home like I did. And we'd try  
20 to work it out a lot, but it just never would  
21 work.

22 Q. Mark Lusk moved out of that house at  
23 [REDACTED] Ridgfield sometime in early 2011; didn't  
24 he?

25 A. I can't really remember exactly when

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1 he moved out. But it was in that year, yes,  
2 around the time he got with Natasha. I just  
3 can't -- I'm not exactly sure what month it  
4 was.

5 Q. Did you bring any other men that you  
6 were dating around the children besides Aaron  
7 Hendrix?

8 A. No. Never.

9 Q. You ever brought anybody else around  
10 the children besides Aaron Hendrix that you  
11 were dating?

12 A. A friend of mine, Zach, was the only  
13 other person that they were ever around. And  
14 he only came over one time. He was with me  
15 when I picked them up from school. He helped  
16 me with them do their homework and then he  
17 left. And he was never around them other  
18 than that, other than one other time but that  
19 wasn't at our residence. But he was not  
20 someone I was dating. He was just a friend.

21 Q. And what's your definition of  
22 someone you were dating?

23 A. They would have never saw me around  
24 anybody beside Aaron or their dad, the kids  
25 didn't, ever.

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1 Q. Uh-huh.

2 A. They were the only two people that I  
3 have been with. And Zach was just a friend  
4 that I had known for years. He come over  
5 that one day. It was -- I guess it was  
6 March, sometime in March, February or March.  
7 He was with me and helped -- we picked them  
8 up from school and he helped me with them do  
9 their homework and then he left. Then one  
10 other time we took them to McDonald's once.  
11 Other than that, they were never around any  
12 other males.

13 Q. Your father would bring the children  
14 to meet you on several occasions, didn't he?  
15 When the children were staying with your  
16 father?

17 A. He would come and pick me up and we  
18 would go to eat with the kids.

19 Q. And initially the children staying  
20 with Mark and Lisa was a temporary solution;  
21 wasn't it?

22 A. Uh-huh. It was.

23 Q. And what were you waiting on for  
24 that temporary solution to end so you could  
25 get the children back?

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1           A.   Honestly, you know, around that time  
2           I felt like I was losing everything and I  
3           gave up. I gave up. And I know that's not  
4           right, but I started hanging out with the  
5           wrong people. I stopped going to work like I  
6           was supposed and got into trouble. I had  
7           never been in trouble my entire life, ever.

8           Q.   What kind of people were you hanging  
9           out with?

10          A.   People that were doing drugs.

11          Q.   Well, hold on for a second. I asked  
12          you about what kinds of drugs you used with  
13          needles. And you appeared to be surprised.

14          A.   Yes, but I'll admit ---

15          Q.   You didn't know any kind of ---

16          A.   Yes, but I had never see anybody use  
17          any drug with needles ever in my life. Ever.

18          Q.   Your children have.

19          A.   No they haven't. Not with me they  
20          haven't. Because I had never even seen  
21          anybody with a needle until way after my dad  
22          already had my kids. So I know that isn't  
23          true. Until 2013 I didn't even -- for all of  
24          2014, I didn't even know anybody did drugs  
25          with needles. I didn't even know that.

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1 Q. And after you were charged with this

2 ---

3 A. Uh-huh.

4 Q. --- you talked with your father  
5 several times; didn't you?

6 A. Yes.

7 Q. And what did you tell your father?

8 A. That there's no way that I could  
9 have done this. I know I didn't do this.

10 There's no drugs. There's no -- I don't  
11 care what accusations comes up with, there's  
12 no drugs.

13 There's no alcohol.

14 There's no nothing that would ever allow  
15 me to allow someone to do this to my kids or  
16 me do it to my kids, ever.

17 Q. Well, what happened from March 2013  
18 to when you say you started hanging out with  
19 the wrong people who did drugs?

20 A. I ---

21 Q. What happened there from a single  
22 mother who's working, taking care of three  
23 kids, to falling in with the wrong people?  
24 What event ---

25 A. One guy. One guy. One person.



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1 Q. One person?

2 A. One person that messed me up.

3 Q. I agree with that. Isn't it true  
4 that what allowed you to start hanging out  
5 with the wrong people that did drugs was that  
6 your children got out of your house?

7 A. That my children got out of my  
8 house? What do you mean?

9 Q. That you were no longer burdened by  
10 taking care of your children.

11 A. No, they were never a burden, ever.

12 Q. These people that you started  
13 hanging out with, you didn't just meet them  
14 in 2013, did you?

15 A. One of them I had known for a long  
16 time but I didn't hang out with him until  
17 that year.

18 MS. HORLBECK: Judge, I'm going  
19 to object to the relevance. I mean, the  
20 incident time period is between December 2011  
21 and December 2012.

22 THE COURT: I think it's  
23 appropriate. Overruled.

24 SOLICITOR JONES: I beg the Court's  
25 indulgence, Your Honor.

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1 MR. WARDER: Your Honor, I have a  
2 few questions.

3 SOLICITOR JONES: I said, beg the  
4 Court's indulgence.

5 MR. WARDER: Oh. Excuse me.

6 SOLICITOR JONES: Actually, Your  
7 Honor, no further questions.

8 THE COURT: Mr. Warder.

9 CROSS-EXAMINATION

10 BY MR. WARDER:

11 Q. Stacy, you got with Aaron Hendrix in  
12 2011; is that right?

13 A. 2011, 2012. I think it was more in  
14 the beginning of 2012. We started hanging  
15 out in 2011. Him and my -- he come over with  
16 my sister. I had known him for probably five  
17 years before that. He had always been  
18 friends with my sister, Jennifer.

19 Q. He was in school with your sister;  
20 is that right?

21 A. Yes. They went to high school  
22 together.

23 Q. Okay. And where did they go to high  
24 school at?

25 A. Pickens.

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1 Q. Okay. And through 2011 he came to  
2 your house with your sister?

3 A. Yes.

4 Q. And then over a period of time you  
5 became friends?

6 A. Uh-huh.

7 COURT REPORTER: Is that a yes?

8 STACY RIDEN: Yes.

9 CROSS EXAMINATION CONTINUED

10 BY MR. WARDER:

11 Q. Was he employed at that time?

12 A. No.

13 Q. Did you give him a job?

14 A. (No verbal response).

15 Q. Did you help him get a job?

16 A. He did get a job working at Walmart.

17 SOLICITOR JONES: Your Honor, I'm  
18 going to object to relevance here. What does  
19 it matter whether they worked anywhere or  
20 not?

21 THE COURT: I'll give him a little  
22 leeway.

23 CROSS-EXAMINATION CONTINUED

24 BY MR. WARDER:

25 Q. Who did you help him get a job with?

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1           A.   He had a job at Walmart when we were  
2 together.

3           Q.   Did he work for your father some?

4           A.   Some, just some. Not all the time  
5 but sometimes.

6           Q.   And he stayed with you until, you  
7 said, about Christmas?

8           A.   It was right before Christmas.

9           Q.   During the period of time that he  
10 lived with you, did you use drugs?

11          A.   No. I would take Ibuprofen and  
12 Tylenol because I worked a lot and I hurt.  
13 You know, my back would hurt or I would be  
14 stressed out from work. But other than that,  
15 I mean, I always had a bottle of Ibuprofen  
16 and a bottle of Tylenol. But as far as that  
17 goes, that was it.

18          Q.   Okay. Tylenol and -Ibuprofen, is  
19 that pain killers that you get in the drug  
20 store?

21          A.   Yes.

22          Q.   Now, when the period of time that  
23 Aaron was with you, did he use drugs or have  
24 drugs in your house?

25          A.   No.

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1 Q. Did he work at Walmart during the  
2 period of time up until your separation?

3 A. Yes.

4 Q. And he would work other hours than  
5 the hours you worked?

6 A. Yes. He worked nighttime, mostly  
7 nighttime hours.

8 Q. Okay. And you worked mostly daytime  
9 hours?

10 A. Mostly, yes.

11 Q. So he would be, on occasions, left  
12 at home with the children?

13 A. Yes, but not ---

14 Q. And occasions other people, you  
15 said, would take care of the children?

16 A. Yes.

17 Q. Okay. Was this just a convenience  
18 or did you and him fall in love and have  
19 genuine ---

20 A. He was really good to my kids. He  
21 would give them -- he played with them and  
22 give them attention. They were, you know, an  
23 inconvenience for their dad when he was home.  
24 You know, he didn't want to stay at home and  
25 play with them or do anything with them.

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1 It was always an inconvenience for him.

2 It wasn't for Aaron.

3 Q. Did Aaron ever touch children in any  
4 inappropriate way?

5 A. No.

6 Q. There have been allegations that you  
7 and he forced them to have some kind of oral  
8 sex?

9 A. Never.

10 Q. There's allegations that you were  
11 rolling around with other men and your  
12 sisters in some inappropriate way.

13 A. That never happened.

14 Q. After you broke up with Aaron, did  
15 your life go downhill?

16 A. Yes.

17 Q. Is that when the drug use became  
18 involved, after Aaron?

19 A. Yes.

20 Q. Did another man or other men stay at  
21 your house on some occasions?

22 A. No.

23 Q. No one spent the night?

24 A. No one besides the kids' father.

25 Q. And that was Mark Lusk?

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1 A. Yes.

2 Q. Did he come back in after Aaron  
3 left, started staying with you?

4 A. He was staying some to help me with  
5 the kids but not as, you know, us being in a  
6 relationship. But he would help. He did  
7 come back to help with the kids some.

8 Q. And the reason he'd come back was he  
9 knew that Aaron moved out and that you needed  
10 help?

11 A. Yes. Even his girlfriend would come  
12 and stay with him.

13 Q. Okay. So it would be him and -- who  
14 was his girlfriend that would come and stay?

15 A. Natasha and her two kids.

16 Q. Let me ask you, when you were at  
17 work and he was work, did you know whether he  
18 had other people come over and stay with the  
19 kids?

20 A. Who, Mark?

21 Q. Mark?

22 A. No, none that I know of. No.

23 Q. Did he have other guests? Did he  
24 have other friends that would come over when  
25 he was staying over?

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1           A.    His brother maybe would come over  
2           while I was at work, his brother, Matthew.  
3           But not, you know, just -- that's their  
4           uncle, you know. Other than that, no.

5           Q.    Did Matthew bring a girl with him  
6           when he came?

7           A.    No. Matthew was with my sister  
8           Jennifer. They have a kid together.

9           Q.    Thank you.

10           THE COURT:    All right. Any  
11           redirect?

12           MS. HORLBECK:    No, Your Honor.

13           THE COURT:    All right. Thank you.

14                           (WITNESS STEPS DOWN)

15           THE COURT:    All right.

16           MS. HORLBECK:    Defendant Riden  
17           would rests.

18           THE COURT:    All right. Okay. Ms.  
19           Riden has rested for all of the testimony  
20           that, only evidence that she's going to be  
21           putting forth.

22                           So at this time we're going to take  
23           a very short break. At this time I'm going  
24           to ask you to go back to your jury room.  
25           There'll a short break. And, again, do not



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1 talk about the case or start any deliberation  
2 whatsoever.

3 (JURY OUT @ 11:35 A.M.)

4 MR. WARDER: If we might have a few  
5 minutes, Your Honor.

6 THE COURT: Yeah. Let's take  
7 about five minutes.

8 SOLICITOR JONES: Thank you, Your  
9 Honor.

10 THE COURT: And then I'll come  
11 back and talk to Mr. Hendrix.

12 (BRIEF RECESS)

13 (DEFENDANT RIDEN PRESENT)

14 (DEFENDANT HENDRIX PRESENT)

15 THE COURT: What are your  
16 intentions?

17 MR. WARDER: We are going to put up  
18 a short defense.

19 THE COURT: Okay. Is Mr. Hendrix  
20 going to testify?

21 MR. WARDER: Yes, sir. I think so.

22 THE COURT: All right. Now, Mr.  
23 Hendrix, you know, I previously talked to you  
24 about your rights. And do you understand  
25 those? Do you need any more time to talk to

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1 your attorney about whether you need to  
2 testify or not?

3 DEFENDANT HENDRIX: No.

4 THE COURT: Okay. Nothing's  
5 changed and you understand your rights and  
6 you're making this decision freely,  
7 intelligently, and voluntarily?

8 DEFENDANT HENDRIX: Yes, Your  
9 Honor.

10 THE COURT: Okay. All right.  
11 Everybody ready for the jury? Anything from  
12 the State?

13 SOLICITOR JONES: Nothing from the  
14 State, Your Honor.

15 THE COURT: Anything from  
16 Defendant Hendrix?

17 MR. WARDER: No, Your Honor.

18 THE COURT: Anything from  
19 Defendant Riden?

20 MS. HORLBECK: No, Your Honor.

21 THE COURT: Okay. Bring the jury  
22 in, please, sir.

23 (JURY IN @ 11:50 A.M.)

24 THE COURT: All right. Ladies and  
25 gentlemen, like I said we've completed the

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1 case in chief for Ms. Riden. And now Mr.  
2 Hendrix has the opportunity to present his  
3 case. Mr. Warder?

4 MR. WARDER: Your Honor, if it  
5 please the Court we would call Mark Lusk.

6 (WITNESS TAKES STAND)

7 MARK LUSK, having been duly sworn to tell  
8 the truth, and nothing but the truth,  
9 testified as follows:

10 DIRECT EXAMINATION

11 BY MR. WARDER:

12 Q. Mark, where do you live at?

13 A. I'm actually living in a camper off  
14 of Wolf Creek Road.

15 Q. Okay. Here in Pickens County?

16 A. Yes, sir.

17 Q. How long have you lived in Pickens  
18 County?

19 A. All my life.

20 Q. Now, you know that Stacy Riden down  
21 here?

22 A. Yes, sir, I do.

23 Q. And how do you know her?

24 A. She's the mother of my children.

25 Q. When did you -- did you and Stacy

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1 have a period of time you lived together?

2 A. Do what?

3 Q. Did you live with her?

4 A. Yes.

5 Q. What period of time were you two  
6 living together?

7 A. Seven years, eight years.

8 Q. Okay. And did you and her then  
9 separate?

10 A. Yes, sir.

11 Q. Did you maintain a relationship with  
12 your children after the separation?

13 A. Yes, sir.

14 Q. Did you see them on a regular basis?

15 A. Every other weekend or whenever she  
16 needed help with them.

17 Q. Okay. And do you know the defendant  
18 Aaron Hendrix?

19 A. Yes, sir, I know Aaron.

20 Q. Did there become a time that Aaron  
21 lived with Stacy and your children?

22 A. Yes, sir.

23 Q. Do you remember when that was?

24 A. I'm not sure. I don't really  
25 remember what dates and all it was but,

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1 (affirmative nod).

2 Q. Okay. Would it have been back in  
3 2011?

4 A. That's right.

5 Q. Okay. When he was living there,  
6 would you go over to the house, pick up and  
7 visit with the children?

8 A. Yeah. He was there.

9 Q. Okay. Did you ever see anything  
10 inappropriate when you were over there?

11 A. Never.

12 Q. Okay. You ever see any evidence of  
13 drugs, drug use?

14 A. I was working on a car one day. I  
15 don't know whose it was but a needle fell out  
16 of overhead liner.

17 Q. Okay. Now, when did that happen?

18 A. It was ---

19 Q. Was it 2013?

20 SOLICITOR JONES: Objection.

21 Leading, Your Honor.

22 MARK LUSK: That's possible.

23 THE COURT: Rephrase the question.

24 SOLICITOR JONES: He just told him  
25 the answer, Your Honor.

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1 DIRECT EXAMINATION CONTINUED

2 BY MR. WARDER:

3 Q. Was it after ---

4 THE COURT: He can rephrase.

5 DIRECT EXAMINATION CONTINUED

6 BY MR. WARDER:

7 Q. Was it after Aaron Hendrix moved out  
8 when you found that?

9 A. Yes, it was.

10 Q. Okay. Can you tell me about how  
11 long it was after Aaron had moved out?

12 A. Maybe a month. Two months maybe.

13 Q. Okay. During the period of time  
14 Aaron was there, did you ever see any  
15 evidence of drugs or anything?

16 A. No, sir. I have not.

17 Q. Okay. After Aaron moved out, did  
18 the house degenerate? Did the conditions of  
19 the house where your children go uphill,  
20 downhill, stay the same?

21 A. Downhill.

22 Q. Okay. When you say the conditions  
23 of the house went downhill, what did you  
24 notice that made you think the conditions  
25 were going downhill?

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1           A.   Well, the power got cut off. The  
2           furniture was just piled in the living room.  
3           There was a little bit of food, not much.  
4           And the basic messiness of the house. They  
5           didn't have water. There was no power. I  
6           believe it had got cut off that day.

7           Q.   Okay. I believe that you ultimate  
8           talked to your father about helping the  
9           children or ---

10          A.   I called -- Lisa showed up, Mrs.  
11          Riden showed up over there. Said she'd heard  
12          some things about the house being in a bad  
13          condition. She asked me could she look in  
14          the house and I told her, yes, she could.  
15          Well, she walked in the house. She looked at  
16          and then we stood out by the car. I asked  
17          her to please take my kids under her roof and  
18          take care of them because I wasn't in any  
19          condition to take care of my kids at the  
20          time. I asked to please come take my kids.  
21          Take them under their roof, take care of  
22          them.

23          Q.   Okay. And the camper you lived in  
24          was so small that you couldn't take them over  
25          there.

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1           A.    It was -- it only slept four people.  
2           You can't put three kids and me in there.  
3           And I had a drinking problem, I admit I had a  
4           drinking problem.

5           Q.    You've never seen anybody hurt your  
6           children or do anything inappropriate?

7           A.    They would not be here.   They would  
8           be dead.

9           Q.    Thank you.   Please answer any  
10          questions.

11                SOLICITOR JONES:   Yes, sir, Your  
12          Honor.

13                               CROSS-EXAMINATION

14                BY SOLICITOR JONES:

15           Q.    Mr. Lusk, you testified that you did  
16           find a needle at that residence?

17           A.    Do what now?

18           Q.    At the residence that Stacy Riden  
19           lived in.   Excuse me.

20           A.    Yes, sir.

21           Q.    Was it a sewing needle?

22           A.    Not a sewing needle, no.

23           Q.    Okay.

24           A.    It was a syringe needle.

25           Q.    A syringe needle?



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1           A.   (Affirmative nod), I didn't ask no  
2           questions about who it was or wasn't.

3           Q.   I understand. Lisa came over, we  
4           stood outside and I asked her to take the  
5           kid.

6           Q.   I understand. And you said you had  
7           a little bit of a drinking problem?

8           A.   Yes, sir. I used to have a little  
9           drinking problem.

10          Q.   Well, what's your favorite drink?

11          A.   It was beer.

12          Q.   Beer? You ever drank so much you  
13          passed out?

14          A.   I've drunk a couple of times where I  
15          passed out a lot. To where I'd have  
16          seizures.

17          Q.   Excuse me?

18          A.   I had seizures and all too.

19          Q.   You had seizures because you drank  
20          so much?

21          A.   I don't know if was because I drank  
22          so much or because of my sugar or what, but  
23          -- yeah.

24          Q.   Did you ever drink so much -- have  
25          you ever heard the phrase black out?

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1 A. I've heard of that.

2 Q. You think that's ever happened to  
3 you?

4 A. No.

5 Q. You don't?

6 A. (Negative gesture).

7 Q. So you've got a drinking problem?

8 A. Not now I don't.

9 Q. Okay. Well, you had a drinking a  
10 problem?

11 A. I fixed that.

12 Q. And you drank so much that you  
13 passed out; right?

14 A. Yeah. I'd sit there drinking and  
15 when I'd get sleepy, I'd go to sleep.

16 Q. But you don't think you've drank so  
17 much that you blacked out where you haven't  
18 remember anything?

19 A. No.

20 Q. Isn't true that you called -- let's  
21 back up. Who's Mark Riden?

22 A. That's Stacy's daddy and Lisa's  
23 husband.

24 Q. Okay. And isn't it true that you  
25 called him to come pick up your children?

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1 A. Yes.

2 Q. It's kind of confusing from your  
3 earlier testimony. Are you saying that Lisa  
4 just appeared over there and then you called  
5 Mark?

6 A. Lisa left from my mother's house,  
7 which they live in the same park.

8 Q. Okay.

9 A. She came over there. Asked about  
10 the condition of the house. I let her see  
11 the house. Let her walk through it however  
12 she wanted to do it.

13 Q. Right.

14 A. We stood out there and we talked and  
15 talked and talked. And I said, 'will y'all  
16 please come and take my kids under y'all's  
17 roof?'

18 She said, 'Well, let me talk to Mark and  
19 we'll get back with you.' I never got a  
20 phone call.

21 Q. Yes, sir. Oh, so that happened  
22 first and then you never got a phone call?

23 A. No.

24 Q. Okay. So then after that incident,  
25 that's when you called Mark to come get the

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1 children; is that right?

2 A. You're right. I talked to Lisa, not  
3 Mark. I talked to Lisa and Lisa had talked  
4 to Mark.

5 Q. Okay. I'm sorry. So you never  
6 called Mark then to come get your children?

7 A. (Negative gesture), I talked to Lisa  
8 personally.

9 Q. Okay. And you testified to Mr.  
10 Warder asking about the conditions of the  
11 house or anything that ever happened over  
12 there. What was the word? Nothing ever  
13 happened over there bad. Is that what you  
14 said?

15 A. It never did.

16 Q. Okay.

17 A. All I know is Stacy was a damn good  
18 mother. Damn good mother. I can't say bad  
19 anything. She was a damn good mother. You  
20 cannot ask for a better mother. I couldn't  
21 have.

22 Q. Yes, sir.

23 A. When we sat down on the porch that  
24 day and told each we wasn't happy, we wasn't  
25 going to be together no more. We split up.

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1 But when the time came for her and Aaron was  
2 together, can I speak on that behalf? No, I  
3 cannot.

4 Q. Right.

5 A. I cannot. Because I don't know.

6 Q. Yes, sir. I understand. And when  
7 Aaron Hendrix was living over there and  
8 living with Stacy, did you not testify to Mr.  
9 Warder that you knew that nothing bad  
10 happened over there?

11 A. (No verbal response).

12 Q. And I might be misunderstanding what  
13 you were testifying to. But you did not  
14 testify something to that effect to Mr.  
15 Warder?

16 A. I'm just speaking the truth right  
17 now. What I told you is what I know. I  
18 could tell y'all.

19 Q. Did anyone ever call the police  
20 about you in that residence?

21 A. One night, yes.

22 MS. HORLBECK: And I object to  
23 that, to relevance.

24 THE COURT: I think it's  
25 appropriate.

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1 CROSS-EXAMINATION CONTINUED

2 BY SOLICITOR JONES:

3 Q. Who called the police; do you know?

4 A. I don't know who called them.

5 Q. You don't know who called them?

6 A. No.

7 Q. Well, what happened as a result of  
8 the police coming out there?

9 A. My head was busted open.

10 Q. Okay.

11 A. That's the only reason why they came  
12 out there.

13 Q. And who busted open your head?

14 A. Aaron did.

15 Q. Aaron?

16 A. (Affirmative nod).

17 SOLICITOR JONES: No further  
18 questions, Your Honor.

19 THE COURT: Ms. Horlbeck.

20 CROSS-EXAMINATION

21 BY MS. HORLBECK:

22 Q. Mr. Lusk, I'm Ms. Horlbeck and I  
23 represent Stacy Riden in this case. You  
24 testified just a second ago that Aaron  
25 Hendrix busted your head open?

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1 A. Yes, ma'am.

2 Q. All right. So is it fair to say  
3 that you and Mr. Aaron Hendrix didn't see eye  
4 to eye?

5 A. That was the only problem we had  
6 ever had. That was it.

7 Q. All right. Well ---

8 A. Other than that, we talked.

9 Q. But were y'all on good terms to  
10 where you'd get into bed with Mr. Hendrix?

11 A. Hell no. Excuse my language but,  
12 no.

13 Q. Okay. And were you -- you testified  
14 -- have you ever seen anybody abuse your  
15 children?

16 A. No, I have not.

17 Q. Have you ever stood and watched and  
18 laughed while anyone was abusing your  
19 children ---

20 A. No. No.

21 Q. --- sexually or physically?

22 A. No.

23 Q. Okay. All right. And have you ever  
24 gotten in the tub with you and the children  
25 and ---

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1 A. No, ma'am.

2 Q. --- Stacy and Aaron?

3 A. No, ma'am.

4 Q. Okay. All right. Were you ever  
5 arrested and charged with sexually or  
6 physically abusing your children?

7 A. No.

8 Q. All right. Now, you testified that  
9 you also had a drinking problem; is that  
10 correct?

11 A. Yes, ma'am.

12 Q. Okay. And that on occasion you have  
13 drunk amounts that have caused you to pass  
14 out?

15 A. Yes, ma'am.

16 Q. I'm saying in the past.

17 A. Yes, ma'am.

18 Q. And on the day that you went over to  
19 work on the car, is it possible you'd been  
20 drinking the night before?

21 A. No, I know I wasn't drinking the  
22 night before.

23 Q. All right. And tell me how you know  
24 that?

25 A. Because I don't drink every day.



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1 And it was only just a casual drink that --  
2 but when I casual drank, I drank. I drank.

3 Q. Okay. So when you casual drink,  
4 it's a serious thing and you drink?

5 A. Yes, ma'am.

6 Q. Okay. All right. And about how  
7 many times a week do you think you would  
8 drink as opposed to casual drink?

9 A. Maybe twice a week.

10 Q. Okay. All right. But you said the  
11 time you went over to look at the car, it  
12 wasn't one of those times?

13 A. No, ma'am.

14 Q. And how do you know that for sure?

15 A. I know. I am very, very conscious  
16 of my own self.

17 Q. Okay. Okay. I understand. Did you  
18 see -- you said you found a syringe. Did you  
19 see anybody put that syringe in the car?

20 A. I didn't know whose it was. I just  
21 threw it in the trash. I didn't want that  
22 stuff around there.

23 Q. I don't know how much you know about  
24 the car. Was it a new car, a brand new car  
25 or a used car to your knowledge?

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1 A. It was a used car.

2 Q. There had been previous owners of  
3 that automobile to your knowledge?

4 A. Yes, ma'am.

5 Q. All right. Do you know how old the  
6 car was?

7 A. I think it was 2005 Ford Escape.

8 Q. Okay. All right. So this car had  
9 some age on it; is that fair to say?

10 A. It had some on it, yes, ma'am. Like  
11 most other people's.

12 Q. And you don't have any idea who  
13 owned that syringe?

14 A. No, I don't have no idea. I didn't  
15 ask no questions. I just -- I put it in the  
16 trash and got rid of it.

17 Q. Okay. And when the power was cut  
18 off, would it surprise -- do you know when  
19 the power got cut back on?

20 A. It never got cut back on because  
21 nobody ever went back in there.

22 Q. But after you found out the power  
23 was cut off, what did you do? Did you stay  
24 there?

25 A. It got cut off that morning when

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1 Lisa showed up.

2 Q. Okay. Did you leave ---

3 A. About maybe two hours before she  
4 showed up, that's when the power got cut off.  
5 It was on my kids' birthday.

6 Q. All right. And after the power got  
7 cut off, did you stay at that residence?

8 A. I moved everything out and put in a  
9 storage unit.

10 Q. All right. But where did you stay  
11 that night?

12 A. In my camper.

13 Q. Okay. So you were in the camper?

14 A. Yes, ma'am.

15 Q. You don't know if the electricity  
16 got cut back on; do you?

17 A. No, I don't.

18 Q. Okay. All right.

19 MS. HORLBECK: That's all I have.

20 THE COURT: Any redirect?

21 MR. WARDER: Yes, sir.

22 REDIRECT EXAMINATION

23 BY MR. WARDER:

24 Q. You, Aaron and Stacy never sexually  
25 abused those children; did you?

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1 A. Hell no.

2 SOLICITOR JONES: Objection, Your  
3 Honor. That's in the jury's purview. He's  
4 asking a final ---

5 THE COURT: Sustained. I mean,  
6 you can ask whether to his knowledge.

7 REDIRECT EXAMINATION CONTINUED

8 BY MR. WARDER:

9 Q. To your knowledge, did you ever --  
10 you, Aaron or Stacy ever engage in any  
11 conduct that you thought was sexually  
12 abusive?

13 A. No.

14 Q. Thank you.

15 MR. WARDER: That's all I have.

16 (WITNESS STEPS DOWN)

17 THE COURT: Any other witnesses?

18 MR. WARDER: Your Honor, we'd call  
19 Aaron Hendrix.

20 THE COURT: All right. Mr.  
21 Hendrix, if you'll come forward.

22 (WITNESS TAKES STAND)

23 AARON HENDRIX, having been duly sworn to  
24 tell the truth, and nothing but the truth,  
25 testified as follows:

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1 DIRECT EXAMINATION

2 BY MR. WARDER:

3 Q. Aaron, how long have you lived in  
4 Pickens County?

5 A. I've lived in Pickens all my life.

6 Q. Okay.

7 A. Twenty-eight years.

8 Q. And did you go to high school in  
9 Pickens County?

10 A. Yes, sir, I did.

11 Q. Did you meet Stacy's sister there?

12 A. I did.

13 Q. And did you and her become friends?

14 A. Yes, sir.

15 Q. Did there come a time when you were  
16 introduced to Stacy?

17 A. Yes, sir.

18 Q. And did you two become friends too?

19 A. Yes, sir, we did.

20 Q. Was there a time that you moved in  
21 with Stacy?

22 A. There was a point in time, yes.

23 Q. And was that after you'd dated for  
24 some period of time?

25 A. Yes. We dated roughly a month

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1 before I actually moved in.

2 Q. Okay. Did you become acquainted  
3 with her children when you'd see her?

4 A. Yes, I did.

5 Q. Did you do things with her children?

6 A. I did.

7 Q. Was Stacy's life mostly devoted to  
8 her children? Did she spend most of her time  
9 with them?

10 A. She did, actually. Yes.

11 Q. When you would see her would you  
12 have to have the children around?

13 A. Repeat that again.

14 Q. Were the children around when you  
15 were dating?

16 A. Oh, yes. Yes, they were.

17 Q. What type of things would you do?

18 A. Watch TV, play games. If they were  
19 just coming home from school they did home-  
20 work. After that, we would draw pictures  
21 together. The whole -- family activities.

22 Q. Okay. And you were working then?

23 A. On and off. I stayed employed most  
24 of the time.

25 Q. And did you work the same hours as

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1 Stacy or did you work different hours?

2 A. Mostly different hours. Sometimes  
3 we would have worked the same hours and like  
4 y'all heard before have to have someone else  
5 come watch the kids.

6 Q. And would there be times you'd watch  
7 the children?

8 A. Yes, there was.

9 Q. Did you get along with the children?

10 A. I did, very well.

11 Q. Did you introduce the children to  
12 your family?

13 A. I did.

14 Q. And did they meet your family?

15 A. Yes, sir.

16 Q. Did you ever take them to your  
17 family's house?

18 A. I did.

19 Q. And what period of time did you live  
20 there?

21 A. At Stacy's house?

22 Q. Yes, sir.

23 A. It was some time, January/February  
24 2012 to December 2012.

25 Q. Okay. So you lived there from the

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1 early part of 2012 up until December of 2012?

2 A. Yes, sir.

3 Q. And during the period of time that  
4 you were there, were there any drugs in the  
5 house?

6 A. No, sir.

7 Q. Was anybody doing drugs there?

8 A. No, sir.

9 Q. Were you using drugs?

10 A. No, sir.

11 Q. Was Stacy using drugs?

12 A. No, sir.

13 Q. There's been discussion of sexual  
14 conduct, that the children were somehow  
15 sexually assaulted. Did that happen?

16 A. No. No, sir.

17 Q. Have you ever been in the bathtub  
18 with the children?

19 A. Have not.

20 Q. Have you ever been naked in the  
21 bedroom with the children?

22 A. No.

23 Q. Have you ever seen anyone else, any  
24 men, naked in the house with the children?

25 A. No, not at all.



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1 Q. Were there any other couples that  
2 were having sex or anything?

3 A. No, sir.

4 Q. Did you and Stacy have sex in front  
5 of the children?

6 A. No, sir.

7 Q. Was there anything that was  
8 inappropriate at the house when you were  
9 there?

10 A. Not to my knowledge, no.

11 Q. Okay. Was there food in the house?

12 A. Yes, there was always food.

13 Q. Okay. Did somebody cook for the  
14 children?

15 A. Yes, either me or Stacy; or if Mark  
16 was there, he would cook.

17 Q. Okay. Did you bring the food home  
18 or get food out often?

19 A. Yeah. Sometimes, yeah. Go to  
20 McDonald's. And sometimes I would take the  
21 kids to McDonald's while Stacy was still  
22 working. We would eat up there, play out on  
23 the playground.

24 Q. Did there come a time you moved out?

25 A. Yes, sir.

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1 Q. Did you want to move or did you want  
2 the relationship to end?

3 A. I didn't want it to end but by that  
4 time, Stacy and I had come to a mutual  
5 agreement that it was not working for us.

6 Q. Were you in love with Stacy?

7 A. I was.

8 Q. Would you have done anything to hurt  
9 her family?

10 A. Never.

11 Q. Did you keep in touch with Stacy  
12 after you split up?

13 A. I kept in touch with her ,I did  
14 attempt to keep talking to her.

15 Q. Did her situation deteriorate?

16 A. Repeat that? Say that again.

17 Q. Did her home and problems -- did her  
18 home deteriorate?

19 A. Not that I know of. Not that I'd  
20 seen.

21 Q. Okay. You know whether her lights  
22 got shut off?

23 A. There was always power, always  
24 water, always food.

25 Q. But after you left do you know what

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TESTIMONY OF DEFENDANT HENDRIX - CROSS EXAM BY SOLICITOR

1           happened?

2           A.    I don't.

3           Q.    You don't know whether she moved  
4           somebody else in or if she lived with anybody  
5           else or not?

6           A.    I don't know, no, sir.

7           Q.    Did the events the children  
8           described, did that take place?

9           A.    No, sir, it did not.

10          Q.    Thank you. You answer any questions  
11          the State may have.

12                THE COURT:    Mr. Jones.

13                SOLICITOR JONES:   Thank you, Your  
14          Honor.

15                               CROSS-EXAMINATION

16                BY SOLICITOR JONES:

17                Q.    Do you remember talking to Marvin  
18          Nix the investigator?

19                A.    Yes, sir, I do.

20                Q.    Do you remember telling him that you  
21          moved into Stacy's house around December of  
22          2011?

23                A.    It was around that time period.

24                Q.    And you dated Stacy for about a  
25          month before you moved in?